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# EUROPEAN SOCIAL CHARTER

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

submitted by

## THE GOVERNMENT OF SERBIA

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

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## CYCLE 2024

# Questions from the European Committee of Social Rights for the Report on implementation of the Revised European Social Charter Group 1

## REPUBLIC OF SERBIA

## ANSWERS TO THE QUESTIONS

Belgrade, 20 January 2025

*Questions:*

**Article 2§1 Reasonable daily and weekly working hours**

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- information on the exact number of weekly hours that persons in these occupations can work;

The provisions of the Labor Law (*Official Gazette of the Republic of Serbia*, No. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 - CC, 113/17 and 95/18 - Authentic Interpretation), which regulate the working hours of an employee, are prescribed in Articles 50–63. According to the aforementioned provisions of the Labor Law: full-time working hours of an employee are 40 hours per week, and overtime work cannot last longer than eight hours per week; an employee can work longer than 12 hours per day, including overtime work; in the redistribution of working hours, the employee's working hours cannot last longer than 60 hours per week.

According to Article 2, paragraphs 2 and 3 of the Labor Law, the provisions of this law apply to employees in state bodies, bodies of territorial autonomy and local self-government and public services, as well as to employees of employers in the field of transport.

According to the Labor Law, the length of working hours of employees does not depend on the jobs (occupations) that the employee performs.

The provisions of Art. 50 of the Labor Law regulate that full-time working hours of employees are 40 hours per week.

The provision of Art. 53 stipulates that an employee may work overtime, but that overtime work cannot last longer than 8 hours per week, or 32 hours per week.

Also, the provision of Art. 57 of the Labor Law stipulates that in the event of redistribution of working hours, an employee may not work longer than 60 hours per week.

If the employer determines that the employee works longer than the working hours prescribed by the above provisions of the Law, a request shall be submitted to the employer to initiate a misdemeanor proceeding in accordance with the provisions of Article 274 of the Labor Law.

The Law on Working Hours of Vehicle Crews in Road Transport and Tachographs regulates the working hours of vehicle crew members and stipulates that the maximum weekly working hours of a vehicle crew member may be 60 hours, including overtime. There are no occupations within the scope of the Sector for Air Transport and Transport of Dangerous Goods and the Sector for Railways and Intermodal Transport in which the weekly number of hours (working hours) is longer than 60 hours.

- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

b) Please provide information on the weekly working hours of seafarers.

The Ministry of Construction, Transport and Infrastructure regulates the working hours of crew members on maritime and inland waterway vessels as follows:

In accordance with Standard A 2. 3. – Hours of work and hours of rest, paragraph 5 of the Law on the Ratification of the International Labour Organization Maritime Labour Convention, MLC, 2006 (*Official Gazette of the Republic of Serbia - International Agreements*, No. 8/11), the number of hours of work or hours of rest must be regulated in the following manner:

(a) the maximum number of hours of work shall not exceed:
- 14 hours in any 24-hour period; and
- 72 hours in any seven-day period;
or
(b) the minimum number of hours of rest shall not be less than:

- 10 hours in any 24-hour period; and
- 77 hours in any seven-day period.

In accordance with Article 130a of the Law on Navigation and Ports on Inland Waters (*Official Gazette of the Republic of Serbia*, No. 73/10, 121/12, 18/15, 96/15 - other law, 92/16, 104/16 - other law, 113/17 - other law, 41/18, 95/18 - other law, 37/19 - other law and 9/21), the regular working hours of a crew member are eight hours per working day.

The maximum working hours of a crew member may not exceed:

- 14 hours in any 24-hour period;

- 84 hours in any seven-day period.

If the work schedule provides for more working days than days off, the average weekly working time of 72 hours may not be exceeded within a period of four months.

Working time in accordance with paragraphs 1–3 of this Article may be extended if the average of 48 hours per week is not exceeded within 12 months (hereinafter referred to as the reference period).

The longest working time in the reference period is 2,304 hours, with the basis for calculation being 52 weeks less at least four weeks of absence multiplied by 48 hours.

Approved periods of paid annual leave, as well as periods of sick leave, are not taken into account when calculating the average or are neutral.

The right to rest time arising from public holidays is further reduced.

For employment relationships shorter than the reference period, the calculation of the longest working time is based on the calculation according to the time spent at work (pro-rata-temporis).

The above provisions are in accordance with Council Directive 2014/112/EU of 19 December 2014 on the implementation of the European Agreement concerning the organization of certain forms of working time in inland waterway navigation concluded between the European Union for Inland Navigation (EBU), the European Shipowners' Organisation (ESO) and the European Transport Workers' Federation (ETF).

In accordance with the above, all protection measures prescribed by the Law on the Ratification of the International Labour Organization Convention on Maritime Labour, 2006 and Council Directive 2014/112/EU of 19 December 2014 on the implementation of the European Agreement concerning the organization of certain forms of working time in inland waterway navigation, concluded between the European Inland Navigation Union (EBU), the European Shipmasters' Organisation (ESO) and the European Transport Workers' Federation (ETF), shall apply.

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c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

Article 50, paragraph 1 of the Labor Law stipulates that working time is the period of time during which an employee is obliged, or available, to perform work according to the employer's orders, at the place where the work is performed, in accordance with the law.

According to Article 50, paragraphs 3-5 of the Labor Law, working time does not include the time during which an employee is ready to respond (on-call) to the employer's call to perform work if such a need arises, and the employee is not at the place where his work is performed, in accordance with the law. On-call time and the amount of compensation for it are regulated by law, a general act or an employment contract. The time during on-call time that an employee spends performing work at the employer's call is considered working time.

According to Article 54 of the Labor Law, on-call work in healthcare institutions, as overtime work, is regulated by a special regulation.

**Articles 58 and 59 of the Law on Health Care (*Official Gazette of the Republic of Serbia*, No. 25/19) refer to duty, on-call work and stand-by:**

A healthcare institution may introduce standby duty as overtime work only if it is unable to ensure continuity of healthcare provision through the organization of work in shifts referred to in Article 56 of this Law and the schedule of working hours of employees.

During the standby duty, a healthcare worker must be present in the healthcare institution. The standby duty referred to in paragraph 1 of this Article may be introduced at night, on public holidays and on Sundays.

Standby duty introduced at night shall begin after the second shift and shall end with the start of the first shift. The decision on the introduction and scope of stand-by work at the level of the healthcare institution, as well as per healthcare worker, shall be made by the director of the healthcare institution.

The average weekly working time, including overtime work, i.e. standby duty and on-call work, for a healthcare worker on a four-month basis may not exceed 48 hours per week. A collective agreement may determine that the average working hours are linked to a period longer than four months, and a maximum of nine months.

A healthcare worker who has been placed on stand-by duty by a decision of the director of a healthcare facility has the right to increased pay for stand-by duty as overtime, in accordance with the law.

A healthcare facility may introduce on-call work, as overtime and on-call periods, in accordance with the law.

On-call work is a special form of overtime work in which a healthcare worker is called upon to provide healthcare outside of their established working hours.

On-call work may be introduced for employees who are on-call.

Exceptionally, on-call work may also be introduced for employees who are not on-call, in the event of natural and other major disasters, traffic accidents, crisis and emergency situations, in accordance with the law.

During the on-call period, the healthcare worker is not present in the healthcare institution, but must be available to provide emergency medical assistance in the healthcare institution and respond to the call of the competent person.

The decision on the introduction and scope of on-call work and period, made by the director of the healthcare institution, determines the time of the on-call period and the employees who are on-call, taking into account the efficiency, economy and rationality of the organization of work, as well as the equal workload of employees, in accordance with the law.

Exceptionally, the provisions of this Article also apply to other employees in the healthcare institution, if there is an urgent need for it.

Healthcare workers and healthcare associates, as well as other persons employed in a healthcare institution, or private practice, may not leave their workplace until a replacement is provided during working hours, or after the end of working hours, if this would disrupt the performance of healthcare activities and endanger the health of the patient.

An employee who, in the case referred to in paragraph 1 of this Article, has continued to work after the end of working hours, which is considered overtime work, is obliged to notify his immediate supervisor in writing, no later than the following working day. An employee who works in jobs where reduced working hours have been introduced, in accordance with the law regulating work, may be required to work overtime in those jobs, in the case referred to in paragraph 1 of this Article, as well as in the case where the provision of health care cannot be organized in another way.

**Articles 41, 42, 43, 44, 46 and 95 of the Sectoral Collective Agreement for healthcare institutions founded by the Republic of Serbia, an autonomous province and a unit of local self-government (*Official Gazette of the Republic of Serbia*, No. 96/19, 58/20, 135/22 -**

**other regulations, 2/24 - other regulations), define the rights and obligations of standby and on-call work:**

**On-call period and on-call work**

(1) A healthcare institution may introduce on-call work, such as overtime work and on-call periods, in accordance with the law and this Agreement.

(2) On-call work is a special form of overtime work in which a healthcare worker comes on call to provide healthcare outside of his or her established working hours.

(3) On-call work may be introduced for employees who are on-call.

(4) Exceptionally, on-call work may also be introduced for employees who are not on-call in the event of natural disasters and other major disasters, traffic accidents, crisis and emergency situations, in accordance with the law.

(5) During standby, a healthcare worker is not present in the healthcare institution, but must be available to provide emergency medical assistance in the healthcare institution and respond to the call of a competent person.

(6) The decision on the introduction and scope of on-call period and work, made by the director of the health institution, shall determine the on-call period and the employees who are on-call, taking into account the efficiency, economy and rationality of the work organization, as well as the equal workload of employees, in accordance with the law.

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

(8) An employee who is on-call shall be obliged to inform his immediate supervisor of the telephone number at which he can be called and must report to work as soon as possible.

**Employee rights based on overtime work**

(1) An employed healthcare worker who works overtime or is on-call in accordance with Articles 39-41 and Article 95 of this Agreement shall be entitled to a salary supplement for overtime and on-call work, in accordance with the law and this Agreement.

(2) An employed non-medical worker and healthcare associate who works overtime or is on-call shall be entitled to a salary supplement for overtime and on-call work.

(3) Upon the employee's written request, overtime work referred to in paragraphs 1 and 2 of this Article shall be converted into free hours every three months, instead of the right to a salary supplement.

(4) The employer shall be obliged to ensure that the employee uses the free hours referred to in paragraph 3 of this Article no later than six months after the end of the quarter in which they were earned.

(5) Records shall be kept of free hours.

(6) For each hour of overtime work, the employee shall be entitled to an hour and a half of free time.

**Article 43**

(1) Exceptionally, if, due to the needs of the process and work organization, the free hours cannot be used within the period referred to in Article 42, paragraph 4 of this Agreement, the employee shall exercise the right to an overtime pay supplement, in accordance with the law and Article 95 of this Agreement.

(2) If the employee cannot use the free hours due to termination of employment or transfer to another work unit, he shall be entitled to an overtime pay supplement.

(1) For the time spent on-call, when the employed healthcare worker is not working, he shall be entitled to a salary supplement in accordance with this Agreement.

(2) On-call period on a working day may last a maximum of 16 hours, and on Saturdays, Sundays and holidays 24 hours.

(3) On-call period per employee on a monthly basis may last a maximum of half of the employee's free hours.

(4) By way of exception to paragraph 3 of this Article, an employee may be on-call for longer periods if this is necessary for the organization of work, with the express written consent of the employee.

(5) Hours of standby duty, on-call work and on-call period (inactive) are mutually exclusive.

(1) An employee is entitled to a salary supplement:

1) for work on a holiday that is a non-working day in accordance with the law - 110% of the basic salary;

2) for work at night - 26% of the basic salary;

3) for work on Sundays - 20% of the basic salary;

**4) for overtime work of healthcare workers (standby and on-call) - 26% of the basic salary**;

5) for overtime work of non-medical workers and healthcare associates - 26% of the basic salary;

6) based on the time spent at work for each full year of work completed in an employment relationship with the employer - 0.4% of the base.

**(2) In the event that an employee is called during inactive on-call period, the inactive on-call status shall cease and work shall commence for which the employee shall be entitled to a salary supplement of 26% of the basic salary.**

(3) If the conditions for a salary increase on several grounds are met at the same time, the salary shall be increased by the percentage obtained by adding the percentages of the increase on all grounds.

(4) The basic salary for determining the salary supplement referred to in paragraph 1 of this Article shall be the basic salary increased by work performance, in accordance with the law.

**(5) During on-call period, the employee shall be entitled to a supplement for each hour spent on-call in the amount of 10% of the value of the basic salary per working hour.**

## Article 3 – The right to safe and healthy working conditions[1]

*Explanatory remark:*

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.

Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many nonconformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of

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the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

*Questions:*

### Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- in the gig or platform economy;

Regarding the application of the Law on Occupational Safety and Health (*Official Gazette of the Republic of Serbia*, No. 35/23), the employer is obliged to ensure safety and health at work for the employee, regardless of the type of work engagement, the duration of the work engagement and the location from which the employee performs his/her work. This Law introduces work from home, remote work and self-employment into the occupational health and safety system. A self-employed person is a natural person who performs a business or other activity, namely: an entrepreneur who independently performs a business or other activity and does not engage other persons for work, and the head or member of a family agricultural household, who performs work with members of a family agricultural household in accordance with the regulations on agriculture (Article 4, paragraph 1, item 2) of the Law). According to Article 43 of the Law, a self-employed person is, in accordance with this Law and other regulations on occupational safety and health, responsible for his or her own safety and health and for the safety and health of other persons affected by his or her work and failures in the application of occupational safety and health measures. A self-employed person is obliged to apply occupational safety and health regulations

[1] Please note that Article 3 of the European Social Charter also applies to the self-employed.

in his work and to cooperate with other employers and employees in the application of occupational safety and health measures, when the performance of work is related to them.

- as regards telework;

The new Law on Occupational Safety and Health has made the institute of teleworking legally recognizable in the field of occupational safety and health and the obligations of the employer when organizing work in such a way. Teleworking/Remote work is defined as work performed by an employee in a space other than the employer's space using information and communication technologies. Although the space in which the employee performs his/her work is not under the direct control of the employer, with the participation of the employee, it is covered by a risk assessment act with a precise description of the work and an assessment of potential risks. For these reasons, the employee's obligation to inform the employer of the fulfillment of the conditions necessary for safe and healthy work in accordance with the risk assessment act is prescribed, as well as to promptly inform the employer of any subsequent change in the conditions.

As the comparative legislative regulation on this issue in the field of occupational safety and health is diverse, no particularly detailed provisions on the protection of employees working remotely have been proposed at this time, which will be a task in further work on improving the regulations.

- in jobs requiring intense attention or high performance; • in jobs related to stress or traumatic situations at work

According to Article 16 of the Law on Occupational Safety and Health, the employer is obliged to adopt a written risk assessment act for all jobs in the workplace and to determine the method, measures and deadlines for eliminating or reducing risks to the lowest possible extent.

The employer is obliged to adopt a risk assessment act for all jobs in which students perform professional practice or practical training or learning through work in the dual education system in accordance with the law governing dual education.

The employer is obliged to ensure that the measures determined by the risk assessment act are integrated into all activities of the employer and at all levels.

The employer is obliged to amend the risk assessment act in the event of the emergence of any new hazard or harm and a change in the level of risk in the work process, the introduction of a new job and new technology and changes in working environment conditions.

The risk assessment act is based on determining the hazards and harmfulness at the workplace in the working environment, on the basis of which the risk of injury and damage to the health of the employee is assessed.

The method and procedure for assessing risks at the workplace and in the working environment are prescribed by the minister responsible for labor.

The new Regulation on the method and procedure for assessing risks at the workplace and in the work environment (*Official Gazette of the Republic of Serbia*, No. 76/24) specifies the obligation to assess risks for harmful effects arising from mental and psychophysiological efforts that are

causally related to the workplace and the work performed by the employee, such as: efforts or physical strain (manual carrying of loads, pushing or pulling loads, various long-term increased physical activities, etc.), non-physiological body positions (long-term standing, sitting, squatting, kneeling, etc.), efforts when performing certain tasks that cause psychological stress (stress, monotony, etc.), responsibility in receiving and transmitting information, use of appropriate knowledge and skills, responsibility in rules of conduct, responsibility for rapid changes in work procedures, intensity of work, spatial conditions of the workplace, conflict situations, working with clients and money, insufficient motivation for work, responsibility in management, etc.; as well as for harmful effects related to the organization of work, such as: working longer than full-time hours (overtime), working in shifts, short-time work, working at night, emergency preparedness, etc. (Article 9, items 2) and 3)).

- in jobs affected by climate change risks.

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

In 2007, the Government of the Republic of Serbia issued a Recommendation to employers on how to organize their work in a way that avoids performing heavy physical work and direct exposure of employees to the sun at high temperatures (above 36 °C), especially in the period from 11 am to 4 pm, if the work process allows it.

The Ministry of Labor, Employment, Veteran and Social Affairs, the Occupational Safety and Health Directorate, prepared the Guidelines for Safe and Healthy Outdoor Work at High Temperatures in 2013, and the Guidelines for Good Practice for Outdoor Work at Low Temperatures in 2017. This year, the texts of these guidelines were updated.

## Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide information on:
   - the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);

Technological progress, or rather information technologies, have found increasing application in everyday business, and have thus enabled work to be performed outside the employer's premises.

Working from home is the use of information and communication technologies (desktop computer, portable computer - laptop, smartphone and tablet) that enable work to be performed outside the employer's premises. In addition to technological progress, the recent virus pandemic has also influenced the expansion of working from home.

The Labor Law stipulates that **an employment relationship can be established for the performance of work outside the employer's premises**. This type of work includes working from home and teleworking. In practice, this means that teleworking and working from home should simply be viewed **as types of employment relationships that differ from the "classic" employment relationship only in the place where the work is performed**.

National legislation

It is customary for work to be performed in the employer's business premises, and in the case of work from home, as the name suggests, the employee performs his or her work tasks in his or her own apartment or house, or in his or her private space. In what sense does the law regulate this type of employment relationship differently?

As we stated in the introduction, the Labor Law of the Republic of Serbia stipulates that an employment relationship for performing work outside the employer's premises includes remote work and work from home.

**An employment contract** concluded in order to establish an employment relationship for performing work outside the employer's premises must **contain all the elements that an employment contract must contain, with additional mandatory elements** that regulate the specifics of remote work, or work from home. Therefore, we will first remind you of what an employment contract must contain, and then we will present the elements that are present only in contracts for establishing an employment relationship for the purpose of performing work outside the employer's premises.

Content of the employment contract

Each employment contract must contain:

1) the name and registered office of the employer;

2) the employee's personal name, place of residence, or stay;

3) the type and level of the employee's professional qualifications, or education, which are a condition for performing the work for which the employment contract is concluded;

4) the name and description of the work that the employee is to perform;

5) the place of work (in this case, work outside the employer's premises)

6) the type of employment relationship (for an indefinite or fixed term);

7) the duration of the fixed-term employment contract and the basis for establishing the fixed-term employment relationship;

8) the date of commencement of work;

9) working hours (full-time, part-time or reduced hours);

10) the amount of the basic salary on the day the employment contract is concluded;

11) elements for determining the basic salary, work performance, salary compensation, increased salary and other income of the employee;

12) deadlines for payment of salary and other income to which the employee is entitled;

13) duration of daily and weekly working hours.

What are the specifics?

An employment contract concluded in order to establish an employment relationship where the place of work is outside the employer's premises, in addition to the above elements that every employment contract must have, also contains:

1) **the duration of working hours** according to labor standards;

2) **the method of supervising the work** and quality of the employee's work performance;

3) **the means of work** for performing the work **that the employer is obliged to purchase, install and maintain**;

4) **the use of the employee's means of work and the reimbursement of costs for their use**;

5) **the reimbursement of other labor costs** and the method of their determination;

6) other rights and obligations.

Valuation of work from home

**The basic salary of an employee who works outside the employer's premises cannot be set at a lower amount than the basic salary of an employee who performs the same tasks on the employer's premises**. This is one of the most important legal provisions on work from home because it definitively confirms that such work is on the same level as work in a space under the direct control of the employer, because one of the basic legal principles is that the same salary is paid for the same work, i.e. work of the same value. Therefore, there cannot be a reduction in salary because the work is performed from home.

**The provisions of the Labor Law on working time schedules, overtime work, redistribution of working hours, night work, holidays and absences also apply to employment contracts for work from home**, i.e. remote work, unless otherwise specified by a general act or employment contract.

Therefore, if colleagues working in the employer's premises have working hours of 5 days per week, 8 hours a day, for the same work, such working hours are also valid for those working from home. If it is considered that some sudden, unplanned work cannot be performed by full-time

employees in the company, and overtime work is organized, it is possible to organize such work for the employee working from home, and this work must be paid at an increased rate.

Also, the amount and deadlines for performing work performed outside the employer's premises cannot be determined in a way that prevents the employee from exercising his/her rights to rest during the day's work, daily, weekly and annual leave.

What are the restrictions

**An employer may contract work outside its premises that is not dangerous or harmful to the health of the employee and other persons and does not endanger the environment**. Therefore, it is not possible to organize every type of work outside the employer's premises. Namely, every employer, regardless of the number of employees and the activity it engages in, is obliged to have a risk assessment act as part of creating healthy and safe working conditions.

A risk assessment act is an act that contains a description of the work process with an assessment of the risk of injuries and/or damage to health at the workplace in the working environment and measures to eliminate or reduce risks in order to improve safety and health at work. Work processes that, according to the employer's stated act, pose a risk of injury and/or damage to health cannot be organized outside the employer's premises.

Guide to Safe Working from Home

In order to make it easier for employers and employees to work in the new situation caused by the COVID-19 pandemic, the Occupational Safety and Health Directorate of the Ministry of Labor, Employment, Veteran and Social Affairs has developed a Guide to Safe and Healthy Working from Home, which is available on the Ministry's website. The aforementioned instructions, intended for employers and employees, briefly contain the following items:

– **The employer retains responsibility for implementing occupational safety and health measures from home**, as well as in the case when employees perform work in a space designated for the employer's work. This means that the employer takes measures to prevent injuries at work, occupational diseases and work-related illnesses and when employees perform work for the employer in their home. Since the law stipulates minimum standards of occupational health and safety, it is recommended that the rights and obligations of employees working from home be specified in a general act of the employer (collective agreement or work regulations) or an employment contract. Employees are expected to cooperate with the employer and perform their work in accordance with the written instructions and guidelines prepared by the employer.

– If the employment relationship was not initially established for the purpose of working from home, but rather occurs subsequently, in order to regulate the legal status of the employee working from home, it is necessary for the employer to conclude an annex to the employment contract with the employee, which will stipulate the possibility of working from home for a certain period of time, in accordance with the decision on the schedule of working hours made by the employer

– **The general act of the employer or the employment contract determines the tasks that the employee performs; necessary resources for performing work** (infrastructure, work equipment, software, internet connection, etc.); **methods and measures for maintaining contacts; supervision** of work and quality of work performance; **control and measures of safety and health**.

– In order to ensure working conditions without risk to the health of employees, it is necessary to **provide employees who work from home with a work room** (if conditions allow), appropriate **work equipment** (computer, monitor, table and chair, etc.), organize work in such a way that family and work obligations are harmonized, and that the lack of direct contact with the employer and colleagues does not constitute an obstacle to performing work. **The employer**, in cooperation with the employee, should provide good working conditions, **take care of the organization of work, provide work equipment (if the employee does not own it)** necessary for performing the work, **take care of working hours and breaks that must be provided for.**

– In order to implement measures for safe and healthy work, it is necessary for the employer, in the case of working from home, to **first determine** whether the work can be performed in a high-quality and safe manner while working from home, or whether the employees have all the necessary conditions for safe and healthy work from home.

– Regardless of the fact that working from home is not under the control of the employer, this type of work is covered by the act on risk assessment at the workplace and in the working environment. It is necessary for the employer to regularly provide information, instructions and training to employees regarding occupational safety and health, while the employee should implement measures and protect himself from injuries during work, as well as report to the employer any injury incurred during the performance of his job.

Recommendations for the work environment are as follows:

– The employee should designate a workspace in their home for the placement and installation of work equipment that will be used to perform work in a safe and healthy manner. **The space in the home designated in this way is considered the workplace** (all other parts of the employee's home are not considered the workplace);

– The workspace should be **clean, free of obstacles and debris**, in order to prevent tripping and falling;

– **Electrical installations** must be designed and installed so that they **do not pose a hazard** that could cause fire or explosion; check for correctness and use correct sockets and extension cords;

– **Flammable materials** must be **separated from** potential **sources of ignition**;

– Sufficient free space should be provided in the workplace;

– Adequate lighting, low noise levels and thermal comfort are necessary.

Responsibilities of employers and employees

Based on the above regulations and the Ministry's Guide, we can summarize that the obligations when organizing work from home are as follows:

**The employer** is obliged to:
– in cooperation with the employee, **provide a safe and healthy workplace** and working environment;
– **take care of the health of the employees** (care for the employee's mental health should include regular contact with the employee, preparation of instructions and information);
– **provide work equipment** to the employee if the employee does not have it in his/her possession (e.g. the employer will provide employees with a computer, software, internet access, etc.);
– **supervise the work performed** by the employee and occupational health and safety measures and contact employees during the agreed working hours.

**The employee** is obliged to:
– **apply measures for safe and healthy work**, to **use work equipment for its intended purpose**; **inspect the workplace**, including the work equipment used, **before starting work** and notify the employer in case of any deficiencies;
– establishes a balance between work and private life;
– **maintain regular and timely communication with the employer or the occupational health and safety officer** during the agreed working hours, in order to implement occupational health and safety measures;
– **comply with the employer's instructions on occupational health and safety measures**;
– reports any hazards and problems in accordance with the employer's internal procedures relating to: occupational health and safety, use of information technologies, data protection and confidentiality; intellectual property; code of conduct, etc.

In light of all of the above, it can be concluded that employers and employees working from home should have **the same rights and obligations as when work is performed on the employer's premises**, taking into account additional measures for maintaining contacts, monitoring work, safe conditions for working from home and agreed working hours.

- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The Labor Law (Articles 50-63) regulates full-time and part-time work, reduced working hours, overtime work, work schedule, redistribution of working hours, night work and shift work, while Articles 87 and 88 regulate the working hours of employees under the age of 18.

For failure to comply with the above provisions, fines are prescribed in Article 274, paragraph 1, items 3) – 7) of the Labor Law, ranging from 600,000 to 1,500,000 dinars, for an employer with the status of a legal entity; for an entrepreneur in the range of 200,000 to 400,000 dinars and in the range of 30,000 to 150,000 dinars for a responsible person in a legal entity, or a representative of a legal entity, which are imposed in misdemeanor proceedings.

An employee may, if he/she believes that his/her rights under the employment relationship in relation to the right to limited working hours have been violated, file a report with the Labor Inspectorate, which will order the employer to eliminate the established violations of the law, and if the employer has committed a misdemeanor, file a request for the initiation of misdemeanor proceedings before the competent court (Articles 269 and 270 of the Labor Law).

According to Article 183, item 6), an employee's address to the trade union or the authorities responsible for protecting rights arising from the employment relationship in accordance with the law, general act and employment contract is not considered a justified reason for termination of the employment contract. If the employment contract is terminated because the employee refused to work outside normal working hours, the Labor Inspectorate or the court would order the employee to return to work, with the employer's obligation to pay the costs of the procedure and the obligation to pay the employee all outstanding wages from the moment of unlawful termination of the employment contract.

b) Please provide information on:
    - the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;

The new Law on Occupational Safety and Health, as stated under 4 and 6, provides for the protection of employees who perform independent activities and who work remotely. For employees who are domestic workers, supervision over the implementation of safety and health measures can be carried out after obtaining a court decision to enter private property. Article 22, paragraph 1 of the Law on Inspection Supervision (*Official Gazette of the Republic of Serbia*, No. 36/15, 44/18 - other laws and 95/18), stipulates that in order to establish the facts, the inspection shall obtain a written decision of the competent court if it intends to conduct an inspection of a residential area or other area for such purpose, except when the inspection is carried out at the request or with the express written consent of the owner or user, or holder of the residential area, which may also be given on site. Consent may also be oral, when it is necessary to take urgent measures to prevent or eliminate a threat to human life or health, valuable property, the environment or flora or fauna, which shall be specifically explained in the records.

    - whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

The Law on Occupational Safety and Health and the by-laws in this area do not differentiate between the type of work engagement and the duration of the work engagement. The right to apply occupational safety and health measures is granted to persons participating in work processes, as well as persons who find themselves in the work environment, in order to prevent injuries at work, occupational diseases and work-related diseases. According to Article 4, paragraph 1, item 1) of the Law on Occupational Safety and Health, an employee is a natural person who is in an employment relationship with an employer, as well as a person who, on any basis, performs work or is trained for work with an employer. Accordingly, employees

who perform temporary or occasional jobs and employees for a fixed term enjoy the same standard of protection.

## Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

Article 91 of the Law on Occupational Safety and Health (*Official Gazette of the Republic of Serbia*, No. 35/23) stipulates that inspection supervision over the implementation of this Law, regulations adopted on the basis of this Law, technical and other measures related to occupational safety and health, as well as over the implementation of occupational safety and health measures established by the risk assessment act, collective agreement, occupational safety and health regulations, labor regulations or employment contracts, shall be carried out by the ministry competent for labor affairs through labor inspectors.

- domestic workers;

For domestic workers, supervision of the implementation of health and safety measures is carried out upon obtaining a court decision to enter private property. Article 22, paragraph 1 of the Law on Inspection Supervision (*Official Gazette of the Republic of Serbia*, No. 36/15, 44/18 – other laws and 95/18), stipulates that in order to establish the facts, the inspection shall obtain a written decision of the competent court if it intends to conduct an inspection of a residential area or other area for such purpose, except when the inspection is carried out at the request or with the express written consent of the owner or user, or holder of the residential area, which may also be given on site. Consent may also be oral, when it is necessary to take urgent measures to prevent or eliminate a danger to the life or health of people, valuable property, the environment, or flora or fauna, which is specifically explained in the minutes. The Labor Inspectorate has no reported cases of domestic workers.

- digital platform workers;

With regard to work performed by employees via a digital platform, the labor inspection is competent and carries out inspections in the field of occupational safety and health at employers' who employ, or engage one or more persons, and who are registered in the Republic of Serbia. The labor inspection carries out both regular and extraordinary, control and additional inspections of the aforementioned employers, but does not keep special records about this.

In the period January - September 2024, labor inspectors carried out a total of 47,901 inspections at registered and unregistered entities, of which 22,809 were inspections in the field of occupational safety and health.

In the field of occupational health and safety, labor inspectors issued 3,291 decisions in the field of occupational health and safety with 8,028 measures, 908 indications and warnings, as well as 569 decisions on the prohibition of work at the workplace.

In the aforementioned period, labor inspectors filed 1,430 requests for the initiation of misdemeanor proceedings in the field of occupational health and safety, filed 26 criminal charges against responsible persons, and issued 30 misdemeanor orders.

In the period January - September 2024, labor inspectors carried out a total of 725 inspections regarding reported injuries at work, of which 18 inspections regarding fatal injuries at work, 13 inspections regarding serious injuries at work with a fatal outcome, 14 inspections regarding collective injuries at work (within which 5 fatal injuries at work and 2 serious injuries at work with a fatal outcome occurred), 647 inspections regarding serious and 33 inspections regarding minor injuries at work. A total of 38 inspections regarding fatal injuries at work were carried out.

- teleworkers;

With regard to work performed by employees remotely, the labor inspectorate is responsible for and conducts inspections in the field of occupational health and safety at employers who employ, or engage one or more persons, and who are registered in the Republic of Serbia.

The Law on Occupational Health and Safety stipulates that when working from home and remotely, the employer is obliged to ensure occupational health and safety in cooperation with the employee, whereby the employer is obliged to determine the conditions for safe and healthy work, the means of work issued by the employer, to define the work process in connection with the performance of the tasks for which the employee is responsible, and to prescribe preventive measures for safe and healthy work. It is also stipulated that the employer may adopt a risk assessment act for working from home and remote work in writing with the participation of the employee, and that the employee is obliged to inform the employer of the fulfillment of the conditions necessary for safe and healthy work in accordance with the risk assessment act, as well as to promptly inform the employer of any subsequent change in the conditions.

- posted workers;

In the period January - September 2024, during 129 inspections, labor inspectors found a total of 7,021 foreign citizens at work, of whom 408 foreign citizens from various countries that were found without work permits by their employers. 229 foreign citizens were found working as undeclared, without a concluded employment contract and/or without a mandatory social security application.

During the inspections, labor inspectors also determined that 602 persons, out of a total of 7,021 foreign citizens found to be engaged in work, were employed by a foreign employer in a foreign country, by whom, in accordance with the Law on the Employment of Foreigners, they were sent to work for an employer registered in the Republic of Serbia for whom they perform contracted work.

Based on the irregularities identified, labor inspectors took appropriate measures within the scope of the labor inspection in accordance with the Labor Law, the Law on Occupational Safety and Health, and the Law on the Employment of Foreigners.

- workers employed through subcontracting;

The Law on Occupational Safety and Health stipulates the obligations of employers who carry out work, so that all employers have the same obligations, rights and responsibilities in the application of regulations in the field of occupational safety and health, regardless of whether they are contractors or subcontractors. The Labor Inspectorate does not keep separate records of inspections in the field of occupational safety and health carried out of subcontractors.

In the period January - September 2024, labor inspectors carried out a total of 47,901 inspections at registered and unregistered entities, of which 22,809 were inspections in the field of occupational safety and health.

In the field of occupational health and safety, labor inspectors issued 3,291 decisions in the field of occupational health and safety with 8,028 measures, 908 indications and warnings, as well as 569 decisions on the prohibition of work at the workplace.

In the aforementioned period, labor inspectors filed 1,430 requests for the initiation of misdemeanor proceedings in the field of occupational health and safety, filed 26 criminal charges against responsible persons, and issued 30 misdemeanor orders.

In the period January - September 2024, labor inspectors carried out a total of 725 inspections regarding reported injuries at work, of which 18 inspections regarding fatal injuries at work, 13 inspections regarding serious injuries at work with a fatal outcome, 14 inspections regarding collective injuries at work (within which 5 fatal injuries at work and 2 serious injuries at work with a fatal outcome occurred), 647 inspections regarding serious and 33 inspections regarding minor injuries at work. A total of 38 inspections regarding fatal injuries at work were carried out.

- the self employed;

A natural person who independently carries out a business or other activity and does not engage other persons for work, or when the head of a family agricultural holding performs work with members of the family household in accordance with the regulations in the field of occupational safety and health, is not an employer because he/she does not employ, or does not engage other persons for work, and he/she is not an employee because an employment contract, as a bilateral act, cannot be concluded with himself/herself. In practice, these persons may create risks for themselves and for other persons through their work, so it is necessary to ensure the protection of the self-employed and implement prevention of the risk of injuries at work and occupational diseases.

In accordance with the Regulation on Occupational Safety and Health at Temporary or Mobile Construction Sites, an entrepreneur who independently carries out activities and does not engage other persons for work, and who participates in work on a construction site, is obliged to apply the regulations in the field of occupational safety and health, other regulations and measures from the Overview of Measures for Safe and Healthy Work at Temporary and Mobile Construction

Sites (Annex 4) of this Regulation, as well as to take into account the instructions and directions of the project coordinator and the coordinator for the execution of works and to cooperate with other employers and persons in the implementation of measures for safe and healthy work, which is controlled by labor inspectors during inspections.

The coordinator for occupational safety and health in the construction phase, among other things, ensures that the entrepreneur who independently carries out the activity and does not engage other persons for work, is familiar with the Plan of Preventive Measures for Occupational Safety and Health (Annex 5) of the aforementioned Regulation, or with its amendments, which labor inspectors check during inspection and, if they find irregularities, take measures prescribed by law.

- workers exposed to environmental-related risks such as climate change and pollution.

The Ministry of Labour, Employment, Veteran and Social Affairs, the Occupational Safety and Health Directorate, together with EU experts and social partners, has developed the Guidelines for Safe and Healthy Work Outdoors in Low Temperature Conditions and the Guidelines for Safe and Healthy Work Outdoors in High Temperature Conditions.

The aim of the guidelines is to help employers and employees to minimize the risks to safety and health at work outdoors in low and high temperature conditions. Work is currently underway to improve these guidelines with EU partners.

The increase in average ambient temperatures expected with climate change may have a significant impact on workplaces. Extreme heat events may cause significant health problems for employees working outdoors.

The Rulebook on Preventive Measures for Safe and Healthy Work at the Workplace (*Official Gazette of the Republic of Serbia*, No. 21/2009 and 1/2019), also stipulates the following:

OVERVIEW OF MEASURES FOR SAFE AND HEALTHY WORK AT THE WORKPLACE

A sufficient amount of fresh air must be provided in enclosed workplaces, taking into account the working methods and activities, i.e. the tasks performed in the work process and the physical effort required of employees.

When a forced ventilation system is used, this system must be maintained in good condition.

The forced ventilation system must be equipped with a malfunction detection device.

If air conditioning or ventilation devices are used, the operation of these devices must not cause discomfort to employees due to increased air flow velocity.

All dust and dirt deposits in air conditioning or ventilation devices that may endanger the health of employees due to air pollution must be removed immediately.

During work, the temperature in the working and auxiliary rooms where the workplaces are located must be appropriate, depending on the methods of work and activities, as well as the physical load of the employees, except in workplaces where it is conditioned by the technological process.

The temperature in rest rooms, rooms for employees on standby duty, in sanitary rooms and first aid rooms must be appropriate in accordance with the purpose of these rooms.

Windows, skylights and glass partitions must be designed to prevent excessive sunlight from entering the workplace, depending on the nature of the work.

The temperature, relative humidity and air flow rate in the working rooms must comply with the values specified in Table 1.

| Type of work | Outdoor temperature | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Up to +5 °C | | | from +5 to +15 °C | | | over +15 °C | | |
| | Temperature [°C] | Relative humidity [%] | Current velocity [m/s] | Temperature [°C] | Relative humidity [%] | Current velocity [m/s] | Temperature[°C] | Relative humidity [%][1] | Current velocity [m/s ] |
| light physical work | 18-28 | max 75 | max 0.3 | 18-28 | max 75 | max 0.6 | max 28 | 28 °C→55<br>26 °C→60<br>24 °C→65<br>< 24 °C→73 | max 0.5 |
| medium physical work | 15-28 | max 75 | max 0.5 | 15-28 | max 75 | max 0.6 | max 28 | 28 °C→55<br>26 °C→60<br>24 °C→65<br>< 24 °C→73 | max 0.7 |
| hard physical labor | 15-28 | max 75 | max 0.5 | 15-28 | max 75 | max 0.6 | max 28 | 28 °C→55<br>26 °C→60<br>24 °C→65<br>< 24 °C→73 | max 1.0 |

*Table 1*

[1] ***Note**: the permissible relative humidity for air temperatures not listed in the table, but falling within the range of 24 °C to 28 °C, is calculated as follows:*

*Relative humidity [%] = 2.5 Air temperature [°C] + 125.*

The right of citizens of Serbia to enjoy clean air has a significant legal basis within the Constitution and the Law on Air Protection. These rights of citizens and obligations of the state form part of the broader legislation related to environmental protection and pollution prevention. The harmonization of our law with the regulations of the European Union, as well as the practice of the EU, additionally emphasize the need to protect air quality and can serve as a model for more efficient application of the law in Serbia.

