



European  
Social  
Charter

Charte  
sociale  
européenne



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## **EUROPEAN SOCIAL CHARTER**

### **Answers to additional questions related to**

13th National Report on the implementation of the European  
Social Charter

submitted by

**THE GOVERNMENT OF SERBIA**

Articles 2, 3, 4, 5, 6, and 20

**CYCLE 2024**

## **SERBIA**

### **Article 3.1**

Please provide information on the content and implementation of national policies (including any existing action plans/strategies) on psychosocial or new and emerging risks in relation to:

- the gig or platform economy.

The current Labour Law does not regulate the work of platform workers. Within the framework of Component 1 - Alignment of Labour Legislation with EU Regulations, in the Twinning Project implemented under the IPA 2022 Programme, in the period 2025-2027, among other things, it is planned to align the Labour Law with Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work. In this process, special attention will be paid to preventing psychosocial and other risks faced by platform workers, considering good practices and experiences of EU Member States in overcoming these problems, as well as harmonizing domestic labour legislation in this area with international standards of the International Labour Organization and the Council of Europe. The adoption of the new Labour Law, which will also regulate work in the platform economy, is planned for the 4th quarter of 2027.

### **Article 3.2**

Please provide information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect); and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

Please provide information on the measures taken to ensure that all self-employed workers are protected by occupational health and safety regulations.

The Labour Law guarantees employees limited working hours, the right to periods of rest and leaves, and the employer is obliged to promptly inform employees about the schedule and changes to the working time schedule. The Labour Law defines working hours, standby and the rights of employees during standby, overtime and its maximum duration, as well as the conditions and deadlines under which the redistribution of working hours can be introduced (Articles 50-55, 57 and 58).

In addition, the Labour Law stipulates that the employer is obliged to inform employees about the working time schedule and changes to the schedule at least five days in advance, except in the case of the introduction of overtime. Exceptionally, the employer may notify employees of the working time schedule and changes to the schedule in less than five days, but not less than 48 hours in advance in the event of work needs due to unforeseen circumstances (Article 56, paragraphs 1 and 2 of the Labour Law).

The Labour Law provides employees with the right to rest during daily work (which is counted as working time), daily and weekly rest, with the Labour Law determining their minimum duration, and a general act and employment contract may determine these rest periods in a longer period (Articles 64-67).

When, in accordance with Article 42, paragraphs 1-3 of the Labour Law, an employment contract is concluded for the performance of work outside the premises (telework and work from home), or when, in accordance with Article 50, paragraph 3 of the aforementioned Law, the employee and the employer agree that the employee performs work from home for a period of working time within the agreed working hours, the employee also enjoys protection from working outside working hours. Namely, Article 42, paragraphs 5 and 6 of the Labour Law stipulate that the provisions of the Labour Law on the schedule of working hours, overtime work, redistribution of working hours, night work, rest periods and leaves also apply

to employees who work remotely or from home, unless otherwise provided for by a general act or employment contract. In addition, the workload and deadlines for the performance of work performed by this category of employees cannot be determined in a manner that prevents the employee from exercising his/her rights to rest during the day, daily, weekly and annual leave, in accordance with the law and general acts.

Supervision over the implementation of this Law, other regulations on labour relations, general acts and employment contracts, which regulate the rights, obligations and responsibilities of employees, is carried out by the labour inspection (Article 268 of the Labour Law). In carrying out inspections, the labour inspector is authorized to issue a decision ordering the employer to eliminate the established violations of the law, implementing acts, general acts and employment contracts within a certain period of time, and the employer is obliged to notify the labour inspection of the execution of the decision, no later than 15 days from the date of expiration of the deadline for eliminating the established violation, in accordance with Article 269, paragraphs 1 and 3 of the Labour Law. These powers also apply to violations of the provisions of the Labour Law, general acts and employment contracts on the limitation of working hours, the right to rest during the day's work, daily and weekly rest. In addition, Article 274, paragraph 1, items 3) and 4) of the Labour Law prescribe a fine of 600,000 to 1,500,000 dinars for a misdemeanour committed by an employer with the status of a legal entity which orders an employee to work overtime contrary to the provisions of this Law (Article 53) and if the working hours are redistributed contrary to the provisions of this Law (Articles 57 and 60); For the same misdemeanour, a fine of 200,000 to 400,000 dinars is prescribed for an employer-entrepreneur, and for a responsible person in the legal entity in the range of 30,000 to 150,000 dinars (Article 274, paragraphs 2 and 3 of the Labour Law). Article 270 of the Labour Law stipulates that the labour inspector is authorized to initiate misdemeanour proceedings before the competent court if he/she finds that the employer, i.e. director or entrepreneur, has committed a misdemeanour by violating the law or other regulations governing labour relations.

