

Chapter 19: Social policy and employment

On the basis of Article 153 of the Treaty on the Functioning of the European Union (TFEU), the Union supports and complements the activities of the Member States in the area of social policy. The acquis in the social field includes minimum standards in areas such as labour law, equal treatment of women and men in employment and social security, as well as health and safety at work. Specific binding rules have also been developed with respect to non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 19 of TFEU).

The European Social Fund (ESF) is the main financial tool through which the EU supports the implementation of its Employment Strategy and contributes to social inclusion efforts (implementation rules are covered under Chapter 22 “Regional policy and coordination of structural instruments” which deals with all structural instruments).

The Member States participate in EU policy processes in the areas of employment policy, social inclusion and social protection. The social partners from the Member States participate in social dialogue at the European level.

In the field of disability, the EU has adopted a strategy aimed at mainstreaming disability issues into relevant Union policies and at acting to enhance the integration of people with disabilities.

International agreements related to employment, labour and social issues, such as the relevant ILO Conventions or the UN Convention on the Rights of People with disabilities, need to be taken into consideration.

In relation to chapter 23 “Judiciary and Fundamental Rights”, it should be noted that trade unions rights are covered by chapter 19 only. As regards anti-discrimination and equal opportunities, these issues are essentially covered by chapter 19 with a specific focus on employment aspects, whereas chapter 23 covers cultural and minority rights as well as violence against women.

I. LABOUR LAW

A. The Legal and Institutional Framework

The legal framework

1. Does your labour law contain a definition of:

a) employed worker (employee)?

Pursuant to Article 5, paragraph 1. of the Labour Law (*Official Gazette of the RS*, No. 24/05, 61/05 and 54/09) an employee is a natural person in employment relation with the employer.

b) self-employed worker (self-employed person)?

The Labour Law does not define the term self-employed worker, however, Article 203 prescribes that, pursuant to the law, any natural person may independently perform any business activity as an entrepreneur. The Labour Law considers self-employment as activity performed outside of employment relations.

The Law on Employment and Unemployment Insurance (*Official Gazette of RS*, No. 36/2009 and 88/2010) defines self-employment as an activity undertaken by a single unemployed person or an association of unemployed persons to establish a sole proprietorship, cooperative, agricultural estate or other form of entrepreneurship, as well as the establishment of a company if the founder is employed in that found company. Self-employed person, i.e. person who receives income from self-employed activity shall be liable to pay contributions for compulsory social insurance and income tax.

c) civil servant/official?

Article 2. of the Law on Civil Servants (*Official Gazette of RS*, No. 79/05, 81/05, 83/05, 64/07, 67/07, 116/08 and 104/09) defines that a civil servant shall be a person whose job consists of tasks from the scope of work of the state authority, courts, public prosecutors' offices, the Republic Public Attorney, services of the National Assembly, the President of the Republic and the Government, Constitutional Court and services of authority whose members are elected by the National Assembly (hereafter: state authorities) or, in connection with those tasks general legal duties, IT, material-financial, accountancy, planning and administrative tasks.

The Law on Civil Servants determines which persons are not civil servants, but officials. The following cannot be considered as civil servants: members of parliament, the president of the Republic, judges of the Constitutional Court, members of the Government, judges, public prosecutors, deputy public prosecutors and other persons elected on the position by the National Assembly or appointed by the Government and persons who according to special legislation have the status of an official. In addition to officials specified by the law, other persons elected on the position by the National Assembly or the Government also do not have the status of civil servants. With respect to the constitutional right of the National Assembly, the President of the Republic and Constitutional Court on the self-organization, it is stipulated that persons who under special regulations have the status of officials do not have the status of civil servants.

d) labour contract and status?

Employment relationship is concluded by an employment contract between employee and employer. Employment contract shall be concluded before an employee starts working, and shall contain certain mandatory elements, as the following: data relating to the employee (name and forename, dwelling or temporary residence, the type and level of education), data relating to the employer (name and address of its headquarters), information on job (type and description of tasks that the employee shall take on, place of work), information on employment relationship (temporary or fixed-term, the duration of temporary contract of employment, the day of commencement of work), data on working hours (full time, part time or reduced), information on salary (pecuniary amount of base wage and parameters for establishing the work efficiency, compensation of salary, increased salary and other emoluments of the employee, deadlines for payment of salaries and other benefits to which employees are entitled), reference to the collective agreement or the rulebook on procedure in force; information on working hours (duration of daily and weekly working hours).

Contract of employment may also stipulate other rights and duties.

Rights and duties not covered by the contract of employment shall be governed by relevant provisions of the law and general act (collective agreement and labour rulebook).

e) employer?

Employer, within the meaning of the Labour Law is any domestic or foreign legal or natural person employing one or more persons.

f) establishment, undertaking and group of undertakings?

The Labour Law defines the term employer but does not define the term institution, undertaking and company. These terms are defined by other regulations.

Regulations on public services define that institutions are established to ensure the realization of the rights laid down by law and achieving other legally defined interest in the field: education, science, culture, physical education, pupil and student standard, health care, social protection, social care for children, social insurance and health care of animals. Companies and social undertakings are defined by regulations on the companies, and public undertakings are defined by regulations on public undertakings and performing activity of general interest.

2. Does your labour law apply to other categories of workers, apart from persons in paid employment?

Provisions of the Labour Law ("Official Gazette of RS" No. 24/05, 61/05 and 54/09) apply to employees. Within the meaning of this Law, employee is a natural person employed by the employer. The Labour Law also regulates working without employment relations performed through conclusion of contracts on temporary and periodical work, special service contracts, contracts on additional work, contracts on vocational training and advancement, and contracts on representation and agency, while the Law on Volunteering regulates contracts on volunteer work

Persons hired without employment relation do not have the status of employees within the meaning of the Labour Law, however, they enjoy certain rights defined by this law and other rights in accordance with regulations on health and safety at work, social insurance, etc.

3. Which categories of workers are not covered by the labour legislation? Please indicate in particular whether part-time, fixed-term or temporary agency work are covered or not?

The Labour Law does not apply to entrepreneurs who conduct business activities independently and to their household members (spouse, children and parents) who can work at the shop or some other form of business entity without being employed.

The Labour Law applies to all employees, no matter whether they have open-ended or fixed-term contracts, i.e. whether they are employed full or part time.

The Labour Law does not cover the temporary agency work in respect to assigning employees of such agencies to clients.

4. Are workers in the public and private sectors treated differently? Are workers in profit and non profit-sectors or cooperatives treated differently?

The Labour Law provisions apply to persons employed in state authorities, authorities of territorial autonomy and local self-government and to persons employed in public services, unless otherwise specified by Law. Special laws regulate status, rights, duties and responsibilities of civil servants and appointee employed in the authorities of territorial autonomy and local self-government. Rights and obligations which are not regulated by special law shall be governed by corresponding provisions of the Labour Law.

The Labour Law shall apply to employees working in public enterprises and public service institutions (education, health, social security, culture etc.) except in terms of salary, considering the fact that the Law on Salaries in Public Administration and Public Services is still in force and regulates salaries of all public service employees. In accordance with this law, the Government act shall determine the salary base and coefficient of which the salary consists.

Employer, within the meaning of the Labour Law is any domestic or foreign legal or natural person employing one or more persons, and who does not make difference between employees with the employer in the profit and non-profit sector.

In accordance with regulations on cooperative, cooperative is an independent autonomous organisation of workers and citizens who voluntary join together their work and funds for work, or just work, or just funds into a craft, housing ,youth, savings and credit and consumer cooperative, cooperative for the provision of intellectual services and other cooperatives for production or service industries. Cooperative members are not employees but members of cooperative and mutual rights and duties are governed by regulations on cooperatives. The Labour Law applies to individuals employed in cooperatives as well as to those employed in associations of citizens.

5. Which aspects are covered by the Labour Code (i.e. primary legislation passed by Parliament) and which aspects are dealt with by ministerial regulatory action?

The Labour Law regulates the following issues: general provisions, starting employment, contract on rights and obligations of the director, education, vocational training and advancement, working hours, rests and leaves, protection of employees, payments, compensations and other allowances, claims of employees in case of bankruptcy, rights of employees when they change the employer, redundancies, competition ban clause, damage claims, suspension of employee, amendments to the employment contract, termination of employment, exercising and protecting the rights of employees, working without labour relation, employees' and employers' organizations, collective agreements and supervision, penal, transitional, and final provisions.

Rulebooks passed by the Labour Minister regulate: the method and procedure for registering employment contracts for performing work out of the employer's premises and work of the household service staff, conditions, procedure and method of exercising the right on leave for special child care; the method of issuing and the content of the certificate on temporary unfitness for work of an employee in terms of rules on health insurance (the Minister issues this rulebook in cooperation with the Minister of Health); method and procedure for issuing work book; entering trade unions and employers' associations in the register and registration of branch collective agreements.

Special features of employment in certain fields (health, education, etc) are regulated by rulebooks that fall under the scope of work of other ministries.

6. What are the main sources of law: international, constitutional, legislation, regulation, collective agreements, custom/conventions, case law?

The main sources of labour law are Constitution, ratified conventions of the International Labour Organization and other ratified international treaties, laws, governmental regulations, ministerial rulebooks, collective agreements, work regulations, other general acts issued by the employer, and employment contracts.

The main sources of labour law in terms of employee rights are laws as they guarantee them the lowest level of basic rights from employment and collective agreements setting out wider range of employment rights.

7. Is there a hierarchy of norms in respect of these sources of law?

Hierarchy of these sources of labour law is as follows Constitution, conventions of the International Labour Organization and other ratified international treaties, special laws, general laws, governmental regulations, ministerial rulebooks, collective agreement setting the obligations of employer, work regulations and other employer's general acts, and employment contract.

8. Does the system provide for collective labour agreements which have an erga omnes effect or does it only provide for agreements which may be extended to all workers in the sector and territory concerned (e.g. at regional or national level)?

The Minister may decide that the collective agreement or certain provisions thereof are extended on employers who are not members of employers' association - parties to the collective agreement.

The Minister may make this decision if there is justifiable interest, in particular:

- 1) to attain economic and social policy in the Republic of Serbia in order to ensure equal working conditions that present the minimum work-related rights for employees;
- 2) to lessen differences in payment in a certain industry, group, subgroup or activity when they influence significantly the social and economic position of employees resulting in disloyal competition, provided that the collective agreement that is being extended provides obligations for employers that employ at least 30% of employees in a certain industry, group, subgroup or activity.

The Minister shall make the decision on extending the collective agreement upon request of one party to the collective agreement that is being extended and upon obtaining opinion of the Social and Economic Council.

9. At what levels are collective agreements generally concluded (national, industry-wide, group, company, establishment)? Is there a hierarchy between the collective agreements concluded at different levels?

Depending on the level at which they are concluded, collective agreements may be general, special and company level collective agreements. General collective agreement is concluded for the territory of the Republic of Serbia. Branch collective agreement is concluded for a certain industry, group, subgroup or activity on the territory of the Republic of Serbia. Branch collective agreement is concluded also for the territory of an autonomous territorial or local government unit. Company level collective agreement is concluded on the company level.

The law provides for a hierarchy in collective agreements concluded on different levels by specifying that branch collective agreements (covering an industry, group, subgroup, or activity as well as the territory of an autonomous territorial or self-government unit) shall not set lesser rights or set less favourable working conditions for employees than those set by the general collective agreement covering employers that are members of the employers' association concluding that collective agreement. Company level collective agreement shall not set lesser rights or set less favourable working conditions for employees than those set by the general collective agreement, i.e. branch collective agreement covering that particular employer.

10. Does your country's legal system apply a "concessionary" principle whereby a norm lower down the legal hierarchy may modify the content of a higher-ranking norm provided that the effect is favourable to workers?

The Labour Law regulates that the general act (collective agreement or work regulations) and employment contract may set greater rights and more favourable working conditions than the rights and conditions laid down by the law and other rights not laid down by the law, unless the law stipulates otherwise.

11. Does your labour law contain provisions on the protection of workers' personal data?

In accordance with the Labour Law (Article 83), employee shall be entitled to insight into documents containing his/her personal data kept with the employer and shall also be entitled to the right to ask for deletion of the data that are not directly relevant for the work he/she performs, as well as for correction of incorrect data. Personal data relating to an employee shall not be

accessible to third party, except in cases and under conditions stipulated by the law, or if this is necessary for substantiating rights and duties resulting from the employment relations or in relation with the labour. Only person empowered by the director shall be authorized to collect personal data of employees, to process and use them and submit to third parties.

Special law defines protection of personal data of all persons, including employees.

Article 42. paragraph 2. of the Constitution of the RS determines that collecting, keeping, processing and using of personal data shall be regulated by the law. Moreover, Article 8. of the Law on Personal Data Protection (further: LPDP) stipulates that processing of personal data is permitted only on the basis of the law or with free consent of a natural person, in accordance with the law.

The Law on Civil Servants stipulates keeping Central human resource records on civil servants and state employees. Central human resource records shall serve the policy of human resource management and other needs in the field of employment relations. Central human resource records on civil servants and state employees in state administration authorities and services of the Government shall be kept by the Human Resource Management Service. Central human resource records shall be kept as an IT database.

The following data on civil servants and state employees are kept in Central human resource records:

- 1) personal name, address and unique citizens' number;
- 2) type of employment relations and date of its establishment;
- 3) work positions of the civil servant since entering into employment relations in state administration authorities or services of the Government;
- 4) education, passed professional exams, other forms of professional training, special knowledge and other data on professional qualification of a civil servant;
- 5) years of working experience and service, years of insurance and years of insurance calculated at an accelerated rate;
- 6) data on completed years of service;
- 7) annual grades;
- 8) imposed disciplinary measures and determined material liability;
- 9) data necessary for accounting salary;
- 10) data on termination of employment relations.

Central human resource records may contain other data prescribed by law and other legislation.

State administration authorities shall be under obligation to provide the data on which depends the entry into central human resource records at least within eight days from the day the data have occurred. Data from Central human resource records shall be at disposal only to heads of authorities and persons authorized by heads of authorities to decide on rights and obligations of civil servants. In addition, Central human resource records shall also be at disposal to administrative inspectors. Each civil servant and state employee shall have the right of insight into data kept in Central human resource records related to him/her.

In the field of personal data protection, the Law on Personal Data Protection (*Official Gazette of RS*, No. 97/2008 and 104/2009), is parental, umbrella act that contains only the principles of data processing (precision and accuracy of data, expediency- personal data are processed only in relation to the purpose provided by law or on consent of the person, as well as proportionality- processed are only personal data needed in a given case). In the field of personal data protection, one or more laws by sector should contain provisions which comprehensively and specifically

regulate the issues of collecting, holding, processing and using of personal data, e.g. which data are processed, for which purpose are processed, method and basic processing operations, potential users of data, method of storage and archiving data, and any other issues in accordance with demands.

We shall also point out that the subordinate general act can regulate only technical and organizational issues related to collecting, holding, processing and using of personal data.

In this way, legal environment in which specific sector laws develop above mentioned constitutional norm and principles of the LPDP would be made, which would create the preconditions for exercising the right to protection of personal data in the field of labour right.

The institutional framework

12. In what way does the State intervene in social matters (e.g. procedure for drawing up norms; government institutions responsible; administrative institutions responsible for applying norms)?

The Constitution of the Republic of Serbia guarantees the right to work, in accordance with the law. Each and every individual shall be entitled to freely select his/her employment.

All jobs posts shall be made available to everyone under equal terms. Each and every individual shall be entitled to dignity of person at work, safe and health working conditions, necessary protection at work, limited working hours, daily and weekly time for rest, paid vacation, just compensation for work and legal protection in case of termination of employment. No person shall be able to renounce stated rights. Women, youth and disabled persons shall be entitled to special protection at work and special working conditions pursuant to the law.

Ratified International Labour Organization conventions and bilateral international agreements on social insurance are part of the internal legal legislation. Most of the draft laws, amendment of law are prepared by competent ministries, whereas the Government determines and submits proposals of a law to the National Assembly for consideration and adoption. In accordance with the Constitution of the Republic of Serbia, a right to propose laws shall belong to member of parliament, assembly of autonomous province or at least 30.000 voters.

State intervene in social matters by the following means:

- adoption of laws and regulations that prescribe the minimum basic rights of employees, with the possibility to make those rights more favourable to the employees by collective agreement or labour rulebook or labour contract; by regulating the institutional framework for the establishment and operation of trade unions and employers' associations, the conclusion of collective agreements, strikes, etc; by penalty provisions reinforces the obligation to respect the law;
- by ensuring the protection of rights before the court and the supervision of the implementation of regulations by the labour inspectorate and other competent inspectorates, ensures the implementation of laws, other regulations, collective agreements and other sources of labour right.

- by negotiating with trade unions in good faith and by conclusion of individual collective agreements and collective agreements with employers for public enterprises and public services established by the Republic, as well as the branch collective agreement for state authorities;
- by establishing and operating of public services such as: Republic Fund for Pension and Disability Insurance, Republic Health Insurance Institute, National Employment Service, in which are exercised the rights to pension and disability insurance and health insurance, as well as the insurance in case of unemployment.
- by establishing and operating of the Solidarity Fund for the purpose of payment of outstanding claims to employees with employers in bankruptcy;
by the Government program for resolving redundancy in the process of rationalization, restructuring and preparation for privatization- **a detailed answer is provided under number 24.)**

In social protection, in the narrow sense, the draft laws, amendment of laws are prepared by competent ministry, whereas the Government determines and submits proposals of law to the National Assembly for consideration and adoption. Secondary legislations from the field of social insurance, in narrow sense, are passed by Government or competent minister. Issued regulations are applied by social protection institutions, established by the Government of the Republic of Serbia or competent authority of the autonomous provinces or municipality or city.

13. Could you please present an overview of administrative capacity in this field? Which Ministry / organisation is responsible? Which other administrative bodies are involved? Could you inform about staff numbers and responsibility levels?

Capacity of the **Ministry of Labour and Social Policy** in the field of social rights:

In the Labour Department are systematized 15 executors, of which 13 with university degree who are directly or indirectly involved in drawing up regulation.

In the Persons with Disability Support Department are systemized 12 executors, of which 11 are with university degree, directly or indirectly involved in drawing up regulations.

Pursuant to the Pension and Disability Insurance Law (*Official Gazette of RS*, No.34/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09 and 107/09), the Republic Fund for Pension and Disability Insurance, with a total of 3.118 employees provides and implements pension and disability insurance. This number, in addition to employees with lower qualifications (primary school, skilled, highly skilled), consists of 1.229 employees with high school, 449 with college and 1.149 with university degree.

In the Family Care and Social Welfare Department are systemized two groups: Group for normative affairs and the Group for improving care for persons with disabilities, with a total of 6 executors.

Administrative affairs in the Ministry of Labour and Social Policy performs the Labour Inspectorate, with total of 261 labour inspectors (detailed answer is provided under number 15.)

The Family Care and Social Welfare Department of the Ministry of Labour and Social Policy performs the following activities:

- preparation of draft law and proposals of regulations on social protection, family law protection, income support for families with children, psychological activities, population policy and family planning, giving the opinion on draft

laws and proposals of secondary legislations and legislations of other state authorities related to the scope of Department.

- analysis of the situation and proposing measures for improving social protection, supervision of institutions, other legal and natural entities who perform social protection activities, entrusted tasks of family and legal protection, entrusted tasks of exercising rights of common interest in the field of financial support to families with children.
- inspection supervision

In the Family Care and Social Welfare Department have been established following internal units: 1) Department for administration and monitoring in the field of family protection; 2) Section for administrative affairs in the field of social protection; 3) Section for population policy and income support for the families with children; 4) Section for inspection; 5) Group for social welfare development and 6) Group for systemic issues.

The Department has a total of 35 executors. Minister's assistant shall manage, plan and coordinate the work of the Department.

Centre for social work is considered the most important institution in the current social protection system. It is established by municipality, and more municipalities may establish common centre for social work. When more municipalities establish a common centre for social work, in each municipality is organized department directly providing services to citizens in the municipality, or city. The social protection system includes a developed network of 139 centres for social work. Currently, in the network of these services have been engaged 3.129 employees, of whom 2.630 are financed from the budget of the Republic of Serbia, and 449 employees from the budget of local self-government. Employees financed by the local self-government cannot be engaged in public functions, but are engaged in providing services established and financed by local self-government.

The Solidarity Fund carries out activities connected with the payment of outstanding claims to employees with employers in bankruptcy. The Solidarity Fund currently employs 19 employees and one position is vacant. Fund authorities are: Director, Management and Supervisory Board. In the Management and Supervisory Board are representatives of competent trade unions and employers' associations in the Republic of Serbia. The Management Board shall decide on requests of employees for payment of unpaid claims with employers against whom bankruptcy proceeding has been initiated. The appeal may be brought against this decision, on which decides minister responsible for work. The ministry responsible for work supervises the legality of the Fund.

Detailed answer on the capacity of the **Ministry of Economy and Regional Development-Employment Department**, is given in answer to the question number 108. whereas the answer regarding the capacity of the National Employment Service is given in question number 109.

In the **Ministry of Health** are formed the following internal units:

- Sector for Health Care
- Sector for Health Insurance in Financing in Health
- Sector for Inspection
- Ministerial Secretariat
- Independent executors out of all indoor units.
- Minister Cabinet
- Department for Biomedicine, as an authority of the Ministry of Health

In the Ministry of Health in December 2010. are employed 304 executors, of which 291 executors with university degree and 13 with high school degree.

In the Ministerial Secretariat is formed Group for Human Resources, in which are performed jobs of employment related to staff planning and analysis on fulfillment of the staff plan, as well as the selection and choice of staff, training, evaluation, remuneration and career development of civil servants.

In this Group three civil servants with university degree perform the above mentioned tasks.

Procedure for filling vacancies shall be conducted when there is a need in the Ministry of Health. Selection and choice of staff are prescribed and conducted pursuant to the Law on Civil Servants, the Regulation on conducting internal and public competition to fill vacancies in the state authorities and the Rulebook on professionalism, knowledge and skills that are checked in the electoral procedure, the way of checking and criteria for selection.

Procedure begins when all of the prescribed conditions are satisfied. After advertising a competition, receiving and reviewing all the applications, after the written examination of knowledge and skills of the candidates and interviewing of candidates, Minister is obliged to choose the candidate, from the list, who shall be employed for an indefinite time.

14. Which court or courts are competent to deal with individual and collective labour disputes?

According to the provisions of Article 265 of the Labour Law (*Official Gazette of RS* No. 24/2005, 61/2005, 54/2009), disputed issues in implementation of collective agreements may be resolved by arbitration, set up by parties to the collective agreement, 15 days after the dispute has arisen. Decision of arbitration on the disputed issue shall be binding to the parties. Composition of arbitration and rules of procedure shall be laid down by collective agreement. The signatories to collective agreement may claim protection of their rights granted by the collective agreement before the competent court.

According to the Law on Organisation of Courts (*Official Gazette of RS* No. 116/2008, 104/2009 and 101/10), a higher court shall adjudicate collective agreements in the first instance if the lawsuit is not resolved through arbitration. Appellate court shall decide on appeals against decisions of higher courts, and the Supreme Court of Cassation shall decide on adjudicated review that is allowed for collective agreements.

According to provision of Article 195 of the Labour Law, an employee who is a member of trade union, or another representative thereof empowered by the employee, may instigate legal

proceedings before a competent court against a decision violating the employee's right or upon becoming aware of violation of such right. The legal proceedings may be instigated 90 days after the decision has been served or upon becoming aware of violation of the rights. The dispute before the competent court shall be effectively terminated within six months after the date of initiation of the proceedings.

In accordance with the Law on Organisation of Courts, the basic court shall adjudicate in the first instance in disputes on commencement, existence and termination of employment relationship; on the rights, obligations and responsibilities *arising from* employment relationship; on compensation for the damage suffered by an employee during work or related to work; in disputes relating to satisfying housing needs on the basis of work. Appellate court shall decide on appeals against decisions of higher courts and the Supreme Court of Cassation shall decide on adjudicated review, which is allowed only in cases of disputes on the commencement, existence and termination of employment relationship.

The Civil Procedure Code (*Official Gazette of RS* No.125/2004, 111/2009) envisages a special procedure regarding labour-related civil actions and civil actions related to collective agreements (Articles 434 to 445 of the Code).

General act and the contract of employment may stipulate the procedure for amicable resolution of disputable issues between employer and employee. Disputable issues in this case *shall be settled* through an *arbiter*. Arbiter, from among experts in the field subject to dispute, shall be agreed upon between the parties to the dispute. Deadline for instigating the proceedings before an arbiter is three days after the decision has been served to the employee. The arbiter shall be obliged to render a decision 10 days after amicable resolution of disputed issues has been filed for. During the arbitration proceedings for termination of the contract of employment, the employment relationship shall be deemed dormant. The arbiter's decision shall be final and binding for the employer and employee (Article 194 of the Labour Law).

The Law on Mediation (*Official Gazette of RS* No. 18/2005) regulates the rules of mediation procedures (hereinafter: mediation) in disputes, and in particular: property - legal relations between natural and legal persons; commercial, family, labour and other civil law relations, administrative and criminal procedures in which the parties can act freely, unless the law stipulates exclusive jurisdiction of a court or other authority. The provisions of this Law shall not apply to disputes on termination of contract of employment and minimum wage disbursement.

The Agency for Amicable Resolution of Labour Disputes, established by the Law on Amicable Resolution of Labour Disputes (*Official Gazette of RS* No. 125/2004), performs the duties relating to amicable resolution of individual and collective labour disputes. The competences of the Agency are termination of the contract of employment and disbursement of minimum wage in individual disputes, while the collective disputes are related to conclusion of and amendments to collective agreements, and exercise of the rights to trade union organizing and strike.

15. Is there a labour inspectorate responsible for the monitoring of working conditions and the application of labour law? Could you inform about staff numbers and organisation?

The Labour Inspectorate, as an administrative body of the Ministry of Labour and Social policy, carries out inspection in the area of health and safety at work and labour relations in terms of implementation of the Labour Law, the Law on Health and Safety at Work, the Law on Protection of the Population against Exposure to Smoke, the Law on Prevention of Harassment

at Work, Law on Entrepreneurs, Law on Corporations (in its part dealing with health and safety at work), Strike Law, General Collective Agreement, collective agreements (special and individual), general acts and employment contracts regulating the rights, duties and responsibilities of employees in organizations, legal persons, and other organizational forms and establishments.

Apart from monitoring implementation of laws, the labour inspectorate monitors implementation of other regulations on measures and regulations of health and safety at work, technical measures related to health and safety at work, standards and generally recognized measures in the part regulating issues in the area of health and safety at work.

Organisational and qualification structure of the Labour Inspectorate:

The following smaller internal units have been established within the Labour Inspectorate:

(a) at the Ministry head office

Section for second instance administrative proceedings in the area of labour relations and health and safety at work

Division for study and analysis

First Division of the Labour Inspection at the City of Belgrade;

Second Division of the Labour Inspection at the City of Belgrade;

Third Division of the Labour Inspection at the City of Belgrade;

(b) outside the Ministry head office

12 divisions, 12 sections and one group of the labour inspection located at district branch offices in administrative districts.

The Labour Inspection had the total of 324 employees in 2009, including 2 appointed officials – director and assistant director of the Labour Inspectorate, 313 civil servants (with university degree) with open-ended contracts, 1 member of administrative and technical staff and 8 IV grade employees with high school degree. The total number of employees includes 301 labour inspectors.

After the March 2010 public administration rationalisation, there are currently 283 employees at the Labour Inspectorate, including 261 labour inspectors – lawyers and engineers of different technical profiles.

B. Employment and Employment Protection

Recruitment

16. Are employers free to take on whatever workers they wish? Are there specific antidiscrimination provisions (racial ethnic origin, religion or belief, disability, age or sexual orientation)?

Under the Labour Law, employers are free to make the selection of candidates, provided they meet the conditions prescribed by the Law or by the general act of the employer in terms of education, special skills and abilities, work experience, age, health conditions (for jobs with higher risk and jobs where the health capability is prescribed as a condition for work).

The Labour Law prohibits direct and indirect discrimination against persons seeking employment, as well as employees, with respect to sex, birth, language, race, colour, age, pregnancy, health condition i.e. disability, national origin, religion, marital status, family responsibilities, sexual orientation, political or other belief, social origin, property, membership in political organizations, unions or any other personal characteristic. However, distinction, exclusion or preference in relation to the specific job is not considered discrimination in cases when the nature of such a job or conditions related to it and associated with some of the above personal characteristics, present actual and crucial requirement for performing the job, given that the purpose to be achieved is thereby justified.

Pursuant to Article 5 of the Law on Employment and Unemployment Insurance (*Official Gazette of RS* No. 36/09 and 88/10), discrimination in the field employment is prohibited, i.e. the principles of impartiality, affirmative actions directed towards hard-to-employ people, gender equality and freedom to choose occupation and work, are adopted.

Pursuant to Article 2 of the Law on Vocational Rehabilitation and Employment of Persons with Disabilities (*Official Gazette of RS* No. 36/09), discrimination against persons with disabilities is prohibited and the principles of full inclusion of persons with disabilities in all spheres of social life on an equal basis, promotion of employment of persons with disabilities on suitable jobs and under adequate working conditions, equity and gender equality are promoted.

In addition, regulations relating to employment are based on the umbrella anti-discrimination legislation – Law on Prohibition of Discrimination and the Law on Prohibition of Discrimination of Persons with Disability which regulate in detail, prohibition of discrimination in employment.

17. Does the State hold a monopoly over placement services for certain workers?

The Republic of Serbia does not hold a monopoly over placement services for any workers. The National Employment Service, as a public institution – mandatory social insurance organization with the capacity of a legal entity, conducts employment activities, unemployment insurance administration, exercise of unemployment insurance rights and other rights pursuant to the Law, keeps records in the field of employment and performs other expert activities (Article 8 of the Law on Employment and Unemployment Insurance). Employment activities can also be performed by private employment agencies, established by legal or natural entities under the prescribed conditions (Article 20 of the Law on Employment and Unemployment Insurance).

18. Has provision been made for protecting applicants' private data?

Under the Labour Law (Article 26), upon entering into employment relationship, a candidate shall be obliged to submit to employer documents and other evidence of fulfilling the requirements for the job in question, as laid down in the Rulebook. Employer shall not require the candidate to supply information on family or marital status and family planning, or other evidence and proofs that are not directly relevant for performance of jobs under the employment relationship. Employer shall not condition the employment by a pregnancy test unless the jobs are associated with significant risk for health of a woman and her child, as substantiated by the competent health care body.

Article 81 of the Law on Employment and Unemployment Insurance regulates employment registries for the purpose of gaining insight into the labour market situation and trends.

Employment registries are kept by the National Employment Service and private employment agencies that submit data to the National Employment Service, for the purpose of keeping the central register. Records are kept in accordance with the principles of personal data protection (laid down by special regulation), efficiency, cost-effectiveness, conscientiousness, and accountability.

19. Please give details of the legislative or regulatory framework relating to the above three questions.

Answer to this question was given in answers to questions 16, 17 and 18 of the Questionnaire.

20. What legal forms are there governing employment relations (e.g. open-ended contracts; fixed-term contracts; temporary work; part-time work; other forms)?

The Labour Law provided for the following types of contract: open-ended; fixed-term; part-time work; for conducting activities outside the employer's premises (at home); for performing domestic assistance work; for trainees (up to one year), for probation work (up to six months).

Each contract of employment shall contain the required elements related to the aforementioned employee data, employer information, job information, and earnings information, a reference to a collective agreement or rules of procedure in force. The contract must contain information on open-ended or fixed-term employment relationship. If the employment relationship is based on a fixed-time contract, it must contain a termination date (if the contract does not contain a deadline by which it shall last, it is considered that the contract of employment is open-ended by its nature). The contract of employment must also contain information on working hours (full time, part time or reduced hours).

Certain types of employment contracts contain specifications which shall be negotiated as follows:

As regards probation work - the contract of employment shall lay down the probationary period, provided that probationary period may not be longer than six months, and that other obligations can be arranged (the way of monitoring and evaluating expertise and professional competence of the employee).

When entering into contract of employment with the trainee, the length of the traineeship which cannot last longer than one year (unless otherwise regulated by the Law) shall be contracted, trainee wage that cannot be lower than 80% of base wage for job the labor contract has been concluded for, as well as other rights and obligations of the trainee (taking the internship, etc.).

Contract of employment on performing the jobs outside the employer's premises, i.e. at home, shall include: duration of working hours following the work norms; types of work and the ways of organizing the work; working conditions and the way of supervising employee's operations; the amount of salary for the job performed and terms of payment; the use of employee's means of work and compensation for the use thereof; compensation of other labour costs and the method to determine them; other rights and obligations.

Pursuant to the contract of employment on performing household help, the payment of a portion of the salary or payment in-kind can be exceptionally contracted (through the provision of board and/or lodging), provided that the value of benefits in-kind must be converted in cash, and the

lowest percentage of salary, which has to be paid in cash, must not be lower than 50% of the employee's salary.

Employment relationship of civil servants and of those employed at the authorities of territorial autonomy and local self-government, shall be based on the decision taken by the head of the authority, whereby the rights, obligations and responsibilities of the above categories of employees shall be regulated by special provisions.

21. Are these various relations subject to formal conditions (e.g. written contracts with certain compulsory clauses)?

Under the Labour Law, contract of employment shall be concluded in writing between the employer and employee. The contract of employment shall be signed by director, i.e. the entrepreneur or the employee empowered in writing by them. The contract of employment shall be deemed concluded when it is signed by the employee and employer. The contract of employment shall be concluded before the employee takes on the job and if the employer does not conclude the contract with the employee in written, it shall be considered that the employee entered open-ended employment relationship.

Employment contract shall contain certain mandatory elements, as the following: data relating to the employee (name and forename, dwelling or temporary residence, the type and level of education), data relating to the employer (name and address of its headquarters), information on job (type and description of jobs that the employee shall take on, place of work), information on employment relationship (open-ended or fixed-term, the duration of open-ended contract of employment, the day of commencement of work), data on working hours (full time, part time or reduced), information on salary (pecuniary amount of base wage and parameters for establishing the work performance, compensation of salary, increased salary and other emoluments the employee shall be entitled to), reference to the collective agreement or rules of procedure in force; information on working hours (duration of daily and weekly working hours). The contract of employment may also stipulate other rights and obligations. Rights and obligations which are not set out by the contract of employment shall be governed by corresponding provisions of the Law and general act.

22. Are employers required to provide their workers with information on their conditions of work? What kind of information has to be supplied? Does this also cover workers who are required to work in another country?

Obligation to conclude the contract of employment in writing prior to employee's commencement of work, is prescribed by the Labour Law. The Labour Law prescribes the obligatory elements of the contract of employment (referred to above in answers to the questions 1d and 21), which lay down conditions of work and basic rights, obligations and responsibilities form the contract of employment. Thus, the employee shall directly be introduced to working conditions.

Furthermore, the employee shall be entitled, directly or through his representatives, to consultation, information and expression of his attitudes on important issues regarding labour.

The employer shall be obliged to give the notice to the employee on the working conditions, organization of work, employer's obligation to follow the rules regarding fulfillment of contractual obligations and the rights and obligations arising from labor legislation and occupational safety and health legislation.

