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EUROPEAN SOCIAL CHARTER

11th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29
of the European Social Charter

for the period 01/01/2017 – 31/12/2020

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17 May 2022

CYCLE 2022

REPORT ON IMPLEMENTATION OF THE RESC IN THE REPUBLIC OF SERBIA FOR 2021 (Group 3, Labour Rights)

Article 2 – The right to just conditions of work

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

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

a) *Please provide updated information on the legal framework to ensure reasonable working hours (weekly, daily, rest periods, ...) and exceptions (including legal basis and justification). Please provide detailed information on enforcement measures and monitoring arrangements, in particular as regards the activities of labour inspectorates (statistics on inspections and their prevalence by sector of economic activity, sanctions imposed, etc.).*

YEAR 2020

In the period January - December 2020, the Labour Inspectorate performed 30,897 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in accommodation and food services - 19%, industry - 14%, in construction - 9%, in personal services - 6%, in financial activities and business services - 4%, in the activity of transport and storage - 3%, in the activity of education - 3%, in the activity of health -3%, in the activity of art, entertainment and recreation - 2%, in other activities - 11%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,255 decisions were made with 1,259 measures and 4,827 orders based on 3,177 minutes to eliminate the identified irregularities. Out of the total number of issued decisions, 86 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 2,605 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

Employers generally formally harmonize working hours with the law, but in practice this labour law institute is often abused.

When it comes to the schedule of working hours, it is not uncommon for employers not to make decisions on the schedule of working hours, or these decisions do not cover all jobs and all employees. Also, these decisions are often imprecise, and on the basis of them it is not possible to determine with certainty the schedule of working hours for a particular employee, when the inspection is performed, and employment contracts, as a rule, only contain a general provision that working hours of an employee amount to 40 hours per week.

YEAR 2019

In the period January-December 2020, the Labour Inspectorate performed 42,184 inspections in the field of labour relations. Most inspections were performed in trade - 30%, in accommodation and food services - 19%, industry - 14%, in construction - 11%, in personal services - 7%, in financial activities and business services - 3%, in the activity of transport and storage - 3% in the activity of education -2%, in the activity of art, entertainment and recreation - 1%, in the activity of health -

2%, in other activities - 8%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,985 decisions and 8,062 orders were issued based on 5,573 minutes for the elimination of identified irregularities. Out of the total number of issued decisions, 107 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 5,363 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

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YEAR 2018

In the period January - December 2018, the Labour Inspectorate performed 42,688 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in the provision of accommodation and food services - 20%, industry - 15%, in construction - 10%, in personal services - 7%, in financial activities and business services - 4%, in health - 4%, in transport and storage - 3%, in arts, entertainment and recreation - 2%, in the field of education - 2%, in other activities - 7%.

During the inspections in the field of labour relations, in the mentioned period, a total of 4,871 decisions were made with 5,885 measures and 6,405 orders based on 4,607 minutes for eliminating the identified irregularities. Out of the total number of issued decisions, 183 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 5,067 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

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Provisions of the Labour Law "Official Gazette of RS" No. 24 of 15th March 2005, 61 of 18th July 2005, 54 of 17th July 2009, 32 of 8th April 2013, 75 of 21st July 2014, 13 of 24th February 2017 - CC, 113 of 17th December 2017 and 95/18 - Authentic Interpretation), which regulate working hours, vacations and leaves have not changed since the last reporting, except for the provision of

Article 55, which obliges the employer to keep daily records of overtime work of employees.

Law on Agency Employment "Official Gazette of RS", No. 86 of 6th December 2019.
Article 18 of the Law on Agency Employment stipulates that the assigned employee during the temporary performance of work with the employer beneficiary is entitled to the same working conditions as the comparative employee with the employer beneficiary. Equal working conditions refer to: 1) duration and schedule of working hours; 2) overtime work; 3) night work; 4) rest during work, daily, weekly rest and annual leave; 5) leave with salary compensation in accordance with the law, the collective agreement, or the rulebook applicable to the employer beneficiary; 6) elements for calculation and payment of salary, salary compensation and cost compensation referred to in Article 2, paragraph 7, item 1 of this Law; 7) safety and health at work; 8) protection of pregnant and breastfeeding mothers; 9) protection of youth; 10) prohibition of discrimination on all grounds, in accordance with the law.
The provisions of the Labour Law shall apply to equal working conditions provided directly to the assigned employee by the employer beneficiary.
The Law on Simplified Employment in Seasonal Jobs in Certain Activities "Official Gazette of RS", No. 50 of 29th June 2018, prescribes a new type of employment in seasonal jobs in the sector of agriculture, forestry and fisheries, within which seasonally activities can be performed in accordance with this law, except for activities from the following branches: 01.7 hunting, trapping and related service activities, 02.4 service activities related to forestry, 03.1 fishing and 03.2 aquaculture, in accordance with the regulation governing the classification of activities. This law introduced a simplified procedure for registering seasonal workers through the Tax Administration Portal and a simplified procedure for paying taxes and contributions.
Article 5 of the Law stipulates that the employer is obliged to acquaint the seasonal worker before starting work with the jobs he will perform, place of work, expected duration of employment, conditions for safety and health at work, daily and weekly working hours, breaks during work, daily and weekly leave, the amount of compensation for work without taxes and contributions and deadlines for its payment (hereinafter: working conditions).
Article 6 of the Law stipulates that a seasonal worker who works eight hours a day or longer has the right to rest during daily work for at least 30 minutes. The working hours of the seasonal worker must not be longer than 12 hours a day.

Provisions of the Labour Law "Official Gazette of RS" No. 24 of 15th March 2005, 61 of 18th July 2005, 54 of 17th July 2009, 32 of 8th April 2013, 75 of 21st July 2014, 13 of 24th February 2017 - CC, 113 of 17th December 2017 and 95/18 - Authentic Interpretation), which regulate working hours, vacations and leaves have not changed since the last reporting, except for the provision of Article 55, which obliges the employer to keep daily records of overtime work of employees.
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The working hours schedule for civil servants is prescribed by the Decision on the working hours schedule in ministries, special organizations and government services, the Republic Public Attorney's Office and public agencies ("Official Gazette of RS", No. 47/14, hereinafter: the Decision). Item 1 of the Decision stipulates that working hours period starts at 7.30 am and ends at 3.30 pm, while item 2 of the Decision stipulates that, exceptionally from working hours from 7.30 am to 3.30 pm, at the bodies in which work is performed in shifts, at night or when the nature of work and the organization of work requires it, the work week can be organized in another way and to the act on the working hours schedule of these bodies, the consent is given by the Government of the Republic of Serbia.

The Special Collective Agreement for Government Bodies ("Official Gazette of the RS", Nos. 38/19 and 55/20, hereinafter SCA) regulates in more detail the duration of working hours and the use of leave for civil servants. Article 7 of the SCA stipulates that full-time work is 40 hours per week, unless otherwise provided by law. The SCA also stipulates that the employer determines the working hours schedule of the employee for a period of at least four weeks (one month) and that the working hours schedule of the employee is published at least ten days before application. Exceptionally, in cases that could not have been foreseen in advance, the working hours schedule of the employee may be changed before the expiration of ten days from the date of notification of the employee. The immediate supervisor must inform the employee about the change in his working hours schedule, as well as that the working hours or the introduction of overtime work cannot deny the employee a daily rest of at least 12 hours continuously or a weekly rest of at least 24 hours continuously. If it is necessary to ensure the continuity of work in a government body, the working hours schedule of employees may introduce work in shifts, in accordance with the general regulations on work (Article 8 of the SCA).

The SCA also regulates the right to part-time work. Employees who work on particularly difficult, strenuous and unhealthy jobs where, in addition to the application of appropriate safety and protection of life and health at work, means and equipment of personal protection, there is an increased harmful effect on employee health, working hours are shortened in proportion to harmful conditions of the work on the health and working ability of the employee. Based on the performed risk assessment and expert analysis, for a workplace with increased risk, shortened working hours,

additional and one-time breaks, as well as other measures (Article 9 of the SCA) can be determined as a preventive measure for safety and health at work.

b) *The Committee would welcome specific information on proactive action taken by the authorities (whether national, regional, local and sectoral, including national human rights institutions and equality bodies, as well as labour inspectorate activity, and on the outcomes of cases brought before the courts) to ensure the respect of reasonable working hours; please provide information on findings (e.g. results of labour inspection activities or determination of complaints by domestic tribunals and courts) and remedial action taken in respect of specific sectors of activity, such as the health sector, the catering industry, the hospitality industry, agriculture, domestic and care work.*

YEAR 2020

In the period January - December 2020, the Labour Inspectorate performed 30,897 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in the provision of accommodation and food services - 19%, industry - 14%, in construction - 9%, in personal services - 6%, in financial activities and business services - 4%, in transport and storage - 3%, in education - 3%, in health -3 -%, in art, entertainment and recreation - 2%, in other activities - 11%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,255 decisions were made with 1,259 measures and 4,827 orders based on 3,177 minutes to eliminate the identified irregularities. Out of the total number of issued decisions, 86 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 2,605 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

Employers generally formally harmonize working hours with the law, but in practice this labour law institute is often abused.

When it comes to the schedule of working hours, it is not uncommon for employers not to make decisions on the schedule of working hours, or these decisions do not cover all jobs and all employees. Also, these decisions are often imprecise, and on the basis of them it is not possible to determine with certainty the schedule of working hours for a particular employee, when the inspection is performed, and employment contracts, as a rule, only contain a general provision that working hours of an employee amount to 40 hours per week.

In 2020, labour inspectors performed 631 inspections to control the implementation of the Law on Gender Equality, when they determined that all controlled employers, 631 of them, keep records on the gender structure of employees.

In the mentioned period, the labour inspection did not submit requests for protection of rights related to the application of the Law on Gender Equality, i.e., there were no reported cases of discrimination based on sex, harassment, sexual harassment and sexual blackmail at work or in connection with work.

In the period 1st January 2020- 31st December 2020, according to the established facts, labour inspectors did not make decisions on eliminating deficiencies in order to eliminate the identified deficiencies in the application of the Law on Gender Equality and did not submit requests to initiate

misdemeanour proceedings.

In 2020, according to the requests for initiating misdemeanour proceedings submitted under the Labour Law, the total amount of fines imposed by the decisions of misdemeanour judges is 184,669,527.00 dinars, based on 2,172 requests for initiating misdemeanour proceedings, which means that the average amount of the imposed fine is 85,023.00 dinars.

18 requests were rejected, 34 proceedings were interrupted, 125 proceedings were suspended, 469 warnings were issued, and 452 initiated misdemeanour proceedings were barred by limitation. Labour inspectors filed 72 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of labour relations.

In the field of safety and health at work, according to the requests for initiating misdemeanour proceedings submitted under the Law on Safety and Health at Work, the total amount of fines imposed by decisions of misdemeanour judges is 69,673,100.00 dinars, based on 512 submitted requests for misdemeanour proceedings, which means that the average amount of the imposed fine is 136,080.00 dinars.

143 procedures became barred by limitation, 78 warnings were issued, 37 procedures were suspended, 3 procedures were terminated, 12 requests were rejected. Labour inspectors filed 14 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of safety and health at work.

The amount of fines imposed according to the decisions of the misdemeanour judges, and based on the submitted requests for initiating misdemeanour proceedings according to the Law on Inspection Supervision, is 3,334,200.00 dinars, and according to other regulations 2,081,710.00 dinars.

The total amount of fines imposed on all submitted requests for initiating misdemeanour proceedings, in the field of labour relations and in the field of safety and health at work is 259,758,537.00 dinars.

YEAR 2019

In the period January-December 2020, the Labour Inspectorate performed 42,184 inspections in the field of labour relations. Most inspections were performed in trade - 30%, in accommodation and food services - 19%, industry - 14%, in construction - 11%, in personal services - 7%, in financial activities and business services - 3%, in the activity of transport and storage - 3% in the activity of education -2%, in the activity of art, entertainment and recreation - 1%, in the activity of health - 2%, in other activities - 8%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,985 decisions and 8,062 orders were issued based on 5,573 minutes for the elimination of identified irregularities. Out of the total number of issued decisions, 107 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 5,363 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

Employers generally formally harmonize working hours with the law, but in practice this labour law institute is often abused.

When it comes to the schedule of working hours, it is not uncommon for employers not to make

decisions on the schedule of working hours, or these decisions do not cover all jobs and all employees. Also, these decisions are often imprecise, and on the basis of them it is not possible to determine with certainty the schedule of working hours for a particular employee, when the inspection is performed, and employment contracts, as a rule, only contain a general provision that working hours of an employee amount to 40 hours per week.

In 2019, employees did not submit requests for protection of rights related to the implementation of the Law on Gender Equality, but labour inspectors performed 1,039 inspections in which they monitored the implementation of the Law on Gender Equality, when they found that 1,024 employers keep records of gender structure of their employees. In the remaining 15 inspections, measures to eliminate the identified irregularities in the application of the Law on Gender Equality were ordered by the measure imposed based on the minutes of the inspection.

