January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

SERBIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Serbia on 14 September 2009. The time limit for submitting the 13th report on the application of this treaty to the Council of Europe was 31 December 2024 and Serbia submitted it on 3 March 2025. On 9 July 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 3§1, 3§2, 4§3 and 6§1. The Government submitted its reply on 26 August 2025.

The present chapter on Serbia concerns 10 situations and contains:

– 0 conclusions of conformity

– 10 conclusions of non-conformity: Articles 2§1, 3§1, 3§2, 3§3, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Serbia will be due on 31 December 2026.

[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

The report states that Labour Law (No. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 – CC, 113/18 and 95/18) states that full-time working hours are 40 hours per week and overtime cannot last more than 8 hours per week. In the redistribution of working hours, the worker cannot work more than 60 weekly hours. The Law on Working Hours of Vehicle Crews in Road Transport and Tachographs regulates the working hours of vehicle crew members and stipulates that maximum weekly working hours may reach 60, including overtime.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time). The Committee notes that it is possible to work for 60 hours a week in the road transport sector and not only in exceptional circumstances. The Committee therefore considers that the situation in Serbia is not in conformity with Article 2§1 of the Charter on the ground that the maximum weekly working time may reach 60 hours for vehicle crew members in road transport.

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

In reply, the report states that in accordance with Standard A 2.3., the maximum number of hours of work of a maritime worker shall not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period; the minimum hours of rest shall be not less than 10 hours in any 24-hour period and 77 hours in any seven-day period.

The report further provides information on inland waterway transport, where regular working hours of a crew member are eight per day. The maximum working hours may not exceed 14 hours in any 24-hour period and 84 hours in any seven-day period. In that case, working time may be extended if the average of 48 hours per week is not exceeded over the average period of 12 months. These provisions are in accordance with the Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded between the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF).

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year.

Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers). However, in case of inland waterway transport workers in Serbia, 84 hours of work in any seven-day period are excessive.

The Committee therefore concludes that the situation in Serbia is not in conformity with Article 2§1 of the Charter on the ground that the maximum weekly working time of inland waterway transport workers can reach 84 hours.

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

The report states that, according to Article 50 of the Labour Law, working time does not include the time during which a worker is ready to respond to the employer's call to carry out work if there is a need, and the worker is not at the place where their work is carried out. On-call time, compensation for it is regulated by law, general act or an employment contract.

The report further states that, according to Articles 58 and 59 of the Law on Healthcare (No. 25/19), a healthcare institution may introduce standby duty as overtime work only if it is unable to ensure the continuity of healthcare services. During the standby duty, the worker must be present in the healthcare institution. Standby duty may be introduced at night, on public holidays and on Sundays. The average weekly working time, including overtime for a healthcare worker cannot exceed 48 hours, with a reference period of four months. A collective agreement may extend such reference period to nine months. A healthcare worker placed on standby duty has the right to increased pay. On-call work in a healthcare institution is a form of overtime where a healthcare worker is called to provide healthcare outside of their established working hours. During on-call period, a healthcare worker is not at the healthcare institution but must be available to respond.

The report states that Articles 41-46 and 95 of the Sectoral Collective Agreement for Healthcare Institutions founded by the Republic of Serbia, an autonomous province and a unit of local self-government provide similar rules of on-call. It also provides that a healthcare worker who works overtime or is on-call is entitled to a salary supplement. This supplement can be converted into free hours every three months and used within six months from the end of the quarter when they were earned. For the inactive on-call time, a healthcare worker is also entitled to a salary supplement. For work on a holiday, 110% of the basic salary is paid, for work at night – 26% of the basic salary, for work on a Sunday – 20% of the basic salary, for on-call and standby of healthcare workers – 26% of the basic salary. During an on-call period, the worker shall be entitled to a salary supplement for each hour spent on-call in the amount of 10% of the value of the basic salary per working hour.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these

circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 2§1 of the Charter on the grounds that:

- the maximum weekly working time may reach 60 hours for vehicle crew members in road transport;
- the maximum weekly working time of inland waterway transport workers can reach 84 hours.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The Committee notes, based on official sources [Legal Information System of the Republic of Serbia], that the Government has adopted a Strategy on Safety and Health at Work for the period 2024-2027, together with an action plan for its implementation.

The gig or platform economy

The report notes that the new Law on Occupational Safety and Health (Official Gazette of the Republic of Serbia, No. 35/23, dated 29 April 2023) imposes an obligation on employers to ensure the safety and health at work of workers, regardless of the type of work engagement, its duration and the location where workers performs their work. The law includes work from home, remote work and self-employment within the occupational health and safety system. The report also provides a definition of self-employed persons under Serbian legislation, noting that such persons are obliged to comply with occupational health and safety regulations and to cooperate with other employers and workers in implementing occupational health and safety measures, when their work is related to them.

The Committee takes note of the above information. However, it notes that, while persons employed in the gig or platform economy may fall within one of the above categories, there are other specificities related to their work (e.g. the use of digital platforms), which may expose them to additional psychosocial and other risks.

In its response to a request for additional information, the Government states that Serbia intends to align its Labour Law with the Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work, within the framework of a Twinning Project implemented under the IPA 2022 Programme in the period 2025-2027. The new Labour Law, which is planned to be adopted in the 4th quarter of 2027, will, *inter alia*, regulate work in the platform economy, paying special attention to preventing psychosocial and other risks faced by platform workers. It will take into account good practices from EU Member States and aim to harmonise domestic legislation with ILO and Council of Europe standards.

While noting the plans to align the Labour Law with the EU Directive in the future, the Committee observes that the report does not provide adequate information concerning existing national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Therefore, the Committee concludes that the situation in Serbia is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Telework

The report notes that teleworking/remote work is covered by the Law on Occupational Safety and Health, which obliges the employer to perform a risk assessment which contains a precise description of the work performed, the assessment of potential risks, and preventive measures to be applied. The worker has the obligation to inform the employer of the fulfilment of the measures determined through the risk assessment, as well as of any subsequent changes in those conditions.