The Labour Law shall lay down in particular the employer's obligation to inform and to give notice to employees in case of forthcoming changes of employers. Pursuant to Article 15 of the Labour Law, the preceding employer and succeeding employer shall, 15 days before the change of employer at the latest, notify the representative trade union with the employer about the following: date or proposed date of change of employer; reasons for change of employer; legal, economic and social consequences of change of employer on the position of employees and measures to mitigate them. Should there be no representative trade union with the employer, the employees have the right to be directly informed about the abovementioned circumstances.

All provisions of the Labour Law shall be applicable on the employees who are required to work in another country.

Pursuant to the Law on Protection of Citizens of the Federal Republic of Yugoslavia Working Abroad (*Official Journal of FRY* No 24/98 and *Official Gazette of RS* No 101/05) the employer is obliged to lay down the conditions, by the general act, for sending the employees to work in another country. Pursuant to the Law, the employees who are sent to work abroad shall have the same rights, obligations and responsibilities as the employees with the employer in the country. In addition to the abovementioned rights, the employees who are sent to work abroad shall also have the right to board and lodging, as well as, in accordance with national legislation, to safety at work which cannot be lower than the one laid down by the legislation of the country the employee is referred for work. By the annexes of the contracts of employment concluded with employees who are sent to work abroad, employees shall directly be notified of the conditions of assignments in another country.

The Law on Employment and Unemployment Insurance regulates the issue of employment of Serbian citizens abroad. National Employment Service and private employment agencies do the job matching for the unemployed for the purpose of finding them employment abroad, and are obliged to ensure the protection of persons who are in the process of employment abroad. Protection of persons means securing at least equal treatment, in respect of work, with the citizens of the country of employment, while working and living abroad, as well as the obligation of the National Employment Service and of private employment agencies to provide information on opportunities and conditions for employment abroad, work and living conditions, rights and obligations at work, forms and methods of protection in accordance with the contract of employment abroad and the rights upon the return from work abroad.

Employment protection

23. What legal provisions apply to the suspension of a labour contract for maternity and parental leave?

After expiry of paid maternity leave and absence from work for child care, one of the parents of a child aged up to three years, shall be entitled to unpaid leave from work. During the time of unpaid leave, the employee's rights and obligations resulting from and based on employment relationship, other than rights stipulated otherwise by the Law, general act or contract of employment, shall be dormant. During the absence from work on this basis, an employee is

entitled to health insurance and the right to pension and disability insurance as well as insurance in case of unemployment and other rights based on employment relationship shall be dormant. The employee who uses this absence shall be entitled the right to return to work with the employer within 15 days after the expiry of this leave.

24. Does the legal system make provision for a system of compensation where a labour contract is suspended for economic reasons (e.g. supply difficulties)?

Pursuant to the Labour Law (Article 16), in case of temporary discontinuation or the reduced volume of work, which occurred without the employee's fault, the employer may put the employee on paid leave up to 45 working days per calendar year. Exceptionally, in case of termination or reduction in volume of work, which requires longer absence, the employer may send an employee on leave for more than 45 working days per calendar year, with prior approval of the Minister competent for labour issues. During the absence from work on this basis, an employee shall be entitled to the compensation of salary in the amount of 60% of the average salary in the three preceding months, where it cannot be lower than the minimum salary laid down by this Law.

In case of permanent redundancy, due to technological, economic or organizational changes with the employer, the employer may terminate the contract of employment on the basis of redundancy, provided that prior to his termination of employment relationship severance pay shall be paid to the employee.

On the other hand, the Government of the Republic of Serbia passed the Decision on endorsing the Programme to address staff surpluses¹ in the process of rationalization, restructuring and preparation for privatization (*Official Gazette of RS* No. 64/05, 89/06, 85/08, 90/08 – corrigendum, 15/09, 21/10 and 46/10) which applies to companies in the process of restructuring and preparation for privatization, the companies for employment and training of persons with disabilities undergoing restructuring and preparation for privatization; public enterprises founded by the Republic of Serbia the process of restructuring; institutions in the fields of health, culture, education and other institutions founded by the Republic of Serbia, currently in the process of staff rationalization, the public enterprises founded by the local self-government unit identified as devastated area and the local self-governments in the process of rationalization. This Decision and the Instruction on detailed requirements for implementation of the Programme to address staff surplus in the process of rationalization, restructuring and preparation for privatization (*Official Gazette of RS* No. 89/05) stipulates that employment relationship terminates for an employee who is declared surplus when he/she opts for exercising one of the entitlements, which he/she considers the most favorable, including:

- 1) Compensation in the amount equal to 10 average wages in Serbian economy according to the most recent data of the national statistics authority – for employees with more than 10 years of service with paid insurance;
- 2) Compensation in the amount equal to the local currency equivalent of 100 EUR per every full year of service with paid insurance, translated at the middle exchange rate applicable on the date when the employer submitted lists of surplus staff;
- 3) Severance pay in accordance with the Labor Law, for employees lacking up to two years for entitlement to retirement, in accordance with regulations on pension and disability insurance.

¹ Staff surplus is synonym with redundant worker.

Special compensation for employees who are declared surplus in a company in the process of restructuring, and who have up to five years left until they meet the earlier of the two statutory requirements for retirement pursuant to pension and disability insurance regulations. Special compensation is the amount equal to the sum of the average six-month wage in Serbian economy according to the most recent data of the national statistics authority and the product of the remaining number of months that person would have to work until meeting the earlier statutory requirement for retirement and 60% of the average monthly wage in Serbian economy according to the most recent data of the national statistics authority.

25. Does the legal system include certain rights (material or procedural in terms of information and consultation) with regard to collective redundancies?

Pursuant to the Labour Law, employees who became redundant due to technological, economic or organizational changes with the employer (surplus employees), the employer shall be obliged, prior to termination of contract of employment, pay severance payment in the amount laid down by general act (collective agreement or rules of procedure) or contract of employment, which cannot be lower than the sum of a third of employee's salary for each completed year in employment relationship during the first 10 years in employment relationship, and a quarter of employee's salary for each subsequent completed year in employment relationship for more than 10 years in employment relationship.

By the general act, severance pay may be set out in greater amount than the legal minimum. In the proceedings of solving redundancy, the employer shall have the obligation to inform and consult representative trade union, as specified in the answer to question 27.

Pursuant to Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparation for privatization, companies, public enterprises and institutions are obliged to adopt the proposal for a special programme and to present it to the representative trade union and to the National Employment Service. When adopting the proposal for the special programme, companies, public enterprises and institutions are required to form restructuring/rationalization team or transition centre that monitors implementation of activities in the process of restructuring/rationalization, which consists of representatives of the company, public enterprise or institution and representative trade unions, i.e. the founder.

Teams of companies may also include representatives of local self-government units, National Employment Service, representative trade unions and employers' associations established at the level of local self governments, chambers of commerce, etc. The role of this team is to inform all employees about activities, rights and opportunities throughout the entire procedure, to collect and provide information on the labor market situation and opportunities, as well as on new jobs, and to refer them to use social, financial and health services.

Furthermore, employees who are declared surplus are entitled to exercise their rights on the basis of previous work in accordance with the Law and the special programme, with the obligation to take active part in resolving their legal employment status. Employment of an employee who is declared surplus terminates only once he/she chooses to exercise one of his/her rights set out by the Decision.

26. What is the definition of collective or economic redundancy/dismissal?

The employer may terminate the contract of employment to an employee if, due to technological, economic or organizational changes, particular job becomes redundant or volume of work reduced (surplus employees).

In case of collective redundancy the employer shall be obliged to enact the programme on resolving redundancy in cooperation with the employer's representative trade union and with the organization in charge of recruitment.

Pursuant to Article 153 of the Labour Law, the employer shall be obliged to enact the programme on resolving redundancy (hereinafter referred to as: the Programme) should he come to a conclusion that, due to technological, economic or organizational changes, redundancy of employees under open-ended employment relationship will ensue during a 30-day period, for the minimum of: 10 employees with an employer who has more than 20 and less than 100 employees under open-ended employment relationship; 10% of employees with an employer who has at least 100 and no more than 300 employees under open-ended employment relationship; 30 employees of an employer who has more than 300 employees under open-ended employment relationship (paragraph 1). The Programme shall also be enacted by the employer who determines that at least 20 employees will become redundant within a 90-day period, due to reasons stated in paragraph 1 of this Article, regardless of the total number of employees with the employer.

The Programme for resolving redundancy shall in particular contain the following: reasons for redundancy; total number of employees with the employer; number, educational structure, age and period of insurance of employees deemed redundant and jobs they perform; criteria for determining the redundancy; employment measures: transfer to other jobs, work with other employer, vocational retraining or additional training, part-time work working hours but not less than a half of a full-time working hours and other measures; means for managing the social and economic position of the redundant employees; deadline for terminating the contract of employment (Article 155(1) of the Labour Law).

For the purpose of obtaining opinion, employer shall be obliged to submit the proposal of the Programme to trade union and to republic organization competent for employment, no later than eight days after the proposal of the Programme has been laid down.

27. Do workers' and their representatives have a right to be informed and consulted?

Prior to enacting the Programme, the employer shall be obliged to undertake relevant measures for new employment of the redundant employees, in cooperation with the employer's representative trade union and with the Republic organization competent for employment (Article 154 of the Law).

In addition, pursuant to Article 155(2) and Article 156 of the Law, the employer shall be obliged to ask for an opinion on the proposal of the Programme on resolving the redundancy, from the employer's representative trade union, and the trade union shall be obliged to submit the opinion to the employer within 15 days of the delivery of the Programme proposal. The employer shall be obliged to consider and take into account opinion of the representative trade union and to notify of his position within an eight-day term.

Answer to the question concerning application of the Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparation for privatization and the right to information and consultation is provided under question number 25.

28. Who are the workers' representatives in such cases and in what way are they designated?

Representative trade union with the employer is the trade union which meets the requirements of Article 218 of this Law (if it has been established and active on the principles of freedom to organize trade union and freedom to act; if it is independent from public authorities and employers; if it is funded mostly from membership fee and from its own sources; if it has a sufficient number of members on the basis of registration forms; if it is entered into the register pursuant to the Law and other regulation) and whose membership comprise no less than 15% of the total number of employees with the employer.

A representative trade union with an employer shall also be the trade union in the branch, group, subgroup or scope of business, comprising directly no less than 15% of the total number of employees with the employer.

In the process of application of the Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparations for privatization, all activities are conducted in cooperation with the trade union, and in companies where the trade union has not been established, with employees' representatives designated by the employees.

29. Under what conditions do they exercise these rights?

Other conditions, beside the abovementioned under which these rights in case of addressing staff surplus issue are exercised, are not prescribed.

30. Do the public authorities have a role to play in the procedure (e.g. is there a requirement to give notice of planned redundancies to the public authorities to give them a certain time to seek solutions to the problems likely to be caused by such redundancy measures)?

Pursuant to the Labour Law, prior to enacting the Programme on resolving the redundancy, the employer shall be obliged to achieve cooperation with the organization competent for employment, in order to undertake certain measures for new employment of the redundant employees. In this regard, the employer shall be obliged to submit the proposal for the Programme on resolving redundancy to republic organization competent for employment (National Employment Service) for obtaining opinion. The Republic organization for employment shall be obliged, within 15 days following the receipt of the Programme proposal, to submit to the employer a draft of the measures in order to prevent or reduce the number of termination of contracts of employment to a minimum, and to ensure vocational retraining, additional training, self-employment and other measures for new employment of redundant employees. The employer shall be obliged to consider and take into account proposals of the Republic organization for employment and to inform the organization about his position within an eight-day term.

Pursuant to the Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparation for privatization, and the Instruction on detailed requirements for implementation of the Decision, the competent authority of the employer is obliged to adopt the proposal of a special programme and submit it to the representative trade union and to the National Employment Service. Furthermore, the competent authority is obliged to consider the proposals of employment service and opinion of the trade union and to inform them of its stand, and to implement and organize the necessary activities on the basis of the

proposed active labour market programmes². The National Employment Service is obliged to act as an intermediary and match employers with surplus staff and employers in need of additional staff; to provide information to and organise individual or group counselling for employees of companies, public enterprises or institutions on employment opportunities and exercising their rights; to propose active labour market programmes (redeployment, self-employment, new employment with another employer, the measures of further education and training, public works, etc.).

31. Does the legal system include rights in respect of individual redundancy/dismissal?

Employees who are terminated the contract of employment due to redundancy shall be entitled to severance pay in the amount set out by the general act (collective agreement or rules of procedure), which cannot be less than the severance pay set out by the Labour Law (Article 158), regardless of whether collective or individual redundancies are being an issue. However, regarding individual redundancies, the employer shall not be obliged to adopt a programme on resolving redundancy as in cases of collective redundancies (Articles 153 and 155).

The Law on Employment and Unemployment Insurance stipulates that the unemployed are entitled to unemployment benefit, inter alia, in the case when employment contract was terminated by employer, in accordance with the labour regulations if, due to technological, economic or organizational changes, the need for carrying out a certain job ceases or the workload decreases, in conformity with the law, except for persons who, in accordance with the Government's Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparation for privatization, voluntarily opted for compensation or special compensation with the amount higher than the severance pay laid down by the Labour Law.

For the period of exercising rights to unemployment benefit, the person is also entitled to health, pension and disability insurance.

32. Does the system guarantee that labour contracts continue to apply where an economic entity is transferred to a new employer?

In accordance with EU Directive No. 2001/23, the Labour Law stipulates that in case of change of status or change of employer, in accordance with the Law, as well as in case of change in ownership of the capital of a company or other legal entity, the succeeding employer shall take over from the preceding employer the general act and all contracts of employment in force on the transfer day. Employees shall remain employed with the new employer with all the rights and obligations they had with the preceding employer on the transfer day (Article 147 of the Law).

The Labour Law stipulates that in case of change of status or change of employer, in accordance with the law, as well as in case of change in ownership of the capital of a company or other legal entity, the succeeding employer shall take over from the preceding employee the general act and all contracts of employment in force on the transfer day. Employees shall remain in employment

² The formulation used in the English translation of the Serbian Law on Employment and Unemployment Insurance is active employment policy/measures, but for the purpose of better understanding and standardisation with the international terminology, the term that will be used throughout the answers in the questionnaire is active labour market policies/programmes.

relationship with the new employer with all the rights and obligations they had with the preceding employer on the transfer day (Article 147 of the Law).

The Law shall therefore guarantee the right to apply employment contracts at the succeeding employer as well. In addition, Article 150 of the Law stipulates that the succeeding employer shall be obliged to apply the general act (collective agreement or rules of procedure) of the preceding employer, at least one year from the date of change of employer, unless prior the expiration of that period: the time to which a collective agreement was concluded with the preceding employer expires or a new collective agreement is concluded with the succeeding employer.

33. What conditions apply in such cases?

According to the provisions of the Labour Law, the preceding employer shall be obliged to notify in writing the employees under transfer about the transfer of employment contracts to the succeeding employer. Should an employee refuse the transfer of the contract of employment or fails to agree to it five days after the notification of the transfer, the preceding employer may terminate the contract of employment to the employee.

The succeeding employer shall be obliged to apply the general act (collective agreement of rules of procedure) of the preceding employer at least one year after the change of employer, unless prior to the expiry of that period the time to which the collective agreement was concluded with the preceding employer expires or a new collective agreement with the succeeding employer is concluded.

34. In such cases, does the system provide protection for dismissal? Are the transferor and the new employer required to inform and consult workers' and their representatives? Do these rights apply where the transferor is in the process of being declared bankrupt?

In case of a change of employer there shall exist the protection of employees against dismissal, which reflects in the fact that the mere change of employer cannot be the reason for termination of the contract of employment. Succeeding employer shall take over from preceding employer all contracts of employment in force on the day of change of employer. Only in case the employee refuses the transfer of the contract of employment or he fails to respond within five working days from the receipt of the notice of transfer of employment contracts to another employer - to accept the transfer of contracts of employment to the succeeding employer, preceding employer can terminate his contract of employment. Those employed with the succeeding employer shall exercise all rights and obligations, and the new employer may terminate the contract of employment due to and under the procedure provided by the Law, for example, if they violate the working obligation due to lack of performance, etc.

The preceding employer and succeeding employer shall, 15 days before the change of employer at the latest, notify the representative trade union of the employer about the following: date or proposed date of change of employer; reasons for change of employer, as well as legal, economic and social consequences of change of employer on the position of employees and measures to mitigate them.

The preceding employer and succeeding employer shall, 15 days before the change of employer at the latest, undertake measures for mitigation of social and economic consequences on the position of employees, in cooperation with the representative trade union.

Furthermore, the preceding employer shall be obliged to notify in writing the employees whose contracts of employment are transferred on the transfer of the contracts of employment to the succeeding employer.

35. Does the legal system provide for unemployment benefit? Is such provision made in the labour law or in the social security law?

Mandatory unemployment insurance (hereinafter referred to as: mandatory insurance) is regulated by the Law on Employment and Unemployment Insurance as part of the system of mandatory social insurance of citizens, whereby unemployment rights are ensured on the basis of the principles of mandatory participation, reciprocity and solidarity.

Mandatory insurance provides for the following unemployment rights:

- 1) Unemployment benefit;
- 2) Health insurance and pension and disability insurance in accordance with the law;
- 3) Other rights in accordance with the law.

Resources for the exercise of rights arising from mandatory insurance are provided from the mandatory unemployment insurance contributions, as well as from other resources provided in accordance with the law.

1. Unemployed person is entitled to unemployment benefit in case of termination of the employment contract or termination of mandatory insurance on the grounds of: Termination of the employment contract by the employer in accordance with labour regulations:
 - If, owing to technological, economic or organizational changes, the need for carrying out a certain job ceases or the workload decreases, in conformity with the law, with the exception of persons who have voluntarily chosen a benefit or a special benefit exceeding the amount of severance pay stipulated by the Labour Law, pursuant to the Government Decision on endorsing the Programme to address staff surpluses in the process of rationalization, restructuring and preparation for privatization;
 - If the employee fails to perform at work, or lacks the knowledge and competencies required to fulfil tasks at work;
2. Expiry of a fixed-term employment contract, contract on temporary and casual work, probation period;
3. Termination of public office of the elected, appointed and nominated persons, unless the right to administrative leave or salary reimbursement has been exercised, in accordance with the law;
4. Transfer of ownership rights of the company owner or member;
5. Commencement of the bankruptcy or liquidation procedure, as well as other cases of winding up of the employer, in conformity with the law;
6. Relocation of the spouse, in accordance with specific regulations;

7. Termination of the employment contract abroad, in accordance with the law i.e. international agreement.

Unemployment benefit is paid to unemployed person:

1. for the duration of three months, if he/she has insurance span from one to five years;
2. for the duration of six months, if he/she has insurance span from five to 15 years;
3. for the duration of nine months, if he/she has insurance span from 15 to 25 years;
4. for twelve months, if he/she has insurance span longer than 25 years.

Exceptionally, the unemployed are entitled to unemployment benefit for 24-month period, provided they lack up to two years to meet the nearest retirement requirement in accordance with pension and disability insurance regulations.

The unemployed whose entitlement to unemployment benefit has been terminated due to getting an employment or commencement of insurance on another basis, prior to expiration of the period for exercising that right, continue to have entitlement to unemployment benefit for the remainder of the period in the set amount, if they become unemployed again and if it is more favorable for them. Decision on the entitlement of the unemployed arising from mandatory insurance is made in the procedure stipulated by the law governing the general administrative procedure.

The rights of the unemployed in the first instance procedure are decided upon by the competent authority of the National Employment Service.

The second instance authority in addressing the rights of unemployed persons arising from mandatory insurance is the Director of the National Employment Service.

In accordance with the Law, the unemployed may institute an administrative dispute before the competent court against the final decision of the National Employment Service.

C. Conditions of Work and Pay

Conditions of work

36. What penalties can employers impose in cases of non-performance of work?

Pursuant to the Labour Law (Article 179) employer may terminate the employment contract to an employee for a just cause relating to his/her working ability, behaviour and employer's needs.

In terms of non-performance, pursuant to Article 179 point 1 of the Labour Law, employer may terminate the employment contract to an employee if the employee does not perform, i.e. does not have the needed knowledge and abilities to perform his/her job. In the event of termination of employment contract on these grounds (Article 189), employee has the right and duty to remain at work: for no less of one month and no longer than three months (notice period), depending on the duration of insurance period.

General collective agreement ("Official Gazette of RS" No. 50/08, 104/08, 8/09), that has been extended to cover all employers on the territory of the Republic of Serbia, sets out the obligation of the employer to offer another suitable job to an employee if a committee has established that

he/she does not have the required knowledge and capacities, i.e. that he/she does not perform, and if there is no such job, the employer may terminate the employment contract to the employee following the procedure laid down by the law.

Pursuant to Article 179 point 7 of the Labour Law, employer may terminate the employment contract to an employee if the employee rejects the offer to conclude an annex to the employment contract related, among other things, to transfer of the employee to another appropriate job due to the needs of the process and organisation of work, transfer to another place of work under the terms laid down by the Law (Article 173 of the Labour Law). In addition, collective agreement, work regulations and/or employment contract may define non-performance or unconscientious performance of work duties as violation of work duties that may serve as the ground for terminating the employment contract with an employee (Article 179 point 2 of the Labour Law). In cases referred above, prior to terminating the employment contract, employer shall be required to provide the employee with a notification in writing warning him/her on the grounds for termination of the employment contract and to leave him a deadline for responding to the rationale stated in the notification (the employee's trade union shall be provided with the notification and asked to provide opinion). Employer may inform the employee in such notification that the employment contract shall be terminated without any previous warning in case the same or similar violation reoccurs in the future. Instead of terminating the employment contract, the employer may suspend the employee from work without any compensation of salary for a period of one to three days.

Within 90 days from receiving the decision on termination of the employment contract, employee whose employment contract has been terminated by the employer on any grounds, may initiate a procedure before the competent court to protect his/her rights.

In case of non-performance or negligent or unconscientious work, the employer may undertake some of the following measures stipulated by the Law:

- **temporary suspension of the employee** – in the period of 1 to 3 working days without pay in cases when the employee violates the work duty or labour discipline.

- **termination of employment contract** – two main groups of reasons:

1. reasons related to the employee – in relation to employee's working ability or his/her behaviour;
2. Reasons related to the employer – reflected in technological, economic or organisational changes.

In principle, the employee may terminate the employment contract with an employee only for justified reasons. ILO Convention No.158 on termination of employment at the initiative of the employer states a valid reason for termination. According to this Convention, the burden of proving the existence of a valid reason for the termination shall rest on the employer, and the employment of a worker shall not be terminated before he is provided an opportunity to defend himself against the allegations made by the employer. Our legislature links the right of the employee to defend himself/herself in the procedure of termination of the employment contract to the warning that the employer forwards to the employee and his trade union.

The legislature proscribed the grounds on which the employer may terminate the employment contract. Grounds related to employee's working capacity and behaviour are as follows:

- 1) if employee does not perform, i.e. does not have the needed knowledge and abilities to perform his/her job;
- 2) if employee through his/her own fails violates the work duties set in the general document and employment contract;
- 3) if employee does not comply with the labour discipline as stipulated in the general document i.e. his/her behaviour is such as to preclude further work with the employer
- 4) if employee commits a criminal offence at work or in relation to work;
- 5) if employee does not return to work with the employer within 15 days from the expiry of the period of unpaid leave or employment standstill within the meaning of this law;
- 6) if employee abuses the right on leave on grounds of temporary unfitness for work;
- 7) if employee refuses to conclude an annex to the employment contract.

Ground for termination of the employment contract related to reasons on the part of employer is – if due to technological, economic, or organisational changes a particular job becomes redundant or volume of work becomes reduced.

37. Does the legal system give workers certain basic rights, such as human dignity at work?

The Labour Law contains a separate chapter on prohibition of discrimination and protection of employees. The above mentioned provisions prohibit direct and indirect discrimination, as well as harassment and sexual harassment of persons seeking employment and employees.

Direct discrimination, within the meaning of the Labour Law (Article 19 (1)), shall be any action caused by some of the personal grounds referred to in Article 18 of this law that puts a person seeking employment or employee in a less favourable position than other persons in the same or similar situation. Indirect discrimination, within the meaning of the Labour Law (Article 19 (2)), exists if certain apparently neutral provision, criterion or practice puts or would put a person seeking employment or employee in a less favourable position than other persons, due to a certain quality, status, affiliation or belief from Article 18 of this law.

Harassment, within the meaning of the Labour Law (Article 21 (1)) is any unwanted behaviour resulting from some of the grounds referred to in Article 18 of this law aimed at or representing violation of dignity of a person seeking employment or employee, causing fear or breeding adverse, humiliating or insulting environment. Sexual harassment, within the meaning of the Labour Law (Article 21 (2)) is any verbal, non-verbal or physical behaviour aimed at or representing violation of dignity of a person seeking employment or employee in the area of sexual life, causing fear or breeding adverse, humiliating or insulting environment.

Employee exercises the right to safety and protection of life and health at work pursuant to the Law on Health and Safety at Work.

The Labour Law regulates that personal data related to an employee shall not be accessible to third party, except in cases and under conditions laid down by the law, or if necessary for substantiating rights and duties resulting from employment or in relation to labour.

The Law on Prevention of Harassment at Work ("Official Gazette of RS" No.36/10) regulates: prohibition of harassment and bullying at work and in relation to work; measures for prevention of harassment and bullying and improvement of relations at work; procedure for protection of

persons exposed to harassment and bullying at work or in relation to work and other issues of importance for prevention of and protection from harassment and bullying at work and in relation to work. This Law laid down the obligation of employer, in order to create conditions necessary for healthy and safe working environment, to organise the work in a way that prevents occurrence of harassment and bullying at work or in relation to work and to provide employees with working conditions where they will not be exposed to harassment and bullying at work or in relation to work caused by the employer, i.e. by responsible person or by other employees. Protection from harassment and bullying at work is exercised at company level (in the procedure of mediation and the procedure of establishing the responsibility of employee for violating labour discipline) and before a competent court in litigation proceedings that presents a labour dispute.

38. What is the minimum age for employment?

A person may be employed if he/she is at least 15 years old.

39. From what age and under what conditions may children perform minor jobs? Please provide information on the Government's measures in place to fight child labour.

Pursuant to the Labour Law, there is no possibility of entering into employment relations with a person under the age of 15. Penal provisions of the Labour Law prescribe fines in case an employer concludes an employment contract contrary to provisions of this law, which is provided in detail in the answer to the question number 40.

Article 24. of the Labour Law stipulates that minimum age for entering into employment relations with a minor is the age of 15. The special conditions for entering into employment relations with a minor are: written approval of the parents, adoptive parents or foster parents; the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law. A person below the age of 18 can enter into employment relations only upon certificate of the competent health care body substantiating that he/she is capable of performing such tasks and that these tasks are not harmful for his/her health.

The Labour Law stipulates violation liability for the employer who enters an employment contract with a person below the age of 18 contrary to provisions of this law (Article 274. paragraph 1. point 2). Pursuant to the law, employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1.000,000 for the following offences, whereas an entrepreneur shall be fined in the amount of RSD 300,000 to 500,000. A responsible person in a legal entity shall be fined in the amount of RSD 30,000 to 50,000.

The Law on Employment and Unemployment Insurance regulates employment activities in accordance with the rules of procedures, under which a person at least 15 years old may enter into employment relations. To this end, unemployed or a person seeking employment is considered to be a person from the age of 15 until meeting the requirements for retirement, not later than the age of 65. Executives of the employment activities cannot intervene in employment of persons under the age of 15. Special protection is provided through the provision governing that an employment agency cannot be engaged in employing minors.

Pursuant to the Labour Law , there is no possibility of entering into employment relations with a person under the age of 15. Penal provisions of the Labour Law prescribe fines in case an employer enters an employment contract contrary to provisions of the Labour Law.

When it comes to working persons under the age of 15, the Labour Inspectorate in the last two years have not been sent requests for inspection control, nor did the labour inspectors find persons under the age of 15 working.

Commitment of the Republic of Serbia to respect the rights and improve the status of children, and in particular to prevent and protect children from violence and all other forms of exploitation and utilization, is reflected in numerous strategic documents and new laws that the Government and the National Assembly adopted, as well as in the reform processes in the fields of social and health care, education, justice, police and other fields. The main achievements in this area are improved legislation and significantly developed national policy in protecting children from abuse, neglect, **exploitation** and violence.

The Serbian Government adopted a General Protocol on Child Protection from Abuse and Neglect, 2005. year, with the aim to establish effective, operational, multi sectoral network to protect children from abuse, neglect, exploitation and violence. Special protocols have been adopted for social protection institutions to protect children from abuse (General Protocol on Child Protection from Abuse and Neglect in the Social Protection Institutions, 2006.), as well as for the police (Special Protocol on Conduct of Police Officers in Protection of Minors from Abuse and Neglect , 2006.), for education (Special Protocol for the Protection of Children and Students from Violence, Abuse and Neglect in Educational-Correctional Institutions, 2007.), for health care system (Special Protocol of the Health Care System on Child Protection from Abuse and Neglect, 2009.) and for the judiciary system (Special Protocol on Conduct of Judiciary in Protection of Minors from the Abuse and Neglect, 2009). Thus, an integrated system of protection provides early identification of children who are at risk of violating the rights to protection from all forms of exploitation and utilization, as well as adequate and timely intervention of all relevant systems in the community.

National strategy on protection of children from violence was adopted by the Government in 30.December 2008.(*Official Gazette of RS* No. 122/09). This strategy document (and Action plan for its implementation) directly contributes to the fulfilment of obligations which the Republic of Serbia has undertaken by ratification of international and national documents, primarily the National Plan of Action for Children. Strategy for prevention and protection of children from violence has its basis in many domestic laws and other regulations governing the status of children, including the right to protection from utilization and exploitation.

In relation to children labour, the Labour Law contains specific provisions that define the tasks that employees under 18 cannot work, whereas the Family Law (*Official Gazette of RS*, No. Article 81. paragraph 2. point 2. stipulates that a parent abuses right that comprise a part of parental rights if he/she exploits the child by forcing him/her to excessive labour, or to labour that endangers the moral, health or education of the child, or to labour that is prohibited by law.

40. What other steps have been taken to protect their physical and moral integrity?

Article 274. paragraph 1. point 2) and 8) prescribes fines for employers: If he/she enters into the employment relations with a person below the age of 18 contrary to provisions of this law for performing the tasks which, according to the Labour Law, cannot be performed by a minor.

In case it is found that a person under the age of 18, minimum 15 years old, have entered into employment relations without the written consent of parents, labour inspector shall report to warn the employer for obligation to obtain consent of parents, and may submit a written notice to parents to inform them that their child has entered employment relations without their consent, in which case if parents do not want to give their consent they may submit request to employer for termination of employment of such person pursuant to Article 175. paragraph 1. point 5. of the Labour Law. If an employer fails to obtain the consent of parents later, a request for legal proceeding will be submitted. In this regard, pursuant to Article 25. paragraph 1. point 2. of the Labour Law, if an employer fails to obtain the consent of parents later and a certificate of the competent health care body, labour inspector will submit a request for legal proceeding.

Abuse of children labour is a crime, according to the criminal legislation.

The Family Law (*Official Gazette of RS* No.18/05) Article 81. paragraph 2. point 2. stipulates that a parent abuses right that comprise a part of parental rights if he/she exploits the child by forcing him/her to excessive labour, or to labour that endangers the moral, health or education of the child, or to labour that is prohibited by law.

Family Law also stipulates that everyone is under the obligation to act in the best interest of the child in all activities related to the child (Article 6.). The state has an obligation to take all necessary measures to protect children from neglect, physical, sexual and emotional abuse and exploitation of every kind.

According to Article 193. of the Criminal Law, a parent, adoptive parent, guardian or other person who abuses a minor or forces him/her to excessive labour or to labour that does not correspond to the age of a minor or forces him/her to beg or motivated by gain leads him/her to commit other acts harmful to his/her development, shall be punished with imprisonment from 3 months to 5 years.

The practice of the guardianship authority:

In case it is found that a child or a young person is subject to exploitation through excessive labour, Centre for Social Work as a guardianship authority shall take all measures within its jurisdiction to protect the rights of the child. This is especially important when it comes to parents or other persons who directly take care of a child.

The guardianship authority in its work applies the provisions of the Family Law and the Rulebook on Organization, Norms and Standards of Work of the Centre for Social Work, which directly protect the rights and interests of the minor child. After determining the priority in treatment, the Centre for Social Work, by applying the method of case management, shall access to emergency protection of the child (urgent intervention) and make decision that protect his/her

interests. These decisions can significantly affect the autonomy of parents in the exercise of parental rights.

If it is evaluated that there is no place for urgent treatment, the Centre for Social Work initiates activities to evaluate the situation and needs of the child and family through the process of data collecting, identification and evaluation of problems, needs, strengths and risks, situations and people involved. This process is gradually implemented in order to determine the goals of working with the child and family and to take the necessary measures.

Planning further process of child protection is based on information obtained during the evaluation, and then access to development of oriented, systematic and time-limited service plan and measures in cooperation with the child and family and other involved professionals, services and individuals. This process of planning measures and services is focused primarily on child and family support for removal of shortcomings in the exercising of parental right.

41. Are there specific provisions concerning the number of hours that people of less than 18 years may work? If so, what do they specify?

The total of working hours of a full time employee younger than 18 shall not exceed 35 hours per week and eight hours per day.

Overtime and re-distribution of working hours for employee younger than 18 are prohibited.

42. Are there general arrangements concerning working time? What is the definition of working time? Are there specific rules for workers employed as seafarers, in the civil aviation or in the rail?

The Labour Law prescribes that full time working hours shall be 40 hours per week, unless this law prescribes otherwise. Full time working hours of a minor shall not exceed 35 hours per week.

Collective agreement of labour regulations may determine working hours shorter than 40 hours per week, however not less than 36 hours per week. In such instances employee is entitled to all rights derived from employment just the same as employees working full time.

Work week shall be five working days, while the working day, as a rule, lasts for eight hours. Employer with whom work is performed in shifts, during the night or when the nature of work or organization of work require so- may organize the workweek and distribution of working hours in a different manner. Employer shall notify the employee about the work schedule and changes of the work schedule at last seven days before such change is to be effectuated.

Upon request of an employer, an employee shall work longer than his/her full time in case of force majeure, unexpected increase of the volume of work and in other instances when it is necessary to finish unplanned work by a set deadline (overtime work). Overtime work cannot exceed 8 hours per week or four hours a day per employee.

Employer may reschedule working hours when the nature of business, organization of work, better use of occupational means, more effective use of working hours and performance of certain jobs by set deadline require so. Re-scheduling of working hours shall be accomplished so that the total working hours of an employee for a six-month period in a calendar year do not

exceed, on the average, the full time working hours. In case of such re-scheduling, working hours shall not exceed 60 hours per week.

There is no special regulation on the working hours of crew members of ships. To the members of crew on sea ships applies the Labour Law (*Official Gazette of RS*, No. 24/05, 61/05 and 54/09)- published 17.07.2009, as framework law in employment relations. The same law regulates the issue of working hours.

There are special rules in rail transport relating to working hours of employees in the railways and they are prescribed in Article 79. to 87. of the Law on Safety in the Railway Transport (*Official Journal of FRY*, No. 60/98, 36/99 and *Official Gazette of RS* No. 101/05).

Total working time of train and station staff is 40 hours per week. Exceptionally, the total working time can last for a period longer than 40 hours a week, with the average for the year not longer than 40 hours a week.