In 2019, according to the requests for initiating misdemeanour proceedings submitted under the Labour Law, the total amount of fines imposed by the decisions of misdemeanour judges is 193,631,800.00 dinars, based on 1,869 requests for initiating misdemeanour proceedings, which means that the average amount of the imposed fine is 103,602.00 dinars.

27 requests were rejected, 32 proceedings were interrupted, 87 proceedings were suspended, 523 warnings were issued, and 270 initiated misdemeanour proceedings became barred by limitation. Labour inspectors filed 85 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of labour relations.

In the field of safety and health at work, according to requests for misdemeanour proceedings submitted under the Law on Safety and Health at Work, the total amount of fines imposed by decisions of misdemeanour judges is 93,127,000.00 dinars, based on 635 submitted requests for misdemeanour proceedings, which means that the average amount of the imposed fine is 146,657.00 dinars.

93 proceedings became barred by limitation, 83 warnings were issued, 32 proceedings were suspended, 8 proceedings were terminated, and 10 requests were rejected. Labour inspectors filed 29 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of safety and health at work.

The amount of fines imposed according to the decisions of the misdemeanour judges, based on the submitted requests for initiating misdemeanour proceedings according to the Law on Inspection Supervision, is 7,673,000.00 dinars, and according to other regulations 5,685,000.00 dinars.

The total amount of fines imposed based on all submitted requests for initiating misdemeanour proceedings, in the field of labour relations and in the field of safety and health at work is 300,116,800.00 dinars.

YEAR 2018

In the period January - December 2018, the Labour Inspectorate performed 42,688 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in the provision of accommodation and food services - 20%, industry - 15%, in construction - 10%, in personal services - 7%, in financial activities and business services - 4%, in health - 4%, in transport and storage - 3%, in arts, entertainment and recreation - 2%, in the field of education - 2%, in other activities - 7%.

During the inspections in the field of labour relations, in the mentioned period, a total of 4,871 decisions were made with 5,885 measures and 6,405 orders based on 4,607 minutes for eliminating the identified irregularities. Out of the total number of issued decisions, 183 decisions refer to irregularities regarding working hours, night work and overtime work. Due to the established illegalities in the field of labour relations, a total of 5,067 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

Employers generally formally harmonize working hours with the law, but in practice this labour law institute is often abused.

When it comes to the schedule of working hours, it is not uncommon for employers not to make decisions on the schedule of working hours, or these decisions do not cover all jobs and all employees. Also, these decisions are often imprecise, and on the basis of them it is not possible to determine with certainty the schedule of working hours for a particular employee, when the inspection is performed, and employment contracts, as a rule, only contain a general provision that working hours of an employee amount to 40 hours per week.

In the period January - December 2018, labour inspectors performed 1721 supervisions over the implementation of the Law on Gender Equality, and on that occasion, 7 decisions were made.

In 2018, according to the requests for initiating misdemeanour proceedings submitted under the Labour Law, the total amount of fines imposed by the decisions issued by misdemeanour judges is 171,405,899.00 dinars, based on 1,447 submitted requests for initiating misdemeanour proceedings, which means that the average amount of the imposed fine is 118,456.00 dinars.

21 requests were rejected, there were 53 interruptions of the procedure, 120 procedures were suspended, 352 warnings were issued, and 398 initiated misdemeanour procedures became barred by limitation. Labour inspectors filed 44 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of labour relations.

In the field of safety and health at work, based on the requests for initiating misdemeanour proceedings submitted according to the Law on Safety and Health at Work, the total amount of fines imposed by the decisions of misdemeanour judges is 71,344,201.00 dinars, based on 548 submitted requests for misdemeanour proceedings, which means that the average amount of the imposed fine is 130,190.00 dinars.

190 proceedings became barred by limitation, 87 warnings were issued, 59 proceedings were suspended, 10 proceedings were terminated, and 13 requests were rejected. Labour inspectors filed 16 appeals against the decisions of the misdemeanour authorities, regarding the submitted requests for initiating misdemeanour proceedings in the field of safety and health at work.

The amount of fines imposed based on the decisions of the misdemeanour judges, and based on the submitted requests for initiating misdemeanour proceedings according to the Law on Inspection Supervision, is 3,248,000.00 dinars, and according to other regulations 678,000.00 dinars.

The total amount of fines imposed on all submitted requests for initiating misdemeanour proceedings, in the field of labour relations and in the field of safety and health at work is

246,676,100.00 dinars.

c) *Please provide information on law and practice as regards on-call time and service (including as regards zero-hours contracts), and how are inactive on-call periods treated in terms of work and rest time as well as remuneration.*

According to the Labour Law, working time is not considered time when the employee is ready to respond to the employer's invitation to perform work if such a need arises, where the employee is not at the place where his work is performed, in accordance with the law.
The on-call time and the amount of remuneration for it shall be regulated by law, general act or employment contract. The on-call time that the employee spends when performing work at the invitation of the employer is considered working time.

Articles 58 and 59 of the Law on Health Care ("Official Gazette of the RS" No. 25/2019), which prescribe overtime work in a health institution, i.e., duty time, work on-call, as well as standby, provide for the following:
(1) A health institution may introduce duty time as overtime work only if the organization of work in shifts referred to in Article 56 of this Law and the working hours schedule of employees is not able to ensure continuity of health care provision.
(2) During the duty time, the health worker must be present in the health institution.
(3) The duty time referred to in paragraph 1 of this Article may be introduced at night, on public holidays and on Sundays.
(4) Duty time, which is introduced at night, begins after the second shift, and ends with the beginning of the first shift.
(5) The decision on the introduction and scope of duty time at the level of the health institution, as well as per health worker, shall be made by the director of the health institution.
(6) The average weekly working time, with overtime work, i.e., duty time and work on-call, at the four-month level of a health worker may not last longer than 48 hours per week. The collective agreement may stipulate that the average working time refers to a period longer than four months, and a maximum of nine months.
(7) A health worker whose duty time has been introduced by a decision of the director of a health institution shall be entitled to an increased salary for duty time as overtime work, in accordance with the law.
(8) The health institution may introduce work on-call, as overtime work and standby, in accordance with the law.
(9) Work on-call is a special form of overtime work in which a health worker comes on call to provide health care outside his/her established working hours.
(10) Work on-call may be introduced for employees who are on standby.
(11) Exceptionally, work on call may be introduced for employees who are not on standby, in case of natural and other major disasters, traffic accidents, crises and emergencies, in accordance with the law.
(12) During the standby, the health worker is not present in the health institution, but must be available in order to provide immediate medical assistance in the health institution and respond to the call of the competent person.
(13) The decision on the introduction and scope of work on call and standby, made by the director of the health institution, determines the standby time and employees who are on standby, having in mind the efficiency, cost-effectiveness and rationality of work organization, as well as equal workload of employees, in line with the law.

(14) Exceptionally, the provisions of this Article shall also apply to other employees in a health institution, if there is an urgent need for that.

According to Article 59 of the same law, health workers and health associates, as well as other persons employed in a health institution or private practice, may not leave the workplace until they are provided with a replacement during working hours, i.e., after working hours, if thereby disrupting the performance of health activities and endangering the patient's health.
An employee who continued to work after the expiration of working hours, which is considered overtime work, is obliged to inform the immediate supervisor in writing, no later than the next working day.
An employee who works on jobs where part-time work has been introduced, in accordance with the law governing labour, may be assigned overtime work on those jobs, in the case referred to in paragraph 1 of this Article, as well as in the case when providing health care cannot be organized in any other way. "

d) *Please provide information on the impact of the COVID-19 crisis on the right to just conditions of work and on general measures taken to mitigate adverse impact. As regards more specifically working time during the pandemic, please provide information on the enjoyment of the right to reasonable working time in the following sectors: health care and social work (nurses, doctors and other health workers, workers in residential care facilities and social workers, as well as support workers, such as laundry and cleaning staff); law enforcement, defence and other essential public services; education; transport (including long-haul, public transport and delivery services).*

Within the scope of competencies of the existing sectors in the Ministry of Education, Science and Technological Development, teams were formed with the task to prepare instructions, guidelines and information for pre-university and university education institutions, in connection with implementing epidemiological measures during emergencies and planning and performing business in a state of emergency.

At the operational level, the teams had special tasks, and the coordination was at the level of the sector and the collegium of ministers. Measures and activities for the levels of pre-school, primary, secondary and higher education have been specially planned and concretized, with the aim of ensuring the right of children, pupils and students to quality educational support.

In addition to the Crisis Staff, the **Team for Monitoring and Coordinating the Application of Preventive Measures in the Work of Schools** (School Team) has a special role in making a decision on the organization of school work. The School Team includes representatives of the Ministry of Education, Science and Technological Development, the Ministry of Health, epidemiologists and hygiene experts from the Institute of Public Health of Serbia "Dr Milan Jovanovic Batut", in accordance with the Crisis Staff Conclusion. The task of the School Team is to consider, if necessary, consult doctors - members of the Crisis Staff, and make decisions on possible changes in the teaching model at the level of a local self-government unit, if parameters based on more than 10 indicators identified at the Crisis Staff session show that a certain deterioration of the situation occurred at the level of a specific municipality or city, or at the level of a particular school.

In relation to the established parameters, the School Team made decisions on which model of teaching organization educational institutions would operate: direct teaching, combined model (where half of the class has direct teaching and half of the class online teaching), or that all students

switch to online teaching.

Since the beginning of the Covid-19 pandemic, special epidemiological measures have been applied in all educational institutions in order to protect the health of children, students and employees and prevent the spread of the virus. Before the beginning of each school year, letters are sent to institutions with detailed instructions on how to carry out work and maintain safe health conditions in institutions during the implementation of educational work. Employees in educational institutions were instructed in the usefulness and importance of immunization and encouraged to approach it.

In order to overcome the consequences of the pandemic and to avoid and overcome the harmful effects that occur due to living and working in changed conditions, employees in educational institutions had the access to the SOS hotline for support during emergencies and pandemics. On 23rd March 2020, the SOS telephone line for psychosocial support for employees, parents and students began operating. Due to the situation, the Ministry of Education, Science and Technological Development renamed the SOS line (this line regularly had the function of reporting violence in schools and supporting students), which was put in the function of supporting the prevention and reduction of stress in emergencies as a consequence of epidemiological crisis. All students, parents and employees in educational institutions, who felt the need of help and support, empowerment in overcoming issues, stress and anxiety in conditions of emergency and epidemic, could call 0800 200-201. Duty time for answering the calls was organized every working day from 9:00 am to 2:00 pm.

In accordance with the general measures, the employees of the Ministry of Education, Science and Technological Development were provided with reasonable working hours and working conditions during the state of emergency and crisis time caused by Covid-19.

The Law on Trade ("Official Gazette", RS No. 52/19) stipulates that the trader and the service provider independently determine the working hours in accordance with the law and special regulations of the local self-government unit.

Since the declaration of the epidemic of the infectious disease COVID-19, several regulations have been passed limiting working hours in certain activities, bearing in mind that the ban on movement in certain time intervals was in force. Retail sale of food and beverages is one of the activities that had the least ban in the part related to the limitation of working hours and for the most part operated in accordance with usual working hours.

Hospitality and tourism are industries that have suffered perhaps the greatest negative impact the pandemic had on the business and work process.

Namely, neither hospitality facilities nor travel agencies were able to perform activities during the declared state of emergency, and after the end of the state of emergency they could not continue to perform activities in the full scope.

Travel agencies could not realize paid tourist trips, new trips could be planned and realized with a high level of risk that the trip might not be realized, due to changes in the epidemiological situation and travel conditions to certain destinations.

The working hours of hospitality facilities after the abolition of the state of emergency were limited by the decisions of the RS Government, as well as the regulations of the local self-government units on whose territory the facilities operated.

The conditions of the pandemic have led to the elimination of many jobs and insecurity of employees, because the business conditions of economic entities in tourism and hospitality are still difficult.

The Ministry of the Interior, respecting the Instruction on the organization of work processes in state administration bodies and government services in the application of protection measures

against Covid 19, as well as the epidemiological situation in the country, enabled employees who are chronically ill, as a particularly risky category during the pandemic, to work outside the office - working from home. Also, in order to reduce the number of people on the premises and ensure the prescribed distance between employees, a recommendation was given to managers to enable employees to perform jobs and tasks in two shifts at workplaces where the work process allows it, all to protect employee health.

The working hours schedule in health care institutions and private practice is regulated by the Labour Law ("Official Gazette of RS", No. 24/05, 61/05, 54/09, 32/13, 75/14, 13 / 17- CC , 113/17, 95/18 - other regulation), the Law on Health Care ("Official Gazette of RS", No. 25/19, hereinafter: the Law) and the Special Collective Agreement for Health Institutions founded by the Republic of Serbia , Autonomous Province and Local Self-Government Unit ("Official Gazette of RS", No. 96/19, 58/20, hereinafter: SCA).

e) *The Committee would welcome additional general information on measures put in place in response to the COVID-19 pandemic intended to facilitate the enjoyment of the right to reasonable working time (e.g. flexible working hours, teleworking, other measures for working parents when schools and nurseries are closed, etc.). Please include information on the legal instruments used to establish them and the duration of such measures.*

The Labour Law regulates and enables work to be performed outside the employer's premises (remote work and work from home).
During the state of emergency caused by Covid-19, the Government passed the Decree on organizing the work of employers during the state of emergency "Official Gazette of RS", No. 31 of 16th March 2020, which regulates the special manner and organization of employers in the Republic of Serbia during the state of emergency. The Decree stipulates that during a state of emergency the employer is obliged to enable employees to perform work outside the employer's premises (teleworking and work from home), at all workplaces where it is possible to organize such work in accordance with the general act and employment contract.
If the general act and the employment contract do not provide for the stated manner of work, the employer may, by a decision, enable the employee to perform work outside the employer's premises, if the organizational conditions allow it. The decision must contain: 1) duration of working hours; 2) the manner of supervising the work of the employee.