In response to the new situation caused by the COVID-19 pandemic, the Occupational Safety and Health Directorate of the Ministry of Labour, Employment, Veteran and Social Affairs developed the Guide to Safe and Healthy Working from Home, which provides that the employer retains the responsibility for implementing safety and health measures. Specifically, the employer must take measures to prevent injuries at work, occupational diseases and work-related illnesses when work is performed in the worker's home and must provide the worker with the equipment necessary to perform the work (e.g. a computer, software, internet access, etc.). It is recommended that the rights and obligations of workers working from home be specified in a general act of the employer (collective agreement or work regulations) or in the employment contract. The guidelines also provide specific instructions regarding the maintenance of an adequate and safe working space at home.

The employer must regularly provide information, instructions and training to workers regarding occupational safety and health, while the workers must comply with the employer's instructions and guidelines, maintain regular and timely communication with the employer or the occupational health and safety officer during agreed working hours, report any hazards and deficiencies in equipment to the employer, and establish a balance between work and private life.

The report also specifies that the provisions of the Labour Law (Official Gazette of the Republic of Serbia Nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 (Constitutional Court decision), 113/17, 95/18) on working time schedules, overtime work, redistribution of working hours, night work, holidays and absences also apply to employment contracts concerning work from home, i.e. remote work, unless otherwise specified by a general act or employment contract. Furthermore, the amount of work and deadlines for the work performed outside the employer's premises cannot be determined in a way that prevents workers from exercising their right to rest during the day, weekly as well as their right to annual leave.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Jobs requiring intense attention or high performance

The report states that, according to Article 16 of the Law on Occupational Safety and Health (Official Gazette of the Republic of Serbia, No. 35/23, dated 29 April 2023), the employer is required to adopt a written risk assessment for all jobs and to determine the method, measures

and deadlines for eliminating or reducing risks to the greatest extent possible. The measures determined through the risk assessment must be integrated into all activities of the employer at all levels. The employer is obliged to amend the risk assessment in the event of the emergence of any new hazards, changes in the level of risk in the work process, the introduction of a new job and new technology, or changes in the working environment.

The report further notes that the new Regulation on the method and procedure for assessing risks at the workplace and in the environment (Official Gazette of the Republic of Serbia, No. 76/24, dated 13 September 2024) provides for an obligation to assess risks of harmful effects arising from mental and psycho-physiological efforts that are causally related to the workplace and the work performed by the worker. Such risks include physical strain (e.g. manual carrying of loads, pushing or pulling loads, long-term increased physical activity, etc.), non-physiological body positions (long-term standing, sitting, squatting, kneeling, etc.), psychological stress caused by certain tasks, responsibility for rapid changes in work procedures, intensity of work, spatial conditions of the workplace, conflict situations, working with clients and money, management responsibilities, etc. Also assessed are the harmful effects related to the organisation of work, such as overtime work, shift work, short-time work, night work, emergency preparedness, etc.

Jobs related to stress or traumatic situations at work

The report notes that the information provided in relation to jobs requiring intense attention or high performance, described above, is also applicable to the category of jobs related to stress or traumatic situations at work.

Jobs affected by climate change risks

The Committee notes that the new Strategy on Safety and Health at Work (2024-2027) recognises the effects of climate change on health and safety at work, particularly in regard to work that is performed outside (section 4.1). The Strategy identifies four sectors that are particularly affected by climate change: agriculture, construction, manufacturing and the service industry. According to estimates, a total of five and nine million work hours were lost in these four sectors in 1990 and 2020, respectively, as a result of exposure to high temperatures. The Strategy envisages the development of measures aimed at improving the existing information system related to extreme weather.

The report notes that Article 9, item 1, sub-item 8 of the Regulation on the method and procedure for assessing risks at the workplace and in the working environment (Official Gazette of the Republic of Serbia, No. 76/24, dated 13 September 2024) provides for the obligation to assess the risk of harmful climatic influences when working outdoors in conditions such as high or low temperatures, relative humidity, ultraviolet radiation, strong winds, etc.

The report also notes that in 2007, the Government issued a recommendation to employers on how to organise their work in a way that avoids performing heavy physical work and direct exposure of workers to the sun during high temperatures (above 36°C), especially between 11 a.m. and 2 p.m., if the work process allows for it.

The report further refers to the Guidelines for Safe and Healthy Outdoor Work at High Temperatures and the Guidelines for Good Practice for Outdoor Work at Low Temperatures, issued by the Ministry of Labour, Employment, Veteran and Social Affairs and the Occupational Safety and Health Directorate in 2013 and 2017 respectively. Both guidelines are currently being improved in cooperation with EU experts.

The report also provides information on the provisions of the Rulebook on Preventive Measures for Safe and Healthy Work at the Workplace (Official Gazette of the Republic of Serbia, Nos. 21/09 and 1/19) related to the quality of air and temperatures in enclosed workspaces.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning the gig or platform economy.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee held that the situation in Serbia was not in conformity with Article 3§2 of the Charter on the grounds, among others, that it had not been established that temporary workers, interim workers and workers on fixed-term contracts enjoyed the same standard of protection as workers on contracts with indefinite duration; and that domestic workers were covered by occupational health and safety regulations (Conclusions 2021). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for 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.

Based on the report, it appears that Serbia does not have any regulations on the right to disconnect. However, the Labour Law has strict rules on working time, including overtime and rest periods, subject to supervision and control by the Labour Inspectorate.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2 of the Charter, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Serbia is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report refers to Article 43 of the Law on Occupational Safety and Health, which provides that a self-employed person is responsible for their own health and safety, as well as for the health and safety of others affected by their work or by any failure to apply occupational health and safety measures. Furthermore, a self-employed worker is required to apply occupational safety and health regulations in their work and to cooperate with other employers and workers in applying those measures when the performance of work is related to them.

Teleworkers

The report notes that teleworkers are protected by occupational health and safety regulations, which include specific provisions on risk assessment, employers' obligations to provide appropriate information, suitable work equipment, and working time, among others. The report also notes that the Ministry of Labour, Employment, Veteran and Social Affairs published a *Guide to Safe and Healthy Working Conditions from Home*, which provides further guidance in this area.

