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## **EUROPEAN SOCIAL CHARTER**

5<sup>th</sup> National Report  
on the implementation  
of the European Social Charter

submitted by

**THE GOVERNMENT OF SERBIA**

Articles 1, 9, 10, 15, 18, 20, 24 and 25 for the period

01/01/2011 – 31/12/2014

Report registered by the Secretariat on  
25 February 2016

**CYCLE 2016**



**REPORT ON IMPLEMENTATION OF ARTICLES 1, 9, 10, 15, 18, 20, 24 and 25  
for 2015**

## **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.

## **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.

### **ANSWER:**

#### **Legislative and Strategic Framework and Measures to be Implemented**

The legislative framework for the field of employment is comprised of the Law on Employment and Unemployment Insurance, Law on Professional Rehabilitation and Employment of Persons with Disabilities and the recently adopted Law on Employment of Foreign Nationals.

**Law on Employment and Unemployment Insurance** (“Official Gazette of RS”, No 36/2009, 88/2010 and 38/2015), which entered into force on May 23, 2009, regulates employment-related activities and institutions competent for employment affairs, active employment policy measure, financing of the active employment policy programmes and measures, monitoring and assessment of the effects of the measures, rights and obligations of unemployed persons and employers, unemployment insurance, employment abroad and records in the field of employment.

**Law on Amendments to the Law on Employment and Unemployment Insurance** which has been in force since May 7, 2015, more closely defines individual issues for the purpose of achieving more effective implementation of the regulations in practice. Amendments to the Law ensure that the national employment action plan, annually adopted by the Government, proposes

new measures and programmes in accordance with the needs of the local labour market and based on the effect analysis of previously implemented measures. A new concept of public works has also been defined as one of the active employment policy measures with the aim to engage through work engagement a big number of unemployed persons in public works, who will get the opportunity to improve their work skills and acquire work experience. The obligation of obligatory continuous professional development and training of employees in the NES has also been planned, and their final result will be a provision of better quality services to the employers and unemployed persons. Also, regarding the obligations and responsibilities of the employment agencies, the amendments precisely state the obligations and responsibilities in terms of the responsibilities towards the persons for whom the employment agencies mediated for employment abroad, in particular in the event of their early return from the country where they were sent for work, as well as for the damage suffered by the employee, caused by wrong information on important elements regarding the living and working conditions in the country where the person was sent for work.

**Law on Professional Rehabilitation and Employment of Persons with Disabilities** (“Official Gazette of RS”, No 36/2009 and 32/2013), which entered into force on May 23, 2009, regulates promotion of employment to create conditions for equal participation of persons with disabilities in the labour market, assessment of capacity for work, professional rehabilitation, obligation to employ persons with disabilities, conditions for establishment and operation of enterprises for professional rehabilitation and employment of persons with disabilities and other special forms employment and recruitment of persons with disabilities and other issues relevant for professional rehabilitation and employment of persons with disabilities.

**Amendments to the Law on Professional Rehabilitation and Employment of Persons with Disabilities**, which entered into force on April 16, 2013, had the objective to align with official statistics and therefore monitor the income movement at monthly level; establishing the balance between various forms of performance of employment obligations in favour of establishing labour relations with persons with disabilities (which is the best option for the employers having in mind the fact that it refers to the employed workers who earn their salary themselves) and alignment of provisions of this law with the defined regulations on the state aid defining the schemes of the state aid for the employment of persons with disabilities.

**Law on Employment of Foreign Nationals** (“Official Gazette of RS”, No 128/2014), which entered into force on December 4, 2014, regulates terms and procedures for employment of foreign nationals in the Republic of Serbia and other issues of importance for employment and work of foreign national in the Republic of Serbia. In comparison with the previously valid Law on Conditions for Employment of Foreign Nationals (“Official Gazette of SFRY”, No 11/78 and 64/89, “Official Gazette of FRY”, No 42/92, 24/94 and 28/96 and “Official Gazette of RS”, No 101/05 – other law), positive effects of the new Law on Employment of Foreign National are the following: fuller regulation of the matter regarding the employment of foreign nationals in line with the latest trends related to the movements of workers and exercising of the rights to work, and alignment with other positive regulations; regulation of the possibility for establishing labour relations with foreign nationals, i.e. conclusion of other contracts for exercising labour rights, as well as self-employment of foreign nationals under specifically defined conditions and within precisely defined periods; possibility to exercise the right to family reunification in certain cases, exercise the unemployment rights and other specific rights, in line with the law; possibility of defining the quota, i.e. limit of the number of foreign nationals exercising the right to work in accordance with the situation and trends in the labour market in the Republic of Serbia; precise regulation of issuance of work permits which contributes to the acceleration and simplifications of the procedures; insight into the total number and movement of foreign nationals exercising the labour rights in the Republic of Serbia, keeping the records regarding the issued work permits, specific and effective surveillance of exercising of labour rights by foreign nationals, stipulating adequate sanctions for persons providing illegal work and stay to foreign nationals, and other issues of importance for recruitment of foreign nationals. A foreign national employed in the Republic of Serbia in line with this law, shall have equal rights and obligations regarding the work, employment

and self-employment as a local citizen, if the conditions are met in line with the law. For the creation of this law, the ILO conventions were taken into account: Convention No 97 concerning Migration for Employment and Convention No 143 concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers; then the relevant directives of the European Union, and the requirements of the World Trade Organisation.

Strategic framework of the employment policy is presented in the **National Employment Strategy for the period 2011-2020** ("Official Gazette of RS", No 37/2011, hereinafter referred to as: Strategy), setting the basic objective of the employment policy in the Republic of Serbia until 2020 – establishing the efficient, stable and sustainable trend of employment growth and full alignment of the employment policy, and the labour market institutions with the EU *acquis*. The priority activities refer to the increase of employment by investment in the human capital and higher social inclusion.

Also, the Strategy defines individual objectives of the active employment policy of the Republic of Serbia, as follows:

- Encouragement of employment in less developed regions and development of regional and local employment policy,
- Improvement of quality of human capital,
- Building of institutional capacities and expansion of active employment policy programme, and
- Reduction of duality in the labour market.

The Strategy defines in particular sensitive, that is, vulnerable groups in the labour market (Roma, refugees, and internally displaced persons, persons with disabilities, rural population (in particular the rural population owning no land and the rural population in south-eastern Serbia), persons without qualifications/education, women, the young (15-24 years of age) and elderly persons (50-64 years of age), but also the long-term unemployed, single parents, beneficiaries of financial social assistance, children without parental care, victims of human trafficking, etc.), whose employability promotion and improvement of the position in the labour market, significantly affects the improvement of their life standard and participation in the socio-economic life of the community. Achieving the defined objectives of the employment policy depends primarily on the economic environment, i.e. economic activity growth, but also on the amount of financial resources allocated for the realisation of the active employment policy programmes and measures (objective is a continuous increase of the coverage of the unemployed persons and the approximation of the labour market indicators of the Republic of Serbia to the indicators of the EU countries).

**National Employment Action Plan** (hereinafter referred to as: NEAP) is adopted annually and represents a basic instrument of the operationalization of the defined strategic framework, i.e. it transposes the defined strategic priorities into concrete active employment policy programmes and measures. NEAP annually defines the categories of less employable persons (persons who due to health status, insufficient or inadequate education, sociodemographic characteristics, regional or professional mismatch between supply and demand in the labour market, or other objective circumstances, are less likely to be employed), and the active employment policy measures directed towards the promotion of their employability. The unemployed persons belonging to this category shall have the priority in the active employment policy measures, but at the same time, for certain categories, special employment programmes are realised.

In the reporting period the National Employment Action Plan for 2001, the National Employment Action Plan for 2012, the National Employment Action Plan for 2013 and the National Employment Action Plan for 2014 have been implemented.

**NEAP for 2015** ("Official Gazette of RS", No 101/14 and 54/15) in order to increase employment and decrease unemployment, plans to realise the following active employment policy

programmes and measures: mediation in employment of persons seeking employment; vocational guidance and counselling on career planning; subsidies to employers for the employment of persons belonging to the category of less employable persons; public works; support to self-employment; additional education and training; incentives for the employment of financial support beneficiaries; active employment policy measures for persons with disabilities, co-financing of active employment policy programmes or measures defined by local employment action plans with the national budget funds; integration of beneficiaries of financial social assistance in the labour market.

Realisation of special service packages is also planned for the unemployed persons having the priority in the involvement in the active employment policy measures, as follows: for redundant workers; for the young (15-30 years of age); for the persons without qualification and the low qualified persons and persons with disabilities.

Realisation of the active employment policy measures, i.e. involvement of the unemployed persons (and the less employable persons and in particular the vulnerable categories of the unemployed persons), is monitored annually thorough the Report on the realisation of the Performance Agreement of the National Employment Service and through the Report on the realisation of the National Employment Action Plan.

### **Trends in the GDP growth rate**

**Table 1. Trends in the GDP growth rate, 2011-2014**

	2011	2012	2013	2014
Growth rate (%)	1,4	-1,0	2,6	-1,8

Source: Statistical Office of the Republic of Serbia

According to the assessment of the Statistical Office of the Republic of Serbia, in the first quarter of 2015, there was a real decline in GDP of 1.9%. The decline was mostly influenced by the decrease of the gross domestic value (GDV) of the service sector, primarily of the state sector. As for the expenditure side, a negative impact on aggregate demand had the government spending (impact of fiscal consolidation of about -1.0 p.p.), but also the unfavourable trends in foreign trade.

The key result of the economic policy in the previous period was the recovery of Serbian economy led by the growth of the industrial and agricultural production as well as by the growth in net export. In the first quarter of 2015 there was a recovery of the manufacturing industry (growth of 4.2%), due to the growth of the production of the machine, tobacco, food and pharmaceutical industries. A permanent and strong growth of the total credit activity and a mild recovery of the energy sector is also noticeable.

Despite the negative effects of the floods in 2014, the current deficit of balance of payment (6.0% of GDP) is slightly reduced in comparison with 2013.

Merchandise trade deficit is increased by 11.6 million Euros, while the service exchange deficit is increased by 16.8 million Euros (primarily in construction services, technical services and trade related services, as well as in the IT sector). Net inflow of foreign direct investment in the first two months of 2015 amounted to 144.2 million Euros.

### **Labour Market Trends**

**Table 2. Number of the employees in legal entities per activity sector,  
Annual average**

	2011	2012	2013	2014
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TOTAL	100%	100%	100%	100%
Agriculture, forestry, and fishing	18.5	18.3	18.1	18.0
Mining	1.4	1.2	1.0	1.2
Manufacturing industry	17.8	17.7	17.9	16.5
Electricity, gas and steam supply	1.4	1.6	1.7	1.6
Water supply and waste waters management	1.6	1.6	1.5	1.6
Construction	5.5	5.3	5.0	4.7
Wholesale and retail trade, motor vehicles repair	13.9	14.1	13.5	13.2
Transportation and storage	5.7	6.0	6.1	5.7
Accommodation and food services	2.9	2.9	2.7	2.6
Information and communication	2.0	1.6	2.2	2.4
Financial and insurance activities	2.0	2.0	1.9	1.8
Real estate activity	0.1	0.1	0.1	0.1
Professional, scientific, innovation and technical activities	2.5	2.4	2.8	2.8
Administrative and auxiliary service activities	2.3	2.3	2.2	2.2
State administration, defence and compulsory social insurance	5.5	5.5	6.0	6.1
Education	6.9	7.0	6.8	6.8
Health and social care	6.6	6.6	5.9	6.2
Arts, entertainment and recreation	1.2	1.4	1.7	1.9
Other service activities	1.6	1.8	2.1	2.0
Activities of households as employers	0.5	0.6	1.0	2.4
Activities of extraterritorial organisations and bodies	0.1	0.0	0.0	0.0

Source: LABOUR research, Statistical Office of the Republic of Serbia

**Table 3. Rate trends for the population aged 15+, Republic of Serbia, 2011-2014**

Age category 15+	April 2011	October 2011	April 2012	October 2012	April 2013	October 2013	April 2014	October 2014
<b>Activity rate</b>	<b>46.5%</b>	<b>46.3%</b>	<b>46.1%</b>	<b>47.3%</b>	<b>47.9%</b>	<b>49.0%</b>	<b>48.4%</b>	<b>49.5%</b>
Men	55.3%	55.8%	55.3%	56.1%	56.8%	57.3%	57.2%	58.0%
Women	38.4%	37.6%	37.5%	39.1%	39.7%	41.2%	40.3%	41.7%

Source: Workforce questionnaire, Statistical Office of the Republic of Serbia

**Table 4 Trends of basic labour market indicators for the population aged 15-64, Republic of Serbia, 2011-2014**

Age category 15-64	April 2011	October 2011	April 2012	October 2012	April 2013	October 2013	April 2014	October 2014
<b>Activity rate</b>	<b>58.9%</b>	<b>59.9%</b>	<b>59.7%</b>	<b>60.4%</b>	<b>61.0%</b>	<b>62.2%</b>	<b>61.2%</b>	<b>62.5%</b>
Men	67.5%	68.7%	68.7%	68.9%	69.8%	70.5%	69.7%	70.7%
Women	50.4%	50.9%	50.7%	51.8%	52.4%	54.0%	52.8%	54.6%
<b>Employment rate</b>	<b>45.5%</b>	<b>45.3%</b>	<b>44.2%</b>	<b>46.4%</b>	<b>45.8%</b>	<b>49.2%</b>	<b>48.0%</b>	<b>49.3%</b>
Men	52.2%	52.5%	51.1%	53.7%	53.6%	56.2%	55.1%	56.3%
Women	38.8%	37.9%	37.1%	39.1%	38.1%	42.1%	41.0%	42.5%

<b>Unemployment rate</b>	<b>22.9%</b>	<b>24.4%</b>	<b>26.1%</b>	<b>23.1%</b>	<b>25.0%</b>	<b>21.0%</b>	<b>21.6%</b>	<b>21.2%</b>
Men	22.7%	23.5%	25.6%	22.1%	23.1%	20.2%	21.0%	20.4%
Women	23.1%	25.6%	26.7%	24.5%	27.3%	22.0%	22.3%	22.1%
<b>Inactivity rate</b>	<b>41.1%</b>	<b>40.1%</b>	<b>40.3%</b>	<b>39.6%</b>	<b>39.0%</b>	<b>37.8%</b>	<b>38.8%</b>	<b>37.5%</b>
Men	32.5%	31.3%	31.3%	31.1%	30.2%	29.5%	30.3%	29.3%
Women	49.6%	49.1%	49.3%	48.2%	47.6%	46.0%	47.2%	45.4%

Source: Workforce questionnaire, Statistical Office of the Republic of Serbia

**Table 5. Basic labour market indicators for the young aged 15-24, 2011-2014**

Age category 15-24	April 2011	Octobe r 2011	April 2012	Octobe r 2012	April 2013	October 2013	April 2014	Octob er 2014
<b>Activity rate</b>	28.1%	28.8%	29.1%	30.2%	29.5%	27.9%	27.2%	28.5%
<b>Employment rate</b>	14.1%	13.9%	14.3%	14.7%	14.8%	14.2%	13.1%	13.5%
<b>Unemployment rate</b>	49.9%	51.9%	50.9%	51.2%	49.7%	49.1%	51.8%	52.8%
<b>Inactivity rate</b>	71.9%	71.2%	70.9%	69.8%	70.5%	72.1%	72.8%	71.5%

Source: Workforce questionnaire, Statistical Office of the Republic of Serbia

**Table 6. Long-term unemployment rate, 15-64, 2011-2014**

Age category 15-64	April 2011	Octob er 2011	April 2012	October 2012	April 2013	October 2013	April 2014	Octobe r 2014
<b>Long-term unemployment rate</b>	16.3%	17.6%	19.9%	17.4%	18.4%	15.2%	13.9%	14.1%
<b>Men</b>	16.0%	16.7%	19.3%	16.6%	17.0%	14.5%	13.0%	13.2%
<b>Women</b>	16.7%	18.7%	20.7%	18.6%	20.3%	16.2%	15.9%	15.3%

Source: Workforce questionnaire, Statistical Office of the Republic of Serbia

**Table 7. Structure of the employed according to the employment status, 2011-2014**

Age category 15+	April 2011	October 2011	April 2012	October 2012	April 2013	October 2013	April 2014	October 2014
<b>Self-employed</b>	<b>21.8%</b>	<b>22.5%</b>	<b>21.6%</b>	<b>24.0%</b>	<b>24.1%</b>	<b>25.4%</b>	<b>24.6%</b>	<b>24.44%</b>
Men	28.0%	28.6%	27.9%	30.6%	30.5%	32.8%	32.0%	31.56%
Women	13.6%	13.8%	12.7%	15.0%	15.3%	15.4%	14.5%	15.15%
<b>Employed workers</b>	<b>69.8%</b>	<b>70.0%</b>	<b>70.6%</b>	<b>68.7%</b>	<b>68.6%</b>	<b>66.5%</b>	<b>67.5%</b>	<b>66.86%</b>
Men	67.4%	67.0%	67.4%	65.6%	65.8%	63.4%	64.0%	64.03%
Women	72.9%	74.3%	75.0%	73.0%	72.7%	70.8%	72.1%	70.54%
<b>Unpaid family workers</b>	<b>8.4%</b>	<b>7.5%</b>	<b>7.8%</b>	<b>7.3%</b>	<b>7.3%</b>	<b>8.1%</b>	<b>8.0%</b>	<b>8.70%</b>
Men	4.6%	4.4%	4.6%	3.8%	3.8%	3.8%	3.9%	4.40%
Women	13.5%	11.9%	12.3%	12.1%	12.1%	13.8%	13.4%	14.30%

Source: Workforce questionnaire, Statistical Office of the Republic of Serbia

Article 18 of the Labour Law (“Official Gazette of RS”, No. 24/05, 61/05, 54/09, 32/13 and 75/14) defines the prohibition of both indirect and direct discriminations of persons seeking employment, as well as the employees in respect of their sex, origin, language, race, colour of skin, age, pregnancy, health status or disability, nationality, religion, marital status, familial commitments, sexual orientation, political or other belief, social background, financial status, membership in political organisations, trade unions, or any other personal quality.

Article 19 of the Law defines direct discrimination, pursuant to this law, as any action caused by some of the grounds referred to in Article 18 of this law that puts a person seeking employment or employee in a less favourable situation than other persons in the same or similar situation. Paragraph 2 of the same Article defines that indirect discrimination, pursuant to this law, exists in case an apparently neutral provision, criterion or practice puts or would put a person seeking employment or employee in a less favourable situation than other persons due to a certain quality, status belief or position of such person referred to in Article 18 of this law. Discrimination pursuant to Article 18 of this law is prohibited regarding the following: employment conditions and choice of candidates for performing a specific job; conditions of labour and all the rights deriving from employment relation; education, vocational training and specialisation; job promotion; termination of an employment contract. The provisions of an employment contract providing discrimination on the grounds of any reasons referred to in Article 18 of this law shall be null and void. (Article 20.). Article 22 of this law defines that distinguishing, exclusion or extending priority regarding a specific job shall not be considered as discrimination, where the nature of a job is such, or where a job is performed in such conditions, that the characteristics relating to some of the grounds referred to in Article 18 of this law do not amount to the real and decisive condition for performing the job, and where the purpose intended to be achieved through the above is justified. Provisions of the law, general act or an employment contract referring to special protection and assistance to a specific category of employees, and particularly those who, relating to the protection of persons with disabilities, women in the course of maternity leave and leave for tending the child, special care for the child, as well as the provisions relating to special rights of parents, adoptive parents guardians and foster parents – shall not be considered discrimination. In the event of discrimination in terms of the provision of Articles 18 – 21 of this Law, a person seeking employment, as well as an employed persons, may institute proceedings before a competent court for the compensation of damage against the employer, in conformity with the law. If in the course of the proceedings the claimant made it probable that discrimination in terms of this law had taken place, the burden of proof that there was no conduct that constitutes discrimination lies with the defendant. (Article 23).

According to Articles 8 and 9 of the Labour Law a general act (a collective agreements and a labour rule book) and an employment contracts shall not include provisions by means of which an employee would be granted less rights or extended less favourable conditions of work than the rights and conditions established by the law. In the event when a general act and certain its provisions define less favourable conditions of work than those defined by the law, the provisions of the law shall be applied.

Constitution of the Republic of Serbia, in the basic principles of Article 26, contains the prohibition of slavery, servitude and forced labour. Labour relation pursuant to the Labour Law is based on the conclusion of an employment contract which represents a willing consent of the parties and can be terminated both by the employee, with a notice period, and by the employer, and agreeably. The law guarantees limited work time, holidays, and leaves (Article 50-79). Labour Law defines that provisions of an employment contract, defining less favourable working conditions than those stipulated by the law and general act shall be null and void (Article 9, paragraph 2 of the Labour Law). Invalidity of provisions of an employment contract shall be established before the

competent court. There are no statutes of limitation for the right to establish such invalidity (Article 11 of the Labour Law).

## **RESPONSE TO THE CONCLUSION OF ECSR from 2012**

Law stipulates that differentiation, exclusion or prioritization for a certain job shall not be considered discriminating when the nature of the work is such or the work is done under such circumstances that qualities relating to some of the grounds referred to in Article 18 of this law represent the true and decisive requirement for performance of such job, and that the purpose aimed at is justified. The law cannot envisage concrete situations, but it stipulates that exceptions must be related only to objective circumstances described in Article 22, paragraph 1 of the Labour Law.

At the time when the last report was submitted the Labour Law did not make it precise who shall bear the burden of proof. Law on Amendments to the Labour Law of 2014, in Article 23 defines that in the course of the proceedings the claimant made it probable that discrimination in terms of this law had taken place, the burden of proof that there was no conduct that constitutes discrimination lies with the defendant.

### **Manner of interpretation of discrimination for reason of age;**

In Article 18, the Labour Law prohibits direct and indirect discrimination of persons seeking employment, as well as the employees, inter alia, for reasons of age. Discrimination referred to in Article 18 of the Labour Law is prohibited regarding employment conditions and choice of candidates for performing a specific job; conditions of labour and all the rights deriving from employment relation; education, vocational training and specialisation; job promotion; cancelling an employment contract. This implies that discrimination shall be considered present in the event when the age is taken as a decisive condition for employment and choice of candidates for performing a specific job; in comparison with the conditions of labour and all the rights deriving from employment relation; education, vocational training and specialisation; job promotion and cancelling an employment contract.

Law on Amendments to the Labour Law of 2014, in Article 23, defines that, if in the course of the proceedings the claimant made it probable that discrimination in terms of this law had taken place, the burden of proof that there was no conduct that constitutes discrimination lies with the defendant.

**The Committee requires obtaining the information in order to be able to define how much human rights and dignity are protected by the law and the work of courts against involving in personal or private life, which can be related to, or be a result of, labour relations.**

**Committee refers to its statement on the interpretation and the question made in the general introduction.**

### **RESPONSE**

Protection of personal data is done in line with a special regulation. Article 83 of the Labour Law defines the protection of personal data. An employee shall be entitled to have insight in documents containing personal data with the employer, and to request deleting of data of no direct

importance for the jobs performed by him, as well as the correction of incorrect data. Personal data relating to an employee may not be made available to a third party, apart from cases and under the conditions specified by the law, or where necessary to provide evidence relating to employment-related rights and duties or those in connection with work. Personal data of employees may be collected, processed and communicated to third parties only by an employee authorised by the director.

### **Realisation of active employment policy measures in the period 2011 – 2014**

Realisation of active employment policy measures is regularly monitored at annual level through the Report on Realisation of the Performance Agreements of the National Employment Service (NES) and through the Report on the NEAP realisation.

Involvement of unemployed persons in the active employment policy measures is done in line with the defined individual employment plans, signed by the unemployed and the National Employment Services, based on the performed assessments of employability and the defined level and type of necessary assistance for a particular person.

Number of persons involved in the active employment policy measures in the period 2011 – 2014 is shown in the tables below, in particular per years. The tables also present the total number of unemployed persons, registered at the end of each year, as well as the percentage of the people involved in a measure compared to the total number of the unemployed.