Total duration of the shift of the train and station staff is up to 12 hours. Exceptionally, the total duration of the shift for the staff of speed train towing vehicle or for the staff of the senior passenger train, cannot exceed 10 hours.

Total duration of the shift for the train driver is up to 10 hours. Exceptionally, the total duration of the shift for driving speed train towing vehicle or the senior passenger train, cannot exceed 8 hours.

Total duration of the shift for a railway worker and total duration of driving towing vehicle may exceptionally be extended for up to 4 hours during one shift in case of force majeure, extraordinary events, extra train traffic etc. provided that overtime hours cannot exceed 10 hours in a working week per an employee.

Republic of Serbia has signed the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), with whose provisions complies the Law on Road Traffic Safety (*Official Gazette of RS*, No.41/09,53/10). Article 243. of the Law on Road Traffic Safety regulates daily time for drivers when driving vehicles or group of vehicles over 3,5 or buses. Namely, daily time for driving cannot be longer than 9 hours, with the exception that two times a week it can last for 10 hours, but in the way that two weeks driving cannot be longer than 90 hours.

Article 199. of the Air Transport Law (*Official Gazette of RS*, No. 73/10 from the 12. October 2010.) stipulates that the Minister in charge for transport management shall prescribe the following: working hours of the crew members in regular air transport and other commercial activities, the length of flight time, the time during which crew members are released from all duties and attendance, vacation for the crew members in regular air transport and other commercial activities and paid leave for the flight crew to maintain mental and psychophysical condition.

Pursuant to the paragraph 2. of the same Article, Minister in charge for transport management is given the authority to determine working hours of the flight controllers at the operational work place and the right of the flight controller to paid leave in order to maintain mental and psychophysical condition.

Working hours of the crew members of civil aviation is regulated by Rulebook on Organization of Working Time of the Crew Members of the Civil Aviation (*Official Gazette of RS*, No 101/08 of 04. November 2008. year, 16/09 of 06. March 2009. year, 93/09 of 10. November 2009. year,

14/10 of 17. March 2010. year) that is consistent with *Council Directive 2000/79/EC*, as well as with Section Q of Annex III of Council Regulation (EEC) No. 3922/91 of 16. December 1991. year, on the harmonization of technical regulations and administrative procedures in the field of civil aviation.

Article 11. of the above mentioned rulebook stipulates limitation of working hours, i.e. working hours of crew members should not exceed:

- 1920 hours in a calendar year;
- 960 hours in six months during the calendar year;
- 160 hours in 30 consecutive calendar days;
- 100 hours in 14 consecutive calendar days;
- 40 hours per week.

Article 12. of the same rulebook prescribes the limitation of flight time. Flight time of a crew member should not be longer than:

- 900 hours in a calendar year;
- 85 hours in 30 consecutive calendar days;
- 28 hours per week.

The Rulebook on Organization of Working Time of the Crew Members of the Civil Aviation contains provisions relating to flight duty time limitation, extension of flight duty, vacation, attendances etc.

43. What is the maximum weekly working time?

As specified in the previous answer, full time working hours shall not exceed 40 hours per week. Overtime may be introduced only exceptionally and it may not exceed eight hours per week and four hours per day per employee.

In case of rescheduling working hours, working hours shall not exceed 60 hours per week.

Employee's working hours and daily and weekly working time are laid down by the employment contract.

44. Are there compulsory rest periods? In case of specific rules for certain types of workers (e.g. drivers, seafarers, air- and railway crews etc.), please provide details.

The Labour Law in a general manner regulates the right of employees to a daily rest period, rest between working days, weekly rest and annual holiday. Pursuant to the Labour Law, any employee working full time is entitled to a daily rest period of no less than 30 minutes, whereas any employee working more than four and less than six hours a day is entitled to a daily rest of no less than 15 minutes. Any employee working more than full working hours, meaning no less than 10 hours a day is entitled to a daily rest of no less than 45 minutes. The daily rest shall be organized to prevent discontinuation of operation, if the nature of work does not allow for discontinuation and if it implies customer service. Employer shall decide on the schedule of daily rest during the day, but the daily rest cannot be used at the beginning or the end of a workday. The rest time shall be treated as regular working time.

An employee shall be entitled to a weekly rest period of no less than 12 consecutive hours, unless the law stipulates otherwise. An employee shall be entitled to a weekly rest of no less than 24 consecutive hours. Generally, the weekly rest shall be used on Sundays. Employer may designate another day for the weekly rest if the nature of work and organization of work require so. Should it be necessary that an employee works during his/her weekly rest, the employer shall provide for him/her a weekly rest no less than 24 consecutive hours during the following week.

In each calendar year any employee is entitled to an annual leave the duration of which shall be set in the general document and employment contract, but no less than 20 days.

No employee may waive his/her right to annual leave, nor may this right be denied to him/her. An annual leave may be used in two parts. If an employee use his/her annual leave in parts, the first part shall last no less than three working weeks in the course of calendar year, and the second part not later than from June 30th of the following year. An employee who has met the requirements for annual holiday pursuant to the Labour Law , but has not used the whole part of annual holiday in the calendar year because of absence from work for maternity leave, absence for childcare or special childcare- shall be entitled to using the holiday by June 30th of the following year.

There is no special domestic regulation governing the compulsory rest period for crew members on the sea ships . To the seafarers who keep watch on a ship directly apply standards related to watchkeeping- Section A-VIII/1 Annex to the International Convention on Standards of Training , Certification and Watchkeeping of Seafarers as well as Training, Certification and Watchkeeping Code (*Official Journal of FRY*- International Treaties, No. 3/01) published on 11.05.2001.

The above mentioned provisions stipulate that all persons in charge of watch-keeping must be provided with at least ten hours of rest for a period of every 24 hours. These hours of rest shall be divided into no more than two periods, one of which is at least six hours. The minimum period of ten hours may be reduced to not less than six consecutive hours provided that such a reduction does not exceed the duration of two days and that in every period of seven days is provided no less than 70 hours of rest.

There are special rules in railway transport relating to working hours of employees in the railways and they are prescribed in Article 84. of the Law on Safety in the Railway Transport (*Official Journal of FRY*, No. 60/98, 36/99 and *Official Gazette of RS* No. 101/05).

The rest period for the train crew between two consecutive shifts in the domicile unit is double number of working hours during the shift, and at least 12 consecutive hours.

Rest period in the working unit is at least 6 consecutive hours.

If the work of train staff from the departure time in domicile unit until the return time in domicile unit can be performed for a period of one shift, then the train staff rest period in working unit is not compulsory.

The rest period for the station staff between two consecutive shifts is double number of working hours during the shift, and at least 12 consecutive hours .

Article 244. of the Law on Road Traffic Safety regulates minimal rest periods for drivers when driving vehicles or group of vehicles over 3,5 or buses. Daily rest period may not be less than 11

hours, and a weekly rest shall last for at least 45 hours. In the case of shortening weekly rest (minimum 24 hours) it is required to compensate shortening in the next three weeks.

Rulebook on Organization of Working Time of the Crew Members of the Civil Aviation (*Official Gazette of RS*, No. 101/08 of 04. November 2008. year, 16/09 of 06. March 2009. year, 93/09 of 10. November 2009. year and 14/10 of 17. March 2010. year) Article 4. paragraph 1. point 13. defines rest period as the period when the crew member is released from all duties and attendances.

Article 18. of the Rulebook stipulates that the minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours, whichever is greater.

The minimum rest period which must be provided before undertaking of flight duty period starting away from home base shall be at least as long as the preceding duty period or 10 hours whichever is the greater.. When on minimum rest away from home base, the operator must allow for an eight-hour sleep opportunity taking due account of travelling and other physiological needs.

When a rest is taken away from the base, the operator must provide suitable accommodation, and the rest period shall be extended for a time zone difference between the home base and the other base where the rest is planned.

Exceptionally, at the written request of the operator, Civil Aviation Directorate of Serbia may approve shortening of the rest period. Approval is issued if the operator provides evidence that, taking into account all the circumstances, the shortening will not jeopardize the necessary level of security.

An operator shall provide the minimum weekly rest period of 36 hours including two local nights, such that there shall never be more than 169 hours between the end of one weekly rest period and the start of another. Civil Aviation Directorate of the Republic of Serbia may, on request of the operator, decide that the second of those local nights may start from 20:00 hours if the weekly rest period has a duration of at least 40 hours.

45. What are the different ways of organising working time (e.g. annualisation; flexitime; overtime, etc.)?

Employment may be full time, part time or with reduced working hours (for jobs that are particularly hard, strenuous, and harmful to health where there is an increased harmful effect on the health of an employee notwithstanding the application of appropriate safety and measures for protection of life and health at work and personal protective means and equipment). In case of force majeure, unexpected increase of workload and in other instances when it is necessary to finish unplanned work by a set deadline, employee shall work overtime, but no longer than four hours per day, i.e. eight hours per week.

Employer may re-schedule working hours when the nature of business, organization of work, better use of occupational means, more effective use of working hours and performance of certain jobs by set deadline require so. Re-scheduling of working hours shall be accomplished so that the total working hours of an employee for a six-month period in a calendar year on the average do not exceed the full time working hours. In case of rescheduling of working hours, working hours shall not exceed 60 hours per week.

46. What is the system of paid leave?

In each calendar year employee is entitled to an annual leave the duration of which shall be laid down in the general document and employment contract, but no less than 20 days; starting from the 20 day statutory minimum, the duration is increased by parameters of work performance, work conditions, work experience, educational level and other criteria laid down in the general document and employment contract.

The Labour Law laid down the cases when employee is entitled to paid leave of absence, whilst the general act (collective agreement or work regulations) may lay down other cases of paid leave of absence. According to the Labour Law, employee shall be entitled to absence from work with compensation of salary (paid leave) in the total duration of seven business days in the course of one calendar year in case of marriage, wife giving birth to a child, serious illness of a member of immediate family and other instances laid down in the general act and employment contract. In addition, the Law provided for the right of employees to paid leave of additional five working days in case of death of a member of immediate family and two working days for any instance of voluntary blood donation, including the donation day itself.

Holidays that are non-working days are defined by the Law on Official and Other Holidays in the Republic of Serbia (Official Gazette of RS" No. (43/01 and 101/07) and these are: Serbian State Day, New Year, Labour Day, religious holidays (first day of Christmas, Easter holiday starting with Good Friday and ending with Easter Monday, for Orthodox Christians – first day of family patron saint's day; for Catholics and members of other Christian religions – first day of Christmas and Easter holiday starting with Good Friday and ending with Easter Monday following their calendar; for members of the Islamic community first day of Ramadan Bayram and first day of Kurban Bayram; for members of the Jewish community-first day of Yom Kippur).

In addition, Article 116 of the Labour Law stipulates that employee is entitled to the compensation of salary in the amount of 60% of the average salary in the three preceding months, where it cannot be lower than the minimum salary set pursuant to this Law, during discontinuation of work that occurred without any fault on his/her part, for no longer than 45 days in a calendar year. Exceptionally, in case of discontinuation of work, i.e. reduction of work that requires longer absence, with the prior consent of the minister, employer may send the employee to a leave longer than 45 working days, with the salary compensation specified above. Prior to granting consent, the minister shall require opinion of the representative branch or field trade union established on the Republic level.

47. What protection is there for night workers?

According to the Labour Law work performed in the period from 10p.m. until 6.00 a.m. of the following morning shall be considered night work. In case an employee working nights no less than three hours per day or one third of his/her full time hours during one week, the employer shall provide conditions for such employee to work during the daytime if the competent health authority advises that such night work may result in deterioration of his/her health. Before

introducing night work, the employer shall seek opinion of trade union on the security measures and protection of life and health of employees that will be working nights.

If work is organized in shifts, an employer shall provide change of shifts, so that no employee works the nightshift continuously for more than one workweek. An employee may work longer than a single week nightshift, but only with his/her prior written consent.

Employee below the age of 18 shall not work at night, except

- in cases of work in the area of culture, sports, art and advertising;
- when it is necessary to continue work discontinued due to the action of *force majeure*, under the condition that such work lasts for a definite period of time, that has to be urgently finished and that the employer has no other older employees available.

In cases referred above, employer may introduce night work for persons younger than 18 only if he/she has provided supervision of their work by an adult employee.

An employed woman shall not work overtime and during the night during the first 32 weeks of her pregnancy should such work be harmful for her health and health of her child, based on the finding of competent medical authority. This is not an absolute ban. It comes into force if the competent health authority establishes that such work is harmful for her health or health of her child. An absolute ban for overtime and night work for an employed woman applies during the last eight weeks of her pregnancy.

One of parents with a child of up to three years of age or a single parent may work overtime or at night only with his/her own written consent.

According to Article 108 (1) point 2 of the Labour Law, employee shall also be entitled to increased salary in the amount set in the general act and employment contract for work during the night and in shifts, if such work has not been incorporated into the value of the basic salary: at least 26% of the basic salary.

48. Do social partners have a role to play in implementing the various forms of organizing working time?

The Labour Law laid down working hours for full time employment, minimum daily recess, recess between two consecutive workdays and weekly recess, whilst for protected employees (employees younger than 18, pregnant women, parents of children younger than 3 and single parents with children younger than 7) it laid down limitations in terms of night work, overtime work and re-scheduled working hours. The role of social partners in relations to the issues mentioned above was of great importance in the process of passing this law.

Pursuant to Article 62 (3) of the Labour Law, before introducing night work, the employer shall seek for opinion of trade union on the security measures and protection of life and health of employees that will be working nights.

Issues of various forms of organizing working time may also be covered by collective agreement where representative trade union and employers' association present contracting parties.

49. Does the system provide protection of workers with part-time or fixed-term contracts and workers supplied by temporary-work agencies?

Employment is commenced for a fixed period (fixed-term employment) in case of: seasonal jobs, project-based work, increased workload that will last for a definite term, etc. during the time of such needs, where such fixed term employment shall not be prolonged beyond 12 months with or without interruptions. The interruption referred above shall not cover discontinuation of work for a period less than 30 days.

Fixed-term employment for replacing a temporarily absent employee may exist until the temporarily absent employee returns to work.

Fixed-term employment becomes open-ended employment if the employee continues working 5 days after expiry of the term of fixed employment.

If the employment contract does not specify the term of employment it shall be considered that the employee is in open ended employment.

Employment may be effectuated for a part-time work, for indefinite or definite periods. An employee hired for part time work shall enjoy all employment related rights in proportion to the time spent at work, unless the law, general act and employment contract stipulate otherwise.

The Labour Law does not provide for temporary work through temporary –work agencies. Pursuant to the Labour Law, employee may be temporarily referred to work with another employer to an adequate job if the need for his/her work has been temporarily discontinued, business premises have been leased or contract on business collaboration concluded, for as long as the reasons for such referral are in place and for no longer than one year.

In cases specified above and other cases laid down by general act or employment contract, employee may be temporarily referred to work with another employer beyond the one year term, as long as the reasons for his/her referral are in place.

Employment of the employee who has been referred to work with another employment is at standstill with the employer referring him, whilst he enters into a fixed term employment with the employer to whom he has been referred. Such employment contract shall not stipulate lesser rights than those he/she has been granted with the employer referring him. Upon expiry of the term to which he/she has been referred to work with another employer, the employee is entitled to returning to work with the referring employer.

50. Are temporary agency workers entitled to the same working and employment conditions, including pay, as permanent workers of the user undertaking to which they are assigned?

The Labour Law does not provide employment and work opportunities through temporary agencies in terms of assigning employees from these agencies to another employers- service users. Pursuant to the Labour Law, an employer may temporary assign an employee to work with another employer in certain cases for a limited period, whereby an employee enters into employment relations with the employer to whom he/she is assigned for work and upon the expiry of the definite term, the employee is entitled to returning to work with the assigning employer (174. the Labour Law).

51. What protection is there in the event of major change in working conditions?

The Labour Law does not provide for special protection of employee from termination of employment in the event of major change in working conditions, however it requires employer to provide conditions for education, vocational training and advancement for his/her employees when the work process requires so, or when new work methods and organization are to be introduced. Any employee shall train, educate and advance himself/herself for work. The cost of education, vocational training and advancement shall be provided from the funds of the employer and other sources, pursuant to the law and general act.

Pay

52. Is there a guaranteed minimum level of pay? Is this a statutory minimum or is it subject to collective agreement? How is pay determined? What are the relevant criteria?

Employee shall be entitled to the minimum wage for standard performance and full working hours, i.e. time equalled with full time. The minimum wage shall be set by a decision of the Social-Economic Council. Should the Social-Economic Council fail to pass a decision 10 days after the outset of the bargaining process, the decision on the minimum wage shall be made by the Government. The minimum wage shall be set by the working hour, for a period of no less than six months, and cannot be lower than the previously set minimum wage.

The Government passed a decision on the minimum wage for the period July-October 2010 in the amount of 90RSD per working hour, and 95RSD per working hour (without taxes and contribution payments) for November and December 2010.

The following criteria shall particularly be taken into account when the amount of the minimum wage is set: cost of living, trends of average salary in the Republic of Serbia, basic and social needs of employees and their families, unemployment rate, employment trends at the labour market and general level of economic development of the Republic of Serbia.

Should the employer and employee agree on the minimum wage, the employee is entitled to part of salary based on work performance and to increased salary.

53. In what way is the payment of wages and salaries guaranteed?

Article 104 (1) of the Labour Law stipulates that employee shall be entitled to appropriate salary that is set pursuant to the law, general act and employment contract.

Article 110 (1) of the Labour Law stipulates that the salary shall be paid within terms set in the general document and employment contract, at least once a month, and not later than by the end of the current month for the previous month.

The Penal Provisions of the Labour Law provide for 800,000 to 1,000,000RSD fine for employer if he/she fails to pay the salary or minimum wage and if by the day of termination of employment he/she fails to pay the employee all outstanding salaries, compensation of salary and other emoluments. It is also stipulated that employer shall be fined by 600,000 to 1,000,000RSD if he/she fails to pay the employee all outstanding salaries, compensation of salary and other emoluments, if he/she fails to issue salary calculation statement and if he/she fails to keep monthly records of salary and compensation of salary.

54. Do workers enjoy a general privilege over the employers' goods and assets for payment of wages and salaries?

Pursuant to the Bankruptcy Law (*Official Gazette of RS*, No. 104/2009) in case of bankruptcy of an enterprise, employees and former employees, after the priority pay of costs of the bankruptcy proceeding, are entitled to the settlement of their claims based on unpaid wages.

Bankruptcy creditors, depending on their claims, are classified into ranks. The creditors of lower rank can only be satisfied after the creditors of higher rank.

The creditors of the same rank are satisfied in proportion to the amount of their claim

The rank of bankruptcy claims is as follows:

1) **the first rank of claims comprises unpaid net salaries of employees and former employees, in the amount of minimum wage for the year before starting** the bankruptcy proceedings with interest from the due date until the date of the bankruptcy proceedings and unpaid contributions for pension and disability insurance for two years before starting the bankruptcy proceedings, and whose calculation base is the lowest monthly contribution base, according to the provisions on compulsory social insurance on the day of starting bankruptcy proceedings, as well as claims arising from contracts concluded with companies which are subject to outstanding liabilities of contributions for pension and disability insurance for last two years before the bankruptcy proceedings, and whose calculation base is the lowest monthly contribution base, according to the provisions on compulsory social insurance on the day of starting the bankruptcy proceedings;

2) the second rank of claims comprises all public income claims which became due in the last three months before starting the bankruptcy proceedings, except contributions for pension and disability insurance of employees;

3) the third rank of claims comprises the claims of other bankruptcy creditors.

The claims of creditors who agreed, before the bankruptcy proceeding, to be satisfied after the full satisfaction of claims of one or more bankruptcy creditors, will be satisfied with interest only after the fourth rank of claims.

55. Are there additional guarantees where the employer is insolvent? More particularly, does the system provide for the creation of special guarantee institutions to protect the claims of workers owed money because of the employers' insolvency? How do such institutions work and how are they managed?

The Labour Law contains provisions that ensure the rights of employees to payment of certain claims in case of employer's bankruptcy.

Pursuant to Article 124 of the Labour Law ("Official Gazette of RS" No. 24/05, 61/05 и 54/09) right to payment of outstanding claims by employer that has been proclaimed bankrupt shall be granted to an employee who was employed on the day the bankruptcy was proclaimed and person employed in the period for which the rights stipulated under this Law are claimed.

These rights are exercised in accordance with the Labour Law, unless they have not been settled pursuant to the law governing bankruptcy procedure. If the outstanding claims have been partially settled in accordance with the law governing bankruptcy procedure, the employee is entitled to the difference up to the level of the amount set in this law.

Pursuant to Article 125 of the Labour Law employee is entitled to payment of:

1. salary and compensation of salary during temporary unfitness for work pursuant to health insurance regulations that was payable by the employer pursuant to this Law, in the last nine months before the bankruptcy procedure was raised;
2. compensation of damages for unused annual holiday by the fault of the employer, for the calendar year in which the bankruptcy procedure was raised, should he/she have been entitled to that right before initiation of the bankruptcy procedure;
3. retiring allowance for retirement in the calendar year in which the bankruptcy procedure was raised should he/she have met the requirements for retirement before initiation of the bankruptcy procedure;
4. compensation of damages pursuant to court ruling passed in the calendar year in which the bankruptcy procedure was raised, for injury at work or occupational disease, should this ruling have become valid before initiation of the bankruptcy procedure;

Employee shall also be entitled to payment of contributions for mandatory social insurance for payment of salary and compensation of salary from the Solidarity Fund pursuant to regulations on mandatory social insurance. The procedure for exercising the right to settlement of outstanding claims shall be instituted upon employee's request. The request shall be filed to the Fund 15 days after receipt of the valid decision substantiating the right to such claim, pursuant to the law governing the bankruptcy procedure.

The Fund bodies are: Managing Board, Supervisory Board, and Director. The Managing Board of the Fund shall be composed of the following six members: two representatives of the Government, two representatives of representative trade unions and two representatives of representative associations of employers, set up for the territory of the Republic of Serbia. Each member of the Fund Managing Board shall have a substitute in case of absence.

Members of the Managing Board and their substitutes shall be appointed by the Government for a four-year term, as follows.

- 1) representatives of the Government at the proposal of the minister;
- 2) representatives of trade unions and associations of employers at the proposal of representative trade unions and two representatives of representative associations of employers, members of Social-Economic Council.

The Management Board shall elect President and Deputy President from amongst its members.

The Supervisory Board consists of three members including: one representative of the Government, one representative of representative trade unions and one representative of representative associations of employers set up for the territory of the Republic of Serbia.

Each member of the Fund Supervisory Board shall have a substitute who replaces him in case of absence.

Members of the Fund Steering Board and their substitutes shall be appointed by the Government for a four-year term, as follows.

- 1) representative of the Government at the proposal of the minister;
- 2) Representatives of trade unions and associations of employers at the proposal of representative trade unions and two representatives of representative associations of employers, members of Social-Economic Council.

The Supervisory Board shall elect President and Deputy President from amongst its members.

56. Are there schemes for worker participation in profits, shareholding, etc.?

The Labour Law provides the possibility of worker participation in profits. Namely, Article 14. of the law provides that an employment contract or decision of employer may stipulate a share of an employee in the profit generated in a business year, pursuant to the law and general act. Detailed requirements for exercising of this right are determined by the above mentioned acts.

Posting of workers

57. Are there any rules concerning workers posted in your country by their undertaking established in an EU Member State?

There are no special rules concerning workers posted in our country by their undertaking from a Member State, however the Law on Conditions for Employing Foreign Citizens ("OJ SFRY" No. 11/78 and 64/89, "OJ FRY" No. 42/92 and 24/94 and 28/96 and "OG RS" No. 101/05) regulates the terms for employing foreign citizens and persons without citizenship. A foreign citizen may get employed if he/she has been approved permanent residence or temporary stay in the Republic of Serbia and if he/she has been given approval for employment. Foreign citizen may be employed by an organisation, i.e. employer without prior employment approval and public announcement if he/she has an approval for temporary stay of permanent residence in the Republic of Serbia and if the employment is started for performance of technical work defined by the contract on business and technical cooperation, long term production cooperation, transfer of technology and on foreign investments.

Information and consultation of workers' representatives

58. How are workers represented at plant, undertaking and group levels?

Pursuant to the Labour Law employees may organize in trade unions. Freedom to organize in trade union and pursue trade unions activity shall be granted to employees, with pertinent entry into the register.

If no trade union has been set up with an employer, and the Law stipulates the obligation of employers to seek the opinion of trade unions on certain issues, then the employer is obliged to seek the opinion of the representatives designed by the employees.

In addition, the law provides that, in case the employer has not established the trade union, wages, salaries and other benefits may be regulated by agreement signed by the director, entrepreneur and representative of the employees who received the authorization of at least 50% of the total number of employees. .

Representatives are entitled to participate in management and supervisory boards of public companies, on which the more detailed answer is provided under the question 61.

59. Are there any rules concerning information and consultation of workers at undertaking or establishment level?

Employees shall be entitled, directly or via their representatives, to association, participation in bargaining process for collective agreement, amicable resolution of collective and individual labour disputes, consultation, information and expression of their position on important issues in the field of labour.

A trade union is entitled to be informed by the employer on economic and occupational-social issues relevant for the position of employees, or trade union members.

60. Are there any rules concerning information and consultation of workers at transnational level?

There are no special rules concerning information and consultation of workers at transnational level.

61. Are there any rules on board level participation of employee representatives?

Employees representatives are entitled to be members of management and supervisory board of public companies. Article 12. and 15. of the Law on Public Enterprise and Services of General Interest (*Official Gazette of RS*, No. 25/00, 25/02, 107/05, 108/05 and 123/07) prescribes that the representatives of employees in management and supervisory boards are proposed in a way stipulated by law.

D. Industrial Disputes

62. Is there a special court to deal with disputes under collective agreements?

In accordance with the Law on Organisation of Courts (*Official Gazette of RS* No. 116/2008, 104/2009 and 101/10) a higher court shall adjudicate collective agreements in the first instance if the lawsuit is not resolved through arbitration. Appellate court shall decide on appeals against decisions of higher courts, and the Supreme Court of Cassation shall decide on adjudicated review that is allowed for collective agreements.

The Civil Procedure Code (*Official Gazette of RS* No. 125/2004 and 111/2009) lays down proceedings in civil actions regarding collective agreements, and stipulates that unless this Chapter of the Code contains special provisions on civil actions regarding collective agreements, other provisions of this Code shall apply.

In civil actions related to collective agreements, the signatories to collective agreement shall be entitled to protection of rights determined by a collective agreement in case of dispute on signing or amending a collective agreement, if such dispute is not settled amicably or through arbitration which has been agreed upon between the signatories to a collective agreement, pursuant to provisions of a special law. Pursuant to the rules on civil actions related to collective agreements, the court shall also adjudicate disputes on the representative quality of a trade union or a union of employers within the meaning of the provisions of a special law. In civil actions related to collective agreements, one of the parties is the representative trade union.

The court shall always pay special attention to the need for urgent solving of disputes when setting deadlines and scheduling hearings in this type of proceedings. In a judgement, ordering the performance of some obligation, the court shall set deadline for the exercise thereof. The deadline for filing the appeal is eight days.

Review is allowed in civil actions related to collective agreements. Parties may file a request for review of a final second-instance judgement within 30 days of the delivery of transcript of the judgement. The Supreme Court of Cassation shall rule on a motion for review. A motion for review does not grant stay of execution of the final judgement against which it was filed.

63. Is there a right to strike?

Employees have the right to strike.

64. How is the right to strike regulated?

The right to strike is guaranteed by the Constitution of the Republic of Serbia. The Constitution provides for the right to strike for employees in accordance with the law and collective agreement and stipulates that the right to strike may be limited only by the law in accordance with the nature and type of activity.

The Strike Law defines strike as work stoppage organised by employees in order to protect their professional and economic interests generated from work. Employees freely decide whether they will participate in strike. Strike may be organised at company level, or in an industry or activity, or as a general strike. Strike committee has to announce the strike by forwarding the decision on starting a strike. From the day on notification on strike and during the strike, strike committee and representatives of the authority notified on the strike have to try to find amicable solution for the given dispute.

In business activities of public interest or activities where, due to the nature of work, work stoppage might endanger life and health of people or cause large scale damage, employees may go on strike if the minimum services has been ensured as it ensures security of people and assets

or presents indispensable condition for life and work of citizens or operation of another company, i.e. natural or legal person conducting business or some other activity or service.

65. What restrictions are there on the right to strike in the private and public sectors?

In business activities of public interest or activities where, due to the nature of work, work stoppage might endanger life and health of people or cause large scale damage, employees may go on strike if the minimum services has been ensured as it ensures security of people and assets or presents indispensable condition for life and work of citizens or operation of another company, i.e. natural or legal person conducting business or some other activity or service.

Within the meaning of this law, activity of public interest presents an activity performed by employer in the area of: power supply, water supply, traffic, information (radio and television), postal services, utility services, production of basic food products, medical and veterinarian protection, education, social child care and social protection

Within the meaning of this law, activities of public interest also include activities of special importance for defence and safety of the country and jobs necessary for meeting international obligations.

Within the meaning of this law, activities in which work stoppage might jeopardize life and health of people or cause large scale damage are as follows: chemical industry, steel industry, and ferrous and non-ferrous metallurgies.

66. Are lockouts allowed?

The law does not provide for right on lockout.

67. How are lockouts regulated?

There are no provisions on lockout.

68. Are there special methods for dealing with industrial disputes, e.g. conciliation, mediation and arbitration?

The Labour Law and The Law on Amicable Resolution of Labour Disputes(*Official Gazette of RS*, No. 125/04, 104/09) provides the possibility of resolving individual and collective industrial disputes through conciliation and arbitration.

In addition, the Law on Mediation (*Official Gazette of RS* No. 18/05) provides that, in accordance with this law, disputes may be resolved, among which industrial disputes, in which parties may freely dispose, if the law does not prescribe the exclusive jurisdiction of the court or other authority. The provisions of this law shall not apply to disputes regarding termination of employment contract and payment of minimum wage.

In terms of individual industrial disputes, Article 194. of the Labour Law stipulates that general document and employment contract may provide for consensual resolution of disputed issues between the employer and employee. Disputed issues shall be resolved by an arbiter. The arbiter shall be consensually agreed by the parties in dispute from ranks of experts in the field that is subject to dispute. The proceeding before the arbiter shall be initiated three days after the decision has been served to the employee at the latest. The arbiter shall pass a decision 10 days after amicable resolution of disputes issues has been filed for, at the latest. During the arbitration proceedings for termination of the employment contract, the employment relations shall be deemed dormant. Should the arbiter fail to pass the decision referred to in paragraph 5. of this Article, the decision on termination of employment shall be valid. The arbiter's decision shall be final and binding for the employer and employee.

In terms of collective industrial disputes, the Labour Law provides for consensual resolution of disputes in conclusion of collective agreement and disputes in the implementation of collective agreement. Namely, pursuant to Article 254. and 255. of the Labour Law, if, during the negotiation process consensus for collective agreement has not been reached after 45 days from the day of the outset of the negotiation process, the parties may set up an arbitrage to resolve the disputed issues.

For activities in the general interest, disputes in the negotiating process, amendments and implementation of collective agreements shall be resolved pursuant to the law.

Composition, rules of procedure and effects of the arbitrage decision shall be agreed upon by parties to the collective agreement. The final decision shall be reached 15 days after the arbitrage has been set up at the latest..

Article 265. of the law provides that disputed issues in implementation of a collective agreement may be resolved by arbitrage set up by parties to the collective agreement 15 days after the dispute has arisen at the latest. Decision of arbitrage on the disputed issue shall be binding to the parties. Composition of arbitrage and rules of procedure shall be covered by collective agreement. Parties to collective agreement may claim their rights granted by the collective agreement before the competent court.

In terms of the Labour Law, the procedure of consensual resolution of disputes is provided by the Law on Amicable Resolution of Labour Disputes. Article 1. paragraph 2. of this law stipulates the procedure for amicable resolution of labour disputes shall be initiated and conducted in accordance with provisions of this law, unless the ruling in the same dispute has been made in accordance with labour regulations.

In accordance with this law, the procedures for amicable resolution of labour disputes shall be carried out in the presence of impartial and professional persons, i.e. by the Conciliation Board (for collective labour disputes) and the arbiter (for individual labour disputes).

For the purpose of implementing this law, the National Agency for Amicable Resolution of Labour Disputes have been established to perform the duties relating to selection of conciliators and arbiters, their advanced training , keeping the Directory of conciliators and arbiters and other duties relating to amicable resolution of individual an collective labour disputes.

Collective labour disputes, as defined in this law, shall be a dispute in relation to: conclusion, amendments or implementation of collective agreements; implementation of general act which

regulates the rights, obligations and responsibilities of employees, employer and trade unions; exercising the right of association into trade unions; strike; exercising the right to information, consultation and participation of employees in management, in accordance with the law. In the case of collective labour disputes, the Conciliation Board is formed of the representatives of the parties and the conciliator selected by the parties in dispute from the Directory kept by the National Agency for Amicable Resolution of Labour Disputes. Board makes a recommendation on how to resolve the dispute, which is not bound to the parties in dispute.

Individual labour disputes, as defined in this law, shall be a dispute on discrimination and abuse at work, termination of employment contact and payment of the minimum wages, the individual rights stipulated in the collective agreement, other general act or employment contact-compensation for meals during work, compensation for arrival and departure from work, the jubilee payment, the payment allowance for the use of annual leave. The proceeding shall be conducted before an arbiter. The arbiter shall pass a resolution within 30 days of opening the discussion. This resolution is valid and enforceable.

II. HEALTH AND SAFETY AT WORK

A. General

69. Could you please present an overview of the legal framework regarding Health and Safety at Work in Serbia? Please give also a general overview on the national policies and strategies in the field of health and safety at work, and its implementation. Also please provide a list of related strategic and policy documents indicating the principal goals and the time period covered?

If possible, present the information on the legal framework in a table. In this respect it is suggested to draw up a three column table consisting of: 1) EU Directives in the area of health and safety at work (see list attached), 2) corresponding national legislative acts and 3) comments regarding the level of transposition (i.e. the main provisions transposed, partially transposed, not transposed and any future plans regarding transposition) and, if necessary for certain acts, a short summary of the contents.

Regarding national acts please indicate in the table their full title, as well as number and reference as to their publication (later in the text, the number and abbreviated title of particular acts may be used).The aforementioned table should be accompanied by a short summary explaining how the legislation is organised - which is the act of primary legislation governing health and safety at workplaces and which are the acts of secondary legislation.

The Law on Health and Safety at Work ("Official Gazette of RS" No. 101/05) (hereinafter: Law).