Domestic workers

The report does not provide the requested information. The Committee therefore reiterates its previous conclusion that the situation in Serbia is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that domestic workers are protected by occupational health and safety regulations.

Temporary workers

The report notes that temporary workers and workers on fixed-term contracts enjoy the same standard of protection under occupational health and safety regulations as those on contracts of indefinite duration and references the relevant provisions of domestic law.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 3§2 of the Charter on the grounds that:

- that workers do not have the right to disconnect;
- it has not been established that domestic workers are protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report indicates that Article 91 of the Law on Occupational Safety and Health stipulates that the supervision of the implementation of this Law and other health and safety regulations shall be carried out by the ministry competent for labour affairs through labour inspectors. Regarding the application of the Law on Occupational Health and Safety, the report notes that employers are obliged to ensure their workers' health and safety, regardless of the nature of their work engagement, the duration of their employment and the location where work is performed.

Domestic workers

The report states that the supervision of the implementation of health and safety measures with respect to domestic workers is carried out upon obtaining a court decision to enter private property. Article 22(1) of the Law on Inspection Supervision stipulates that, in order to establish the facts, the inspection shall obtain a written decision from the relevant court if it intends to conduct an inspection at a residential area or other area for such purpose, unless the inspection is carried out at the request, or with the express written consent of the owner or user, or holder of the residential area, which may also be given on site. Oral consent may also be given where it is necessary to take urgent measures to prevent or eliminate a threat to people's lives or health, valuable property, the environment, flora or fauna**.** Such instances shall be specifically explained in the minutes.

The report notes that the Labour Inspectorate has not reported any cases of domestic workers. The Committee notes from another source that, according to a 2023 European Union Labour Force Survey, there were approximately 17,000 domestic workers, of whom almost 85% were women, and more than 60% were aged at least 50 (Pejin Stokić, Lj.(2024). *Access for domestic workers to labour and social protection – Serbia,* European Social Policy Analysis Network, Brussels: European Commission). According to the same source, ILO estimates for 2019 demonstrated a high prevalence of undeclared work in the domestic work sector, reaching 93.6%.

The Committee concludes that the situation in Serbia is not in conformity with Article 3§3 of the Charter on the ground that insufficient measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning domestic workers.

Digital platform workers

With regard to work performed by workers via a digital platform, the labour inspection is responsible for carrying out inspections in the field of occupational health and safety at

employers' undertakings that employ one or more persons, and are registered in Serbia. The labour inspection carries out both regular and extraordinary controls and additional inspections of these employers, but does not keep special records about this.

Teleworkers

With regard to work performed by workers remotely, the report notes that the labour inspectorate is responsible for conducting inspections in the field of occupational health and safety at employers' undertakings that employ one or more persons, and are registered in Serbia.

The report indicates that the Law on Occupational Health and Safety stipulates that employers are obliged to ensure occupational health and safety when workers are working from home and remotely, in cooperation with them. For example, the employer must: (i) determine the conditions for safe and healthy work and provide the necessary equipment, (ii) define the work process in connection with the tasks to be performed by the worker, and (iii) prescribe preventive measures for a safe and healthy work environment. It is also stipulated that employers may adopt a written risk assessment act for working from home and remote working with the participation of the worker. Workers are obliged to inform their employer of the fulfilment of the conditions necessary for safe and healthy work as determined by the risk assessment act, and to promptly inform the employer of any subsequent change in the conditions.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

The report provides statistical information on the inspections carried out between January and September 2024. It notes that the labour inspectors determined that, out of a total of 7,021 foreign persons engaged in work, 602 persons were employed by a foreign employer in a foreign country, and they were sent to work for an employer registered in Serbia for whom they performed contracted work. In the light of the irregularities identified, the report states that labour inspectors took appropriate measures within the scope of the labour inspection in

accordance with the Labour Law, the Law on Occupational Safety and Health, and the Law on the Employment of Foreigners.

Workers employed through subcontracting

The report indicates that, under the Law on Occupational Safety and Health, all employers are subject to the same obligations, rights and responsibilities in the application of regulations in the field of occupational safety and health, regardless of whether they are contractors or subcontractors.

The report notes that the Labour Inspectorate does not maintain separate records of inspections of subcontractors in the field of occupational safety and health. The report provides statistical information on the total number of inspections in the field of occupational health and safety and the measures imposed by labour inspectors from January to September 2024.

Self-employed workers

The report indicates that, in accordance with Article 43 of the Law on Occupational Safety and Health and other related regulations, self-employed persons are responsible for their own safety and health, as well as the safety and health of other persons who may be affected by their work. This obligation extends to any failures in the application of occupational safety and health measures. Self-employed workers must apply occupational safety and health regulations in their work and to cooperate with other employers and workers in implementing occupational safety and health measures, when the performance of work is related to them. The report provides information on the regulations applicable to self-employed workers who carry out work on construction sites that are subject to the inspections by labour inspectors.

The Committee notes from the information provided in the report that only self-employed workers engaged in work on construction sites are subject to supervision by the Labour Inspectorate. Therefore, the Committee concludes that the situation in Serbia is not in conformity with Article 3§3 of the Charter on the ground that certain categories of self-employed workers are not subject to supervision by the labour inspectorate.

Workers exposed to environment-related risks such as climate change and pollution

The report notes that Article 74 of the Constitution guarantees the right to a healthy environment. In 2007, the Government issued a Recommendation to employers, advising them to organise their work in a manner that avoids performing physically demanding tasks and the direct exposure of workers to the sun at high temperatures (above 36 °C), particularly between 11 am and 4 pm, if the work process allows it.

The report further indicates that the Ministry of Labour, Employment, Veterans and Social Affairs, the Occupational Safety and Health Directorate, in collaboration with EU experts and social partners, have developed the Guidelines for Safe and Healthy Work Outdoors in Low Temperature Conditions (2017) and the Guidelines for Safe and Healthy Work Outdoors in High Temperature Conditions (2013). Work is currently underway to update these guidelines.