**Table 8. Persons covered by active employment policy measures in 2011**

<b>PROGRAMMES AND MEASURES</b>		<b>Total (number of persons)</b>	<b>Women</b>	<b>% of the total number of the unemployed</b>
<b>Number of the unemployed persons on December 31, 2011</b>		745.187	388.443	
1	Information on opportunities for career development – IPCC	3.064	1.728	0.41%
2	Counselling	10.206	6.210	1.37%
3	Selection and classification	20.285	14.158	2.72%
4	Employment fairs	45.687	24.069	6.13%
5	Job seeking club	3.530	2.455	0.47%
6	Training for active job seeking – AJS1	35.439	20.312	4.76%
7	Self-efficiency training – AJS2	2.166	1.644	0.29%
8	First chance 2011	10.852	5.862	1.46%
9	Apprenticeship	6.690	4.572	0.90%
10	Trainings	5.246	2.929	0.70%
11	Information-counselling services in business centres	20.452	8.351	2.74%
12	Education service in business centres	12.006	4.804	1.61%

13	Subsidies for self-employment – regular public invitation	2.663	1.028	0.36%
14	Subsidies for self-employment – LEAP	1.062	413	0.14%
15	Subsidies for opening of new job positions – regular public invitation	6.020	2.882	0.81%
16	Subsidies for opening of new job positions – LEAP	958	492	0.13%
17	Public works	5.278	1.974	0.71%

Source: National Employment Service

**Table 9. Persons covered by active employment policy measures in 2012**

PROGRAMMES AND MEASURES	Number of persons		% of the total number of the unemployed
	Total	Women	
<b>Number of unemployed persons on December 31, 2012</b>	761.486	392.466	
1.1. Employment fairs	60.499	31.969	7.94%
1.2. Measures of active job seeking	39.679	23.062	5.21%
1.2.1. <i>Job seeking club</i>	3.777	2.525	0.50%
1.2.2. <i>Training for active job seeking AJS 1</i>	35.902	20.537	4.71%
1.3. Motivational-activation training for the Roma	1.265	578	0.17%
2.1. Information on opportunities for career development	4.297	2.571	0.56%
2.2. Counselling	9.136	5.284	1.20%
2.3. Selection and classification	15.589	11.192	2.05%
2.4. Self-efficiency training AJS 2	2.560	1.978	0.34%
3.1. Subsidies for opening of new job positions – public invitation of the NES	747	315	0.10%
3.2. Subsidies for opening of new job positions – public invitation LEAP	330	174	0.04%
4.1. Development of entrepreneurship	29.310	12.759	3.85%
4.1.1. Information-counselling services in business centres	18.340	8.098	2.41%
4.1.2. Education programmes	10.970	4.661	1.44%
4.2. Subsidies for self-employment – public invitation of the NES	1.461	600	0.19%
4.3. Subsidies for self-employment – public invitation LEAP	485	208	0.06%
5.1. Apprenticeship	2.736	1.856	0.36%
5.2. Acquisition of practical skills	174	71	0.02%
5.3. Trainings	6.318	3.097	0.83%
5.3.1. Trainings required by employers	1.600	879	0.21%
5.3.2. Trainings for the labour market	1.997	885	0.26%
5.3.3. Functional primary education of adults	2.721	1.333	0.36%
6.1. Public works – public invitation of the NES	3.549	1.379	0.47%
6.2. Public works – public invitation LEAP	566	212	0.07%
7.1.1. Trainings for active job seeking - DP	1.339	513	0.18%
7.1.2. Club for job seeking – DP	199	99	0.03%
7.1.3. Employment fair – DP	2.727	1.014	0.36%

7.1.4.	Apprenticeship – DP	29	16	0.00%
7.2.1.	Subsidies of salaries of disabled persons with no work experience	284	111	0.04%
7.2.2.	Subsidies for self-employment – DP	91	27	0.01%
7.2.3.	Subsidies for opening of new job positions – DP	168	64	0.02%
7.2.4	Public works - DP	2.012	1.069	0.26%
7.3.1.	Reimbursement of appropriate costs of adjustment of job position for disabled persons employed under special conditions	21	10	0.00%
7.3.2.	Reimbursement of costs of ensuring professional support to disabled persons employed under special conditions – work assistance	24	13	0.00%

Source: National Employment Service

**Table 10. Persons covered by active employment policy measures in 2013**

PROGRAMMES AND MEASURES	Number of persons		% of the total number of the unemployed
	Total	Women	
<b>Number of unemployed persons on December 31, 2013</b>	769.546	393.500	
1 Employment fairs	47.864	24.898	6.22%
2 Job seeking club	3.407	2.233	0.44%
3 Training for active job seeking AJS 1	30.357	17.075	3.94%
4 Motivational-activation training for the Roma	1.113	498	0.14%
5 Information on opportunities for career development	4.051	2.370	0.53%
6 Counselling	8.362	4.860	1.09%
7 Selection and classification	14.696	10.106	1.91%
8 Training for self-efficiency AJS 2	2.687	2.079	0.35%
9 Subsidies for opening of new job positions	1.600	790	0.21%
10 Information-counselling services in business centres	18.549	7.967	2.41%
11 Education programmes	12.799	5.423	1.66%
12 Subsidies for self-employment	1.681	746	0.22%
13 Apprenticeship	2.418	1.655	0.31%
14 Acquisition of practical skills	145	74	0.02%
15 Trainings required by employer	234	150	0.03%
16 Trainings for the labour market	0	0	0.00%
17 Functional primary education of adults	2.396	1.201	0.31%
18 Public works	1.629	646	0.21%
19 DP – Training for active job seeking	1.185	435	0.15%
20 DP – Job seeking club	173	82	0.02%
21 DP – Employment fair	1.756	658	0.23%
22 DP – Trainings for the labour market	461	252	0.06%
23 Trainings required by employers	5	1	0.00%
24 DP – Apprenticeship	37	22	0.00%

25	Subsidies for salaries of disabled persons with no work experience	295	100	0.04%
26	DP – Subsidies for self-employment	172	66	0.02%
27	DP – Subsidies for opening of new job positions	153	57	0.02%
28	DP – Public works	1.253	541	0.16%
29	Reimbursement of appropriate costs of adjustment of job position for disabled persons employed under special conditions	16	8	0.00%
30	Reimbursement of costs of ensuring professional support to disabled persons employed under special conditions – work assistance	22	11	0.00%

Source: National Employment Service

**Table 11. Persons covered by active employment policy measures in 2014**

	<b>PROGRAMMES AND MEASURES</b>	<b>Number of persons</b>		<b>% of the total number of the unemployed</b>
		Total	Women	
	<b>Number of unemployed persons on December 31, 2014</b>	769.546	393.500	
1	Employment fairs	46.406	24.428	6.03%
2	Job seeking club	3.416	2.225	0.44%
3	Training for active job seeking for qualified persons	24.974	13.800	3.25%
4	Motivational-activation training for persons with no qualifications and low qualified persons	13.832	7.696	1.80%
5	Information on opportunities for career development	4.493	2.490	0.58%
6	Counselling	11.000	6.419	1.43%
7	Selection and classification	14.583	8.923	1.90%
8	Training for self-efficiency AJS 2	2.986	2.346	0.39%
9	Workshop for coping with stress after losing a job	523	385	0.07%
10	Information-counselling services in business centres	17.981	8.061	2.34%
11	Education programmes	11.126	5.053	1.45%
12	Subsidies for self-employment	736	328	0.10%
13	Subsidies for self-employment – regular public invitation	685	310	0.09%
14	Subsidies for self-employment – public invitation for the Roma	51	18	0.01%
15	Training for competence building of unemployed persons	1.000	563	0.13%
16	Functional primary education of adults	1.723	897	0.22%
	<b>PERSONS WITH DISABILITIES (DP)</b>	2.465	1.081	0.32%

17	Training required by employer	2	0	0.00%
18	Training for competence building for unemployed persons	648	327	0.08%
19	Apprenticeship	49	30	0.01%
20	Subsidies for salaries of disabled persons with no work experience	212	71	0.03%
21	Subsidies for self-employment	114	35	0.01%
22	Subsidies for opening of new job positions	94	38	0.01%
23	Public works	1.335	574	0.17%
24	Reimbursement of appropriate costs of adjustment of job position for disabled persons employed under special conditions	1	1	0.00%
25	Reimbursement of costs of ensuring professional support to disabled persons employed under special conditions – work assistance	10	5	0.00%

Source: National Employment Service

According to the Report on Performance Agreement of the National Employment Service for 2014, the results of the work of the NES are the following:

- The active employment policy measures involved 108.664 unemployed persons, out of which 103.000 belong to the category of less employable persons 94.79% of the total number of involved persons).
- With the mediation of the National Employment Service, 22.959 persons have been employed/hired, which represents 82.13% of the realisation in relation to the number of agents for which mediation was required, and for whom employers did not withdraw and for which the selection process is finished.
- Out of the total number of persons involved in the measures, for 14.082 of them at this moment it is not possible to determine the effects since the measures are still ongoing, persons for the time of measures duration are not employed, etc. Out of the remaining number of persons who were involved in active employment policy measures, during the reporting period, 16.800 persons involved in the measures started labour relation, which is 17.56%. Since a certain number of persons just finished with the measures, we expect that the percentage of the unemployed persons who started the labour relation after being involved in the measures will increase in the following period.
- The active employment policy measures involved 13.686 persons of 50 years of age, which represents 13.29% of the total number of the less employable persons involved in the measures.
- The active employment policy measures involve 45.184 young persons, which represents 43.87% of the total number of less employable persons involved in the measures.
- Visits of 25.331 employers were realised in order to inform them about the active employment policy measures and to define their employment needs.
- 53 agreements have been concluded between the National Employment Service and local self-government units in order to provide professional and technical support in the process of realisation of active employment policy measures and programmes planned by the local employment action plan.
- In cooperation with schools and other stakeholders at the regional level, participation in 28 fairs of vocational guidance and career planning and other manifestations has been organised which were intended for pupils of final grades of primary and secondary schools.
- Special public invitations have been made intended for the encouragement of employment of persons with disabilities and the Roma.

**Table 12. Structure of persons regarding the employment waiting time – beneficiary of measures and services in the field of vocational guidance and counselling on career planning in the period 2011 – 2014**

Services and measures in the field of vocational guidance and counselling on career planning	2011	2012	2013	2014
<b>Information on possibilities for career planning - IPCC</b>	<b>3.064</b>	<b>4.297</b>	<b>4.051</b>	<b>4.493</b>
Up to 12 months	2.619	3.434	3.230	3.503
Longer than 12 months	445	863	821	990
<b>Counselling</b>	<b>10.206</b>	<b>9.136</b>	<b>8.362</b>	<b>11.000</b>
Up to 12 months	7.392	6.989	6.628	8.505
Longer than 12 months	2.814	2.147	1.734	2.495
<b>Selection and classification</b>	<b>20.285</b>	<b>15.589</b>	<b>14.696</b>	<b>14.583</b>
Up to 12 months	10.432	7.734	10.783	6.668
Longer than 12 months	9.853	7.855	3.913	7.915
<b>Self-efficiency training</b>	<b>2.166</b>	<b>2.560</b>	<b>2.687</b>	<b>2.986</b>
Up to 12 months	706	884	882	845
Longer than 12 months	1.460	1.676	1.805	2.141
<b>Workshop for coping with stress after losing a job</b>	/	/	/	<b>523</b>
Up to 12 months	/	/	/	409
Longer than 12 months	/	/	/	114

Source: National Employment Service

#### **Share of the funds for the active employment policy measures in GDP**

**Table 13. Funds for the active employment policy measures**

	2011	2012	2013	2014
<b>Amount in RSD</b>	5.550.000.000*	3.400.000.000	1.180.000.000	600.000.000
<b>GDP percentage</b>	0.16%	0.09%	0.03%	0.015%

\*In 2011, the amount of 3.900.000.000 RSD for the EAP measures was increased with additional funds in the amount of 1.650.000.000 RSD from the savings made of the contributions for unemployment insurance.

In 2015, significantly bigger funds were provided for the realisation of the active employment policy programmes and measures: 2.8 billion dinars for the active employment policy programmes and measures.

#### **Encouraging youth employment**

According to the NES data, in 2014, the active employment policy measures, based on the defined individual employment plan, involved 45.184 young persons, which represents the participation of 43.87% of the total number of less employable persons involved in the active employment policy measures.

174.454 young persons (15-30) registered in the register of unemployed persons, out of which the employability assessment was performed for 125.412 (122.772 persons in the first three months after the registration in the register of the unemployed persons). According to the performed employability assessments, 123.821 individual employment plans were determined (109.986 in the first three months after the registration in the register of the unemployed persons).

At the same time, the measures were joined by 45.184 unemployed persons, which represents 41.58% of the total number of persons involved in the active employment policy measures. The largest number of the young was involved in the training for active job seeking, employment fairs and job seeking clubs.

**National Employment Action Plan for 2015** defines that the priority for joining the active employment policy measures have those unemployed persons belonging to the category of the less employable, including the young as well (15-30 years of age).

Encouraging youth employment in 2015 is done through the implementation of a special service package for the young. The service package for the young includes a set of steps realised by the National Employment Service, for the young registered in the register of the unemployed persons, in order to engage them in the world of work as soon as possible. After the registration in the register, the employability assessment is done, individual employment plan is defined, as well as the measures which are most suitable for the activation and promotion of employability.

As for the young with no professional work experience with the minimum of secondary education degree, the programme of apprenticeship is implemented at a private employer in order to make them acquire practical skills and knowledge necessary for independent work, by which they increase their employment opportunities.

A significant support is provided to the young who left school and have no qualifications. This category of unemployed persons is engaged in the programme of functional primary education, i.e. programme of the acquisition of practical skills.

## 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.

### ANSWER:

Employment sector is competent for adopting and amending the laws which are based on the anti-discrimination and gender equality principles, as follows: **Law on Employment and Unemployment Insurance, Law on Professional Rehabilitation and Employment of Persons with Disabilities and the Law on Employment of Foreign Nationals.**

**Law on Employment and Unemployment Insurance** prohibits discrimination in the field of employment, i.e. principles of impartiality, gender equality, and freedom of choice of occupation and of a job position have been adopted. Foreign nationals or stateless persons can be registered as an unemployed person in the register of the National Employment Service if the person has the approval for permanent or temporary residence. Also, **the Law on Professional Rehabilitation and Employment of Persons with Disabilities** prohibits discrimination of persons with disabilities and affirms the principles of equality and gender equality. **The Law on Employment of Foreign Nationals** defines that a foreign national employed in the Republic of Serbia in line with this law, shall have equal rights and obligations regarding labour, employment and self-employment as a local citizen, if all the requirements are met in line with the law. Also, a foreign national shall be considered unemployed in line with the regulations on employment and unemployment insurance

and shall have the same rights as a Serbian citizen if all the requirements are met in line with this law.

**National Employment Strategy 2011-2020** defines priorities and objectives of the employment policy of the Republic of Serbia, and one of the strategic objectives is the reduction of duality in the labour market with the implementation of the policy of equal abilities and creation of conditions for employment of less employable and vulnerable categories which will ensure the social inclusion of all in the labour market.

**National Employment Action Plans**, adopted annually, are the basic instruments for the implementation of defined strategic frameworks and strategy operationalization, defining the active employment policy programmes and measures to be realised next year. NEAPs define, inter alia, the categories of less employable persons who have the priority in the engagement in the active employment policy measures, i.e. activities for the improvement of employability, as follows: mediation in employment of the employment seeking persons; vocational guidance and counselling on career planning; subsidies for employment; self-employment support; additional education and training; incentives for beneficiaries of financial support; public works; and other measures. Also, a NEAP defines the undertaking of affirmative measures intended for the less employable unemployed persons, including the Roma, young, old, and persons with disabilities, unemployed with no qualifications and with low qualifications, as well as women, long-term unemployed persons, refugees and displaced persons, and others.

## **RESPONSE TO THE CONCLUSION OF ECSR from 2012**

**Law on Employment and Unemployment Insurance** (Article 76) defines that the beneficiary's entitlement to unemployment benefit shall be terminated if, inter alia, he/she is removed from the registry, in accordance with this Law. The Law further defines that the beneficiary shall be removed from the registry if, without a justifiable reason, he/she fails to fulfil his/her obligations towards the National Employment Service, namely if, inter alia, he/she declines the offer of job matching services for adequate employment (Article 87). Paragraph 3 of this Article also defines that if there is a justifiable reason, in terms of paragraph 1 of this Article, for failure to present himself/herself, the unemployed is obliged to present himself/herself and notify the National Employment Service immediately upon cessation of such reason.

We also point out that, according to the data available at the National Employment Service, there have been no cases in practice that a person lost his/her entitlement to unemployment benefit for the reason of declining the offer of job matching services for adequate employment.

### **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).

## **RESPONSE:**

**Law on Employment and Unemployment Insurance** defines that holders of employment activities are the National Employment Service and employment agencies. Employment activities, in terms of this law, are the information on employment opportunities and conditions; mediation in employment in the country and abroad; vocational guidance and counselling on career planning; implementation of active employment policy measures; issuance of work permits to foreign nationals and stateless persons, in line with the law. Also, one of the basic principles of the law is the free performance of employment activities for the unemployed persons. Ministry competent for employment activities shall perform surveillance of the legality of the work and acts, and professional surveillance of the work of the National Employment Service and the employment agencies.

National Employment Service is obliged to inform the beneficiaries on employment opportunities and conditions and the use of services of the National Employment Service. Right to information is exercised by an unemployed person in the National Employment Service, i.e. its organisational units, through a direct and group information, use of self-service system, phone or call centre, written notice, publication „Jobs“, internet address, information-promotional material, etc.

National Employment Service, according to the stated law, also keeps the records in the field of employment on persons seeking employment (unemployed, employed persons seeking for occupation change, and other jobseekers), employer, payer of contributions for unemployment insurance and employment needs.

The basic role of the National Employment Service is to provide professional support to persons who seek employment. Assistance and support for employment of the unemployed persons include undertaking various activities which bring to an increased employability and the final objective – employment of persons. Services provided by the NES to the unemployed persons primarily depend on the defined level and type of the necessary assistance, i.e. performed assessment of the employability of a person and based on that, the defined individual employment plan. Basic services in the employment process include having individual interviews in order to perform the employability assessment and defining the individual employment plan, notification on employment opportunities and conditions, mediation in employment in the country and abroad, engagement in motivational-activation workshops for acquiring knowledge and skills for active job seeking (one or two-day workshops for active job seeking and weeks of training in job seeking clubs).

With the individual interviews with the employment counsellor and definition of the individual employment plan, the persons receive basic guidelines for active job seeking: definition of occupations for which the persons will be provided with mediation services, i.e. in which the person will seek the job, activities to be undertaken, and the programmes to be joined. Prior to the definition of the individual employment plan, the assessment of the employability of persons will be performed – the employment counsellor performs the analysis of conformity of the person's characteristics, relevant for the employment process, with the requirements of the labour market. Obligation on the employment counsellor is to present to the unemployed person, in line with the defined needs, all the opportunities available in order to achieve faster employment.

With the engagement in the motivational – activation workshops: Training for active job seeking and Job seeking clubs, persons acquire necessary knowledge and skills for active job seeking: determine professional goal, acquire knowledge on possible sources of information on vacancies, prepare themselves for the proper manner of written correspondence with the employer or in person, expand the contact network in the local environment, strengthen their confidence and stress resistance when they fail to achieve the objective, etc.

By referring concrete profiles of workers to employers according to the stated employment needs (direct referring to an interview, sending their CVs, organising group interviews of employers and persons, organising employment fairs), the persons get the opportunity to present their own competences and be selected by employers for establishing labour relations or other type of work engagement.

If the stated measures are not sufficient for engaging the unemployed person in the labour market, the persons is proposed to undertake other activities which can bring to an improvement of his/her position in the labour market in terms of career planning, acquisition of new knowledge, skills, work experience, etc. Among other things, the persons are provided with the services within the vocational guidance and career planning. Also, the person, in line with the assessed needs, can be involved in additional education and training programmes or programmes for provision of support to the unemployed persons regarding the encouragement and development of entrepreneurship.

In addition to the mentioned programmes, certain categories of the unemployed persons (recognised as less employable persons in the labour market: persons with disabilities, the Roma, beneficiaries of financial social assistance, redundant workers, the young up to 30 years of age, etc.) can join the programmes such as: subsidies for employers of specific categories of persons and public works.

With the registration in the register of the NES, the unemployed persons can exercise also other rights in line with the Law, such as the right to financial benefits for unemployment and other rights as well (the unemployed exercising the right to financial social assistance in line with the law, have the right to the reimbursement of spending incurred from sending applications for employment, as well as the costs of public transport for the purpose of a job interview with the employer; the unemployed person who establishes a labour relation outside of the place of residence can be entitled to one-time assistance for the compensation of travel and moving costs, in line with the general act of the National Employment Service).

With the engagement of an unemployed person in the active employment policy measures is performed in line with the defined individual employment plans, signed by the unemployed person and the National Employment Service, based on the performed employability assessment and defined level of necessary assistance for the specific persons.

On the other hand, the employer, in line with the provisions of the Law on Employment and Unemployment Insurance, is entitled to: require from the National Employment Service to offer a list of persons for employment; independently decide on selection of persons for employment or work engagement; employ without mediation of the National Employment Service or agencies; participate in the active employment policy programmes and measures, in line with the law; be provided with the services of the National Employment Services free of charge and exercise other rights defined by this Law and the general act.

Employer, in line with the provisions of this Law, shall be obliged to: ensure equal treatment of persons who applied for a job interview; provide information notice on performed job interview – upon the request by the National Employment Service or the unemployed who participated in the interview; meet other obligations lied upon him by this law; submit applications to the National Employment Service, in line with the Law.

When it comes to the demand of the employer for a certain profile of workers, in line with the aforementioned provisions, the employer can contact the National Employment Service for the provision of mediation services. In that case, the basic objective of the National Employment Service is to meet the needs of the client and help him/her achieve the objective. Employer shall decide on persons to be employed or engaged in work.

In line with the objectives defined in the strategic documents, the National Employment Service develops the work concept with the employers, which is adjusted to the needs of the employers. The manner of establishing contact with the employers and their information is done directly (employer visits the National Employment Service or the employer is visited, thematic meetings are organised), in written, by phone, fax, e-mail.

Employers are provided with the following ways of employment mediation services:

- Advertisement of vacancies in the publication „Jobs“, on the NES Internet site, and noticeboards of the NES organisational units, free of charge,
- Performance of preliminary selection, which includes a selection of candidates according to the defined criteria of the employer/requirements of the job position and person's characteristics,
- Direct referring of the candidates to the employer according to the agreed interview appointment; organisation of group interviews with the candidates on the premises of the National Employment Services, ensuring/providing the employer with CVs or personal data of the candidates, previously selected and informed on the offer, for inspection,
- Organisation of employment fairs,
- Use of the services via the NES Internet site – internet mediation, which includes the following: independent definition of employment needs/advertisements at the NES Internet site; search of the base of biographies (CVs) of the persons registered at the NES Internet site according to the parameters set in the advertisement; setting of banners at the front page of the NES Internet site, containing the basic information on the employer, for the time until the set advertisements expire, provision of assistance by the National Employment Service in the selection of persons from the CV base at the NES Internet site – online selection, definition of employment needs/advertisement at the NES Internet site by the National Employment Service.

National Employment Service pays a special attention to planning and realising the visits to the employers, in order to ensure the reporting of vacancies for employment mediation for the persons registered at the National Employment Service, research on future needs of employers, establishment of cooperation with the newly-founded employers, as well as informing of less employable persons on the active employment policy programmes and measures.

## **RESPONSE TO THE CONCLUSION OF ECSR from 2012**

The total number of employed in the National Employment Service on August 21, 2015, is 1.966. Activities of career planning (vocational guidance covered by this name of the activity) are performed by 49 employed persons (activities of the counsellor for career planning are performed by 42 employees, and the activities of the counsellor for career information are performed by 7 employees). The profile of the counsellor for career planning/counsellor for career information: VII level of degree / second degree studies of psychology, graduate psychologist, 1 year of work experience, examination for work in employment, knowledge of a foreign language and computer literacy. The total number of employment counsellors performing the activities of mediation in branch offices is 618. Profile of the employment counsellors in the branch offices: VI/VII level of degree, irrespective to the type of employment, 1 year of work experience, examination for work in employment, knowledge of a foreign language and computer literacy. The total number of employment counsellors, for work with persons with disabilities (PWD), in branch offices is 16. Profile of the employment counsellors for work with persons with disabilities, in branch offices: VII level of degree, 1 year of work experience, examination for work in employment, knowledge of a foreign language, and computer literacy. Having in mind the number of the unemployed persons in the register (746.010 persons – data from July 2015), the ration of the unemployed persons to the

employment counsellors in branch offices (including the PWD) is 1.177 unemployed persons per counsellor. The number of employment counsellors in the Directorate (who do not work directly with the unemployed persons) in mediation functions, PWD, entrepreneurship and projects is 16.

Table 14. presents the employment needs reported to the National Employment Service and the employment according to the expressed needs. Withdrawal of employers from employment of persons according to the registered needs is 10.18% in average out of the total number of the registered needs.

**Table 14. Reported needs for Employment**

Time period	Reported employment needs (vacancies)	Number of employed persons	% of needs met
2011	61.804	35.576	57.56
2012	55.583	32.998	59.37
2013	44.148	26.093	59.10
2014	42.563	22.959	53.94

Source: National Employment Service

Regarding the issue related to the average duration of process of vacancies filling, the duration depends on several factors: urgency of the job position expressed by the employer, number of persons i.e. number of vacancies at the employer, complexity of the jobs and positions to be filled (when the employer organises several selection rounds for the candidates), and can take from one to several months.

**Law on Employment and Unemployment Insurance** defines the conditions under which the agencies are issued work permits. Therefore, the permit is issued to the agency by the ministry competent for employment issues, if the agency meets the requirements regarding the following: spatially and technically capacitated and professionally trained staff. Also, one of the defined requirements is that the agency must have at least one person employed with higher education degree, while the professionally trained staff refers to persons holding at least secondary school degree and passed examination for work in employment.

Furthermore, the agency cannot be established by, nor can it employ a person sentenced for a criminal offense to unconditional imprisonment for the duration of minimum six months, in the period of three years after serving the sentence, nor the founder of an agency which permit for performing the employment activities was cancelled, in the period of three years after the permit cancellation.

Only after obtaining the work permit can the agency be registered in the register of the competent body, after which it can start operating. Also, the work permit is issued to the agencies for the period of five years and can be renewed.

**Rulebook on spatial and technical requirements for the operation of employment agencies, requirements of professional qualifications of the staff, programme, content and manner of taking the examination for work in employment** closely defines the spatial and technical requirements for the operation which must be met by the agencies, as well as the requirements regarding professional qualifications of the staff, and the programme and manner of taking the examination for work in employment.

Representatives of the representative trade union organisations and employers are members of the Board of Directors of the National Employment Service, and the employment council at all levels, which ensures their participation in the decision making and realisation processes of

importance for the field of employment, regarding the active employment policy programmes and measures. We continuously work on the improvement of social dialogue at all levels of government through the establishment and strengthening of local employment councils, through the implementation of projects for capacity building, realisation of study visits, etc.

### **Article 1§4<sup>1</sup>**

- 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, programmers, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### ***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* A policy of full employment should be pursued by means of economic measures conducive to creating and preserving jobs and assisting those who become unemployed in finding jobs.

*Paragraph 2:* This paragraph covers three different issues:

1. the prohibition of all forms of discrimination in employment,
2. the prohibition of forced or compulsory labour,
3. the prohibition of any practice that might interfere with workers' right to earn their living in an occupation freely entered upon.

Under Article 1, paragraph 2, legislation should prohibit any discrimination in employment on grounds of sex, race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

The law should make the prohibition of discrimination effective. It must at least provide for:

- the power to set aside, rescind, abrogate or amend any provision contrary to the principle of equal treatment which appears in collective agreements, in employment contracts or in firms' own regulations;
- protection against dismissal or other retaliatory action by the employer against an employee who has lodged a complaint or taken legal action;
- appropriate and effective remedies in the event of an allegation of discrimination; remedies available to victims of discrimination must be adequate, proportionate and dissuasive.

As regards discrimination on grounds of nationality while States party may make foreign nationals' access to employment on their territory subject to possession of a work permit, they cannot ban nationals of States party, in general, from occupying jobs for reasons other than those set out in Article G of the Charter.

Forced or compulsory labour in all its forms must be prohibited. The definition of forced or compulsory labour is based on Article 4 of the European Convention on Human Rights and on ILO Convention 29 on forced labour: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Article 2§1). It also covers the coercion of a worker to carry out work he previously freely agreed to do, but

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<sup>1</sup> 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.

which he subsequently no longer wanted to carry out. It may also under certain circumstances cover prison work.

Several other practices may give rise to issues under Article 1§2 including the length of service to replace military service.

*Paragraph 3:* Free and effective employment services should be guaranteed. Basic placement services such as registration of job-seekers and notification of vacancies must be provided free of charge.

*Paragraph 4:* Vocational guidance, continuing vocational training for all workers should be guaranteed. Persons with disabilities should receive specialised guidance and training<sup>2</sup>.