Regulation on health and safety at work on temporary or mobile construction sites ("Official Gazette of RS" No. 14/09),

Regulation on preventive measure for safe and healthy work in mineral exploitation through drilling (“Official Gazette of RS” No. 61/10),

Regulation on preventive measure for safe and healthy work in surface and underground mineral exploitation (“Official Gazette of RS” No. 65/10),

The following by-laws have been passed based on the Law:

1. Rulebook on curriculum, method and costs for taking certification exam for jobs in the area of health and safety at work and jobs of a responsible person (“Official Gazette of RS” No. (29/06 and 62/07),

2. Rulebook on terms and costs for issuing licences for jobs in the area of health and safety at work (“Official Gazette of RS” No. (29/06, 72/06 and 62/07),

3. Rulebook on method and procedure of risk assessment at workplace and in working environment (Official Gazette of RS” No. (72/06, 84/06 and 30/10),

4. Rulebook on procedure of establishing whether prescribed conditions in the area of health and safety at work have been met (“Official Gazette of RS” No. 60/06),

5. Rulebook on costs of establishing whether prescribed conditions in the area of health and safety at work have been met (“Official Gazette of RS” No. 60/06),

6. Rulebook on records in the area of health and safety at work (“Official Gazette of RS” No. 62/07),

7. Rulebook on content and method of releasing report on injuries at work, occupational disease and work-related disease (“Official Gazette of RS” No. 72/06 и 84/06),

8. Rulebook on procedure of inspecting and examining work equipment and examining conditions of working environment (“Official Gazette of RS” 94/06 и 108/06),

9. Rulebook on previous and periodical medical examinations of employees at higher risk jobs (“Official Gazette of RS” No. 120/07 и 93/08),

10. Rulebook on preventive measures for safe and healthy work with use of personal protective means and equipment (“Official Gazette of RS” No. 92/08),

11. Rulebook on preventive measures for safe and healthy work at workplace (“Official Gazette of RS” No. 21/09),

12. Rulebook on preventive measures for safe and healthy work with use of work equipment (“Official Gazette of RS” No. 23/09),

13. Rulebook on preventive measures for safe and healthy work during exposure to chemical substances (“Official Gazette of RS” No. 106/09),

14. Rulebook on preventive measures for safe and healthy work during exposure to asbestos (“Official Gazette of RS” No. (106/06, 6/10 and 15/10),

15. Rulebook on preventive measures for safe and healthy work in manual handling of loads (“Official Gazette of RS” No. 106/09),

16. Rulebook on preventive measures for safe and healthy work in use of display screen equipment (“Official Gazette of RS” No. 106/09),

Rulebooks applied as rules are:

1. Rulebook on special protection measures for work on processing non-metal minerals (“Official Gazette of SRS” No. 2/83),

2. Rulebook on special protection measures for work in railway transport (“Official Gazette of SRS” No. 19/85),

3. Rulebook on special protection measures for work in production and processing of nonferrous metals ("Official Gazette of SRS" No. 19/85),
4. Rulebook on special protection measures for work in ferrous metallurgy ("Official Gazette of SRS" No. 25/87),
5. Rulebook on special protection measures for work in forestry ("Official Gazette of SRS" No. 33/88),
6. Rulebook on special protection measures for work in mechanical processing of wood and similar materials ("Official Gazette of SRS" No. 51/88),
7. Rulebook on general protection measures at work with hazardous effect of electrical power in work facilities, work premises and work areas ("Official Gazette of SRS" No. 21/89),
8. Rulebook on protection at work during construction work ("Official Gazette of SRS" No. 53/97),
9. General rulebook on hygienic and technical protection measures at work ("Official Journal of FPRY" No. 16/47, 18/47 and 36/50), apart from Articles 26 - 32, Articles 50 - 75, Articles 78 - 86, Articles 88 - 99, Articles 104 – 151 and Articles 184 – 186,
10. Rulebook on hygienic and technical protection measures at work in graphic companies ("Official Gazette of FPRY" No. 56/47),
11. Rulebook on hygienic and technical protection measures at work in quarries and brickyards ("Official Journal of FPRY" No. 69/48), except for Articles 58-61. 58. – 61,
12. Rulebook on hygienic and technical protection measures at work in graphic companies ("Official Journal of FPRY" No. 55/50) appendix No.9
13. Rulebook on hygienic and technical protection measures for diving work ("Official Journal of FPRY" No. 36/58),
14. Rulebook on hygienic and technical protection measures for port transportation work ("Official Journal of FPRY" No. 14/64),
15. Rulebook on protection at work at thermal processing of alloys of light metals in nitrate salt baths ("Official Journal of SFRY" No. 48/65),
16. Rulebook on protection at work on maintaining motor vehicles and transportation in motor vehicles ("Official Journal of SFRY" No. 55/65),
17. Guidelines on method of monitoring observation of regulations on protection at work in interior affairs authorities and establishments of interior affairs authorities ("Official Journal of SFRY" No. 55/65),
18. Rulebook on protection at work on loading and unloading freight motor vehicles ("Official Journal of SFRY" No. 17/66),
19. Rulebook on protection at work and on technical measures for acetylene developers and acetylene stations ("Official Journal of SFRY" No. 6/67, 29/67, 27/69, 52/90 and 6/92),
20. Rulebook on technical regulation for handling explosives and mining in mining industry ("Official Journal of FPRY" No. 26/88 and 63/88),
21. Order on prohibition of use of motor gasoline for degreasing, washing or cleaning metal parts of objects made of other materials ("Official Journal of SFRY" No.23/67),
22. Rulebook on protection at work in agriculture ("Official Journal of SFRY" No. 34/68),
23. Rulebook on providing accommodation and meals to workers, i.e. on providing them with transportation from their place of living to the place of work and back ("Official Journal of SFRY" No. 41/68),
24. Rulebook on protection at work on production of explosives and gunpowder and manipulating explosives and gunpowder ("Official Journal of SFRY" No. 55/69),

25. Rulebook on special protection measures and regulation for work on processing leather, fur, and leather waste ("Official Journal of SFRY" No. 47/70),

26. Rulebook on first aid kits and first aid procedure and organisation of rescue service in case of an accident at work ("Official Journal of SFRY" No. 21/71),

27. Rulebook on protection measures and regulation at work with work tools ("Official Journal of SFRY" No. 18/91),

28. Rulebook on measures and regulation of work protection from noise in working premises ("Official Journal of SFRY" No. 21/92),

National Policy on Safety and Health at Work in the Republic of Serbia was passed on the session of the Council for Health and Safety at Work held on 20 April 2006. The grounds for developing the National Policy are provided by Articles 4 to 7 of ILO Convention No. 155 concerning the occupational safety and health and the working environment (year 1981) and provisions of Article 3 of the European Social Charter from 1996.

The Government of the Republic of Serbia passed the Strategy on Health and Safety at Work in the Republic of Serbia for the period from 2009 to 2012 ("Official Gazette of RS" No. 32/09). The general goal of the Strategy is to improve and preserve the health of economically active population, i.e. to improve working conditions to prevent and minimize work related injuries and occupational diseases and work-related diseases, i.e. to eliminate occupational risks. The Government of the Republic of Serbia passed the Action Plan for Implementation of the Strategy on Health and Safety at Work in the Republic of Serbia for the period from 2009 to 2012 ("Official Gazette of RS" No. 3/10).

B. By Directives

70. Framework Directive (89/391/EEC)

a) Does your country have similar legislation in the field covered by the Framework Directive? If there is a national framework law on health and safety at work, could you please list the sectors and activities which are excluded from the scope of this law, and indicate which is the legislation applicable to excluded sectors and activities?

The Law on Health and Safety at Work is partially harmonised with the Directive 89/391/EEC.

b) If several legislative acts exist in this area, could you describe how they are coordinated and how they supplement each other?

17 by-laws have been passed based on the law and they are listed in chapter A point 69 subpoint 47. In addition, 28 rules based on the law and listed in point 69 are being applied.

Provisions of article 73 of the Law on Mining ("Official gazette of RS" No. 6p.44/95, 85/05, 101/05, 34/06) laid down that if measures of health and safety at work have not been laid down by this law, provisions of special regulations regulating these protection measures shall apply, which directly refers to measures of health and safety at work defined by the Law on Health and Safety at Work

Provision of Article 8 point 8 of the Law on Ionising Radiation Protection and Nuclear Safety (“Official Gazette of RS” No. 36/09) laid down the measures of ionising radiation protection related to defining working conditions and implementation of proscribed protection measures from harmful effect of ionising radiation.

Provision of Article 28 of the Law on Fire Protection (“Official Gazette of RS” No. 111/09) requires employer to prepare an evacuation and fire protection plan.

c) Is your legislation applicable to both the public and private sectors?

The law is applied to both public and private sectors, i.e. the Law does not exempt either of the sectors from application of health and safety at work measures, unless special regulation stipulates otherwise. Namely, provisions of Article 1 (1) and Article 2 of this law laid down that this law regulates application and improvement of health and safety at work for persons participating in the work processes and persons who found themselves in the working environment in order to prevent work related injuries, occupational diseases and work-related diseases.

Employers’ and employees’ rights, duties and responsibilities, jurisdiction and measures the implementation, i.e. application, of which ensures health and safety at work shall be exercised in accordance with this law and regulations passed pursuant to this law, unless a special law stipulates otherwise.

d) How has national law taken up the principle of the employer’s objective responsibility (Article 5)? Specifically, is it expressly stated that the workers’ obligations do not affect the employer’s responsibility? Are cases of force majeure provided for?

Provisions of Article 8 of the Law laid down that pursuant to this law and regulations based thereon employer’s duties at the same time present employees’ rights in relation to application of health and safety at work measures.

Provision of Article 9 (2) of the Law stipulates that employer shall not be relieved of duties and responsibilities related to application of health and safety at work measures by appointing other person or transferring his/her own duties and responsibilities to other person.

Provisions of Articles 35 and 36 (1) of the Law stipulate that employee shall: apply prescribed measures for healthy and safe work: use work tools and hazardous substances as intended: use prescribed personal protective equipment and means and handle them with care in order not to jeopardize his/her own health and safety and health and safety of others; prior to commencing work inspect his/her workplace including work equipment that he/she uses and personal protective equipment and supplies and inform the employer or other authorized person in case he/she detects any deficiency; prior to leaving his/her workplace, leave the workplace and work equipment in such a way so that they do not endanger other employees; in accordance with his/her knowledge, immediately inform the employer on irregularities, harms, dangers, or other things that could endanger his/her safety and health or safety and health of other employees at workplace.

The listed provisions of the Law indirectly laid down the obligation of workers to influence the responsibility of the employer, i.e. employer shall not be liable for responsibilities of the employee.

Provision of Article 9 (3) of the Law stipulates that in case of a work related injury caused by irregular or unforeseen circumstances that are out of control of the employer or by exceptional events the consequences of which, despite all the efforts, could not be avoided, the employer shall not be liable within the meaning of this law, by which the law provides for cases of force majeure, i.e. employer shall not be liable in case of force majeure.

e) Are the obligations of employers laid down in the Framework Directive provided for in the national law? As regards workers, does the national law address workers' responsibility for occupational health and safety issues and if so, which are their obligations?

The obligations of employers laid down in the Framework Directive are partially provided for in the Law (General obligations of employer: Articles 8 to 17; Special obligations of employer: Article 18 to 26 Training employees: Article 27 to 31; Organising jobs related to health and safety at work: Articles 32 to 39; Article 43; Representative of employees for health and safety at work: Article 37; Records, cooperation and reporting: Articles 49. 49 to 53; Monitoring: Articles 64 and 68).

Provisions of Articles 35 and 36 of the Law stipulate that employee shall: apply prescribed measures for safe and healthy work; use work tools and hazardous substances as intended: use prescribed personal protective equipment and means and handle them with care in order not to jeopardize his/her own health and safety and health and safety of others; prior to commencing work inspect his/her workplace including work equipment that he/she uses and personal protective equipment and means and inform the employer or other authorized person in case he/she detects any deficiency; prior to leaving his/her workplace, leave the workplace and work equipment in such a way so that they do not endanger other employees; in accordance with his/her knowledge, immediately inform the employer on irregularities, harmful effects, dangers, or other things that could endanger his/her safety and health or safety and health of other employees at workplace; cooperates with the employer and person in charge of health and safety at work in order to implement prescribed health and safety at work measures in his/her work.

The listed Articles 35 and 36 of the Law laid down obligations, i.e. responsibility of employees.

f) How does national law provide for taking into account the general principles of prevention that employers must apply when taking measures to protect the health and safety of workers (Article 6)?

1) General principles of prevention that employers must apply when taking measures to protect the health and safety of workers (Article 6 of the Directive) are laid down by provisions of Article 12 of the Law on Health and Safety at Work. The given provision laid down that employers shall ensure preventive measures on the basis of the following general principles:

- 2) avoiding risks;
- 3) evaluating the risks which cannot be avoided at workplace;
- 4) eliminating the risks at source by application of state-of-the-art technical solutions;

5) adapting the work and the workplace to employee, especially as regards the choice of work equipment and working methods, and the choice of technological procedure in order to avoid monotony in work and reduce their effect on employee's health.

6) replacing the hazardous technological procedures or working methods by those that are non-hazardous or less hazardous;

7) giving collective protective measures of health and safety at work priority over individual protective measures:

8) providing appropriate training to employees on safe and healthy work and giving instructions on safe work procedures.

g) Does national law provide for the assessment of risks to be set out in written form (Article 9)? Does national law provide for this document to be available to workers, their representatives and labour inspectors? How is this requirement included in national law and implemented in the undertaking?

Provision of Article 13 of the Law laid down the obligation of employee to issue a risk assessment act in writing for all workstations in the working environment and to define the way and measures for removing these risks, and to modify the risk assessment act should any new danger and change in risk level occur in the work process. It also laid down that the risk assessment act shall be based on establishing potential types of danger and harms at work place in working environment that are used to assess risk of injuries and damages of employee's health. It also laid down that the method and procedure of assessing risk at work place and working environment shall be prescribed by the minister responsible for labour.

Provision of Article 27 (2) laid down that during training for safe and healthy work, employer must inform the employee on all types of risk in jobs that he/she is assigning him/her to and on specific occupational health and safety measures in accordance with the risk assessment act.

Provision of Article 45 of the Law laid down the obligation of employer to enable the representative of employees, i.e. Board with the following:

- 1) access to all acts related to health and safety at work;
- 2) participation in considering all issues related to implementation of health and safety at work; and to inform the representative of employees, i.e. Board, on all data related to health and safety at work.

In accordance with the abovementioned provision, employer must provide the representative of employees, i.e. Occupational Health and Safety Board, with access to the risk assessment act and enable them to participate in reviewing issues related to risk assessment and inform them on all the risk assessment related data.

Provision of Article 63 point 1 of the Law laid down that the labour inspector while carrying out inspection, has the right and duty to take actions of controlling health and safety at work, particularly hygiene and working conditions, production, sales, use and maintenance of work equipment, personal protective means and equipment, hazardous substances, etc. and to inspect individual acts, records and other documents.

Provision of Article 64 of the Law laid down that employer must enable the labour inspector, in order to carry out inspection, to assign at least one employee who will provide him with necessary information, provide data, acts and documents, and enable access to occupational health and safety measures applied on work means and in working environment.

Pursuant to Article 13 (4) of the Law, the minister responsible for labour passed the Rulebook on method and procedure of risk assessment at workplace and in work environment (listed in Chapter A point 69 subpoint 4), and employers are obliged to pass a risk assessment act following the procedure laid down by this rulebook Pursuant to the abovementioned Rulebook, risk assessment includes: general information on the employer; description of the technological and working process, description of working means and their division into groups and description of personal protective means and equipment, screening organization of work; recognizing and detecting dangers and harms at workplace and in working environment; assessing risk in relation to dangers and harms; defining methods and measures for eliminating, reducing, or preventing risks; conclusion, amendments to the risk assessment act.

Pursuant to the rulebook, employer is required to pass a Risk Assessment Plan. The abovementioned document laid down that the Plan has to contain a part related to consultation and information of representatives of employees on risk assessment results and the measures taken.

During inspection, labour inspector compares the actual situation of occupational health and safety at the employer with prepared risk assessment act. If he/she establishes that the risk assessment act does not cover all dangers and harm, he/she has the right to order the employer to fully or partially amend the risk assessment act.

The risk assessment act is in possession of the employer who has to provide access to it to employees, i.e. their representatives.

h) Article 9 states that the employer must keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days and draw up reports on occupational accidents suffered by his workers.

i) Are these obligations included in national law?

Article 49 (1) point 3 of the Law laid down the obligation of employer to maintain and keep records of injuries at work, occupational diseases, and work-related diseases.

Pursuant to Article 49 (2) of the Law, the minister responsible for labour issues passed the Rulebook on records in the area of health and safety at work (listed in Chapter A point 69 subpoint 6). The Rulebook laid down that the employer, amongst other things, must maintain and keep records on injuries at work resulting in an employee being unfit to work for more than three consecutive working days, occupational diseases and work-related diseases. Employer maintains records in prescribed forms.

Provision of Article 51 (1) of the Law laid down that employer provides the report on injury at work, occupational disease and work-related disease to the injured, i.e. ill, employee and organisations in charge of health and pension insurance, i.e. Republic Health Insurance Fund of Employees and Republic Pension and Disability Insurance Fund.

Pursuant to Article 51 (2) of the Law, the minister responsible for labour issues passed the Rulebook on content and method of releasing report on injuries at work, occupational disease and work-related disease (listed in Chapter A point 69 subpoint 7) laying down the form of the report on injury at work, occupational disease and work-related diseases.

ii) With a view to the requirements put forward in EC Regulation 1338/2008 of 16 December 2008 on EU statistics on public health and safety at work, please answer the following questions:

(1) Have the following data been partially or completely gathered? Employer's economic activity; job, age and sex of the victim; type of injury and body part injured; geographic location, date and time of the accident.

(2) Have the following data been partially or completely gathered? Size of the undertaking; nationality of the victim; victim's employment situation; consequences of the accident – number of days lost, permanent incapacity or death resulting from the accident.

Based on provisions of the Law on Health Insurance ("Official Gazette of RS" No. 107/05 and 109/05-correction) first instance medical committee as a professional medical body of the Republic Health Insurance Fund, determines whether temporary unfitness for work resulted from an injury at work and existence and duration of this unfitness for work.

The Republic Health Insurance Fund establishes and maintains basic registry on insured persons and rights from mandatory health insurance. Pursuant to Article 119 of the given Law, and based on the Regulation on uniform methodological principles for maintaining basic registry ("Official Gazette of RS" No. 6/07) the following data on insured persons shall be entered into the basic registry: 1) name and family name; 2) unique citizen's identification number and tax identification number; 3) sex; 4) date, month and year of birth, 5) occupation; 6) education; 7) basis for insurance; 8) date of acquiring, i.e. cessation of the insurance coverage, and changes during insurance coverage; 9) lengths of health insurance coverage; 10) payer of insurance contribution; 11) amount of insurance contribution; 12) salaries, compensation of salaries and other income and allowances used for determining the basis for calculating insurance payment; 13) amount of paid contribution; 14) residence address; 15) name of employer, registration number of employer, activity code and address of the head office of employer; 16) municipality where the real estate is located; 17) citizenship.

Compensation of salary during temporary unfitness for work resulting from injury at work does not present a right from mandatory health insurance, but based on Article 102 (3) of the Law on Health Insurance, in this case compensation of salary is provided by employer from the first to the last day of the period of unfitness for work, whilst medical committees of the Republic Fund evaluate the existence and the duration of the temporary unfitness for work. In that respect, the basic registry of the Republic Fund contains information on unfitness of insured person for work that resulted from an injury at work, however, it does not contain information on paid compensation of salary.

The Law on Health Insurance, the given Regulation, by-laws or other labour regulations do not lay down the obligation of the Republic Health Insurance Fund, as a health insurance organisation, to maintain records on determined injuries at work.

Labour inspection is obliged to carry out inspection immediately upon employer's report on any fatal, collective or severe injury at work that occurred at the work place or in the working environment of the employer. Monitoring comprises actions in the procedure of establishing the status of applied prescribed measures of health and safety at work in relation to the given injury and preparation of the minutes. In the monitoring procedure, labour inspector reviews general

and individual acts, records and other documents, interviews and takes statements of eyewitnesses of the injury accident, employee or other person who is the injury victim, responsible persons and interested parties, inspects the place where the injury occurred (working environment, work place, work means, etc.), examines personal protective means and equipment and hazardous substances that the victim used and undertakes other actions that he/she is authorized for and that are related to the given injury.

(3) When a work-related accident occurs, are extra data collected on the causes and circumstances of the accident, such as: Type of place (e.g. building, field, road), type of work (e.g. maintenance), specific physical activity (e.g. repairing or transporting a tool), tools used for the specific activity (e.g. pliers, wheelbarrow), anomaly (e.g. broken fastener, tyre puncture, sideslipping), cause of the anomaly (e.g. grease, carpet in poor condition), contact – the way the injury occurred and what produced it (e.g. being burnt by acid, having a leg cut by a cable)?

When a work-related injury occurs, in the report on work-related injury employer provides the data on: the victim; time and place where work-related injury occurred; work that the victim was performing in the moment where the injury occurred; the source of the injury - object, machine, tools, etc. (in accordance with the prescribed international codes); the cause of the injury; the way injury occurred – fall of the employee, machinery defect, etc. The report on work-related injury contains a brief description of the way injury occurred. The report on work-related injury is laid down by the Rulebook on content and method of releasing report on injuries at work, occupational disease and work-related disease listed in Chapter A point 69 subpoint 7.

(4) Is there a list of officially recognised occupational diseases? (There is a European schedule of occupational diseases on this matter: Commission Recommendation of 19 September 2003 (2003/670/EC)).

Pursuant to provision of Article 24 (2) of the Law on Pension and Disability Insurance ("Official Gazette of RS" No.4/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09, 107/09), occupational diseases, work places, i.e. jobs where these diseases occur, and conditions under which they shall be considered occupational diseases shall be laid down by the minister responsible for pension and disability insurance issues and the minister responsible for health issues at the proposal of the Pension and Disability Insurance Fund.

Based on the above, the Rulebook on determining occupational diseases ("Official Gazette of RS No. 105/03) was passed and has been in place since 5 November, 2003.

(5) What data are you currently collecting? What extensions are planned?

There are no planned extensions.

i) How is the principle set out in Article 6(5) (no involvement of the workers in financial cost) included?

Provision of Article 10 of the Law laid down that employer has to ensure that implementation of measures of health and safety at work does not cause any financial obligation for the employee and representative of employees and does not effect their financial and social position acquired through work or in relation to work.

Pursuant to the provisions mentioned above, employees do not participate in provision of financial means for implementing measures of health and safety at work at the employer.

j) Does national law address the measures that employers must take concerning firefighting, first aid and the evacuation of workers according to Article 8 of the Directive? How is the part of the Directive concerning serious, imminent and unavoidable danger addressed (Article 8 (3,4,5))?

Provision of Article 15 (1) point 9 of the Law laid down the obligation of employer to ensure provision of first aid and to train an appropriate number of employees for provision of first aid, rescue and evacuation in case of emergency.

Rulebook on first aid kits and first aid procedure and organisation of rescue service in case of an accident at work (listed in Chapter A point 69 subpoint 25) laid down the procedure for provision of first aid and organization of rescue service, supplies, equipment necessary for provision of first aid and conditions that in terms of expertise need to be met by the persons performing these jobs.

Provisions of Article 9 of the Law laid down the obligation of employer to provide employee with work at workplace and in working environment where measures of health and safety at work have been implemented.

A special regulation, i.e. the Law on Fire Protection ("Official Gazette of RS" No. 110/09) regulates the issues of prevention, fire fighting and evacuation of employees.

Provisions of Article 30 (2), Article 33 (1) point 1 and Article 34 of the Law stipulate that when employee is in imminent danger to life or health, due to the urgency, employer may provide information, guidelines and instructions orally and that the employee may refuse to work on these grounds but at the same time has the right to take appropriate measures in the light of their knowledge and the technical means at their disposal and to leave the workplace, work process or working environment.

If the employee in the procedure of taking these measures causes damage to the employer or he/she does not take any measures and leaves the work place, he/she shall not be liable for the damage caused to the employer.

k) How is the consultation and participation of workers and workers' representatives provided for in Article 11 regulated?

Provisions of Articles 44-48 of the Law laid down the method of consultation between employer and employees and participation of employees and their representatives in considering all issues related to implementation of health and safety at work.

The provisions listed above laid down: election procedure and the way of work for employees' representatives in the Occupational Health and Safety Board; obligations of employer to employees' representative, i.e. Board; rights of employees' representative, i.e. Board.

l) How do you ensure that workers' representatives have the means required to accomplish their tasks (working time, etc., cf. Article 11(5) of the Directive)?

Provision of Article 44 (4) of the Law laid down that the way of work of employees' representative and the Occupational Health and Safety Board, number of employees' representatives at the employer, and their relation with the trade union shall be regulated by collective agreement, which means that the issues of working time, necessary means for performance of duties of employees' representatives shall be regulated by collective agreement.

m) How is the right to appeal to the competent authorities set out in Article 11(6) granted to workers and their representatives?

Provisions of Article 46 (1) point 3 and paragraph 2 of the Law laid down the right of employees' representative, i.e. Occupational Health and Safety Board, to demand that labour inspectorate carry out inspection if they believe that the employer has not implemented appropriate occupational health and safety measures. In this respect, employees' representative, i.e. member of the Board, has the right to be present during inspection carried out by the labour inspectorate.

n) Article 7. How does national legislation set out that all undertakings must:

- i) designate one or more workers to carry out activities related to protection and prevention; or**
- ii) if no competent personnel can be found within the undertaking, enlist competent external services or persons?**

Provision of Article 15 (1) point 1 of the Law laid down the obligation of employer to designate a person in charge of health and safety at work.

Provision of Article 37 of the Law laid down the obligation of employee to organise activities for health and safety at work.

Jobs of health and safety at work may be performed by a person who passed the certification exam in accordance with this law.

Employer may designate one or more employees for jobs of health and safety at work or he/she may hire a legal person, i.e. a licensed entrepreneur for these jobs. Employer decides on the way how jobs of health and safety at work will be organised depending on: technological process, organisation, nature and scope of work process, number of employees in the work process, number of working shifts, assessed risks and number of units with separate location.

o) How does national law define the capabilities and aptitudes of the services and persons in charge of prevention and protection (Article 7)? How are the employers' capabilities and

aptitudes verified if they take on this role themselves? Is prior authorisation required to set up external services?

Provision of Article 4 point 17 of the Law stipulates that the person in charge of occupational health and safety is person performing jobs of occupational health and safety who passed certification exam on practical capacities and person designated to this job by a written act of the employer.

Curriculum, method and costs of taking certification exam for jobs in the area of health and safety at work and jobs of a responsible person are laid down by the Rulebook listed in Chapter A point 69 subpoint 1).

In non production services, jobs of occupational health and safety may be performed by the employer if he/she has up to ten employees and if he/she is not required to pass certification exam.

Legal person or entrepreneur performing activities of occupational health and safety for employer has to have a license for performance of these jobs issued by the ministry responsible for labour issues in accordance with Article 55 point 1 of the Law. The method and procedure for issuing licenses are laid down by the Rulebook on terms and costs of issuing licenses for jobs in the area of health and safety at work listed in Chapter A point 69 subpoint 2.

p) When is the training of workers carried out (Article 12):

i) When they take up a post?

ii) When they are moved to another job?

iii) When organisational changes affect the workstation?

Provision of Article 27 (1) of the Law laid down the obligation of employer to train the employee for safe and healthy work:

- on recruitment i.e. transfer to another job;
- in the event of the introduction of new technology or new means of work;
- in the event of changes in the work process that may cause change in measures for safe and healthy work.

q) Are there national provisions, which provide for the surveillance of workers' health (Article 14)?

Provision of Article 32 (2) point 2 of the Law laid down that employee has the right to control his/her health in terms of workplace risks in accordance with regulation on health protection. Likewise, Rulebook on preventive measures for safe and healthy work during exposure to chemical substances ("Official Gazette of RS" No. 106/09), Rulebook on preventive measures for safe and healthy work during exposure to asbestos ("Official Gazette of RS" No. 106/09), provide for surveillance of health of employees.

r) Law enforcement (Article 4)

i) What is the system of monitoring and control of health and safety at work matters? Is there a single body responsible for the inspection of labour, or are various bodies responsible for different areas?

The goal of the inspection policy is to monitor and control health and safety at work in order to prevent work-related injuries and occupational diseases; it is based on starting numerous activities in several areas such as establishing responsibility of employer in all stages of work, application of preventive measures in all forms of work and technological stages of work, risk assessment and risk management in all workplaces, training employees for safe and healthy work, surveillance of their health, surveillance of parameters of conditions in working environment, etc.

Inspection is carried out at domestic and foreign legal and natural persons with employees, i.e. with the employer's status. Inspection at the employer is related to application of:

- Law on Health and Safety at Work,
- by-laws in the area of health and safety at work,
- general, special and individual collective agreements and general acts regulating the rights, duties and responsibilities in the area of health and safety at work,
- general acts regulating workplaces, education type and education level, necessary knowledge and other necessary conditions for starting employment at these jobs;
- employment contract in the part regulating rights and obligations of employees and employers in the area of health and safety at work,
- technical regulations and national standards in the part related to the health and safety at work.

THE LABOUR INSPECTORATE, as an administrative body of the Ministry of Labour and Social Policy, carries out inspection in the area of health and safety at work in terms of application of the Law on Health and Safety at Work.

In addition to monitoring implementation of laws, the labour inspectorate monitors implementation of other regulations on measures and norms of health and safety at work, technical measures related to health and safety at work, standards and generally recognized measures in the part regulating issues in the area of health and safety at work.

ii) In case there are different bodies responsible for controlling and supervising implementation of legislation on safety and health at work, how are their activities coordinated? In special cases, do they hold joint inspections? What are the main problems in coordinating the various bodies involved? What is the number of labour inspectors responsible for the surveillance of health and safety at work matters and what is the approximate number of employees in Serbia?

After the March 2010 public administration rationalisation, there are currently 283 employees at the Labour Inspectorate, including 261 labour inspectors (146 lawyers and 115 engineers of different technical profiles).

Labour inspectors – lawyers, carry out inspection in the area of labour relations, labour inspectors – engineers, carry out inspection in the area of health and safety at work, and from 2009 both lawyers and engineer have been carrying out integrated inspections in the area of labour relations and health and safety at work.

In the course of 2009, the Labour Inspectorate completed the training of all its labour inspectors for carrying out integrated inspection that includes simultaneous control in both areas that fall under the jurisdiction of the labour inspectorate and that is carried out by a single inspector and in a single inspection up to a certain level of expertise. In the course of 2009, labour inspectors also started carrying out integrated inspections covering the basic rights, duties and responsibilities of employees and employers in the area of labour relations and health and safety at work.

Based on the data of the Republic Statistical Office, in October 2010 there was the total of 335,802 registered business entities, including 224,556 entrepreneurs and 111,246 corporations.

iii) As regards the powers of labour inspectors to take measures to ensure the correct application of the law:: Can they apply legal penalties? If so, what kind (monetary and/or criminal and/or administrative)? Do they have discretionary power? How many injunctions are issued? When the inspectors detect a problem, how far do they pursue the matter? Do they send a letter? Does the undertaking respond? How do they follow up? What percentage of detected infringements leads to legal action being taken? What is done with the money from fines? Is some or all of this money allocated to a fund for health and safety at work?

The powers and duties of labour inspector are regulated in several ways including powers and duties of labour inspectors laid down by the Law on Public Administration ("Official Gazette of RS" No. 20/92, 48/93 and 79/05); Labour Law ("Official Gazette of RS" No. 24/05 and 61/05); and Law on Employment in Public Authorities ("Official Gazette of RS" No. 48/91 and 39/02),

In the course of carrying out inspection at the employer, labour inspector is authorised:

- to examine general and individual acts, records and other documents;
- to interview and take statements of responsible and interested persons;
- to inspect business facilities, premises, etc.
- to process reports filed by citizens, requests filed by employees, other natural and legal persons,
- to issue decision ordering implementation of measures and activities in order to eliminate detected violations of the law;
- to file a report to competent authority on crime or business malfeasance,
- to file request for initiating misdemeanour proceedings,
- to inform another authority if there are reasons for taking measures that fall under the jurisdiction of that authority,
- to initiate postponing of enforcement, i.e. to annul or repeal a regulation or another unconstitutional or illegal general act,
- in cases of irregular termination of employment contract, to issue decision on postponing enforcement of the termination decision and to reinstate employee to work until completion of litigation.

The Law on Health and Safety at Work laid down the obligation of labour inspector to order employer, i.e. employee, to take measures and activities to eliminate causes that led to injury, created danger to health and safety at work, i.e. measures that may prevent occurrence of injury, and reduce or eliminate dangers to health and safety at work.

Corrective measures in the area of health and safety at work include issuing decision on eliminating detecting shortcomings and decisions prohibiting work at a workplace.

In cases when the circumstance that leads to jeopardizing health and safety at work has been detected, labour inspectors use the institution of work prohibition that is in force as long as the circumstances that led to this prohibition are in place.

In the course of 2009, labour inspectors carried out 18,042 inspections in the area of health and safety at work and issued 552 orders on work prohibition.

Pursuant to penal provisions of the Law on Health and Safety at Work laying down the fines for violations by employer with the status of a legal person, employers who is an entrepreneur, i.e. responsible person at employer, and laying down fines for employees who do not use provided personal protective equipment, in taking measures, labour inspector uses all violation institutions and in that respect in 2009 the following was filed:

- **797** requests to initiate misdemeanour proceedings against legal person and responsible person within legal person,
- **464** requests for initiating misdemeanour proceedings against entrepreneurs,
- **118** requests for initiating misdemeanour proceedings against employees, and
- **40** requests for initiating misdemeanour proceedings in relation to performing activities of health and safety at work.

In cases where it has been established, in accordance with the Criminal Code of Serbia, that there are reasonable grounds for suspicion that a person committed the crime of causing danger by failing to provide occupational health and safety measures, adequate criminal charges have been filed to competent authorities. **47** requests to initiate criminal proceedings were filed in 2009.

Upon completion of regular inspections, labour inspectors carry out control inspections that include checking whether decisions on eliminating shortcomings issued by the inspector during the previous inspection of the company have been enforced. Control inspection may be carried out in order to check implementation of certain regulations or institutions of the Law on Health and Safety at Work within the scope defined by the head of labour inspectorate. Control inspection may be carried out at the request of employer or at the request of employee seeking intervention of an inspector.

Within the meaning of Article 68 of the Law on Health and Safety at Work, employer has to inform division/section of the Labour Inspectorate on execution of the decision no later than eight days upon expiry of the deadline stated in the summary of the decision.

In accordance with the 2009 Work Report of the Labour Inspectorate, labour inspectors issued 6,663 decisions on eliminating shortcomings and filed 1,419 requests for initiating misdemeanour proceedings and 47 requests for initiating criminal proceedings, which means that requests for initiating misdemeanour and criminal proceedings present 22% of the total numbers of issued decisions.

The money collected from fines is paid to the Budget of the Republic of Serbia and the Labour Inspectorate does not have the information whether and what amount is allocated for health and safety at work.

iv) How do you ensure that the labour inspectors are independent of the undertakings and organisations they inspect? Are the inspectors assigned to the same workplaces (i.e. must they inspect the same undertaking each year)?

Labour inspectors carry out inspections independently in the area of labour relations and health and safety at work. In accordance with principles of activities of civil servants, labour inspector is responsible for legality, competence and effectiveness of his/her work and no one may exert influence on him/her to act or fail to act contrary to regulations.

In accordance with the Annual Plan of the Labour Inspectorate and Guidelines for taking actions and measures at the Labour Inspectorate, the Labour Inspectorate updates the data base of employers on the territory of a district (there are 25 administrative districts on the territory of the Republic of Serbia and each has a labour inspectorate division/section) and the City of Belgrade. Inspections are planned in such a way that labour inspectors carry out inspection of one company for no longer than six months (the principle of rotation of labour inspectors has been introduced).

v) What rules govern the composition of the inspection team (are there one, two or more inspectors)? Are special cases provided for?