**Legal framework for air quality protection in Serbia**

The right to clean air is implicitly contained in the Constitution of the Republic of Serbia (Constitution), which in Article 74 guarantees the right to a healthy environment. This right requires the state to ensure satisfactory environmental quality standards, including satisfactory air quality. This constitutional right is further elaborated by the Law on Air Protection, which largely regulates the responsibilities and measures that the state, as well as operators, must take in order to prevent, control and reduce air pollution.

## Article 4 – The right to fair remuneration

*Explanatory remark:*

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the *UWE* decisions on equal pay is applied across States Parties especially as regards measures taken

to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

*Questions:*

**Article 4§3 Right of men and women to equal pay for work of equal value**

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

Article 104 of the Labor Law stipulates that an employee has the right to an appropriate salary, which is determined in accordance with the law, general act and employment contract. Employees are guaranteed equal salary for the same work or work of the same value that they perform for the employer. Work of equal value means work that requires the same level of professional qualifications, i.e. education, knowledge and skills, in which an equal work contribution is made with equal responsibility. An employer's decision or agreement with an employee that is not in accordance with the above is null and void, and in the event of a violation of the aforementioned right, the employee has the right to compensation for damages.

The Law on Gender Equality (*Official Gazette of the Republic of Serbia*, No. 52 of 24 May 2021) provides for specific areas in which general and specific measures are implemented, the first of which relates to **work, employment and self-employment** (Articles 27-35). In addition, Article 34 of the aforementioned law explicitly stipulates the prohibition of unequal pay for the same work or work of equal value, in such a way that employees, self-employed persons and engaged persons are guaranteed equal pay for the same work or work of equal value, whether paid entirely in money or partly in money and partly in kind, in accordance with the law governing employment relations. Work of equal value means work that requires the same level of professional qualifications, i.e. education, knowledge and skills, in which an equal work contribution is made with equal responsibility. Also, when determining the level of income of employees, self-employed and engaged persons, it was emphasized that the systematization of jobs must be based on the same criteria for women and men and regulated in a way that excludes discrimination based on sex and gender.

Protection against discrimination is guaranteed by the Constitution and ratified international treaties, and in particular the provisions of the Labor Law and the Law on the Prohibition of Discrimination prescribe protection against discrimination. Anyone who has been injured by discriminatory treatment has the right to file a lawsuit with the court. This procedure is urgent, and a review by the Supreme Court is always permitted (Article 41 of the Law on the Prohibition of Discrimination). The provisions of the Law on Civil Procedure shall apply accordingly in the procedure.

All persons who believe that they have been subjected to discrimination may file a lawsuit with the competent court. According to the Law on the Prohibition of Discrimination, the prosecutor may, together with the lawsuit, during the procedure, as well as after the end of the procedure, until the enforcement is carried out, request that the court temporarily prevent discriminatory treatment in order to eliminate the risk of violence or major irreparable damage (Article 44 of the Law on the Prohibition of Discrimination).

The Labor Law prohibits discrimination, both direct and indirect:

Article 18

Direct and indirect discrimination against job seekers and employees on the grounds of sex, birth, language, race, skin color, age, pregnancy, health status or disability, nationality, religion, marital status, family obligations, sexual orientation, political or other beliefs, social origin, property status, membership in political organizations, trade unions or any other personal characteristic is prohibited.

Article 19

Direct discrimination, within the meaning of this Law, is any conduct caused by any of the grounds referred to in Article 18 of this Law which places job seekers and employees at a disadvantage compared to other persons in the same or similar situation.

Indirect discrimination, within the meaning of this Law, exists when a certain apparently neutral provision, criterion or practice places or would place a person in a less favorable position compared to other persons - a person seeking employment, as well as an employee, due to a certain characteristic, status, affiliation or belief referred to in Article 18 of this Law.

Article 20

Discrimination under Article 18 of this Law is prohibited in relation to:

1) conditions for employment and selection of candidates for performing a specific job;

2) working conditions and all rights arising from employment;

3) education, training and further education;

4) job advancement;

5) termination of an employment contract.

Provisions of an employment contract that establish discrimination on any of the grounds under Article 18 of this Law are null and void.

In its practice, the Supreme Court has referred to the concept of discrimination in a number of cases.
For example, in the judgment Rev2 1933/2019, it is indicated, among other things, that.... a person has the right not to be discriminated against on the basis of any personal characteristic. Discrimination denies the right of an individual or group of persons to equality with other individuals or groups precisely and exclusively on the basis of his/her personal characteristic. The basic and most important, essential characteristic of discrimination is the unjustified making of a difference due to which one person is in a less favorable position compared to other persons, and the source of that inequality, i.e. the basis for making the difference, must be some real or presumed personal characteristic. In other words, for unequal treatment to be discrimination, it must be based on a personal characteristic. Sometimes it happens that a person is indeed treated unequally, but this behavior cannot be characterized as discrimination because it is not based on the personal characteristic of that person. Although it is obvious that some actions and acts are unacceptable, that is, unfair and unprofessional, they cannot be considered discriminatory, and

protection from such behavior is eventually achieved by means other than those intended for protection against discrimination. The personal characteristic on which discrimination is based is called the "ground of discrimination". The lists of personal characteristics listed in Article 2 of the Law on the Prohibition of Discrimination and in Article 18 of the Labor Law are exhaustive, but not closed, which makes it possible to characterize as discriminatory behavior also unequal treatment based on a personal characteristic that is not explicitly listed in the Constitution, laws and ratified conventions.

In the judgment Rev 2 1838/2023 regarding allegations of age discrimination, the Supreme Court stated that Article 16, paragraph 3 of the Law on the Prohibition of Discrimination provides that it shall not be deemed to be discrimination if a distinction, exclusion or preference is made on the basis of the particular characteristics of a particular job where the personal characteristics constitute a genuine and decisive condition for the performance of the job, if the purpose thereby sought to be achieved is justified. According to Article 22, paragraph 1 of the Labor Law, it shall not be deemed to be discrimination if the nature of the job is such or the job is performed under such conditions that the characteristics related to one of the grounds referred to in Article 18 of the Labor Law constitute a genuine and decisive condition for the performance of the job and the purpose thereby sought to be achieved is justified. The defendant did not provide evidence that the plaintiff's transfer was due to the specific nature of a particular job where the personal status of the person constitutes a real and decisive condition for performing the job, both in relation to the duties of the job she performed before the transfer and in relation to the duties of the new job, and that the purpose sought to be achieved thereby was justified... The Supreme Court assessed that the lower courts had generally assessed that the actions of the defendant (employer) constituted discriminatory conduct because the plaintiff had made it probable that she had been placed in a less favorable position than other employees and that the placement in such a position was related to her personal status based on age, while the defendant had not proven that such conduct was not discriminatory....

In this case, the Civil Division of the Supreme Court adopted the following ruling on 4.04.2024: **The transfer of the employee to other jobs with a significantly lower coefficient for calculating wages due to the employees not accepting the initiative of the employer to terminate her employment due to meeting the conditions for early retirement in accordance with the regulations on pension and disability insurance, is a discriminatory criterion that unjustifiably discriminates and places her in a less favorable position compared to other employees, based on her personal characteristic - age**.

We note that the Supreme Court's practice has not recorded any cases related to the issue of discrimination, i.e. unjustified differentiation between men and women in terms of salary.

We also point out some statistical data that may be of importance.

According to the Annual Report on the Work of the Courts for 2023, 32,929 cases were resolved in the field of labor disputes before the courts of first instance, while 20,875 cases were resolved in cases on appeal. Discrimination cases are included in labor dispute cases. During 2023, 3,439 revision cases related to labor disputes were resolved before the Supreme Court (Rev 2). We note that the Supreme Court decides on extraordinary legal remedies.

Before the Supreme Court, in the Rev 2 register (labor disputes), 40 cases related to alleged discrimination on various grounds were recorded during 2022, and 19 cases during 2023.

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

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

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

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

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

Public employee positions in autonomous provinces and local self-government units are divided into executive and non-executive positions (which are classified by title), including positions of managers of internal organizational units, depending on the complexity of the work, level of authority and responsibility, in accordance with the Regulation on the criteria for classifying and describing positions in autonomous provinces and local self-government

units (*Official Gazette of the Republic of Serbia*, No. 88/16, 113/17 - other law, 95/18 - other law and 12/22).

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

In accordance with the Law on Public Service Employees (*Official Gazette of the Republic of Serbia*, No. 113/17, 95/18, 86/19, 157/20 and 123/21), the Regulation on the Organization and Systematization of Work in the Public Service determines the organizational units in the public service, jobs in organizational units, job descriptions performed in jobs, professional qualifications, i.e. education required to perform the duties of the job, the number of employees and other special conditions for working in these jobs.

Salaries, allowances, compensations and other income of employees in bodies and organizations of territorial autonomy and local self-government, as well as employees in public services are regulated by the Law on Salaries in State Bodies and Public Services. In accordance with this Law, the salary of employees is determined on the basis of the salary calculation base, coefficients, salary supplements and obligations that the employee pays based on taxes and mandatory social security contributions from the salary, while the salaries of employees in public services financed from mandatory social security contributions, in addition to the above elements, also include a part of the salary based on work performance. The basic salary is the product of the base and the coefficient, or the corrective coefficient for employees in public services financed from mandatory social security contributions (employees in state-owned health institutions). The base for the calculation and payment of salaries is determined by the Government for each budget year, with the coefficient reflecting the complexity of the work, responsibility, working conditions and professional qualifications, as well as an allowance for meals during work and a provision for the use of annual leave.

The coefficients for calculating and paying salaries of elected, appointed persons and employees in bodies and organizations of territorial autonomy and local self-government are determined by the Regulation on Coefficients for Calculating and Paying Salaries of Appointed Persons and Employees in State Bodies, while the coefficients for calculating and paying salaries for positions of employees in public services are determined according to the relevant field of work of the public service by the Regulation on Coefficients for Calculating and Paying Salaries of Employees in Public Services.

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

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

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

**The Regulation on the Catalogue of Jobs in Public Services and Other Public Sector Organizations (*Official Gazette of the Republic of Serbia* No. 81/17, 6/18 and 43/18)** establishes a list of jobs, their general/typical descriptions and requirements for their performance in public services in the fields of health, education, social protection, culture, sports, tourism, in mandatory social insurance organizations, in other public services established by the Republic of Serbia, autonomous provinces and local self-government units that are direct or indirect budget users in accordance with the regulations on the budget system, as well as jobs in supporting and auxiliary technical work in the public sector (hereinafter: the Catalogue of Jobs)

The provisions of **the Regulation on coefficients for the calculation and payment of salaries of employees in public services** (*Official Gazette of the Republic of Serbia*, No. 44/01, 15/02 - other regulation, 30/02, 32/02 - correction, 69/02, 78/02, 61/03, 121/03, 130/03, 67/04, 120/04, 5/05, 26/05, 81/05, 105/05, 109/05, 27/06, 32/06, 58/06, 82/06, 106/06, 10/07, 40/07, 60/07, 91/07, 106/07, 7/08, 9/08, 24/08, 26/08, 31/08, 44/08, 54/08, 108/08, 113/08, 79/09, 25/10, 91/10, 20/11, 65/11, 100/11, 11/12, 124/12, 8/13, 4/14, 58/14, 113/17 - other law, 19/21, 48/21, 73/23, 83/23 and 119/23) determine the coefficients for the calculation and payment of salaries of employees in publicly owned health institutions:

**"13. In healthcare facilities:** [!]

| | |
|---|---|
| Subspecialist jobs performed by subspecialists, primary care physicians or specialist masters working in a specialist field | 29.32 |
| Specialist jobs in emergency services, intensive care, operating rooms, oncology, psychiatry, infectious disease departments, X-ray services, in laboratories with direct contact with aggressive materials, etc. | 28.24 |
| Specialist jobs in inpatient units of health centers and dispensary-polyclinic jobs in the Clinical Center of Serbia | 26.33 |
| Specialist jobs in outpatient-polyclinic conditions (health centers), work in laboratories, work on prevention and in committees | 26.13 |
| Medical physicist specialist | 23.00 |
| Medical physicist and jobs of graduates: engineers in the field of IT, electrical engineering and computer science, psychologists and social workers | 19.20 |
| Jobs of other specialists and masters health associates | 22.73 |
| Jobs of graduate health workers: doctors of medicine, dentistry, graduate pharmacists and pharmacist biochemists | 22.55 |

| | |
|---|---|
| Jobs of graduates: economists, lawyers and other health associates * and engineers | 18.70 |
| Work in operating rooms and emergency rooms, resuscitation, intensive care, oncology, psychiatry, infectious disease departments, maternity wards, X-ray rooms, laboratories, blood transfusion rooms, etc. (VI level of professional qualification) | 15.32 |
| Patient care and work in inpatient units, specialized jobs in dental technology, etc. (VI level of qualification) | 14.77 |
| Very complex work in patronage, sanitary reconnaissance and supervision, disinfection, disinsectization and deratization, physical rehabilitation and physiotherapy work, laboratory work, participation in the production and dispensing of medicines (VI level of qualification) | 14.38 |
| Work performed by medical technicians in the blood transfusion room and other work performed by healthcare workers (V level of qualification) | 13.78 |
| Health care of hospitalized patients in intensive care, operating room, chemotherapy, oncology, psychiatry, emergency admission of patients, emergency care at home, emergency medical care, specialized dental technician work in the production of dental devices, home treatment, X-ray room, laboratory analysis, medical transport work with the provision of emergency medical care and operation of installed systems in the vehicle and special work in the galenic laboratory (IV level vocational training) | 13.57 |
| Technical maintenance of equipment, installations and devices, administrative, more complex administrative, legal, accounting and similar jobs (VI level of vocational training) | 13.60 |
| Healthcare of hospitalized patients, more specialized health care jobs in primary, outpatient and polyclinic and dental care, dental technology jobs, EEG, ECG, developmental counseling, diabetes counseling (IV level of vocational training) | 13.11 |
| Healthcare of patients in primary health care and outpatient and dental care, dispensing of medicines without a prescription, physical therapy and rehabilitation, disinfection, disinsectization and deratization and blood transfusion (IV level of vocational training) | 12.59 |
| Technical maintenance of equipment and installation of devices and similar jobs (V level of vocational training) | 11.20 |
| Medium-complex economic, managerial and administrative jobs (IV level professional qualifications) | 11.05 |
| Technical maintenance jobs, food preparation jobs (cooking), jobs establishing high-intensity telephone connections, drivers, typists, etc. (III level of qualification) | 9.60 |
| Driver in emergency medical assistance, driver in ambulance transport, driver of an ambulance | 12.05 |
| Ancillary jobs in autopsy (II level of qualification) | 8.36 |

| | |
|---|---|
| Ancillary jobs in patient care and performing other medical-technical operations and auxiliary jobs in packaging medical materials (II level of qualification) | 8.06 |
| Jobs of washing laboratory utensils and work equipment, washing and ironing laundry, serving food to patients, auxiliary jobs in technical workshops, jobs of porters, security guards, couriers and auxiliary jobs in pharmacies, etc. (II level of vocational training) | 7.34 |
| Jobs of maintaining cleanliness in premises where health care is provided (I level of vocational training) | 6.83 |
| Jobs of maintaining cleanliness in administrative premises | 6.18 |
| The simplest jobs (physical worker – no qualifications) | 5.93 |
| * For healthcare associates who come into direct contact with patients, work in the ward, or participate in health diagnostics and therapy, and in laboratory research, the additional coefficient to the coefficient listed in the table is: | 0.36” |

In the part related to the economy, the Ministry of Economy does not have different systems for classifying jobs and remuneration, and we would like to draw your attention to the fact that, in accordance with the provisions of the regulations relating to salaries, remuneration and other income from employment, both in the public and private sectors, all employees are guaranteed equal pay for the same work or work of the same value that they perform for the employer.

The regulations in the field of culture do not determine the classification of jobs and remuneration, or the determination of the conditions for their performance according to the gender of the person performing them, but jobs are primarily distinguished by their complexity and responsibility, as well as the coefficients for calculating the salaries of employees in cultural institutions. The regulations in the field of culture do not contain provisions that would enable discrimination of employees in cultural institutions according to gender.

Jobs, their general/typical descriptions and requirements for their performance in public services in the field of culture are determined by the Regulation on the Catalogue of Jobs in Public Services and Other Public Sector Organizations (*Official Gazette of the Republic of Serbia*, No. 81/17, 6/18 and 43/18), and the coefficients for the calculation and payment of salaries of employees in public services in culture are determined by the Regulation on Coefficients for the Calculation and Payment of Salaries of Employees in Public Services (*Official Gazette of the Republic of Serbia*, No. 44/01 ... 119/23

We also point out that Article 42, paragraph 5 of the Law on Culture (*Official Gazette of the Republic of Serbia*, No. 72/09, 13/16, 30/16-corrigendim, 6/20, 47/21, 78/21 and 76/23) stipulates that the composition of the management board should ensure the representation of at least 40% of representatives of the underrepresented sex, and that Article 46, paragraph 4 of the same Law stipulates that the composition of the supervisory board should ensure the representation of at least 40% of representatives of the underrepresented sex. In national cultural institutions, women are directors in 12 institutions, and men are directors in 16 cultural institutions.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

The general objective of the Gender Equality Strategy for the period 2021 to 2030: Overcoming the gender gap and achieving gender equality as a prerequisite for the development of society and improving the everyday lives of women and men, girls and boys, it should be noted that according to the latest data from SORS on the achievement of gender equality, the gender gap in earnings, the so-called pay gap in **the Republic of Serbia in September 2023**, amounted to **14.4%,** since men earned an average gross income of 110,915.00 dinars, and women 94,911.00 dinars.

## Article 5 – The right to organise

## Article 6 – The right to bargain collectively

*Explanatory remark:*

Questions concerning the the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large nonunionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

*Questions:*

## Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The Constitution of the Republic of Serbia and the Labor Law guarantee freedom of association and trade union organization.

Employees freely join trade unions by signing a membership form, and trade unions are established in accordance with their general act, while they acquire the status of a legal entity by entering it into the register with the Ministry of Labor. This provision of the law also applies to workers who perform part-time work.

The Republic of Serbia is currently working on a new legislative framework that will regulate the right to organize trade unions and social dialogue.

The promotion of trade union organizing will also be contributed to by the implementation of the Project "Strengthening Social Dialogue in the Republic of Serbia", which is being implemented by the International Labour Organization with the financial support of the European Union, from the IPA 2022 Program. In addition to the Government, the beneficiaries of the project are representative trade unions and employers' associations, members of the Socio-Economic Council, which will jointly, tripartitely, work on activities to improve the area of social dialogue over the next three years.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

An employers' association is considered representative:

1) if it is registered in accordance with the law;

2) if it has the required number of employees of the employers - members of the employers' association - if 10% of employers out of the total number of employers in the branch, group, subgroup or activity, or in the territory of a certain territorial unit, are members of the employers' association, provided that these employers employ at least 15% of the total number of employees in the branch, group, subgroup or activity, or in the territory of a certain territorial unit.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Social dialogue is a very broad concept and, among other things, includes any type of discussion, negotiation and agreement, especially at the employer level. The Labor Law prescribes many rights of trade unions that do not require the union to meet the conditions of representativeness and acquire the status of a representative union.

Representativeness status is a necessary prerequisite for participation in the negotiation process for the conclusion of a collective agreement.

The criteria for representativeness are prescribed by the Labor Law. A trade union is considered representative:
1) if it is established and operates on the principles of freedom of trade union organization and action;
2) if it is independent of state authorities and employers;
3) if it is financed mainly from membership fees and other own sources;
4) if it has the required number of members based on membership applications:
- for a trade union operating at the employer level, the condition is that at least 15% of the total number of employees of the employer are members of the trade union;
- for a trade union operating at the level of the territory of the Republic of Serbia, or a unit of territorial autonomy or local self-government, or else for a branch, group, subgroup or activity, the condition is that at least 10% of the total number of employees in the branch, group, subgroup or activity, or in the territory of the territorial unit, are members of the trade union.
5) if it is registered in accordance with the law and other regulation.

Please provide information:

- on the status and prerogatives of minority trade unions;

The Labor Law does not prescribe the number of union members as a condition for its establishment, and in this sense, the rights and opportunities prescribed by the law for unions do not differ in terms of the number of members.

An exception is the requirement for the number of members required to acquire representative status.

All trade unions registered in the Register with the Ministry of Labor have the status of a legal entity and the right to operate at the employer or other level, in accordance with the law.

- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

In addition to the establishment and operation of trade unions, the Labor Law recognizes the concept of works councils. Article 205 of the Labor Law stipulates that employees of an employer with more than 50 employees may form a works council, in accordance with the law.

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

However, we have no data on the existence of works councils at employers' and employees do not have the practice of forming these councils.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Article 6 of the Labor Law stipulates that a trade union, within the meaning of this law, is considered an autonomous, democratic and independent organization of employees in which they voluntarily join for the purpose of representing, presenting, advancing and protecting their professional, labor, economic, social, cultural and other individual and collective interests.

In accordance with Article 206 of the Labor Law, employees are guaranteed the freedom to organize and act as trade unions without permission, with entry in the register, and according to Article 215 of the Labor Law, a trade union is established in accordance with the general act of the trade union.

In the register of trade unions maintained by the Ministry of Labor, Employment, Veteran and Social Affairs, there are about 50 trade unions operating in the Ministry of Interior or that are bringing together members of the police, and about 40 trade unions operating in the Ministry of Defense or bringing together members of the military.

The Law on the Serbian Armed Forces (*Official Gazette of the Republic of Serbia*, No. 116/2007, 88/2009, 101/2010- other law, 10/2015, 88/2015- decision of the Constitutional Court, 36/2018, 94/2019 and 74/2021- decision of the Constitutional Court) stipulates in Article 14, paragraph 3 that the participation of professional members of the Serbian Armed Forces in groups of a trade union nature must be in accordance with the rules of military service.

Based on Article 17, paragraph 1, item 13 of the Law on the Serbian Army (*Official Gazette of the Republic of Serbia*, No. 116/2007, 88/2009 and 101/2010 - other laws, 10/2015, 88/2015 - decision of the Constitutional Court, 36/2018, 94/2019 and 74/2021 - decision of the Constitutional Court), the President of the Republic of Serbia adopted the Rules of Service of the Serbian Armed Forces.

In the part of the provisions concerning the rights, duties and obligations of members of the Serbian Army, it is stipulated, among other things, that a professional member of the Serbian Army may be a member of a trade union group and participate in its activities, in accordance with the provisions of the law, general labor regulations and this rule.

The right to organize police officers is guaranteed by all positive laws regulating the employment relations of employees and the work of the Ministry of Interior of the Republic of Serbia, primarily through the provisions of the Labor Law, then the Police Law and the Special Collective Agreement for Police Officers.

Article 169 of the Police Law stipulates that police officers and other employees have the right to trade union, professional and other organization and action in a manner established by law.

Article 49 of the Special Collective Agreement for Police Officers stipulates that the employer undertakes not to, by its actions and activities, in any way impede trade union work and trade union organization and the right of police officers to become members of a trade union. Any pressure on employees to join or withdraw from a trade union organization or any form of interference in the work of a trade union shall be considered a violation of the right to trade union organization, while Article 51 stipulates that the employer is obliged to engage in social and trade union dialogue with the representative trade union.

Articles 52-55 of the Special Collective Agreement for Police Officers stipulate that the Ministry of Interior is obliged to provide representative trade unions with spatial and technical conditions for work, and the right to paid leave for trade union representatives.

There are currently 44 trade union organizations operating in the Ministry of Interior, ranging from a few members to a trade union organization with 16,000 members.

The Labor Law stipulates that a representative trade union for an employer is a trade union that has at least 15% of the employer's employees in its membership.

There are currently three representative trade unions operating in the Ministry of the Interior:

The Independent Police Trade Union, the Serbian Police Trade Union and the Police Trade Union of Serbia, to which the Ministry provides spatial and technical conditions for work and approves paid leave for representatives of these trade unions for the purpose of carrying out trade union activities.

Also, the Ministry of Interior has concluded agreements on cooperation and social dialogue with other trade unions that have a large membership, which provide these trade unions with spatial and technical conditions for work and paid leave.

In accordance with the above, police officers are fully guaranteed the right to organize and form trade unions for the purpose of improving and protecting economic and social interests.

## Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

The implementation of the Project "Strengthening Social Dialogue in the Republic of Serbia", which is being implemented by the International Labour Organization with the financial support of the European Union, from the IPA 2022 Program, should contribute to the promotion of trade union organizing and action, and in particular the importance of social dialogue, collective bargaining and the conclusion of collective agreements.

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

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

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

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

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

In addition, a project called Just Green Transition and Decarbonization was also implemented in the Republic of Serbia.

Storms, droughts, floods and other extreme weather events are consequences of climate change. They cause damage and losses to the population measured in billions of dollars, especially affecting vulnerable groups. The solution to climate stabilization is the complete decarbonization of energy systems and the economy. This process should lead to the best outcomes for meeting the needs of all people.

The project identified and supported innovative initiatives for the decarbonization of the economy and industry across Serbia, in sectors most affected by the transition to a low-carbon economy, so that job losses in the green transition are minimized and economic security is ensured for the population in areas that rely on these sectors.