The crisis caused by the pandemic has shown that the education system is flexible enough to respond quickly to the new situation. Special attention was paid to the engagement of students in distance learning and providing conditions for no one to remain excluded, especially students from vulnerable groups. Aware that crisis situations mostly affect the most vulnerable groups, the Ministry of Education, Science and Technological Development has taken measures to provide children and students with disabilities with continuous support in education and upbringing:

- Special letters, instructions and guidelines were sent to schools and municipalities with recommendations for adjusting the remote educational work and the work of interdepartmental commissions. The same information is published on the website of the Ministry in order to be available to the professional and general public;

- The following have been developed: List of digital resources to support distance learning and a list of digital tools suitable for working with children with disabilities, as well as Guidelines

for the implementation of open and distance learning and Guidelines for adapting video lessons for students with developmental disabilities and disabilities;

- Professional consultative support of colleagues was available to teachers through a special online service;

- The SOS line was aimed at providing counselling psycho-social support to all participants in distance education; parents could address the school at any time for advice or professional assistance, and Ministry officials were also available;

- For children and students, educational content and special videos were broadcast on RTS every working day, in which experts of various profiles give useful advice for parents as well;

- Schools prepared special instructions and videos for parents, and wherever possible they were in contact with families by phone or social networks;

- Webinars were organized to support teachers and students in distance learning;

- Research was conducted during the state of emergency: Monitoring the participation and learning process of students from vulnerable groups during the implementation of educational work by distance learning (June 2020) whose results showed the challenges of distance learning, and instructed the Ministry to further improve learning and working with children and students from vulnerable social groups, and especially with children and students with disabilities.

In response to the identified challenges, the implementation of two projects began in 2021 in cooperation with UNICEF. In order to increase the coverage of Roma children with distance learning, the project "Bridging the digital gap for the most vulnerable children" has started and is being implemented. Support was provided for all 270 Roma pedagogical assistants through trainings and the allocation of 1 laptop computer for each assistant. Computer equipment for establishing a library of educational technologies for 30 primary schools - a total of 1890 tablet computers (63 per school to be used by students) as well as at least 1 to 3 laptops for each of the selected 30 participating schools and a school grant. From August 2021 to March 2022, the Ministry of Education, Science and Technological Development and UNICEF were implementing a project aimed at improving learning and working with students with disabilities during distance learning. The results of the project will be: improved teacher competencies, exchanged experiences on distance learning through horizontal learning, and the formation of an online library of resources for distance work with children and students with disabilities, available to all interested parties.

On the other hand, the employees of the Ministry of Education, Science and Technological Development also worked in reasonably adjusted conditions during the state of emergency and critical moments of the pandemic. The work took place through the realization of duty time, i.e., ensuring the daily physical presence of a minimum number of employees at work in all offices, so that employees in the Ministry could always answer the inquiries and requests of employees from educational institutions, students and their parents. In this way, safe working conditions have been established in the Ministry itself. During these periods, other employees performed current work from their homes, remotely, for a regular period of time. In the periods when the work could go smoothly, all employees worked full time, but with strict application of all recommended health protection measures and prevention of the spread of the virus, which is still the case today.

As a planned response to COVID-19, timely procurement of protective equipment was realised for health workers and the procurement of personal protective equipment for citizens, procurement of respirators, construction of three COVID hospitals (Batajnica, Kruševac and Novi Sad), opening of new diagnostic laboratories, widespread use of new PCR diagnostic technologies, timely provision of vaccines from several manufacturers, application of the latest antiviral therapies, distribution of vitamins to vulnerable groups, etc.

Also, the previously planned renovation of the UCC of Serbia, construction of the Dedinje Cardiology Centre 2, construction of the UCC (Tiršova 2), as well as planned activities on the construction of the National Centre for Early Childhood Development and Inclusion, and other

previously planned activities to improve the network of health institutions continued.

Complete treatment, diagnosis and vaccination related to COVID-19 are free of charge.

Numerous activities were organized in order to provide the necessary staff, medical and non-medical workers related to health care regarding COVID-19 in all health care institutions, admission of the best students and graduates, referrals to specializations, numerous trainings related to COVID-19.

During COVID-19, all activities of the project "Development of Health of Serbia 2", implementation of digitalization in the health system, launch of the Public Health Service, e-government services, e-health, etc. continued.

New services of health workers using digital and video technologies were tested and accepted in the nomenclature.

During COVID-19, all preventive examinations continued to be implemented but to a lesser extent.

In response to COVID-19, a number of telephone counselling centres have been set up to support patients with a number of chronic and acute illnesses.

The National Health Insurance Fund continued to expand the rights in the field of in vitro fertilization, new innovative drugs, new screenings and new vaccines for insured persons (e.g., screening for cystic fibrosis, HPV vaccine ...).

All news, current events and decisions of the Government of the Republic of Serbia regarding the COVID-19 virus are publicly available at the website https://www.srbija.gov.rs/#covid-19

The Government of the Republic of Serbia and the Ministry of Health have started activities to preserve and improve the health of the population by the declaration of the epidemic of COVID-19, at the beginning of 2020. All decisions are available at http://www.pravno-informacioni-sistem.rs/fp/covid19

f) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion

Article 108 of the Labour Law stipulates that an employee is entitled to an increased salary in the amount determined by the general act and the employment contract for work on a holiday that is a non-working day - at least 110% of the base.
Therefore, the law prescribes the minimum rights, while the general act (collective agreement and rulebook) may prescribe the exercise of rights to a higher amount than the statutory minimum amount of increase.
The right to be absent from work on public and religious holidays is prescribed by the Law on Public and Other Holidays in the Republic of Serbia.
The law stipulates that companies and other forms of organization for performing activities or services whose nature of activity, i.e., technology of the work process requires continuous work,

may also work on public and religious holidays celebrated in the Republic of Serbia. We note that the Law does not prescribe other special criteria.

The Law on Ministries ("Official Gazette of the RS" No. 123/20) regulates employment relations and salaries in state bodies and employment relations and salaries in public agencies and public services.

The right of civil servants and state employees to the payment of salary supplements for work on holidays, i.e., non-working days, is prescribed by the Law on Salaries of Civil Servants and State Employees ("Official Gazette of RS" No. 62/06, 63/06 - correction, 115 / 06- correction, 101/07, 99/10, 108/13, 99/14 and 95/18). This law stipulates that the salary supplement for each hour of work on a non-working day is 110% of the value of the working hour of the basic salary of a civil servant and state employee.
The right of civil servants and state employees in the bodies of territorial autonomy and local self-government, and employees in public services financed from the budget of the Republic of Serbia, autonomous provinces and local self-government units (health, education, social protection, compulsory social security organizations, culture, physical culture) to the salary for working on public and religious holidays is prescribed by the Law on Salaries in Government Bodies and Public Services ("Official Gazette of RS" No. 34/01, 62/06 - other law, 116/08 - other law, 116 / 08 - other law, 99/11 - other law, 10/13, 55/13, 99/14, 21-16 - other law, 113/17 - other law and 113/17 - other law). The amount of salary supplement for working on holidays, i.e., non-working days, in accordance with the provisions of this Law is calculated and paid in the amount determined by labour regulations, and the basis for calculating salary supplements is the basic salary determined in accordance with this law.
Both laws are regulations from the scope of work of the Ministry of Public Administration and Local Self-Government.
Also, this right is regulated by collective agreements for government bodies, for employees in local self-government units and special collective agreements for public services.

In the education system, standby and annual leave are not the same institutes, i.e., they are not subject to the same rules.

Standby, as a concept, regularly exists in the system of pupil and student standards - as standby, i.e., the availability of educators in the students' dormitory.

We note that in the period from 2018 to 2021, in the field of education, due to the danger caused by Covid-19, certain measures were introduced during the state of emergency and the Government passed a Decision to suspend teaching in higher education institutions, secondary and primary schools and regular work of preschool education institutions, which was in force from 15th March to 7th May 2020. The mentioned decision determined measures to suspend teaching in higher education institutions, secondary and primary schools and the regular work of preschool education institutions, as long as the danger of spreading the infectious disease COVID-19 continues. Higher education institutions and secondary and primary schools, which had the appropriate equipment and means for organizing distance learning, continued their educational work by conducting distance learning. Other institutions have organized distance learning through television channels and online learning platforms. The enrolment of children in preschool and primary school institutions continued that year through the e-Government portal. Employees of educational institutions continued their activities.
The Ministry of Education, Science and Technological Development has monitored, and continues to monitor and guide the organization of human resources management activities in institutions in

the field of education, in compliance with general instructions and recommendations of bodies responsible for monitoring and guiding and coordinating activities of government bodies, organizations and services. while the risk of spreading the infectious disease COVID-19 persists.

2. to provide for public holidays with pay;

3. to provide for a minimum of four weeks' annual holiday with pay;

4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;

5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;

6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;

7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

a) *No information is requested on these provisions, except insofar as they concern special arrangements related to the pandemic or changes to work arrangements following the pandemic: public holidays (Article 2§2), annual holiday (2§3), reduced working time in inherently dangerous or unhealthy occupations, in particular health assessments, including mental health impact (2§4), weekly rest period (2§5), written information or worktime arrangements (2§6), measures relating to night work and in particular health assessments, including mental health impact (2§7).*

b) *However, if the previous conclusion concerning provisions in Article 2, paragraphs 2 through to 7, was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to previous conclusion of the ECSR

Article 108 of the Labour Law stipulates that an employee is entitled to an increased salary in the amount determined by the general act and the employment contract for work on a holiday that is a non-working day - at least 110% of the base.
Therefore, the law prescribes the minimum rights, while the general act (collective agreement and rulebook) may prescribe the exercise of rights in a higher amount than the statutory minimum amount of increase.
The right to be absent from work on public and religious holidays is prescribed by the Law on Public and Other Holidays in the Republic of Serbia.

The law stipulates that companies and other forms of organization for performing activities or services whose nature of activity, i.e., technology of the work process requires continuous work, may also work on public and religious holidays celebrated in the Republic of Serbia. We note that the Law does not prescribe other special criteria.

Article 4 – The right to a fair remuneration

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

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;

The exercise of [this right] shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

a) *Please provide information on gross and net minimum wages and their evolution over the reference period, including about exceptions and detailed statistics about the number (or proportion) of workers concerned by minimum or below minimum wage. Please provide specific information about furlough schemes during the pandemic, including as regards rates of pay and duration. Provide statistics both on those covered by these arrangements and also on categories of workers who were not included.*

Average monthly earnings (gross) and average monthly earnings excluding taxes and contributions (net)

РЕПУБЛИКА СРБИЈА		
Year	**Average net earnings [RSD]**	**Average gross earnings [RSD]**
2017	47893	65976
2018	49650 (b)	68629 (b)
2019	54919	75814
2020	60073	82984

Source: Earnings Survey from 2018, average salaries are calculated from data taken from administrative sources, the Tax Administration.

Link to access data on the Statistical Office of Serbia website:
https://data.stat.gov.rs/Home/Result/2403040401?languageCode=sr-

Cyrl&displayMode=table&guid=ea2e4b32-2a92-480e-a319-4f2ccc0542da

Monthly minimum wage as a proportion of average monthly earnings (%)

TIME	2017	2018	2019	2020
GEO (Labels)				
Serbia	44,2	49,4	48,8	49,8

Data extracted on 26/01/2022 11:46:23 from [ESTAT]
Link to access data on the Eurostat website:
https://ec.europa.eu/eurostat/databrowser/view/earn_mw_avgr2/default/table?lang=en

b) *The Committee also requests information on measures taken to ensure fair remuneration (above the 60% threshold, or 50% with the proposed explanations or justification) sufficient for a decent standard of living, for workers in atypical jobs, those employed in the gig or platform economy, and workers with zero hours contracts. Please also provide information on fair remuneration requirements and enforcement activities (e.g. by labour inspectorates or other relevant bodies) as well as on their outcomes (legal action, sanctions imposed) as regards circumvention of minimum wage requirements (e.g. through schemes such as sub-contracting, service contracts, including cross-border service contracts, platform-managed work arrangements, resorting to false self-employment, with special reference to areas where workers are at risk of or vulnerable to exploitation, for example agricultural seasonal workers, hospitality industry, domestic work and care work, temporary work, etc.).*

YEAR 2020

In the period January - December 2020, the Labour Inspectorate performed 30,897 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in the provision of accommodation and food services - 19%, industry - 14%, in construction - 9%, in personal services - 6%, in financial activities and business services - 4%, in transport and storage - 3%, in education - 3%, in health - 3%, in art, entertainment and recreation - 2%, in other activities - 11%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,255 decisions were made with 1,259 measures and 4,827 orders based on 3,177 minutes for the elimination of identified irregularities. Out of the total number of issued decisions, 187 decisions refer to salaries, and 107 decisions to benefits and other income. Due to the established illegalities in the field of labour relations, a total of 2,605 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

In the mentioned period, the Labour Inspectorate focused its activities on the control of the implementation of the provisions of the Labour Law which regulate the labour law institute "establishment of employment" and on the detection of persons who are actually employed by employers. Actual work, i.e., work "on the black market" is a phenomenon on the suppression of which the labour inspection has been intensified for several years. Considering the constant monitoring of this phenomenon, some of its characteristics are clearly visible in terms of the activities in which it most often occurs, the regions where it is more frequent and the periods in which it increases.