## RESPONSE:

Information is provided within the answer for Articles 9, 10, and 15 of the Charter.

### Article 9 – The right to vocational guidance

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.

### 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 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.

### Legislative Framework

Activities of vocational guidance and counselling on career planning are performed in the National Employment Service (NES). The legislative framework in this field is consisted of the following:

- **Labour Law** (“Official Gazette of RS“, No 24/2005, 61/2005, 54/2009, 32/2013 and 75/2014) defines the exercise of rights to education, vocational training and development, as well as provision of adequate work conditions. Career guidance and counselling have a significant role in the enforcement of the law.
- **Law on Employment and Unemployment Insurance** (“Official Gazette of RS“, No 36/2009, 88/2010 and 38/2015) precisely defines the role and activities of vocational guidance and counselling on occupational choice through the employment activities, active

employment policy measures, and concrete services provided to service users. Article 49 of the Law defines vocational guidance and career counselling, in terms of this law, as activities of offering group or individual assistance to jobseekers or other persons who need career planning, in choice or change of occupation and making decisions on career development. Activities referred to in paragraph 1 of this Article shall comprise: 1. providing information on the labour market and career development; 2. vocational guidance of persons seeking employment and other persons in planning career development; 3. developing jobseekers' skills to make career decisions; 4. development of active job search skills; 5. selection of candidates based on job requirements and persons' psychological and physical abilities; 6. other counselling activities aiming to increase a jobseeker's employability.

- **Law on Professional Rehabilitation and Employment of Persons with Disabilities** ("Official Gazette of RS", No 36/2009 and 32/2013), in Article 13 precisely defines professional rehabilitation of persons with disabilities through the application of measures and activities such as vocational guidance, professional information, counselling and definition of individual employment plan, then vocational training, additional training, retraining and programmes for acquiring, maintaining and improving the work, and working and social skills and capabilities, etc. This law creates necessary conditions for the working-activating integration of persons with disabilities in the labour market and development of the field of employment and professional rehabilitation of persons with disabilities in line with the international and national regulations and the labour market trends.

Also, in the work of psychologists performing the activities of career planning and counselling in the NES (counsellors for career information and counsellors for career planning), the following acts shall apply:

- **Law on Conditions for Performing Psychological Activity** ("Official Gazette of RS", No 25/1996 and 101/05 – other law);
- **Law on the Fundamentals of Education System** ("Official Gazette of RS", No 72/2009, 52/2011, 55/2013, 35/2015 – authentic interpretation and 68/2015);
- **Rulebook on manner and criteria for implementation of active employment policy measures** ("Official Gazette of RS", No 12/2012, 20/2013, 69/2014 and 27/2015);
- **Guidance on the requirements for inclusion of the unemployed in the active employment policy measures** ("Official Gazette of RS", No 97/2009);
- **Rulebook on creation and use of psychological measuring instruments** ("Official Gazette of RS", No 11/1988);
- **Rulebook on organisation and manner of surveillance of performance of professional work of psychologists** ("Official Gazette of RS", No 30/1998);
- **Code of Ethics of psychologists of Serbia APS 2000** (<http://www.dps.org.rs>).

## **Strategic documents**

- **National Employment Strategy 2011–2020** ("Official Gazette of RS", No 37/11) covers strategic development directions for career planning and counselling. The point 2.2. Improving the quality of human capital states that "measures and activities should be aimed towards the encouragement of professional development of workers, through the development of the system of career planning and counselling, and reduction of the mismatch between the supply and demand in the labour market, i.e. mismatch between the world of work and education". The segment devoted to the development of career planning and counselling is addressed in point 2.2.1. It is stated that "the systematic development of the field of career planning and counselling should contribute to the improvement of the situation in the labour market in the Republic of Serbia and as an important segment of social development, it should ensure and provide every individual with personal development in order to make own decisions regarding education, employment, labour, and career planning and management. In this way, it should be possible to provide and assist the unemployed

persons in clarification of direct employment goals, in job seeking and keeping the employment, but also readiness to join training and acquiring additional knowledge and skills, i.e. competence building, which would significantly contribute to their competition and mobility in the labour market, and consequently employment as well.” It is pointed out below that the implementation of the National Career Guidance and Counselling Programme will “bring to the achievement of the goals referring primarily to the promotion and development of life-long learning, development of the labour market system through the reduction of discrepancies between the supply and demand and the improvement of workforce quality, its competitiveness and mobility, and social equality and inclusion of the young and adults”.

It is pointed out that “for the introduction of the career guidance and counselling system and the realisation of the stated activities, a great role belongs to the cooperation between the line ministries for the field of education, employment and the young, National Employment Service, Chamber of Commerce of Serbia, Serbian Association of Employers, educational institutions, and employers as well”. National Employment Strategy 2011-2020 states that it is “necessary to intensify the activities related to the development of the existing and opening of new Information and Professional Counselling Centres for all users of the NES services, establishment of mobile centres intended for rural areas, development of skills of the centres’ staff, definition and implementation of measures for work with the unemployed persons for their inclusion in the process of additional education and training for the purpose of employment, and intensive and continuous promotion of career guidance and counselling, which will contribute to a better development of the system of career guidance and counselling, in particular in the field of employment.”

**National Employment Action Plans (NEAP)** represent the operationalization of the National Employment Strategy for the Period 2011-2020. They define objectives and priorities of the active employment policy in the Republic of Serbia and define programmes and measures to be realised in the year. The following NEAPs were adopted and implemented in the reporting period:

- National Employment Action Plan for 2011 (“Official Gazette of RS”, No 55/10 and 4/11 )  
– the second objective of the active employment policy for 2011 (investment in human capital) states that the “establishing and developing of career guidance and counselling, development of education of adults and functional primary education, standardisation of education and training programmes, accreditation of educational institutions, certification of titles, skills and competences of the unemployed persons, development of national qualification framework and establishing the new system of classification of occupations” will be the issues to be jointly discussed by the competent ministries. In the point: Improvement of education and training for developing a qualified workforce it is stated that it would contribute to “a faster reform in the field of education and employment and realisation of initiated activities, which are expected to bring bigger contribution to strengthening and developing of human resources in the Republic of Serbia, and consequently the social and economic development”. It is also stated that the “Objective of the career guidance and counselling is to provide every individual with personal development and career guidance, and planning and management of changes in the field of learning and labour, i.e. education and professional development and the research of the opportunities of education and employment.” In the point 4. Encouraging employment of less employable persons and vulnerable categories, it is stated that “in order to meet the needs and exercise the rights of vulnerable categories of the young, the employment services and social protection services will be integrated, and the access to the Career Guidance and Counselling Centres, established within the NES, will be facilitated.”
- National Employment Action Plan for 2012 (“Official Gazette of RS”, No 79/11 and 13/12)  
– in the point II for the improvement of quality of human capital, for development of the career guidance and counselling system, the following measures and activities are planned:

involvement of as many persons as possible in measures of career guidance and counselling; encouragement of partnership and cooperation in the implementation of the Strategy of Career Guidance and Counselling; development of the existing and opening of new information and professional counselling centres (IPCC); establishing the cooperation between the CIPPs with information desks at the youth offices.

- National Employment Action Plan for 2013 (“Official Gazette of RS”, No 117/2012) – in the part regarding the improvement of the labour market institutions, the seventh point in concrete covers “the improvement of the operation methodology of information and professional counselling centres (IPCC)<sup>3</sup>”. Also, this point defining the improvement of the workforce quality through education and training, states that “active participation in the implementation of the Strategy of Career Guidance and Counselling through encouraging partnership and cooperation will contribute to an increased number of persons included in the measures of career guidance and counselling.<sup>4</sup>”.
- National Employment Action Plan for 2014 (“Official Gazette of RS”, No 118/2013), the point 10 defines the New Service Package for the unemployed persons having the priority for the inclusion in the active employment policy measures. The service package for the redundant employees covers the ability of inclusion in the Workshop for coping with stress after losing a job, and a service package for the young (15-30 years of age) covers the service of Counselling on opportunities for career development as one of the most suitable measures for the activation and increase of employment of the young.
- Implementation of the National Employment Action Plan for 2015 (“Official Gazette of RS”, No 101/14 and 54/15) is ongoing. Table IX, chapter III Improvement of workforce quality and investment in human capital, defines the measures and activities, point 3.1. Promotion and further development of career guidance and counselling (through the establishment of teams for career guidance and counselling in primary, secondary schools and higher education institutions, organisation of professional orientation fairs, innovation and promotion of sites for career guidance and counselling, etc.) and point 3.2. Further development of information and professional counselling centres (opening of new centres within the NES and youth offices, etc.).

**Strategy of Career Guidance and Counselling in the Republic of Serbia** („Official Gazette of RS“, No 16/10), which is within the competences of the Ministry of Youth and Sports, was adopted on March 4, 2010, by which the Republic of Serbia adopted a strategically important document containing the vision of career guidance and counselling as a factor of social and economic development, but also the objectives and concrete measures for the realisation of the practical policy of career guidance and counselling. The strategy establishes a framework for the career guidance and counselling system in the country covering the sector of education and employment, in the manner in which the services of career guidance and counselling should be provided to every individual irrespective to the age and status in the labour market. Action Plan for the implementation of the Strategy from 2010 until 2014 is its integral part. As stated in the Strategy „professional orientation and career guidance represent an organised system of social and professional activity for provision of continuous assistance to an individual during his/her entire career development, in the free choice of direction and vocation, in education and professional activity, in order to achieve professional identity, in line with personal characteristics and the needs

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<sup>3</sup> Expected results refer to the established network of information and professional counselling centres (IPCC), introduced the latest methodology in career guidance and counselling, developed competences of the employed in the centres for service provision to the service users belonging to the less employable and vulnerable groups, establishment of cooperation between the IPCCs with the information desks at the youth offices on exchange of information of importance for career development.

<sup>4</sup> Expected results refer to the prepared protocols on cooperation (partnership agreements, etc.) between the key stakeholders on the implementation of the strategy, in particular at the local level, participation in various meetings on promotion of the strategy with a smooth access to the career guidance and counselling centres, and inclusion of an increased number of persons in the measures of career guidance and counselling (children, pupils, young and adults).

of the labour market for certain occupations. Strategy of Career Guidance and Counselling in the Republic of Serbia defines the objectives of career guidance and counselling (objective of life-long learning, objective of the labour market and the objective of social involvement and inclusion), activities, principles, organisational forms, services and users of services of career guidance and counselling. Also, it defines programme models and organisation of career guidance and counselling. As the body in charge of the monitoring of the implementation of the Strategy, a Working Group was established for the implementation of the Strategy of Career Guidance and Counselling in the Republic of Serbia by the Decision of the Government 05 No: 02-3148/2011, on April 28, 2011 ("Official Gazette of RS", No 30/11), with the term of office until 2014. The basic tasks of the Working Group refer to the following: proposing measures for alignment of the activities in the implementation of the Strategy according to the dynamics defined by its Action Plan, then monitoring the realisation of the Strategy, participation in the evaluation and preparation of annual reports for the Government on the Strategy realisation, and participation in the promotion and popularisation of the career guidance and counselling system in the Republic of Serbia.

National Employment Service, within the professional orientation and counselling on career planning, performs the following activities: information on opportunities for career development is done individually, in groups or by self-information at Information and Professional Counselling Centres of the National Employment Service (IPCC) and through other organisational forms and manners which ensure that relevant information for career planning and guidance is available to a larger number of unemployed or other interested persons. There are three IPCCs in the NES operating within the branch offices for the City of Belgrade, Novi Sad, and Niš. There are plans for expanding the network of the IPCCs in the NES at local level as well, which will be funded by the IPA Fund.

Also, in order to improve the indirect information on opportunities for career development, there are three applications at the NES site: Guide to the choice of profession, career planning after primary school Game "Career Trip" and Information booklet "What to learn, what to do?" Guide to the choice of profession, career planning after primary school is intended for the pupils of the final grades of primary school. With various questionnaires on school achievements, work habits, interests, abilities and personal characteristics it helps the pupils in deciding what secondary school to choose. Creation of the publication was funded by the International Labour Organisation (ILO) within the joint PBILD programme of the United Nations in South Serbia: "Peace building and Inclusive Local Development". The application was placed on the NES site in 2011. Number of visits to the electronic interactive version of the Guide to the choice of profession, career planning after primary school ([www.vodiczaosnovce.nsz.gov.rs](http://www.vodiczaosnovce.nsz.gov.rs)) is followed through the Google Analytics. Data has been registered since December 1, 2011.

**Table 15. Number of visits to the electronic application of the interactive version of the Guide to the choice of profession**

	2011	2012	2013	2014
Number of visitors	80	36.385	73.968	86.798
Number of visits	212	48.733	92.516	109.863
New visits	82	12.299	19.236	24.524
Old visits	130	36.434	73.280	85.339
Direct visits in %	14.62%	44.17%	49.79%	53.27%

Source: Google Analytics

Game "Career Trip" is intended for the pupils of lower grades of primary schools, and its goal is to motivate the pupils to actively think about their interests and on various professions, It was created within the UN PBILD programme.

Information booklet "What to learn, what to do?" offers information on education profiles, secondary schools, curricula, and occupation descriptions. It is intended for everyone making choices on secondary professional and general education, and for those providing support in the process of life-long learning (experts, parents and other interested persons). It was created with the

initiative of the NES, in cooperation with the Ministry of Education, Science and Technological Development (MESTD), Institute for Education Improvement (IEI) with the technical support of German International Cooperation Organisation GIZ.

Organisation of fairs of vocational guidance and/or participation in the education fairs were in order to familiarize a large number of interested users with the services of professional information. This activity is continuously realised. The NES initiates the organisation of fairs of professional orientation in cooperation with local educational institutions. Also, it actively participates in all manifestations intended for the information on planning career development.

**Table 16. Participation of NES in fairs of professional orientation (PO) and counselling on career planning (CP) and other manifestations in the period 2011-2014**

	2011	2012	2013	2014
<b>Plan</b>	15	15	20	12
<b>Realisation</b>	18	22	18	22

Source: National Employment Service

Professional counselling includes provision of assistance to children, the youth, unemployed, and employed, in the choice or change of occupation, education and qualifications, as well as in decision making regarding the change in career including professional rehabilitation. Counselling in the NES is primarily intended for active jobseekers, and the trend is that the number of services provided to pupils and students is decreasing, since it is intensively worked on developing of career guidance and counselling in educational institutions at all levels. NES is a partner providing support in strengthening of professional orientation in the mentioned institutions (signed cooperation agreements with GIZ and TEMPUS office).

Self-efficiency programme – programme intended for the long-term unemployed persons and/or are under risk of long-term unemployment in order to prevent social exclusion, raise the level of competences and personal efficiency in the process of job seeking through the psychological support.

Workshop for coping with stress after losing a job. The workshop is a new active employment policy measure, intended for development of skills and techniques for mastering the strategy for efficient coping and overcoming the stress, as well as the communication and social skills of the unemployed persons, for strengthening self-confidence for active job seeking and career planning. It is intended to the unemployed persons who lost their jobs and have been registered in the NES register for at least 3 months and the redundant workers in order to acquire skills for active job seeking and career planning.

Psychological assessment for the needs of the selection for employment and inclusion in education and training programmes – is performed upon the request of the employer/NES branch office for the purpose of psychological assessment of compliance of the person's characteristics and abilities required for the job position/working environment or with the required criteria for inclusion in education and training programmes.

All the measures and services within the professional orientation and career planning in the NES are free of charge for the users and belong to the category of non-financed measures. All the expenditures, including the consumables, are financed from the budget of the Republic of Serbia.

In the NES the following are established: Provincial Employment Service (2 Provincial Services), branch offices (34 in administrative districts) and other internal organisational units (21 services – per local self-government units, 117 substations and 7 offices in small towns). The network of the NES organisational units cover the entire territory of the Republic of Serbia.

On August 21, 2015, the NES employs 1.966 in total, out of which 1.748 persons are employed for an indefinite period of time, 41 persons are employed as a replacement of temporarily absent employees and 177 are employed on the basis of work load requirements. The activities of career planning (professional orientation covered by this name) are performed by 49 persons in total

(activities of the counsellor for career planning are performed by 42 persons, and activities of the counsellor for career information are performed by 7 persons). Profile of the counsellor for career planning/counsellor for career intimation: VII level of degree / second level of studies of psychology, graduate psychologist, 1 year of work experience, examination for the work in employment, knowledge of a foreign language and computer literacy. The total number of counsellors for employment (mediation) in branch offices is 618. The profile of the counsellor for employment in branch offices: VI/VII level of degree, irrespective to the occupation type, 1 year of work experience, knowledge of a foreign language and computer literacy. The total number of counsellors for employment (work with persons with disabilities – PWD) in branch offices is 16. Profile of the counsellor for employment of PWD in branch offices: VII level of degree, social profile, 1 year of work experience, examination for the work in employment, knowledge of a foreign language and computer literacy. Having in mind the number of unemployed persons in the register (746.010 persons – beginning of July 2015), the ratio of the number of unemployed persons and the counsellors for employment in branch offices (including the PWD) is 1.177 unemployed persons per counsellor. The number of counsellors for employment in the NES Directorate (which do not work directly with the unemployed persons) in the function of mediators, PWD, entrepreneurship and projects is 16.

Since the ratio of the employed on the positions for career guidance and counselling in comparison with the number of users is unfavourable, the employed on the positions for professional orientation and counselling work intensively on the development of the methodology and application of latest ITC methods and techniques in order to utilise human resources more optimally and meet the needs of the clients.

**Plan and realisation of services and measures in the field of professional orientation and counselling on career planning in the period 2011-2014**

**Table 17. Plan and realisation of services and measures in the field of professional orientation and counselling on career planning in 2011**

Services and measures in the field of professional orientation and counselling on career planning	Plan	Realisation	Realisation in %
Information on opportunities for career development – IPCC	4.000	3.064	76.60%
Counselling	10.000	10.206	102.06%
Selection and classification	15.000	20.285	135.23%
Self-efficiency training	2.000	2.166	108.30%
Total	109.000	120.377	110.44%

Source: National Employment Service

**Table 18. Structure of persons according to sex – users of measures and services in the field of professional orientation and counselling on career planning in 2011**

Services and measures in the field of professional orientation and counselling on career planning	Women	Men	Total number of persons
Information on opportunities for career development – IPCC	1.728	1.336	3.064
Counselling	6.210	3.996	10.206
Selection and classification	14.158	6.127	20.285
Self-efficiency training	1.644	522	2.166

Source: National Employment Service

**Table 19. Structure of persons according to the level of qualifications – users of measures and services in the field of professional orientation and counselling on career planning in 2011**

Services and measures in the field of professional orientation and counselling on career planning	I	II	III	IV	V	VI	VII	VIII	Total number of persons
Information on opportunities for career development – IPCC	1.419	5	351	751	6	121	411	0	3.064

Counselling	3.313	124	1.442	3.084	40	454	1.749	0	10.206
Selection and classification	1.092	274	1.985	3.936	99	2.873	10.019	7	20.285
Self-efficiency training	218	80	487	959	15	200	207	0	2.166

Source: National Employment Service

**Table 20. Structure of persons according to age – users of measures and services in the field of professional orientation and counselling on career planning in 2011**

Services and measures in the field of professional orientation and counselling on career planning	Up to 25 years of age	26-30 years of age	31-50 years of age	Over 50 years of age	Total number of persons
Information on opportunities for career development – IPCC	1.711	297	839	217	3.064
Counselling	4.505	1.346	3.490	865	10.206
Selection and classification	3.290	6.308	9.478	1.209	20.285
Self-efficiency training	151	215	1.339	461	2.166

Source: National Employment Service

**Table 21. Structure of persons according to the job waiting time – users of measures and services in the field of professional orientation and counselling on career planning in 2011**

Services and measures in the field of professional orientation and counselling on career planning	Up to 12 months	Longer than 12 months	Total number of persons
Information on opportunities for career development – IPCC	2.619	445	3.064
Counselling	7.392	2.814	10.206
Selection and classification	10.432	9.853	20.285
Self-efficiency training	706	1.460	2.166

Source: National Employment Service

**Table 22. Plan and realisation of services and measures in the field of professional orientation and counselling on career planning in 2012**

Services and measures in the field of professional orientation and counselling on career planning	Plan	Realisation	Realisation in %
Information on opportunities for career development – IPCC	4.000	4.297	107.43%
Counselling	10.000	9.136	91.36%
Selection and classification	15.000	15.589	103.93%
Self-efficiency training	2.500	2.560	102.40%
total	31.500	31.582	100.26%

Source: National Employment Service

**Table 23. Structure of persons according to sex – users of measures and services in the field of professional orientation and counselling on career planning in 2012**

Services and measures in the field of professional orientation and counselling on career planning	Women	Men	Total number of persons
Information on opportunities for career development – IPCC	2.571	1.726	4.297
Counselling	5.284	3.852	9.136
Selection and classification	11.192	4.397	15.589
Self-efficiency training	1.978	582	2.560

Source: National Employment Service

**Table 24. Structure of persons according to the level of qualifications – users of measures and services in the field of professional orientation and counselling on career planning in 2012**

Services and measures in the field of professional orientation and counselling on career planning	I	II	III	IV	V	VI	VII	VIII	Total number of persons
Information on opportunities for career development – IPCC	1.712	27	263	921	19	298	1.054	3	4.297
Counselling	3.863	134	988	2.604	46	467	1.034	0	9.136

Selection and classification	599	120	1.406	2.987	67	2.572	7.836	2	15.589
Self-efficiency training	196	57	564	1.218	17	261	247	0	2.560

Source: National Employment Service

**Table 25. Structure of persons according to age – users of measures and services in the field of professional orientation and counselling on career planning in 2012**

Services and measures in the field of professional orientation and counselling on career planning	Up to 25 years of age	26-30 years of age	31-50 years of age	Over 50 years of age	Total number of persons
Information on opportunities for career development – IPCC	2.300	796	935	266	4.297
Counselling	4979	892	2356	909	9.136
Selection and classification	2573	5141	7110	765	15.589
Self-efficiency training	195	262	1584	519	2.560

Source: National Employment Service

**Table 26. Structure of persons according to the job waiting time – users of measures and services in the field of professional orientation and counselling on career planning in 2012**

Services and measures in the field of professional orientation and counselling on career planning	Up to 12 months	Longer than 12 months	Total number of persons
Information on opportunities for career development – IPCC	3.434	863	4.297
Counselling	6.989	2.147	9.136
Selection and classification	7.734	7.855	15.589
Self-efficiency training	884	1.676	2.560

Source: National Employment Service

**Table 27. Plan and realisation of services and measures in the field of professional orientation and counselling on career planning in 2013**

Services and measures in the field of professional orientation and counselling on career planning	Plan	Realisation	Realisation in %
Information on opportunities for career development – IPCC	4.900	4.051	82.67%
Counselling	12.500	8.362	66.90%
Selection and classification	12.000	14.696	122.47%
Self-efficiency training	3.100	2.687	86.68%
Services and measures in the field of professional orientation and counselling on career planning	32.500	29.796	91.68%

Source: National Employment Service

**Table 28. Structure of persons according to sex – users of measures and services in the field of professional orientation and counselling on career planning in 2013**

Services and measures in the field of professional orientation and counselling on career planning	Women	Men	Total number of persons
Information on opportunities for career development – IPCC	2.370	1.681	4.051
Counselling	4.860	3.502	8.362
Selection and classification	10.106	4.590	14.696
Self-efficiency training	2.079	608	2.687

Source: National Employment Service

**Table 29. Structure of persons according to the level of qualifications – users of measures and services in the field of professional orientation and counselling on career planning in 2013**

Services and measures in the field of professional orientation and counselling on career planning	I	II	III	IV	V	VI	VII	VIII	Total number of persons
Information on opportunities for career development – IPCC	1.831	15	266	909	21	245	764	0	4.051
Counselling	3.662	129	903	2.409	47	320	892	0	8.362
Selection and classification	355	84	1.372	2.429	73	2.085	8.294	4	14.696

Self-efficiency training	192	70	555	1.235	23	259	353	0	2.687
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Source: National Employment Service

**Table 30. Structure of persons according to age – users of measures and services in the field of professional orientation and counselling on career planning in 2013**

Services and measures in the field of professional orientation and counselling on career planning	Up to 25 years of age	26-30 years of age	31-50 years of age	Over 50 years of age	Total number of persons
Information on opportunities for career development – IPCC	2.338	586	826	301	4.051
Counselling	4.928	784	1.841	809	8.362
Selection and classification	2.050	4.936	6.865	845	14.696
Self-efficiency training	208	305	1.622	552	2.687

Source: National Employment Service

**Table 31. Structure of persons according to the job waiting time – users of measures and services in the field of professional orientation and counselling on career planning in 2013**

Services and measures in the field of professional orientation and counselling on career planning	Up to 12 months	Longer than 12 months	Total number of persons
Information on opportunities for career development – IPCC	3.230	821	4.051
Counselling	6.628	1.734	8.362
Selection and classification	10.783	3.913	14.696
Self-efficiency training	882	1.805	2.687

Source: National Employment Service

**Table 32. Plan and realisation of services and measures in the field of professional orientation and counselling on career planning in 2014**

Services and measures in the field of professional orientation and counselling on career planning	Plan	Realisation	Realisation in %
Information on opportunities for career development – IPCC	5.000	4.493	89.86%
Counselling	12.500	11.000	88.00%
Selection and classification	12.000	14.583	121.53%
Self-efficiency training	3.100	2.986	96.32%
Workshop for managing stress after losing the job	500	523	104.60%
Total	103.100	120.383	116.76%

Source: National Employment Service

**Table 33. Structure of persons according to sex – users of measures and services in the field of professional orientation and counselling on career planning in 2014**

Services and measures in the field of professional orientation and counselling on career planning	Women	Men	Total number of persons
Information on opportunities for career development – IPCC	2.490	2.003	4.493
Counselling	6.419	4.581	11.000
Selection and classification	8.923	5.660	14.583
Self-efficiency training	2.346	640	2.986
Workshop for managing stress after losing the job	385	138	523

Source: National Employment Service

**Table 34. Structure of persons according to the level of qualifications – users of measures and services in the field of professional orientation and counselling on career planning in 2014**

Services and measures in the field of professional orientation and counselling on career planning	I	II	III	IV	V	VI	VII	VIII	Total number of persons
Information on opportunities for career development – IPCC	1.902	20	348	1.114	28	224	853	4	4.493
Counselling	5.036	153	1.004	3.500	44	433	830	0	11.000
Selection and classification	584	134	2.283	4.628	93	1.970	4.889	2	14.583

Self-efficiency training	239	54	650	1.395	15	316	317	0	2.986
Workshop for managing stress after losing the job	20	3	106	257	3	62	72	0	523

Source: National Employment Service

**Table 35. Structure of persons according to age – users of measures and services in the field of professional orientation and counselling on career planning in 2014**

Services and measures in the field of professional orientation and counselling on career planning	Up to 25 years of age	26-30 years of age	31-50 years of age	Over 50 years of age	Total number of persons
Information on opportunities for career development – IPCC	2.436	541	1.140	376	4.493
Counselling	6.749	834	2.400	1.017	11.000
Selection and classification	2.689	4.202	6.979	713	14.583
Self-efficiency training	262	307	1.791	626	2.986
Workshop for managing stress after losing the job	11	39	326	147	523

Source: National Employment Service

**Table 36. Structure of persons according to the job waiting time – users of measures and services in the field of professional orientation and counselling on career planning in 2014**

Services and measures in the field of professional orientation and counselling on career planning	Up to 12 months	Longer than 12 months	Total number of persons
Information on opportunities for career development – IPCC	3.503	990	4.493
Counselling	8.505	2.495	11.000
Selection and classification	6.668	7.915	14.583
Self-efficiency training	845	2.141	2.986
Workshop for managing stress after losing the job	409	114	523

Source: National Employment Service

## Response to the Conclusions of ECSR from 2012

### RESPONSE:

Republic of Serbia adopted the amendments to the Law on Employment and Unemployment Insurance (“Official Gazette of RS”, No 38 of April 29, 2015). The amendments contain provisions which define that the National Employment Service shall be obliged to provide and organise the programme of introduction of an employee into work and to professionally develop and train the employees, and to test the professional skills of the employees and that the NES, in the general act, will closely define the procedure, content and programme of professional development and training of the employees and the introduction of the employee into work.