The report notes that the new Regulation on the method and procedure for assessing risks at the workplace and in the working environment (Official Gazette of the Republic of Serbia, No. 76/24) stipulates in Article 9, item 1), sub item 8) the obligation to assess the risk of harmful climatic influences (working outdoors in conditions of high or low temperatures, relative humidity, ultraviolet radiation, wind speed, etc.).

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 3§3 of the Charter on the grounds that:

- insufficient measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning domestic workers;
- certain categories of self-employed workers are not subject to supervision by the labour inspectorate.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

According to the report under Article 104 of the Labour Law workers are guaranteed equal salary for equal 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 equal work contribution is made with equal responsibility. An employer's decision or agreement with a worker that is not in accordance with the above is null and void.

The Committee notes from the Direct Request (CEACR) (2023) concerning Equal Remuneration Convention (No.100) that the Law on Gender Equality was adopted in 2021 and provides that workers be guaranteed equal pay, either in cash or in kind, directly or indirectly, for the same work, or work of equal value to the employer, in line with the law governing employment relations, and that work of equal value refers to work for which the same level of qualification or education, knowledge and ability is required, and in which an equal contribution has been made with equal responsibility. Labour inspectors are responsible for determining whether workers are entitled to equal pay for equal work or work of equal value. To this end, labour inspectors review employment contracts and check whether workers, regardless of their gender, have the same contractual amounts of basic pay for the

same type of work, as well as the elements for determining job performance, salary compensation, salary increases and other worker benefits.

The Committee considers that the situation is in conformity on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

The Committee notes from the report that 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, 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.

The Committee notes from Direct Request (CEACR (2023) concerning Equal Remuneration Convention (No. 100) that the Government was requested to provide information on measures taken to promote the use of objective job evaluation method in the private sector, such as through awareness-raising and the inclusion of objective job evaluations in collective agreements.

The report further states that the Ministry does not have data on the salaries of private sector workers. In reply to the Committee’s additional question, the Government states that in the private sector, wages are regulated by the Labour Law.

The Committee observes that the Government does not provide any information concerning job classification and remuneration systems in the private sector. Therefore, it considers that it has not been established that such systems are in place.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, the general objective of the Gender Equality Strategy for the period 2021 to 2030 is to overcome the gender pay gap and achieve gender equality as a prerequisite for the development of society and improving everyday lives of women and men. The report indicates that according to the latest data from the Statistical office the pay gap in September 2023, amounted to 14.4%.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it (University Women of Europe (UWE) v. Ireland, Complaint No. 132/2016, decision on the merits of 5 December 2019, § 186). The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee notes that the report does not provide statistics concerning the evolution of the gender pay gap. Therefore, it considers that it has not been demonstrated that there has been a measurable progress in reducing the gender pay gap. Therefore, the situation is not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 4§3 of the Charter on the grounds that:

- it has not been established that there are job classification and remuneration systems in place in the private sector which would guarantee the existence of a transparent and gender neutral pay system.
- it has not been established that there is a measurable progress in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

In reply, the report states that the Constitution and the Labour Law guarantee freedom of association and trade union organisation. Workers freely join trade unions, and trade unions are established in accordance with their constitution while they acquire the status of a legal entity by entering it into the register with the Ministry of Labour. These rules also apply to workers who perform part-time work.

According to the report, work is underway on a new legislative framework that will regulate the trade union rights and social dialogue. However, the report does not provide further information on the scope of this new legislative framework.

The report also provides information about the implementation of the Project "Strengthening Social Dialogue in the Republic of Serbia", by the International Labour Organisation with the financial support of the European Union (IPA 2022 Programme). The Committee notes (www.ilo.org) that this project's objective is to strengthen the Economic and Social Council, with emphasis on the regulatory, institutional, and promotional framework for collective bargaining and dispute resolution. The project will aim to identify and address legal and implementation gaps in conducting effective tripartite and bipartite social dialogue and improve the regulatory and institutional framework of social dialogue in Serbia.

The Committee notes from outside sources (Institute for European Policy, Mapping Platform Work in Serbia, 2025) that although platform workers in Serbia represent roughly 0.5 – 1% of the total workforce (between 14,500 and 29,000 platform workers), platform work is not explicitly defined in the Labour Law. Depending on the type of service provided, platform work may fall under different categories. In general, platform workers are classified as "self-employed" as they are engaged in independent contracting via platforms, excluding them from the full spectrum of rights available to workers.

According to the same sources, union representation for platform workers in Serbia faces significant challenges due to the lack of legal recognition of their employment status (self-employed rather than worker). Exclusion from traditional unions has led to the rise of independent initiatives for platform workers, such as the Internet Workers' Association. However, these initiatives lack the same level of power as established trade unions.

According to the report, there is currently a policy debate in Serbia on introducing a legal category for "economically dependent self-employed workers" in order to better ensure protection for platform workers in terms of labour rights and social security. It further notes that the new Labour Code, which is planned to be adopted in 2027, will regulate work in the platform economy.

In light of the above, the Committee concludes that the situation is not in conformity with Article 5 on the ground that no measures have been taken to encourage or strengthen the positive

freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In its previous conclusions (Conclusions 2022, 2018 and 2014 under Article 5, Serbia), the Committee concluded that the situation was not in conformity with the Charter on the ground that the minimum membership requirements set for establishing employers' organisations (the founding members must employ no less than 5% of the total number of workers in a given branch of industry, group, sub-group, or a line of business or in a territory of a given territorial unit) were too high and therefore constituted an obstacle to creating associations.

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that an employers' association is considered representative if: - it is registered in accordance with the law; -if at least 10% of all employers in a branch, group, subgroup, activity, or region are members of the employers' association, and these employers together employ at least 15% of all workers in the same area or sector.

The Committee notes that the legislative provisions (Article 216 of the Labour Code) which led the Committee to find a violation of Article 5 of the Charter have not been amended in the meantime. Therefore, the Committee reiterates its previous conclusion that the minimum membership requirements in order to form employers' organisations are too high.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

In reply, the report states that representativeness status for a trade union is a prerequisite for participation in the negotiation process for the conclusion of a collective agreement. Under the Labour Law, a trade union is considered representative:1) if it is established and operates according to the principles of freedom of trade union organisation and action;2) if it is independent of state authorities and employers;3) if it is financed mainly from membership fees and other own sources; 4) if it has the required number of members based on membership applications:- for a trade union operating at the employer level, the condition is that at least 15% of the total number of workers of the employer are members of the trade union; - for a trade union operating at the level of the entire territory, or a unit of territorial autonomy or local self-government, or else for a branch, group, subgroup or activity, the condition is that at least 10% of the total number of workers in the branch, group, subgroup or activity, or in the territory of the territorial unit, are members of the trade union. 5) if it is registered in accordance with the law and other regulation.