Inspectors in the field of undeclared work most often find young, primarily unskilled workers, mostly up to the secondary level of education, employees without regular salaries and employees over 40 years of age, as well as recipients of cash benefits, social assistance and the like. Although the work performed by these persons is usually high-risk, in practice it is difficult to identify them, because due to the fear of losing such work, there is an agreement between the worker and the employer to avoid legalizing that relationship at the time of inspection. It is especially present in construction and seasonal jobs in agriculture, as well as in hospitality, trade and crafts.

In some activities, it has been noticed that the number of undeclared employees is increasing in the same periods every year. This is especially characteristic of hospitality and construction. In the hospitality industry in the summer period, due to the increased volume of work, the number of people employed in general, and even those employed "on the black market" is growing. As far as construction is concerned, the number of employees "on the black market" is sharply increasing towards the end of the construction season, due to the aspiration of employers to meet the set deadlines and complete as many tasks as possible in the current season. Undeclared work in the construction industry is affected by a large fluctuation of the labour force, often moving from one construction site to another, and a short engagement time of persons at one position until they finish the work.

In 2020, the labour inspection found a total of 4,827 people working "illegally", and after the supervision, an employment relationship was established with 3,177 people. Of the total number of decisions in the field of labour relations in 2020, 329 decisions relate to the establishment of employment, and 199 to amendments to employment contracts.

In 2020, most people who worked "illegally" were found with employers in construction, accommodation and food services, trade, food production, personal services, wood processing, business services and traffic.

In the period January - December 2020, the Labour Inspectorate conducted inspections of supervised entities that hire seasonal workers. Labour inspectors controlled the implementation of the Law on Simplified Labour Engagement in Seasonal Jobs in Certain Activities, as well as other regulations within the competence of the Labour Inspectorate, at employers in agriculture, forestry and fishing, as well as in family farms.

The Labour Inspection performed 17 inspections, of which 8 ex officio, 8 at the request of a party and 1 control of the execution of the ordered measures. Out of a total of 17 inspections performed, 2 inspections were performed at registered employers in the field of agriculture, while 15 inspections were performed in family farms.

During the inspections, labour inspectors found a total of 149 seasonal workers, of whom 33 seasonal workers were not registered with the Tax Administration. All the seasonal workers were citizens of the Republic of Serbia.

Based on the established facts, and in line with the Law on Simplified Employment in Seasonal Jobs in Certain Activities, the labour inspectors passed 17 measures based on 5 minutes related to submitting data and submitting registration applications to the Tax Administration for persons employed in seasonal jobs.

1 decision was made on the ban on assigning seasonal workers who are not trained for safe and healthy work on seasonal jobs.

1 warning was issued to the head of the family farm that with each new engagement of seasonal workers, the engagement procedure is performed in accordance with Art. 8 and 11 of the Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities.

Labour inspectors submitted 6 requests for initiating misdemeanour proceedings for hiring a seasonal worker, contrary to the provisions of the Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities, because a seasonal worker was not registered and data were not submitted to the Tax Administration in accordance with the law.

According to the submitted requests for initiating misdemeanour proceedings, 3 fines were imposed against 3 natural persons who are the heads of the family agricultural farm, in the total amount of 15,000.00 dinars.

YEAR 2019

In the period January-December 2020, the Labour Inspectorate performed 42,184 inspections in the field of labour relations. Most inspections were carried out in trade - 30%, in accommodation and food - 19%, industry - 14%, in construction - 11%, in personal services - 7%, in financial and business services - 3%, in the activity of transport and storage - 3% in the activity of education - 2%, in the activity of art, entertainment and recreation - 1%, in the activity of health - 2%, in other activities - 8%.

During the inspections in the field of labour relations, in the mentioned period, a total of 1,985 decisions and 8,062 orders were issued based on 5,573 minutes for the elimination of identified irregularities. Out of the total number of decisions made, 165 decisions related to salaries, and 90 decisions related to benefits and other income. Due to the established illegalities in the field of labour relations, a total of 5,363 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

In the mentioned period, the Labour Inspectorate focused its activities on the control of the implementation of the provisions of the Labour Law which regulate the labour law institute "establishment of employment" and on the detection of persons who are actually employed by employers. Actual work, i.e., work "on the black market" is a phenomenon on the suppression of which the labour inspection has been intensified for several years. Considering the constant monitoring of this phenomenon, some of its characteristics are clearly visible in terms of the activities in which it most often occurs, the regions where it is more frequent and the periods in which it increases.

Inspectors in the field of undeclared work most often find young, primarily unskilled workers, mostly up to the secondary level of education, employees without regular salaries and employees over 40 years of age, as well as recipients of cash benefits, social assistance and the like. Although the work performed by these persons is usually high-risk, in practice it is difficult to identify them, because due to the fear of losing such work, there is an agreement between the worker and the employer to avoid legalizing that relationship at the time of inspection. It is especially present in construction and seasonal jobs in agriculture, as well as in hospitality, trade and crafts.

In some activities, it has been noticed that the number of undeclared employees is increasing in the same periods every year. This is especially characteristic of hospitality and construction. In the hospitality industry in the summer period, due to the increased volume of work, the number of people employed in general, and even those employed "on the black market" is growing. As far as construction is concerned, the number of employees "on the black market" is sharply increasing

towards the end of the construction season, due to the aspiration of employers to meet the set deadlines and complete as many tasks as possible in the current season. Undeclared work in the construction industry is affected by a large fluctuation of the labour force, often moving from one construction site to another, and a short engagement time of persons at one position until they finish the work

In 2019, the labour inspection found a total of 12,938 people working "illegally", and after the supervision, an employment relationship was established with 10,167 people. Out of the total number of decisions made in the field of labour relations in 2018, 873 decisions refer to the establishment of employment relations, and 217 to amendments to employment contracts.

In 2019, most people who worked "on the black market" were found with employers in the activities of accommodation and food services, trade, construction, textile, leather and footwear production, food production.

YEAR 2018

In the period January-December 2018, the Labour Inspectorate performed 42,688 inspections in the field of labour relations. Most inspections were carried out in trade - 26%, in the provision of accommodation and food services - 20%, industry - 15%, in construction - 10%, in personal services - 7%, in financial activities and business services - 4%, in health - 4%, in transport and storage - 3%, in arts, entertainment and recreation - 2%, in the field of education - 2%, in other activities - 7%.

During the inspections in the field of labour relations, in the mentioned period, a total of 4,871 decisions were made with 5,885 measures and 6,405 orders based on 4,607 minutes for eliminating the identified irregularities. Out of the total number of issued decisions, 309 decisions refer to salaries, and 509 decisions to benefits and other income. Due to the established illegalities in the field of labour relations, a total of 5,067 requests for initiating misdemeanour proceedings were submitted in the mentioned period.

Employers generally formally harmonize working hours with the law, but in practice this labour law institute is often abused.

When it comes to the schedule of working hours, it is not uncommon for employers not to make decisions on the schedule of working hours, or these decisions do not cover all jobs and all employees. Also, these decisions are often imprecise, and on the basis of them it is not possible to determine with certainty the schedule of working hours for a particular employee, when the inspection is performed, and employment contracts, as a rule, only contain a general provision that working hours of an employee amount to 40 hours per week.

In the mentioned period, the Labour Inspectorate focused its activities on the control of the implementation of the provisions of the Labour Law which regulate the labour law institute "establishment of employment" and on the detection of persons who are actually employed by employers. Actual work, i.e., work "on the black market" is a phenomenon on the suppression of which the labour inspection has been intensified for several years. Considering the constant monitoring of this phenomenon, some of its characteristics are clearly visible in terms of the activities in which it most often occurs, the regions where it is more frequent and the periods in

which it increases.

Inspectors in the field of undeclared work most often find young, primarily unskilled workers, mostly up to the secondary level of education, employees without regular salaries and employees over 40 years of age, as well as recipients of cash benefits, social assistance and the like. Although the work performed by these persons is usually high-risk, in practice it is difficult to identify them, because due to the fear of losing such work, there is an agreement between the worker and the employer to avoid legalizing that relationship at the time of inspection. It is especially present in construction and seasonal jobs in agriculture, as well as in hospitality, trade and crafts.

In some activities, it has been noticed that the number of undeclared employees is increasing in the same periods every year. This is especially characteristic of hospitality and construction. In the hospitality industry in the summer period, due to the increased volume of work, the number of people employed in general, and even those employed "on the black market" is growing. As far as construction is concerned, the number of employees "on the black market" is sharply increasing towards the end of the construction season, due to the aspiration of employers to meet the set deadlines and complete as many tasks as possible in the current season. Undeclared work in the construction industry is affected by a large fluctuation of the labour force, often moving from one construction site to another, and a short engagement time of persons at one position until they finish the work

In 2018, the labour inspection found a total of 17,026 people working "illegally", and after the supervision, employment was established with 13,869 people. Of the total number of decisions made in the field of labour relations in 2018, 1,680 decisions relate to establishing employment, and 423 on amendments to the employment contract.

In 2018, most people who worked "illegally" were found with employers in the activities of accommodation and food services, trade, construction, production of textiles, leather and footwear, production of food products.

c) *Please also provide information on the nature of the measures taken to ensure that this right is effectively upheld as regards the categories of workers referred to in the previous paragraph (b) or in other areas of activity where workers are at risk of or vulnerable to exploitation, making in particular reference to regulatory action and to promotion of unionisation, collective bargaining or other means appropriate to national conditions.*

Article 111 of the Labour Law stipulates that an employee is entitled to a minimum salary for standard performance and time spent at work. The minimum salary is determined on the basis of the minimum price of labour established in accordance with this law, time spent at work and taxes and contributions paid from salary. The employer is obliged to pay the minimum salary to an employee in the amount which is determined on the basis of the decision on the minimum price of labour which is valid for the month in which payment is made.

In accordance with Article 112 of the Labour Law, the minimum price of labour is determined by a decision of the Socio and Economic Council established for the territory of the Republic of Serbia. Should the Social and Economic Council fail to render a decision within 15 days from the day of commencement of bargaining, the decision on the amount of minimum price of labour shall be made by the Government of the Republic of Serbia within the following time period of 15 days.

Determination of the minimum price of labour starts in particular from: existential and social needs of the employee and his family expressed through the value of the minimum market basket, movement of the employment rate in the labour market, growth of the rate of gross domestic product, consumer price trends, trends in productivity and movement of the average salary in the Republic of Serbia. The decision on determining the minimum price of labour contains an explanation that reflects all above elements.

The decision on the amount of the minimum labour price referred to in Article 112 of this Law shall be published in the "Official Gazette of the Republic of Serbia".

The minimum price of labour, in accordance with the law, applies to all categories of employees.

If there is a significant change in any of the mentioned elements, the Social and Economic Council shall be obliged to consider the reasoned initiative of one of the participants in the Social and Economic Council to start negotiations for the establishment of the new minimum price of labour.

Minimum price of labour is determined per working hour without taxes and contributions, for the calendar year, not later than 15 September of the current year, and shall apply from 1 January next year. Minimum price of labour may not be determined in a lower amount than the minimum price of labour established for the previous year.

d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Article 111 of the Labour Law stipulates that an employee is entitled to a minimum salary for standard performance and time spent at work. The minimum salary is determined on the basis of the minimum price of labour established in accordance with this law, time spent at work and taxes and contributions paid from salary. The employer is obliged to pay the minimum salary to an employee in the amount which is determined on the basis of the decision on the minimum price of labour which is valid for the month in which payment is made.

In accordance with Article 112 of the Labour Law, the minimum price of labour is determined by a decision of the Socio and Economic Council established for the territory of the Republic of Serbia. Should the Social and Economic Council fail to render a decision within 15 days from the day of commencement of bargaining, the decision on the amount of minimum price of labour shall be made by the Government of the Republic of Serbia within the following time period of 15 days.

Determination of the minimum price of labour starts in particular from: existential and social needs of the employee and his family expressed through the value of the minimum market basket, movement of the employment rate in the labour market, growth of the rate of gross domestic product, consumer price trends, trends in productivity and movement of the average salary in the Republic of Serbia. The decision on determining the minimum price of labour contains an explanation that reflects all above elements

If there is a significant change in any of the mentioned elements, the Social and Economic Council shall be obliged to consider the reasoned initiative of one of the participants in the Social and Economic Council to start negotiations for the establishment of the new minimum price of labour.