National Employment Service adopted the Rulebook on professional development and training and introduction of employees into work in the NES, which entered into force on August 11, 2015. This rulebook includes the adoption of the Programme of professional development and training of employees and the Programme of introduction of employees into work and knowledge testing

Consequently, the obligation of continuous professional development and training of employees in the NES has been introduced, and their final goal is to have better quality service provision to employers and unemployed persons.

**Law on Employment and Unemployment Insurance** prohibits discrimination in the field of employment, i.e. principles of impartiality, gender equality and freedom of choice of occupation and job position have been adopted. Foreign nationals or stateless persons can be registered as unemployed persons in the register of the National Employment Service if holding the permit for permanent or temporary residence.

**Law on Employment of Foreign Nationals** defines that a foreign national employed in the Republic of Serbia in line with this law, shall have equal rights and obligations in terms of labour, employment and self-employment as the local citizens, if all the requirements are met in line with the law. Also, the foreign national shall be considered as unemployed in line with the regulations on employment and unemployment insurance, and shall have equal rights as a citizen of the Republic of Serbia if the requirements are met in line with the law.

#### **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;
  - 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.

#### **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.

#### **RESPONSE:**

**Law on Employment and Unemployment Insurance**, as an active employment policy measure, defines a measure of further education and training. The further education and training shall be the activities aimed at offering an unemployed person or an employed person whose services are no longer required, or to whom adequate employment cannot be offered, the possibility to undergo theoretical and practical training to gain new skills and knowledge in order to find employment, thus creating possibilities for employment and self-employment.

An integral part of the **national employment action plan** adopted annually, is the Annual Programme of further education and training defining programmes and measures of further

education and training to be realised during the year. The annual programme of further education and training is based on the analyses of the labour market needs, i.e. needs of employers regarding the necessary knowledge and skills needed for performing certain activities, defined in contact with employers. The annual programme of further education and training shall be implemented by the National Employment Service.

Right to professional development, training and education through the programmes of further education and training shall be granted to the unemployed persons, who seek employment, and who shall be obliged to accept further education and training to which the National Employment Service sends them for the purpose of employment or increase the possibility of employment in line with individual employment plan, respecting individual needs and competences. The labour programme of the NES, at annual level, defines the type and amount of expenditures borne by the National Employment Service for the person engaged in the programme, and for employers as well.

The unemployed person who finishes further education and training shall receive a relevant certificate or diploma on completed education programme.

National Employment Service implements the Annual Programme of further education and training, by making Public invitation for the realisation of the programmes referred to the employers, i.e. those who perform trainings.

In the reporting period (2011-2014), National Employment Service realised the following programmes of further education and training:

2011:

- prentice programme “First chance 2011”
- apprenticeship programme
- training programme

2012:

- apprenticeship programme
- programme for acquiring practical skills
- training programme
- a) trainings required by employers
- b) trainings for the labour market
- c) functional primary education of adults

2013:

- apprenticeship programme
- programme for acquiring practical skills
- trainings required by employers
- trainings for the labour market
- functional primary education of adults

2014:

- trainings for competence building of unemployed persons
- functional primary education of adults

Aim of the realised programmes of further education and training is professional training and education; acquisition of further skills and knowledge; acquisition of key and vocational competences. Programme “First chance 2011” includes vocational training and employment of the young up to 30 years of age, with no work experience in the field. The right to participate in the programme had employers from the private sector who, by hiring apprentices, exercised their right

to the reimbursement of salaries and contribution costs for social insurance for the duration of maximum 12 months.

Apprenticeship programme included vocational training of the unemployed persons for independent professional work, in order to meet the requirements for taking the vocational or apprenticeship examination in line with the special law or general act of employer, without employment. This programme could last no longer than 24 months. The hired unemployed persons were paid financial benefits, for the time of duration of the apprenticeship and they were insured against injury at work and professional disease. Also, the NES bore the expenditures of taking the vocational examination in the amount of a monthly financial benefit.

Training for the labour market – their aim was to increase the competences and competitiveness, acquisition of vocational skills, knowledge and competences, which provide increasing possibilities for good quality and faster employment in the open market.

Trainings required by employers – include the acquisition of vocational and practical knowledge, skills and competences for performing specific activities at the employer.

Acquisition of practical knowledge – includes vocational training of persons with no qualifications through work, in order to perform simple specific activities at the employer, who shall employ them for the period of 6 months, with the obligation of keeping them employed at least 6 months after the completion of the training.

**Table 37. Financial funds spent for the programmes of further education and training, in RSD**

Source of funding	2011	2012	2013	2014
Budget of the Republic of Serbia	3,285,062,322.72	2,346,683,931.97	674,324,937.95	35,555,239.89
Budget of local self-governments	76,293,232.54	159,551,783.61	22,518,243.01	172,217,682.52
Donations (projects)	74,087,198.53	19,847,406.37	6,153,491.49	1,378,907.28
TOTAL:	3,435,442,753.79	2,526,083,121.95	702,996,672.45	209,151,829.69

Source: National Employment Service

**Table 38. Number of persons provided with the services of the programme of further education and training (per services) and their characteristics**

2011	Total (number of persons)	Women	Level of qualification							
			I	II	III	IV	V	VI	VII	VIII
First chance 2011	10.852	5.862	0	0	2.188	3.145	599	1.395	3.525	0
Apprenticeship	6.690	4.572	0	0	25	1.450	3	1.235	3.977	0
Trainings	5.246	2.929	1.699	186	1.056	1.562	143	274	326	0

Source: National Employment Service

**Table 39. Structure of persons according to age of users of measures and services of further education and training in 2011**

2011	Age				Long-term unemployment (longer than 12 months)	Seeking employment for the first time
	Up to 25 years of age	26 – 30 years of age	31 – 50 years of age	over 50 years of age		
First chance 2011	6.936	3.792	124	0	3.396	9.129
Apprenticeship	1.700	4.851	139	0	2.368	5.821
Trainings	1.425	966	2.327	528	2.394	2.244

Source: National Employment Service

**Table 40. Structure of persons according to the level of qualifications of users of measures and services of further education and training in 2012**

2012	Total	Women	Level of qualification
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	(number of persons)		I	II	III	IV	V	VI	VII	VIII
Apprenticeship	2.736	1.856	0	0	53	376	0	414	1.893	0
Acquisition of practical knowledge	174	71	171	3	0	0	0	0	0	0
Trainings	6.318	3.097	3.263	192	1.027	1.192	133	220	291	0
Trainings required by employer	1.600	879	258	39	609	569	17	58	50	0
Trainings for the labour market	1.997	885	284	153	418	623	116	162	241	0
Functional primary education for adults	2.721	1.333	2.721	0	0	0	0	0	0	0

Source: National Employment Service

**Table 41. Structure of persons according to age of users of measures and services of further education and training in 2012**

2012	Age				Long-term unemployment (longer than 12 months)	Seeking employment for the first time
	Up to 25 years of age	26 – 30 years of age	31 – 50 years of age	over 50 years of age		
Apprenticeship	915	1.512	309	0	1.060	1.805
Acquisition of practical knowledge	39	54	71	10	77	46
Trainings	1.487	1.215	2.972	644	3.652	2.031
Trainings required by employer	324	330	821	125	638	625
Trainings for the labour market	263	348	1.010	376	1.491	365
Functional primary education for adults	900	537	1.141	143	1.523	1.041

Source: National Employment Service

**Table 42. Structure of persons according to the level of qualifications of users of measures and services of further education and training in 2013**

2013	Total (number of persons)	Women	Level of qualification							
			I	II	III	IV	V	VI	VII	VIII
Apprenticeship	2.418	1.655	0	0	15	287	0	315	1.801	0
Acquisition of practical knowledge	145	74	77	68	0	0	0	0	0	0
Trainings required by employer	234	150	40	4	100	79	1	8	2	0
Trainings for the labour market	0	0	0	0	0	0	0	0	0	0
Functional primary education for adults	2.396	1.201	2.396	0	0	0	0	0	0	0

Source: National Employment Service

**Table 43. Structure of persons according to age of users of measures and services of further education and training in 2013**

2013	Age				Long-term unemployment (longer than 12 months)	Seeking employment for the first time
	Up to 25 years of age	26 – 30 years of age	31 – 50 years of age	over 50 years of age		
Apprenticeship	636	1.303	477	2	931	1.545
Acquisition of practical	40	28	68	9	58	50

knowledge						
Trainings required by employer	71	65	94	4	132	62
Trainings for the labour market	0	0	0	0	0	0
Functional primary education for adults	743	368	1.072	213	1.635	875

Source: National Employment Service

**Table 44. Structure of persons according to the level of qualifications of users of measures and services of further education and training in 2014**

2014	Total (number of persons)	Women	Level of qualification							
			I	II	III	IV	V	VI	VII	VIII
Trainings for competence building for the unemployed	1.000	563	412	43	186	262	7	46	44	0
Functional primary education for adults	1.723	897	1.723	0	0	0	0	0	0	0

Source: National Employment Service

**Table 45. Structure of persons according to age of users of measures and services of further education and training in 2014**

2014	Age				Long-term unemployment (longer than 12 months)
	Up to 24 years of age	25 – 29 years of age	30 – 49 years of age	Over 50 years of age	
Trainings for competence building for the unemployed	205	140	562	93	730
Functional primary education for adults	419	263	851	190	1.083

Source: National Employment Service

## Answer to the question of the ECSR from 2012

### RESPONSE:

As for the issue regarding the level of employability of persons having university qualifications and the waiting time of these persons before they find first employment, according to the data of the National Employment Service in late December 2014, there were 78.993 highly educated persons registered in the register of unemployed, out of which 33.495 persons with no work experience. There were 40.459 (51% of the total number) of highly educated unemployed young persons up to the 30 years of age in late December 2014, out of which 26.387 with no work experience. A large number of unemployed highly educated persons with no work experience, 18.276 (out of which 12.816 of the young up to 30 years of age) were registered in the register of unemployed longer than one year, and 15.219 (out of which majority were the young 13.571) of highly educated persons with no work experience were registered in the register of unemployed up to one year.

Also, according to the Survey on workforce, the rate of unemployed young persons (15-24 years of age), including all levels of education, is also low in 2014, which is 14.8%, i.e. and in comparison with 2013 (14.5%), it slightly increased.

According to the data of the Statistical Office of the Republic of Serbia in 2014, the NEET rate, i.e. participation of the young (irrespective to the level of education) who were unemployed, and who were not in the process of education or training was 20%.

**Law on Employment and Unemployment Insurance** prohibits discrimination in the field of employment, i.e. principles of impartiality, gender equality and freedom of choice of occupation and job position have been adopted. Foreign nationals or stateless persons can be registered as unemployed persons in the register of the National Employment Service if holding the permit for permanent or temporary residence. In that case, the foreign national shall have the right to be informed by the National Employment Service on possibilities and conditions for employment, to participate in active employment policy measures, to exercise the rights in the event of unemployment, in line with the law, and the right to mediation in employment. The record on the unemployed foreign national shall cease to be kept in the event of the expiration of the permit for temporary or permanent residence. The unemployed foreign national, registered in the register of the unemployed in the National Employment Service, shall have equal status as the nationals of the Republic of Serbia, i.e. the same rights and obligations.

## 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.

## RESPONSE:

One of the primary target groups for which the measure packages and employment policy programmes are intended for and adjusted to, including, the programmes of further education and training, are the young. Programmes created for the young are goal oriented and are adjusted to the needs of the young, in order to create opportunities for productive employment and further professional development. National Employment Strategy for the period 2011-2010, and the national employment action plans, and the Operation Programmes of the National Employment Service, adopted annually, define the package of measures for the young. One of the priorities of the employment policy is the promotion of the employment of the young, in particular the young belonging to the less employable groups, with lower opportunities for employment due to, e.g. leaving schools, inadequate, inapplicable or insufficient knowledge or skills for the world of labour.

Vocational education and training as well as apprenticeship are regulated by the **Labour Law**. Programmes of further education and training which are specifically intended for the young: apprentice programme and apprenticeship programme, aim to vocationally train the young for independent professional work and create conditions for them to take the professional or apprentice

examination. Through these programmes the young acquire their first work experience in the world of labour and have quality preparation for employment.

The internship takes no longer than 24 months, and during the internship persons are employed. The apprenticeship process is led by a mentor, who directly trains them for independent professional work through theoretic and practical knowledge.

Programmes of professional training implemented by the National Employment Service proved to be very efficient in solving the issues of the employment of the young. These programmes are continuously analysed and modified in order to adjust to the latest needs of the young and the labour market. Also, the active role of employers is vital, who in addition to the systematised mentorship and definition of quality of apprentice programme and internship should contribute to the creation of quality young staff, productive, creative and primarily prepared for work challenges.

## **Response to the question of the ECSR from 2012**

### **RESPONSE:**

Answers to the question are provided within the response under paragraph 1 of this Article.

## **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.

### **RESPONSE:**

Training programmes required by the employer and for the labour market, acquisition of practical knowledge, functional primary education of adults are the education programmes intended primarily for the less employable groups of the unemployed persons, primarily with low level of qualifications, but also for other priority groups such as the women, long-term unemployed persons, persons with disabilities, the Roma and other ethnic minorities.

Trainings are organised and implemented upon the request of the employer if there are no unemployed persons in the register of the National Employment Service competent for the required occupation or persons having the knowledge and skills necessary for the work on available jobs. Duration of the trainings depends on the complexity of jobs and is up to 6 months. For the duration

of the training the NES funds: 1. training costs, 2. reimbursement of travel costs and financial benefit for the trainees in line with the contract, 3. insurance of the trainee against injury at work or professional illness.

Trainings for the labour market are realised for the needs of the local labour market and are intended for the unemployed (most often for the persons belonging to the category of less employable persons) who, by acquiring vocational knowledge and skills, increase their competences and competitiveness in the labour market for the purpose of employment and further professional development and learning.

Programme of acquisition of practical knowledge serves for training the persons with no qualifications, through the work on specific activities at the employer. The duration of this programme is 6 months with a direct mentorship. The goal of this programme is the acquisition of skills and knowledge for performing simple activities at the employer.

Also, the programme of functional primary education of adults is implemented for those persons who left primary schools. The programme provides these persons with the ability to finish their primary education and to continue their education in secondary schools, either through the system of continuous training for the needs of the labour market, or through the system of secondary education according to the programmes adjusted to the needs of adults, in order to acquire functional knowledge and first qualifications, which would increase their competitiveness in the labour market. In that respect, the Project “Second chance – Development of the system of functional primary education of adults in Serbia“, was realised, with the objective to institutionalise the system of functional education of adults in the Republic of Serbia, and which will efficiently contribute to the increase of employability of the work force, and reduce poverty, bring to social cohesion and economic recovery of the country.

## **Response to the question of ECSR from 2012**

Answers to the question are provided within the response under paragraph 1 of this Article.

### **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.

### **RESPONSE:**

**National Employment Strategy for the period 2011-2010** puts a specific attention to the prevention of long-term unemployment and the integration of the unemployed persons before entering the long-term unemployment.

**Law on Employment and Unemployment Insurance**, as well as **national employment action plans**, recognise the category of the long-term unemployed persons, as the priority target group for the inclusion in the programmes of further education and training.

The unemployed who are in the register of unemployed longer than 12 months are likely to face the risk of becoming inactive due to the loss of knowledge, skills and working habits necessary in the labour world. The solution for this problem is provision of intensive support with the combination of various active employment policy measures and programmes.

Among these activities for prevention of long-term unemployment according to its significance also stand out measures of professional education and training.

Programmes of further education and training provide the long-term unemployed persons with ability to acquire the necessary work experience, working habits and practical vocational skills which would increase their chances for employment.

As one of the manners for preventing long-term unemployment, there is an advantage given to the individuals who are under higher risk of facing long-term unemployment, either based on their individual characteristics or based on statistical (group) characteristics, with developing individual employment plan. Individual employment plan as a document contains the measures necessary to be taken for employment of an unemployed person and represents the basis for financing and applying the active employment policy measures on the unemployed.

In addition to the stated education programmes for covering various target groups (primarily those of less employable categories), the National Employment Service worked on the promotion of the existing and proposing of new programmes, in order to timely and in a good quality manner react to the needs of the unemployed persons, as well as the needs of the labour market.

## **Reponse to the question of ECSR from 2012**

Answers to the question are provided within the response under paragraph 1 of this Article.

## **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.

## 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).

Inclusive education is a precondition for the creation of inclusive society, i.e. the society which meets the needs of its citizens and leads to the exercise of fundamental human rights and ensures social and economic assumptions for dignity and independent life of persons belonging to socially vulnerable groups, including persons with disabilities. Inclusive education is based on the principles of anti-discrimination, child/pupil orientation, availability and ensuring additional support. Even though it primarily refers to the inclusion and provision of assistance to children from vulnerable social group, it is indisputable that it has positive influence on and benefit for all the pupils involved in the education process.

Law on Fundamentals of Education System has included in the education system of Serbia the inclusive education with the aim to increase availability of education to the children from vulnerable social groups and create conditions for quality education in line with the needs of every child. General principles define that the education system must provide equal right for all children and availability of education without discrimination and differentiation regarding sex, social, cultural, ethnic, religious or other affiliation, place of residence, i.e. living, material or health status, difficulties or disabilities, or anything similar; quality and equal education adjusted to the age and personal education needs of children; child oriented education; as well as equal possibilities for education at all levels of education, in line with the needs and interests of children. For a child or a pupil who, due to social deprivation, disability and other reasons requires additional assistance in education, the institution shall be obliged to ensure elimination of physical and communication obstacles and adopt the individual education plan. However, even though the inclusive education is implemented, in Serbia there is still a parallel system of education of children in schools specialised for education of children with disabilities (so called “special schools”). An important novelty is that schools for education of children with disabilities can be enrolled in based on the opinion of the committee for assessment of the needs for provision of additional education, health or social assistance to pupils, and with the consent of the parents. It means that external committees or institutions cannot decide on the type of schools to be enrolled in by children, but the parents/guardians of the child. In that way the systematic discrimination of children with disabilities, which existed for decades and which most often reflected in the decision of the committees for selection of children with disabilities, who were referred to regular or special schools and in some cases decided on exclusion of children from the education system and referred them to the institutions of social protection, has been eliminated. According to the data of the

Ministry of Education, Science and Technological Development the number of children with disabilities enrolled in regular primary education is increasing.

The increase of the number of children with disabilities included in the regular primary education is important, but what is even more important is the continuous work on ensuring conditions for equal education and provision of additional support. Normative framework in the field of education of children with disabilities is mostly completed.

When it comes to the equal access to higher education, which is of primary importance for eradication of social exclusion and poverty reduction, it is important to have in mind that Article 4 of the Law on Higher Education defines that higher education is based on the respect of human rights and civil liberties, including the prohibition of all forms of discrimination, which is one of the principles of higher education. Also, Article 8 of this law defines that the right to higher education can be exercised by all persons who previously finished secondary education, irrespective to the race, colour of skin, sex, sexual orientation, ethnic, national or social origin, language, religion, political or other beliefs, status acquired by birth, existence of sensory or motor handicap or material status.

## **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.

## **RESPONSE:**

Legal acts regulating the field of professional rehabilitation and employment of persons with disabilities are the following:

- Law on Employment and Unemployment Insurance (*"Official Gazette of RS"*, No 36/09, 88/10 and 38/15),
- Rulebook on manner and criteria for the implementation of active employment policy measures (*"Official Gazette of RS"*, No 12/12, 12/13, 69/14 and 27/15);
- Law on Professional Rehabilitation and Employment of Persons with Disabilities (*"Official Gazette of RS"*, No 36/09 and 32/13);
- Rulebook on close conditions, criteria and standards for the implementation of professional rehabilitation measures and activities (*"Official Gazette of RS"*, No 112/2009);
- Rulebook on close manner, spending and criteria for the assessment of ability to work and employment possibilities or job retention of persons with disabilities (*"Official Gazette of RS"*, No 36/10 and 97/13);

- Rulebook on the manner of monitoring the execution of the obligation of employment of persons with disabilities and the manner of proving the execution of the obligation ("Official Gazette of RS", No 33/10, 48/10 and 113/13).

Strategic framework of the employment policy represent the **National Employment Strategy for the Period 2011-2020** ("Official Gazette of RS", No 37/2011, hereinafter referred to as: *Strategy*), which sets the basic objective of the employment policy in the Republic of Serbia until 2020 – establishing efficient, stable, and sustainable trend of employment growth and full alignment of the employment policy, and the labour market institutions with the EU *acquis*. The priority activities will refer to the increase of employment by investment in human capital and bigger social inclusion. Strategy defines the category of less employable persons (unemployed persons who because of their health status, insufficient or inadequate education, sociodemographic characteristics, regional or professional mismatch of the supply and demand in the labour market or other objective circumstances, are less likely to find employment). It also defines special sensitive, i.e. vulnerable groups in the labour market, which among other things also cover persons with disabilities, whose employment promotion and improvement of position in the labour market significantly influence the improvement of their life standards and participation in social-economic life of the community.

National employment action plans, which are adopted annually, represent the basic instrument for the implementation of the active employment policy, define specific active employment policy programmes and measures to be realised during the year, based on the analyses of the labour market trends. They also define the categories of less employable persons, as well as the active employment policy measures directed towards the improvement of their employability. Unemployed persons belonging to a category of less employable persons have the priority in the inclusion into the active employment policy measures, while at the same time, special employment programmes are realised for certain categories.

In line with the Law on Employment and Unemployment Insurance, Ministry of Labour, Employment, Veteran and Social Affairs, together with the National Employment Service (NES), as the body competent for the employment activities, concludes a Performance Agreement of NES for the year, which defines the performance of the service competent for the employment activities and monitoring the efficiency of the implementation of active employment policy measures. Performance Agreement closely defines measures and activities of the National Employment Action Plan realised by the NES, deadlines for the implementation of the measures and activities from the plan, expected results, responsibilities, financial framework (based on the funds allocated in line with the Law on the Budget) and reporting.

**Law on Employment and Unemployment Insurance** prohibits discrimination in the field of employment. This law entitled the employer to independently decide on the selection of the person to be employed or hired. At the same time, it defines the obligations of the employer to ensure equal treatment to persons who applied for the job interview. Provision of Article 5 prohibits discrimination in the field of employment, i.e. principles of impartiality, affirmative actions directed towards less employable unemployed persons, gender equality and freedom of choice of occupation and job.

**Law on Professional Rehabilitation and Employment of Persons with Disabilities** also prohibits discrimination of persons with disabilities. This law is based on the principles of respect of human rights and dignity of persons with disabilities, inclusion of persons with disabilities in all aspects of social life on an equal basis – in line with the professional competences, encouragement of employment of persons with disabilities for adequate job positions and in adequate work conditions, anti-discrimination of persons with disabilities, equal rights and responsibilities of persons with disabilities. In addition to the basic principles, the law introduces the principle of affirmation of the action in terms of the inclusion of persons with disabilities in the labour market,

measures for encouraging their employment, as well as the obligation of employment by the employer. The law regulates the incentives for employment with the purpose of establishing conditions for equal inclusion of persons with disabilities in the labour market, assessment of work abilities, professional rehabilitation, obligation of employment of persons with disabilities, conditions for establishing and performing activity of the company for professional rehabilitation and employment of persons with disabilities and other special forms of employment and recruitment of persons with disabilities and other issues of importance for professional rehabilitation and employment of persons with disabilities.

The law defines persons with disabilities as “persons with permanent bodily, sensory, mental or spiritual disorder or disease which cannot be eliminated by treatment or medical rehabilitation, facing social and other limitations which influence work capacity and employment possibility or employment maintenance, and who have no ability or have reduced ability to be involved, under equal conditions, in the labour market and to apply for employment with other persons”. Status of persons with disabilities, in terms of this law, shall have war veterans; peacetime veterans, civil war disabled persons; persons to whom the categorisation was performed and other persons defined with a disability, in line with the law; person categorised with disability – i.e. remaining work capacity and person whose work capacity was assessed, according to which the person has the ability to be employed or job, i.e. recruitment retention.

In line with the stated definition of persons with disabilities, the Law defines the procedure of assessment of work capacity and ability for employment or job retention. Assessment of work capacity is performed in the manner ensuring respect of person, dignity, and personal data protection (in all the phases of the procedure) and covers medical, social and other criteria used for defining abilities and capacities of persons with disabilities for inclusion in the labour market and for performance of activities independently or with the support service. The assessment of work capacity is performed by the committee of the expert body based on the insight into the overall state of the individual and the state in the labour market. After the assessment of work capacity, and according to the findings of the committee of the expert body, the unemployed person with disability shall be included in active employment policy measures.

Professional rehabilitation of persons with disabilities shall mean organising and implementing measure programmes and activities in order to capacitate the persons for a particular job position, employment, job retention, advancement or change of career (Article 12 of the Law).

Measures of professional rehabilitation implemented by the NES, are a part of the process of the entire rehabilitation of individuals aimed to increase the level of employment or employment of persons with disabilities, i.e. social inclusion and are an integral part of the active employment policy measures and programmes. Centres for professional rehabilitation and employment of persons with disabilities are opened within the NES in Belgrade, Kragujevac, Niš, and Novi Sad., where the unemployed persons with disabilities and employers at one place can receive information on measures and programmes of professional rehabilitation and financial incentives for the employment of persons with disabilities.