Through the Public Call for Innovative Solutions, the project co-financed 8 projects that contribute to achieving Serbia's NDC targets for reducing greenhouse gas (GHG) emissions with 600,000 USD (about 6% of the total investment value) and mobilized additional investments from the corporate sector for these projects of about 10 million USD.

The implemented solutions have reduced environmental pollution, encouraged the development of alternatives to the coal industry, and supported the retraining of workers most affected by the green transition for green jobs needed in the modern labor market.

The project has encouraged greater investment in Serbia's green transformation, motivating other companies to follow its approach. The project has contributed to making the Serbian economy not only more competitive, but also more socially just and responsible.

The project was implemented from March 2022 to March 2023 in cooperation with the Ministry of Mining and Energy, the Ministry of Environmental Protection of the Republic of Serbia and with financial support from the Government of Japan of 1 million USD.

**Project Objective**

Contribution to achieving Serbia's Nationally Determined Contribution (NDC) of 33.3% by 2030, compared to 1990 levels.

**Project Focus**

Organizing a broad consultation process and comprehensive dialogue with all stakeholders relevant to the strategic planning and implementation of a just green transition, resulting in a socio-economic analysis, conclusions and a roadmap for a just green transition.

Supporting concrete investments in green technology projects and innovative business models.

**Project Outcomes**

The project helped to deploy technologies and innovative business models in the sectors most affected by decarbonization, so that they also incorporate the principles of a just transition.

In addition, the project included the perspectives of all stakeholders affected by the green transition at national, local and corporate levels, based on which program recommendations were made for concrete steps to support the actors involved during the transition process, with an assessment of the impact on specific communities and areas affected by increased climate ambitions. 12,563 t/$CO_2$ emissions were reduced in the first year of implementation of the 8 supported projects, with prospects for reaching a cumulative level of 230,147.82 t/$CO_2$e over a 20-year period.

7.8 MW of renewable energy installed.

25 new, green jobs created for solar plant maintenance, organic waste management, composting facility maintenance, zero-$CO_2$ internal combustion engine (ICE) research, software development and blockchain technology.

38 representatives of public and private companies trained in the Decarbonization and Just Transition Accelerator.

15 representatives of businesses and public institutions trained in the KAIZEN management methodology.

10 users (workers, representatives of vulnerable groups, etc.) trained for new jobs.

The Government of the Republic of Serbia is working hard to develop the ICT sector, and has significant plans for future investments in state-of-the-art digital, telecommunications and innovative infrastructure as part of the "Leap into the Future - Serbia 2027" program.

The Innovation District in Kragujevac, the construction of which is planned under the "Leap into the Future - Serbia 2027" program, represents a unique complex of information, innovative, creative and digital industries in Serbia and the region, and will spread over 4.5 hectares. The idea is to become an epicenter for gathering young, smart, talented and capable people who will have living and working conditions in their city that will be unique in Europe.

In the first phase, a 4,700m$^2$ building and almost 10,000m$^2$ of garages are being built, while in the final phase it will have almost 62,000m$^2$ with another 23,000m$^2$ of garages. It is designed as a creative and innovative digital center with special content, where members of the IT community will be able to socialize and work, and it will be distinguished by the fact that it will be open to citizens and visitors, making it a unique district in Southeast Europe.

Within the framework of the program "Leap into the Future - Serbia 2027", work is underway on further modernization and digitalization through the expansion of the State Data Center in Kragujevac by building Unit 2 with a capacity of 16MW.

The Republic of Serbia is a candidate for membership in the European Union, and the European Union is very focused on the digital transition. Serbia is part of the Digital Europe program, as well as part of the High Performance Computing initiative.

Attached to the answer is the Program "Serbia Digitalizes".

## Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;

The general and sectoral collective agreements are directly applicable and binding on all employers who are members of the association of employers - participants in the collective agreement at the time of conclusion of the collective agreement. The collective agreement is also binding on employers who subsequently became members of the association of employers - participants in the collective agreement, from the date of joining the association of employers. The collective agreement is binding on employers for six months after withdrawing from the association of employers - participants in the collective agreement. An employer, or an

association of employers, that is not a signatory to the collective agreement, or is not a member of the association of employers - participants in the collective agreement, may subsequently join the collective agreement. The decision on joining the collective agreement is made by the competent body of the employer, or the association of employers, in accordance with which the collective agreement is applied to its employees from the date specified in the decision. The employer, or the employers' association, shall notify the signatories of the collective agreement and the body that registers the collective agreement of the aforementioned decision. The decision to accede to the collective agreement shall cease to be valid upon the termination of the validity of the collective agreement or earlier, by decision of the competent body of the employer, or the employers' association.

The Government may decide that the collective agreement or certain of its provisions shall also apply to employers who are not members of the employers' association - participants in the collective agreement. The Government may adopt the said Decision for the purpose of implementing economic and social policy in the Republic, with the aim of ensuring equal working conditions that represent the minimum rights of employees, i.e. in order to mitigate differences in wages in a certain branch, group, subgroup or activity that significantly affect the social and economic position of employees, resulting in unfair competition, provided that the collective agreement whose effect is being extended binds employers who employ more than 50% of employees in a certain branch, group, subgroup or activity. The Government shall adopt the said Decision at the request of one of the participants in the conclusion of the collective agreement whose effect is being extended, upon a reasoned proposal from the ministry competent for the activity in which the collective agreement was concluded, and upon obtaining the opinion of the Social and Economic Council.

The Government may, at the request of an employer or an association of employers, decide that a collective agreement with extended effect, in the part relating to wages and salary benefits, shall not apply to individual employers or associations of employers. The employer, or the association of employers, may submit a request for exemption from the application of a collective agreement with extended effect, if due to financial and business results they are unable to apply the collective agreement.

The Government may revoke a decision on the extension of the effect of a collective agreement and a decision on exemption from the application of a collective agreement, if the reasons that led to the adoption of this decision cease to exist.

- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

The Labor Law stipulates that a collective agreement may only establish greater rights and more favorable working conditions than those set forth in the law. Consequently, a collective agreement with an employer, as the lowest level of concluding a collective agreement, may only establish more favorable rights and working conditions than a sectoral collective agreement or a general collective agreement.

The Labor Law stipulates that, if a collective agreement and its individual provisions establish less favorable working conditions than those set forth in the law, the provisions of the law shall apply.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e.g. decentralisation of collective bargaining).

Collective bargaining is enabled by the Labor Law at all levels, provided that the participants meet the legal requirement regarding representativeness. In this regard, the only obstacle may be that the organizations (trade union or employers' association) do not meet the criteria for representativeness, or that in a certain sector of the economy there is no organized union or employers' association at all.

c) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

The promotion of both trade union organizing and the organization of employers' associations will be contributed by the implementation of the Project "Strengthening Social Dialogue in the Republic of Serbia", which is implemented by the International Labour Organization with the financial support of the European Union, from the IPA 2022 Program.

The project activities are aimed at improving the area of social dialogue in the Republic of Serbia, promoting collective bargaining and raising awareness of the importance of concluding collective agreements. The project will be implemented over the next three years.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

The current Labor Law recognizes the right to collective bargaining for the purpose of concluding a collective agreement to a representative trade union. Trade union members may be employed by an employer.

There are examples of valid collective agreements that recognize certain rights also to persons engaged by an employer on the basis of a contract outside of an employment relationship, such as the Sectoral Collective Agreement for State Bodies. This collective agreement recognizes the exercise of certain rights also to persons engaged on the basis of a contract outside of an employment relationship, such as the right to paid leave in certain cases.

Within the framework of the activities to be implemented under the Project "Strengthening Social Dialogue in the Republic of Serbia", which is implemented by the International Labour Organization with the financial support of the European Union, from the IPA 2022

Program, broader solutions will be considered, which will also include self-employed workers.

### e) **Article 6§4 Collective action**

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

The Law on Strike (*Official Gazette of the Socialist Federal Republic of Yugoslavia*, No. 29/96 and *Official Gazette of the Republic of Serbia*, No. 101/2005 - other law and 103/2012 - decision of the Constitutional Court) prescribes a ban on strikes for professional members of the Army.

The ban on strikes is prescribed for certain activities or services and by special laws (e.g. members of security and information agencies, and members of the police in certain cases - state of war, armed rebellion, etc.).

In activities of public interest or in activities whose interruption of work due to the nature of the work could endanger the life and health of people or cause large-scale damage, the right to strike of employees may be exercised if the special conditions established by the Law on Strike are met, i.e. ensuring minimum services.

An activity of public interest, within the meaning of this law, is an activity carried out by an employer in the fields of: electricity, water, transport, information (radio and television), PTT services, communal activities, production of basic food products, health and veterinary care, education, social care for children, and social protection.

Activities of special importance for the defense and security of the country, determined by the competent authority in accordance with the law, as well as activities necessary for the fulfillment of the international obligations of the Republic, are also of public interest, within the meaning of this law.

Activities whose interruption of work, by the nature of the work, within the meaning of this law, could endanger the life and health of people or cause large-scale damage are: chemical industry, steel industry, and ferrous and non-ferrous metallurgy.

Employees who perform the above activities may go on strike if minimum services are ensured that ensures the safety of people and property or is an indispensable condition for the life and work of citizens or the work of another enterprise, or a legal or natural person that performs a commercial or other activity or service.

The minimum services for public services and public enterprises is determined by the founder, and for other employers - by the director, taking into account the nature of the activity, the degree of threat to people's lives and health, and other circumstances significant for meeting the needs of citizens, enterprises and other entities (season, tourist season, school year, etc.).

When determining minimum services, the founder, or director, is obliged to take into account the opinion, comments and proposals of the trade union, and the method of ensuring the minimum services is determined by the general act of the employer, in accordance with the collective agreement.

**We emphasize that in the upcoming period, as part of the revision of labor legislation, it is planned to review the list of activities of public interest.**

Annex of the Supreme Court of Serbia

The Constitution of the Republic of Serbia guarantees the right to strike. Article 61 of the Constitution guarantees the right to strike in accordance with the law and collective agreement. The right to strike may be limited only by law, in accordance with the nature and type of activity.

a. sectors in which the right to strike is prohibited;

The right to strike is prohibited in the defense and security sector (Article 9 and Article 18 of the Law on Strike (*Official Gazette of the FRY*, No. 29/96 and *Official Gazette of the RS*, No. 101/2005 - other law and 103/2012 - decision of the Constitutional Court).
Professional members of the Serbian Armed Forces are not allowed the right to strike in accordance with Article 14, paragraph 5 of the Law on the Army.

The prohibition of the right to strike is also prescribed by the Law on the Security and Information Agency. Article 20 stipulates that members of the Agency do not have the right to organize a trade union or the right to strike (*Official Gazette of the RS*, No. 42 of 19 July 2002, 111 of 29 December 2009, 65 of 27 June 2014 - CC, 66 of 29 June 2014, 36 of 10 May 2018).

Under certain conditions, the right to strike is prohibited for police officers (see answer under b).
Also, the **Law on Health Care** (Article 57, paragraph 1) prohibits the organization of strikes in health institutions that provide emergency medical care, as well as in organizational units of other health institutions that provide admission and care for emergency conditions.

b. those sectors in which there is a restriction on the right to strike;

**The Law on Police** stipulates that employees of the Ministry of Interior **have the right to strike** under certain conditions in accordance with the law and the collective agreement (Article 170), and they freely decide on their participation in the strike. In certain cases, police officers do not have the right to strike (Article 170, paragraph 2):

Police officers **have the right to strike except in the case of**:

1) a state of war, a state of emergency, an emergency situation or a state of increased risk;

2) a violent threat to the constitutional order of the Republic of Serbia;

3) a declaration of a natural disaster or an imminent threat of its occurrence in the territory of two or more police departments of the Ministry or in the entire territory of the Republic of Serbia;

4) other disasters and accidents that disrupt the normal course of life and endanger the safety of people and property;

5) in the event that they are employed in jobs where there are no conditions for ensuring the minimum services.

Jobs where the minimum services are not ensured are regulated by a special act of the Minister.

Employees of the Ministry, except for police officers referred to in paragraph 2 of this Article, may start a strike if the minimum services are ensured that ensures the safety of people and property or is an indispensable condition for the life and work of citizens.

c. sectors for which there is a condition for maintaining minimum services

The aforementioned Law on Strike (*Official Gazette of the FRY*, No. 29/96 and *Official Gazette of the RS*, No. 101/2005 – other law and 103/2012 – decision of the Constitutional Court), Article 9 stipulates in which areas the right to strike is restricted.

In an activity of public interest or in an activity whose interruption of work due to the nature of the work could endanger the life and health of people or cause large-scale damage, the right to strike of employees may be exercised if the special conditions established by this law are met.

An activity of public interest, within the meaning of this law, is an activity carried out by an employer in the fields of: electricity, water, transport, information (radio and television), PTT services, communal activities, production of basic food products, health and veterinary care, education, social care for children, and social protection.

Activities of special importance for the defense and security of the state, determined by the competent authority in accordance with the law, are also of public interest, within the meaning of this law.

Activities whose interruption of work, by the nature of the work, within the meaning of this law, could endanger the life and health of people or cause large-scale damage are: chemical industry, steel industry, and ferrous and non-ferrous metallurgy.