Minimum price of labour is determined per working hour without taxes and contributions, for the calendar year, not later than 15 September of the current year, and shall apply from 1 January next year. Minimum price of labour may not be determined in a lower amount than the minimum price of labour established for the previous year. The decision on minimum price of labour specified in Article 112 of this Law shall be published in the "Official Gazette of the Republic of Serbia".
The minimum price of labour, in accordance with the law, applies to all categories of employees and in the entire territory of the Republic of Serbia.

2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

a) *Please provide up to date information on the rules applied to on-call service, zero-hour contracts, including on whether inactive periods of on-call duty are considered as time worked or as a period of rest and how these periods are remunerated.*

The right of civil servants and state employees to the payment of a salary supplement for standby is prescribed by the Law on Salaries of Civil Servants and State Employees ("Official Gazette of RS" No. 62/06, 63/06 - correction, 115/06 - correction, 101/07, 99 / 10, 108/13, 99/14 and 95/18) according to which a civil servant and a state employee who must be available outside of working hours (to be on standby) in order to perform some work at their workplace if necessary, are entitled to an allowance for being on standby.
This law (Articles 28 and 47) stipulates that the salary supplement for each hour of standby is 10% of the value of the working hour of the basic salary of a civil servant and state employee.
Also, this right of civil servants and state employees is regulated by a collective agreement for government bodies.
The provisions of the Law on Salaries of Civil Servants and State Employees stipulate that senior civil servant are entitled only to a salary supplement for the time spent in employment (years of service).

b) *Please explain the impact of the COVID-19 crisis on the right to a fair remuneration as regards overtime and provide information on measures taken to protect and fulfil this right. Please include specific information on the enjoyment of the right to a fair remuneration/compensation for overtime for medical staff during the pandemic and explain how the matter of overtime and working hours was addressed in respect of teleworking (regulation, monitoring, remuneration, increased compensation).*

Article 108 of the Labour Law stipulates that an employee is entitled to an increased salary in the amount determined by the general act (collective agreement and labour regulations) and the employment contract for overtime work - at least 26% of the base.
Therefore, the law prescribes a minimum increase in wages/salaries on the basis of overtime work, while a general act and employment contract may prescribe a higher amount for an increase in wages/salaries on this basis.

The standby of health workers is a special form of overtime work in which the employed health worker does not have to be present in the health institution, but must be constantly available to provide emergency medical care in health institutions. The decision on the introduction and scope of standby is made by the director. An employee health worker on standby must inform the immediate supervisor of the telephone number to which he or she may be called. An employee health worker must come to work as soon as possible. On-call work is a special form of overtime work in which a health worker does not have to be present in a health institution, but must respond to the call, in order to provide health care. If the organization of the work of the health institution in regular working hours, i.e., on duty time, i.e., standby, cannot provide continuous health care, the health institution may, exceptionally (in case of natural and other major disasters or traffic accidents), organize on-call work. The decision on the introduction of on-call work is made by the director.

An employee health worker who works overtime is entitled to a supplement to the salary for overtime work. An employed non-medical worker and a health care associate who works overtime is entitled to a supplement to the salary for overtime work.

During the time spent on standby, when the employed health worker is not working, he is entitled to a salary supplement. Being on standby on weekdays can last a maximum of 16 hours, and on Saturdays, Sundays and holidays 24 hours. Hours of duty time, on-call work and standby are mutually exclusive. The employer is obliged to submit a report on overtime and night work to the representative union at least quarterly.

c) The Committee would welcome information on any other measures put in place intended to have effects after the pandemic which affect overtime regulation and its remuneration/compensation. Provide information on their intended duration and the time frame for them to be lifted.

1. The Government of the Republic of Serbia has adopted a Conclusion recommending that employers amend their general act, i.e. employment contract or other individual act, in the part which regulates salary remuneration, i.e. wage remuneration (hereinafter: wage remuneration), so that employees who are temporarily absent from work due to a confirmed infectious disease caused by Covid-19 virus or due to a measure of isolation or self-isolation imposed in connection with that disease, which occurred as a result of direct exposure to risk due to their work and tasks, i.e. official duties and contact with persons who have been diagnosed with Covid-19 disease or imposed a measure of isolation or self-isolation, provide the right to salary remuneration in the amount of 100% of the basis for salary compensation.
2. It is recommended to employers to ensure the exercise of the rights referred to in item 1 of this conclusion to employees, as follows:
1) for the first 30 days of absence from work, the amount of salary remuneration to be paid from their own funds;
2) starting from the 31st day of absence from work, the amount of salary remuneration to be paid from the funds of compulsory health insurance ensured as legally prescribed amount of salary remuneration, and from its own funds to provide a difference of up to 100% of the salary basis.
3. The employee proves the absence from work referred to in item 1 of this conclusion by the decision of the competent body (sanitary inspector, body responsible for control of crossing the state border, customs authority, excerpt from the records of the Ministry of the Interior, etc.) or

doctor's report on temporary incapacity for work (remittance), in accordance with the law.
The right to salary remuneration in the amount of 100% of the basis for salary remuneration is provided to employees who have been vaccinated during the declared epidemic of infectious disease and before temporary absence from work due to confirmed infectious disease Covid-19, as well as employees who, for health reasons, cannot be vaccinated and who, together with a doctor's report on temporary incapacity for work, submit an appropriate certificate from the competent health institution.

d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion of the ECSR:

The right of civil servants and state employees to the payment of salary supplements for working overtime, is prescribed by the Law on Salaries of Civil Servants and State Employees ("Official Gazette of RS" No. 62/06, 63/06 - correction, 115 / 06- correction, 101/07, 99/10, 108/13, 99/14 and 95/18).
The right of civil servants and state employees in the bodies of territorial autonomy and local self-government, and employees in public services financed from the budget of the Republic of Serbia, autonomous provinces and local self-government units (health, education, social protection, compulsory social security organizations, culture, physical culture) to the salary supplements for working overtime is prescribed by the Law on Salaries in Government Bodies and Public Services ("Official Gazette of RS" No. 34/01, 62/06 - other law, 116/08 - other law, 116 / 08 - other law, 99/11 - other law, 10/13, 55/13, 99/14, 21-16 - other law, 113/17 - other law and 113/17 - other law).
Both laws are regulations from the scope of work of the Ministry of Public Administration and Local Self-Government.
Also, this right is regulated by collective agreements.
For each hour of overtime work, which they perform as ordered by their superior, employees in government bodies can use free hours (one and a half hours), which must be used in the following month.
With the prior consent of the employee, overtime work may be performed for a period longer than the one stated in the Law on Salaries of Civil Servants and State Employees, as well as in the Labour Law, but this period may not exceed 20 hours per week, nor may overtime work exceed 90 days in a calendar year.
The term free time means free hours, and the term financial remuneration refers to this type of salary supplement. The amount of the salary supplement prescribed by the above-mentioned laws in the case of civil servants, servants and employees and employees in public services is not 126% of the basic salary as stated in the report, but 26% of the basic salary for these categories of employees.
This right is determined by the decision of the head of the authority, which must state in the explanation the reasons why the civil servant cannot use his free hours.
Provisions of the Law on Salaries of Civil Servants and State Employees stipulate that senior civil servant are entitled only to a salary supplement for the time spent in employment (years of service).
Provisions of the Law on Employees in the Autonomous Provinces and Local Self-Government Units ("Official Gazette of the RS" No. 21/19, 113/17, 113/17 - other law, 95/18, 114/21) stipulate that the officials (elected, appointed or nominated persons (except for senior officials) in the bodies

of the autonomous province and local self-government units, i.e., in the bodies of the city municipality) are not entitled to an increase in salary in case of overtime work.

3. to recognise the right of men and women workers to equal pay for work of equal value;

a) *Please provide information on the impact of COVID-19 and the pandemic on the right of men and women workers to equal pay for work of equal value, with particular reference and data related to the extent and modalities of application of furlough schemes to women workers.*

Women have endured a disproportionate burden due to exposure to the risks of infection during the COVID-19 pandemic, both because of the work they do and because of the degree of engagement in the daily care of the household and family. As this part of their daily engagement is insufficiently visible, the Ministry of Human and Minority Rights and Social Dialogue supported the organization of a multimedia exhibition entitled "When the world stopped, women did not", which shows the efforts of women in the sectors most affected by the pandemic.
For more information on the economic value of unpaid work in Serbia, we refer to the brochure of the Coordination Body for Gender Equality and UN Women, which is available for download at: https://www.rodnaravnopravnost.gov.rs/sites/default/files/2020-10/Ekonomska%20vrednost%20neplacenih%20poslova_izvestaj.pdf.

The Ministry of Human and Minority Rights and Social Dialogue has drafted the Law on Gender Equality, which integrates the gender aspect into all spheres of society, decision-making processes, adoption of plans and programme budgets and defines key terms regarding gender equality.

On 14th October 2021, the Government of the Republic of Serbia adopted the Strategy for Gender Equality for the period from 2021 to 2030, the goal of which is to overcome the gender gap and achieve gender equality as a precondition for the development of society and improving the daily lives of women, men, girls and boys.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion

Regarding the Law on Gender Equality ("Official Gazette of RS" No. 52/21), it should be noted that it contains a ban on unequal pay for the same work or work of equal value in Article 34, which reads:

Employees are guaranteed equal pay for the same work or work of the same value, whether paid in full in cash or partly in cash and partly in kind, in accordance with the law governing employment. Work of equal value means work that requires the same level of education, i.e., knowledge and skills, in which the same work contribution has been achieved with equal responsibility. When determining the amount of income referred to in paragraph 1 of this Article, the systematization of jobs must be based on the same criteria for women and men and regulated so as to exclude discrimination based on sex or gender.

Data on the "pay gap" between men and women in Serbia are collected, processed and published by the Statistical Office of Serbia, which should be contacted for more information on this issue.

Article 28 of the Law on Gender Equality ("Official Gazette of the RS") stipulates that the equal opportunities are guaranteed in the field of employment and work, and provides for the application of general and special measures to exercise the right to work for women and men in terms of accessibility of executive jobs and positions; conditions for access to employment, self-employment or occupation, including selection criteria and recruitment conditions, regardless of the branch of activity and at all levels of the professional hierarchy, including career advancement, all forms of paid work engagement; deployments and promotions; working hours; flexible working hours due to the harmonization of family and work obligations of men and women, absence from work; payments; working conditions; vocational training and additional training, including practical work experience, daily, weekly and annual leave; termination of employment and work engagement; collective bargaining; information; social security; parental leave, maternity leave, duration of maternity leave and benefits during maternity leave; leave for the care of a child and special care for a child with a disability; protection of the right to work and in connection with work.

Data on unpaid housework collected and recorded by producers of official statistics are published in accordance with the five-year statistical programme and the annual applicable plans of the national responsible for statistics.

The value of unpaid work in absolute amount, as well as the share of the value of unpaid work in gross domestic product is calculated on the basis of data from the main producer of official statistics, while the calculation methodology is determined by the ministry responsible for gender equality.

A person who is not insured on any basis, acquires the right to health insurance on the basis of unpaid work at home (housekeeping, caring for children, caring for other family members), unpaid work on agricultural land and others.

These data can be found at the producer of official statistics - the National Statistical Office of Serbia.

When it comes to reporting on the implementation of the Law on Gender Equality, the Ministry of Human and Minority Rights and Social Dialogue is collecting data and conducting a gender analysis which, in accordance with the law, ends in March 2022 for the previous year, when a summary report is prepared, which becomes publicly available on the website of the Ministry: www.minljmpdd.gov.rs.

The Law on Prohibition of Discrimination, which was amended in 2021, does not contain provisions that provide for restrictions on compensation that can be paid in cases of discrimination. These amendments, among other things, stipulate that the records of court decisions in disputes for protection against discrimination are kept by the Office of the Commissioner for the Protection of Equality.

Contribution of the Commissioner for the Protection of Equality

During the reporting period, and in connection with lawsuits due to discrimination based on sex in the field of labour and employment, the Commissioner filed a lawsuit in 2019 due to discrimination based on sex, marital and family status and invocation of responsibility - the employer discriminated an employee during her pregnancy, maternity leave and childcare leave, based on gender and family status, by blackmailing her during the pregnancy to sign a blank agreement on termination of employment, asked her to give him money for her contributions, by irregular and incomplete payment of contributions that made it difficult for her to exercise the right to health care and sick

leave, by denying her employment rights, such as the right to paid leave for the purpose of seeing a doctor, as well as salary prescribed by the Law on Financial Support to Families with Children.

We will mention another strategic lawsuit of the Commissioner for the Protection of Equality, which had its epilogue at the Supreme Court of Cassation, and was filed due to discrimination based on health conditions in the field of labour and employment. Namely, the Supreme Court of Cassation passed a verdict (2021) which fully adopted the claim of the Commissioner. This is a strategic lawsuit of the Commissioner for the Protection of Equality from July 2017, against an employer due to the termination of the employment contract with his employee due to her health condition and disability (suffering from leukaemia). By its decision, the Supreme Court of Cassation adopted the revision by the Commissioner for Protection of Equality and changed the verdict of the Court of Appeals in Belgrade by confirming the verdict of the High Court in Belgrade of 24th February 2020, which primarily accepted the Commissioner's claim. According to the court order, the defendant published the verdict in the newspaper with the national circulation, as requested in the lawsuit.