Active employment policy measures under general conditions are implemented in groups consisted of a person with disability and other unemployed persons, i.e. under conditions defined for the unemployed persons in all cases when applicable, according to the assessment of the experts from the NES. Active employment policy measures for the adjusted programmes, are implemented in line with the needs of persons with disabilities, assessed professional abilities and work capacity.

Professional rehabilitation, in line with the Law, is performed by the application of measures and activities covering the following: career guidance, professional information, counselling and creating individual employment plans; vocational training, additional training, retraining, and programmes for acquiring, maintaining and improving working and social skills and abilities;

individual and group, general and adjusted programmes for improvement of working and social integration; motivation development, technical support, professional support, monitoring and assessment of results of professional rehabilitation; individual counselling work, including the assistance in accepting own disability concerning the possibility of being included in work and certain measures of professional rehabilitation; education and training seminars for employers, experts for vocational training and professional rehabilitation of persons with disabilities and other persons; application of adequate technical and technological solution aimed for raising capacity of persons with disabilities in learning and working, as well as the support service, etc.

Encouraging employment of persons with disabilities is done through the approval of subsidies for self-employment, subsidies to employers for opening new jobs, income subsidies for persons with disabilities with no work experience employed by the employer for indefinite period of time, public works and other active employment policy measures directed towards encouraging employment of persons with disabilities.

Costs of professional rehabilitation of persons with disabilities, whose work capacity is reduced due to the injury at work or professional disease, incurred after entry into force of this law, shall be borne by the employer of the person with disabilities where the person with disabilities is employed at the time of occurrence of the injury at work or professional disease.

Costs of professional rehabilitation of other persons with disabilities shall be borne by the organisation competent for employment affairs.

Employed person with disabilities, for the period of duration of professional rehabilitation, shall be entitled to the absence from work at the employer where the person is employed and the person's employment cannot be terminated due to the absence from work which occurred during the professional rehabilitation. Also, during the professional rehabilitation the employed persons with disability shall have the right to the wage compensation in the amount of 100% of the average monthly wage achieved in the previous three months prior to the inclusion in the professional rehabilitation measures and activities, and the wage compensation cannot be lower than the minimal wage defined in line with the labour regulations.

Participation of persons with disabilities in the process of professional rehabilitation is a part of the preparation of the persons with disabilities for entry or return to the world of labour. According to the aforementioned, it is planned that persons with disabilities shall have the right to certain financial income related to the recognition of the right to professional rehabilitation, in the event of vocational training, additional training, retraining or other programme for improvement of work capacities and social inclusion. Financial benefit refers to the costs of public transport for the persons and their companion, if the companion is necessary and the monthly income for the period of duration of professional rehabilitation, in the amount of 20% of the minimal wage, defined in line with the labour regulations, in the event when certain measures and activities are performed in the duration of at least 100 hours.

Professional rehabilitation measures and programmes and employment of persons with disabilities are funded from the Budget Fund for professional rehabilitation and employment promotion of persons with disabilities, in line with the Law, in order to promote employment and professional rehabilitation of the unemployed persons with disabilities, pay wage compensations to persons with disabilities employed in a company for professional rehabilitation and employment of persons with disabilities, improve the work conditions, improve production programmes, introduce standards, improve quality of production and provided services, adjust the job position, etc.

Employment of persons with disabilities in the Republic of Serbia is possible in the open labour market and in companies for professional rehabilitation and employment of persons with disabilities.

Ministry competent for employment affairs shall perform surveillance of the work of holders of public authorities for performing the activities of state administration entrusted by the Law. Inspection control of the implementation of the provisions of the Law is also performed by the ministry competent for employment issues, through the inspectors. Inspection control of the implementation of the Law, in terms of exercise of rights, position and protection of persons with disabilities who are employed, shall be performed by the Labour Inspectorate, in line with the regulations in the field of work and health and safety at work, and the control of compliance with the obligation of employment of persons with disabilities and collection of the amount of 50% of the average monthly wage per employee in the Republic of Serbia, according to the latest published data of the national body competent for statistical issues, shall be performed by the Tax Administration, in line with the regulation on tax procedures and tax administration.

Data on the number of persons with disabilities registered in the register of the NES, their employment and coverage of the active employment policy measures, in the period 2011 – 2014, are given below.

**Table 46. Number of registered persons with disabilities in the register of the National Employment Service 2011-2014**

Number of unemployed persons with disabilities in the register of the National Employment Service	2011	women	2012	women	2013	women	2014	women
	18.555	5.995	20.666	6.818	20.627	6.774	20.780	6.981

Source: National Employment Service

**Table 47. Data on employment of persons with disabilities in the register of the National Employment Service 2011-2014**

Total number of employed persons with disabilities in the register of the National Employment Service	2011	women	2012	women	2013	women	2014	women
	2.897	993	3.683	1.298	3.914	1.434	4.132	1.541

Source: National Employment Service

**Table 48. Persons with disabilities in the register of the National Employment Service covered by active employment policy measures 2011-2014**

Active employment policy measures and programmes for persons with disabilities		2011	2012	2013	2014
1.	PROFESSIONAL REHABILITATION MEASURES AND ACTIVITIES	4.212	4.294	3.617	4.420
1.1	Employment fairs	2.569	2.727	1.756	1.934
1.2	Job seeking clubs	169	199	173	211
1.3	Training for active job seeking – AJS1	1.150	1.339	1.185	1.576
1.4	First chance 2011	12			
1.5	Apprenticeship	48	29	37	49
1.6	Trainings	264	0	466	650
1.6.1	Trainings for labour market	263		461	648
1.6.2	Trainings required by employer	1		5	2

2	PROGRAMMES FOR PROMOTION OF EMPLOYMENT OF PERSONS WITH DISABILITIES	2.187	2.555	1.873	1.775
2.1	Subsidies for self-employment	201	91	172	114
2.2	Subsidies for wages of persons with disabilities with no work experience	264	284	295	212
2.3	Subsidies for opening new jobs – regular public invitation	304	168	153	94
2.4	Public works	1.418	2.012	1.253	1.335
3	MEASURES OF ASSISTANCE	41	45	38	11
3.1	Reimbursement of primary costs for adjustment of job position for persons with disabilities employed under specific conditions	19	21	16	1
3.2	Reimbursement of costs for provision of expert assistance to persons with disabilities employed under special conditions – work assistance	22	24	22	10
4.	ASSESSMENT OF WORK CAPACITY AND POSSIBILITY OF EMPLOYMENT OR JOB RETENTION*	5.133	5.732	4.194	4.270

\*Number of adopted decision on assessment of work capacity and possibility of employment or job retention

Source: National Employment Service

## Response to the question of ECSR from 2012

### RESPONSE:

**Law on Professional Rehabilitation and Employment of Persons with Disabilities** introduced in the Republic of Serbia the obligation of employment of this category of persons, in order to eliminate prejudice on real possibilities and work potentials of persons with disabilities, reduce the number of unemployed persons with disabilities and prevent lay-off of currently employed persons with disabilities, in line with the practice of majority of the European countries. Introduction of this obligation of employment of persons with disabilities in the legal system of the Republic of Serbia is the first measure of such kind in the latest history of our society and the first attempt of legally defined integration of persons with disabilities in the open economy. This form of integration is beneficial for the society in general since the inclusion of persons with disabilities in the production process and other forms of social work reduces the need for provision of special material funds for care of these persons, and apart from that, economic independence significantly contributes to a larger total independence which is of special importance for persons with disabilities.

Obligation of employment of persons with disabilities, which application started a year after the entry into force of the Law (i.e. on May 23, 2010), applies to all employers employing at least 20 workers. Employer having between 20 and 49 employees shall be obliged to employ one person with disabilities, Employer having 50 and more employees shall be obliged to employ at least two persons with disabilities, and for every additional 50 workers, one additional person with disabilities.

Law defines the possibility for exemption from the obligation of employment, i.e. newly established employer shall be no bound by this obligation in the first 24 months after starting the activity; then, employer participating in financing the wages for persons with disabilities employed in the company for professional rehabilitation and employment of persons with disabilities or social companies and organisation in the amount which cannot be lower than 50% of the average wage in the economy in Serbia, shall be exempted from the obligation to employ the number of persons with disabilities corresponding to the number of wages he finances; employer performing the financial obligation arising from the contract on labour and technical cooperation, procurement of products or performance of services in the processes of public of other procurement with the company for professional rehabilitation and employment of persons with disabilities, in the value of 20 monthly average wages in the economy of the Republic of Serbia according to the latest published data of the national body competent for statistical issues at the moment of concluding the contract, shall be exempt from the obligation of employment of one person with disability, for the next 12 months from the day of execution of the obligation. Tax Administration shall be competent for monitoring the execution of the obligation.

According to the latest data submitted by the Tax Administration, for the period January – December 2014, obligation of employment of persons with disabilities shall be performed in the following manner:

Performing the obligation of employment of persons with disabilities – in average monthly of 15.280 persons with disabilities,

Performing the obligation of payment of funds in the Budget Fund (50% of the average wage) – monthly for about 6.700 persons with disabilities, in the average monthly amount of about 215,000,000.00 dinars,

Performing the obligation of realisation of agreement with companies for professional rehabilitation – annually average of about 270 agreements, in the average monthly amount of about 390,000,000.00 dinars.

Law on Professional Rehabilitation and Employment of Persons with Disabilities defines that the ministry competent for the employment issues shall perform the following activities:

- Granting authorisation for the implementation of professional rehabilitation measures and activities (Article 15 of the Law);
- Issuing work license to enterprises for professional rehabilitation and employment of persons with disabilities, and regular monitoring of execution of defined conditions for performing the activity of the enterprise (Article 37 of the Law);
- Ensuring funds for subsidies of income of persons with disabilities and promotion of development, i.e. functioning of enterprises in line with the rules of the state assistance (Articles 40-41 of the Law);
- Inspection control over the implementation of activities entrusted by the Law, i.e. activities of implementation of the professional rehabilitation measures and activities and the activities of assessment of work capacity and possibility of employment or job retention (Article 46), excluding the surveillance of exercise of the rights arising from the labour relations, which belongs to the competencies of the Labour Inspectorate.

Work license has been obtained by 49 enterprises for professional rehabilitation and employment of persons with disabilities, which in line with Article 36 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities, employ at least 50% of persons with disabilities out of which 10% of the persons with disabilities are the persons employed under special conditions.

The total number of employed persons with disabilities in these enterprises is 1,437, which in comparison with the total number of employees which is 2,282 amounts to 62.97% (which is higher than the legal minimum – 50%).

Based on Article 40 of the Law, enterprises for professional rehabilitation and employment of persons with disabilities, the Budget Fund for professional rehabilitation and promotion of employment of persons with disabilities (hereinafter referred to as: Budget Fund), allocates monthly subsidies on behalf of participation in income of the employed persons with disabilities.

In 2013, 403,796,918.56 dinars were spent for this purpose, while in 2014 it was 414,695,464.83 dinars.

Also, the enterprises for professional rehabilitation and employment of persons with disabilities, in order to promote conditions of work related to professional rehabilitation and job retention of persons with disabilities, are provided with the funds for covering the costs of employment of experts for vocational training and professional rehabilitation of persons with disabilities (income) and costs of transport for experts and persons with disabilities, in line with the rules on state aid.

The funds in the amount of 80,250,909.11 dinars were allocated in 2013, and 80,102,443.24 dinars in 2014.

Based on Article 41 of the Law, enterprises for professional rehabilitation and employment of persons with disabilities are provided with the funds for improving the work conditions, promotion of production programmes, introduction of standards, improvement of quality of products and services provided, adjustment of job positions and other purposes.

Upon the public invitation in 2013, enterprises for professional rehabilitation and employment of persons with disabilities were provided with the funds in the total amount of 288,110,388.63 dinars for procurement of raw material and procurement of new equipment.

Upon the public invitation in 2014, enterprises for professional rehabilitation and employment of persons with disabilities were provided with the funds in the total amount of 225,877,338.94 dinars for procurement of raw material and procurement of new equipment.

Having in mind the unfavourable education structure of persons with disabilities and the fact that persons with disabilities after the implemented measures and activities of professional rehabilitation can significantly improve their work performance, the Law defines the development of training programmes based on the needs of the labour market which meet the basic criteria for achieving the planned results and acquisition of professional competences.

Up to August 2015, the Ministry issued 127 approvals for the implementation of 579 training programmes.

We point out that the Ministry of Labour, Employment, Veteran and Social Affairs, as well as the National Employment Service, continuously cooperate with associations of employers, representatives of trade union organisations, associations and organisations of persons with disabilities and enterprises for professional rehabilitation and employment of persons with disabilities, with the aim to inform wider social masses on the importance and justification of employment of persons with disabilities and elimination of obstacles which hinder the increase of employment rate of this category of job seekers.

### **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.

#### Response including the comments by ECSR

Law on Prevention of Discrimination against Persons with Disabilities in Article 13 defines discrimination related to provision of services and use of facilities and areas as a special type of discrimination. The Law prohibits discrimination based on disability regarding the availability of services and access to facilities in public use and public areas. A facility in public use shall, in terms of this law, shall mean: facilities in the field of education, health, social protection, culture, sport, tourism or facilities used for environmental protection, protection against natural disasters, etc. Public areas, in terms of this law, shall mean: parks, green areas, squares, streets, pedestrian crossings and other public roads, etc.

Article 16 of the Law defines that the owner of the facility in public use, as well as the public enterprise competent for maintaining public areas, are obliged to provide access to the facility in public use, i.e. public area to all persons with disabilities, irrespective to the type and level of their disability. The mentioned obligation shall apply to other persons to whom the right to use is entrusted, unless otherwise agreed with the owner, i.e. competent body. The Law also defines that the owner of the facility in public use shall be obliged to perform adaptation of the facility in order to meet the conditions for fulfilling this obligation. Body competent for issuance of the use permit for the facility in public use shall issue this permit if the mentioned condition is met.

Law on Prevention of Discrimination against Persons with Disabilities in Article 27 defines **discrimination related to transport as a special form of discrimination**. The law prohibits discrimination regarding disability in transport in all modes of transport. Discrimination in line with this law shall mean a refusal to take a passenger with disabilities; refusal of the crew of the means of transport to provide physical assistance to the passenger with disabilities if without such assistance the passenger with disability cannot use the transport service and if the provision of assistance does not jeopardise the traffic safety; identification of unfavourable conditions of transport for passengers with disabilities, in particular the payment conditions, except in the event when those conditions are justifiable by technical requirements or by necessary increase of costs of transport of passengers with disabilities.

Law on Prevention of Discrimination against Persons with Disabilities in Article 27 defines **measures for ensuring the participation in cultural, sport and religious life of persons with disabilities** defining that local self-government units are obliged to undertake measures for providing equal participation of persons with disabilities in cultural, sport and religious life of the community.

Law in Articles 39-45 also defines a special **procedure in a dispute relating to the protection against discrimination because of a disability** to which provisions of the Anti-Discrimination Law of 2009 shall apply, in particular in the part referring to regulations on provision of the burden of proof and the circle of persons who have the ability to initiate a procedure with a complaint.

Law on Prevention of Discrimination against Persons with Disabilities in Articles 46-52 defines **penalty provisions for failing to comply with the stated provisions of the Law.**

## **Consultation**

Organisations of persons with disabilities initiate activities for institutionalised cooperation in the civil sector, and consequently establish the network of organisations of persons with disabilities and the National Organisation of Persons with Disabilities as an umbrella organisation. This organisation contributes to a more concrete and focused cooperation of the civil sector with the state. Articulation of objectives is facilitated and all forms of cooperation and partnership of the Ministry, i.e. Sector and all organisations represented by the National Organisation are improved.

Generally speaking, the cooperation is achieved in two directions.

**First direction** is the cooperation in the field of normative activities, directed towards adoption of legal and strategic documents offering solutions which contribute to the inclusion of persons with disabilities, and monitoring the application of the laws and regulations, including those which are within the competences of the Ministry of Labour, Employment, Veteran and Social Affairs, since some of the stated solutions can have positive or negative influence on lives of the persons with disabilities. Partnership is primarily reflected in a direct participation of representatives of the organisations of persons with disabilities in all working groups established with the aim to create a new legal or strategic document.

In addition to the mentioned, the equally important segment of the partnership relation of the Ministry and the organisations of persons with disabilities is reflected in the equal participation of the representatives of the organisations in the bodies established by the Government of the Republic of Serbia, such as **the Council for Persons with Disabilities** consisted of both the representatives of line ministries, and representatives of the organisations of persons with disabilities. Establishment of the Council for Persons with Disabilities as an expert and counselling body of the Government of the Republic of Serbia is of great importance for the discussion of issues of social and economic position of persons with disabilities.

Also, following the international conventions and European recommendations, comparative legal analysis in developed countries represents an important segment of partnership between the Ministry and the organisations. This cooperation is also pointed out through the support provided to the candidacy of Mr Damjan Tatić, expert for rights of persons with disabilities, for a member of the UN Committee.

**Second direction of the cooperation** is the financial support of the Ministry of Labour, Employment, Veteran and Social Affairs to the organisations implementing programmes aimed to protection of rights of persons with disabilities. The support is directed towards the activities realised by the organisations in the entire territory of the country, in the field of prevention of discrimination, inclusion and promotion of services at local level implemented by the organisations as service providers, with the aim to support and achieve a higher level of inclusion of persons with disabilities in social and economic life of the community.

Through three levels of competition procedures, Ministry provides financial support for more than one hundred organisations of persons with disabilities. Priorities of the competition are prepared in the dialogue with the organisations of persons with disabilities, having in mind the guidelines for objectives and tasks formulated in the Strategy for Promotion of Position of Persons with Disabilities in the Republic of Serbia.

## **Forms of financial assistance to promotion of autonomy of persons with disabilities**

### **Financial assistance provided to associations of persons with disabilities:**

Through **three levels of competition procedures**, Ministry provides financial assistance for more than five hundred association implementing programmes of protection of persons with disabilities in the Republic of Serbia. Priorities of the competition are prepared in the dialogue with the associations of persons with disabilities, having in mind the guidelines given for the objectives and tasks defined in the Strategy of promotion of position of persons with disabilities in the Republic of Serbia.

The **first level** provides direct financial assistance to projects of the union of associations of persons with disabilities at the national or provincial level which realise activities directly or through the work of local associations in their system, with the aim to improve the position of persons with disabilities. In this manner financial assistance is provided to the programmes and services intended for the promotion of the position of persons with disabilities realised by 33 national and provincial Unions, gathering 526 local associations (22 Unions realised activities in 364 local organisations in the territory of Serbia, while 11 Unions realise activities in 162 local organisations in the territory of the AP of Vojvodina). In line with the stated end of each calendar year, a Public Invitation is made for application of proposal for Programme competition for promotion of position of persons with disabilities in the Republic of Serbia for financing or participating in financing of programme activities of the union of associations of persons with disabilities at the national or provincial level which realise activities directly or through the work of local association in their system, in order to promote the position of persons with disabilities. Financing is performed monthly.

The **second level** of financing is intended for all social humanitarian organisations registered in the territory of the Republic of Serbia and in the first half of the current year there is a Public Invitation for application of proposals for projects for promotion of position of persons with disabilities in the Republic of Serbia. For that year. The mentioned competition is primarily intended for the development of new and improvement of the quality of the existing services at the local level, and the associations most often realise the projects, which are approved for financing, in partnership with the institutions at the local level, which is one of the conditions of the competition, which primarily ensures sustainability of the project activities after the end of the period planned for financing from the Budget funds of the Ministry.

**Through the third level** of financing, at the beginning of each calendar year the Ministry makes a Standing Open Competition which aim is the funding of the projects with the objective to improve physical, information and communication availability of the environment to persons with disabilities, participation, i.e. inclusion of persons with disabilities in social life in various aspects in line with the needs and improvement of equality and achieving equality of persons with disabilities. With a project proposal the associations can apply during entire year, and the Committee established with a decision by the Minister shall be obliged to, at least once a month, discuss the received project proposals and make decision on projects to be supported for funding.

### **Financial assistance/rights granted to persons with disabilities by various legal regulations:**

#### **Field of social care:**

Law on Social Care (“Official Gazette of RS”, No 24/11) defines social care as organised social activity of public importance with the aim to provide assistance and strength for independent and productive life of an individual in the society and family, and to prevent occurrence of consequences and elimination of consequences of social exclusion.

Law defines the right to various types of material support with the aim to ensure existential minimum and support to social inclusion of beneficiaries.

**Material support** of users shall be achieved by the following:

- Financial social assistance,
- Benefits for assistance and care by other person,
- Increased benefits for assistance and care by other person,
- Support for vocational training,
- One-time financial assistance,
- Assistance in kind and other types of material assistance.

**Right to financial social assistance** shall be granted to an individual, i.e. family, who with their work, income from property, or other sources, achieves the income lower than the amount of the financial social assistance defined by the law.

Family, in terms of exercising the right to financial social assistance, shall mean a spouse and common-law partner, children and first line relatives irrespective to the level of consanguinity, and the relatives in the lateral line to the second degree of consanguinity provided that they live in the same household.

Right to financial social care can be also exercised by an individual capable of work, i.e. family member if he/she alone takes care of his/her child with disabilities and therefore cannot be employed.

Individual who is incapable of work, i.e. family in which all members are incapable of work and single-parent families shall have the right to the increased financial social assistance. Among other things, the law defines that the right to the increased financial social assistance can be exercised by:

- person fully incapacitated to work according to the regulations on labour and pension and disability insurance;
- pregnant women and parents of a child using maternity leave and absence from work for child care, according to the labour regulations;
- unemployed person looking after a family member who is a beneficiary of the right to assistance and care on any grounds;
- person determined with the third level of work capacity in line with the regulations defining employment of persons with disabilities;
- person for whom the procedure for determination of work capacity has been initiated or the procedure of deprivation of work capacity – until the end of the procedure.

In addition to the rights which according to certain conditions can be exercised both by persons with disabilities and persons without disabilities, persons with disabilities shall be granted also the following rights:

**Right to benefits for assistance and care by other person** can be exercised by a person who, due to a bodily or sensory impairment, intellectual difficulties or changes in health status, requires assistance and care by other person in performing basic life activities (Article 92, paragraph 1). Need for assistance and care by other person exists for the person referred to in paragraph 1 of this Article, who, due to a bodily impairment, visual impairment causing the loss of the sense for light with precise projection or the sight is achieved with the correction of 0.05, intellectual difficulties or changes in health status, requires assistance and care by other person in order to meet the basic life needs and who cannot get up from bed, move within the apartment without mobility aids, feed, undress, dress or maintain basic personal hygiene without the assistance of other person (Article 92, paragraph 5).

Right to benefits for assistance and care by other person shall be exercised in the process defined by the regulations on pension-disability insurance. Law defines that the amount of the monthly benefit for assistance and care by other person is seven thousand and six hundred dinars and that it is adjusted to the consumer price index twice a year (Article 93).

**Right to increased benefit for assistance and care by other person** can be exercised by a person who is determined, on the grounds of regulations on pension-disability insurance, with a bodily impairment of 100 per cent on one basis, or who has a permanent organ disorder of neurological or psychological type (Article 94). Right to the increased benefit can also be exercised by a person referred to in Article 92 paragraph 1 of the law, having several impairments, provided that the level of impairment is 70% or more per at least two basis.

Law also defines that one of the parents, who is unemployed and who, for 15 years has directly been looking after his/her child who is granted with the right to the increased benefit for assistance and care by other person, shall be entitled to special financial compensation in the form of life-long monthly income in the amount of the lowest pension in the insurance of employees, when coming to age which is considered the age requirement for retirement according to the regulations on pension and disability insurance, unless he/she is not entitled to retirement..

Monthly amount of the increased benefit is twenty thousand and five hundred dinars and it is adjusted to the consumer price index twice a year (Article 94).

Procedure for exercising the right to financial social assistance, right to benefit for assistance and care by other person and right to increased benefit for assistance and care by other person shall be initiated upon the request, and can be initiated also ex officio.

Right to financial social assistance, right to benefit for assistance and care by other person and right to increased benefit for assistance and care by other person shall be valid starting from the day of application, if all the requirements necessary for granting the right are met at that moment.

Right to financial social assistance, right to benefit for assistance and care by other person and right to increased benefit for assistance and care by other person shall be decided by the centre for social work established in the territory of the place of residence, i.e. abode of the applicant.

**Right to support for vocational training** covers the support in education and training for work and is granted to children and the young with disabilities and adult persons with disabilities who, according to psycho-physical abilities and age, can be trained for a certain job, and cannot exercise that right on other legal grounds.

Assessment of need for additional support in education is performed in line with the regulations defining the fundamentals of education system, and the assessment of possibilities of vocational training is defined by the regulations defining professional rehabilitation and employment of persons with disabilities.

Right to assistance in vocational training can be exercised in the form of costs for vocational training, costs of accommodation in pupils' dormitory, i.e. students' dormitory or boarding school, and in the form of compensation of travel costs.

Costs of vocational training are paid to the enterprise for professional rehabilitation and employment of persons with disabilities, i.e. other organisation where the person is trained, and the payment is performed based on the agreement concluded between the centre for social work and the enterprise, i.e. organisation upon the obtained opinion of the minister competent for social care. Accommodation in the pupils' dormitory, i.e. students' dormitory or boarding school is perfumed

based on the agreements concluded between the centre for social work and the relevant institution, upon the obtained opinion of the minister competent for social care.

Person referred to vocational training who requires transport from the place of residence to the place of vocational training shall have the right to the reimbursement of the costs of transport in the amount of the monthly costs of the lowest price of public transport.

## **Measures for overcoming obstacles**

The Law on Social Care (“Official Gazette of RS”, No 24/11) defines that the services of social care are activities of provision of assistance and support to individuals and families (hereinafter referred to as: beneficiary) with the aim to improve, i.e. preserve the life quality, eliminate or mitigate risks of unfavourable life circumstances, and create possibility for independent life in the society.

Article 40 of the Law defines the groups of social care services:

1) services of assessment and planning – assessment of state, needs, strengths and risks of the beneficiaries and other significant persons in their environment; assessment of guardians, foster parents and adoptive parents, creation of individual or family plan for provision of services and measures of legal protection and other assessments and plans;

2) daily services in the community – day care centre; assistance at home; drop-in centre and other services supporting the stay of beneficiaries in a family or immediate environment;

3) services of support for independent life – supported housing; personal assistance; training for independent life and other forms of support necessary for active participation of beneficiaries in the society;

4) counselling-therapeutic services – intensive support services to families in crises; counselling and support of parents, foster parents and adoptive parents; support to families taking care of their own children or adult family members with disabilities; maintenance of family relations and family reunion; counselling and support in case of violence; family therapies; meditation; SOS phones; activation and other counselling and education services and activities;

5) accommodation services – accommodation in kinship families, foster families or other families for adults and elderly; residential accommodation; shelter accommodation and other forms of accommodation.