Concerning minority trade unions, the report indicates that the Labour Law does not prescribe the number of union members as a condition for its establishment, and in this sense, the rights and opportunities prescribed by the law for unions do not differ in terms of the number of members. All trade unions registered with the Ministry of Labour have the status of a legal entity and the right to operate at the employer or other level, in accordance with the law.

As regards the existence of alternative representation structures at enterprise-level, the report states that in addition to the establishment and operation of trade unions, Article 205 of the Labour Law stipulates that workers of an employer with more than 50 workers may form a

works council, in accordance with the law. The works council gives its opinion and participates in decision-making on the economic and social rights of workers, in the manner and under the conditions established by law and general act.

The Committee also notes that according to Article 13 of the Labour Law, workers are entitled to directly, i.e. through their representatives, associate, participate in negotiations for concluding collective agreements, in the peaceful settling of collective and individual labour disputes, in consultation, information and expression of their standpoints regarding essential work-related issues. A worker representative may not be called to account because of their activities as representative or be placed in a more disadvantageous position regarding the conditions of work.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

The report indicates that police officers and members of the armed forces are fully guaranteed the right to organise and form trade unions.

Concerning police officers, the report states that Article 169 of the Police Law stipulates that police officers and other workers have the right to establish a trade union, professional and other organisation and to act in a manner established by the law. Article 49 of the Special Collective Agreement for Police Officers stipulates that the employer does not, by its actions and activities, impede trade union work and trade union organisation and the right of police officers to become members of a trade union.

According to the report, in the register of trade unions maintained by the Ministry of Labour, Employment, Veteran and Social Affairs, there are about 50 trade unions operating within the Ministry of Interior or comprising members of the police. The report indicates that currently there are three representative trade unions operating in the Ministry of the Interior: the Independent Police Trade Union, the Serbian Police Trade Union and the Police Trade Union of Serbia.

As regards members of the armed forces, according to the report, the Law on the Serbian Armed Forces provides in its Article 14 that the participation of professional members of the Serbian Armed Forces in groups of a trade union nature must be in accordance with the rules of military service. Rules of Service of the Serbian Armed Forces provides that a professional member of the Army may be a member of a trade union group and participate in its activities in accordance with the provisions of the law, general labour regulations and this rule.

The report indicates that there are about 40 trade unions operating in the Ministry of Defence or comprising members of the military.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 5 of the Charter on the ground that:

- no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.
- the minimum membership requirements for forming employers' organisations are too high.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that for the purposes of the present repot, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that the implementation of the Project "Strengthening Social Dialogue in the Republic of Serbia", which is being implemented by the ILO with the financial support of the European Union, should contribute to the promotion of trade union organizing and action, and in particular the importance of social dialogue, collective bargaining and the conclusion of collective agreements.

The project activities are aimed at improving the entire area of social dialogue in the Republic of Serbia, improving the normative framework, but also in particular the promotion of collective bargaining and raising awareness of the importance and significance of concluding collective agreements and cooperation between employers and trade unions in general.

According to another source consulted by the Committee (ILO, Ministry of Labour, Employment, Veterans and Social Affairs and social partners of the Republic of Serbia team up to strengthen social dialogue | International Labour Organization), the project will be implemented from 2024 to 2027 by undertaking regulatory analyses, tripartite discussions and consultations, and practical negotiation training, with the support of all partners, namely the Ministry of Labour, workers' and employers' organizations, the Social and Economic Council (SEC), and the Agency for the Peaceful Settlement of Labour Disputes.

The Committee also notes that the Confederation of Autonomous Trade Unions of Serbia had submitted in their comments to the CEACR Committee in 2022 that "tripartite consultations are misused for political purposes. It also highlights instances in which trade unions were not involved in dialogues between large investors and the State on issues concerning relations between employers and workers, such as wage setting." In addition, the Serbian Association of Employers had observed that "many initiatives adopted by the SEC have not been implemented through laws and by-laws" (Observation (CEACR) - adopted 2023, published 112nd ILC session (2024). The Committee observes that these submissions call into question the promotion of tripartite consultation in Serbia. In addition, the Committee notes that no concrete activities have yet been reported under the joint ILO-EU project aiming at strengthening social dialogue which has been launched in 2024.

In the light of the above, the Committee considers that it has not been established that joint consultations have been sufficiently promoted within the Tripartite Committee.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

According to the report, the requested data are not available because there is no obligation or practice for trade unions or employers to submit reports and inform the Ministry of Labour, Employment, Veteran and Social Affairs or any other state body about this type of activity and mutual cooperation.

According to another source consulted by the Committee (OECD (2024), *Western Balkans Competitiveness Outlook 2024: Serbia*, Competitiveness and Private Sector Development), there is evidence of the implementation of collective bargaining, mainly in the public sector, but information on that implementation at the sectoral, company, and workplace levels in the private sector is not available. Collective agreements mainly regulate wage levels, working time, and issues concerning trade unions' rights; other issues, such as working conditions, training and job security, are more rarely covered.

According to the same source, the government's involvement through tripartite social dialogue is more developed, with minimum wages being regularly fixed in tripartite negotiations. As of early 2024, the SEC, as the main platform for tripartite dialogue, was running four permanent working bodies on legal issues, economic affairs, occupational safety and health, and collective bargaining and peaceful settlement of labour disputes.

The Committee recalls that consultation must cover all matters of mutual interest, and in particular productivity, efficiency, health, safety and welfare of workers, as well as other occupational matters, economic problems and social questions (Conclusions I (1969), Interpretative Statement on Article 6§1; Conclusions V (1977), Ireland). For States Parties that have ratified both provisions, such as Serbia, consultation at the enterprise level is considered only under Article 21. The Committee considers that the government has not provided sufficient reasons which would have prevented the competent authorities from collecting general data on the subject and results of joint consultations in the private sector.