We add that in accordance with Article 45 of the Law on Prohibition of Discrimination, if the plaintiff makes it probable that the defendant committed an act of discrimination, the burden of proving that the act did not violate the principle of equality, i.e., the principle of equal rights and obligations, is borne by the defendant.

4. to recognise the right of all workers to a reasonable period of notice for termination of employment;

a) *Please provide information on the right of all workers to a reasonable period of notice for termination of employment (legal framework and practice), including any specific arrangements made in response to the COVID-19 crisis and the pandemic.*

Article 180, paragraph 1 of the Labour Law prescribes that before the termination of the employment contract in the case referred to in Article 179, para. 2 and 3 of this Law, the employer must warn the employee in writing of the existence of reasons for termination of the employment contract and to leave him a period of at least eight days from the date of delivery of the warning to respond to the allegations in the warning. This period does not represent a notice period, but it is a period in which the employee responds to the employer's warning, which states the reasons and evidence for termination of the employment contract.

Pursuant to Article 180a, the employer may terminate the employment contract with the employee referred to in Article 179a, paragraph 1, item 1) of this Law, or impose a measure referred to in Article 179a of this Law, if he has previously given written notice of deficiencies in his work, instructions and an appropriate deadline for improving work, and the employee fails to improve work within the deadline.
Pursuant to Article 189 of the Labour Law, an employee whose employment contract is terminated because of his failure to achieve the required results, i.e., because he has no necessary knowledge and skills in terms of Article 179, paragraph 1, item 1) of this Law, shall be entitled to a notice period defined by a general act or employment contract, depending on the length of insurance, which may not be shorter than eight or longer than 30 days. The notice period starts on the day following the day of delivery of the decision on termination of the employment contract. The employee may,

in agreement with the competent authority referred to in Article 192 of this Law, cease to work before the expiration of the notice period, provided that during that time he is provided with salary in the amount determined by the general act and employment contract.
Pursuant to Article 36, paragraph 3 of the Labour Law, before the expiration of the period for which the probationary period has been agreed, the employer or employee may terminate the employment contract with a notice period of not less than five working days.

During the emergency situation, which was declared due to the epidemic caused by the Covid-19 virus, the dismissal of workers was prohibited.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion of the ECSR

Law on Civil Servants "Official Gazette of RS" No. 79/05, 81/05 - correction, 83/05 - correction, 64/07, 67/07 - correction, 116/08, 104/09, 99/14, 94/17, 95/18, 157/20, hereinafter: the Law) determined in which cases the employment of a civil servant is terminated.

A civil servant employed for an indefinite period of time acquires the status of an employee whose work is no longer needed due to the abolition of a state body, and its scope is not taken over by any other government body (Article 135-137 of the Law) or if due to changes in the Rulebook on Internal Organization and Systematization of Jobs, there is no corresponding job position to which he can be assigned (Article 133 of the Law). In this regard, if due to the amendments to the Rulebook, some job positions are abolished or the number of necessary civil servants is reduced, surplus civil servants shall be transferred to other corresponding job positions of the same ranking, with the preference given to those who have the best average grades in the last three consecutive evaluations.

After that, civil servants are assigned to corresponding job positions, and if a corresponding job position does not exist, the civil servant may, with his consent, be assigned or transferred to a lower-ranking job position corresponding to his or her type and level of education, i.e., education, and if such a job position does not exist, it becomes unallocated. If the civil servant does not agree with the assignment/transfer, the manager shall pass a ruling on termination of employment, without the right to severance pay.

In the event that there is no corresponding job position, the employment of an unassigned civil servant shall be terminated within two months from the day when the ruling determined that the civil servant was unassigned and he or she shall be entitled to severance pay according to the law governing salaries in government bodies.

In case of dismissal given by a civil servant, he or she must submit a written dismissal at least 15 days before the day marked for termination of employment.

Also, the Law prescribes the conditions when the employer terminates the employment of a civil servant (Article 130 of the Law), as follows: if he or she refuses transferral or allocation in case

when they do not require the consent of the civil servant or unjustifiably does not commence work on the job position to which he or she was transferred or allocated, does not satisfy in the probationary period, upon termination of the reason for the stay of employment he or he does not commence work within the time of 15 days, and if he or she does not pass the state or special professional exam.

A civil servant's employment may be terminated when he or she has been disciplined for a grave violation of duty. Grave violations of duty from employment relationship are regulated by Article 109 of the Law.

The work of a civil servant is monitored throughout the year. If, in the opinion of the immediate supervisor, the civil servant lacks competencies for effective performance of his or her duties, in cooperation with the human resource management unit in the government body, he/she shall submit a written notice of deficiencies in his work to the civil servant and determine a plan to improve the work, which may include referral to professional development. The work of a civil servant is monitored in the next period of at least three months from the day of determining the work improvement plan, after which the immediate supervisor prepares a report on the implementation of the work improvement plan, which he submits to the civil servant and the person responsible for human resource management in that government body. Upon the expiration of this period, the work of a civil servant may be evaluated extraordinarily before the regular annual evaluation, and the extraordinary evaluation of a civil servant may be performed only during the period of monitoring of his work before the regular annual evaluation. A civil servant shall not have the right to make a special appeal against a notice of deficiencies in his work, a work improvement plan or a report on the work improvement.

The law also determines the consequences of evaluating the work performance of a civil servant who did not meet most of the expectations, i.e., who needs improvement. A civil servant in an executive position who is determined to need improvement in the annual or extraordinary evaluation of work performance, is transferred to a lower-ranking position that corresponds to his type and level of education, i.e., education and for which he meets the conditions for work, but if such a job position does not exist, a lower coefficient is determined in accordance with the law governing salaries in state bodies. The civil servant is then pointed out the areas in which improvement is needed and referred to professional training which improves his competencies. The employment of the civil servant who is found not to meet expectations in an extraordinary or annual performance appraisal shall be terminated on the day the decision on performance appraisal is final.

This decision also determines that the employment of a civil servant is terminated. The employment of a civil servant who is found not to meet expectations in the annual performance appraisal, while the immediate supervisor in monitoring his work did not point out shortcomings in his work and did not determine a work improvement plan in accordance with the law, does not terminate, however, the decision made in the appraisal of his work performance shall define that the civil servant will be extraordinarily evaluated after the expiration of the deadline specified in the work improvement plan, i.e., after the expiration of the improvement deadline.

Pay gap between women and men by occupational groups, October 2018

	Pay gap between men and women, in %
Total	**8.8**
Managers (directors), officials and law-makers	5.3
Experts and artists	19.0
Engineers, associates and technicians	19.3
Administrative servants	5.4
Occupations in hospitality and trade	10.1
Farmers, foresters, fishermen and the like	4.5
Craftsmen and the like	23.8
Machinery and facility operators, fitters and drivers	17.7
Simple occupations	15.4

Source: Structure of Earnings Survey, SES

Link to access the data at the website of the Statistical Office of Serbia:

https://publikacije.stat.gov.rs/G2020/Pdf/G20205664.pdf

https://publikacije.stat.gov.rs/G2020/Xls/G20205664.xlsx

According to Article 36, paragraph 3 of the Labour Law, before the expiration of the time for which the probationary period has been agreed, the employer or employee may terminate the employment contract with a notice period of not less than five working days.

5. to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country. For conclusions of non-conformity, please explain whether and how the problem has been remedied and for deferrals, please reply to the questions raised.

Article 5 – The right to organise

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

a) *Please provide data on trade union membership prevalence across the country and across sectors of activity, as well as information on public or private sector activities in which workers are excluded from forming organisations for the protection of their economic and social interests or from joining such organisations. Also provide information on recent legal developments in these respects and measures taken to promote unionisation and membership (with specific reference to areas of activity with low level of unionisation, such as knowledge workers, agricultural and seasonal workers, domestic workers, catering industry and workers employed through service outsourcing, including cross border service contracts).*

Article 6 of the Labour Law stipulates that a trade union, in terms of this law, is understood to be an autonomous, democratic and independent organization of employees, they associate into on a voluntary basis, for the purpose of acting on behalf, representing, advancing and protecting their professional, labour, economic, social, cultural, and other individual and collective interests.

Pursuant to Article 206 of the Labour Law, the employees are guaranteed the freedom to organize in trade unions and engage in trade union activity which shall require no approval, pending registration, and pursuant to Article 215 of the Labour Law, a trade union may be established in conformity with a trade union general act.

Therefore, according to the Labour Law, all employees are allowed, without restrictions, to form a trade union, i.e., to join a trade union, in order to protect their rights.

b) *Also provide information on measures taken or considered to proactively promote or ensure social dialogue, with participation of trade unions and workers organisations, in order to take stock of the COVID-19 crisis and pandemic and their fallout, and with a view to preserving or, as the case may be, restoring the rights protected under the Charter after the crisis is over.*

A meeting was organized by the Federation of Independent Trade Unions of Serbia, for discussing the pandemic of the infectious disease Covid-19 and occupational diseases. The Chair of the union pointed out that there is evidence that Covid-19 is a systemic disease affecting all organs and all tissues, and it is known that it leaves permanent consequences on some organs, which is why it should be considered an occupational disease, because there are all legally prescribed conditions for that. He also pointed out that Covid-19 is a disease that can be determined as an occupational disease for health activities. In that way, the employees would feel safer, because they would have adequate compensation that would be valid, and not only the time agreed with the Ministry of Health, and it

would certainly have an impact on the further work experience of the employees. At this round table, it was unequivocally stated that the highest risk of contracting this disease is in the healthcare employees who have borne the brunt of the pandemic. This attitude of the union was supported by some professors at the Medical Faculty in Belgrade, who pointed out that health workers, in most cases, could talk about Covid-19 as an occupational disease, and for the rest of the population about injuries at work.

c) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion and questions of the ESCR

Article 216 of the Labour Law stipulates that an association of employers may be established by employers who employ a minimum of 5% of employees in relation to the total number of the employees in a specific branch, group, subgroup or line of business, i.e., in the territory of a specific territorial unit.
In the process of amending, or passing a new law, in cooperation with the social partners (representatives of trade unions and employers' associations), the said provision will be considered, in order to create the best legal solution.

There are 41 trade union organizations operating in the Ministry of the Interior.
By the decision of the Minister of the Interior, in order to improve the cooperation with trade unions, a special Working Group for cooperation with trade unions in the Ministry of the Interior was formed.

The Independent Police Union is the only representative union in the Ministry of the Interior. By the decision of the Ministry of Internal Affairs of 15th April 2009, the representativeness of the Independent Police Union was determined, and the decision of the Ministry of the Interior of 18th December 2013, re-established the representativeness of the Independent Police Union, after the procedure of re-examining the representativeness was carried out.

The Government and the Independent Police Union have concluded a Special Collective Agreement for Police Officers ("Official Gazette of the RS", No. 62/19, 62/20 - Annex I and 81/21 - Annex II).

In order to have good mutual cooperation, nurture and develop partnership relations aimed at improving interpersonal relations of employees in the Ministry of the Interior, as well as raising the socio-economic status of the employees, MoI has concluded cooperation agreements with key trade unions, which regulate workers' and trade union rights, with the following unions:
1. Independent Police Union,
2. Serbian Police Union,
3. Police Union of Serbia,
4. Union of Firefighters of Serbia,
5. Independent Police Union of Serbia,

6. Branch union of administration, judiciary, defence and police.

Please note that there are no restrictions on the work of trade union organizations in the Ministry of the Interior.

The Law on Serbian Armed Forces ("Official Gazette of the RS", No. 116/07, 88/09 and 101/10 - other law), in Article 14, paragraph 3, stipulates that the professional members of the Serbian Armed Forces have the right to trade union activities.

Pursuant to Article 17, paragraph 3, item 13 of the Law on Serbian Armed Forces ("Official Gazette of the RS" No. 116/07, 88/09, 101/10 - other law, 10/15 and 88/15 - US), the President of the Republic of Serbia passed the Rule of Service of the Serbian Armed Forces.

In the part of the provisions related to the rights, duties and obligations of a member of the Serbian Armed Forces, among other things, it was stipulated that a professional member of the Serbian Armed Forces can be a member of a trade union and participate in its activities, in accordance with law, general regulations and rules.

According to the stated rule, the subject of trade union activities in the Serbian Armed Forces cannot be activities related to: composition, organization and formation of the Serbian Armed Forces, operational and functional capacity, use and staffing of the Serbian Armed Forces, mobilization, equipping with weapons and military equipment, command and control in Serbian Armed Forces based on the principles of subordination and unanimity, deciding on the appointment, transfer, deployment and promotion of professional members of the Serbian Armed Forces, as well as participation in multinational operations.

Article 6 – The right to bargain collectively

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

1. to promote joint consultation between workers and employers;

No information requested. If the previous conclusion concerning the provision was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;

Please provide information on specific measures taken during the pandemic to ensure the respect of the right to bargain collectively. Please make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework,

or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services.