In case of intensified inspections, target inspections in certain activities and integrated inspection, Labour Inspectorate, where appropriate, organises inspection teams formed of one lawyer and one engineer.

vi) As regards work-related accidents: How are they declared to the Labour Inspectorate? Is the information centralised? How do you assess non-declaration? How does the system of insurance for work-related accidents function?

In the event of a severe, fatal or collective injury at work or injury resulting in the employee being unfit for work for more than three consecutive days, employer has to report the injury to the competent labour inspectorate and the competent interior affairs authority no later than 24 hours from the occurrence of the injury. Employer has the same obligation in the event of occupational disease related to work.

Upon receiving the report on work-related injury, labour inspector is obliged to immediately carry out on-the-spot check of the situation and to take measures to eliminate the sources and the causes that contributed to employee getting injured.

In the organisation of work of the Labour Inspectorate, a 24 hour on-call schedule (standby) has been introduced on workdays and on official and religious holidays in all labour inspectorate divisions and sections on the territory of all administrative districts, City of Belgrade and the division at the Ministry head office. This way of organising work has had exceptional effects

since whenever a severe or fatal injury at work occurred labour inspectors were on the spot within the shortest possible time and carried out inspection in relation to the work-related injury that considerably influenced the timely collection of meritorious evidence for establishing the cause and source of the injury.

Information on fatal, severe and collective injuries at work that were reported to the labour inspectorate are centrally maintained at the head office of the Labour Inspectorate based on the data provided by labour inspectorate branch offices.

The Republic Health Insurance Fund maintains a register of all injuries at work that occurred on the territory of the Republic of Serbia.

If employer fails to report injury at work that occurred at workplace to the competent labour inspectorate, labour inspector files request for initiating misdemeanour proceedings.

A special and one of the most important issues in this area is the issue of insurance against work-related injuries. Namely, the Law on Health and Safety at Work (Article 53) requires employer to insure employees against injuries at work, occupational diseases and work-related diseases in order to ensure collection of damage claims. Costs of this insurance would be borne by employer and they would be determined depending on the level of risk for injury, occupational disease or work-related disease at workplace or in working environment.

However, the Law on Health and Safety at Work in Article 53 (3) stipulates that the terms and procedures for insurance against injury at work, occupational disease and work-related disease shall be regulated by law. The Republic of Serbia still does not have a separate law on insurance against injuries at work and occupational diseases.

Employees exercise their rights in relation to insurance against injury at work in accordance with the Law on Health Insurance ("Official Gazette of RS" No. 107/05 and 109/05)) and the Law on Pension and Disability Insurance ("Official Gazette of RS" No. 34/05, 64/04 and 84/04, 85/05 и 101/05).

vii) What do you consider to be the most serious problems in the field of inspection (e.g. lack of resources, lack of money for missions, weak penalties)?

Increase in number of business entities, i.e. greater frequency of employers and their increasing territorial mobility and more frequent change in their business activities impede inspections whilst employers are not sufficiently familiar with their obligations in the area of health and safety at work and labour relations. Completion of transition process in the Republic of Serbia means increase in number of employed persons and therefore generates a need for increased number and more efficient work of labour inspectors.

The Labour Inspectorate has the total staff of 283 employees in labour inspectorate divisions and sections located in district branch offices in administrative districts, in the City of Belgrade and in the head office of the Labour Inspectorate. Out of the total staff, there are 261 labour inspectors covering the total of 335,802 business entities subject to inspection (224,556 entrepreneurs and 111,246 corporations-legal persons, based on the data of the Agency for Business Registers). This means that the ratio is 1 labour inspector: 1,277 business entities.

In order to accept and achieve European labour standards and having in mind modernisation of the Labour Inspectorate in order to create an integrated labour inspection, it is necessary to strengthen administrative capacities of the Labour Inspectorate. The number of employees at the Labour Inspectorate has been drastically reduced in the last two years (reduced by 46 civil servants, out of which the number of civil servants employed at the Labour Inspectorate was reduced by 39 at the beginning of 2010 – through the Program of rationalisation of the number of employees in the public administration). Recruitment of competent persons with appropriate education requires provision of adequate work equipment in order to increase mobility and ensure more efficient work and reduce the number of work-related injuries and occupational diseases and stamp out unregistered work.

Furthermore, a comprehensive information system is necessary to meet the labour inspectorate needs for accelerated work and more comprehensive reporting on activities of labour inspectors and improve the level of the coverage with the IT equipment. It is necessary to procure a larger number of vehicles necessary for carrying out inspections.

It is necessary to ensure greater, improved and more efficient coordination in practical operation of inspection bodies on the Republic level through creation of a suitable joint body, specially for combating gray economy, so that the joint activities could be planned and implemented more efficiently which would effect the decrease the number of inspection visits to one company and contribute to more efficient inspection.

By amending regulations it is necessary to ensure that concluded employment contracts are registered at the competent authority (organisational unit of the National Employment Service, Pension and Disability Insurance Fund) in order to prevent abuses that exist in practice with avoidance to conclude contracts, i.e. backdating them, which facilitates unregistered work.

71. Workplaces (Directive 89/654/EEC):

a) What is the definition of 'Workplace' in your national legislation?

Provisions of Article 4 point 6 of the Law on Health and Safety at Work define workplace as the space intended for performance of work at the employer's (in a facility or outdoors and on temporary and mobile construction sites, facilities, devices, traffic means, etc.) where employee is staying or to which he/she has access during work and which is under direct and indirect control of employer.

Provisions of Article 2 (1) point 1 of the Rulebook on preventive measures for safe and healthy work at workplace ("Official Gazette of RS", No, 21/09) stipulate that the workplace, within the meaning of this rulebook, presents the space intended for performance of work at the employer's - at the working facilities or auxiliary facilities or at the facility intended for working outdoors or outdoors where employee is staying or to which he/she has access during work and which is under direct and indirect control of employer.

b) Which are the pieces of legislation dealing with the characteristics of the 'workplace'?

Minimum requirements that employer has to meet in ensuring application of preventive measures for safe and healthy work at workplace are laid down in the Rulebook on preventive measures for safe and healthy work at workplace.

c) Do you plan to apply legislation identically in all locations (new, existing, old) or differently according to whether they existed at a certain date?

The same regulations are applicable to all locations, and employers who started their business activities before the Rulebook on preventive measures for safe and healthy work at workplace came into effect, i.e. employers who ensured for employee work in a workplace where general occupational protection measures had been applied for construction working and auxiliary facilities, are required to harmonize their business operation with the provisions of this rulebook within a three-year deadline.

d) What approach has been decided on to include the minimum requirements set out in the Annex to this Directive (for example: outdoor workstations, the persons with disabilities)?

Minimum requirements set out in the Annex of this Directive are contained in the Overview of measures for healthy and safe work which is given as an appendix to the Rulebook on preventive measures for safe and healthy work at workplace and present its integral part.

72. Work equipment (Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (codified version))

a) Are there provisions in place relating to the use of work equipment?

Minimum requirements that employer has to meet in ensuring application of preventive measures in use of work equipment are laid down in the Rulebook on preventive measures for safe and healthy work with use of work equipment ("Official Gazette of RS" No. 23/09).

b) What is the scope of the term "work equipment" under the national provisions?

Provisions of Article 4 point 8 subpoint 2 of the Law on Health and Safety at Work stipulate that the work equipment is a machine, device, installation, tools, etc. used in work process.

c) How are the various legislative acts coordinated, if there is more than one?

Provisions of Article 14 of the Rulebook on preventive measures for safe and healthy work with use of work equipment stipulate that preventive measures for safe and healthy work with use of work equipment, i.e. measures and regulations of occupational protection set out by the Rulebook on protection measures and regulation at work with work tools ("Official Journal of SFRY" No. 18/91), apply if they are not contrary to provisions of this Rulebook.

d) What approach has been or will be taken to include the rules on checking certain machines (those that are dangerous or subject to deterioration)?

Provisions of Article 15 (1) point 7 of the Law on Health and Safety at Work require employer to hire a licensed legal person to carry out preventive and periodical inspections and examinations of work equipment. Preventive and periodical inspections and examinations of work equipment are carried out in the way and following the procedure and timeframe set out in the Rulebook on procedure of inspecting and examining work equipment and examining conditions of working environment ("Official Gazette of RS" No. 94/06 and 108/06).

e) Do you already have a distinction or do you plan to distinguish between new equipment and equipment that is already in use?

There is no plan to distinguish between work equipment that is already in use and new work equipment, however employers who already use work equipment will be provided with a transitional period to harmonise their business operations with the new regulations.

f) Is there a duty for inspection of work equipment and is such an inspection system in place for the effective technical control of work equipment?

Preventive and periodical inspections and examinations of work equipment are carried out by legal persons who have been issued licenses for these jobs by the ministry responsible for labour issues and whom employer is required to hire to perform these jobs.

g) Does your law provide for rules regarding the use of work equipment provided for a temporary work at a height?

The existing regulations do not cover measures for safe and healthy work with the use of equipment for temporary work at a height.

73. Personal Protective Equipment (Directive 89/656/EEC):

a) Is there legislation in place on personal protective equipment (PPE)?

1) In regards to the question whether there is legislation in place on personal protective equipment, we inform you that the following regulations in the area of personal protective equipment are in place in our legal system:

(1) Rulebook on mandatory attestation of protection belts and on conditions that have to be met by organizations authorized for attesting such products ("Official Journal of SFRY" No. 67/89),

(2) Rulebook on mandatory attestation of climbers for wooden power supply poles and on conditions that have to be met by associated labour organizations authorized for attesting such products ("Official Journal of SFRY" No. 67/89),

(3) Rulebook on technical and other requirements for personal protective means ("Official Gazette of RS" No. 56/09),

(4) Rulebook on technical and other requirements for helmets for fire-fighters ("Official Gazette of RS" No. 74/09),

(5) Order on mandatory attestation of industrial protection helmets ("Official Journal of SFRY" No. 4/82 and 43/82);

(6) Order on mandatory attestation of helmets for fire-fighters ("Official Journal of SFRY" No. 67/86);

(7) Order on mandatory attestation of devices for protection of respiratory organs ("Official Journal of SFRY" No. 49/87);

Please note that this Ministry, in accordance with the obligations undertaken from NPI, in 2011 will start drafting a new technical regulation in the area of personal protective equipment where EU Directive related to personal protective equipment (89/686/EC) will be transposed.

b) Are there general rules on the use of PPE and on cases on situations where employers must provide PPE?

Minimum requirements that employer has to meet in ensuring application of preventive measures in use of personal protective means and equipment are laid down in the Rulebook on preventive measures for safe and healthy work in use of personal protective means and equipment ("Official Gazette of RS" No. 92/08).

c) Does national law ensure no involvement of workers in financial costs for the provision, maintenance, repair and replacement of PPE?

Provisions of Article 10 of the Rulebook on preventive measures for safe and healthy work in use of personal protective means and equipment require employer to ensure that use of personal protective means and/or equipment does not cause financial obligations for employees.

d) Is the general principle that PPE shall only be used as a last resort reflected in your national legislation?

Provisions of Article 3 of the Rulebook on preventive measures for safe and healthy work in use of personal protective means and equipment stipulate that personal protective means and equipment are used by employee at workplace and in working environment, i.e. during work and work activities, where dangers and/or harms, i.e. risks of occurrence of injuries and health damage, cannot be eliminated or sufficiently reduced by application of technical, technological, organisational and other measures in the area of health and protection at work.

e) Is there assistance (information, etc.) on the choice of PPE?

Provision of Article 40 (1) point 2 of the Law on Health and Safety at Work stipulates that the person in charge of health and safety at work carries out check ups and advises employer in planning, selecting, using and maintaining the work means, hazardous substances, and personal protective equipment.

74. Display screen equipment (Directive 90/270/EEC):

a) Are there specific rules for the use of screen equipment?

The minimum requirements that an employer must meet so as to ensure implementation of preventive measures for the use of screen equipment are prescribed in the Rulebook on preventive measures for safe and healthy work in use of display screen equipment ("Official Gazette of RS", no. 106/09).

b) If answer to (a) is yes: How is screen equipment defined?

The provisions of Article 3 of the Rulebook on preventive measures for safe and healthy work in use of display screen equipment stipulate that display screen equipment is work equipment with alphanumerical or graphic screen irrespective of the manner of presentation.

The Provisions of Article 2 of the Rulebook on preventive measures for safe and healthy work in use of display screen equipment stipulate that this Rulebook does not apply to:

drivers' cabs or control cabs of vehicle or machines;
computer systems installed in transport vehicles;
computer systems primarily intended for public use;
portable computer systems that are not used permanently in the workplace;
calculators, fiscal cash registers and other equipment for work with small screens to display data or measures necessary for the direct use of such equipment;
typewriters with screen.

c) If answer to (a) is yes: Which measures shall be taken by the employer under the legislation?

According to the provisions of Article 5 of the Rulebook on preventive measures for safe and healthy work in use of display screen equipment, the employer shall enable the employee to work in a workplace for which the measures have been taken ensuring safe and healthy work specified in the Review of measures for safe and healthy work in use of display screen equipment.

d) Do labour inspectors receive particular training in this regard?

Upon adoption of new by-laws in the area of safety and health at work, labour inspectors receive internal training organised by the Ministry of Labour and Social Policy – Occupational Safety and Health Directorate.

75. Manual handling of loads (Directive 90/269/EEC):

a) Does the national legislation contain particular provisions regarding the prevention of accidents and injuries caused by manual handling of loads? If so, please give an overview on the key provisions.

Minimum requirements that an employer shall meet in order to provide the application of preventive measures in case of manual load handling that entails increased risk of injuries or spinal cord diseases are stipulated in the Rulebook on Preventive Measures for Safe and Healthy Work in Manual handling of loads ("Official Gazette of RS", no. 106/09).

The provisions of Article 4 of the Rulebook on Preventive Measures for Safe and Healthy Work in Use of Display Screen Equipment stipulate that the employer shall take appropriate organisational measures or use appropriate means, especially mechanical labour equipment in order to avoid manual load handling. In case manual load handling cannot be avoided, the employer shall take appropriate organizational measures, use appropriate means or provide the employees with use of such means in order to eliminate or reduce the risk of injuries or disease of spinal cord which may occur in the event of that manual load handling.

b) Does this activity make part of the (i) preventive actions of the labour inspectorate, and (ii) of the control activities of the labour inspectorate?

In the course of regular, control and targeted supervisory inspections regarding safety and health at work, as well as during organised labour inspection preventive activities (activities related to the celebration of the World Day for Safety and Health at Work and the European Week for Safety and Health at Work), the labour inspectors control whether the employer has provided the implementation of preventive measures during manual load handling operations.

76. Temporary or mobile constructions sites (Directive 92/57EEC):

a) Briefly describe your national legislation in this field.

1. A Regulation on Safety and Health at Work at the Temporary or Mobile Construction sites ("Official Gazette of RS", no. 14/09) partly transposes the Council Guidelines no. 92/57/EEC of 24 June 1992 on the implementation of minimum requirements regarding safety and health at work at temporary or mobile construction sites.

2. The Rulebook on Safety at Work for carrying out Construction Works ("Official Gazette of RS", no. 53/97) which stipulates special measures and regulations regarding safety at work in relation to carrying out construction works at construction sites.

3. The Rulebook on Pre-emptive and Periodic Medical Check-ups of Employees at Increased Risk Workplaces ("Official Gazette of RS", no. 120/07 and 93/08) which stipulates the manner, procedure and deadlines for prior medical check-ups to be taken by persons who are starting the employment or persons who are engaged by an employer at increased risk workplaces as well as persons already working at such workplaces.

4. The Law on Safety and Health at Work which stipulates obligations and responsibilities of employers as well as rights, obligations and responsibilities of the employees.

5. The Law on Planning and Construction ("Official Gazette of RS", no. 72/09 and 81/09) which stipulates the term "Contractor".

b) Does the national legislation provide for the involvement and obligations of various persons – the client, the project supervisor, the coordinators for safety and health matters at the project preparation and execution stages?

The Regulation on Safety and Health at Work on Temporary and Mobile Construction sites transposed the Council Guidelines no. 92/57/EEC. The Regulation defines minimum requirements that the investor or a representative of an investor in charge of project realisation, a safety and health coordinator in the construction phase, a safety and health coordinator in the construction works execution phase, an employer or other persons - have the obligation to meet, in order to ensure implementation of preventive measures in temporary or mobile construction sites.

c) Are there rules in place for sites where several undertakings are present at the same worksite, in particular as regards coordination of work?

The provisions of Article 4 of the Regulation on Safety and Health at Work at Temporary or Mobile Construction sites stipulate an obligation by the investor or investor's representative to assign one or more coordinators for project preparation and one or more coordinators for carrying out of the works when the works are being carried out or planned to be carried out by two or more contractors simultaneously.

The obligations of investors or investor representatives do not refer to the construction of facilities of up to 300 square metres, unless the works that are being carried out bear a specific risk of injuries or damage to the health of the employees or when it is necessary to submit an application for the construction of such a facility.

Besides the specified obligation of an investor, the provisions of Article 19 of the Law on Safety and Health at Work stipulate that when two or more employers share work space while carrying out their assignments, they shall cooperate in the implementation of stipulated measures related to the safety and health of the employees. Considering nature of their work, the employers are obliged to coordinate their activities related to the implementation of measures for elimination of risks of injuries or damage to the health of the employees as well as to inform each other and their employees and/or employee's representatives on these risks and measures for their elimination. The employers shall define the method of exercising this cooperation by means of a written agreement in which they assign a person for coordination of implementation of joint measures ensuring safety and health of all employees.

d) Is there a duty for the client or project supervisor to draw up a safety and health plan?

The provisions of Article 8 of the Regulation on Safety and Health at Work at Temporary or Mobile Constructionsites oblige the investor or investor's representative to provide the preparation of the Plan on preventive measures, shown in the Annex 5 of this Regulation, prior to the commencement of works at construction site. The plan of preventive measures and the technical documentation for the construction of a facility in compliance with the regulations related to planning and construction represent a basis for evaluation of risks of injuries of health damages at workplaces and in work environment at the constructionsite in question. The investor or investor's representative are obliged to ensure the implementation of changes or additions into the Plan on Preventive Measures following changes that have occurred affecting the implementation of measures for safe and healthy work at a constructionsite, not later than five days prior to the commencement of the works affected by the changes. The investor or investor's representative shall review the contents of the Plan on Preventive Measures (Article 10, paragraph 2) in all phases of project preparation and its carrying out.

e) Does your legislation take into account self-employed workers working alongside with other undertakings?

The provision of Article 3, paragraph 1, point 6 of the Regulation on Safety and Health at Work at Temporary and Mobile Constructionsites defines the meaning of the term other person. According to the aforementioned, the other person is an entrepreneur who independently performs the business activities and does not engage other persons, i.e. who does not have the characteristic of employer in compliance with the regulations within the field of safety and health at work or any other physical person who is not an employee.

According to the Article 18 of the Regulation, other persons who participate in the works at a constructionsite are obliged to implement regulations from the area of safety and health at work, other rules and measures from the Review of Measures for Safe and Healthy Work at Temporary and Mobile Constructionsites, as well as to consider the instructions and guidelines of coordinator for project preparation and coordinator for carrying out the works and to cooperate with other employers and persons in the implementation of measures regarding safe and healthy work.

f) Are there duties relating to the project planning and the project implementation phase?

Provisions of Article 11 of the Regulation on Safety and Health at Work at Temporary or Mobile Construction sites stipulate that the coordinator for project design carries out the following activities: coordinates the application of the prevention principle, prepares a Plan on Preventive Measures which defines arrangements at the construction site and specific measures for safe and healthy work at that construction site, provides that all industrial activities in the vicinity of the construction site are taken into consideration when required in the preparation process of the Plan on Preventive Measures, prepares the documentation which in compliance with the project characteristics include all relevant information regarding the area of safety and health at work that shall be considered during execution of all works at the construction site.

The provisions of Article 13 stipulate the following activities to be carried out by the coordinator for carrying out the works: coordination of implementation of the prevention principle when the decisions are being taken on the technical, technological and/or organisational solutions in the course of planning different elements or phases of work that should be carried out simultaneously or following one another, evaluation of the deadlines required for the finalisation of these works or phases of works, coordination of the realisation of the planned activities with the aim of ensuring that the employers and other persons: apply consistently the preventive measures whenever necessary, implement some specific measures from the Plan on Preventive Measures; proposal of initiation of the preparation of changes or additions into the Plan on Preventive Measures and provision of data required for introduction of changes and additions taking into account the changes that have occurred on the construction site, organisation of coordination and mutual exchange of information among all employers and other persons who carry out works at that construction site simultaneously or one following the other, coordination of their activities related to the implementation of safety and health at work measures in order to prevent injuries at work and vocational diseases, provision that all employers and other persons at the construction site are familiar with the Plan on Prevention Measures, i.e. its changes and additions; coordination of the agreements in order to provide that all work activities are carried out in the correct manner, taking measures in order to ensure that the access to the construction site is allowed only to persons with the entry permit to the construction site, notification to the authorized labour inspection when the measures for safe and healthy work are not applied by employers and other persons.

g) Is there the duty for prior notice of works to the competent authorities for works of a larger extent?

According to the provisions of Article 9 of the Regulation on Safety and Health at Work at Temporary and Mobile Construction Sites, the investor or investor's representative is obliged to fill in the construction site application in case there are: the planned duration of works on the construction site exceeds 30 working days and when there are more than 20 employees working on the construction site simultaneously or when the planned volume of works comprises more than 500 persons or days. The investor or investor's representative are obliged to fill in the construction site application regardless of the duration of works and the number of employees who carry out these works, when the works carried out at the construction site are listed in the

Review of Works with specific risk of injuries or damage to the health of the employees. The investor or investor's representative is obliged to submit the filled in construction site application to the authorized labour inspection not later than 15 days prior from the commencement of works at the construction site, whereas exhibiting a copy of the construction site application in a visible place at the construction site.

The investor, i.e. investor's representative is obliged to update the construction site application in case of changes that affect the finalisation of works, introduction of a new employer or other person or a temporary suspension of works at the construction site as well as to submit the updated construction site application to the authorized labour inspection not later than 15 days from the update, whereas placing a copy of the updated construction site application on a visible place at the construction site.

h) How do you assess the administrative capacity of the labour inspectorate with regard to the construction sector?

Construction is one of the riskiest activities both worldwide and in our country if one takes into account all the specific issues and dangers related to carrying out of works at a construction site and the implementation of the measures for safe and healthy work of the employees as well as the number of injuries at work in this activity sector.

The subject of inspectors' supervision in this area are employers who carry out construction or refurbishment works regarding facilities in civil engineering and building construction, assembly and installation works, finishing works and the construction material industry. building construction is the biggest regarding the number of employers, employees and the volume of carried out works.

In the course of carrying out the construction works at a construction site, there is daily dynamics considering the performance of the works in relation to the type of works, depth and the height at which the works are being carried out. Based on the developments at the site, these works require permanent modifications in the application of the prescribed measures from the area of safety and health at work, by both the employers who are obliged to provide safety and health of the employees at workplace and by the employees who apply these measures themselves.

In compliance with the strategic objective of the Labour Inspectorate to reduce the number of injuries at work in construction sector to the minimum possible level, the Labour Inspectorate, besides the regular supervisory inspections, also organises and carries out additional supervisions in the course of not announced activities at the construction sites in the City of Belgrade and all other bigger towns in the Republic of Serbia.

A methodology for achieving effective inspection supervisions has been prepared which would control those violations of the law and by-laws that have been defined in the analyses of injuries at work carried out by the labour inspectorate as the most frequent cause of fatal or serious injuries at work at the construction sites.

Actions are being organised in order to enable observance of a maximum number of construction sites and employers carrying out the works. These actions are carried out by the labour inspectors working in the area of safety and health at work in all three divisions in the City of Belgrade and a big number of labour inspectors from the divisions/sections of labour inspections in the administrative territorial units from the entire Republic of Serbia.

Regarding the Labour Inspectorate, there is a total of 115 labour inspectors – engineers, only seven of them being civil engineers, thus it is necessary to reform human resources of the Labour Inspectorate in the course of reaching high quality level of inspection supervisions in the construction sector.

77. Safety and health signs at work (Directive 92/58/EEC):

a) Is there legislation on this issue?

The minimum requirements that an employer is obliged to meet when providing the security labels and/or health at work, are prescribed by the Rulebook on Provision of Security Labels and Health at Work (*Official Gazette of RS*, No.95/10).

78. Extractive industries: mineral-extracting industries through drilling (Directive 92/91/EEC) and surface and underground mineral-extracting industries (Directive 92/104/EEC)

a) Which extractive industries are covered by the scope of national legislation? (In other words, what are the definitions of mineral-extracting industries through drilling and underground mineral-extracting industries?)

According to the provisions of Article 2 of the Regulation on Preventive Measures for Safe and Healthy Work in the Exploitation of Mineral Raw Materials by Means of Deep Drilling ("Official Gazette of RS" no. 61/10), the exploitation of mineral raw materials by deep drilling refers to: **execution of the mining works with drilling**, exploitation of petrol, underground gases and waters and other mineral raw materials by deep drill; mining works carried out with the aim of prospecting petrol, gases, underground waters and other mineral raw materials as well as preparation of mineral raw materials for sale, excluding works related to processing, whereas according to the provisions of Article 2 of the Regulation on Preventive Measures for Safe and Healthy Work in Underground and Surface Exploitation of Mineral Raw Materials ("Official Gazette of RS" no. 65/10), underground and surface exploitation of mineral raw materials are considered to comprise mining works including opening, preparation and digging mining fields under the ground and on the ground, mining works that are carried out with the aim of prospecting mineral raw materials, preparation of mineral raw materials for sale, excluding works related to processing and mining works on deposits and waste land.

b) Is there an adaptation period envisaged for old work-sites?

The provision of Article 14 of the Regulation on Preventive Measures for Safe and Healthy Work in Exploitation of Mineral Raw Materials by Deep Drilling stipulates that the employers who have already started carrying out these activities prior to the enactment of this Regulation and protected the employee by assigning one to workplaces for which the general measures have

been taken are obliged to adapt their business activities to the provisions of this Regulation within the period of five years, whereas the provision of the Article 14 of the Regulation on Preventive Measures for Safe and Healthy Work in Underground and Surface Exploitation of Mineral Raw Materials stipulates that the employers who have, prior to the enactment of this Regulation, already started carrying out this activity and protected the employee by assigning one to work in the workplaces for which the general measures have already been taken are obliged to adapt their business activities to the provisions of this Regulation within a period of nine years.

c) Do workers receive health surveillance in the extractive industries (mines, quarries, etc.) (Article 8 of the Directives)?

The provisions of Article 11 of the Regulation on Preventive Measures for Safe and Healthy Work in Exploitation of Mineral Raw Materials by Deep Drilling and the Regulation on Preventive Measures for Safe and Healthy Work in Underground and Surface Exploitation of Mineral Raw Materials stipulate that the employer is obliged to provide the stipulated medical examinations for the employees who are working or will start working at the workplaces related to the exploitation of mineral raw materials by deep drilling and underground and surface exploitation of mineral raw materials which, on the basis of a document on risk assessment, have been defined as workplaces with increased risk of injuries at work or damages to health. The employees have the right and an obligation to undergo the abovementioned medical examination prior to starting work at a workplace entailing increased risk, as well as prior to a transfer to a workplace with increased risk, and following that, to repeat this in regular intervals in conformity with the regulations on safety and health at work.

d) What legislation is or will be applicable to undertakings that extract by dredging? (Article 12 of Directive 92/104/EEC) (sandpits, etc).

The Law on Mining ("Official Gazette of RS", no. 44/95, 85/95, 101/05, 34/06 and 104/09) and the Law on Safety and Health at Work ("Official Gazette of RS", no. 101/05).

e) Does national law require that the employer must have a health and safety document (Article 3(2) of the Directives)?

According to the provisions of Article 5 of the Rulebook on Preventive Measures for Safe and Healthy Work in Exploitation of Mineral Raw Materials by Deep Drilling and the Regulation on Preventive Measures for Safe and Healthy Work in Underground and Surface Exploitation of Mineral Raw Materials, it is stipulated that if the employees contracted by various employers work at the same working space, each employer is responsible for a workplace that is under his direct or indirect control. An employer who is responsible for certain work space, coordinates with other employers the activities related to the application of joint measures for elimination of risks of injuries and damage to the health of the employees, and the employers mutually specify,

in a written agreement, the manner of realisation of their cooperation and measures which will best ensure safety and health of all the employees.

The activities coordination does not affect the responsibility of individual employers in connection with the application of measures for safety and health at work.

f) How does national law include the requirement that the employer responsible for the workplace (Article 3(3) of the Directives) must coordinate the implementation of all the measures concerning the safety and health of the workers and state, in his safety and health document, the aim of that coordination and the measures and procedures for implementing it?

According to the provisions of Article 4 of the Rulebook on Preventive Measures for Safe and Healthy Work in Exploitation of Mineral Raw Materials by Deep Drilling and the Regulation on Preventive Measures for Safe and Healthy Work in Underground and Surface Exploitation of Mineral Raw Materials, it was stipulated that the employer is obliged to make an evaluation of risks regarding injuries and damage to health concerning all workplaces, in accordance with the regulations on safety and health at work. The provisions of Article 13 of the Law on Safety and Health at Work stipulate that the employer is obliged to adopt an act, in a written form, based on the risk assessment for all workplaces in certain working environment and to establish the manner and measures to be taken for their elimination.

g) Are there any special measures for SMEs?

The Regulation on Preventive Measures for Safe and Healthy Work in the Exploitation of Mineral Raw Materials by Deep Drilling and the Regulation on Preventive Measures for Safe and Healthy Work in the Exploitation of Mineral Raw Materials in Underground and Surface Exploitation of Mineral Raw Materials do not stipulate any special measures for SMEs.

79. Fishing vessels (Directive 93/103/EC):

a) Is there particular legislation in place for health and safety on board fishing vessels?

The minimum requirements that the owner of fishing vessels must meet in providing preventive measures for safe and healthy operation of the fishing vessels are prescribed by the Regulation on preventive measures for safe and healthy work on fishing vessels (*Official Gazette of RS*, No.7/10).

b) To which type of vessel does this legislation apply?

Regulation on preventive measures for safe and healthy work on board fishing vessels applies to all boats, new and existing.

c) Are there rules in place for life saving equipment?

Measures and requirements relating to life saving equipment are contained in Annex 3. of the Regulation on preventive measures for safe and healthy work on fishing vessels, and they are an integral part of it.

**d) Does your legislation provide for regular inspections of fishing vessels (Article 3(2))?
Which body is responsible for inspection?**

Article 12. of the Regulation on preventive measures for safe and healthy work on fishing vessels provide that the Ministry in charge of transport is, in accordance with the law, responsible for inspection of the implementation of this regulation.

How would you assess the administrative capacity of the inspection bodies for the fishing sector in general?

The Ministry of Infrastructure currently employs 17 navigation safety inspectors who perform inspections of all types of vessels. Given the complexity and extensiveness of the work, existing facilities do not meet real needs in the field of water transport.

80. Medical treatment on board of fishing vessels (Directive 92/29/EEC):

- a) Is there legislation covering the medical equipment of vessels?**
- b) Is there at least one national centre providing workers with free medical advice by radio (Article 6)?**
- c) Which authority is responsible for the annual inspection (Article 7)?**
- d) Does national law provide for training in medical and emergency measures (Article 5(2)) and special training regarding medical supplies and for their regular up-date (Article 5(3) and Annex V)? How is this done in practice?**

There is no special national regulation governing the area of health care and procedures on board fishing vessels.

Under the plan for the implementation of NPI, Directive 92/29/EEC is the responsibility of the Ministry of Infrastructure.

81. Chemical agents (Directive 98/24/EC as amended by Directives 2000/39/EC and 2006/15/EC):

a) Is there national legislation on the protection of workers from the risks related to chemical agents?

1. The Rulebook on Preventive Measures for Safe and Healthy Work during Exposure to Chemical Agents ("Official Gazette of RS" no. 106/09) which partly transposes the Council Guidelines no. 98/24/EC on the protection of safety and health of the employees against the risks related to chemical agents they are exposed to at their workplaces, the Guidelines of the

Commission no. 91/322/EEC on the establishment of indicative limit values by implementing the Council Guidelines no. 80/1107/EEC on the protection of the employees against the risks created by exposure to chemical, physical and biological agents, the Commission Guidelines no. 2000/39/EC on the establishment of the first list of indicative limit values regarding professional exposure, with the view of application of the Council Guidelines no. 98/24/EC on the protection of safety and health of the employees against the risks created through exposure to chemical agents at a workplace, the Commission Guidelines no. 2006/15/EC on the establishment of the second list of indicative limit values regarding occupational exposure, with the view of application of the Council Guidelines no. 98/24/EC and the modification of the Guidelines no. 91/322/EEC and the Guidelines no. 2000/39/EC.

2. The Law on Safety and Health at Work ("Official Gazette of RS", no. 101/05), that stipulates the obligations and responsibilities of the employers and the rights, obligations and responsibilities of the employees.

3. The Law on Chemical Agents ("Official Gazette of RS", no. 36/09) which regulates the issue of integrated management of chemical agents, chemical agents classification, packaging and marking of chemical materials, integrated register of chemical agents and register of chemical agents put into circulation, limiting and prohibiting production, circulation and use of chemical agents, importation and exportation of certain hazardous chemical materials, licences for business activities related to the circulation of chemical agents and licences for use of particularly hazardous chemical agents, circulation of detergents, systematic monitoring of chemical agents, accessibility of data, supervision and other issues of importance for chemical agents' management.

b) To what extent does your legal system include the approach of replacement of hazardous chemical agents?

The provisions of Article 7 of the Rulebook on Preventive Measures for Safe and Healthy Work During Exposure to Chemical Agents stipulate the obligation of the employer to prevent, eliminate or reduce to the minimum possible extent the risk presented by chemical agents which could produce injuries and/or damages to health of the employees who work with chemical agents. The employer is obliged to give preference to replacements in the sense of avoiding use of hazardous chemical materials and replacing them by a chemical material or a process which, when used under prescribed conditions, is not hazardous or is less hazardous for the safety and health of the employees. When the nature of an activity makes it impossible to prevent, eliminate or reduce the risk through replacement, the employer, taking into account the type of activity and risk assessment, is obliged to reduce the risk to the minimum possible extent by application of preventive measures established in the course of risk assessment, carried out in conformity with this Rulebook.

The provisions of Article 7 of the Law on Safety and Health at Work stipulate that the preventive measures for securing safety and health at work are put in practice by application of modern technical, ergonomic, health, educational, social, organisational and other measures and means for elimination of risk regarding injuries and damages to health of the employees and/or reduction of risks to the minimum possible measure in the process or production, packaging,

transport, warehousing, while using and destroying of hazardous materials in the manner and in accordance with the rules and regulations that eliminate possibilities of injuries or damages of health of the employees. In conformity with Article 12 of the law, the employers while taking preventive measures are obliged to respect the principle of replacing hazardous technological processes or work methods by those that are not hazardous or less hazardous.

c) Is there a total ban of the use of certain chemical substances?