In light of the above, the Committee considers that it has not been established that joint consultations have been sufficiently promoted in the private sector.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

digital transition

The report refers to the “Leap into the Future - Serbia 2027” program, including investments in state-of-the-art digital, telecommunications and innovative infrastructure. In reply to the Committee’s request to provide concrete information on joint consultation conducted on the digital transition, the Government submitted that the Office for Information Technology and e-Government 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. Over the last 8 years, a large number of information systems and digital services have been established in various areas, including the e-Government Portal enabling citizens to access data on applications for compulsory social insurance.

According to the report, digital tools also 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. In accordance with the Law on the Planning System, the policy formulation process provides for an inclusive consultative process and the participation of all stakeholders.

The Committee recalls that joint consultation within the meaning of Article 6§1 is consultation between workers and employers or the organisations that represent them (Conclusions I (1969), Statement of Interpretation on Article 6§1.).

The Committee observes that the Government has put in place tools for consultation on matters relating to the digital transition. It notes, however, that the report does not contain any concrete example of joint consultations between social partners having been carried out on these matters.

In light of the above, the Committee considers that it has not been established that joint consultations have been carried out on matter relating to the digital transition.

green transition

According to the report, with the support of the Government of Japan, the United Nations Development Programme (UNDP) organized the first in a series of dialogues in 2022 on how to implement a green transition of the economy in Serbia in a fair manner, which takes into account the specificities of sectors and regions based on the intensive use of fossil fuels. The aim of the dialogue was to find a common response from the whole of society on how to reduce job losses, timely retrain workers and diversify sources of income in cities and municipalities that rely on coal production.

In addition, a project called “Just Green Transition and Decarbonization” was implemented from 2022 to 2023 in cooperation with the Ministry of Mining and Energy, the Ministry of Environmental Protection of the Republic of Serbia and with financial support from the Government of Japan. The project included a broad consultation process and comprehensive dialogue with all stakeholders relevant to the strategic planning and implementation of a just green transition, resulting in a socio-economic analysis, conclusions and a roadmap for a just green transition. The project identified and supported innovative initiatives for the decarbonization of the economy and industry across Serbia, in sectors most affected by the transition to a low-carbon economy.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that:

- joint consultations have been sufficiently promoted;
- joint consultations have been held in the private sector;
- joint consultations have been held on issues relating to the digital transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report indicates that the Government may extend the application of a collective agreement or specific provisions thereof to all employers in a given sector, even those not affiliated with the signatory employers' association. Such a decision is permissible if the agreement already applies to employers representing more than 50% of the workforce in the relevant branch, group, or activity, and if the extension is consistent with social and economic policy, wage harmonisation, and the prevention of unfair competition. The Government acts upon request of one of the signatory parties and based on a reasoned proposal from the competent ministry, following the opinion of the Social and Economic Council. It may also exempt individual employers or associations from the application of such extended agreements if that is justified by financial or business constraints and may revoke extension or exemption decisions if the underlying reasons cease to exist.

Regarding the favourability principle and derogations, the report states that, pursuant to the Labour Law, collective agreements may only establish more favourable rights and working conditions for workers than those laid down by law. Enterprise-level collective agreements may only provide for more favourable terms than those prescribed by sectoral or general collective agreements. The Labour Law further stipulates that if a collective agreement, or any of its provisions, provides for less favourable working conditions than those established by law then the latter applies.

The Committee notes that that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out,

hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report states that the Labour Law enables collective bargaining across all levels, subject to representativeness criteria. According to the Government, the principal obstacle hindering collective bargaining is the inability of certain trade unions or employers' associations to meet the statutory requirements for representativeness, as well as the absence of organised social partners in some sectors. The report notes that the International Labour Organization (ILO) is implementing a three-year project in Serbia between 2024 and 2027 aimed at strengthening social dialogue by improving the legal and institutional framework for social dialogue, enhancing the practice of collective bargaining, and raising public and institutional awareness of its importance.

The Committee notes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has recently expressed a range of concerns in relation to the implementation of Convention no. 98 in Serbia. Notably, these refer to the effectiveness of the legal protections against anti-union discrimination in practice, the operation of the body vested with granting representative status for collective bargaining purposes, the disproportionate legal requirements for employers' organizations to be entitled to engage in collective bargaining (International Labour Organization. (2025). Direct Request (CEACR) and Observation (CEACR) – adopted 2022, published 111th ILC session (2023). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Serbia (Ratification: 2000). NORMLEX). The CEACR also highlighted the persistent lack of cooperation on the part of Serbian authorities in response to its requests for information. The Committee also refers to its corresponding assessment under Article 5 of the Charter regarding the situation in Serbia, leading to a conclusion of non-conformity on the ground that the minimum membership requirements for forming employers' organisations are too high.

The Committee considers that the report lacks adequate information on the operation of collective bargaining in practice, which would enable an assessment of the situation in Serbia with regard to Article 6§2. This concerns, inter alia, the extent and subject matter of bargaining taking place at different levels as evidenced by the number of collective agreements concluded and in force; the number of workers covered by such agreements; the application of the legal provisions on the articulation of collective bargaining taking place at different levels mentioned above; or the measures taken or planned to promote collective bargaining. The Committee therefore concludes that the situation in Serbia is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the promotion of collective bargaining is sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report notes that collective bargaining is a worker prerogative, whereas platform workers are usually classified as self-employed.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in the Serbia is not in conformity with Article 6§2 of the Charter on the ground that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, is not sufficiently promoted.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 6§2 of the Charter on the grounds that:

- it has not been established that the promotion of collective bargaining is sufficient;
- the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has not been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Serbia was not in conformity with Article 6§4 of the Charter on the ground that the range of sectors in which the right to strike may be restricted is too extensive and the restrictions on the right to strike go beyond the limits set by Article G of the Charter and that the workers are not involved on an equal footing with employers in decisions on the minimum service to be provided during strikes. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