Law for the first time in Serbia defines **the services of support for independent life: Supported housing, personalised assistance, trainings for independent life**. This represents a significant step in the development of services of support which should ensure full social inclusion and independence of persons with disabilities. Supported housing will be funded from the state budget, while local self-government units will fund the services of personalised assistance.

Law with Article 41 defines **beneficiaries of rights to and services of social care**. When it comes to the minors, a special accent is placed on children and the young with disabilities – bodily, intellectual, mental, sensory, verbal- speech, socioemotional, multiplied – whose needs for care exceed abilities of the family. Among the adults among others the accent is placed on persons whose welfare, safety and productive life in the society are endangered due to their disability, especially if they have bodily, sensory, intellectual, and mental or difficulties in communication, and due to social or other obstacles they are faced with functional limits in one or more life areas. This legal definition relies on the bio-psychological model of disability.

**Services of social care** are organised as services for children, young and family and services for adult and elderly beneficiaries, with respect of integrity, relationship stability and environment

of the beneficiaries and the family. Services of social care are provided temporarily, occasionally and continuously, in accordance with the needs and best interests of the beneficiaries.

**Daily services in the community** cover the activities supporting the stay of the beneficiaries in the family and immediate environment (Article 44). Daily services in the community are provided by the local self-government units.

**Services of support to independent life** are provided to individuals with the aim to make their abilities to meet their basic life needs equal to the abilities of other members of the society, in order to improve the life quality and make them lead independent and good quality life in the society (paragraph 1, Article 45 of the Law).

Law also defines the conditions for **residential accommodation of beneficiaries**, including the **accommodation in small residential units**.

**Procedure for using the services of social care** in terms of this law is conducted by the centre for social work, ex officio or upon the request of the beneficiary. The initiative for launching the procedure can be submitted by any natural person or legal entity. The territorial competence of the centre for social work is defined according to the place of residence of the beneficiary. Exceptionally, the procedure for using services of social care can also be conducted by the centre for social work in which territory of a beneficiary's abode.

Centre for social work refers a beneficiary for the purpose of using the services provided by the Republic of Serbia, autonomous province, i.e. local self-government unit through public procurement, to the authorised service provider with which the agreement on service provision is concluded. If the authorised service provider refuses to provide services defined in the referral, it shall be obliged to immediately inform the centre for social work and the beneficiary on that, in writing, and to state the reasons for it.

Beneficiary, i.e. legal representative of the beneficiary can directly select a service of social care and the institution, i.e. service provider and conclude the agreement on service use with the selected institution for social care, i.e. selected provider of social care service. The beneficiary, i.e. legal representative of the beneficiary cannot directly address the service provider and agree the use of the following services:

- 1) services of residential accommodation for a child;
- 2) services of residential accommodation for adults deprived of work capacity;
- 3) services of residential accommodation in the institution for education of children and the youth;
- 4) services of family accommodation, unless those defined by law.

Complaints against the decision on the service of social care provided by local self-government units shall be submitted to that self-government. In the event when the service is provided by autonomous province, the complaint against the decision on the service of social care shall be submitted to the province, and in the event when the service is provided by the Republic of Serbia, the complaint shall be submitted to the ministry competent for social policy issues.

Services of **accommodation in small residential units** are available to:

1) children and the young with III and IV level of support, not longer than until the completion of secondary education;

2) children and the young with I and II level of support.

Service of **break accommodation** is provided for no longer than 45 days a calendar year, and it can last no longer than 20 consecutive days, to children and the young with disabilities, aged between five and 26 years, as follows:

- 1) with intellectual difficulties and autism;
- 2) with multiple disabilities;
- 3) with sensory disabilities;
- 4) with physical disabilities.

Purpose of the break accommodation is a short-term and temporary accommodation of children with disabilities, provided as a daily, weekend or accommodation of several days, which provides support both to children and children's families, in maintaining and improving the quality of their lives with the aim to keep the child within the family.

Break accommodation provides short-term and temporary care to children and the young with disabilities, improves and develops skills for independent life, create opportunities for the inclusion in the community, as well as development, maintenance and improvement of family strengths.

Activities of support and assistance are directed towards meeting the basic needs and ensuring a safe and comfortable environment for the beneficiary, and they are defined in line with the assessment of the needs of the beneficiary.

Activities directed towards development and maintenance of the potentials of the beneficiary, as well as preparation for sustainable independent life, are realised in line with the purpose of the accommodation, characteristics of the beneficiary group, capacities of the beneficiary, individual plan and in line with the assessment of the needs of the beneficiary covering individual and group approaches.

Activities directed towards the support in education and employment, in line with the capacities and assessment of the needs of the beneficiary, cover the following:

- 1) assistance in starting and continuing education;
- 2) assistance in seeking opportunities for employment within the community;
- 3) encouragement and support in first days of new employment.

**A Rulebook** has been adopted defining closely mutual minimal structural standards for residential, accommodation services in small residential communities, break accommodation and shelters for: Accommodation of beneficiaries, food serving, hygiene maintenance, basic staff, space for daily care, celebration of birthdays and holidays, availability of services 24 hours a days every day in a year. The Rulebook closely defines special minimal structural standards for residential and break accommodation, services of residential accommodation for children and the young and the minimal number of expert workers, expert associates and associates directly hired for the work with children and the young in residential accommodation.

Services of **daily care** are available, inter alia, to children and the young with bodily disabilities, i.e. intellectual difficulties, who have the need for daily care and surveillance, and support in maintaining and developing potentials, in the manner which does not interfere with their education; adults with bodily disabilities, i.e. intellectual difficulties, who have the need for daily care and surveillance, and support in maintaining and developing potentials.

Purpose of the services of daily care is in promotion of quality life of the beneficiaries in their own social environment through the maintenance and development of social, psychological and physical functions and skills, so that they could be trained for independent life.

Through the service of daily care the beneficiaries in the organised environment, and with a special surveillance, meet the developmental needs, acquire and develop life skills, personal and social responsibility, for the purpose of developing independent, social, cognitive and other important functions. Activities of daily care services are directed towards the development and

maintenance of potentials of the beneficiaries, i.e. preparation of the beneficiaries for a sustainable independent life. Activities of daily care services are realised in line with the purpose of the service, characteristics of the group, capacities of the beneficiaries, individual plan and in line with the assessment of the needs of the beneficiary.

Services of **assistance at home** are available to children, adults, and elderly people who have limited physical and psychological abilities because of which they are no able to live independently in their houses without a regular assistance in the activities of daily life, care and surveillance, and when the family assistance is not sufficient or not available.

Realisation of the activities of services of assistance at home ensures a proper care and assistance which, in line with the assessed needs of the beneficiary, can cover the following:

- 1) assistance in ensuring food, which optionally includes: grocery shopping, provision of ready meals, preparation of easy meals, preparation of refreshing drinks, assistance in feeding;
- 2) assistance in maintaining personal hygiene and hygiene of home, optionally including: assistance in dressing and undressing, performing physiological needs, face washing, showering, hair washing, hair combing, shaving, nails cutting, washing and maintaining of sheets, clothes, footwear, maintaining cleanliness of the rooms, dishes and appliances in the household;
- 3) assistance in heating the rooms, optionally including: making fire, cleaning of furnaces, assistance in procuring fuels;
- 4) assistance in meeting social, cultural, entertainment and other needs, including: assistance in mobility inside and outside of the house, buying newspapers and books, initiation of social contacts and inclusion of beneficiaries in appropriate cultural activities in local self-government units, taking care of paying the electricity bills, phone bills, utilities, etc.;
- 5) mediation on providing various types of services, optionally including: mediation in fixing of water supply, electrical and other installations, carpentry, household devices, painting of walls and other services;
- 6) procurement and surveillance of medicines intake and application of advice proscribed by qualified medical experts and taking the beneficiary to medical examinations;
- 7) treatment and care of minor injuries;
- 8) control of vital functions (blood pressure, body temperature, level of blood sugar, intake and discharge of fluids, etc.);
- 9) programme activities of personal companion of a child, in line with the provision of this rulebook.

Activities covered by the services of assistance at home are realised by caretakers-housemaker, with completed training according to the accredited programme for service provision at home. Caretakers in direct work with the beneficiary realises activities, according to the type and duration in line with the individual service plan.

**Personal companion service** is available to a child with disabilities i.e. difficulties, who requires support for meeting the basic needs in everyday life in the field of mobility, maintaining personal hygiene, feeding, dressing and communicating with others, provided that he/she is included in educational institution, i.e. school, until the end of regular schooling, including the completion of secondary school. Purpose of hiring personal companion is to provide the child with adequate individual practical support with the aim to include him/her in regular schooling, and activities of the community, for achieving the highest level of independence.

Activities of the personal companion of a child, are planned and realised in line with the individual needs of the child in the field of mobility, maintaining personal hygiene, feeding, dressing and communicating with others, which includes the following:

1) home assistance in dressing, maintaining personal hygiene (washing, combing, tooth brushing), feeding, (preparation and serving easy meals, feeding or assistance in using cutlery), preparation of books and equipment for kindergarten, i.e. school;

2) assistance in community, including the following:

(1) assistance in using public transport (entry and exit means of public transport, buying a ticket, etc.),

(2) mobility assistance (orientation in space if the child's eyesight is impaired, pushing wheelchairs or use of other aids, etc.),

(3) going to a playground i.e. place for spending leisure time (support in games, support and mediation in communication, etc.), including cultural or sport activities and other services of support.

Service provider, i.e. realiser of programme activities, has at least one professional worker. Direct service of personal companion shall be provided by the associate – personal child companion. Professional worker and associate – personal companion have completed the training according to the accredited programme for provision of personal companion services.

Service of **supported housing** is permanently available to persons with physical disability, intellectual or mental difficulties, aged 15 or more. The purpose of the service of supported housing for persons with physical disability, intellectual or mental difficulties, is the assistance and support in acquiring the highest possible level of independence which provides them a better quality life in the community.

Activities directed towards development and maintenance of potentials of the beneficiary, i.e. preparation of the beneficiary for sustainable independent life, are realised in line with the purpose of the service, characteristics of the beneficiary group, capacities of the beneficiary, individual plan, and in line with the assessment of the needs of the beneficiaries, they can include the following:

1) support in establishing and maintaining positive relations with persons in the environment;

2) organisation of labour – occupational and education activities encouraging new knowledge and skills;

3) mastering practical skills, which are used in everyday life, in particular those skills referring to the preparation of food, maintenance of personal hygiene and home hygiene, household management, knowledge and use of community resources;

4) support in development of independence in decision-making and responsibility taking;

5) assistance in home maintaining and taking care of personal things;

6) organisation of free time in line with the needs and interests of the beneficiary;

7) organisation of entertainments in line with the interests, desires and abilities of the beneficiary;

8) development of skills for problem recognising and solving;

9) development of social and communication skills;

10) development of skills for self-protection.

**The Rulebook** defines special minimal functional and structural standards for the service of supported housing.

Services of **personal assistance** are available to adult persons with disabilities with estimated I or II level of support, who are entitled to increased benefit for other person's care and support, are capable of independent decision making, working or actively involved in the work of various forms of social engagement, i.e. are involved in regular or individual education programme.

The purpose of the service of personal assistance is provision of adequate individual practical support which is necessary to the beneficiary for meeting personal needs and inclusion in education, labour and social activities in the community, with the aim to establish the highest possible level of independence.

Service of personal assistance is realised through the activities which, in line with the purpose of the service, and depending on the identified needs of the beneficiary, provides practical assistance and support. The services are directed towards maintenance and improvement of the life quality of the beneficiary, depending on the identified needs and capacities for independent performance of certain activities, as well as the capacity of the family of the beneficiary and available resources, and optionally include the following:

- 1) assistance in maintaining personal hygiene and meeting the basic personal needs (assistance in dressing and undressing, performing physiological needs, bathing, hair washing, etc.);
- 2) assistance in maintaining the house hygiene, performance of everyday activities and meeting the basic life needs; (provision of food, grocery shopping, preparation of meals, feeding, maintenance of cleanliness in the rooms, etc.);
- 3) raising, moving (transfer) and assistance in mobility inside and outside of the beneficiary's house, work place, and places where social and education activities take place, assistance in using means of transport;
- 4) assistance in using therapeutic and health care services and in using and maintaining aids;
- 5) assistance in communication, social contacts and meeting social, cultural, entertainment and other needs;
- 6) assistance in performing various labour, education and social activities.

Based on the identified needs and the assessment of the available resources, the service provider and the beneficiary shall determine the scope and type of the engagement of the personal assistant.

Service provider shall make a list of potential personal assistants, drawn up on the basis of the defined criteria and procedures for recruitment, selection and basic training of personal assistants. Service provider shall conclude the agreement on service provision, with the beneficiary and the personal assistant. The agreement shall define the mutual rights, obligations and responsibilities, and when necessary, the role of a family member or other person of importance for the beneficiary for service provision.

Service provider has at least one expert worker. Direct role of personal assistance shall be provided by the associate – personal assistant. Personal assistant completed the basic training according to the accredited training programme for the use of personal assistance service.

One personal assistant in line with the rule shall provide the service to one beneficiary. Personal assistant cannot be a member of the family household where the beneficiary lives, a relative of the first line, nor brother or sister, i.e. half-brother and half-sister of the beneficiary.

Personal assistant is recruited for the work with one beneficiary, minimum 20 and maximum 40 hours a week, according to the assessed needs and capacities of the beneficiary, and in line with the provisions on working time referred to in the law stipulating labour relations.

Service provider, beneficiary and personal assistant can agree on a redistribution of the working time of the personal assistant, according to the individual needs of the beneficiary, and in line with the law stipulating labour relations.

Beneficiary and recruited personal assistant make the individual weekly and monthly work plan. Depending on the assessed capacities of the beneficiary and the family, the individual service plan defines the available activities. The creation of the weekly and monthly work plan can be participated by a parent or other person important to the beneficiary.

## **Communication**

The Law on the Usage of Sign Language was adopted in May, 2015. The subject of this Law is usage of the sign language in the widest possible sense – i.e. the right to learning the sign language and the right to using the services of the sign language interpreters, method of using the services of the sign language interpreters, measures to supporting implementation and promotion of using the sign language through informing and obtaining education in the sign language and other issues of importance for using the sign language.

Moreover, this Law also includes deaf persons who due to informational, communicative and other boundaries are limited to partake in social life with full and equal share, with the ensuing definition of the sign language as a natural mode of communication of deaf people with its linguistic properties, including grammatical functions, phonology, morphology and syntax. A sign language interpreter shall be a person who has obtained qualifications, in accordance with the law, for performing sign language interpreting activities, i.e. professional competencies for translating a spoken language into the sign language and vice versa.

The right to using the sign language, in accordance with this Law, includes the right of deaf people, but also all other people, to learning the sign language and the right to using the services of a sign language interpreter. Additionally, the Law stipulates that no one can ban the right to using the sign language to any person, or the right of a deaf child to learn and use the sign language, or that in line with this Law, his/her parents, guardians, or any other person, can ban the right to learning or using the sign language.

The Law on Use of Sign Language specifically governs the issue that learning the sign language, which is enjoyed in the procedure of an organised studying process, in accordance with the educational system, based on special programmes adjusted to the needs and possibilities of deaf persons, which are organised and conducted by an educational institution or another organisation with the official status of publicly authorised organiser of adult education activities, according to the law. A consequence of such a regulation is the opportunity for including the sign language interpreters' occupation in the occupational nomenclature, which also entails court interpreters, various languages interpreters, translators and other linguists.

Draft Law on Use of Sign Language also defines the right of a deaf person to using the services of a sign language interpreter who is unable to exercise the given right on the account of another form of non-verbal communication, a legally grounded interest he/she enjoys, or an obligation being part of every procedure held before a state authority, an authority of territorial province or local self-government unit, or before another body, organisation or legal entity entrusted with public authorisation to decide on the exercise of another person's rights and obligations, i.e. legally grounded interest of deaf persons.

This Draft Law additionally governs the right of a deaf person partaking in the political life to enjoy the right of using the sign language, i.e. using the services of a sign language interpreter throughout meetings and public authorities' sessions, with a special emphasis on the possibility of performing educational work in educational institutions as well as studying at higher education institutions, which, according to the already mentioned stipulations, can be conducted in the sign language for deaf persons, according to their needs, capabilities and possibilities, in accordance with the regulations concerning the field of education.

For the purpose of exercising full and equal right to work, this Law also regulates the use of sign language interpreters' services with employers, in the manner that a deaf person unable to exercise the right based on another form of non-verbal communication, a legally grounded interest or obligation, he/she enjoys the right to use services of a sign language interpreter in the processes of employment with the employer.

This Law also regulates the method of using the services of a sign language interpreter via associations of disabled persons, alliance of associations concerned with protecting deaf persons'

interests, by the public service and employers and it is defined that a deaf person can use the services of a sign language interpreter based on the previously submitted request to the association of disabled persons in the territory of the local self-government unit where the respective person permanently resides or where he/she enjoys the exercise of the given right, legally grounded interest or where they fulfill their obligations.

Otherwise, out of the total number of local self-government units, with full support and participation of the Ministry of Labour, Employment, Veteran and Social Affairs, associations of deaf people already have organisational services of the sign language interpreters in approximately 50 local self-government units. Having regarded that in larger cities, especially in the City of Belgrade there are many local self-government units, and if these are taken individually, it means that the services in question have already been provided, via associations of deaf people, in 81 municipalities. By passing this Law, a chance for creating the service of sign language interpreters is provided in all local self-government units in accordance with the requirements, and conversely, the right of deaf persons, as well as interpreters themselves to have the full right to stay by the side of a deaf person, when needed in the occasions when the deaf person in question is unable to fully comprehend and exercise his/her right or obligation.

This Law particularly regulates incentive measures for implementing and improving the use of the sign language by ensuring conditions for providing services of sign language interpreters in the required scale, ensuring resources for services of sign language interpreters, incentive measures for implementing the sign language on e-media and via telecommunications services as well as measures for improving the use of the sign language.

## **Mobility and transport**

**In the legal system of the Republic of Serbia, disabled persons are provided with the privileges within the domestic passenger transport.**

### **Privileges relate to the following persons:**

- blind persons;
- persons suffering from dystrophy and associated muscular and neuromuscular diseases;
- persons suffering from plegia;
- persons suffering from cerebral palsy, poliomyelitis and multiple sclerosis;
- as well as companions of the persons in question.

These persons are entitled to privileges in the domestic passenger transport provided that they are residents in the Republic of Serbia.

A blind person or the one suffering from dystrophy and associated muscular and neuromuscular diseases, plegia, cerebral palsy, polio and multiple sclerosis are entitled to have six privileged travels in the domestic passenger transport in a single calendar year, in the following amounts:

- 75% from the regular price for travelling by railway, road and naval, i.e. river traffic;
- 50% from the regular price for travelling by air traffic.

What is considered by a single travel in the domestic passenger transport is departure to a destination (departure) and return from the place of destination to the place of original departure (arrival).

A companion is entitled to travel free of charge by railway, road and naval, i.e. river traffic and also to have the privilege in the amount of 50% from the regular price in air traffic, in cases

when he/she is accompanying a disabled person, travelling to meet the respective person or is returning after accompanying the person in question.

A disabled person and his/her companion are entitled to travelling privileges in any compartment or class in the train (business, express, high-speed and passenger), i.e. on the ship, as well as for economy class on a plane.

**A disabled person exercises the right to privileges** based on the card proving the respective right. The card is issued by:

- Association of Blind and Visually Impaired People of Serbia,
- Association of persons suffering from dystrophy and associated muscular and neuromuscular diseases of Serbia,
- Association of Paraplegics and Quadriplegics of Serbia,
- Association of Cerebral Palsy and Polio of Serbia,
- Multiple Sclerosis Society of Serbia.

As for the privileges upon parking and car stopping, disabled persons enjoy their rights on the basis of autonomous regulations of local authorities.

For this reason, interested parties are asked to address the municipality where they reside, but also authorities competent for the matters of traffic should be informed on the possibilities for privileged treatment when it comes to parking or car stopping in the territory where respective persons travel by their own means of transport.

In large and urban environment, there are visibly marked parking lots intended for disabled persons.

This field is regulated by the Law on Privileges in Domestic Passenger Transport of Persons with Disabilities ("Off. Gazette of the RS", No 22/93, 25/93 and 101/05).

Rulebook on the manner of exercising the rights of persons with disabilities to privileges in domestic passenger transport ("Off. Gazette of the RS", No 31/93, 05/94 and 38/94)

**In order to exercise the rights to privileges in domestic passenger transport, it is required that all the interested parties address the aforementioned associations.**

## **Accommodation**

The Law on Social Housing ("Off. Gazette of the RS", No 72/2009) envisaged that the resources for social housing shall be provided from the budget of the Republic of Serbia, donations, domestic and foreign loans and from other sources in accordance with the law.

These funds shall be used for verifying long-term loans to non-profit housing organisations for the purpose of ensuring apartments for social housing.

The right to resolving housing needs shall be exercised by the persons without their own residential unit, or by persons without an adequate housing, in accordance with this Law, who based on their income, are unable to provide an apartment according to the market requirements.

Principal criteria for obtaining an apartment are the following: residential status, income amount, health condition, disability, number of household members. Upon determining the priority right based on the given criteria, preeminence shall be given to persons belonging to specially vulnerable social groups.

## **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

### **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 employment 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.

### **RESPONSE:**

#### **Legal framework**

What applies to employment procedures of foreigners in the Republic of Serbia are the following regulations:

- **Law on Employment and Unemployment Insurance** ("Official Gazette of the RS", No 36/09, 88/10 and 38/15);
- **Law on Employment of Foreign Nationals** ("Official Gazette of the RS", No 128/14);
- **Rulebook on Employment Permits** ("Official Gazette of the RS", No 136/14).

Entrance, movement and stay of foreigners in the Republic of Serbia are regulated by the **Law on Foreigners** ("Official Gazette of the RS", No 97/08), which is in the competence of the Ministry of Interior.

When it comes to legislative activities during the reporting period, the activity of utmost importance is entry into force of the **Law on Employment of Foreign Nationals**, on December 4, 2014, which differently regulates the matter of employing foreigners in comparison to the previously applicable Law on Conditions for Employment of Foreign Citizens ("Official Gazette of the SFRY", No 11/78 and 64/89, "Official Gazette of the FRY", No 42/92, 24/94 and 28/96 and "Official Gazette of the RS", No 101/05 – state law). Positive effects of the new Law on Employment of Foreign Nationals are reflected in the following: more thorough regulation of the matter pertaining to employment of foreigners in accordance with the modern trends regarding movement of workers and exercise of the right to work, as well as harmonisation with other positive regulations; defining the possibilities for employing foreigners, i.e. signing other contracts by which they exercise the right on the account of work, a под прецизно уређеним ys well as self-employment of foreigners under specifically defined conditions and within precisely agreed

periods; prescribing exemptions from law enforcement, i.e. cases when conditions for employment of foreigners do not apply; providing the exercise of right to family reunions in particular occasions, exercise of right pertaining to unemployment and other specific rights, in accordance with the law; possibility of defining quota, i.e. limitations in the number of foreigners who enjoy their right to work in line with the condition and labour market trends in the Republic; precise regulation of procedures concerning issuance of employment permits which contributes to acceleration and simplification of procedures; realising the total number and movement of foreigners exercising their right to work in the Republic, keeping records pertaining to issued employment permits, specific and worthwhile surveillance over the exercise of the right of foreigners to work, prescribing adequate sanctions for persons enabling illegal work and stay of foreigners, as well as other issues of importance for employing foreigners. The following ILO conventions were taken into consideration upon developing this Law: Convention No 97 on migration for the purpose of employment and Convention No 143 on migration in the events of misuse and promotion of equal opportunities and treatment of migrant workers; but also relative EU directives, as well as requirements of the World Trade Organisation.

A foreigner being employed in the Republic of Serbia in line with this Law, is entitled to equal rights and obligations in terms of labour, employment and self-employment the same as a resident citizen, provided that all the conditions are met in accordance with the law. Employment of foreigners is realised under the condition that they have obtained a permit for temporary residence or permanent residence in accordance with the law as well as the employment permit. The National Employment Service decides on the procedure of issuing, extending, annulling or terminating the duration of the employment permit, which also keeps records on employment permits and foreigners exercising their right to work in line with the Law.

The Law differentiates between two employment permits: personal employment permit and employment permit. Personal employment permit is a type of work permit providing a foreigner with an opportunity to enjoy the right to free employment, self-employment and exercise the rights on the account of unemployment in the Republic. The permit is issued on the request of the foreigner provided that he/she has a certification for permanent residence, a refugee status, i.e. if they belong to a special category of foreign persons (asylum seeker, a person with certified temporary protection, a human trafficking victim, a person with certified subsidiary protection). Additionally, personal employment permit is issued for the purpose of family reunion and on the personal request of an immediate family member of a foreign person with the permanent residence certification and/or refugee status and the temporary residence certification, as well as to foreigners who are members of the immediate family of a citizen of the Republic of Serbia and foreigners of Serbian origin. Employment permit is a type of work permit which may be issued as: permit for the establishment of employment, employment permit for special cases of employment (referred persons, moving of an employee within a business company and independent professionals) and permit for self-employment.

**Rulebook on Employment Permits** entered into force on December 20, 2014, which regulates in more details the method of issuing permits and/or extending the employment permit, method of proving the completion of conditions and required evidence for issuing, and/or extending the employment permit and the form and content of the permit in question.

Moreover, **the Law on Amendments to the Law on Employment and Unemployment Insurance** became effective on May 7, 2015 ("Official Gazette of the RS", No 38/15, hereinafter: the Law). Principal reason for proposing the amendments to the Law is further regulation of certain issues for the purpose of a more efficient enforcement of the provisions in practice. The Law prescribes that a foreign citizen or a stateless person may be recorded as an unemployed person at the National Employment Service provided that he/she has a permanent or temporary residence certification. In this case, the foreign citizen is entitled to be informed at the NES on the employment opportunities and conditions, participate in measures of active employment policy, exercise the rights in the case of unemployment, in accordance with the law, as well as the right to

employment mediation. Keeping records on the unemployed foreigner ceases if his/her permanent or temporary residence certification is no longer valid. An unemployed foreign citizen, with a record at the National Employment Service, enjoys the same position as the citizens of the Republic of Serbia, i.e. he/she has the same rights and obligations.