The provisions of Article 10 of the Rulebook on Preventive Measures for Safe and Healthy Work during Exposure to Chemical Agents, stipulate that, in relation to the prevention of exposure of the employees to the risks of injuries at work and damages to health due to the effects of certain chemical materials and/or certain activities that include chemical materials, the production, processing or use at a workplace is forbidden in regard to chemical materials and activities mentioned in the Annex 3 that lists the following chemical materials: (2-naphthylamine and its salts, 4-aminodifenil and its salts, benzidine and its salts, 4-nitrodifenil, with the mass percent concentration limit being 0,1%). This prohibition is not being applied if the chemical agent in question is present within another chemical agent or is an integral part of waste, under condition that its individual concentration in that material is lower than the indicated limit concentration.

Exceptionally, deviations from the abovementioned principle shall be permitted in cases referring to the following: exclusive use due to scientific research and testing, including analyses; activities intended for elimination of chemical materials present in the form of by-products or waste; production of chemical materials for the purpose of their usage as by-products. The employer is obliged to prevent exposure of the employees to the abovementioned chemical materials and to ensure that the production and the earliest possible use of such chemical materials as a by-product takes place in a closed system, so that these chemical materials can be eliminated if it is necessary for the control or improvement of the system. When the deviations are permitted, the employer is obliged, prior to using the chemical materials from the Annex 3, to inform the competent labour inspection about the intended usage at least eight days before starting work. The report must contain the following data: the reason for which the deviation is requested; the quantity of chemical materials that shall be used annually; the activities and/or reactions or the processes involved; a number of employees who could be exposed; the stipulated preventive measures regarding safety and health at work for these employees; technical and organisational measures undertaken with the view of preventing exposure of the employees.

d) Please explain the nature and scope of the employer's obligation to carry out risk assessment (Article 4).

The provisions of Article 5 of the Rulebook on Preventive Measures for Safe and Healthy Work During Exposure to Chemical Materials, stipulate that the employer is obliged to establish whether hazardous chemical materials are present at a workplace as the first step while evaluating the risk in the context of regulations regarding safety and health at work. If the employer determines their existence, he is obliged to assess the risk for safety and health of the

employees resulting from the presence of these chemicals taking into account the following: hazardous characteristics of chemical agents in question; information on the safety and health at work that are provided by the supplier, for example, a safety data sheet; a level, a type and a duration of exposure; circumstances surrounding work that involves such materials including their quantities; all limit values for exposure to chemical materials at a workplace and/or biological limit values; the effects of preventive measures that have already been taken or are to be taken; the reports on the results of surveillance of health status of employees if such results are available. Upon a request presented by the employer, the supplier of chemical materials is obliged to submit some additional information necessary for risk assessment and, if possible, also to give a specific evaluation of risks for the users. The employer is obliged to partially change or supplement the Act on the Risk Assessment when some significant changes occur in the process of work or when the measures defined for safe and Healthy Work prove to be inadequate or when the results of health status monitoring of the employed show that such a measure is necessary. In the process of risk assessment, the employer's duty is to take into account all the activities at a workplace (including maintenance, for example) that can result in an increased exposure to chemical agents, as well as other factors in the work process which can jeopardize safety and health of the employed and entail risks of injuries or health damage at work but cannot be eliminated or reduced to a sufficient extent in spite of implementation of all the necessary technical measures. At workplaces where in the course of their activities, the employed are exposed to several types of hazardous chemical materials, the employer should assess the risk created by the combination of effects of all the hazardous chemical materials acting together. In case of inclusion of a new activity at a workplace involving hazardous chemical materials, the employer is obliged to make sure that the activity in question start only after a risk assessment has taken place and when all preventive measures for safe and Healthy Work have been determined and put in place.

Provisions of Article 13 of the Law on Safety and Health at Work, stipulate that the employer is obliged to adopt an act on the risk assessment, in the written form, for all the workplaces in a work environment and to establish the manner and measures for risks elimination. The employer is obliged to change the Act on Risk Assessment in case of occurrence of any new hazard and modification of the risk level in the work process. The Act on Risk Assessment is based on establishment of possible types of hazards and harmfulness at a workplace and in the work environment and that is used as basis for evaluation of risks of injuries or health damage that an employee could suffer. The manner and procedure to be used for assessment of risk at a workplace and in the work environment are prescribed in the Rulebook on Methods and Procedures in Risk Assessment and Work Environment.

e) What prevention strategy has been or will be drawn up to protect workers' health, and what kind of measures will be taken to eliminate risk, or reduce it to a minimum (Article 5)?

The provisions of Article 5 of the Rulebook on Preventive Measures for Safe and Healthy Work During Exposure to Chemical Materials, stipulate that the employer is obliged to determine, in an Act on risk assessment made in the written form, adopted in conformity with the Law on Safety and Health at Work, which measures for prevention, elimination or reduction of risk from chemical materials have been applied in terms of this Rulebook.

The provisions of Article 6 of the Law on Safety and Health at Work stipulate that the employer is obliged to implement preventive measures regarding safety and health at work in case of carrying out any of the activities that include hazardous chemical materials according to the Law on Safety and Health at Work and the provisions of this Rulebook. An employer is obliged to prevent, eliminate or reduce to the lowest possible degree the risks of occurrence of injuries and/or damages to health of the employees at a workplace that involves chemical materials by planning and organising the system of work at a workplace; by providing adequate equipment for work with chemical materials as well as by introducing maintenance procedures that ensure safety and health of the employees; by reducing to the minimum the number of employees who are exposed or could be exposed to hazardous chemical materials; by reducing duration and intensity of exposure to a minimum; by applying adequate measures of hygiene; by reducing quantities of chemical materials present at a workplace to a minimum required for that type of activity, determining adequate work procedures including guidelines for safe handling, warehousing and transport of hazardous chemical materials and waste that contains such chemical materials within a workplace. An employer is obliged to ensure application of preventive measures at any workplace for which it is established that there exists a risk of injuries or damage to health of the employed.

According to Article 7 of the Rulebook, these measures include the following, listed by priority: making projects for adequate work processes and technical controls as well as utilisation of certain equipment and materials in order to avoid or reduce to the lowest extent possible the release of hazardous chemical materials that can represent a risk of injuries at work or damages to health of the employees at their workplaces; implementation of collective measures aimed at safety and health at work at the source of the risk, such as would be an adequate ventilation and corresponding measures regarding organisation; in cases where the exposure cannot be prevented by other means, individual measures ensuring safety and health at work are applied, including means and equipment for personal protection at work. Besides the application of measures, the employer is obliged to ensure monitoring of the health condition of the employees in terms of this Rulebook.

On the basis of the procedure of risk assessment and through application of prevention principle, the employer undertakes technical and/or organisational measures that comply with the type of activity, including stocking, handling and separation of incompatible chemical materials, ensuring protection of employees against dangers that are created by the physical and chemical characteristics of chemical materials.

The employer takes the abovementioned measures according to the established priorities so as to: prevent the presence of hazardous concentrations of inflammable substances or hazardous quantities or unstable substances at a workplace or, when the nature of work does not permit such a presence; avoid presence of sources of inflammation that can cause fire and explosion or unfavourable conditions that could cause harmful physical effects of chemically unstable substances or mixtures of substances; mitigate harmful effects on health and safety of the employees in case of fire or an explosion caused by inflammation of inflammable substances or harmful physical influences of chemically unstable substances or mixtures of substances. The work equipment and safety systems that the employer provides for the protection of the employed must have the form, should be made and procured in accordance with the regulations regarding products' safety, and ensure complete safety and health of the employees. While applying technical and/or organisational measures, the employer must take into account the compatibility of work equipment and safety systems with the requirements for usage in a

potentially explosive atmosphere. The employer is obliged to implement measures of control and/or testing of compounds, plants, work equipment and safety systems or to provide equipment for prevention of explosions or devices for release of explosive pressures.

f) Is there mandatory health surveillance for workers who are exposed to chemical agents (Article 10)? If so, please specify the criteria for determining the categories of workers subject to this mandatory health surveillance.

According to the provisions of Article 11 of the Rulebook on Preventive Measures for Safe and Healthy Work During Exposure to Chemical Materials, it is stipulated that the employer is obliged to ensure the prescribed surveillance of the health condition of the employees who work or are to start working at the workplaces for which the results of risk assessment from this Rulebook establish that they represent workplaces with an increased risk of injuries at work or damages to health.

In case where the binding biological limit value has been determined, as specified in Annex 2, the surveillance of the health condition of the employed who work or should start working at workplaces with the increased risk, represent an obligatory prerequisite for working with hazardous chemical materials in accordance with the procedures and periods stipulated in that Annex. An employer is obliged to inform the employee on the condition mentioned in the previous paragraph of this Article before they start carrying out the activities which involve the risk of exposure to the mentioned hazardous chemical material. For each employee whose health condition is monitored, there are records and the data regarding their health condition and the data on exposure to chemical materials are constantly being supplemented and completed. The data on the monitoring of the health condition and exposure contain results of health status surveillance as well as all additional information that are important for the individual exposure of employees. Biological monitoring can represent a part of the health condition monitoring. The data on the health condition and exposure are kept in the prescribed form enabling posterior insight respecting the obligation concerning confidentiality of personal data. It is necessary to enable each employee to have access to their own personal data regarding their health condition and exposure.

Upon a request presented by the competent authority, the employer is obliged to put at the disposal of that authority all available data regarding health condition surveillance. Before termination of business, the employer must submit to the competent authority the data on exposure and health condition of the employed whose health condition was monitored in connection with their exposure to chemical materials.

When, on the basis of the health condition monitoring of an employee, it is established that: an employee has a disease or it is established that his health is exposed to an unfavourable influence which is considered by occupational health services to be the result of exposure to hazardous chemical materials at the workplace, or if the binding biological limit value has been exceeded, the occupational health service informs the employee in question about the results that refer to him personally, including information and advice regarding the method of health condition surveillance that he will be subject to termination of the exposure. In this case, the employer is obliged to verify the risk assessment carried out in accordance with this Rulebook; review the measures intended to prevent, eliminate or reduce risk in terms of this Rulebook, take into account the opinion of the occupational health services and inspections concerning the

implementation of measures aimed at preventing, eliminating or reducing risk in terms of this Rulebook, including the possibility of reassignment of an employee to another job that does not involve a risk of further exposure; provide constant monitoring of the health status of the affected employee and other employees who were exposed in a similar manner. In such cases, occupational health services or labour inspection may suggest that these employees undergo additional medical examinations.

82. Indicative occupational exposure limit values for chemical agents at work (Directives adopted in implementation of Council Directive 98/24/EC – Commission Directives 91/322/EEC, 2000/39/EC, 2006/15/EC and 2009/161/EU)

a) Is there currently a list of chemical substances for which exposure limit values have already been set? If so, how many substances are on the list?

The Annex 1 of the Rulebook on Preventive Measures for Safe and Healthy Work during Exposure to Chemical Materials contains the List of Binding Limit Values of Exposure to Chemical Materials at Workplace. There are 127 chemical materials in this list.

b) Are the limits indicative or binding?

The list of limit values of exposure to chemical materials at workplace is binding.

83. Explosive atmospheres (Directive 1999/92/EC):

a) Does legislation in your country specifically cover the risks arising from explosive atmospheres?

b) In case it does cover such risks, which protection measures are provided for by national legislation?

According to the NPI Realisation Plan, the stipulated deadline for transposing the Directive 1999/92/EC is the IV (fourth) quarter of 2011.

84. Biological agents at work (Directive 2000/54/EC):

a) Is there specific legislation at national level?

The minimum requirements that an employer is obliged to meet in providing preventive measures to eliminate or reduce the risk of injury or damage to health of employees, that may arise when exposed to biological agents at the work, are regulated by the Rulebook on Preventive Measures for Safe and Healthy Work when exposed to biological agents (*Official Gazette of RS*, No 96/10).

b) Does your legislation provide for a classification of biological agents?

Article 18. of the Rulebook on preventive measures for safe and healthy work when exposed to biological agents provide for the classification of biological agents groups 2-4, given in Annex 3. attached to these Rulebook, of which is an integral part.

c) What general principles do you apply or intend to apply to:

i) risk assessment;

Pursuant to Article 4. of the Rulebook on the Preventive Measures for Safe and Healthy Work when Exposed to Biological Agents, an employer shall assess the risk of injury and damage to health of employees in all working places where there is possible exposure to biological agents, in order to determine the nature, extend and duration of exposure of an employee and the measures for elimination or reducing the risk. When an employee is exposed to the effects of several groups of biological agents, the employer shall assess the risk of the presence of all biological agents. The employer is obliged to make a partial amendment to the act on the risk assessment, if there has been a change in the performance of work or if there is a risk of new agents that may affect the employee's exposure to biological agents. The employer shall, on request, provide information used in assessing risk to the relevant work inspection. Risk assessment is based on all the available information including:

- 1) classification of biological agents that are or may be harmful to human health, in terms of Article 18. of this rulebook.
- 2) recommendation of the competent authority stating that the biological agents should be controlled in order to protect the health of employees, in case when they are or may be exposed to such biological agents.
- 3) information on diseases that employees can receive due to their work;
- 4) possible allergic or toxic effects as a result of employees work;
- 5) introducing an employee of the disease that is found to suffer from, and which is directly related to his/her work.

ii) risk elimination;

Article 7. of the Rulebook on Preventive Measures for Safe and Healthy Work when exposed to biological agents provide that an employer is required to prevent exposure to biological agents in case the assessment under Article 4. of this regulation shows that there is a risk to safety and health of employees.

iii) risk reduction?

Article 7. of the Rulebook on Preventive Measures for Safe and Healthy Work when exposed to biological agents provide that, when it is not technically practicable to prevent exposure to biological agents, taking into account the activities and risk assessment, the risk of injury or damage to health of employees is reduced to a minimum by providing preventive measures, especially the following:

- 1) reducing to minimum the number of employees who are or may be exposed to biological agents, as well as the duration of exposure;
- 2) designing the appropriate work processes and technical controls, in order to avoid or reduce, as far as possible, the release of biological agents in the workplace;
- 3) collective measures of protection and/or, in case that exposure cannot be avoided by other means, individual protection measures;

- 4) hygienic measures to prevent or reduce accidental transfer or release of biological agents from the workplace;
- 5) using pictograms for biological agents from the Annex 2. as well as other appropriate warning signs;
- 6) making plans for action in case of injuries or dangerous occurrence involving biological agents;
- 7) testing, where necessary and technically feasible, the possible presence of biological agents that are released when working outside the premises for primary physical storage;
- 8) providing safe collection, storage and disposal of waste by employees where necessary, including the use of safe and recognizable containers, after appropriate treatment of waste;
- 9) identifying ways for safe handling and transport of biological agents in the workplace;
- 10) vaccination and medicine protection.

d) Does your legislation include an obligation to replace dangerous substances by less dangerous?

Pursuant to Article 6. of the Rulebook on the Preventive Measures for Safe and Healthy Work when exposed to biological agents, an employer shall avoid performing activities involving possible exposure to biological agents, if the nature of work permits, in a manner of replacing and organizing work involving exposure to biological agents that is not or is less dangerous to the health of employees.

e) Is there a notification system for the use of certain biological agents and a duty to notify accidents to a competent authority?

Article 8. of the Rulebook on Preventive Measures for Safe and Healthy Work when exposed to biological agents provide that an employer shall, when on the basis of risk assessment under Article 4. of this regulation he/she determines that there is a risk to safety and health of employees, provide the authorized inspection of work with the information about:

- 1) the act on risk assessment;
 - 2) activities which include exposure to biological agents of employees;
 - 3) number of employees engaged in these activities;
 - 4) names and capacities of persons for safety and health at work;
 - 5) taken preventive measures, including activities and work processes;
 - 6) plan in case of dangerous occurrence that could happen as the result of releasing biological agents, in order to protect employees from exposure to biological agents group 3 or 4.
- The employer shall, within 24 hours, report to the competent work inspection and authorities of internal affairs about every work injury and dangerous occurrence that could lead to release and expansion of biological agents, and that could cause serious infection and/or disease.

f) To what extent does the legislation apply to activities with non-deliberate involvement of biological agents (e.g. food industry, agriculture, waste processing, etc.) and does the labour inspectorate also cover this aspect upon inspection visits to undertakings in these areas?

The Rulebook on preventive measures for safe and healthy work when exposed to biological agents apply to activities with non-deliberate involvement of biological agents.

Labour Inspectorate performs inspection of domestic and foreign legal and natural persons who employ or have the status of the employer . Inspection of the employer is related to the implementation of: the Law on Safety and Health at Work; secondary regulations in the field of safety and health at work; general, special and individual collective treaties and general acts that regulate the rights, obligations and responsibilities in the fields of safety and health at work; general acts governing the workplace, type and level of education, knowledge and other conditions necessary for employment in these workplaces; the part of the labour contract governing the rights, obligations and responsibilities of employees and employer in the field of safety and health at work, as well as the implementation of the technical regulations and national standards related to safety and health at work.

Pursuant to **Article 7. of the Law on Safety and Health at Work, an employer shall provide preventive measures** in order to achieve safety and health at work by applying modern technical, ergonomic, health, educational, social, organizational and other measures and means to eliminate risks of injury and damage to health of employees and/or their reduction to a minimum, inter alia, in the process of designing, constructing, using and maintaining of technical processes of work with the entire equipment for the operation, for reasons of safety work and harmonization of the chemical, physical and biological agents, micro-climate and lighting in workplaces as well as in working and auxiliary premises with the prescribed measures and standards for work carried out at those workplaces and working premises .

Rulebook on Preventive Measures for Safe and Healthy Work when Exposed to Biological Agents stipulates the minimum requirements that an employer is obliged to meet in providing preventive measures to eliminate or reduce the risk of injury or damage to health of employees, that may arise when exposed to biological agents at the workplace.

Pursuant to Article 8. of the Rulebook, an employer shall, on the basis of risk assessment under Article 4. of the Rulebook (an employer shall assess the risk of injury and damage to health of employees in all working places where there is possible exposure to biological agents, in order to determine the nature, extend and duration of exposure and the measures for elimination or reducing of the those risks) determine whether there is a risk to safety and health of employees and **to provide the authorized inspectorate, at their request**, with the information about: the risk assessment act; activities which include exposure to biological agents of employees; number of employees engaged in these activities; names and capabilities of persons in charge of safety and health at work; taken preventive measures, including activities and work processes and information about plan in case of dangerous occurrence that could happen as the result of releasing biological agents, with the aim to protect employees from exposure to biological agents group 3 or 4.

The employer shall **immediately, within 24 hours, report to the competent labour inspectorate** and authorities of internal affairs about **every work injury and dangerous occurrence that could lead to release and expansion of biological agents**, and that could cause serious infection and/or disease.

If an employer carries out activities which may result in exposure to biological agents group 2. 3. and 4., he/she shall inform the competent labour inspectorate eight days before the commencement of those activities.

g) Is there health surveillance for workers?

Article 14. of the Rulebook on Preventive Measures for Safe and Healthy Work when Exposed to Biological Agents stipulates that an employer shall provide health monitoring for employees who work or are about to work on the places where are carried out the activities involving exposure to biological agents, and which are, according to assessment, the workplaces with increased risk for injuries or damage to health. Health monitoring is done through the preliminary medical examination and periodic medical examination of the employee at the workplace with increased risk, as well as through implementation of individual measures and satisfactory hygienic conditions at the workplace. Risk assessment shall determine which workplaces with increased risk should be provided with implementation of individual measures of safety and health at work. The employer shall, when necessary, provide effective vaccines for those employees not immune to biological agents, to which are or may be exposed. When provided vaccines, the employer shall take into consideration the conduct code while vaccinating, from the Annex 6 of this Rulebook.

85. Directive 2010/32/EU implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU20: Have the Serbian authorities envisaged the transposition of this Directive and if so, what has been and is being carried out in this respect (e.g. impact assessment)?

The above mentioned Directive has not been implemented yet in the Republic of Serbia.

On 23 April 2009, the Government of RS adopted the Strategy on Health and Safety at Work in the Republic of Serbia for the period from 2009 to 2012. Therefore, the said Strategy has its stronghold in the Law on Health and Safety at Work (*Official Gazette of RS* No.101/05), the ILO Conventions, EU Directives and through the compliance with the key principles promoted therein, on which the system of safety and health at work is based nowadays.

The system, set up in this way, allows for the further progressive development of the requirements set for transposition of EU directives and ILO conventions into national legislation, as well as for reassessing existing rules, taking into account the experience and practice, which further leaves room for implementation of this Directive.

86. Vibrations (Directive 2002/44/EC):

a) Is there specific legislation on protection from exposure to vibration in place?

b) Which is the scope of this legislation?

c) Does your legislation set up exposure limit and action values, and if yes, which ones?

According to the implementation plan of NPI, timeline for transposition of Directive 2002/44/EC is IV quarter of 2011.

d) Asbestos (Directive 2009/148/EC – codified version)

e) Are products containing asbestos currently sold and processed?

Production and import of asbestos have not been prohibited in Serbia yet, so that there are products made of asbestos fibres in Serbia, such as: parts of car brake systems, protective gloves, technical textiles etc. However, regulation passing of which has been stipulated for the first half of this year, is under preparation, and it shall contain the following limitations to import and use of asbestos fibres.

6. Azbestos fibres	1. It is prohibited to put into trade or use such fibres, as well as the products containing them.
a) Crocidolite CAS No.12001-28-4	Exept from point 1, it is permitted to use chrysolite* containing membranes, which are component parts of the existing devices for electrolysis, as long as these devices are in operation or can be serviced, or until an appropriate material for substitution, without asbestos fibres, has been found.
b) Amosite CAS No. 12172-73-5	
c) Antophyllite CAS No. 77536-67-5	2. The use of asbestos-fibre-containing products from point 1, which have been installed and/or have been in use since January 1, 2005, may continue until they have become waste or until their service period expired.
d) Actinolite CAS No. 77536-68-6	
e) Tremolite CAS No. 77536-68-6	3. Apart from being marked in accordance with regulations on classification, packing and marking of substances and mixtures, the products containing these fibres, when put into trade or use, must have additional notification that the product contains asbestos, in accordance with special requirements given in Part 3 of the Appendix.
f) Chrysotil* CAS No.12001-29-5 CAS No.132207-32-0	

f) What is the definition of the term "asbestos" in the national law (Article 2)?

Stipulations from Article 2. of the Rulebook on Preventive Measures for Safe and Healty Work when Exposed to Asbestos prescribe that asbestos, in terms of this rulebook, are the followin silicate fibres:

- 1) actinolite asbestos, CAS number 77536-66-4;
- 2) grunerite asbestos (amosite), CAS number 12172-73-5;
- 3) asbestos antophyllite CAS number 77536-67-5;
- 4) chrysotile CAS number 12001-29-5;
- 5) crocidolite, CAS number 12001-28-4;
- 6) tremolite asbestos, CAS number 77536-68-6.

g) What is the limit value for exposure of workers (Article 8) (EU 0.1 fibres/cm³ as an eight-hour time-weighted average)?

Stipulations from Article 4. of the Rulebook on Preventive Measures for Safe and Healthy Work when Exposed to Asbestos prescribes that the borderline value of asbestos exposure is 0,1 asbestos fibre in 1 cm³ of air during the eight-hour working hours.

h) What method do you use to collect airborne fibres?

Stipulations from article 6, paragraph 3 of the Rulebook on Preventive Measures for Safe and Healthy Work when Exposed to Asbestos prescribe that a legal entity with the licence to carry out investigation of work environment conditions, shall, within the procedure of preventive and periodic investigation of work environment conditions for counting of asbestos fibres, use the method of phase contrast optical microscopy in accordance with recommendation of the World Health Organization ISBN 92 4 154496 1 or to determine the number of the fibres by some other method providing equivalent results.

i) Is applying asbestos by means of spraying prohibited (Article 5)?

Stipulations form Article 5, paragraph 1 of the Rulebook on Preventive Measures on Safe and Healthy Work when Exposed to Asbestos prescribe that performance of the activities in which asbestos, or the asbestos containing materials are applied by means of spraying, is prohibited as well as the use of asbestos containing insulating materials with density under 1g/ cm³.

j) What authority is responsible for administering the notification system (Article 4)?

The Ministry of Labour and Social Policy, the Labour Inspectorate is competent authority.

k) Is there a register of recognised cases of mesothelioma?

Cancer registry is kept in the Serbian Institute of Public Health "Dr Milan Jovanovic - Batut". The cases of diagnosed mesothelioma of lung tissues are also kept within this registry.

l) Do you require a complete plan of work to be drawn up before any demolition work is begun and what is the content of such plans (Article 13)?

Stipulations from article 17 of the Rulebook on Preventive Measures for Safe and Healthy Work when Exposed to Asbestos prescribe that the employer shall make the Work Plan before commencement of the works:

- 1) on demolition of facilities, constructions, installations, plants or vessels containing asbestos and/or asbestos containing products;
- 2) on removal of asbestos and/or asbestos containing products from facilities, constructions, installations, plants or vessels.

The employer shall plan development of works so that asbestos and/or asbestos containing products have been removed before the beginning of demolition, unless such order of development of works would increase the risk for safety and health of the employees.

The work plan from paragraph 1 of this article, apart from preventive measures, also contain data on:

- 1) the location on which works are developed;
- 2) the manner of development of works and the time stipulated for their duration;
- 3) the means and equipment for personal protection at work and the manner of control of their use;
- 4) the manner and procedure of asbestos or asbestos containing materials transportation;
- 5) the equipment that shall be used for protection and decontamination of the employees performing the works and for protection of other people in the immediate vicinity;
- 6) the manner and procedure of detection of presence of asbestos, after the works have been finished.

The employer shall submit the Work Plan from paragraph 1 of this article to the competent labour inspection, within eight days before commencement of the works at the latest.

87. Noise (Directive 2003/10/EC):

- a) Does the national legislation specifically cover risks from noise at work?**
- b) Have you set a daily noise-exposure value for workers? If so, what is it?**
- c) Does current legislation set exposure action levels on noise? If so, what is the action value? If not, do you intend to set one?**
- d) Do you already have or plan to set a threshold (ceiling) limit value for noise? If so, what is this value?**
- e) Do you have a framework of preventive measures including health surveillance to effectively protect workers against noise? If so, how are these measures related to the?**
- f) Are labour inspectors trained in regard to this physical agent and are they actively advising employers and workers on this risk?**

According to the NPI Realisation Plan, the stipulated deadline for transposing Directive 2003/10/EC is IV (fourth) quarter of 2011.

88. Carcinogens (Directive 2004/37/EC):

- a) Does your country have legislation in the field covered by the Directive?**
- b) Do you use the EU classification or a different classification to define substances ascarcinogens?**
- c) Does the law oblige carcinogens to be replaced by less dangerous substances?**
- d) Are there provisions on health surveillance prior to taking up duty and in regular intervals?**
- e) Are medical records kept? For how long and by whom?**
- f) Does your legislation provide for limit values on benzene, vinyl chloride monomer and hardwood dusts and are they similar to the EC values?**

According to the NPI Realisation Plan, the stipulated deadline for transposing Directive 2004/37/EC is the IV (fourth) quarter of 2011.

89. Artificial optical radiation (Directive 2006/25/EC):

- a) Is there specific legislation covering protection from risks regarding the exposure to artificial optical radiation?**
- b) In case there is such legislation, does it lay down exposure limit values for noncoherent radiation, other than that emitted by natural sources of optical radiation (Article 3(1))?**
- c) Are there any obligations imposed on employers to take measures to prevent the exposure exceeding the limit values?**

According to the NPI Realisation Plan, the stipulated deadline for transposing Directive 2006/25/EC is the IV (fourth) quarter of 2011.

C. Effective implementation of related EU acquis

Certain Directives in the area of health and safety at work require employers to take specific preventative and protective measures, to make available to workers specific work equipment to ensure workers' protection and to make substantial changes in workplaces (that includes requirements laid down, for instance, in Directive 2009/104/EC concerning the minimum health and safety requirements for the use of work equipment by workers at work, Directive 98/24/EC on the protection of health and safety of workers from the risks related to chemical agents at work, Directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise), Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work, Directive 2006/25/EC on the minimum health and safety requirements regarding the exposure of risks arising from physical agents (artificial optical radiation), and others).

As putting into place these measures entails certain financial costs, national authorities are invited to comment on the issue whether an impact assessment was carried out (or is planned to be carried out) as regards socio-economic implications of the implementation of the Directives and whether there are measures envisaged to assist employers in order to ensure effective implementation of the Directives concerned.

III. SOCIAL DIALOGUE

90. What are the social dialogue mechanisms in your country? What is their legal basis?

Ministry of Labor and Social Policy:

There are different mechanisms of social dialogue in the Republic of Serbia, starting from the national level to the level of an employer. The real basis for a social dialogue lies in the Constitution of the Republic of Serbia, Labour Law and the Law on Social and Economic Council. The Constitution of the Republic of Serbia in Article 82, paragraph 3 stipulates that the effects of market economy on social and economic position of employees are to be adjusted through social dialogue between trade unions and the employers.

The most important mechanisms of social dialogue are collective agreements and social and economic councils. The legal basis for conclusion of collective agreements lies in the Labour Law, while the establishment and functioning of social and economic councils is based on the Law on Social and Economic Council. The Labour Law stipulates that the trade unions and the associations of employers that are recognized as representative, have the following rights:

- 1) the right to collective bargaining and conclusion of collective agreements at the appropriate level;
- 2) the right of participation and resolution of collective work-related disputes;
- 3) the right of participation in tripartite and multiparty authorities at the appropriate level;
- 4) other rights in conformity with the law;
- 5) The social dialogue appears also in other forms, such as the right of the employed to be informed and consulted, as well as their right to participation in management. In that connection, representatives or representative trade unions and associations of employers are present in the bodies at different levels, such as employment councils, management authorities of different organisations and funds, such as Pension and Disability Insurance Fund, National Employment Service, Solidarity Fund etc. Apart from that, representatives of employees are members of various bodies at company level, such as management boards and supervisory boards in public enterprises, boards for safety and health at work, etc.

Appendix from the Serbian Association of Employers:

- The Law on Social and Economic Council: The Social-Economic Council: republican, provincial and local (which have been formed) and permanent working bodies at the Social and Economic Council of the Republic of Serbia;
- The Labour Law: Collective negotiations at the national level, The Board for Determination of Representativeness of Unions and Associations of Employers, The Expert Group for the Amendment of Laws in the Field of Labour and Social Legislation, the Solidarity Fund- management authorities(Management Board and Supervisory Board)
- The Law on Safety and Health at Work: The National Council of Occupational Safety and Health, collective negotiations regarding safety and health at work
- The Pension and Disability Law: management authorities (Management Board and Supervisory Board)

- The Law on Amicable Resolution of Labour Disputes: The Commission for selection of mediators and arbiters engaged for Agency for peaceful settlement of labour disputes□
- Law on Employment and Unemployment Insurance : management authorities (Management Board), participation in formed, local employment councils.
- The Law on the Fundamentals of the Educational System: Council for vocational and adult education

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

The Social-Economic Council was established in 2001 for the purpose of establishing and developing social dialogue, but it got the legal basis only after passing the Law on Social and Economic Council in November 2004.

The Social-Economic Council is an independent authority consisting of:

1) for the territory of Republic of Serbia: representatives of the Government of the Republic of Serbia, representatives of competent associations of employers and competent trade unions, established for the territory of the Republic of Serbia.

2) for the territory of the autonomous province and a local self-government: representatives of executive authorities of the autonomous province or a local self-government unit, representatives of employers and representatives of unions, established for a particular territorial unit.

Social-Economic Council considers the questions of: labour legislation, development and improvement of collective negotiations, protection of rights to free organizing of employers and employees, employment, labour and social rights, health and social protection, the policy of earnings and prices, protection of vulnerable groups etc.

In addition to this, in the Social-Economic Council are established the following working groups:

1. The Working body for economic issues;
2. The Working body for management;
3. The Working body for negotiation and peaceful settlement of labour disputes;
4. The Working body for safety and health at work issues.

The task of working bodies is to consider the professional materials related to issues for which the working bodies were established. Working bodies are attended by one representative of the Government of RS, the Trade Union Confederation "Nezavisnost" and the Union of Employers of Serbia.

Function of the Social-Economic Council did not reach the level of countries with developed social dialogue. The cause for this are many difficulties that characterize the social dialogue in our country and make it difficult for its adequate and rapid development. There is a clearly defined program and content within the Council, and the network of local and regional level generally does not work.

The functioning of the Social and Economic Council have been recently brought into question at the national level, because none of the 86 laws, which the Government proposed to the Assembly in 2010, went on compliance with social partners on Social and Economic Council.

The laws that the unions are very interested in are: Draft Law on Amending the Law on Employment and Unemployment Insurance , the Proposal on Amendments to law on Pension

and Disability Insurance, the Proposal on Amendments to the Insurance Law, have not been discussed by this tripartite body.

One of difficulties is the disproportion of power between the participants in the dialogue, and frequent reluctance of the Government to engage in equal dialogue with unions and employers.

There is the burning need for development and improvement of social dialogue in Serbia. The reasons for this are numerous.

Appendix from the Trade Union Confederation Nezavisnost:

Main notes

Social dialogue implies two main assumptions: material – developed and stabile market economy, and immaterial – developed, stabile, open, democratic political system. Lack of any one of these assumptions, eliminates possible social dialogue implementation and development. In Serbia both are absent. Hence, any discussion on social dialogue with pretension to have it, is initially senseless, whereas we only need to consider the respective condition. Likewise, some questions are completely pointless as we do not have open market economy, but closed, archaically autochthonous, with high level of state and political parties interventions in economy flows. Therefore, global crisis influence on anything in Serbia is negligible, because, if it could be attributed the drastic drop in foreign investments, that would automatically mean that foreign investors were disturbed by the global crisis, and that once it has ended, they would start investing in closed, archaically autochthonous economy, strictly controlled by the symbiotic relation between the politics and big capital. But, is that so?

If social dialogue serves to introduce in the material sphere the consultative-participation of the labour world in the steering and basic rules of capital movement in economy flows, as well as macro and micro redistribution of accomplished growth, then we confront the inevitable fact that capital has mostly been alienated primarily from any public control and influence, through wild privatisation. How could a decision be taken by parliamentary voting which would, for example, redirect part of the capital towards public interest, not to mention, how could that be done by sophisticated means – consensus, or social dialogue?

If social dialogue represents the key road to strategically supplement the democratic organization, giving it participatory dimension in economy area, if social dialogue represents the most reliable and long term very sustainable path to social inclusion, and if social dialogue advocates and assumes strong dimension of social component in the philosophy of power and capital, could social dialogue accomplish that in the area of superstructure – politics? When power is an objective itself, as has been the case for two decades in Serbia, than a minor political partner, with only one, but determining vote in the parliament, shall take the whole space where social partners are supposed to govern in sovereignty. However, they become completely unneeded, their <<product>> is a burden, and not an encouragement.

The last note – quite a part of what is called social dialogue is rooted in the philosophy and norms of the International Labour Organization. Although Serbia ratified most of those norms, it has not respected a single one, either by ignoring their existence in the legislation, or by twisting them upside down in implementation. European model made a step forward from MOR platform. Establishing the community by phases, Europe has been building up its social model through social dialogue energy which is now an integral backing of the European identity. Serbia is supposedly rushing to embrace Europe, while carefully preserving itself from adopting

anything from the social dialogue theory and practice. Quite the opposite in Serbia compared to Europe, it's position is the one of the reality show "The Farm" as compared to a premiere in the Milan Scale, vulgarized to a point of loosing any sense.