Article 10 of the Law on Strikes stipulates that employees performing activities referred to in Article 9 of this Law may go on strike if minimum services are provided that ensures the safety of people and property or is an indispensable condition for the life and work of citizens or the work of another enterprise, or a legal or natural person performing a commercial or other activity or service.

Special laws also stipulate minimum services in various areas. For example, the **Law on Health Care** (*Official Gazette of the Republic of Serbia*, No. 25 of April 3, 2019, 92 of October 27, 2023 - Authentic Interpretation), stipulates in Article 57, paragraph 2:

In healthcare institutions and organizational units of healthcare institutions not covered by paragraph 1 of this Article, during a strike, the healthcare institution is obliged, depending on the activity, to ensure minimum services that includes:

1) continuous and uninterrupted performance of immunization according to the prescribed deadlines;

2) implementation of hygienic and epidemiological measures in the event of a threat of an outbreak of an infectious disease, or for the duration of an epidemic of an infectious disease;

3) diagnostics and treatment of patients with urgent and acute diseases, conditions and injuries, including the transport of patients;

4) collection, testing, processing and distribution of blood and blood components, as well as the issuance of blood and blood components;

5) supply of medicines and medical devices necessary to ensure minimum services;

6) health care and nutrition of hospitalized patients;

7) other types of necessary medical assistance.

Therefore, in the above-mentioned activities, the right to strike can be exercised while respecting minimum services.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

A strike is a work stoppage organized by employees to protect their professional and economic labor based interests. Employees freely decide to participate in a strike (Article 1 of the Law on Strike). Article 11 of this Law states that in the activities referred to in Article 9 of the Law on Strike (which prescribes restrictions in certain activities), a strike shall be announced to the employer, founder, competent state body, and competent local self-government body no later than ten days before the start of the strike, by submitting a decision to go on strike and a statement on ensuring the minimum work process in accordance with Article 10, paragraph 1 of the Law.

If the competent state body deems it necessary, it shall take the necessary measures provided for by law if it deems that a violation of the provisions of Article 7, paragraph 1 and Article 9. and 10 of the Law could produce an immediate danger or extremely serious consequences for the life and health of people or their safety and property safety or other that irreparable harmful consequences could occur.

The consequences in relation to an employee who participates in a strike contrary to legal regulations and without respecting the restrictions will depend on the activity in which the strike occurred. As a rule, the employer will initiate certain disciplinary proceedings against an employee who is considered to have organized a strike or participated in a strike contrary to the law. In cases decided by the courts, a dispute may arise regarding the termination of an employment contract due to the alleged failure to comply with the applicable rules when the employee participated in a strike. In connection with the above, we refer, for example, to part of the reasoning from the judgment of the Supreme Court of Cassation Rev. 1530/2020:

A strike or work stoppage is a fundamental social right guaranteed by the Constitution. According to Article 61 of the Constitution of the Republic of Serbia, employees have the right to strike, in accordance with the law and the collective agreement. The right to strike may only be limited by law, in accordance with the nature or type of activity.

The Law on Strikes (*Official Gazette of the FRY*, No. 29/96, *Official Gazette of the RS*, No. 101/2005, 103/2012) in Article 14, paragraph 1, stipulates that organizing a strike, or participating in a strike under the conditions established by this law, does not constitute a violation of work obligations, cannot be the basis for initiating proceedings to determine the disciplinary and material liability of an employee, and cannot result in the termination of the employee's employment relationship.

Unlike participation in a legal strike, which cannot be sanctioned by termination of the employment contract, the provision of Article 18, paragraph 2 of the Law on Strikes stipulates that a member of a strike committee or a participant in a strike who organizes and leads a strike in a manner that endangers the safety of persons and property or the health of people or who prevents employees who do not participate in the strike from working, or who prevents the continuation of work after the end of the strike or prevents the employer from using and disposing of the funds with which the employer carries out its activities, commits a violation of labor duties for which the measure of termination of employment may be imposed.

## Article 20 – Right to equal opportunities between women and men

*Explanatory remark:*

See the remark above under Article 4.

*Questions:*

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

The Employment Strategy of the Republic of Serbia 2021-2026[1] includes measure 2.4. which refers to the Improvement of the labor market position of women, with the aim of encouraging greater participation of women in the labor market.

[1] https://www.minrzs.gov.rs/sites/default/files/2021-04/Strategija%20zaposljavanja%20u%20RS%202021-2026.docx
English: https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/08/Strategija_zaposljavanja_u_Republici_Srbiji_2021-2026_engleski.pdf

Women are recognized as a category of unemployed persons who should be given priority for inclusion in the financial measures of the active labor market policy implemented by the National Employment Service, because they more often face barriers when entering the labor market, and special priority is given to women who face multiple factors hindering employability, and to long-term unemployed women.

In addition to priority inclusion in financial measures, women are included in the so-called non-financial measures, or active job search measures, such as training for active job search, training in job search clubs, self-efficacy training, etc., which represent group work with job seekers, with the aim of activation and better preparation for access to the labor market.

The focus of activities during the first three years of the Strategy's implementation was also on examining the prerequisites and necessary, but missing forms of support for the reconciliation of work and family life, as well as on implementing special measures to activate and encourage the integration or reintegration into the labor market of women from less developed and devastated areas. With the support of UN WOMEN, an Analysis of the Prerequisites for the Reconciliation of Work and Family Life was prepared.

The Action Plan for the period from 2024 to 2026 for the implementation of the Employment Strategy of the Republic of Serbia 2021-2026[1], within the Measure: Improving the labor market position of women, envisages the implementation of the following activities: Inclusion of unemployed women facing multiple factors hindering employability in ALMP measures; Implementation of measures for the activation, employment and self-employment of women in less developed and devastated areas; and Piloting the provision of additional support services to women included in ALMP measures or employed through the mediation of the NES (e.g. individualized support, childcare allowance, etc.).
The Action Plan provides that women, especially women from less developed and devastated areas, have priority for inclusion in the measure Support for Self-Employment, which includes professional assistance and funds in the form of subsidies for self-employment.

*To promote the employment of women, starting in 2016, gender budgeting was introduced within the employment policy of the Republic of Serbia, so that at least 51% of persons included in active labor market policy (ALMP) measures are women and at least 51% of employees after the measure are women*.

In 2023, a total of **17,876** unemployed persons were included in the financial measures of active labor market policy, of which **10,711** were women (59.9% of the total number).

The implementation of active labor market policy measures in 2023 is shown in the table.

| **ACTIVE LABOR MARKET POLICY MEASURES 2023** | **total** | **women** | **Share of women in total number** |
|---|---|---|---|
| Further education and training | 6,620 | 4,595 | **69.41%** |

[1] https://www.minrzs.gov.rs/sr/dokumenti/ostalo/sektor-za-rad-i-zaposljavanje
English: https://www.minrzs.gov.rs/sites/default/files/2025-01/Action%20plan%20for%20implementation%20of%20ES%20for%202021.%20do%202023%20.pdf

| | | | |
|---|---|---|---|
| Traineeship | 1,733 | 1,251 | 72.19 |
| Apprenticeship for young people with higher education | 631 | 470 | 74.48 |
| Apprenticeship for unemployed people with secondary education | 281 | 176 | 62.63 |
| Acquiring practical knowledge | 628 | 368 | 58.60 |
| Labor market training | 1,616 | 1,282 | 79.33 |
| Training at the employer's request - for the unemployed | 596 | 367 | 61.58 |
| Training for the employer's needs for the employee | 15 | 2 | 13.33 |
| Functional basic education for adults | 1,120 | 679 | 60.63 |
| Employment subsidies | 8,233 | 4,675 | **56.78** |
| Employment subsidy for unemployed people from the hard-to-employ category | 3,461 | 1,828 | 52.82 |
| Support for self-employment | 4.228 | 2.564 | 60.64 |
| Wage subsidy for PWDs without work experience | 544 | 283 | 52.02 |
| Public works | 2,928 | 1,397 | **47.71** |
| ALMP measures for people with disabilities who are employed under special conditions | 95 | 44 | **46.32** |
| Workplace adaptation | 35 | 16 | 45.71 |
| Providing professional support to a newly employed person with a disability (work assistance) | 60 | 28 | 46.67 |
| TOTAL NUMBER OF PERSONS | **17,876** | **10,711** | **59.92** |

During 2023, 4,228 unemployed people received a self-employment subsidy, of whom 2,564 were women (60.64%).

During 2023, the share of employed women registered with the NES in relation to the total number of women registered with the NES was 43.39%.

At the end of December 2023, there were 387,764 people registered with the NES as unemployed, of whom 217,473 (56%) were women.

Following public calls for the implementation of active labor market policy measures announced in 2024, as of September 30, 2024, a total of 10,237 people were included, of whom 6,192 were women (60.5%).

Additionally, following a public call announced at the end of 2023, at the beginning of 2024, 7,213 young people were included in the Youth Employment Incentive Program "My First Salary", of whom 4,218 were women (58.5%).

b) Please provide information on:

- measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;

The Human Resources Management Service, within its competence, keeps records on the number of permanent and temporary employees for all ministries, special organizations, government services and expert services of administrative districts. According to the latest updated records, as of August 31, 2024, a total of 9,752 men (43.1%) and 12,860 women (56.9%) were employed in the above-mentioned bodies, i.e. civil servants and employees with permanent employment.

In the records kept by the Human Resources Management Service, in state administration bodies as of October 24, 2024, out of 374 filled executive positions, 174 were women (46.5%), and 200 were men (53.5%), which indicates balanced gender representation.

Considering the data from the records, it can be concluded that a satisfactory level of gender representation has been achieved in state administration bodies, both in the total number of employees and in management positions.

Considering this data, there is currently no need to take additional measures to encourage parity, as the existing situation is in line with the goals for equal representation of the sexes in decision-making positions in the public sector.

In addition, we would like to point out that this Ministry does not have data on the representation of women and men in positions in the private sector, as well as in public services and public agencies, and the aforementioned data should be obtained from other competent authorities.

- the implementation of those measures;

Strengthening capacities, improving the institutional and normative framework for gender equality in political life and ensuring equal participation of women and men, especially vulnerable groups, in decision-making on public affairs.

Measure description: The measure is aimed at improving the institutional and normative framework in which political life takes place and establishing the prerequisites for achieving gender equality in this area, as well as the equal participation of women and men, especially vulnerable groups, in decision-making on public affairs in accordance with the Law on Gender Equality (Art. 1, 3 and 7). The measure includes the development and adoption and/or amendment of regulations regulating political life, equal opportunities for the participation of women and men and particularly vulnerable groups in political life, actors participating in political life, as well as the participation of citizens and particularly vulnerable groups in decision-making on public affairs. This measure also includes harmonizing acts on the internal organization and regulation of public authorities, acts of political parties, trade unions and citizens' associations, and taking special measures to reduce the gender gap and ensure gender-balanced representation in

management and supervisory bodies and in management positions in institutions, public institutions, especially in local self-governments, local communities, on electoral lists and in election administration bodies, political parties, trade unions and citizens' associations, and in order to establish the prerequisites for equal participation of women and men, and, in particular, vulnerable groups, in planning, preparing, making and implementing decisions that affect their position, while taking into account their interests, needs and priorities when shaping and deciding on public policies, in accordance with the Law on Gender Equality (Art. 7, 10, 26, 47. and 48), as well as the recommendations of the CEDAW Committee.

**Reduced gender gap in the economy, science and education as a prerequisite and incentive for the socio-economic development of society.**
This specific objective will contribute to reducing the gender gap in the economy through increased chances and opportunities for sustainable employment and self-employment, strengthening women's entrepreneurial activities and participation in innovation activities, reducing the pay gap in the labor market, recognizing, valuing and redistributing unpaid work, increasing women's participation in the circular, green and digital economy, as well as by incorporating knowledge and scientific potential and a socially responsible attitude towards the preservation and improvement of the environment and natural development resources.

**Support for innovative programs and services for the activation of women in the labor market, and their increased employability and self-employment, and the creation of jobs for women with additional difficulties in accessing sustainable employment and self-employment.** Description and effects of the measure: This measure aims to result in increased activation of women in the labor market, and in particular women whose access to employment and self-employment is additionally difficult due to discrimination, place of residence, health status, living circumstances or other reasons, such as young women, especially from the NEET group (persons not in education, employment or training), women of all age groups living in rural areas, women engaged in the informal economy, Roma women, women and girls with disabilities, women over 55 years of age, single mothers, women who have survived gender-based violence or are victims of human trafficking. When activating the labor market, it is important to pay special attention to the LGBT community and transgender women and men who, due to additional discrimination, are often forced to seek work in the informal economy. Given the difficulties in employing women over 45, this measure will also focus on them in its implementation. This measure specifically aims to support the creation of sustainable programs and services at the national, provincial and local levels that will contribute to increased activation and employability or self-employment of this group of women. This measure has several clusters of activities and includes the following: support for the design, piloting and implementation of innovative activation programs, support for cooperatives and social cooperatives and social entrepreneurship, support for women's associations that implement activities for the economic empowerment of women or provide services that help women access the labor market, support for programs and services on which employers, national, provincial and local institutions work together in partnerships with CSOs, cooperatives and social enterprises and academia, support for the development of educational programs for the improvement of knowledge and skills that increase employability, especially in the domain of digital skills, financial literacy, and jobs in the domain of the green and circular economy.