The Committee notes that under Article 57 of the Law on Health Care it is prohibited to organize strikes in health care institutions that provide emergency medical care, as well as in organizational units of other health care institutions that provide admission and care for emergency conditions. In health care institutions and organizational units of health care institutions that are not covered by paragraph 1 of this Article, during a strike, the health care institution is obliged to, depending on the activity, ensure a minimum work process that includes: 1) continuous and uninterrupted performance of immunization according to the prescribed deadlines; 2) implementation of hygienic and epidemiological measures in case of a threat of an epidemic of an infectious disease, or for the duration of an epidemic of an infectious disease; 3) diagnostics and treatment of patients with urgent and acute diseases, conditions and injuries, including patient transport; 4) collection, testing, processing and distribution of blood and blood components, as well as the issuance of blood and blood components; 5) supply of medicines and medical devices necessary for ensuring the minimum work process; 6) health care and nutrition of hospitalized patients; 7) other types of necessary medical assistance. Issues not regulated by paragraphs 1 and 2 of this Article shall be regulated in accordance with the law regulating strikes.

The Committee recalls that while prohibiting strikes in sectors which are essential to the community may in principle be considered to serve a legitimate purpose since strikes in these sectors could pose a threat to the rights and freedoms of others, to the public interest, to national security and/or to public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4), a blanket ban on strikes even in essential sectors – particularly when they are extensively defined, such as “energy, or “health” " – cannot be deemed proportionate to the specific requirements of each sector (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114). Similarly, while the right of workers in essential services to take collective action may be subjected to limited restrictions in order to ensure the continued operation of such services, for example during a public health emergency (Statement on Covid -19 and Social Rights, adopted on 24 March 2021, p. 6), such restrictions must comply with Article G of the Charter, and simply prohibiting workers in sectors thus broadly defined from striking, without distinguishing between the specific tasks performed by these workers, cannot be considered proportionate

to the particular circumstances of each of the sectors concerned, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic).

The Committee considers that the prohibition of strikes concerns a significant part of the workforce employed in the provision of emergency health care services. It is further not clear whether the prohibition applies to all those employed within such units irrespective of their role. It considers that such a prohibition is not proportionate to the aims pursued and therefore goes beyond the restrictions permitted by Article G. It noted in this respect that no compelling reasons had been put forward as to why a blanket ban had been imposed on all personnel rather than the introduction of a minimum service. Therefore it concludes that the situation is not in conformity in this respect.

The report states that, under Article 9 and Article 18 of the Law on Strike and Article 14, paragraph 5 of the Law on the Army, the members of the Serbian Armed Forces are prohibited from striking.

The Committee recalls that Serbia entered a reservation in respect of professional military personnel under Article 6§4 of the Charter.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is restricted and where there is a requirement of a minimum service to be upheld, as well as to provide the details on the relevant rules and their application in practice, including the relevant case law.

The national report states that under the Law on Strike 29/96 a minimum service is to be upheld during a strike in an activity of public interest (electricity supply, water supply, transportation, radio and television broadcasting, post and telecommunication services, waste management, basic food production, health and veterinary care, education, social care for children, social protection and the ones of special importance for the defence and security of the state) or in an activity whose interruption of work due to its nature could endanger life and health of people or cause large scale damage (chemical industry, steel industry and ferrous and non-ferrous metallurgy).

Pursuant to the Law on Health Care, the minimum service which shall be provided in healthcare institutions during a strike includes: continuous and uninterrupted performance of immunization according to the prescribed deadlines, implementation of hygienic and epidemiological measures in the event of a threat of an outbreak of an infectious disease of for the duration of an epidemic of an infectious disease, diagnostics and treatment of patients with urgent and acute diseases, conditions and injuries, including the transport of the patients, collection, testing, processing and distribution of blood and blood components, as well as the issuance of blood and blood components, supply of medicine and medical devices which are necessary to ensure the maintenance of minimum services, health care and nutrition of hospitalized patients, and other types of necessary medical assistance.

The Committee recalls that while the right of workers in essential services to resort to collective action may be subjected to limited restrictions in order to ensure the continued operation of such services, for example during a public health emergency (Statement on Covid-19 and Social Rights, adopted on 24 March 2021, p. 6), such restrictions must comply with Article G of the Charter.

It further recalls that in its previous conclusions it found that the situation in Serbia was not in conformity with Article 6§4 on the grounds that the range of sectors in which the right to strike may be restricted was too extensive and the restrictions on the right to strike went beyond the limits set by Article G of the Charter (Conclusions 2022). It considered that there was no information enabling it to conclude that sectors such as postal services, education or childcare or the other “general interest” services referred to in the law, could be regarded as “essential services” in the strictest sense of the term.

According to the report, when determining minimum services to be upheld, the founder or director has to take into account opinion, comments and proposals of the trade union, taking into account the nature of the activity, the degree of threat to people's life and health and other circumstances significant for meeting the needs of citizens, enterprises and other entities; the minimum services to be ensured is determined by the employer in accordance with the collective agreement

In its previous conclusion, the Committee considered that the situation was not in conformity with the Charter on the ground that when establishing a minimum service to be upheld during a strike workers or their organisations are not involved on an equal footing with employers in the decision on the nature or degree of the minimum service to be upheld and the employers have the power to determine minimum service unilaterally (Conclusions 2018, Conclusions 2022).

According to the report, under the Law on Police, workers of the Ministry of Interior including the police forces have the right to strike under the conditions prescribed by law and by collective agreement. Police officers are prohibited from striking in the following cases: a state of war, emergency or increased risk, violent threat to the constitutional order of the Republic of Serbia, natural disaster or imminent danger on all or part of the territory of the Republic of Serbia, other accidents or disasters that interfere with the normal course of life and impair the safety of people or property and where officers are employed in jobs where there are no conditions for ensuring a minimum work process.

Under the Law on Police, workers of the Ministry of Interior, apart from the police officers mentioned above, may strike if a minimum service which guarantees safety of persons and property or is essential to preserve the life and work of citizens is upheld.