In the activities of hospitality and tourism, there are business associations of economic entities. The Ministry of Trade, Tourism and Telecommunications is always open to proposals and suggestions of representatives of tourism and hospitality.

In the field of postal traffic since the beginning of the pandemic caused by the COVID-19 virus, employees of the Public Company "Post of Serbia" had the opportunity to negotiate the conclusion of the Collective Agreement, so that at the session of 20th January 2022, the Government adopted a conclusion accepting the Collective Agreement for the Public Company "Post of Serbia", whose validity period is three years, starting from February 2022. We also note that before concluding this Collective Agreement, the Government adopted an Agreement to extend the validity of the previous collective agreement for a period of one year, so that employees in this company are not deprived of their rights under the collective agreement, given the pandemic caused by COVID-19.

By Conclusion 05 No. 11-6691 / 2019-1 of 11th July 2019, the Government accepted the Collective Agreement of the Public Company "Broadcasting Equipment and Communications", Belgrade. The mentioned collective agreement was concluded between the Government, representative unions and the management in the Public Company "Broadcasting Equipment and Communications", Belgrade, on 12th July 2019.

By Conclusion 05 No. 53-3008 / 2020-2 of 2nd April 2020 ("Official Gazette of the RS", No. 50/20), the Government recommended that employers amend their general act, i.e., employment contract or other individual act, in part which regulates remuneration, i.e., salary (hereinafter: salary), so that employees who are temporarily absent from work due to a confirmed infectious disease COVID-19 or due to a measure of isolation or self-isolation imposed in connection with that disease, which occurred as a consequence of direct exposure to risk based on the performance of their duties and tasks, i.e., official duties and contact with persons who have been confirmed COVID-19 disease or imposed a measure of isolation or self-isolation, are entitled to salary in the amount of 100%. Also, item 2 of the same conclusion recommended that employers ensure the exercise of this right to employees, as follows:

1) for the first 30 days of absence from work, the amount of salary remuneration to be paid from their own funds;

2) starting from the 31st day of absence from work, the amount of salary remuneration to be paid from the funds of compulsory health insurance ensured as legally prescribed amount of salary remuneration, and from its own funds to provide a difference of up to 100% of the salary basis.

Due to the fact that a number of employees in this public company were temporarily prevented from working due to the confirmed infectious disease Covid-19 longer than 30 days, which significantly reduced their income, and that they became infected despite the application of all preventive measures to combat spread of the epidemic Covid -19, authorized representatives of employers and representative trade unions agreed on the text of Annex No. 1 to the Collective Agreement of the Public Company "Broadcasting Equipment and Communications", Belgrade, in accordance with the conclusion of the Government.

Also, Annex No. 2 to the Collective Agreement of PE "ETV", amended Article 59 of the Collective Agreement of the Public Company "Broadcasting Equipment and Communications", Belgrade, in such a way that it is proposed to increase the base for calculation and payment of salaries in the amount of 6.5%.

At the time of the pandemic, the government and the representative union of the Ministry of the Interior (Independent Police Union), concluded an Annex to a special collective agreement for police officers ("Official Gazette of RS", No. 62/20).

In Article 1 of the said Annex, after Article 30, Article 30a was added, which reads: “A

police officer who is temporarily absent from work due to a confirmed infectious disease Covid-19 or due to a measure of isolation or self-isolation imposed in connection with that disease, which occurred as a result of direct risk exposure due to work and tasks, i.e., official duties and contacts with persons who have been diagnosed with Covid-19 disease or ordered a measure of isolation or self-isolation, is entitled to salary in the amount of 100% of the basic salary, as well as the right to contributions for insurance and insurance service with augmented time of service, for police officer working on a job position for which the length of insurance is calculated with augmented time of service".

Also, by the decision of the Minister of Interior from 12th August 2021, a new Committee was formed to monitor the implementation of the Special Collective Agreement for Police Officers.

With regard to compliance with measures during the Covid-19 pandemic, as well as specific measures taken to improve working conditions to protect the health and safety of both employees and parties to the administrative line of work, all measures have been taken to install protective barriers and mandatory use of disinfectants, including disinfection of acquisition points for receiving requests for the issuance of personal documents.

Also, according to the proposal of the Operational Team of the Crisis Management Team for the suppression of the infectious disease of Covid-19, as well as the decision of the Government of the Republic of Serbia, in the period from 17th March 2020 until 11th May 2020, all counters of organizational units along the line of work of administrative affairs on the territory of the Republic of Serbia were closed. In the mentioned period, the system of electronic communication via e-mail was implemented, which enabled all parties to freely exercise their rights in terms of submitting requests, correspondence and monitoring the course of the case within the scope of administrative affairs of the Ministry of the Interior.

3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

No information requested. If the previous conclusion concerning the provision was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

and recognise:

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

a) *Please provide information on specific measures taken during the pandemic to ensure the right to strike (Article 6§4). As regards minimum or essential services, please provide information on any measures introduced in connection with the COVID-19 crisis or during the pandemic to restrict the right of workers and employers to take industrial action.*

b) *If the previous conclusion concerning the provision was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the ECSR question

In the Republic of Serbia, the Law on Peaceful Settlement of Labour Disputes ("Official Gazette of RS", No. 125/04, 104/09, 50/18) stipulates that arbitration is voluntary and may be initiated only if there is consent of both parties (Article 11), and if there is an agreement for a peaceful settlement of a dispute, then the arbitral award resulting from that procedure is final and enforceable and binding for both parties.

The right to strike in the Ministry of the Interior is regulated by Article 170 of the Law on Police, which reads: "Employees of the Ministry of the Interior have the right to strike in accordance with the law and the collective agreement and freely decide on their participation in the strike."

Police officers shall not be entitled to strike in case of:

1. A state of war, state of emergency or state of increased risk;
2. Violent endangerment of the constitutional order of the Republic of Serbia;
3. Declaration of natural disaster or imminent danger on a part of the territory or on the entire territory of the Republic of Serbia;
4. Other accidents or disasters that interfere with the normal course of life and impair the safety of people and property;
5. In case they are employed in jobs where there are no conditions for ensuring a minimum work process.

Workplaces where the minimum work process is not provided are regulated by a special act by the Minister.
Employees of the Ministry of the Interior can start a strike if a minimum work process is provided that ensures the safety of people and property.

No later than 10 days before the start of the strike, the head of the organizational unit determines the employees who are obliged to work during the strike in order to ensure a minimum work process, which cannot be less than 60% of employees.

The warning strike is announced no later than 5 days before the start of the strike by submitting the decision to go on strike.

Along with the decision to go on strike, the statement of the strike organizer on how to ensure the minimum work process is submitted.

The decision to go on strike determines: the employees' requests, the time of the beginning of the strike, the place of gathering of the participants in the strike (if the strike is manifested by the gathering of employees), and the strike committee, which represents the interests of employees.

Representatives of the Ministry of the Interior and the strike committee are obliged to negotiate

from the day the strike is announced until the end of the strike, in order to resolve the collective dispute amicably and peacefully, in accordance with regulations on peaceful resolution of labour disputes and principles of mutual trust and protection of economic and social interests.

If the strike is manifested by a gathering of employees, the strike is organized and the gathering place is determined by applying the provisions of the law governing public gatherings.

Police officers participating in the strike cannot carry weapons and other means of coercion during the strike.

Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

a) *Please provide information on specific measures taken during the pandemic to ensure the respect of the right to information and consultation. Please make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services.*

The Ministry of Trade, Tourism and Telecommunications, as stated in the previous answer, is always available for consultations with employees in the field of trade, tourism and hospitality and other activities in order to provide adequate information on changes that occurred during the state of emergency, affecting their business. It primarily refers to the field of trade, as well as the field of tourism and amendments to legal acts, which facilitated the realization of agreed trips that could not be realized during the state of emergency.

During the pandemic caused by the Covid-19 virus, the Human Resources Department of the Ministry of the Interior undertook the following activities:
- In the form of a dispatch, Information on the disease caused by the Covid-19 virus was sent to all organizational units of the Ministry, which contains basic information on the manner of spread, forms of disease manifestation and preventive measures to prevent transmission;
- The SOS line and e-mail address of the Department for Employee Health and Safety at Work have been established, for all information;
- A flyer was made with two parts ("Reduce the risk of coronavirus infection" and "Psychosocial support"), which was available on the website of the Ministry of the Interior;
- Lectures on the prevention of the spread of coronavirus have been prepared and organized, which include training on how to handle protective equipment. These lectures were held at the Border

Police Administration and at most border crossings, the Sector for Emergency Situations, the Sector for Human Resources, the Unit for Securing Certain Persons and Facilities, the Police Administration for the City of Belgrade, most other police administrations and for the trainees at the Basic Police Training Centre;
- In order to educate employees about the importance of vaccination against Covid-19, doctors have prepared a lecture that is available in the e-classroom of the Ministry of the Interior;
- Cooperation was established with the Faculty of Pharmacy and an online lecture was organized for all employees of the Ministry of the Interior on the topic "The importance of vaccination against Covid-19".

During the pandemic, the Department of Psychological Support within the Human Resources Sector undertook the following activities:
- Within the Support Team, a Psychosocial Support Team was formed with the role of actively providing psychosocial assistance. In this regard, available telephone contacts of psychologists and social workers have been identified in order to communicate directly with police officers who have expressed the need for support;
- A flyer "Psychosocial support" was made;
- The following texts have been prepared: Psychosocial support in the age of Covid - self-help measures, Psychosocial support in the intimate partnership - measures of self-help, psychological recommendations to managers in the time of Covid, Psychosocial support in the age of Covid, disease and loss - measures of self-help, post-traumatic growth in the age of Covid, and psychological guidelines for preserving mental health during the new Covid-19 wave.

Some texts were published on the Facebook page of the Ministry of the Interior in order to support all citizens of the Republic of Serbia. Also, brochures and flyers were made, so that useful content could reach as many people as possible. The materials were also posted on the Internet network of the Ministry of the Interior.

The model of the Department of Psychological Activity was presented to the professional public at the Assembly of Psychologists of Serbia, and all texts were published in "Psychological Newspapers".

The emergency psychological helpline is available 24 hours a day, seven days a week, for all emergencies.

The Ministry of the Interior regularly submits to trade union organizations operating in the ministry, via e-mail, all information that is important for the employment status, as well as information on the impact on the socio-economic status of employees.

b) *If the previous conclusion concerning the provision was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

a. to the determination and the improvement of the working conditions, work organisation and working environment;

b. to the protection of health and safety within the undertaking;

c. to the organisation of social and socio-cultural services and facilities within the undertaking;

d. to the supervision of the observance of regulations on these matters.

a) *Please provide information on specific measures taken during the pandemic to ensure the respect of the right to take part in the determination and improvement of the working conditions and working environment. Please make specific reference to the situation and arrangements in the sectors of activity hit worst by the crisis whether as a result of the impossibility to continue their activity or the need for a broad shift to distance or telework, or as a result of their frontline nature, such as health care, law enforcement, transport, food sector, essential retail and other essential services.*

Article 16 of the Labour Law stipulates that the employer, among other things, must provide working conditions to the employee and organize work for the safety and protection of life and health at work, in accordance with the law and other regulations.

Amendments to the Special Collective Agreement for Police Officers, Article 30a, establish the right of a police officer who is temporarily absent from work due to a confirmed infectious disease Covid-19 or due to a measure of isolation or self-isolation imposed in connection with that disease, to salary in the amount of 100% of basic salary, as well as the right to a contribution for the length of insurance with augmented service for a police officer who works at a workplace where the length of insurance is calculated with augmented duration.

Also, with regard to compliance with measures during the Covid-19 pandemic, as well as specific measures taken to improve working conditions to protect the health and safety of both employees and parties to the administrative line of work, all measures have been taken to install protective barriers and mandatory use of disinfectants, including disinfection of acquisition points for receiving requests for the issuance of personal documents. Also, after the proposal of the Operational Team of the Crisis Management Team for the Suppression of Infectious Diseases Covid-19, as well as the decision of the Government of the Republic of Serbia, in the period from 17th March 2020 to 11th May 2020, all counters of organizational units along the line of work of administrative affairs on the territory of the Republic of Serbia were closed. In the mentioned period, the system of electronic communication via e-mail was implemented, which enabled all parties to freely exercise their rights in terms of submitting requests, correspondence and monitoring the flow of cases within the scope of administrative affairs.