Within Component 1 - Alignment of Labour Legislation with EU Regulations, the Twinning Project implemented under the IPA 2022 Programme, in the period 2025-2027, there will be an analysis, among other things, of the possibilities of improving the working conditions of employees and other engaged persons, as well as ensuring their greater protection from working outside working hours and preventing discrimination on this basis, taking into account new forms of remote work, from home, via platforms, which are the result of technological progress in all spheres of social life and which have influenced changes in the way of working.

According to the previously valid Law on Occupational Safety and Health (*Official Gazette of the Republic of Serbia*, No. 101/05, 91/15 and 113/17 - other law), when a natural person independently performs a business or other activity and does not engage other persons for work, or when the head of a family farm performs work with members of the family household, these persons are not employers because they do not employ, or do not engage other persons for work, and they are not employees because an employment contract, as a bilateral act, cannot be concluded by the person establishing the employment relationship with himself/herself. In practice, these persons created risks for themselves and for other persons, and for these reasons, it was necessary to ensure the protection of these persons (the self-employed) and to advocate for the prevention of the risk of work accidents and occupational diseases.

**According to the new Law on Occupational Safety and Health (*Official Gazette of the Republic of Serbia*, No. 35/23), a self-employed person is introduced into the occupational**

**safety and health system.** A self-employed person is a natural person who performs a business or other activity, namely: an entrepreneur who independently performs a business or other activity and does not engage other persons for work, and a head or member of a family farm, who performs work with members of his/her family agricultural household in accordance with the regulations on agriculture (Article 4, paragraph 1, item 2).

According to Article 43 of the Law on Occupational Safety and Health, a self-employed person is, in accordance with this Law and other regulations on occupational safety and health, responsible for his/her own safety and health and for the safety and health of other persons who are affected by his/her work and failures in the application of occupational safety and health measures. A self-employed person is obliged to apply the regulations in the field of occupational health and safety in his/her work and to cooperate with other employers and employees in the application of occupational health and safety measures, when the performance of work is related to them.

The above solution was introduced in order to equalize the rights and obligations of all persons participating in the work process, regardless of their organizational status. Namely, by prescribing the rights and obligations of these persons, the safety and health protection of all persons participating in work processes is improved. These provisions are harmonized with Council Recommendation 2003/134/EC concerning the improvement of the protection of the health and safety at work of self-employed workers.

### **Article 4.3**

Please provide information on whether gender neutral job classification and remuneration systems are in place in public and private sectors.

The public sector in the Republic of Serbia includes employees in state bodies, employees in bodies and organizations of territorial autonomy and local self-government, employees in public services financed from the budget of the Republic, autonomous provinces and local self-government units, contributions for compulsory social insurance, as well as in organizations of compulsory social insurance, as well as employees in public agencies.

The salary system of civil servants is based on the classification of jobs. In accordance with the Regulation on the Classification of Jobs and Criteria for the Description of Civil Servants' Jobs (*Official Gazette of the Republic of Serbia*, No. 117/05, 108/08, 109/09, 95/10, 117/12, 84/14, 132/14, 28/15, 102/15, 113/15, 16/18, 2/19, 4/19, 26/19, 42/19 and 56/21), civil servant jobs are divided into executive and non-executive jobs, depending on the complexity of the work, authority and responsibility. Executive jobs are jobs where a civil servant has the authority and responsibilities related to managing and coordinating work in a state body and are classified into five groups, while non-executive jobs are all jobs that are not executive, including the jobs of managers of lower internal units in a state body and are classified by titles, depending on the complexity and responsibility of the work, the required knowledge and skills, and working conditions.