### **Measures taken to implement the law**

The National Employment Service conducts a procedure for issuing employment permits. From the day when the Law on Employment of Foreign Nationals entered into force, i.e. December 4, 2014, the total of 2,784 employment permits have been issued to foreign citizens in the branch offices of the National Employment Service. Out of this number, **304 personal employment permits** (62 on the request of foreigners with a permanent residence certification, 1 on the request of a foreigner with a refugee status, 5 on the request of foreigners with Serbian origin, 1 on the request of an immediate family member of a foreigner and 235 on the request of an immediate family member of a foreigner who is a citizen of the Republic) and **2,480 employment permits** (1,242 for employment, 133 for referred persons, 216 for moving within a business company, 1 for an independent professional and 888 for self-employment) were issued. According to the data of the National Employment Service, ever since the entry into force of the new Law on Employment of Foreign Nationals, largest number of employment permits has been issued to the citizens of China, Russian Federation, Croatia, Turkey, FYR of Macedonia, Bosnia and Herzegovina and Italy.

Moreover, there were 787 unemployed foreign citizens (634 women) recorded in the National Employment Service on June 30, 2015.

Overview of issued employment permits to foreigners with certified permanent and temporary residence in the Republic of Serbia in 2014 is given in the following tables, ordered by citizenship.

**Table 49 – Number of issued employment permits to foreigners with permanent residence, ordered by citizenship in the period from January 1 – December 4, 2014**

Citizenship	Total	Women
BELARUS	2	2
BOSNIA AND HERZEGOVINA	1	0
BRAZIL	1	1
BULGARIA	3	2
GREECE	4	1
GEORGIA	2	1
HOLLAND	2	1
CROATIA	2	2
JAPAN	1	1
SOUTH AFRICA	1	1
CANADA	1	0
CHINA	1	1
KYRGYZSTAN	1	1
FYR MACEDONIA	9	8
MALAWI	1	1

MOLDOVA	1	1
GERMANY	3	2
RUSSIAN FEDERATION	10	9
SENEGAL	1	1
SYRIAN ARAB	1	1
SLOVENIA	2	0
UKRAINE	7	7
UK	3	1
ZAMBIA	1	1
TOTAL	61	46

Source: National Employment Service

**Table 50 - Number of issued employment permits to foreigners with temporary residence, ordered by citizenship in the period from 1 January 1 – December 4, 2014**

Citizenship	Total	Women
ALBANIA	10	2
ALGERIA	2	0
AUSTRALIA	4	1
AUSTRIA	32	10
AZERBAIJAN	50	3
BELGIUM	3	1
BELARUS	20	13
BOSNIA AND HERZEGOVINA	166	44
BOZWANA	1	1
BRAZIL	9	3
BULGARIA	58	12
MONTENEGRO	118	31
CZECH REPUBLIC	15	5
CHILE	2	1
DENMARK	11	3
DOMINICAN REPUBLIC	1	1
EGYPT	1	0
EL SALVADOR	1	1
ESTONIA	5	0
PHILIPPINES	10	4
FINLAND	1	0
FRANCE	56	12
GREECE	302	17
GEORGIA	3	1

HOLLAND	18	4
CROATIA	149	58
INDIA	9	0
INDONESIA	4	2
IRAQ	3	0
IRAN	4	2
IRELAND	6	1
ITALY	117	13
ISRAEL	11	3
ICELAND	1	0
JAMAICA	3	3
JAPAN	9	2
JORDAN	5	0
SOUTH AFRICA	2	0
CANADA	9	4
KAZAKHSTAN	5	3
CHINA	220	31
CYPRUS	17	0
KYRGYZSTAN	1	1
COLUMBIA	2	0
CONGO	2	0
KOREA	27	4
CUBA	6	4
LATVIA	3	1
LEBANON	2	0
LYBIAN ARAB	4	0
LITHUANIA	6	2
HUNGARY	41	15
FYR MACEDONIA	228	72
MALAWI	1	0
MOROCCO	1	1
MAURITIUS	1	0
MEXICO	9	2
MOLDOVA	11	7
GERMANY	81	22
NIGERIA	1	0
NORWAY	6	3
PAKISTAN	4	0
POLAND	19	10

PORUGAL	8	2
ROMANIA	84	33
RUSSIAN FEDERATION	370	126
USA	26	9
SYRIAN ARAB	13	0
SLOVAKIA	9	3
SLOVENIA	78	18
SPAIN	32	6
SWITZERLAND	17	4
SWEDEN	7	0
TAJIKISTAN	1	1
THAILAND	21	17
TUNISIA	10	4
TURKEY	142	3
UKRAINE	75	36
UZBEKISTAN	2	1
UK	64	16
VENEZUELA	1	0
ARMENIA	1	0
ZIMBABWE	2	2
<b>TOTAL</b>	<b>2892</b>	<b>717</b>

Response to ECSR's question from 2012.

## RESPONSE:

According to the Law on Employment of Foreign Nationals (hereinafter: the Law), employment of foreigners is realised under the condition that he/she has obtained a certification for temporary or permanent residence, in accordance with regulations governing stay of foreigners in the Republic of Serbia, as well as the employment permit issued in line with the Law. Employment permit may be issued as personal or as plane employment permit, provided that the requirements prescribed by the Law have been met.

Personal employment permit is a type of the employment permit enabling a foreign person to engage in free employment, self-employment and exercise of rights based on the unemployed status in the Republic. It is being issued on the request of a foreign person if he/she has a certified permanent residence, refugee status and/or if he/she belongs to a specific category of foreign persons (asylum seeker, a person with certified temporary protection, a human trafficking victim, a person with certified subsidiary protection). Additionally, personal employment permit is issued for the purpose of family reunion and on the personal request of an immediate family member of a foreign person with the permanent residence certification and/or refugee status and the temporary residence certification, as well as to foreigners who are members of the immediate family of a citizen of the Republic of Serbia and foreigners of Serbian origin.

Employment permit is a type of work permit which may be issued as: permit for the establishment of employment, employment permit for special cases of employment (referred

persons, moving of an employee within a business company and independent professionals) and permit for self-employment.

Moreover, the Law prescribes a possibility of introducing a quota system, i.e. a possibility that the Government can limit, by its decision, the number of foreign persons who can be issued with an employment permit. By its decision, the Government can limit the number of foreign persons who can be issued with an employment permit. We are hereby emphasising that the possibility of introducing the quota system is only possible upon disturbances on the labour market, in line with the migration policy, overall labour market situation and trends. Quota is decided on the proposal of the ministry competent for employment activities with the previously obtained opinion from the socio-economic council established for the territory of the Republic and organisations competent for employment activities. Quota does not apply on foreigners, i.e. employers hiring a foreigner who alongside submits a request for obtaining the personal employment permit (except for personal employment permit which is issued on the request of a specific category of foreign persons) and/or employment permit for moving within a business company.

Ever since the beginning of effectiveness of the Law, the ministry, as a second instance authority competent for deciding on appeals to the decisions of the National Employment Service in the procedure of issuing employment permits, received an appeal on the account of rejecting the request for issuing employment permit to a foreign person.

#### **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.

#### **RESPONSE:**

In accordance with Article 25 of the Law, organisation competent for employment activities performing such activities as entrusted, in accordance with the law governing the general administrative procedure, makes decisions in the procedures of issuing, extending, annulling or terminating the validity of an employment permit, except when special issues are not otherwise regulated by this Law or the law governing the stay of foreign persons. Appealing against the decision of the organisation competent for employment activities is possible. Final decision on the appeal shall be passed by the minister competent for employment activities.

Moreover, in line with Article 15 of the Law, an employer on whose request an employment permit was issued, shall cover the costs of issuing the employment permit which cannot be transferred on the foreign person.

According to the Law on Republic Administrative Fees ("Official gazette of the RS", No 43/2003, 51/2003 - corrig., 61/2005, 101/2005 – state law, 5/2009, 54/2009, 50/2011, 70/2011 – aligned RSD amounts, 55/2012 - aligned RSD amounts, 93/2012, 47/2013 - aligned RSD amounts, 65/2013 – state law, 57/2014 - aligned RSD amounts and 45/2015 - aligned RSD amounts), fee for obtaining the decision (employment permit) on employment of foreign citizens in the Republic of Serbia shall be paid in the amount of 12,760 RSD (tariff No 205.).

Response to the question of the ECSR from 2012.

## **RESPONSE:**

Employment of foreign persons is realised under the condition that they have obtained certification for permanent or temporary residence in accordance with the law, as well as the employment permit, issued in accordance with this Law. Temporary or permanent residential permit is within the competence of the Ministry of Interior. The National Employment Service decides in the procedures of issuing, extending, annulling or terminating employment permits, which alongside keeps records on the employment permits issued to foreign persons who exercise their rights in line with the Law.

The Law differentiates between two employment permits: personal employment permit and employment permit. Personal employment permit is a type of work permit providing a foreigner with an opportunity to enjoy the right to free employment, self-employment and exercise the rights on the account of unemployment in the Republic. The permit is issued on the request of the foreigner provided that he/she has a certification for permanent residence, a refugee status, i.e. if they belong to a special category of foreign persons.

Employment permit is a type of work permit which may be issued as: permit for the establishment of employment, employment permit for special cases of employment (referred persons, moving of an employee within a business company and independent professionals) and permit for self-employment.

### **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.

## **RESPONSE:**

**The Law on Employment and Unemployment Insurance** prescribes that a foreign citizen or stateless person may be recorded as unemployed persons at the National Employment Service if they have obtained certification for permanent or temporary residence. In this case, the foreign citizen is entitled to get informed on employment opportunities and conditions at the NES, participate in active measures of employment policy, exercise their rights in the event of unemployment, in accordance with the law, as well as the right to employment mediation. Keeping records on the unemployed foreigner ceases if his/her permanent or temporary residence certification is no longer valid. An unemployed foreign citizen, with a record at the National Employment Service, enjoys the same position as the citizens of the Republic of Serbia, i.e. he/she has the same rights and obligations.

Moreover, **the Law on Employment of Foreign Nationals** prescribes that the right to free access to labour market in the Republic, i.e. employment, self-employment opportunities, and exercise of rights in the event of unemployment, shall be provided to the EU citizens (citizens of the EU member states, European Economic Area or Swiss Confederation) as well as their family members, as of the accession of the Republic to the European Union. Aforementioned persons shall have free access to the labour market in the Republic in the event that their employment ceases during a temporary inability to work due to illness or professional injury, when they lose their job positions without personal fault, which lasted for at least one year in the Republic and if they were

recorded as unemployed persons in an organisation competent for employment activities, but also if they were involved in additional education and training programmes. Additionally, the right to free access to labour market shall be effective for the period of six months after the end of the previous employment in case of termination of the temporary employment which lasted shorter than 12 months, i.e. if the permanent employment terminates within first 12 months of foreigner's stay without his/her personal fault and if the person was recorded as unemployed in the organisation competent for employment activities.

Response to the question of the ECSR from 2012.

## **RESPONSE:**

**The Law on Employment of Foreign Nationals** entered into force on December 4, 2014. The Law prescribed that a foreigner seeking for job in the Republic of Serbia in accordance with this Law, enjoys the same rights and obligations in terms of labour, employment and self-employment as resident citizens, provided that all the requirements are met in accordance with the Law.

Employment permit may be issued as a personal employment permit or an employment permit. Personal employment permit is issued on the request of a foreign person if he/she has obtained the permanent residence certification, refugee status or if they belong to a specific category of foreign persons (asylum seeker, a person with certified temporary protection, a human trafficking victim, a person with certified subsidiary protection in accordance with the law).

On the other hand, employment permit is a type of work permit which may be issued as permit for the establishment of employment, employment permit for special cases of employment (referred persons, moving of an employee within a business company and independent professionals) and permit for self-employment.

Employment of foreign persons shall be realised under the condition that they have obtained permanent residence certification regardless of the duration of their stay or permanent residence certification in accordance with the law as well as the employment permit.

In accordance with Article 25 of the Law, organisation competent for employment activities performing such activities as entrusted, in accordance with the law governing the general administrative procedure, makes decisions in the procedures of issuing, extending, annulling or terminating the validity of an employment permit, except when special issues are not otherwise regulated by this Law or the law governing the stay of foreign persons. Appealing against the decision of the organisation competent for employment activities is possible. Final decision on the appeal shall be passed by the minister competent for employment activities.

In accordance with the Law on Employment of Foreign Nationals, a foreigner shall be deemed as unemployed in line with the regulations on employment and unemployment insurance and he/she shall enjoy the same rights as the citizens of the Republic provided that all the requirements have been met in accordance with the Law on Employment of Foreign Nationals.

According to **the Law on Employment and Unemployment Insurance**, a foreign citizen or stateless person may be recorded as unemployed persons if they have obtained certification for permanent or temporary residence. In this case, the foreign citizen is entitled to get informed on employment opportunities and conditions at the NES, participate in active measures of employment policy, exercise their rights in the event of unemployment, in accordance with the law, as well as the right to employment mediation. Keeping records on the unemployed foreigner ceases if his/her permanent or temporary residence certification is no longer valid.

## 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.

### RESPONSE:

One of the key principles on which **the Law on Employment and Unemployment Insurance** is founded is the principle of freedom in selecting preferred occupation and job position.

Conversely, the employment procedure of the citizens of the Republic of Serbia abroad, according to the aforementioned Law, is performed based on the recorded data on employment requirements abroad which are received by the ministry competent for employment activities, National Employment Service or employment agency. National Employment Service and employment agency are employment mediators abroad and are responsible to ensure protection of the job seeker throughout the process. Protection of job seekers abroad refers to the equal treatment, at the bottom line, concerning labour matters, as for the citizens of the country where employment is sought. Protection refers to the following: providing an employment permit and residential permit abroad, health insurance, information on the living and working conditions abroad, information on the rights and obligations concerning labour, signing employment contract before leaving to work abroad, transport costs, accommodation costs.

National Employment Service and employment agency are obliged to submit notice to the competent ministry on the persons being employed abroad, their number and structure as well as other pieces of information pertaining to employment abroad, before leaving to work abroad.

Moreover, **the Law on Amendments to the Law on Employment and Unemployment Insurance**, which entered into force on May 7, 2015, accountability of employment agencies has been reinforced in the procedure of mediation in employment abroad. What is prescribed thereof is that the agency shall be held accountable before persons seeking for employment abroad in terms of legality of their employment and labour conditions which must match legislation of the country where they mediate. The agency is held accountable before persons whose employment abroad it mediated in cases when such persons have to leave the country of employment too soon, unwillingly and without their personal fault, as well as concerning the incurred harm these persons have to cope with, which was caused by incorrect information on the important elements of living and working conditions in the country where such persons have been referred to work. Misdemeanour accountability of the employment agency performing employment activities abroad contrary to the abovementioned legal provisions, was also introduced.

An important role in the procedure of employing citizens of the Republic of Serbia abroad is played by Migrant Service Centres (hereinafter: MSC). There are seven MSCs established within the competence of the NES branch offices: in Belgrade, Novi Sad, Niš, Kraljevo, Novi Pazar, Bor and Kruševac. MSCs started working in 2008 as part of the project "*Capacity building, information and awareness raising towards promoting orderly migration in the Western Balkans*" (followed by the support of the International Organisation for Migration) and they were successively opened, with the aim of reducing the scope of disorderly migration towards, within and from the Western Balkans, as well as in the EU countries and Switzerland; capacity building for managing labour

migration on the national level in the Western Balkans, as well as ensuring efficient informing and referral of migrants and potential migrants to competent services, for the purpose of increasing possibility of legal migration and preventing disorderly migration.

Informing, counseling and referral of migrants and potential migrants are conducted in the MSCs, individual support and counseling on the risks of disorderly migration are provided, as well as the information on the opportunities and procedures pertaining to employment and studying abroad and/or orderly migration, but also on the referral to relevant local institutions competent for developing individual capacities – skills, for the purpose of increasing employment potential потенцијала, both in the country and abroad.

Response to the question of the ECSR from 2012.

## **RESPONSE:**

Answers are given as part of the answers to questions referred to in paragraph 4 of this Article.

### **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 submitted<sup>1</sup>**

- 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.

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<sup>5</sup> 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.

## **RESPONSE:**

### **Legal framework**

- Law on Employment and Unemployment Insurance (*"Official Gazette of the RS"*, No 36/09, 88/10 and 38/15);
- Law on Professional Rehabilitation and Employment of Persons with Disabilities (*"Official Gazette of the RS"*, No 36/09 and 32/13);
- Law on Employment of Foreign Nationals (*"Official Gazette of the RS"*, No 1/14);
- Rulebook on detailed content of data and method of keeping records in the area of employment (*"Official Gazette of the RS"*, No 15/10);
- Rulebook on the method and criteria for conducting active employment policy measures (*"Official Gazette of the RS"*, No. 12/12, 12/13, 69/14 and 27/15);
- Rulebook on detailed conditions, criteria and standards for conducting professional rehabilitation measures and activities (*"Official Gazette of the RS"*, No 112/09);
- Rulebook on Employment Permits (*"Official Gazette of the RS"*, No 136/14);
- National Employment Strategy for the period 2011-2020 (*"Official Gazette of the RS"*, No 37/11).

The National Employment Action Plan for the year 2010, National Employment Action Plan for the year 2011, National Employment Action Plan for the year 2012, National Employment Action Plan for the year 2013 and National Employment Action Plan for the year 2014 were implemented within the reporting period.

There is an ongoing implementation of the National Plan on Employment for the year 2015 (*"Official Gazette of the RS"*, No 101/14 and 54/15) and the Draft National Employment Action Plan for the year 2016 has been developed.

**The Law on Employment and Unemployment Insurance** prohibits discrimination in the area of employment, i.e. this regulation is based on the following principles: prohibition of discrimination, impartiality upon conducting employment activities, gender equality, affirmative action directed towards hard-to-employ unemployed persons, freedom in selecting preferred occupation and job position as well as free of charge work on employing unemployed persons.

When it comes to protection of women, especially in terms of pregnancy, labour and postnatal period, Article 73 of the Law prescribes that payment of reimbursement, *inter alia*, shall continue throughout the maternity leave, absence from work for the purpose of child care and absence from work for the purpose of special child care, according to the regulations arising from the area of labour and other regulations governing absence from work.

Moreover, **the Law on Professional Rehabilitation and Employment of Persons with Disabilities** prohibits discrimination of persons with disabilities and affirms principles of equality and gender equality.

Employment policy in the Republic of Serbia was created in the way that it promotes equal opportunities and treatment pertaining to employment and occupation of all persons disregarding their race, skin colour, sex, religious beliefs, political opinion, national or social origin and other individual properties.

**National Employment Strategy for the period 2011-2020**, establishes priorities and objectives of employment policy in the Republic of Serbia, and as one of distinguished strategic goals there is reduction of duality on the labour market, alongside with implementing equal

opportunities policy and creating conditions for employment of hard to employ and vulnerable categories of people for the purpose of social integration of everyone on the labour market.

The Strategy defines especially vulnerable, i.e. vulnerable groups on the labour market (Roma population, refugees and internally displaced persons, persons with disabilities, rural population (especially rural population without land in their possession and rural population in the Southeast Serbia), persons without qualifications/education, as well as women, young population (15–24 years of age) and elderly (50–64 years of age), but also long-term unemployed persons, single parents, beneficiaries of pecuniary social aid, children without parental care, human trafficking victims, etc.), the improvement of whose employability and position on the labour market, significantly affect improvement of their overall living standard and participation in socio-economic life of the community. On the annual level, national action plans on employment define categories of hard-to-employ persons (persons who due to their poor health condition, insufficient or inappropriate education, socio-demographic properties, regional or professional disharmony of demand and supply on the labour market or other objective circumstances, face difficulty with finding jobs), as well as active employment policy measures directed towards improvement of their employability. Unemployed persons from this category are prioritised upon their inclusion in active employment policy measures, but concurrently, in terms of certain categories, there are also organised special employment programmes.

Likewise, National Employment Action Plan (hereinafter: NEAP) also envisions taking affirmative measures intended for hard-to-employ unemployed persons which include Roma population, persons younger than 30, older population and redundant workers, persons with disabilities, persons without qualifications and those with low qualifications, etc., depending on the labour market condition and trends analysis.

### **Measures taken to implement the law**

What was planned as part of the **NEAP for the year 2015**, for the purpose of ensuring equal participation of women in active employment policy measures, was implementation of the following activities: encouraging employment of unemployed women from especially vulnerable categories (single mothers, women from safe houses, i.e. victims of domestic violence, older women who lost their jobs – over 45 years of age, young women without working experience – up to 30 years of age, beneficiaries of pecuniary social aid, etc.), encouraging female entrepreneurship, promoting flexible forms of work suitable for women and encouraging employers to create conditions for flexible forms of employment (part-time labour, working from home, etc.).

A special attention was devoted to the measures related to vocational training. An integral part of the NEAP is the Annual Programme of Additional Education and Training (hereinafter: APAET) defining the programmes and measures of additional education and training to be realised in the current year. Realisation of the APAET entails implementation of programmes and measures providing acquisition of new knowledge, skills and working experience, with the aim of creating opportunities for employment and self-employment. APAET is founded on the labour market needs assessment, i.e. employers' needs (including needs on the local and regional level) in terms of knowledge and skills required for performing specific jobs, defined through contact with employers and in line with this, additional education and training are realised for those areas of work where there is a deficiency in knowledge and skills.

In accordance with the NEAP for 2014 and NEAP for 2015, measures are taken with the aim of creating systemic preconditions for equal opportunities policy in order to encourage employment of women.

During 2014, emphasis was on the measures of encouraging employment of unemployed women coming from especially vulnerable categories; supporting female entrepreneurship; promoting flexible forms of work suitable for women and encouraging employers to create conditions for flexible forms of employment (part-time labour, working from home, etc.)

Data on the inclusion of persons in all measures and activities conducted by the National Employment Service are classified by gender. Over the past years, percentage of women included in active employment policy measures implemented by the NES, exceeds the percentage of included men, however, participation of men in certain measures is still prevailing. Nevertheless, programmes and active employment policy measures are very rarely limited exclusively to women in the Republic of Serbia, and elsewhere globally speaking, although they may frequently have implicit or explicit objectives directed towards promotion of gender equality on the labour market. Having regarded that women, due to their numerosness, concurrently represent the most heterogeneous vulnerable group, targeting women in general terms as a group is not the best policy, due to an imprecise definition. For this reason, upon creating active programmes directed solely or preeminently towards women, there will be invested work on identifying additional vulnerability factors.

There were 741,906 unemployed persons in the records of the National Employment Service at the end of 2014, out of which 379,066 were women, whereas in 2013 out of 769,546 in the records there were 393,500 women.

**Table 51: Recorded unemployment 2013/2014**

Year	Total number of unemployed persons	Total number of unemployed women
2013	769,546	393,500
2014	741,906	379,066

*Source: NES*

When it comes to the position of women in terms of employment and training, women from hard-to-employ category and especially vulnerable categories, had priority in their inclusion in respective measures. Majority of women were encompassed in employment fairs, training for active job seeking, self-efficiency training, programme of functional primary education, training for the needs of the labour market, etc.

Percentage of women included in programmes of additional education and training conducted by the NES exceeds the percentage of included men.

The total of 5,696 persons in programmes of additional education and training (ABOVE) included 3,355 women or 59% in the year 2013, whereas in 2014, out of the total number of 3,422 persons included in programmes of additional education and training 1,817 of them or approximately 53% were women.

Encouraging female entrepreneurship was also prioritised in 2014 and 2013.

The number of women included in entrepreneurship training in 2014 was 5,053, and in 2013 there were 5,423 women.

Percentage of women in the total number of persons with granted self-employment subsidy – for establishing a new business, is still lower than the share of men, even though concerning the ranking list they had priority over men under the same conditions.

Out of the total number of 1,853 of persons who were employed in 2013 with the self-employment subsidy, 812 or app. 44% were women, and in 2014 out of the total number of 850 of

persons who were employed with the self-employment subsidy 363 of them or app. 43% were women.

The total number of 108,664 persons were included in active employment policy measures implemented by the National Employment Service throughout 2014, out which 58,417 or app. 54% of them were women.

The total of 16,800 persons got employed after being involved in an employment measure, out of which 8,803 or app. 52% of them were women.

It is noted that the Law on Budget of the Republic of Serbia (*"Official Gazette of the RS"*, No 110/13 and 116/14), ensured funds in the amount of 600,000,000.00 RSD intended for active employment policy measures in 2014, which affected realisation of planned programmes and active employment policy measures as well a smaller portion of people involved in certain active employment policy measures, with a reference that the Law on Budget for 2015 allocated much more funds for realisation of active employment policy measures (2,800,000,000.00 RSD).

**Table 52: Overview of female inclusion in the active employment policy measures in the period 2010-2014**

Active employment policy measures	2010	2011	2012	2013		2014	
	women	women	women	total	women	total	women
Training for active job seeking - AJS 1	18,271	20,312	20,537	31,542	17,510	38,806	21,496
Club for job seeking	2,463	2,455	2,525	3,580	2,315	3,416	2,225
Self-efficiency training - AJS 2	1,550	1,644	1,978	2,687	2,079	2,986	2,346
Employment fairs	29,699	24,069	31,969	49,620	25,556	46,406	24,428
Volunteering and probation programme	9,065	5,862	/	0	0	0	0
Internship programme	/	4,584	1,856	2,455	1,677	49	30
Programme for acquiring practical knowledge	/	/	71	145	74	0	0
Training for the needs of the labour market	1,527	1,963	885	461	252	1,648	890
Training on the employers' request	1,039	1,041	879	239	151	2	0
Functional primary education of adults	/	/	1,333	2,396	1,201	1,723	897

Educational programmes for entrepreneurship development	5,323	4,804	4,661	12,799	5,423	11,126	5,053
Self-employment subsidy	854	1,580	835	1,853	812	850	363
Subsidies for employers for opening and facilitating new job positions	2,280	3,452	553	1,753	847	94	38
Public works	2,155	2,683	2,660	2,882	1,187	1,335	574
Subsidy for providing salaries to persons with disabilities without work experience	/	/	/	295	100	212	71
Support measures for persons with disabilities	/	/	/	38	19	11	6
				(ABOVE)  112.745	(ABOVE)  59.203	(ABOVE)  108.664	(ABOVE)  58.417

Source: NES

According to data from the Labour Force Survey (LFS) conducted by the Statistical Office of the Republic of Serbia, unemployment with women in the Republic of Serbia is more emphasised than unemployment of men. Differences in the activity and employment rates between women and men are still very prominent.

**Activity rate** of women (aged 15-64) in the period from October 2010 – October 2013 was increased by 3.4 percentage points, whereas activity rate of men was increased by 3.3 percentage points.