Road transport, roads and traffic safety

The following acts have been adopted within the competence of the Sector for Road Transport, Roads and Traffic Safety in connection with the mentioned measures in order to facilitate the functioning of the economy during and after the state of emergency caused by the Corona virus pandemic:

Law on Ratification of Decrees Adopted by the Government with the Co-Signature of the President of the Republic during the State of Emergency "Official Gazette of RS", No. 62 of April 29, 2020 -COV-2 ("Official Gazette of RS", No. 55/20):

https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2020/62/1/reg
https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2020/55/1/reg

Decree on Measures for Prevention and Control of Infectious Diseases COVID-19 ("Official Gazette of RS", No. 151 of 15th December 2020, 152 of 18th December 2020, 153 of 21st December 2020, 156 of 25th December 2020, 158 of 29th December 2020, 1 of 11th January 2021, 17 of 26th February 2021, 19 of 5th March 2021, 22 of 12th March 2021, 29 of 25th March 2021, 34 of 6th April 2021, 48 of 13th May 2021, 54 of 31st May 2021, 59 of 11th June 2021, 60 of 16th June 2021, 64 of 25th June 2021, 69 of 9th July 2021, 86 of 3rd September 2021, 95 of 1st October 2021, 99 of 22nd October 2021, 101 of 27th October 2021, 105 of 8th November 2021, 108 of 16th November 2021, 117 of 3rd December 2021, 125 of 17th December 2021, 7 of 17th January 2022, 10 of 28th January 2022)

https://www.paragraf.rs/propisi/uredba-o-merama-za-sprecavanje-sirenja-zarazne-bolesti-covid-19.html, and/or

Rulebook on the percentage of maintenance of departures in road traffic in intercity and international passenger transport ("Official Gazette of RS", No. 125/2021 and 9/2022).

https://www.paragraf.rs/propisi/pravilnik-o-procentu-odrzavanja-polazaka-u-drumskom-saobracaju-medjumesnom-medjunarodnom-prevoz-putnika.html

Railway traffic

During the state of emergency on the territory of the Republic of Serbia due to the COVID-19 virus pandemic, in the period from 20th March to 4th May 2020, railway passenger traffic was completely suspended and during that time the executive staff of the railway carrier in passenger traffic "Serbia Voz" JSC was not engaged in its regular operation. After the end of the state of emergency, in the period from 4th May to 1st June 2020, railway passenger traffic operated to a limited extent, and in this regard, the staff of "Srbija Voz" JSC was only partially engaged in the performance of their work tasks. Starting from 1st June 2020, the railway passenger traffic has been completely normalized and the staff of "Srbija Voz" JSC is engaged in the performance of its work tasks on a daily basis.

At the same time, during the state of emergency, railway freight traffic was not interrupted, and in this regard, the executive workers of railway freight transport companies ("Serbia Cargo" JSC and other private carriers) performed their activities according to regular procedures and in accordance with regular work tasks, with a certain reduction in the volume of transport, bearing in mind the

cessation of work of certain companies, restrictions on border procedures and generally reduced consumption of both raw materials and finished products.

Also, the executive staff of the railway infrastructure manager "Serbian Railway Infrastructure" JSC performed its work tasks during the entire period of the state of emergency, as the railway freight traffic took place all the time, and the railway passenger traffic starting from 4th May 2020. Although it can be concluded from the above that the railway traffic was essentially of reduced intensity, the execution of the work tasks of the executive staff of the infrastructure manager was necessary for the smooth and safe operation of the railway traffic.

As for the rest of the staff of railway companies, all other workers who due to the nature of their work were not related to field work and whose work tasks could be performed outside the company's premises, during the state of emergency, but also after that depending on the epidemiological situation, when necessary and in agreement with the employer, were sent to work from home.

Air traffic

During the pandemic caused by COVID-19, air traffic was conducted in accordance with the following regulations: Decision on declaring a state of emergency ("Official Gazette of RS", No. 31/2020, 36/2020, 38/2020, 39/2020) and the Decree on measures for state of emergency ("Official Gazette of RS", no. 31/2020, 36/2020, 38/2020, 39/2020) of the Government of the Republic of Serbia.

In accordance with the above, and in accordance with the monitoring of the overall situation with the COVID-19 pandemic, the Civil Aviation Directorate of the Republic of Serbia issued security orders and operational information available on the official website of the Civil Aviation Directorate of RS, http://cad.gov.rs/strana/23701/covid---19.

b) *If the previous conclusion concerning the provision, was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the previous conclusion

In accordance with Article 1 of the Labour Law, the rights, duties and responsibilities arising from employment, i.e., on the ground of work, are regulated by this law and a special law, in conformity with ratified international conventions. Rights, obligations and responsibilities rising from employment are also regulated by the collective agreement and the employment contract, while by employee handbook, i.e., employment contract - only where so specified by the present Law.

The collective agreement and the handbook and the employment contract may not contain provisions which give the employee less rights or determine less favourable working conditions than the rights and conditions determined by law. The collective agreement and the handbook and the employment contract may determine greater rights and more favourable working conditions than the rights and conditions determined by law, as well as other rights not determined by law, unless otherwise provided by law.

Article 3 of the Labour Law stipulates that an employer who does not accept the initiative of a representative trade union for accession to the negotiations for the conclusion of a collective agreement may not regulate the rights and obligations arising from the employment contract in the employee handbook.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;

2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

a) *Please provide information on the regulatory framework and any recent changes in order to combat harassment and sexual abuse in the framework of work or employment relations. The Committee would welcome information on awareness raising and prevention campaigns as well as on action to ensure that the right to dignity at work is fully respected in practice.*

The Law on Prevention of Harassment at Workplace (Official Gazette of the RS, No. 36 of 28th May 2010), as stated in the previous report, provides protection against harassment and sexual harassment at work. Since the last reporting, there have been no amendments to the said law.
The Ministry of Trade, Tourism and Telecommunications, for the areas for which it is responsible, has not received reports related to sexual harassment, i.e., harassment at workplace.

b) *Please provide information on specific measures taken during the pandemic to protect the right to dignity in the workplace and notably as regards sexual, and moral harassment. The Committee would welcome specific information about categories of workers in a situation of enhanced risk, such as night workers, home and domestic workers, store workers, medical staff, and other frontline workers.*

c) *Please explain whether any limits apply to the compensation that might be awarded to the victim of sexual and moral (or psychological) harassment for moral and material damages.*

The Law on Gender Equality ("Official Gazette of the RS" No. 52/21) in Article 32, contains a ban on harassment, sexual harassment and sexual blackmail as follows: "It is prohibited to harass, sexually harass and sexually blackmail at workplace or in connection with work based on sex or

gender, by employers, employees or other persons engaged in work towards other employees or other persons engaged in work.
Gender-based harassment and sexual harassment are prohibited not only at the workplace, but also during employment, professional development and promotion. "
Supervision over the implementation of the Law on Prevention of Harassment at Workplace ("Official Gazette of RS" No. 36/10), i.e., on the prevention of so-called mobbing, is performed by the Labour Inspection within the Ministry of Labour, Employment, Veterans and Social Affairs and the Administrative Inspection within the Ministry of Public Administration and Local Self-Government.

According to Article 21 of the Labour Law, harassment and sexual harassment are prohibited. Harassment, within the meaning of this law, is any unwanted conduct caused by any of the grounds referred to in Article 18 of this law aiming at or amounting to the violation of dignity of a person who seeks employment, as well as an employee, which causes fear or creates a hostile, degrading or offensive environment. Sexual harassment, within the meaning of this law, is any verbal, non-verbal or physical behaviour aiming at or amounting to the violation of dignity of a person who seeks employment, as well as an employee, in the sphere of sexual life, and which causes fear or creates a hostile, degrading or offensive environment.

Article 23 of the Labour Law stipulates that in cases of discrimination in terms of the provisions of Art. 18–21. of this law, the person seeking employment, as well as the employee, may initiate proceedings before the competent court for compensation of damages from the employer, in accordance with the law. If during the proceedings the plaintiff made it probable that discrimination was committed in the sense of this law, the burden of proving that there was no conduct that constitutes discrimination is on the defendant.

We point out that the stated provisions of the Labour Law have not changed since the last reporting.

The Commissioner for the Protection of Equality, among other things, has the authority to make recommendations for measures to achieve equality and protection against discrimination. During the pandemic, the Commissioner sent 312 recommendations-measures and 12 initiatives to public authorities during the state of emergency caused by the Covid-19 pandemic, in order to work on improving the position of certain groups of the population that are particularly vulnerable in a pandemic. For example, the recommendations were to provide information and notices in accessible formats, to provide regular home help services to all beneficiaries and to provide the necessary permits for the movement of persons providing this assistance, the need to cover all persons in need with social protection services and assistance programmes, and provide a wider coverage of economic assistance measures, etc.

Having in mind the competences of the Commissioner and the framework of the question, the Commissioner points out that regarding the problem of aligning the work with parenthood after the declaration of a state of emergency, and in connection with the fact that employed parents of minor children and especially single employed parents were practically forced to choose between working and staying at home and taking care of their children, sent an initiative to the Government to send clear instructions on the conduct of employers during the state of emergency towards employed parents of minor children, in accordance with the adopted Decree on organizing employers' work during the state of emergency, so as to define in particular that all single employed parents of minor children are allowed to perform work outside the employer's premises, i.e., that, if it is not possible to organize such work, the employer should ensure that those employees could stay at home if

needed to take care of their minor children. The following were sent: Instruction for organizing work in public authorities and local self-governments in the period of state of emergency and Instruction for local self-government units on the obligation to harmonize the work of the economy in accordance with the state of emergency. More information at:
http://ravnopravnost.gov.rs/inicijativa-vladi-za-izradu-instrukcije-za-pos-cir/ .
These instructions were accepted.

d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

RESC Part I – 28. Workers' representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions.

Article 28 protects workers' representatives in undertakings from dismissal or other prejudicial acts and requires that they are afforded appropriate facilities to carry out their functions. All forms of employee representation, not exclusively trade unions, should benefit from the rights guaranteed by this Article. In order to ensure that such protection is effective, the Charter requires that it extends for a reasonable period (according to the case-law of the Committee, for at least 6 months) after the expiry of the representative's mandate.

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;

b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

a) *With the objective of keeping this reporting exercise focussed, the Committee asks for no specific information in respect of Article 28. Nonetheless, it would welcome information about the situation in practice concerning this right during the pandemic and about measures taken to ensure that the COVID-19 crisis was not used as an excuse to abuse or circumvent the right of workers' representatives to protection, especially protection against dismissal.*

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Answer to the ECSR question

Article 2010 of the Labour Law stipulates that an employer is bound to provide the trade union which gathers the employees at the employer with technical conditions and space in accordance with the spatial and financial capabilities, as well as to enable access to the data and information necessary for performing trade union activities.

Technical and spatial conditions for performing union activities are determined by a collective agreement or an agreement between the employer and the union.

Therefore, it does not affect the prescribed obligation of the employer whether the union is representative or not.

Article 29 – The right to information and consultation in collective redundancy procedures

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

a) *With the objective of keeping this reporting exercise focussed, the Committee asks for no specific information in respect of Article 29. Nonetheless, it requests information about the situation in practice as regards the right to information and consultation in collective redundancy procedures during the pandemic, and about any changes introduced in law modifying or reducing its scope during the COVID-19 crisis.*

There was no change in labor legislation due to the Covid 19 pandemics. In order to protect the rights of workers in pandemic conditions, the Government of the Republic adopted the following recommendations.

1. Recommendation to employers in the territory of the Republic of Serbia to employees who have not used the corresponding annual leave for 2020 to enable them to start and use the holiday in 2021 due to the nature of work in extraordinary circumstances due the epidemic of infectious disease covid-19 or due to temporary incapacity for work caused by to the infectious disease Covid-19 or due to the determination of isolation / home isolation in accordance with the law or to use the first part for at least two working weeks continuously as of December 31, 2021, and the remaining part as of June 30, 2022.

2. Recommenation to employers to amend their general act, i.e. employment contract or other individual act, in the part which regulates wage compensation, i.e. salary compensation, so that employees who are temporarily absent from work due to confirmed infectious disease Covid-19 or due to isolation measure or self-isolation imposed in connection with the disease, which occurred as a result of direct exposure to risk based on the performance of their duties and tasks i.e. official duties and contact with persons diagnosed with Covid-19 or with the imposed a measure of isolation or self-isolation, provide the right to salary compensation in the amount of 100% of the basis for salary compensation.

It is recommended that employers provide the exercise of the above rights to employees, in particular: for the first 30 days of absence from work, the amount of salary compensation paid from their own funds; starting from the 31st day of absence from work, the amount of salary compensation will be paid by providing the legally prescribed amount of salary compensation from the funds of the obligatory health insurance, and from its own funds by providing a difference of up to 100% of the salary compensation.

The right to salary compensation in the amount of 100% of the basis for salary compensation is provided to employees who have been vaccinated during the declared epidemic of contagious disease and before temporary absence from work due to confirmed infectious disease Covid-19, as well as employees who do can not be vaccinated on account of health reasons, and who, along with a doctor's report on temporary incapacity for work, submit an appropriate certificate from the competent health institution.

The Government of the Republic of Serbia also adopted decisions on the basis of which employees in health and social protection were on several occasions paid cash benefits for working in the conditions of the Covid 19 epidemics.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

The Labour Law stipulates that dismissal of workers without any grounds and sending employees on unpaid leave, without their consent, is a violation of labour law and all employers who do so will be punished, and the government will stand behind workers who find themselves in such a situation.

Labour Law ("Official Gazette of RS", No. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - decision of the CC, 113/2017 and 95/2018 - authentic interpretation) clearly defines the rights of workers and dismissal of workers without any grounds and without prior written warning is a violation of the law.

This does not apply only to permanent employees, but also to employees with fixed-term employment contracts and contracts for temporary and periodical jobs who have the same rights.