The Committee recalls that restrictions have been found to satisfy the conditions of Article G of the Charter where "national security was affected or where the life and health of persons were at stake" (European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands, Complaint No. 201/2021, decision on the merits of 24 January 2024, §§ 87 and 92).

Therefore, the Committee considers that the situation is in conformity with Article 6§4 of the Charter on the ground that the restrictions on the right to strike for the police do not go beyond the limits permitted by Article G of the Charter.

Prohibition of the strike by seeking injunctive or other relief

The Committee has asked the States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

The report does not provide any information on the above questions.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 6§4 of the Charter, even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- workers in health care institutions that provide emergency medical care, as well as in organizational units of other health care institutions that provide admission and care for emergency conditions are denied the right to strike
- the range of sectors in which, under the Law on Strike 29/96, the right to strike may be restricted is too extensive and it has not been established for the full range of sectors that the restrictions on the right to strike fall within the limits permitted by Article G of the Charter;

- workers are not involved on an equal footing with employers in decisions on the minimum service to be maintained during a strike.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by the Republic of Serbia, the comments submitted by the European Trade Union Confederation as well as the observations of the government on these comments**.**

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, States should demonstrate measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market and to reduce gender segregation the report refers to the Employment Strategy of the Republic of Serbia that encourages the participation of women in the labour market.

The Committee notes that Serbia's employment strategy prioritises women, especially those who are long-term unemployed, face multiple employability barriers, or live in underdeveloped areas. These women receive targeted support through both financial measures (e.g., self-employment subsidies) and non-financial measures such as job search training and self-efficacy workshops. The strategy also focuses on improving work-life balance, with support from UN Women, and on integrating women back into the labour market through tailored activation programs.

According to the report the 2024–2026 Action Plan reinforces these goals by including specific activities to enhance women's labour market participation, such as providing for additional

support services (e.g., childcare allowances and individualised assistance). Furthermore, gender budgeting has been embedded in employment policy since 2016, requiring at least 51% of Active Labour Market Policy measures address to women.

According to the Government, Serbia has adopted the National Strategy for Gender Equality 2021–2030, which provides the framework for promoting equality between men and women. The Strategy calls for the removal of barriers to women's participation in the labour force, the provision of social services that support the reconciliation of work and family life, and the expansion of care services to achieve a more balanced distribution of family responsibilities between men and women. It also stresses the need to prevent and punish all forms of sexual and gender-based violence, including through the implementation of the Istanbul Convention.

The Government adopted a Rulebook on the Methodology for Calculating Unpaid Domestic Work (2024) to operationalise the support of women's entry into the labour market, to help enhance their employability, promote self-employment, and create jobs for women facing particular difficulties.

According to the report, in 2023 women made up 59.9% of the total number of persons who received financial measures. In specific in 2023, 4,228 unemployed individuals received self-employment subsidies, with women accounting for 2,564 (60.64%). By the end of that year, women represented 56% (217,473) of the 387,764 registered unemployed with the National Employment Service (NES), and 43.39% of registered women were employed. As of September 30, 2024, 10,237 people had been included in active labour market policy measures, of whom 6,192 (60.5%) were women.

The Committee further notes that the Government adopted the Strategy for Deinstitutionalisation and Development of Social Welfare Services in the Community (2022–2026). The goal is to reduce the care burden on women by expanding community-based services, such as at-home help, childcare assistance, personal companions, and shelters for victims of violence. Several EU and international projects focus on strengthening integrated social protection services, raising awareness about gender-based discrimination, and promoting the economic empowerment of women.

The Committee considers that while women represent nearly 60% of participants in Active Labour Market Policy (ALMP) measures, this does not imply equal participation in the labour market overall. Their high share in ALMP programmes reflects both strong engagement in training and employment support initiatives and a greater reliance on such measures compared to men.

The Committee notes from Eurostat that the female employment rate in 2023 amounted to 63.3% and to 66% in 2025, below the EU average. The gender employment gap stood at 12.4% in 2023 and at 11.8% in 2025, which is higher than the EU average. The Committee considers that insufficient measurable progress has been made and therefore, the situation is not in conformity with the Charter.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The report refers to several measures designed to achieve effective parity in decision making positions. A comprehensive policy initiative is proposed, aimed at creating the legal and institutional framework necessary to advance gender equality in political life and public decision-making. The initiative is aligned with the provisions of Serbia's Law on Gender Equality and the recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW). It seeks to ensure that women and men, including members of vulnerable groups, are provided with equal opportunities to participate in political and public affairs. It focuses on ensuring that women and men, including members of vulnerable groups, have equal opportunities to participate in political and public affairs.

Furthermore, to reduce the gender gap in the economy, science, and education, measures are provided to promote women's entrepreneurship, innovation and participation in the circular, green, and digital economy. Reforms include regulatory amendments and targeted measures to close the gender gap in political, administrative, and social institutions.

The report states that that in the judiciary, women dominate. 71,5 % of judges are women. In the administrative Courts the representation of women is 85,7%. In the courts of appeal 77,4 %, in the misdemeanour courts 75,8 %, in the commercial courts 75,2% and in the Supreme Court of Cassation woman are 65,9%. The head of the Supreme Court of Cassation is a woman, and among the presidents of courts of general and special jurisdiction, 58.2% are women, though appellate court presidencies remain male-dominated.

The Committee notes that women old 40% of ministerial positions (12 out 30 ministers are women) and 30% of State Secretary roles, with one female Deputy Prime Minister and the current Speaker of the National Assembly being a woman. The Committee also notes from UN Women that 35% of parliamentarians are women and 36% of ministers are women.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies

amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report, Law on Business Companies provides that joint stock companies do not have boards of directors. According to the report, in joint stock companies women hold 155 out of 586 supervisory board positions (26%). In five joint stock companies monitored by the Ministry of Economy, women make up 28% of the assembly members (7 out of 25). The Committee notes that the report does not provide data that would establish that there has been a measurable progress in promoting the representation of women in executive positions in the largest listed companies. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 20 of the Charter on the grounds that:

- there is insufficient measurable progress in reducing the gender employment gap;
- it has not been established that there has been measurable progress in promoting the representation of women in executive positions in the largest listed companies.