**Employability rate** of women (aged 15-64) in the period from October 2010 – October 2013 was increased by 2.2 percentage points, whereas employability rate of men was increased by 1.8 percentage points.

**Unemployment rate** of women (aged 15-64) in the period from October 2010 – October 2013 was increased by 0.8 percentage points, with the unemployment rate of men which was also increased by 0.8 percentage points.

**Table 53. Labour market indicators for the period 2010-2013, population aged 15-64, gender based**

Age category 15-64	October 2010	April 2011	November 2011	April 2012	October 2012	April 2013	October 2013
<b>Activity rate</b>	<b>58.8%</b>	<b>58.9%</b>	<b>59.9%</b>	<b>59.7%</b>	<b>60.4%</b>	<b>61.0%</b>	<b>62.2%</b>
<b>Men</b>	<b>67.2%</b>	67.5%	68.7%	68.7%	68.9%	69.8%	<b>70.5%</b>

<b>Women</b>	<b>50.6%</b>	50.4%	50.9%	50.7%	51.8%	52.4%	<b>54.0%</b>
<b>Employment rate</b>	<b>47.1%</b>	<b>45.5%</b>	<b>45.3%</b>	<b>44.2%</b>	<b>46.4%</b>	<b>45.8%</b>	<b>49.2%</b>
<b>Men</b>	<b>54.4%</b>	52.2%	52.5%	51.1%	53.7%	53.6%	<b>56.2%</b>
<b>Women</b>	<b>39.9%</b>	38.8%	37.9%	37.1%	39.1%	38.1%	<b>42.1%</b>
<b>Unemployment rate</b>	<b>20.0%</b>	<b>22.9%</b>	<b>24.4%</b>	<b>26.1%</b>	<b>23.1%</b>	<b>25.0%</b>	<b>21.0%</b>
<b>Men</b>	<b>19.0%</b>	22.7%	23.5%	25.6%	22.1%	23.1%	<b>20.2%</b>
<b>Women</b>	<b>21.2%</b>	23.1%	25.6%	26.7%	24.5%	27.3%	<b>22.0%</b>

Source: LFS, Statistical Office of the Republic of Serbia

Hereinafter you can find data per quarters of the year, having in mind that the Statistical Office of the Republic of Serbia has been conducting a Labour Force Survey on a quarterly level as of 2014.

In case we analyse the period covering the I quarter of 2014 – I quarter of 2015, what is perceived is the decrease in difference in terms of activity and employment rates between women and men.

**Table 54 - Labour market indicators for the period 2014-2015, population aged 15-64, gender-based**

Age category 15-64	I quarter 2014	II quarter 2014	III quarter 2014	IV quarter 2014	I quarter 2015
<b>Activity rate</b>	<b>61.2%</b>	62.5%	62.2%	61.2%	<b>62.3%</b>
<b>Men</b>	<b>69.7%</b>	70.7%	70.0%	69.1%	<b>69.6</b>
<b>Women</b>	<b>52.8%</b>	54.6%	54.6%	53.3%	<b>55.0</b>
<b>Employment rate</b>	<b>48.0%</b>	49.3%	50.8%	50.4%	<b>49.9%</b>
<b>Men</b>	<b>55.1%</b>	56.3%	57.5%	57.2%	<b>56.3</b>
<b>Women</b>	<b>41.0%</b>	42.5%	44.2%	43.7%	<b>43.5</b>
<b>Unemployment rate</b>	<b>21.6%</b>	21.2%	18.4%	17.6%	<b>19.9%</b>
<b>Men</b>	<b>21.0%</b>	20.4%	17.9%	17.3%	<b>19.1</b>
<b>Women</b>	<b>22.3%</b>	22.1%	19.1%	18.0%	<b>20.8</b>

Source: LFS, Statistical Office of the Republic of Serbia

In the I quarter of 2015 **activity rate** of women was **55.0%**, whereas in terms of men it was **69.6%**, thus representing a difference in 14.6 percentage points.

In the period from the I quarter of 2014 – I quarter of 2015, a increase in the activity rate of women was noted seen in 2.2 percentage points.

**Employment rate of women** presented as **43.5%** is still significantly lower than employment rate of men measured by **56.3%**, while the difference in employment rates between men and women aged 15-64 in the I quarter of 2015 amounted to 12.8 percentage points.

In the period from the I quarter of 2014 – I quarter of 2015, increase in the employment rate of women by 2.5 percentage points was noted (from 41.0% to 43.5%).

**Unemployment rate of women** in the I quarter of 2015 amounted to 20.8%, and in case of men it was 19.1%, representing a difference in 1.7 percentage points.

In the period from the I quarter of 2014 – I quarter of 2015, there was a recorded decrease in the unemployment rate of women by 1.5 percentage points (from 22.3% to 20.8%).

Response to the ECSR's question from 2012.

#### **RESPONSE:**

According to the data of the National Employment Service, percentage of women included in programmes of additional education and training conducted by the NES exceeds the percentage of involved men. Percentage of women in the total number of persons with granted self-employment subsidy – for establishing a new business, is still low, even though concerning the ranking list they had priority over men under the same conditions even though concerning the ranking list they had on the account of gender under the same conditions.

**Table 55 – Participation of women in active employment policy measures in 2013 and 2014**

<b>Active employment policy measures</b>	<b>2013</b>		<b>2014</b>	
	<b>total</b>	<b>women</b>	<b>total</b>	<b>women</b>
<i>Training for active job seeking - AJS 1</i>	31.542	<b>17.510</b>	38.806	<b>21.496</b>
<i>Club for job seeking</i>	3.580	<b>2.315</b>	2.986	<b>2.346</b>
<i>Self-efficiency training - AJS 2</i>	2.687	<b>2.079</b>	3.416	<b>2.225</b>
<i>Employment fairs</i>	49.620	<b>25.556</b>	46.406	<b>24.428</b>
<i>Certifying previous knowledge</i>	0	<b>0</b>	0	<b>0</b>
<i>Internship programme</i>	2.455	<b>1.677</b>	49	<b>30</b>
<i>Programme for acquisition of practical knowledge</i>	145	<b>74</b>	0	<b>0</b>
<i>Training for the labour market needs</i>	461	<b>252</b>	1.648	<b>890</b>
<i>Training on the employers' request</i>	239	<b>151</b>	2	<b>0</b>
<i>Functional primary education of adults</i>	2.396	<b>1.201</b>	1.723	<b>897</b>
<i>Educational programmes for entrepreneurship development</i>	12.799	<b>5.423</b>	11.126	<b>5.053</b>
<i>Self-employment subsidies</i>	1.853	<b>812</b>	850	<b>363</b>

<i>Subsidies for employers for opening and facilitating new job positions</i>	1.753	<b>847</b>	94	<b>38</b>
<i>Subsidies for employing beneficiaries of pecuniary social aid</i>	0	<b>0</b>	0	<b>0</b>
<i>Public works</i>	2.882	<b>1.187</b>	1.335	<b>574</b>
<i>Subsidy for providing salaries to persons with disabilities without work experience</i>	295	<b>100</b>	212	<b>71</b>
<i>Support measures for persons with disabilities</i>	38	<b>19</b>	11	<b>6</b>
<i>укупно</i>	(ABOVE)  112.745	<b>(ABOVE) E)</b>	(ABOVE)  108.664	<b>(ABOVE)  58.417Err</b>

Source: National Employment Service

#### **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.

#### **Appendix to Article 24**

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
  - a. workers engaged under a contract of employment for a specified period of time or a specified task;
  - b. workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;
  - c. workers engaged on a casual basis for a short period.
3. or the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
  - a. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
  - b. seeking office as, acting or having acted in the capacity of a workers' representative;
  - c. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
  - d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
  - e. maternity or parental leave;
  - f. temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

#### **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.

## **RESPONSE:**

Article 179 of the Law on labour prescribes justified reasons for termination of employment contract by the employer pertaining to work competences of the employee, his/her behaviour, violation of work duty, disrespect of work discipline and requirements of employers. Employer may terminate employment contract if there is a justified reason for this which is related to work competences of the employee and his/her behaviour in the following way: 1) he/she fails to achieve work performance or lacks required knowledge and abilities for performing assignments he/she was designated for; 2) if he/she was sentenced by the final court decision for criminal offense at the workplace or pertaining to work; 3) if he/she does not come back to work at the employer's company within 15 days from the expiry of suspension referred to in Article 79 of this Law, i.e. after the leave without pay referred to in Article 100 of this Law. Employer may terminate employment contract to the employee who breaches his/her work duty by his/her own fault, as follows: 1) if he/she performs his/her duties unconsciously and carelessly; 2) if he/she misuses his/her position or exceeds given authority; 3) if he/she uses work equipment in a non-worthwhile or irresponsible manner; 4) if he/she does not use or uses provided resources or equipment for personal protection at work in an unintended manner; 5) if he/she commits other violation of work assignments stipulated by a general act, i.e. employment contract. Employer may decide to terminate employment contract to the employee who fails to respect work discipline, as follows: 1) if he/she refuses to perform their duties or orders received from the employer in accordance with the law without a justified reason; 2) if he/she fails to submit certification on temporary inability to work within the meaning of Article 103 of this Law; 3) if he/she misuses the right to absence from work due to temporary inability to work; 4) on the account of coming to work under the influence of alcohol or other narcotics, i.e. use of alcohol or other narcotics during work time, which have or might have influence on work performance; 5) if his/her behaviour represents an action of committing criminal offense at work and pertaining to work, regardless whether there is criminal proceeding initiated against the respective employee; 6) if he/she provided false data with the decisive influence on establishing employment; 7) if the employee working on high-risk assignments, with determined special health capacity as a special working condition, refuses to have his/her health capacity assessed; 8) if he/she disrespects work discipline prescribed by the employer's act, i.e. if his/her behaviour is such that his/her further work at the employer's is not possible. Employer may refer the employee to an appropriate analysis in an authorised health institution determined by the employer, at employee's expense, in view of determining circumstances referred to in paragraph 3 points 3) and 4) of this Article or determining existence of alleged circumstances in another way in accordance with the general act. Refusal of the employee to answer the call of the employer to conduct the analysis shall be considered as disrespect of work discipline within the meaning of paragraph 3 of this Article.

An employee's employment may be terminated if there is a justified reason pertaining to employer's requirements such as the following: 1) if due to technological, economic or organisational changes there is no longer need for performing certain jobs or if reduction in work range has occurred; 2) if he/she refuses signing the annex to the contract within the meaning of Article 171 paragraph 1 points 1-5) of this Law.

Article 158 of the Law on Labour prescribes that an employer shall be obliged to disburse his employee with respective severance pay in accordance with this Article prior to terminating the employment contract, when due to technological, economic or organisational changes there is no longer need for performing certain jobs or if reduction in work range has occurred. The amount of the severance pay shall be determined by a general act or employment contract, provided that it cannot be lower than the sum of a third of the employee's income per every completed year spent on a job position with the employer at whose company the employee realises his/her right to

severance pay. What is calculated upon determining the amount of the severance pay is also the duration of employment with the previous employer in the event of a status change or change of employers within the meaning of Article 147 of this Law, as well as concerning persons associated with the employer in accordance with the law. A change in assets ownership status is not deemed as the change of employers within the meaning of enjoying the right to severance pay in accordance with this Article. The employee cannot exercise the right to severance pay for the same period for which he/she has already received severance with the same or other employer. What is considered as income within the meaning of Article 158 of this Law is an average income per month of an employee which has been paid within last three months preceding the month when the severance pay shall be disbursed. An employee whose employment contract is terminated by the employer after paying the severance referred to in Article 158 of this law due to no longer requirement for his/her work, shall enjoy the right to pecuniary reimbursement as well as the right to pension and disability insurance and health care, in accordance with regulations on employment. In line with Article 182 of the Law on Labour, if an employer terminated employment contract on the account of redundancy (Article 179 paragraph 5 point 1) of the Law on Labour), the employer may not hire another person to the same activities within three months from the day of terminating employment to the employee, except in the case referred to in Article 102 paragraph 2 of this Law. If prior to the expiry of this period there is a recognised requirement for performing the same activities, advantage in signing the employment contract shall be given to the employee whose employment has been terminated on the previous occasion.

In Article 179a, the Law on Labour prescribes penalty measures for disobeying work discipline, i.e. violation of work duties. The employer is entitled to impose one of the following measures to the employee on the account of violating work duty or disobeying work discipline within the meaning of Article 179 paragraphs 2 and 3 of this Law, instead of terminating employment contract, if the employer believes that there are mitigating circumstances or if the violation of the work duty, and/or disobeying the work discipline, do not have such nature which would by all means require termination of employment: 1) temporary removal from work without payment reimbursement, for the period of one to 15 workdays; 2) a fine in the amount up to 20% of the basic income of the employee for the month when the fine was imposed, for the period of up to three months, which is conducted by income suspension, based on the decision of the employer on the imposed measure; 3) a warning with announced possibility of firing where it is noted that the employer may cancel employment contract with an employee without repeated warning referred to in Article 180 of this Law, if in the following period of six months he/she commits the same violation of work duty or disobeys work discipline.

In Articles 180-181, the Law on Labour prescribes the procedure prior to cancellation of employment contract or imposing another measure. The employer is obliged to warn the employee in writing about the existence of reasons for cancelling employment contract and to provide the employee with the period of eight workdays from the delivery of warning prior to employment contract cancellation, to express his/her attitude in relation to the warning claims. In the warning, the employer is obliged to provide the grounds for firing, facts and evidence indicating that there are obtained conditions for employment termination and deadline for giving answers to the warning (Article 180). The employer may terminate employment to the employee referred to in Article 179 paragraph 1 point 1) of this Law or impose one of the measures referred to in Article 179a of this Law, if he/she was previously given the written notice pertaining to shortcomings in their work, instructions and appropriate deadline for improvement of work, in which the employee fails to improve his/her work within the defined deadline (Article 180a). Article 181 prescribes that employees may present opinion of trade unions whose members they are, within the period referred to in Article 180 of this Law. The employer shall be obliged to consider the submitted trade union opinion.

The Law on Labour prescribes in Article 183 what is not considered as a justified reason for employment termination, being the following: 1) temporary impediment for work due to illness, accidents at work or occupational disease; 2) use of maternity leave, absence from work for child care and absence from work for special child care; 3) full time serving or completion of serving in the military; 4) membership in apolitical organisation, trade union, sex, language, nationality, social background, religion, political or other conviction or other personal characteristic of an employee; 5) activity as a representative of employees, in accordance with this Law; 6) addressing by employees trade unions or authorities competent for protection of employment-related rights in accordance with the Law, general act and employment contract.

Moreover, in Articles 187-188, the Law on Labour prescribes special protection against cancellation of employment. An employer may not cancel the employment contract to an employee in the course of pregnancy, maternity leave, absence from work for child care and absence from work for special child care (Article 187 paragraph 1). The period of employment of the employee employed for a definite period of time referred to in paragraph 1 of this Article shall be extended until the expiry of usage of the right to absence from work. The decision on termination of the employment contract is null and void if at the date of employment termination the employer was aware of the existence of the circumstances referred to in paragraph 1 of this Article or if the employee, within 30 days from employment termination informs the employer on the existence of circumstances referred to in paragraph 1 of this Article, and submits the appropriate certificate of an authorised physician or other competent authority.

An employer may not cancel the employment contract or in another way put in a disadvantageous position the employee based on his/her status or activity with the property of employees' representative, membership in a trade union or participation in trade union activities (Article 188 paragraph 1). Burden of proving that employment cancellation or disadvantageous position an employee is not a consequence of the status or activity referred to in paragraph 1 of this Article, is on the employer.

An employee and/or trade union representative whose member is the employee, may institute a dispute before the competent court, against the decision violating the right of the employee or when the employee has discovered the violation of his/her rights. Deadline for institutionalising disputes is 60 days from receiving the decision, i.e., after discovering the violation of rights.

In accordance with Article 271 of the Law on Labour, a labour inspector may postpone by his ruling the carrying out of the cancellation of employment contract, if the employee instituted a labour dispute before the court in case the labour inspector finds that the decision on employment termination clearly violated the employee's right.

### **Response to the question of ECSR from 2012.**

All employees have the right to address the court when they believe that their right has been violated. Article 195 of the Law on Labour prescribes that an employee and/or representative of the employee, may institute proceedings before a competent court against a ruling that violates his/her right or when such an employee has become aware of the violation of the right. Deadline for initiating a dispute is 60 days from receiving the decision, i.e. after finding out about the violation of rights. Likewise, in accordance with Article 271 of the Law on Labour, a labour inspector may postpone by his ruling the carrying out of the cancellation of employment contract, if the employee instituted a labour dispute before the court in case the labour inspector finds that the decision on employment termination clearly violated the employee's right.

In Article 175 of the Law on Labor, what is given as one of the reasons for employment termination, unless employer and employee find some common language, this can even be when the employee turns 65 and the minimum of 15 years of insurance. After turning the legally prescribed years related to years of work experience, legal ground for employment termination is established, but it can be reached automatically, i.e. the employee and the employer can find their common language regarding continuation of employee's work from home. Additionally, a person with the conditions for pension according to regulations governing pension and disability insurance and prior to 65 years of age cannot, against his/her will, have the employment termination only due to the fact that he/she meets the conditions for retirement.

Article 183 of the Law on Labour envisions that addressing by employees trade unions or authorities competent for protection of employment-related rights cannot be deemed as a justified reason for the employment cancelation. In this case you have the matter of illegal employment termination, i.e. employment termination without legal ground; therefore, the employee may exercise the right to full reintegration.

The Law on Labour does not prescribe time limitation within which protection against the employment termination due to a temporary inability to work for the reason of illness, accident at work or occupational disease, disregarding its duration, can be realised.

Article 191 of the Law on Labor prescribes the legal consequences of illegal employment termination. Should the court decide in the procedure course that the employee's employment has been unlawfully terminated, on the employee's request, it shall be decided to readmit the employee back to work, disburse him with the damage compensation and associated contributions for compulsory social security for the period when the employee has not been working (Article 191 paragraph 1). Damage compensation referred to in paragraph 1 of Article 191 of the Law on Labour shall be determined in the amount of lost income with included associated tax and contributions in accordance with the Law, which does not include food reimbursement during worktime, regression on the account of using annual vacation, bonuses, awards and other income on the account of contributions to the business success of the employer. This damage compensation shall be paid to the employee in the amount of the lost income, decreased by the amount of taxes and contributions calculated on the account of income earned in accordance with the Law. Taxes and contributions for compulsory social security for the period when the employee has not been working shall be calculated and disbursed according to the defined monthly amount of the lost income. Should the court decide in the procedure course that the employee's employment has been unlawfully terminated, and the employee does not require to be readmitted to work, the court shall, on the request of the employee, bind the employer to disburse the employee with the damage compensation in the amount not exceeding 18 salaries of the employee, depending on the time spent in the employment with the employer, age of the employee and number of immediate family members (Article 191 paragraph 5) supported by the employee. Should the court decide in the procedure course that the employee's employment has been unlawfully terminated, but that in the court procedure employer proves that there are circumstances which justify the decision to continue the employment, which is impossible, with due respect of all circumstances and interests of both parties engaged in the dispute, the court shall reject the request of the employee to be readmitted to work with the provision that the damage compensation should be assigned to the employee in the amount covering double amount from the one stipulated in accordance with paragraph 5 of the Article 191 of the Law on Labour. Should the court decide in the procedure course that the employee's employment has been lawfully terminated, but that the employer acted contrary to the provisions of the law prescribing the procedure for employment termination, the court shall reject the employee's request to be readmitted to work, with the provision that the damage compensation should be assigned to the employee in the amount covering up to six salaries of the employee.

## **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;
  - 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.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

### **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.

The Law on Labour ("Official Gazette of the RS", No 24/05, 61/05, 54/09, 32/13 and 75/14) ensures the right to disbursement of unpaid claims with the employer who has experienced an initiated bankruptcy procedure, as the right of an employee whose claims have been stipulated in accordance with the law governing bankruptcy procedure and who meets the requirements needed for exercising the right in line with this Law. The right shall be exercised in the procedure before the Solidarity Fund, if the claims have not been disbursed in accordance with the law governing the bankruptcy procedure. Should the rights be partially disbursed in accordance with the law governing the bankruptcy procedure, the employee shall enjoy the right to be disbursed with a difference up to the level of rights defined by this Law. The employee shall have the right to have the following disbursed: 1) income and income reimbursement for the period of a work leave due to a temporary inability to work based on the regulations on health security which the employer was obliged to disburse in accordance with this Law, for the last nine months prior to initiating the bankruptcy procedure; 2) damage reimbursement for unused annual vacation by the fault of the employer, for the calendar year when the bankruptcy procedure was started, if he/she enjoyed the right in question prior to bankruptcy procedure; 3) severance payments due to the retiring in the calendar year when the bankruptcy procedure was initiated; 4) damage reimbursement based on the court decision made in the calendar year when the bankruptcy procedure was initiated, on the account of an accident at work or occupational disease, provided that the decision became final prior to initiating the bankruptcy procedure. The employee has the right to be disbursed with the contributions for compulsory social security for salaries and salary reimbursements for the period of absence from work due to a temporary inability to work according to health security regulations, in accordance with the regulations on compulsory social security.

The right to disbursement of indicated claims shall not be enjoyed by an entrepreneur, or the

founder, and/or member of a business company or another business subject, unless the employment was established in accordance with the law. An employee shall not have the right to disbursement if there is a passed decision on verifying the reorganisation plan adoption with the employer against whose business there is an initiated bankruptcy procedure in accordance with the law.

When it comes to the amount of claims disbursed to the employee, the Law prescribes that the income and income reimbursement shall be paid in the minimum amount of the salary. Damage compensation for the unused annual vacation shall be disbursed in the amount defined by the decision of the bankruptcy court, not exceeding the minimum amount of the salary. Severance pay for retiring shall be disbursed in the amount of two average salaries in the Republic, according to the last published data by the republic authority competent for statistical matters. Damage compensation on the account of accidents at work or occupational disease shall be paid in the amount defined by the court decision.

The Solidarity Fund has been established for the purpose of exercising the given rights, in accordance with the Law on Labour, the business activity of which is to provide and disburse claims in accordance with this Law. The Fund has the property of a legal entity and it performs business as a public service.

The procedure for exercising the rights with the Solidarity Fund is initiated at the request of an employee within 45 days from delivering the decision by which the right to claiming was established, in accordance with the law governing the bankruptcy procedure.

Claims referred to in Article 125 of the Law, being the following: salary, salary reimbursement and damage compensation shall be disbursed in the minimum amount of the salary, severance pay due to retiring in the amount of two average salaries in the Republic, according to the last published data by the republic authority competent for statistical matters. Damage compensation on the account of accidents at work or occupational disease shall be paid in the amount defined by the court decision.

The minimum amount shall be defined according to the minimum labour price defined in line with the Law on Labour, time spent working and taxes and contributions paid from the salary. Minimum labour price is defined by the decision of the Socio-Economic Council established for the territory of the Republic of Serbia. Should the Socio-Economic Council fail to make a decision within 15 days from the beginning of negotiations, the decision on the amount of the minimum labour price shall be passed by the Government of the Republic in the following period covering 15 days. Upon determining the minimum labour price, the following aspects are first analysed: existential and social needs of an employee and his/her family expressed through the value of the minimum consumer basket, trends in labour market employment rates, gross domestic product growth rate, consumer prices fluctuations, productivity trends and average income trends in the Republic. Minimum labour price shall be determined per work hour without taxes and contributions, for the calendar year, not later than September 15 of the current year, and it shall be effective as of January 1 of the following year. Minimum labour price cannot be determined by a lower amount than the minimum labour price determined for the previous year.

For the period from January 1, 2011 – December 31, 2014, we hereby provide the following overview expressed per years, on the number of filed requests to the Solidarity Fund, as well as the number of positively resolved and disbursed requests:

Year	Filed requests	Positively resolved and disbursed requests
2011	9,985	3,055
2012	3,912	2,786

2013	2,573	2,341	
2014	1,609	2,841	

### **Response to the question of the ECSR from 2012.**

When referring to the amount of claims disbursed to the employee, the Law on labour prescribes that the salary and salary reimbursement shall be paid in the amount of the minimum wage. Severance pay due to the retiring shall be paid in the amount of two average wages in the Republic, according to the republic authority competent for statistical matters.

An employee is entitled to exercise the right to salary and salary reimbursement for the period of absence from work due to a temporary inability to work according to regulations on health security, in the procedure before the Solidarity Fund, which the employer was bound to disburse in accordance with this Law, for the last nine months from initiating the bankruptcy procedure; for an unused annual vacation by the fault of the employer, for the calendar year when the bankruptcy procedure was initiated, provided that he/she had had the right in the first place prior to initiating the bankruptcy procedure; severance pay due to retiring in the calendar year when the bankruptcy procedure was initiated, if he/she had acquired the right to pension prior to initiating the bankruptcy procedure; damage compensation based on the court decision passed in the calendar year when the bankruptcy procedure was initiated, due to accidents at work or an occupational disease, provided that this decision had been made final in the court prior to initiating the bankruptcy procedure

Based on the report, the Fund conducts disbursement within 15 days after submitting the relative final decision, in accordance with the law governing procedures in the event of bankruptcy. During 2010, there were 4,885 claim requests filed, out of which 2,384 were favourably resolved. The Committee finds that the rate of fulfilling requests is rather low. The Committee poses a question on the most frequent reason for rejecting the request fulfillment.

The most frequent reason for making a conclusion based on which an employee's request is denied would be untimeliness in submitting requests to the Solidarity Fund. Namely, the Labour Law, which was effective until July 29, 2014, prescribed that the procedure for exercising the rights with the Solidarity Fund shall be initiated at the request of an employee within 15 days from the day of delivering a decision verifying the right to claiming, in accordance with the law governing bankruptcy procedure. Having regarded that a number of requests is untimely submitted to the Solidarity Fund, by missing the stipulated deadline, certain amendments to this Article of the Labour Law have been made; therefore, as of July 29, 2014, when the Law on Amendments to the Law on Labour came into force, it is prescribed that the procedure pertaining to exercising the rights before the Solidarity Fund shall be initiated at the request of an employee within 45 days from the day of making the decision by which the right to claiming is defined, in accordance with the law governing bankruptcy procedure.

The Law on Labour prescribes that an employee has the right to receive disbursement of unpaid claims from the employer whose business is in the bankruptcy procedure, provided that the claims have been defined in line with the governing bankruptcy procedure. Therefore, in case the bankruptcy procedure was not initiated and claims of an employee were not defined in accordance with the regulations governing bankruptcy procedure, the employee could not be able to exercise the right in the procedure held before the Solidarity Fund.