These are unchangeable facts of which, I confidently know, our partners in the EU are aware, hence, these notes are not intended as additional information, but rather as a optical means for the understanding of the issues and interpreting of the responses.

Replay on question

There exists Social and Economic Council and several local councils which are still unaware of what they should do, looking up at the Republic Council as a kind of a central committee wherefrom they will be enlightened. Legal grounds are the Labour Law r (not implemented, or arbitrarily implemented) and the Law on the Social and Economic Council of the Republic of Serbia, which is fully inadequate, and as such, almost fully not applied.

91. What are the trade unions and employers' organisations recognised at national level or at regional or branch levels? Please provide a list of their names, dates of creation and coverage? How are these organisations entitled to recognition as social partners' organisations (criteria set out by law, code of labour, etc)?

Ministry of Labour and Social Policy:

For the Republic of Serbia competent trade unions are: Confederation of Autonomous Trade Unions of Serbia and Trade Union Confederation "Nezavisnost", and competent employer's association is Serbian Association of Employers.

The Confederation of the Autonomous Trade Unions of Serbia entered the register kept by the Ministry of Labour and Social Policy in 15.04.1991. and the Trade Union Confederation "Nezavisnost" entered it in 26.08.1991. Serbian Association of Employers was registered in employers' association run by this ministry 05.04.2005., given that this register has been kept since 2005. Serbian Association of Employers has entered the register of the Social Organizations and Associations of Citizens, kept by the Ministry of Interior in 1994.

The above mentioned registers are public database that contains the names and other information on trade union and employers' association. Moreover, the resolution which determines the representativeness of trade unions and associations of employers in the branch, group, subgroup, activity or the territory of particular territorial unit, is published in the Official Gazette of the Republic of Serbia and thus available to the public.

The Ministry has no information on the total number of members of these organizations, given that the number of members is reported only when entering the register, in case it's a condition for the establishment (according to the Labour Law there is no requirement for establishment regarding the number of members, but it can be prescribed by the statute of trade unions, whereas the legal requirement for the employers' association is that employers members of the association shall employ at least 5% of the total number of employees depending on the establishing level). Moreover, while determining the representativeness of trade unions, it is not

determined the total number of members, but the number of members necessary to acquire the status of representativeness.

The conditions for acquiring the status of representativeness are regulated by the Labour Law.

Pursuant to Article 219 of this law, a competent trade union with an employer shall be one that meets the requirements set in Article 218 of this law (if it has been set up and active on the basis of principles of freedom of trade union organization and activity; if it is independent from public bodies and employers; if it is funded mostly from membership fee and own source; if it has the sufficient number of members on the basis of registration forms; if it is entered into the register pursuant to the law and other regulations.) and whose membership comprise no less than 15% of the total number of employees with that employer.

A competent trade union with an employer shall also be the trade union in the branch, group, subgroup or scope of business, comprising directly no less than 15% of the total number of employees with the employer.

According to the Article 220. of the Law, competent trade union for the territory of the Republic of Serbia or unit of territorial autonomy or local self-government, or branch, group, subgroup or scope of business shall also be the one that meets the criteria referred to in Article 218 of this law comprising the membership of no less than 10% of employees in that branch, group, subgroup or scope of business on the territory of certain territorial unit.

An association of employers shall be considered competent if it is entered into the register pursuant to the law and if it has a sufficient number of employees. According to the Article 220. of the Law, a competent association of employers, in terms of this law, shall be an association of employers into which is no less than 10% of employers of the total number of employers in a certain branch, group, subgroup scope of business, or territory of certain territorial unit, under the condition that such employers employ no less than 15% of the total number of employees in that branch, group, subgroup or scope of business or territory of a certain territorial unit.

Appendix from the Serbian Association of Employers:

Serbian Association of Employers is the only competent employers' organization in Serbia. Serbian Association of Employers was founded in 4.10.1994. and, according to the laws valid those days, registered as a social organization. 5.04.2005. Serbian Association of Employers was registered as employers' organization (10% of a total number of employers on the territory of Serbia who employ 15% of a total number of employees in the Republic of Serbia).

At the branch level Serbian Employers' Association is competent in the territory of the Republic of Serbia in the catering and tourism sector; activities of metal complex; chemistry and non-metal activities; activities of textile, leather and footwear; music and performance activities; activities of financial intermediation (without insurance and pension funds); activities of architecture and building materials and in the craft field

Serbian Association of Employers as an employers' association recognized as the competent association of employers on the basis of fulfilled criteria stipulated in the Labour Law and on the basis of the Resolution of the Ministry of Labour and Social Policy entered in the register of employers' associations kept by the Ministry of Labour and Social Policy.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

Since 2004. and from the end of 2009. there have been two competent trade unions centres (*Confederation of Autonomous Trade Unions of Serbia and Trade Union Confederation "Nezavisnost"*) and also one employers' association (*Serbian Association of Employers*))

In December 2009. the Ministry of Labour and Social Policy organized a review of representativeness for 4 (four) trade union centres and 2 (two) employers' association..

Three trade unions (CATUS, AAITU and CFTU) and two employers' associations responded to the invitation of the Ministry and presented necessary data and evidence of membership, while Trade Union Confederation "Nezavisnost" did not even appear on the review of its representativeness.

The Confederation of Autonomous Trade Unions of Serbia has 505111 members, and 288 717 application forms were submitted for determining representativeness.

By the end of December 2009. the Ministry of Labour and Social Policy has made the resolution on the representativeness of the Confederation of Autonomous Trade Unions of Serbia and 25 autonomous trade union branches and activities that are the members of the Union.

Therefore, in this moment (December 2010.) among all of the trade union centres in Serbia, competent is only CATUS, while the position of other trade union centres and two employers' associations completely unclear.

There are following 6 (six) registered trade union centres in Serbia : Those are:

1. Confederation of Autonomous Trade Unions of Serbia (CATUS) founded in 1903. Today it has 28 trade union activities and 500.000 members,
2. Confederation of Free Trade Unions (CFTU)
3. Trade Union Confederation " Nezavisnost" (TUC)
4. Association of Autonomous and Independent Trade Unions (AAITU),
5. United Trade Unions of Serbia "Unija", and
6. Industrial Trade Union of Serbia.

It is estimated that trade union membership in trade union organizations and vocational trade unions which belong to competent trade unions centres, include up to 37 percent of employees.

There have been several employers' organizations registered in Serbia. Well known are:

1. Union of Employers of Serbia,
2. Association of Small and Medium Enterprises,
3. "Employer"
4. "Businessman"

It is not known how many companies or undertakings (and with how many employees) are members of the employers' association. The only thing that is not clear is that for any of them have been determined the representativeness provided by the Labour Law.

According to the Labour Law which, among other things, governs the question of representativeness (Article 202), it is stipulated that the competent trade union for the territory of Serbia is considered to be the trade union which meets the conditions of Article 218. and which has at least 10% of employees from a total number of employees on the certain territory unit. When, according to official data of the Republic Statistic Office, there was 1.859.906 employees in Serbia, in that moment it meant that competent trade union might be the one that had more than 185.990 members.

Appendix from the Trade Union Confederation Nezavisnost:

There are two central organizations, Cofederation of Autonomous Trade Unions of Serbia (CATUS) , which was established immediately after the Second World War, and Trade Union Confederation (TUC) *Nezavisnost* , whose all branch trade unions are representative. Trade Union Confederation (TUC) *Nezavisnost* was established on 23 November 1991, comprising 16 branch trade unions . There is only one representative employer organization, Union of Employers of Serbia, which was established in February 1994, not covering all branches, like the here above mentioned trade unions. All trade unions in Serbia, hence not only the two representative ones, include more than 30% of the total number of the regularly employed.

Trade unions become representative by fulfilling five conditions laid down by the Labour Law . So far they have fulfilled only two requirements: the decision on registration with the competent ministry, and the number of members. The remaining three, concerning independency of the organization, its democratic arrangement and manner of funding, have never been requested and implemented (except by the TUC *Nezavisnost*).

92. How are social partners currently involved in the EU integration process? Is there any tripartite committee for this purpose? What role do social partners play in different preparatory activities/discussions in the framework of integration?**Ministry of Labour and Social policy:**

There is no any special tripartite committee governing the EU integration process.

The social partners (on the function of president of competent employers' association and the presidents of the two competent trade unions) participate as members in activities of the Council for European Integration of the Republic of Serbia. The Council was founded in order to provide strategic guidance and create a national consensus on the issue of Serbia's accession to European Union. President of the Council is the President of the Serbian Government, in addition to the social partners and Government members, members of the Council and representatives of the Non-Governmental Organizations, the Chamber of Commerce, the National Assembly, universities and scientific institutes and the European Integration Office.

Social partners at provincial level keep very intensive relations with trade union central offices and employer associations in the EU countries, so that, through frequent meetings and experience exchange, they give a very important contribution to the European integrations and thereby contribute to the social dialogue reinforcement and to the employment rights implementation according to the European principles.

Appendix from the Serbian Association of Employers:

The President of the Serbian Association of Employers is a member of the European Integration Office. Currently there is no a tripartite committee for the purpose of the integration process□ Representatives of the Serbian Association of Employers occasionally participate in conferences devoted to the EU integration process, in organization of various NGOs□

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

In June 2007, the Government of the Republic of Serbia has established the European Integration Tripartite Council, presided by the Prime Minister, and among others, representatives of competent trade unions and employers' associations are members of the Council.

As a member of the work of the Council participates the President of CATUS.

Confederation of Autonomous Trade Unions of Serbia participated in work of: Conference of the European Movement in Serbia, where were delegated more topics: European Union – free movement of workers, capital and goods; CEFTA Agreement – regional agreements; customs agreements; the World Trade Organization and harmonization of customs regulations, etc.

The Confederation of Autonomous Trade Unions of Serbia participated in the EU Twinning Project “Support to development of the National Employment Policy”. It participated in projects organized by the EU Integration Office of the Republic of Serbia: Promotion of knowledge related to social, legal and economic system of the European Union; International Labour Organization: improvement and harmonization of standards and practice in Serbia related to the labour policy, vulnerable social groups, social dialogue and collective negotiation.

CATUS participated in conferences, round tables, seminars and thematic debates organized by the Foundation Konrad Adenauer and Friedrich Ebert (Germany), SLA (Switzerland), Progetto Sviluppo CIGL (Italy) and ISCOD (Spain), concerning the policies of employers, trade unions, social dialogue, collective negotiation and democratic development, in accordance with established norms and practice of the European Union.

Implementation of one-year project “Social partnership for the transfer of informal economy into legal channels” is currently in progress. The project is financed by IPA funds, and besides the CATUS, TUC “Nezavisnost”, Serbian Association of Employers also participate, while the holder is Italian Non-Governmental Organization Progetto Sviluppo CIGL.

Appendix from the Trade Union Confederation Nezavisnost:

There is the National Council for the EU Integrations, but among numerous representatives from the politics, economy, academic structures and civil society, there are only three positions, two for representatives of syndicates and one for employer organization. This directly determines the social partners' influential capacity.

A – Tripartite social dialogue

93. Has an inter-professional tripartite social dialogue been established and if so, how is it functioning?

Ministry of Labour and Social policy:

The tripartite social dialogue exists, in the first place, at the national level where it develops within the Social and Economic Council of the Republic of Serbia. At a local level (at the level of a unit of territorial autonomy and local self-government level) it is exercised within local social and economic councils. A legal basis for founding of social and economic councils and their functioning is set out in the Law on Social and Economic Council which defines the social and economic councils as independent, tripartite bodies consisting of (Article 2):

1) for the territory of the Republic of Serbia: representatives of the Government of the Republic of Serbia (hereinafter: the Government), the representatives of representative associations of employers and the representatives of representative trade unions founded for the territory of the Republic of Serbia;

2) For the territory of the autonomous province and the units of local self-government (local social and economic councils), the representatives of competent executive authorities of the autonomous province or local self-government units, representatives of employers and representatives of trade unions founded for the territorial unit in question.

It is necessary to emphasize that local social and economic councils are established by agreements signed between competent executive authorities of the autonomous province or units of local self-government, representatives of the representative associations of employers and representatives of the representative trade unions, whereas the Social and Economic Council of the Republic of Serbia was formed by this law. Up to the present date, 16 councils have been recorded in the registry of social and economic councils.

The tripartite process exists also when the collective agreements are being signed at the level of employers in public enterprises and public services. Labour Law stipulates that the participants in these negotiations are representative trade unions, the employer and the founder.

Appendix from the Serbian Association of Employers:

The Serbian Association of Employers has signed the Agreement on Social Dialogue. It also signed the General Collective Agreement with competent trade unions, which gained extended effect by decision of the Ministry of Labour and Social Policy. Coordination Board for implementation, monitoring and authentic interpretation of the General Collective Agreement has been formed at the national level. After that, the Government and social partners signed the Agreement on further development of social dialogue which temporary delayed application of the GCA provisions relating to the financial obligations of employers. Permanent working body of the Social-Economic Council of the Republic of Serbia made an analysis of the application of Agreement on further development of social dialogue and discovered that there is a lack of conditions for the application of temporary delayed implementation of the provisions of the GCA, because of the global economic crisis.

Tripartite social dialogue works through holding a meeting of the Social□Economic Council of RS and its permanent working groups. legislation; safety and health at work, collective negotiation and amicable resolution of social disputes, and the economic issues□

However, due to obstruction by the Confederation of Autonomous Trade Unions of Serbia, the work of Social□Economic Council of the Republic of Serbia is blocked from 1.10.2010. Moreover, SEC of RS met rarely during the 2010. Because of the rare meetings of the SEC of RS and the obstruction by the CATUS, the working body of SEC have also been working with more difficulty recently and they are mostly engaged in solving problems from previous period□

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

There have been several meetings and consultations at the tripartite level of experts, lawyers and economists to establish employment policy, on the topic of European Labour and Social Regulation and to establish social dialogue. Those meeting were organized by: The international Labour Organization (Sub-regional Office in Budapest), the Pan-European Regional Council

(PERC), the Regional Cooperation Table in SEE, the European Social-Economic Council, the SEC of the Republic of Serbia, the European Movement in Serbia, the SEE Forum, the Lawyers Association, the Association of Economists, the Fridrich Ebert Foundation, the Switzerland Labour Assistance Organization (SLA) and others international and foreign non-governmental organizations which realize projects in Serbia and region.

At the political level, there were held several tripartite meeting between trade unions, employers and the Government representatives. There were also meetings organized with the European Commissioner for Employment, the Head of the European Commission in Serbia, meetings on the subject of Serbia's EU Integrations, the implementation of employment policy, building capacity of social partners and development of national plans and strategies.

The following tripartite meeting, in which the CATUS participated, were realised:

- The Fourth National Conference on Poverty Reduction , organized by the Government of Serbia;
- The Tripartite Meeting with the Representatives of ILO on Safety and Health at Work;
- Conference organized by the Fridrich Ebert Foundation in Belgrade, on the subject of social dialogue and crisis management.
- National Employment Conference in Belgrade;
- Regional Conference organizes by the Fridrich Ebert Foundation on the position of trade unions in process of EU integrations in Budva;
- Regional Seminar on Informing and Consulting the Employees, organized by the EU Integration Office in Zagreb;
- Round Table on the influence of global economic crisis on development of the entrepreneurship, organized by Belgrade Chamber of Commerce;
- Meeting of working group for drafting the Social Responsibility with Business Strategy, in Belgrade;
- Regional meeting on strengthening social dialogue in South East Europe in times of financial crisis, in organization of the Fridrich Ebert Foundation, in Sarajevo;
- Tripartite Workshop of ILO on Pension System in Serbia, in Belgrade;
- Final Conference of social partners in Belgrade on fixing the minimum wage, organized by the Union of Employers and FES;
- Meeting on safety and health at work, organized by the Ministry of Labour and with the participation of experts from the French Labour Inspectorate;
- Meeting of Working Group for Drafting the Social Responsibility with Business Strategy, organized by the Serbian Ministry of Labour and with the support of the German Ministry of Labour ;
- Creating of the National Youth Strategy;
- Projects of the International Labour Organization (ILO) on youth employment in Serbia;.
- Conference of SLA "State of social dialogue in Serbia"
- National Conference "Strengthening institutions of social dialogue" in organization of Spanish Institute for Development Cooperation ISCOD, with participations of all of three partners.
- Meeting of Serbian SEC and Spain under the project "Strengthening institutions of social dialogue"
- Cooperation of partners on the local and national level within the project Progetto Sviluppo CIGL, "Strengthening social partnership to reduction the informal economy";

- Research on the informal economy in the SEC;
- National Conference in “Gender Equality and women’s participation in public life”, held in Belgrade;
- Two forums on the following topics: “Employment discrimination and mobbing”, on the 36th International Protection and Safety Fair, organized by Department of Gender Equality of the Ministry of Labour and Social Policy;
- Two seminars on the topic: “The principles of gender equality in institutional mechanisms”, organized by the Ministry of Labour and Social Policy;
- Round Table on the topic: "The cooperation of state institutions in implementation of the gender equality policy", organized by the MWSP.

Appendix from the Trade Union Confederation Nezavisnost:

Tripartite social dialogue is effective only in some professions, that is in those of general social interest – education, health insurance, social protection, electric industry – through tripartite management and supervision bodies – management and supervision boards, as regulated by concrete legal solutions (the Labour Law , the Law on Pension and Disability Insurance the Law on Employment and Unemployment Insurance , the Law on Health Insurance). However, it is disputable whether it is a tripartite dialogue, as in those branches the state acts also as an employer.

94. What are the trade unions and employer organisations that participate in this tripartite process, and what are the main criteria for their participation?

Ministry of Labour and Social Policy:

It has been answered to this question within the answer to question no. 91.

Appendix from the Serbian Association of Employers:

Apart from the Government of the Republic of Serbia, two competent trade unions have been included in tripartite process: The Confederation of Autonomous Trade Unions of Serbia and the Trade Union Confederation “Nezavisnost”. In tripartite process employers are presented by the Serbian Association of Employers, on grounds of issued decision on established competence from 2005.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

Representatives of the Confederation of Autonomous Trade Unions of Serbia, the Trade Union Confederation “Nezavisnost” and the following branch trade unions participate in tripartite process and consultations: The Union of Metalworkers of Serbia (within the activities led by the European Metalworkers’ Federation EMF), the Union of Construction and Construction Material Industry of Serbia, the Autonomous Union of the Road Workers of Serbia, the Autonomous

Union of Forestry and Wood Processing of Serbia (within the framework of activities of the world headquarters of BWI).

A criterion for participation is representativeness.

Appendix from the Trade Union Confederation Nezavisnost:

Those tripartite bodies in their work include only representatives from representative trade unions and employer associations founded in these branches, or professions which appear in such branches (doctors, nurses, employed in some education institutions – for example high schools...).

95. What are the main areas covered by tripartite consultations?

Ministry of Labour and Social Policy:

The Labour Law, the Law on Social and Economic Council and the Law on Amicable Resolution of Labour Disputes ("Official Gazette of RS" no.125/04 and 104/09) define the main domains which are the subjects of tripartite consultations, as follows:

- development and promotion of collective bargaining,
- impact of economic policy and measures for its implementation in social development and stability,
- employment policies,
- policies regarding wages and prices,
- competition and productivity,
- privatisation and other issues related to structural adjustment,
- protection of working and living environment,
- education and professional training,
- health and social protection and safety,
- demographic developments and other questions dealt with in the acts of the Social-Economic Council.

The Social-Economic Council takes positions on the abovementioned issues and submits them to the Government. Besides that, that Council discusses draft laws and proposals regarding other regulations of importance for economic and social position of the employed and the employers, expressing opinions about these issues which are then passed to the in-line ministry that had prepared the draft laws. If the ministry does not accept the position of the Council, then that opinion can be submitted to the Government (Article 10 of the Law).

Besides that, in accordance with the Law on Amicable Resolution of Labour Disputes, the tripartite decisions are being taken also during elections of peace mediators and arbiters whose names are included in the Directory of the Agency for Peaceful Resolution of Disputes of the Republic since it is composed of Government representatives, representatives of trade unions and representatives of employers associations established for the territory of the Republic of Serbia. The representatives of representative social partners are also members of various bodies and authorities such as for example, Managing and Supervisory Board of the Pension and Disability

Insurance Fund, National Employment Service, Solidarity Fund and the Board for Competence Verification which verifies if trade unions or employers' associations are representative.

Appendix from the Serbian Association of Employers:

Basic areas covered by tripartite consultations are: labour law and social legislation, employment, education and entrepreneurship. Unfortunately, the laws related to finances, taxes, fees and other obligations of the employers to the employees and the state are almost not at all issues of tripartite consultations at the republic level. Also, although by the Law on Social and Economic Council it has been envisaged that Social and Economic Council (SEC) considers law drafts and proposals of other regulations significant for economic and social status of the employees and the employers and gives an opinion on them, most of the adopted laws within past three years have not been given to SEC for consideration. The last examples are The Budget Law and Pension and Disability Insurance Law which have entered into parliament procedure without previously being an issue of tripartite consultations within SEC.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

In principle, tripartite consultations should cover the following areas: collective negotiations, labour legislation, the right on free organizing of employees and employers, employment, labour and social rights, health and social protection, tax and prices policy, protection of vulnerable groups etc. However, very often some legislative projects, drafts and law proposals were directed to the parliament procedure without consulting social partners, i.e. without respecting their opinions.

Appendix from the Trade Union Confederation Nezavisnost:

As mentioned in response 93, they are: education, health care, social protection and electric industry.

96. Have there been tripartite national agreements concluded over the past few years? Do they represent an important feature of labour and social regulation in the country?

Ministry of Labour and Social Policy:

In the Republic of Serbia there are no tripartite national agreements, whereas two parties are involved in concluding collective agreements: competent trade unions and competent employers' associations, or competent trade unions and the Government (for state administration bodies and public services). Tripartite collective agreements exist only at the level of employers, for public companies and institutions in the area of public services, whereas the participants are representatives of founders, competent trade union and the employer.

However, the influence of social partners to labour and social regulations in the Republic of Serbia is significant, particularly whereas they participate in working groups for preparation of laws and other regulations. Latest regulations which were laid down with involvement of social partners in a working group are the Law on Prevention of Harassment at Work, the Law on Volunteering, the Law on Amendments to the Law on Amicable Resolution of Labour Disputes, and currently they participate in a working group for preparation of the new Strike Law.

On 30 January 2009 an agreement on social dialogue's further development was concluded by the Government, the Serbian Association of Employers, the Confederation of Autonomous Trade Unions of Serbia and the Trade Union Confederation "Nezavisnost". Participants of the agreement have expressed their efforts towards further development of social dialogue and collective negotiations at all levels and respect of collective agreements, as well as their consent that all problems are being solved through dialogue and negotiations, convinced that by mutual action the conditions can be made for economic crisis mitigation, accelerated economic growth, preservation of employment and macroeconomic stability. To that end, the Agreement defines activities of each participant, which should contribute to the mentioned goals.

Appendix from the Serbian Association of Employers:

An Agreement on Further Development of Social Dialogue was signed on 30 January 2009 by the Government, competent employers' association and competent trade unions.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

On 30 January 2009 the Agreement on Further Development of Social Dialogue was concluded. Its parties were the Government of the Republic of Serbia, the Serbian Association of Employers, the Confederation of Autonomous Trade Unions of Serbia and the Trade Union Confederation "Nezavisnost".

In April 2010 an Agreement on Social Partnership against Crisis has been concluded by the representatives of the Government of the Republic of Serbia, businessmen associations and trade unions.

Appendix from the Trade Union Confederation Nezavisnost:

In the last few years, on several occasions there have been negotiations on amendments and supplements to branch collective agreements for education (elementary and secondary schools), for health insurance and social protection. These collective agreements are very important as they regulate employees' work, legal and material status in respective branches (employment conditions, salary, annual leave, safety and health at work, norms and criteria, as well as the amount of indemnity for redundant staff).

97. Are there any plans to modify or develop tripartite bodies in the future?

Ministry of Labour and Social Policy:

With respect to the Committee for Establishing Competences of Trade Unions and Employers' Associations amendments are planned for the Rules of Procedure on the Committee's activities in order to solve the problems which exist in practice and concern the work of that committee. Specifically, pursuant to the Labour Law the Committee proposes to the minister according to requests from trade unions and employers' associations for establishing competences. In order to be adopted by the Committee, such proposals must have consensus from the members of the Committee. The Committee has not delivered the proposal to the minister on significant number of requests because it could not reach consensus, which led to blocking the Committee's work. As a consequence of that, changes of the Rules of Procedure are planned, so that instead of consensus majority of votes will be envisaged.

Appendix from the Serbian Association of Employers:

The Union of Employers of Serbia has been intensely working on development of tripartite bodies, especially within the framework of an initiative for forming local social and economic councils in municipalities where they have not been formed still. Also, Serbian Association of Employers asks for more decision making by Social and Economic Council and their following, as for decision of other tripartite bodies which have previously not been respected enough.

The Serbian Association of Employers has no information on plans of the Government and the trade unions.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

Confederation of Autonomous Trade Unions of Serbia has no information on that.

Appendix from the Trade Union Confederation Nezavisnost:

Currently there are no plans to modify or develop tripartite bodies in the future. However, whenever legislation and regulation covering the area concerned is amended, partial modification of the given segment is in place, at least partially. Unfortunately, the solutions adopted in such cases provide more influence to the state than to social partners. (Examples: Board of Directors of the National Employment Service, and Board of Directors of Pension and Disability Insurance Fund .

B – Bipartite social dialogue

98. Please assess the state of development of autonomous bipartite social dialogue. Please describe how the social partners are structured at the intermediary levels of collective bargaining (sectoral and branch levels)?

Ministry of Labour and Social Policy:

Bipartite social dialogue exists at national level, at branch level, the level of the group, subgroup or line of business and at the level of an employer.

General Collective Agreement has been adopted at national level (*Official Gazette of RS*, no. 50/08, 104/08, 8/09, 8/09) which participants are the Confederation of Autonomous Trade Unions of Serbia, the Trade Union Confederation “Nezavisnost” and Serbian Association of Employers. Due to consequences of the world economic crises, participants in conclusion of the collective agreement have adopted an Annex which has postponed implementation of financial provisions. Minister competent for labour issues has made the decision on expanded effect of that collective agreement (without financial provisions) for all employers in the Republic of Serbia.

Middle level of the collective negotiations is conclusion of branch collective agreements for the branch, group, subgroup or a line of business. This collective agreement is concluded by the trade union and the association of employers that are competent in the branch, group, subgroup

or line of business, for which collective agreement has been concluded. AT THE MIDDLE LEVEL OF COLLECTIVE NEGOTIATING, TRADE UNIONS HAVE A DEVELOPED STRUCTURE AND IN ALMOST ALL BRANCHES AND LINES OF BUSINESS THEY HAVE UNION ORGANIZATION, WHILE AT THAT LEVEL, THE ORGANIZATION OF THE SERBIAN EMPLOYERS ASSOCIATION IS WEAKER COMPARED TO THE TRADE UNIONS. However, we cannot be satisfied with the development of social dialogue at that level, considering that, since the Labour Law has entered into force in 2005, only two branch collective agreements have been concluded, which participants are competent trade unions and associations of employers, and they have expired (the Branch Collective Agreement for Lines of Business of Catering and Tourism of Serbia and the Branch Collective Agreement on Work Engagement of Musicians and Performers in Catering, Discography and Concerts). Situation is better when it comes to bipartite social dialogue in public services and public companies where, next to the competent trade union, the Government is also participating.

Appendix from the Serbian Association of Employers:

With respect to the fact that bipartite dialogue, in line with the definitions given in Conventions of International Labour Organization, has been led in the Republic of Serbia only since 2001, it may be said that progress has been made. Still, the Serbian Association of Employers considers that the level of communication with competent and other unions is not at satisfactory level, particularly with the Confederation of Autonomous Unions of Serbia. Some trade unions realise the contemporary role of trade unions in XXI century and in the time of market economy, while others still live in the time of socialist concerted practice. In sectors in which the association of employers is competent, we are trying to keep bipartite communication with representatives of related trade union branches, while in education domain, health care, police etc. the Government has dominant role as the greatest employer in the state.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

The structure of the Confederation of Autonomous Trade Unions of Serbia:

The Confederation of Autonomous Trade Unions of Serbia is an interest organization which realises and protects working, economic, social and professional interests and rights of the employees, i.e. its members, which are organized in the Confederation of Autonomous Unions in combination of branch and territorial principles. The Confederation organizes 28 autonomous trade unions of Serbia, and in the territory there is a network of 51 council which represent provinces, the city of Belgrade, towns, one or more municipalities; while in smaller municipalities 118 commissions are formed.

At the level of the Republic of Serbia and autonomous provinces social and economic councils have been constituted in line with the law. When considering local level of towns and municipalities, the situation is bad, because very small number of local social and economic councils has been constituted (which are formed on grounds of the law, but voluntarily).

Collective agreement can be concluded as general, special and with employers.

General collective agreements are concluded by competent association of employers and competent trade unions founded for the territory of the Republic of Serbia.

Branch collective agreement for the branch, group, subgroup or the line of business is concluded by competent association of employers and competent trade unions founded for the branch, group, subgroup or line of business.

Branch collective agreement for the territory of territorial autonomy unit and local self-government is concluded by competent association of employers and competent trade unions founded for the territorial unit for which the collective agreement is being concluded.

Collective agreement at employers' is concluded by the employer and the competent trade unions at employers'. The collective agreement is signed by the director, or an entrepreneur on behalf of the employer.

If none of the trade unions, or none of the employers' associations do not fulfil conditions of representativeness, trade unions or employers' associations can conclude an agreement on joining in order to meet the conditions of representativeness and participate in conclusion of the collective agreement.

When speaking about the Republic of Serbia, since the beginning of 2010. it is not known who represents employers in Serbia, within the lines of business and in territory, because the problem of their representativeness as a social partner has not been solved.

When describing dialogue with the employers, the Confederation of Autonomous Trade Unions of Serbia has led the conversations with the Serbian Association of Employers, the Employers' Association "Poslodavac" and with the Serbian Chamber of Commerce, which, although formally does not represent employers, gathers responsible representatives of business enterprises.

Together with other problems, the question of representativeness additionally decreases possibility of concluding branch and regional collective agreements.

Appendix from the Trade Union Confederation Nezavisnost:

Social dialogue at branch level is undeveloped. Save for branch collective agreements in social sciences branches, there have been concluded only few branch collective agreements – for catering and tourism, for civil engineering (since recently, and after four years long bargaining). After many years, bargaining in the sector of metal, and chemistry, non-metals, energetics, mining, agriculture and water management branches, has not been fruitful.

99. At what levels are collective agreements signed mostly? Please supply information about the coverage by collective agreements?

Ministry of Labour and Social Policy:

Collective agreements are mostly signed at a middle level in relation to activities of public services which are founded by the Republic of Serbia and at the level of employers. Branch collective agreements have been signed in almost all public services, namely:

- a) Branch collective agreement for employees in elementary and secondary schools and in pupils' homes (in 2009,
- b) Branch collective agreement for university level of education (2009),
- c) Branch collective agreement for state authorities (2008),

- d) Branch collective agreement for the employees in the bodies of local self-government and the territorial autonomy - Annex (2009),
- e) Branch collective agreement for the employed in the institutions related to the student living standards (2007),
- f) Branch collective agreement for the employed in the institutions of culture founded by the Republic of Serbia (2009 - extended coverage),
- g) Branch collective agreement for social protection (in force since 2002 - extended coverage).
- h) Branch collective agreement for health institutions founded by the Republic of Serbia (2010 - extended coverage)

In these collective agreements, besides the representative trade union, the Government is a participant representing the Republic of Serbia as a founder.

According to the information at our disposal, collective agreements were concluded with a significant number of employers. However, since these collective agreements (unlike general and branch collective agreements) are not registered in this ministry, we do not have precise data on the coverage by collective agreements.

Appendix from the Serbian Association of Employers:

Collective agreements are most often signed at the level of an enterprise, as a basic economic subject, although during conducted surveys and researches Serbian Association of Employers has stated that even that number is extremely low, first of all because of unduly big requests from trade unions. That is why trade unions have an intention to solve the question that are not regulated by The Labour Law and other general acts, through Branch and General Collective Agreement, which is more favourable for them. Currently, the General Collective Agreement is in effect and its term expires by the beginning of May 2011.

Regardless of that, Serbian Association of Employers, as a responsible social partner negotiates with trade unions in branches in which they are competent, in order to come to real, executable and sustainable solutions. Problems in collective negotiating lie, on one hand, in the fact that the Labour Law very detailed envisages rights and obligations of the employers and trade unions and already uses maximum of its possibilities. On the other hand, trade unions' requests at all levels of collective negotiating start from earlier acquired rights from the times of self-governing system which can hardly be applied in terms of market economy and which do not exist in collective agreements in EU countries.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

From 200 to 2005, in the Republic of Serbia there had been a system of collective agreements, based on the General Collective Agreement, special – branch collective agreements and individual collective agreements – those which are concluded in the enterprise. Pursuant to The Labour Law, laid down in 2005, collective agreements that were valid until then have repealed (based on the Article 284 of the Law).

Three years after long negotiations, on 29. April 2008. the new General Collective Agreement was concluded, and it has entered into force on 17 May 2008. At the request of the trade unions and employers, minister of work and social policy has laid down a Decision on Application of

the General Collective Agreement on 6 November 2008, which has entered into force on 19 November 2008, provided that it is being applied from 1 January 2009.

Pursuant to Article 260, and in relation article 257 of the Labour Law, the Minister of Labour and Social Policy has adopted the Abolishment Decision on the Decision on Application of the General Collective Agreement for all employers in the territory of the Republic of Serbia, which has entered into force on 1 January 2009, thus annulling the previous decision.

After all negotiations and adopted Annexes 1 and 2 of the General Collective Agreement, collective agreement has entered into force and is applied for all employers in the Republic of Serbia, provided that for already here years they are postponing certain provisions which refer to tariffs.

When considering branch collective agreements, in the Republic of Serbia particular (branch) collective agreements were entered into for the public sector (health, student's standard, culture, education, social protection, institutions for scientific research and state administration bodies).

Within the economy, and out of framework of the Government as an employer, there are only two adopted collective agreements, namely:

- Branch Collective Agreement for Work Engagement of Musicians and Performers in Catering, Discography and Concerts
- Branch Collective Agreement for Catering Business and Tourism of Serbia.

From that standing point we can estimate the situation as bad.

Most often collective agreements that are signed are the "collective agreements at the employers'", which refer to the particular enterprise, or a company, and the situation is different there. Certain number of enterprises has concluded collective agreements, but from the other side employers have used the opportunity given by the Article 3 of the Labour Law and instead of entering into a collective agreement with the unions, they have laid down the rules of procedure by which they have established all the rights, duties and responsibilities related to and resulting from labour.

Appendix from the Trade Union Confederation Nezavisnost:

General collective agreement was concluded in 2008, and, immediately after its conclusion and decision on extended effectiveness taken by the competent ministry, all articles concerning financial contributions were suspended (salary increase, and other income – leave allowance, mandatory benefits, etc.). As mentioned in response to previous question, social dialogue at branch level is undeveloped.

Collective agreements are most often concluded with actual employer. However, although the Labour Law binds employers to negotiate collective agreements conclusion, based on unofficial estimations, about 70% employers with effective representative syndicates, have concluded collective agreements. Unfortunately, many of the concluded agreements are disrespected, primarily in the area of employer financial obligations to the employees (salaries, overtime etc.), as well as to the state, that is to organizations of compulsory social insurance (Pension and Disability Insurance Fund, health insurance).