Coefficients for civil servants are determined by classifying each executive and non-executive job in one of the 13 salary groups prescribed by law (executive are classified into five salary groups, and non-executive by title in eight salary groups) and multiplying them by the base for calculating and paying salaries (which is determined for each budget year by the Law on the Budget of the Republic of Serbia) to obtain the basic salary of a civil servant. Salaries of civil servants in the relevant ranks - in the penitentiaries, for tax officers, police officers, professional military personnel, are regulated by special regulations of those bodies.

In accordance with the Regulation on the Classification of Assisting and Technical Staff

Employed by the State (*Official Gazette of the Republic of Serbia*, No. 5/06 and 30/06), non-civil servants employed by the state (in ministries, special organizations, expert services of administrative districts, courts, public prosecutor's offices, the Republic Public Defender's Office, services of the National Assembly, President of the Republic, Government, Constitutional Court, and services of bodies whose members are elected by the National Assembly) are classified into six types, according to the complexity of the work, independence in work, responsibility, business communication and competence, whereby the positions of these employees who manage lower internal units can be classified into the first, third and fourth types of positions. The coefficients for employee positions are determined by classifying each position into one of six salary groups, so that the salary group corresponds to the type of position to which it is classified.

Public employee positions in autonomous provinces and local self-government units are divided into executive and non-executive positions (which are classified by title), including positions of managers of internal organizational units, depending on the complexity of the work, level of authority and responsibility, in accordance with the Regulation on the criteria for classifying and describing positions in autonomous provinces and local self-government units (*Official Gazette of the Republic of Serbia*, No. 88/16, 113/17 - other law, 95/18 - other law and 12/22).

Assisting and technical staff (in bodies, services and special organizations of the autonomous province, local self-government unit and city municipality, as well as services and organizations established by the competent body of the autonomous province, local self-government unit and city municipality), including positions of managers of lower internal units in which assisting and technical staff work exclusively, are classified into five types, according to the complexity of the work, independence in work, responsibility, business communication and competence, in accordance with the Regulation on the criteria for classifying and describing the jobs of assisting and technical staff in autonomous provinces and local self-government units (*Official Gazette of the Republic of Serbia*, No. 88/16).

Salaries, allowances, compensations and other income of employees in bodies and organizations of territorial autonomy and local self-government, as well as employees in public services are regulated by the Law on Salaries in State Bodies and Public Services (*Official Gazette of the Republic of Serbia*, No. 34/01, 62/06 – other law, 116/08 - other law, 92/11, 99/11- other law, 10/13, 55/13, 99/14, 21/16 - other law, 113/17 - other law, and 19/25). In accordance with this Law, the salary of employees is determined on the basis of the salary calculation base, coefficients, salary supplements and obligations that the employee pays based on taxes and mandatory social security contributions from the salary, while the salaries of employees in public services financed from mandatory social security contributions, in addition to the above elements, also include a part of the salary based on work performance. The basic salary is the product of the base and the coefficient, or the corrective coefficient for employees in public services financed from mandatory social security contributions (employees in state-owned health institutions).

The base for the calculation and payment of salaries is determined by the Government for each budget year, with the coefficient reflecting the complexity of the work, responsibility, working conditions and professional qualifications, as well as an allowance for meals during work and a provision for the use of annual leave.

The coefficients for calculating and paying salaries of elected, appointed persons and

employees in bodies and organizations of territorial autonomy and local self-government are determined by the Regulation on Coefficients for Calculating and Paying Salaries of Appointed Persons and Employees in State Bodies (*Official Gazette of the Republic of Serbia*, No. 44/08 - consolidated text, 2/12, 113/17 - other law, 23/18, and 39/25).