**Recognition, valuation and redistribution of unpaid housework and increase of time available for paid work, personal development and leisure.** Description and effects of the

measure: This measure aims to result in a reduction of unpaid housework and an increase of time available for paid work and personal development, and leisure time of women and men through recognition, valuation and redistribution. The measure includes several groups of activities such as: continuous research and measurement and recording of unpaid work, as well as analysis of the effects that unpaid work has on the quality of everyday life of women and men, valuation of unpaid work through various fiscal and tax measures, educational programs and campaigns on the equitable distribution of unpaid housework and care for children and the elderly in families, development of care and care services for older household members, development of support services for persons caring for household members who are persons with disabilities, development of childcare services in accordance with the needs of parents, especially single-parent families, development of support services for children and families, increasing access to care services for the elderly and children in rural areas, support for innovative services that provide support to mothers and fathers in relation to the reconciliation of unpaid work and their activities in the labor market, recognition of good practice examples, and support, so that good practices could be extended to other settings. This measure also includes amendments to the framework for standardization and accreditation of community-based services, so that it recognizes measures that are more complex, flexible and cover multiple sectors at the same time, as well as where continuous adaptation is needed (for example, services that contain elements of support for education, childcare and elderly care, health prevention services, home help, etc.). This is particularly important for smaller communities where there is not a large number of beneficiaries, but there are great needs, as well as for the area of support for unpaid work where only some services have been developed so far. Furthermore, this measure also includes working with employers to encourage programs that help reconcile work and parenthood and private life.

**Reducing the gender pay gap in the labor market in all sectors and increasing women's participation in high-paying jobs**

Description and effects of the measure: This measure aims to contribute to reducing the gender pay gap, up to and including its complete elimination. This measure includes amending relevant legislation, research and analysis on the causes of the gender pay gap by economic sectors and types of occupations, and recommendations for reducing the gender pay gap, working with employers in the public and private sectors, information and educational campaigns and activities that raise awareness of this problem among employers and employees, and activities that recognize examples of good practice. This measure also includes an analysis of the valuation of various jobs, especially jobs belonging to the so-called social infrastructure (healthcare, education, science, culture and art, care and welfare for children, the elderly, the sick, people with disabilities, etc.) and their re-evaluation in accordance with the importance that these jobs have for society. This measure will also be aimed at removing barriers that women have to advance in their jobs and careers in various sectors, especially in the most profitable branches of the economy and sectors where they are underrepresented, such as ICT, the financial sector, energy, etc. This measure also includes a gender analysis of the pension and tax systems, and the implementation of recommendations for improving these systems from a gender perspective in a way that they contribute to reducing the pay gap. Institution responsible for implementing the measure: Ministry of Labor, Employment, Veteran and Social Affairs.

**Establishing systemic support for the beginning, development and growth of businesses majority-owned by women and increasing the profitability of their entrepreneurial activities.**

Description and effects of the measure: This measure aims to reduce the gender gap in entrepreneurship, increase women's participation in entrepreneurship as a result of market opportunities, facilitate exit from the informal economy, increase access to information, knowledge, capital, financial and non-financial support resources, increase income, profitability, sustainability and survival rate of women-owned businesses. The aim of this measure is to create a continuous support system, which recognizes the stages of business development (starting, development and growth) and, in accordance with the needs of each stage, provide appropriate support in continuity, recognize the areas in which women-owned businesses are grouped and supports their sustainable development and growth; identify areas of the economy in which female entrepreneurs are underrepresented, but which are promising, and help to increase the participation of women in these areas (for example: green and circular economy, renewable energy sources, digital economy and knowledge economy, etc.); recognize gender aspects of entrepreneurial activity and suggests ways to balance entrepreneurial activity with family and private life. This measure also includes an analysis of the laws that shape entrepreneurial business, especially when it comes to fixed-tax entrepreneurs and other entrepreneurs and the way to exercise the right to maternity leave, childcare leave and/or parental allowance, unemployment benefits, etc. This measure has several clusters of activities that include: improving gender statistics in the areas of business statistics and registers of companies, loans and financial products, as well as keeping records on women's participation in economic support measures, regular monitoring and analysis of business operations by gender of owner, sector, region, etc. on an annual basis; creating educational programs and campaigns that aim to bring entrepreneurship closer to women, as a way to generate income, increasing access to information and knowledge important for business development, programs that contribute to increased participation of women in public procurement and supply chains, access to startup support programs, programs for business development and growth that will specifically target women, access to financial support programs for the development and growth of enterprises in a percentage higher than the participation in entrepreneurship, innovative and other financial products that respond to the needs of female entrepreneurs in different sectors of the economy, programs for the development of business infrastructure that specifically affects women, such as, for example, business incubators and other similar support systems, as well as support for programs of women's organizations and other CSOs that are specifically focused on women's entrepreneurial activities.

**Establishing systemic support to encourage women's participation in social and technological innovations and increasing the benefits of innovation activity.**

Description and effects of the measure: This measure aims to reduce the gender gap in participation and benefits arising from innovation activity. Within this measure, there is a cluster of different activities, which include: developing an institutional framework for the inclusion of women and girls in technological and social innovations, increasing the participation of women and girls in the fields of research and development, increasing the participation of women in innovation support programs, increasing access to information, knowledge, capital, resources to support innovation, encouraging, recognizing and promoting female innovators in society, promoting and supporting social and technological innovations and encouraging investment in innovation in those sectors where women are more represented in the labor market and in enterprises majority owned by women. Furthermore, this measure includes encouraging women and girls to participate in innovation activities related to the digital, circular and green economy, through research teams, as experts or entrepreneurs in these areas. This measure also includes increasing the participation of women in the protection of intellectual property and patents, increasing knowledge and information on intellectual property protection and innovation activities. In addition, this measure encourages the special inclusion of women and girls in science

and technology parks, innovation incubators and similar centers, as well as the formation and support of existing multidisciplinary networks of female innovators and scientists, supporting their work and activities. In addition, this measure is also aimed at establishing continuous financing for the development, piloting and scaling of innovative solutions and products of female innovators. This measure also includes increasing gender competences in the science and technology sector and integrating a gender perspective into all strategic documents related to innovation activity.

**Ensuring social security, reducing poverty, social exclusion and improving the availability of social protection services in order to preserve and increase the quality of life, well-being of women and men from vulnerable groups, as well as support families in meeting their basic needs.**

Description of the measure: The measure is aimed at reducing the number of women, men and children living in poverty, at improving access to resources and support services, under equal conditions for the most vulnerable groups of the population. The measure involves conducting a comprehensive analysis of the needs and aspirations of vulnerable groups of women, collecting data on the percentage of women and men without personal income and without access to social services at the local level. The measure is aimed at improving and making available existing and developing new community support services and adapting them to the needs of women and men, girls and boys from vulnerable groups (with disabilities, from the Roma community, from rural and deprived areas, poor older women). The measure also relates to assessing the needs for financial social assistance, increasing its amount, especially for families with children, and improving support for single-parent families such as mothers with children who are at higher risk of poverty. The measure includes increasing the available financial, technical and human resources to meet the needs of beneficiaries of social protection services. The measure is also aimed at systematically encouraging the redistribution of unpaid household work and care work between women and men, at developing various care services, increasing their availability and coverage of beneficiaries - children, elderly and sick household members, people with disabilities, etc., taking into account the position and needs of poor women and other vulnerable groups. The measure involves strengthening the capacity of all relevant actors and institutions, as well as improving cooperation between social protection and other sectors. The aim of this measure is to create conditions for ensuring social security, reducing poverty and developing and improving services for preserving and improving the quality of life and well-being of vulnerable groups and individuals. The aim of the measure is also to create equal opportunities for independent living and independence of individuals and inclusion in the community. The aim is to provide support to families in meeting their basic needs, as well as to provide support and various services that contribute to the reduction of unpaid work and the redistribution of care work. The domestication of public policies and the legislative framework in social protection is a continuous process that should contribute to the improvement of social protection, public policies and the legal framework, strengthening the capacity of all relevant actors and institutions for the development of integral social protection. The effects of this measure will be reflected in the establishment of prerequisites for ensuring social security, reducing poverty, social exclusion and equitable distribution of financial and all other resources in the social protection system to women and men, girls and boys from vulnerable groups, in order to meet their basic needs, as well as prerequisites for the redistribution of unpaid care work between women and men through the improvement of existing and the introduction of new support services.

- progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

The representation of women in the executive branch has increased. The head of the Government was a woman for 8 years. Today, a woman is the Speaker of the National Assembly of the Republic of Serbia. Out of five Deputy Prime Ministers, one is a woman. (20%). Out of 30 members of the Government, 12 are women - ministers (40%), and among state secretaries, in 17 ministries for which data is available, there are a total of 60 women, of whom 18 (30%) hold the position of State Secretary. Women make up the majority in the Ministry of Construction, Transport and Infrastructure. In the Ministry of Human and Minority Rights and Social Dialogue and the Ministry of Public Administration and Local Self-Government, women make up 1/3, and one woman has been appointed among state secretaries. 61% of women are employed in the state administration at the republic level, 55.9% in the APV administration and 58% in the local administration. GE mechanisms (councils, commissions) have also been established in local self-governments.

Representation of women in the judiciary. Unlike the legislative and executive branches, where women are still underrepresented, women predominate among judges and court presidents, which is also an indicator of gender imbalance in this area. Of the total number of judges, 71.5% are women. In the Administrative Court, the representation of women is 85.7%, in the courts of appeal 77.4%, in the misdemeanor courts 75.8%, in the commercial courts 75.2%, and in the Supreme Court of Cassation 65.9%. Among the presidents of courts of general and special jurisdiction, 58.2% are women, the head of the Supreme Court of Cassation is a woman, while the presidents of all appellate courts are men.

Representation of women in diplomacy. Of the total number of employees in the Ministry of Foreign Affairs who hold diplomatic titles, women are represented in a proportion of 56.53%. Of the total of 71 heads of diplomatic and consular missions (embassies, missions to international organizations and consulates general), 22 are women, which is 30.98% (of the total of 50 ambassadors, 12 are women; of the total of seven heads of missions to international organizations, four are women; of the total of 14 consuls general, six are women). In addition to the heads of DCPs who are appointed officials, among the diplomats who temporarily lead DCPs until the appointment of a new head of DCPs, out of a total of 19 chargés d'affaires – five are women or 26.31%, while out of a total of nine consuls general – seven are women, or 77.77%.

Representation and participation of women in political parties. In political parties as actors of political life, the gender gap persists, little is done on the internal democratization of political parties, and gender equality is not seen as a factor of the internal democratization of the party. The Law on Political Parties, the Law on Financing of Political Parties do not contain a single special measure that would contribute to increasing the representation of women in political parties and their bodies. In the organizational structure of political parties, there are generally forms of women's activities, most often of an advisory nature, and the president or a certain number of representatives of the gender equality body in some parties are members of the party's governing bodies by position. Special measures for the improvement of gender equality are rarely prescribed by the party statute. The gender perspective within political parties is not systematically monitored, data on membership in political parties and their bodies is not disaggregated by gender, is often out of date or unavailable on party websites, and comprehensive research on the gender perspective in the work of political parties is lacking. This speaks in favor of the need to take special measures to eliminate the gender gap in party membership, within the party's

organizational structure, and to integrate the gender perspective into party programs and specific activities. Activities are underway to implement the Law on Gender Equality, which obliges political parties to take special measures if a party does not ensure balanced gender representation, which requires amendments to the Law on Political Parties and the Law on Financing Political Activities, as well as the statutes of political parties, and the adoption of action plans containing special measures to improve gender equality and balanced gender representation in party bodies and ensure the active participation of the underrepresented sex in the work of those bodies. In addition, continuous activity by political parties is necessary, aimed at overcoming gender stereotypes, both through their daily political activities and through the inclusion of topics related to gender equality in membership education.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

According to data from the Business Entities Register database, obtained from the Business Registers Agency, in joint stock companies with headquarters in the Republic of Serbia, in the management structure of supervisory boards (in accordance with the Law on Business Companies, joint stock companies do not have boards of directors), out of a total of 586 members of all supervisory boards, 155 are women (26%), and 431 are men.

Also, out of five joint stock companies whose operations are monitored within the scope of the Ministry of Economy, out of a total of 25 members of the Assembly, 7 are women, or 28%.

We also point out that Article 42, paragraph 5 of the Law on Culture (*Official Gazette of the Republic of Serbia*, No. 72/09, 13/16, 30/16-corrections, 6/20, 47/21, 78/21 and 76/23) stipulates that the composition of the management board should ensure the representation of at least 40% of representatives of the underrepresented sex, and that Article 46, paragraph 4 of the same Law stipulates that the composition of the supervisory board should ensure the representation of at least 40% of representatives of the underrepresented sex. In national cultural institutions, women are directors in 12 institutions, and men are directors in 16 cultural institutions.