Jobs of employees in public services (in the fields of education, health, social protection, culture, sports, etc.) are determined by the Regulation on the Catalogue of Jobs in Public Services and Other Organizations in the Public Sector (*Official Gazette of the Republic of Serbia*, No. 81/17, 6/18 and 43/18), while the coefficients for the calculation and payment of salaries for jobs of employees in public services are determined according to the relevant field of work of the public service by the Regulation on Coefficients for the Calculation and Payment of Salaries of Employees in Public Services (*Official Gazette of the Republic of Serbia*, No. 44/01, 15/02 - other regulation, 30/02, 32/02 - corrigendum, 69/02, 78/02, 61/03, 121/03, 130/03, 67/04, 120/04, 5/05, 26/05, 81/05, 105/05, 109/05, 27/06, 32/06, 58/06, 82/06, 106/06, 10/07, 40/07, 60/07, 91/07, 106/07, 7/08, 9/08, 24/08, 26/08, 31/08, 44/08, 54/08, 108/08, 113/08, 79/09, 25/10, 91/10, 20/11, 65/11, 100/11, 11/12, 124/12, 8/13, 4/14, 58/14, 113/17 - other law, 19/21, 48/21, 73/83, 83/23, 119/23, 101/24, 5/25, 12/25, 13/25 and 17/25).

Employees in public agencies exercise the right to salary in accordance with general labour regulations, according to the positions to which they are assigned in accordance with the acts on the organization and systematization of work.

Considering the above, we would like to point out that the legal framework regulating the salaries of public sector employees in the Republic of Serbia does not differentiate between genders in terms of salary levels, but rather the coefficient for calculating and paying salaries is determined in a uniform manner for the appropriate job position, i.e. title, rank, position and function in the public sector.

In addition, we would like to point out that this Ministry does not have data on the salaries of private sector employees, but that the aforementioned data should be obtained from other competent authorities.

In the private sector, the amount of wages is regulated by the Labour Law. Employees are guaranteed equal wages for the same work or work of equal value that they perform for the employer. Work of equal value means work that requires the same level of professional qualifications, i.e. education, knowledge and skills, in which an equal work contribution is made with equal responsibility. An employer's decision or agreement with an employee that is not in accordance with the above principles is null and void. In the event of a violation of the right to equal wages, the employee has the right to compensation for damages.

## **Article 6.1**

Please provide concrete information on any joint consultations conducted on matters related to the digital transition.

The Office for Information Technology and e-Government, as a separate organization responsible for the design, harmonization, development and operation of e-government systems and the development and implementation of standards and measures in the introduction of information and communication technologies in state administration bodies and government services, has been supporting the digital transformation of state administration into a modern and efficient, user-oriented service for citizens and businesses since its establishment in 2017. In this context, the accessibility of e-Government in the field of labour and employment

("Career") was rated 78 in the latest edition of the [European e-Government Benchmark 2024](#) report, which is slightly above the European Union average (EU27 - 76).

Over the last 8 years, a large number of information systems and digital services have been established in various areas, and on this occasion we would like to highlight one initiative that has proven to be very significant in terms of improving transparency, which relates to enabling citizens to access [data on applications for compulsory social insurance](#) "with a click" (pension and disability, health and unemployment insurance) on the e-Government Portal.

We also believe that it is important to mention, in a broader context, digital tools that enable information and participation, such as the [e-Consultation Portal](#), which allows all interested individuals and groups to be involved in the process of formulating public policies and regulations, as well as the [Electronic People's Initiative](#) as a new digital service that was established at the proposal of the Working Group for the Implementation of the Open Government Partnership Initiative, and which, as a service, is expected to further improve the participation of all stakeholders in the future.

We note that the policy formulation process, in accordance with the [Law on the Planning System](#), provides for an inclusive consultative process and the participation of all stakeholders, and in this sense, the Office for Information Technologies and e-Government takes an active part in these processes