100. Have there been important strikes, demonstrations or conflicts in recent years? Please describe shortly the reasons/issues.

Ministry of Labour and Social Policy:

The Labour Inspection makes supervisory inspections regarding application of the Strike Law. Since the Strike Law and the Law on Employment-related Records do not stipulate an obligation by the strikers or employers to announce a strike, the Ministry of Labour and Social Policy - Labour Inspectorate, have no data on the total number of strikes on the territory of the Republic of Serbia but only the data that refer to strikes which have been announced to the Labour Inspectorate and, as such, have been recorded. On the basis of the analysis of data referring to the number of strikes, the organizers of the strike, their duration and the manner of termination of strikes, one can conclude that the main reasons for strikes are of economic and social nature. It still happens that certain strikes last for inappropriately long time, even several years, and thus, their purpose gets lost and they become senseless. Also, many strikes are organised by strikers working for employers with businesses that are neither working nor make profit, so that the possibilities of strikers exerting pressures on the employers are at a minimum level or none at all. In such cases, the strikes get the character of protests and rebellions and do not have the characteristics of a classical strike. The employer is not interested in keeping the employees who are participating in a strike, thus massive dismissals often happen. Most frequently, the former strikers act like parties that request from the Labour Inspection to postpone the execution of employers' decision until a legally-binding court judgement is issued.

In the course of 2009, the labour inspectors have carried out 76 supervisory inspections to verify the application of the Strike Law. Upon inspections, the labour inspectors were taking measures primarily consisting of calling attention of social partners to mutual rights, obligations and responsibilities and were taking decisions regarding violations of the Strike Law (decisions relating to determination of the minimum servoces) and the Labour Law (decision mostly referring to ordering payment of unpaid earnings that was most frequently the main request presented by the strikers), as well as submitting requests for the initiation of infringement procedure.

In the period January - October 2010, the Labour Inspection received announcements of 90 strikes, and the labour inspectors carried out 149 supervisory inspections in relation to the announced strikes (in some cases the inspectors carried out supervisory inspections of the same strike several times).

Appendix from the Serbian Association of Employers:

There are occasional trade union strikes and confrontations with the management among the members of the Serbian Association of Employers, which, first of all, occur due to the level and the regularity of the payments of salaries, but also because of the pressure of the trade unions to sign branch collective agreements at the level of the enterprise with bigger requirements than the employers can accept in the conditions of impeded business.

Still, more frequent and bigger strikes are primarily connected to those areas in which the Government is dominant employer: education, health, judiciary etc., as well as in the enterprises in which dominant ownership still belongs to the Government or in which privatisation process has been executed in a bad way. In the first corpus of the cases the reasons are low salaries and inadequate working conditions, while poorly privatised enterprises and those owned by the Government are often the case of not making the payments of salaries, not paying for social and pension insurance etc. The last trade union strikes were related to the pension system reform.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

In 2009 strikes were organized in 115 enterprises, which totally employ around 70,000 employees.

From the 1 January till 8 December 2010, in the Republic of Serbia there were 104 strikes, in which more than 26,000 employees participated.

The largest number of strikes was noted in the first quarter of 2010, and by the end of the second and the beginning of the third quarter, their number has decreased a little.

Most often cause for strike is that the owners of the enterprises did not make payments of salaries to the employees. However, reasons for strike are connected. If employees are not given their salaries, most often their health care and pension contributions were not paid for either. In most cases, this is followed by poor realisation of products in the market, lack of production, bad privatisation etc.

On the second hand, there is poorly conducted privatisation, no realisation of purchase contracts and non fulfilment of legal rights of the employees to social programmes. The remaining reasons are: not paying for the contributions, question of security and protection at work and other issues. When it comes to larger systems, such as railway, road economy, administration and education, employees strike or announce a strike seeking increase in salaries.

It is important to mention that the Confederation of the Autonomous Trade Unions of Serbia in more towns in Serbia (Krusevac, Bor, Novi Sad) has organized mass protests related to the Proposal of the Law on Amendments to the Pension and Disability Insurance Law, particularly due to lack of social dialog and compliance of the law with social partners, and due to difficult financial and social situation in the country.

Appendix from the Trade Union Confederation Nezavisnost:

In the last few years, and specially in 2010, there have been several important strikes, of which we underline the strike in "Srbolek" (pharmaceutical industry) which lasted several months, as well as the protests being organized for almost a year, by the employees in Construction Enterprise "Trudbenik"; several times organized protests and warning strikes in the Precision Mechanics Industry in Belgrade... etc.

Main reasons for protests and strikes were unfulfilled employer obligations undertaken by the purchase and sale contract; unpaid salaries, salary compensations and other work-based income (mandatory benefits, leave allowance, indemnity...); unsafe and threatening work conditions for employees...

101. What is the state of social dialogue in public administration and state enterprises? Are collective agreements signed in sectors such as education, health etc.? What is the situation with regard to trade union recognition and signature of collective agreements in state enterprises?

Ministry of Labour and Social Policy:

As previously stated, branch collective agreements are concluded with state administration bodies, local self-government and public services like education, health, etc. (as stated in the answer to question no. 99).

Also, when it comes to collective agreements at the level of employer for public and other enterprises which founder is the Republic of Serbia, in a significant number they are concluded or are in the process of conclusion, while in others rules of procedure are in force. As an example, such are concluded collective agreements for the Public Utility (further PU) “Electric Power Industry of Serbia” (“Elektroprivreda Srbije”), PU “Elektromreza” – PU for Electric Energy Transmission and Transmission System Control, PU “Official Gazette” (“Sluzbeni Glasnik”), PU “Transnafta” and other.

Also, there is a certain number of collective agreements which refer to public and utility enterprises at the level of local self-government which founder is a town or a municipality. For example, branch collective agreements were concluded for public and other enterprises which are founded by the city of Belgrade, the town of Novi Sad, municipality Pancevo, the town of Sombor, municipality Sid, the town of Zajecar.

Appendix from the Serbian Association of Employers:

According to the findings of Serbian Association of Employers, trade unions are organized in the framework of public administration as in public administration companies. The Serbian Association of Employers has no information on the level of social dialogue in them. As far as collective agreements in the sectors such as education and health are concerned, they are signed by the Government as a dominant employer, although we have big complaints that our organization, which also gathers a large number of employers from the area of education (private schools, hospitals, faculties, universities) or health (health centres, clinics, special hospitals...), are not at all consulted while concluding such collective agreements.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

Branch collective agreements are concluded practically only for the public sector, where the signatory is the Government on the side of employers.

Concluded collective agreements are:

- Branch Collective Agreement for Social Protection in the Republic of Serbia
- Branch Collective Agreement for Electric Power Industry of Serbia
- Branch Collective Agreement for Science and Research Institutes which founder is the Republic
- Branch Collective Agreement for state administration bodies
- Branch Collective Agreement for High Education
- Branch Collective Agreement for the Employees in Elementary and Secondary Schools and Students' Dormitories
- Branch Collective Agreement for Employees of Culture Institutions Founded by the Republic of Serbia
- Branch Collective Agreement for Employees of Students' Standard Institutions
- Branch Collective Agreement for Health Institutions Founded by the Republic of Serbia.

Apart from the above mentioned ones, there are collective agreements for public enterprises: Serbian Railways, "Official Gazette", DOO "Kostolac" (3 contracts), Textbooks Office, PE of PTT Communications of Serbia etc.

For example, Branch Collective Agreement for Public Administration Bodies does not contain a tariff paragraph – the salary for the employees is determined based on the Law on Salaries in Government Bodies.

There are other limitations which suspend tariff paragraphs, as the Budget Law and other laws which limit the rights of the employees in the case of public sector.

Sectors of education, health, public administration, primary and secondary education, higher education, scientific and research activities, culture, students' dormitories, institutions of social protection, as listed, have concluded and signed collective agreements.

Appendix from the Trade Union Confederation "Nezavisnost":

Answer included in response to question 93.

102. Is there collective bargaining or involvement of workers at enterprise level? What forms of workers' participation have been developed at enterprise level (participation in decision-making, information/consultation, financial participation etc.)?

Ministry of Labour and Social Policy:

Collective bargaining exists also at the level of employers. Collective agreement with the employer regulates the rights, obligations and responsibilities according to the Law stemming from the employment relation and the mutual relations among the parties in the collective agreement. Works Regulations, issued by the employer and/or a employment contract, according to the law, regulate the rights, obligations and responsibilities originating from the employment relations only in cases when a collective agreement has not been adopted, namely: if no trade union exists in the company of that employer or none of the existing trade unions meets the condition of being representative or if no agreement on association in accordance with this law has been made or if none of the parties in the collective agreement has initiated negotiations with the aim of concluding a collective agreement or if the parties bargaining a collective agreement do not come to any agreement in the period of 60 days counting from the start of negotiations; or if the trade union, within the period of 15 days from the date of submitting the invitation for commencement of negotiations aimed at conclusion of collective agreement, does not accept the initiative of the employer.

Apart from that, involvement of the employees at the level of an enterprise is also exercised through various forms of information exchange and consulting process with the employees. In relation to that, the Labour Law stipulates that the employees have the right, directly or through their representatives, to form associations, to participate in negotiations aimed at conclusion of collective agreements, to peacefully resolve collective and individual labour disputes, have right to consultations, information and expression of attitudes on important issues related to work. Employees or a employee's representative cannot be held responsible for the above activities or put in a less favourable position as far as the conditions of work are concerned if he acts in accordance with the law and the collective agreement. The trade union has the right to be informed by the employer on economic, work-related and social questions of importance for the position of the employees and members of the trade unions.

An employer is obliged to provide technical and space-related conditions to the trade union, as well as access to the data and information necessary for carrying out trade union activities.

A general collective agreement contains also provisions on informing and consulting the employed, so that this collective agreement stipulates an obligation by the employer to inform a representative trade union organisation on all the issues from their field of competence that are of significance for the economic, work-related and social position of the employed, and particularly about:

- the production plan and realisation of the production plan;
- the annual report on business activities of the undertaking/enterprise, the profit received and the planned distribution of the same;
- the structure of incurred expenditures;
- the share of wages in the employer's operating costs;
- the data on average earnings, wages paid by qualifications and by organic units;
- the plans related to the development of the enterprise;
- the number of newly-recruited employees, which workplaces they are assigned to and to which work units;
- the monthly reports on the safety and protection of health at work and injuries suffered by the employees, and
- other issues in accordance with the reached agreement;

The provisions of Article 3 of the Law on Safety and Health at Work ("Official Gazette of RS", no. 101/05) establish that the rights, obligations and responsibilities in connection with the safety and health at work, defined in this law, are to be more closely specified by a collective agreement, general act of the employer or a employment contract.

According to the provisions of Article 10 of the law, it is stipulated that the employer is obliged to ensure that the implementation of safety and health at work measures does not produce any financial obligations for the employees and the employee's representatives and does not affect their material and social position at work and in connection with work. According to the abovementioned provision, employees do not participate in providing financial means for the implementation of measures aimed at safety and health at work that being the obligation of the employer.

Provisions of Articles 44 and 48 of the law establish the forms of consultations between the employers and the employees and forms of participation of the latter or their representatives in consideration of all the issues related to the implementation of measures regarding safety and health at work.

The abovementioned provisions define that persons employed by an employer have the right to choose one or more persons who will represent them in safety and health at work issues (hereinafter: the representative of the employed). The Board for Safety and Health at Work (hereinafter: the Board) shall consist of at least three representatives. An employer who engages 50 or more employees is obliged to nominate at least one person to represent him in the Board, but the number of employee's representatives shall always remain bigger by at least one than the number of representatives of the employer. The procedure of selection and method of work of the representatives of employees and of the Board, the number of employees, as well as their relation with the trade union are regulated by a collective agreement (Article 44).

The employer is obliged to enable the employee's representative and the Board to have insight into all the acts that refer to safety and health at work, and must also enable them to participate in

discussion on all issues related to the implementation of safety and health at work measures. The employer is obliged to inform the representative of the employed and the Board on all data that refer to safety and health at work (Article 45).

The representatives of employees and the Board have the right to: present proposals to the employer on all the issues that refer to safety and health at work; demand from the employer to take appropriate measures for elimination or reduction of risk that jeopardize safety and health of the employees; demand that supervisory inspection is carried out by labour inspectors if they believe that the employer has not implemented adequate measures regarding safety and health at work. A employee's representative or a member of the Board is entitled to be present during the supervisory inspection (Article 46).

The employer is obliged to inform the employee's representative and the Board about the findings and proposals or measures undertaken by the Labour Inspection; reports on injuries at work, occupational diseases and illnesses reported and safety and health at work-related measures that have been taken in that connection and safety and health at work measures taken with the view of preventing direct dangers to life and health (Article 47).

The employer and employee's representative and/or the Board and the Trade Union have the obligation to cooperate mutually in issues related to the safety and health at work, in accordance with this law and other regulations (Article 48).

Appendix from the Serbian Association of Employers:

At the enterprise level there is collective negotiating, and by the Labour Law the issue of employees' salaries was regulated. We have no information on how the Councils function in real life, but often issues of decision-making, informing and consultations are regulated by the branch collective agreement at the level of the enterprise. Unfortunately, as we have said, due to extremely bad Labour Law and inadequate and non executable provisions of the General Collective Agreement the employers, both private and state owned, avoid signing any branch collective contracts.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

When speaking of the enterprise level, condition connected to collective negotiation differs in individual enterprises. The Labour Law gives wider possibilities to the employees to realise their rights, but on the other side that right is not binding for the employer. For example, instead of collective agreement, the employer can adopt, on his own, the Rules of Procedure, using Article 3 of the Labour Law.

In greater systems, we can generally estimate that there are collective agreements, and that competent trade union is a partner in concluding collective agreements. If trade union organization is not organized in the enterprise, then the employer uses the rights from the Article 3 of the Labour Law. That is especially the case with smaller enterprises, but also individual greater economy subjects in which the owner does not allow organizing trade unions. In privatization process almost $\frac{1}{4}$ of the concluded contracts on sale of the enterprises have been terminated, which confirms the fact that this process has left behind a lot of negative consequences.

In most of the cases, inter alia, with these enterprises there has been unpreparedness of so called new owner to lead social dialogue, to negotiate and conclude collective agreement. However,

there is a certain number of enterprises which do business successfully, but the owners and employers do not want to negotiate, but simply make decisions which concern the rights and duties of employees.

Appendix from the Trade Union Confederation Nezavisnost:

Answer as under question 99.

According to the Labour Law and General Collective Agreement, employer is obliged to make available to representative syndicates all data and indicators which, in any way, directly, or indirectly, relate to their labour-legal, economic and social status. Such information are usually received by participation (without voting right) in managements boards, or primarily in collective negotiations, at the request of trade union. Quite a number of employers ignore this legal obligation, claiming that such indicators, or information are a business secret.

103. What are the rules governing the unionisation in the public sector and for civil servants? Please describe limitations if any.

Ministry of Labour and Social Policy:

Pursuant to the Law on Civil Servants, civil servants and employees have the right to be the members of the trade union and professional association and their management bodies.

With the branch collective agreement for the public administration bodies (O. Gazette of RS, no. 95/2008) it is envisaged that the employees in the employer's body have the right to freely form a trade union, to join it, to organize its branches, establish and conduct trade union organization programmes and activities, pursuant to the Law and Branch Collective Agreement. Employees can organize a trade union in organizational units, for more organizational units, for all organizational units of the public administration bodies and for all public administration bodies, pursuant to the law.

The Head of the body is obliged to, without compensating the costs, ensure the following conditions for the trade union's work:

- 1) use of suitable premises for regular work and meetings of the trade union in business premises in the headquarters and organizational units of the body, in the way and on time at which, by using these premises, does not influence efficient performance of the tasks from the established competence and the scope of the public administration body;
- 2) paid leave for trade union representatives due to performance of trade union functions in proportion to the number of the trade union members in line with the law and a Branch Collective Agreement;
- 3) administrative and technical help (use of phone, fax, computer equipment and other technical devices for coping material);
- 4) the calculation and collection of trade union membership fees and other means according to the acts of the trade union;

- 5) organizing and holding trade union meetings, which at the annual level cannot last longer than 16 hours altogether, providing that this does not influence efficient performance of tasks from the established competence and scope of the public administration body;
- 6) possibility to display information and important documents of the trade union at the employer's notice boards;
- 7) independent regulation of the link in the internet and intranet of the employer's body, together with its own editorial policy of informing the employees, i.e. trade union's membership.

To the members of the trade unions organized at the employers', as well as to the employee selected for the bodies of the trade union out of employers' place, it is enabled to be absent from work, in order to be present at trade union's meetings, conferences, sessions and congresses and other trade union activities. The time spent in conducting listed trade union's functions is considered as the time spent at work.

Besides that, competent representative of the organization of competent trade union has the right to the paid leave, in order to perform trade union's functions such as: collective negotiating and representing an employee in the labour dispute with the employer in front of the arbitrator or a court.

Trade union organizing in the Armed Forces of Serbia is regulated by The Law on Armed Forces of Serbia (Official Gazette of RS, no. 116/07 and 88/09) which stipulates in Article 14 (3) that professionals of the Armed Forces of Serbia (professional military personnel and non-combatant personnel in the service of the Armed Forces of Serbia) have the right to trade union organizing, pursuant to the Government's regulations. Limitation of the stated right is envisaged in the paragraph 4 and 5 of this Article according to which the subject of trade union associating, organizing and its activities cannot be the provisions and execution of the law and other regulations which refer to: composition, organization and formation of the Armed Forces of Serbia; operational and functional capability; use and filling in the armed Forces; preparedness and mobilisation; being provided with arms and military equipment; commanding and managing of the Armed Forces of Serbia and managing the defence system; participation in multinational operations as well as internal relations in the Armed Forces of Serbia which are based on principles of subordination and single precedence. The right on strike is not allowed to professional military personnel.

The Law on Police (Official Gazette of RS, no. 101/2005) in Article 134 states that police officers realise the right to trade union, professional and other kinds of organizing and acting in a law regulated way. That means that the employees in the MOI have the right to trade union organizing without any limitations, pursuant to the Labour Law.

Serbian Association of Employers has not provided an answer to this question.

Appendix from the Confederation of Autonomous Trade Unions of Serbia:

The right to trade union organizing is guaranteed with the Article 55 of the Constitution of the Republic of Serbia, but in individual separate laws there are limitations, which refer to certain public services, as: Security Information Agency (does not have the right to trade union

organizing and strike), active members of the armed Forces of Serbia (also), police during strike has to perform certain official authorisations, urgent health services have no right to strike, and in health the minimum of work must be respected.

Social dialogue in public sector is build up, but for particular matters competent ministries are consulted, e.g. The Ministry of Finance about finances, which often does not give consent to certain matters.

NOTE: Ministry of Labour and Social Policy has presented the competent social partners the questions related to social dialogue. The Confederation of Autonomous Trade Unions of Serbia and the Serbian Association of Employers have delivered their answers, unlike the Trade Union Confederation “Nezavisnost”.

Appendix from the Trade Union Confederation “Nezavisnost”:

Formation of trade unions and their activities, regardless of the branch, are regulated by the Labour Law .

D – Enterprise level

104. Is there collective bargaining or involvement of workers at enterprise level?

The answer to this question has already been given in the answer to the question 102.

105. What forms of workers' participation have been developed at enterprise level (participation in decision-making, information/consultation, financial participation etc.)?

The answer to this question has already been given in the answer to the question 102.

IV. EMPLOYMENT POLICY AND EUROPEAN SOCIAL FUND

A. Employment Policy

106. What is your overall view of the labour market situation in your country and the main issues/challenges? Please provide information on the impact of the financial and economic crisis on their labour market and on measures taken to address this. Please provide data on Labour market as regards activity rate, employment rate and unemployment rate.

Negative trends, in the 1990s, regarding employment decrease and increase in unemployment, have continued for the most part of this decade, even in the years of the highest economic growth. During the period between 2006 and 2008, the achieved macroeconomic stability and more favorable microeconomic situation have influenced the occurrence of positive trends in the labor market, but problems in employment area, such as lack of jobs as a result of insufficient economic activity and low employment in formal economy, are still present.

General characteristics of the labor market during the period between 2007 and 2009 are the following: mismatch between supply and demand of workforce, high share of long-term unemployed and a large influx of redundant workers from the companies in the process of restructuring and privatization, unfavorable age and educational structure of the unemployed, high youth unemployment rate, large differences between regional labor markets and low mobility of workforce, a large number of the unemployed belonging to hard-to-employ categories, as well as a large number of persons engaged in informal economy.

The institutional framework for adoption and implementation of employment policy in the Republic of Serbia has been significantly improved. Employment policy starts to be considered in a broader sense, as a part of general economic policy, and to focus on job creation and employment promotion. Labor market reforms have been initiated in terms of introducing greater flexibility and building of institutional capacities as well as creation of legal framework for implementation of active labour market policy.

Current situation is characterized by a great disparity between the funds earmarked for active labour market programmes (ALMPs) and funds allocated for passive measures. The Law on Employment and Unemployment Insurance opened a certain fiscal space for increase in funds for ALMPs, which are now at the level of around 0.1% of gross domestic product. Allocation of greater amount of funds for ALMPs would help to mitigate the negative effects of the economic crisis, primarily by providing constant support to the most vulnerable groups in the labor market. It is these groups and individuals who will emerge as relative losers due to the shift towards new development strategy; they will be the last to feel the benefit of economic recovery, and hence the need for rapid increase in funds for ALMPs. In the next few years, the share of funds for active labor market programmes should be increased from the current 0.1% of GDP to 0.4% by 2013, stabilizing afterwards the amount at 0.5% by 2020, simultaneously working on higher quality monitoring and more thorough evaluations of existing programmes and their efficient targeting in terms of orientation towards the hard-to-employ persons and vulnerable groups.

Encouraging the development of regional and local employment policy and decentralization would contribute not only to sustainable development of the Republic of Serbia, but also to increase in employment. Decision making at the level as close to citizens as possible, should also be applied in employment policy, which requires the need for building and improving the capacities of local self-government units, as well as improvement of social dialogue.

Legislation (the Law and regulations) governing the control of state aid, applying the standards and criteria from the European legislation were enacted in the Republic of Serbia at the beginning of the 2010. All regulations, under which funds are allocated from the budget of the Republic of Serbia, must be aligned with the above standards. On the grounds of the above mentioned, one of the priority tasks in the forthcoming period, in the area of creation of active labour market programmes and their implementation, shall certainly be to determine the criteria for inclusion of unemployed persons in certain programmes, i.e. to allocate funds for employment in a way which is harmonized with the regulations on state aid control, which will present, at the same time, harmonization of legislation in this area with the *acquis communautaire*.

As regards the sphere of migration management, the Republic of Serbia is on the path to develop comprehensive national policy and create efficient and operational framework for its implementation. Development of statistical system for monitoring migration is a priority area of the national economic development strategy.

Labour market policies should support the promotion of human resources to a greater extent than it has been the case thus far, with the aim to align the workforces with the needs of modern

economy. To achieve the European trends and goals, education reform should start as soon as possible and proceed rapidly. In addition to facilitated access to education and vocational training, it is also important to create attractive and stimulating environment that will contribute to learning and will attract as many people as possible, to plan and implement education policies in accordance with the actual needs of the labor market. Accepting the concept of lifelong learning would be a way to improve the efficiency of education and training and to promote the quality and mobility of human capital, but also to develop and promote innovation and creativity. Furthermore, the role of entrepreneurial learning in the context of constant changes, increased risks and growing competition on the market is large.

For the successful development of all the above processes, the intensive cooperation of relevant ministries, primarily of the Ministry of Education and the Ministry of Economy and Regional Development, with competences in the field of education and employment, but also with other social partners such as Ministry of Labour and Social Policy, chambers of commerce, employers' associations, trade unions and the others, is of great importance.

Upon entry into force of the Law on Professional Rehabilitation and Employment of Persons with Disabilities (23 May 2009), necessary conditions for the labour-activation integration of persons with disabilities into the labor market and regulation of the employment and professional rehabilitation sphere of persons with disabilities, were created, in accordance with international and national regulations and labor market trends.

The care of the state about the hard-to-employ population groups includes the introduction integrated service delivery system in the field of education, social protection, employment and youth care, both for purpose of prevention and shortening the period of the existent unemployment. In this way, the client receives an adequate, high-quality, timely and complete service, i.e. assistance, and the state reduces the costs resulting from partial and disconnected actions of institutions.

Labour market as a whole has strongly adapted to the conditions of economic crisis - since the beginning of the crisis employment has fallen more than GDP. Namely, during the period between 2001 and 2008, employment elasticity indicator generally had a negative mark - GDP growth was accompanied by employment drop. Since the beginning of the economic crisis, employment elasticity to GDP has unfortunately become positive and higher than 1 - GDP decline has been accompanied by even stronger decline in employment³. During the crisis (quarter one of 2008 –quarter one of 2010), GDP declined in total by 4.7% while employment has declined in total by 12.5%, which gives employment elasticity of 2.6⁴.

Such a movement in labor intensity of growth in Serbia over the past decade can be largely explained by the influence of transitional restructuring through intensive release of "redundant" workers in privatized companies. The current growth model had an important additional role in aggravation of this effect, where employment has been neglected as an important goal of socioeconomic development. In addition, after the global economic crisis arrived in Serbia at the end of 2008, structural factors in the labor market, i.e. the pronounced dual nature thereof (private sector adapted to market conditions more through the reduction of staff, especially of those in informal employment, while the public sector made those adjustments through pay freezes), influenced the unexpected, rapid and violent reaction of employment to GDP decline⁵.

³ Post-crisis growth model

⁴ Foundation for the Advancement of Economics

⁵ Post-crisis growth model

Table X. The main contingents of working-age population (15-64), in thousands, 2005-2010, Republic of Serbia

Age group	October	October	October	April	October	April	October	April
15-64	2005	2006	2007	2008	2008	2009	2009	2010
Total	5,048	5,048	4,908	4,912	4,961	4,896	4,905	4,823
Active	3,293	3,209	3,110	3,085	3,103	2,974	2,968	2,851
Employed	2,574	2,517	2,526	2,652	2,646	2,487	2,451	2,279
Unemployed	719	692	584	433	457	487	517	573
Inactive	1,755	1,840	1,798	1,827	1,857	1,920	1,938	1,972

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

In the period from October 2008 to October 2009, the number of the working-age employed (15-64) fell by almost 200,000, or by about 7%. This led to a drop in the corresponding employment rate (15-64) from 53.3% to 50%. During the same period, the number of unemployed persons (15-64) increased by nearly 60,000, increasing the unemployment rate from 14.7% to 17.4%. It should be noted that the difference in major labor market indicators "before" and "after" the crisis, does not only reflect the impact of the crisis, but also the impact of autonomous economic factors, the most significant being the process of transition and privatization which is already in its advanced stage.

Significantly lower growth in unemployment compared with large decline in employment suggests that a large number of people who have stopped working moved to inactivity, and not in unemployment. The largest drop in employment was recorded in the youngest age group (15-24), but at the same time, unemployment also decreased thereof, suggesting that young people in crisis often choose to continue their education as an alternative to seeking jobs. The second, above-average affected group, are people aged 45-54. Unlike young people, fall in employment in this group is also accompanied by relatively high unemployment growth. The causes of employment fall for these two age groups are different. It is possible to hypothesize that the impact of the crisis is the strongest in the group aged 15-24, and that it affects youth both through employment contract termination, i.e. not renewing of fixed-term contracts and service contracts, and through the decline in the number of newly created jobs. On the other hand, age group 45-54 is maybe more hit by the completion of the process of privatization and prior-privatization and post-privatization restructuring of the companies with the growing number of bankruptcies and liquidations, than by the crisis.

According to the latest data of the Labour Force Survey (LFS) from April 2010, the employment rate of working-age population was 47.2%, which makes a decline of 6.1 percentage points compared to October 2008. Data from the Survey "RAD"⁶ (formal employment) show the same trend, given that formal employment has continued to fall since September 2008 up to now, which is primarily the result of reduction in the number of the wage employees.

In addition to the response of monetary and fiscal policies to the crisis, and the stimulus packages introduced with the aim of restoring the momentum of growth, the Government of Serbia has decided to reallocate the budget for active labour market programmes in 2009, in order to respond to the newly arisen situation conditioned by the crisis, i.e. a significant portion

⁶ The RAD survey (translation is "work") is the establishment survey and the main national source of data on formal employment.

of the funds was allocated to only two programmes, in order to help the groups most affected by the crisis:

1. internship programme "The First Chance" - vocational training and employment of young people under the age of 30, with no professional work experience. This youth employment programme is intended for private sector employers who are given the opportunity to exercise the right to reimbursement of salaries and costs of social insurance contributions through hiring interns;
2. public works programme aimed at hiring the hard-to-employ unemployed and the unemployed in social need, and at preserving and improving the working abilities of the unemployed, as well as achieving particular social interest.

It should also be noted that the budget for active labour market programmes in 2009, was significantly increased with the resources spent exclusively in Vojvodina, because the Executive Council of the Autonomous Province of Vojvodina, on the proposal of the Provincial Secretariat for Labour, Employment and Gender Equality, funded the internship programme, public works and employment subsidies from its own budget, owing to large privatization income from the sale of the Oil Industry of Serbia.

In order to attract big investors who create new jobs, the Government of the Republic of Serbia co-funded training programmes organized at an employer's request. Examples of on-the-job training include the biggest restructuring cases ongoing in the Republic of Serbia – *Fiat automobiles Serbia*, a joint venture between "Fiat" Italy and the Serbian government, as well as, the investment of the South Korean "Yura Corporation", in the nearby town of Rača, dealing with the production of car parts and components.

In addition, in order to stimulate the activation of the unemployed, the new Law on Employment and Unemployment, adopted in May 2009, reduced the average unemployment benefit and shortened the duration of the right to unemployment benefit.

Table X:
Movement of key labor market indicators 2005-2010⁷, the Republic of Serbia

Rates - age group 15- 64	October 2005	October 2006	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010
Activity rate	65.2%	63.6%	63.4%	62.8%	62.6%	60.8%	60.5%	59.1%
<i>Male</i>	74.3%	72.7%	71.9%	71.1%	71.3%	69.0%	68.4%	67.4%
<i>Female</i>	56.2%	54.5%	54.9%	54.8%	54.1%	52.8%	52.8%	50.9%
Employment rate	51.0%	49.9%	51.5%	54.0%	53.3%	50.8%	50.0%	47.2%
<i>Male</i>	61.2%	59.2%	60.0%	62.3%	62.2%	58.7%	57.4%	54.3%
<i>Female</i>	40.8%	40.6%	43.0%	46.0%	44.7%	43.3%	42.7%	40.2%
Unemployment rate	21.8%	21.6%	18.8%	14.0%	14.7%	16.4%	17.4%	20.1%
<i>Male</i>	17.6%	18.6%	16.5%	12.4%	12.7%	15.0%	16.1%	19.4%
<i>Female</i>	27.4%	25.5%	21.7%	16.1%	17.3%	18.1%	19.1%	20.1%

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

⁷ Since the beginning of implementation of the National Employment Strategy 2005-2010

Activity rate

Unfavorable demographic trends contributed to deterioration of the key labor market indicators in the Republic of Serbia. As a result of negative natural population growth, i.e. aging of population, the working age population was reduced by 4.5%, during the period between 2005 and 2010 and in 2010 it was estimated that there were 4,823,000 resident persons aged 15-64 years.

During the same period, the active population decreased by as much as 13%, so that in 2010 the number of active population (15-64) was 2,851,000 persons, which accounts for only 59.1% of the total population of working age.

Activity rate of working-age population fell by about 6 percentage points compared to 2005, as a result of significantly faster drop in the number of active population than in number of working-age population. Such a low activity rate is primarily the result of low activity rate of female, the young (15-24) and elderly (55-64). Nevertheless, the male activity rate dropped significantly more than the female activity rate in the given period (7 percentage points compared to 5.3 percentage points), which led to the decrease in the differences in activity rates by sex.

Employment rate

The number of the employed working-age population (15-64) was decreasing during the most part of the reference period and in 2010 it reached its minimum of about 2,279,000, which is the decrease of about 11% compared to 2005. It is assumed that the reduction would be even sharper if the change in methodology for definition of employees had not occurred. Namely, since 2008, vulnerable groups of employees (self-employed and contributing family workers) have been more comprehensively covered, which led to a statistically recorded employment growth.⁸

Employment rate in the Republic of Serbia is very low, since in 2009 only every second working age resident was employed (50%). In 2010 employment rate fell by another 2.8 percentage points, which makes the largest drop since the beginning of the crisis.

Female employment rate of 40.2% in April 2010 is significantly lower than male employment rate (54.3%) although this difference decreased during the period between 2005 and 2010. This is primarily the result of the better coverage of the contributing family workers group since 2008, where females were dominant.

Unemployment rate

Unemployment in Serbia is very high, since in April 2010, 20.1% of the working-age persons (15-64) were unemployed according to the LFS data. The number of the unemployed, as well as unemployment rate, decreased significantly during the period 2005 to 2009, which is partly the result of the better coverage of the vulnerable employment category, and which consequently reduced the number of unemployed⁹. Reduction of unemployment in this period is

⁸ If, during the period between 2005 and 2007 the same methodology for covering employed persons had been used as back in 2008, total employment (15 +) would have been higher by 6.9% on average (Mehran, 2010).

⁹ Almost a half of the recorded employment growth rate in 2008, if compared to 2007, is the result of the change of methodology (Mehran, 2010). In other words, if the same methodology, as the one used since 2008 had been applied, unemployment rate 15 + in 2007 would have amounted to 16.2% instead of 18.1%. This means that

only partly the consequence of new employment, since a significant number of the discouraged job seekers moved into inactivity.

However, it should be noted that the number of the unemployed and the unemployment rate has continued to rise since 2008, as the result of the impact of economic crisis on the labor market. The number of unemployed persons increased from 457,207 in October 2008, to 572,500 in April 2010, i.e. by about 25%.

Characteristics of Unemployment

Age structure

As regards the age structure, the two youngest age groups (15-24, 25-34) account for nearly half of the unemployed. Their share in total unemployment (15 +) in 2010 amounted to 19.6% and 29.6%. During the period 2005 to 2010, the share of the youngest categories of unemployed in total unemployment was reduced, which can be partially explained by their continued education in the situation of reduced employment opportunities, while the share of the middle categories (45-54) and elderly categories (55-64) was increased.

Table X. Age structure of unemployed persons

Age group	October 2005.	October 2006.	October 2007.	April 2008.	October 2008.	April 2009.	October 2009.	April 2010.
15-24	23%	24.5%	21.8%	20.9%	25.0%	20.0%	20.9%	19.6%
25-34	31.1%	28.1%	28.5%	30.0%	30.0%	29.5%	27.5%	29.6%
35-44	22.5%	21.7%	21.5%	21.1%	18.0%	19.7%	21.8%	21.3%
45-54	17.8%	20.7%	20.7%	20.7%	19.6%	21.3%	20.9%	20.5%
55-64	5.3%	4.9%	7.2%	7.1%	7.4%	9.1%	9.0%	8.9%
65 years and older	0.2%	0.2%	0.2%	0.2%	0.0%	0.4%	0.1%	0.1%

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

Educational structure of unemployed persons

Structure of the unemployed by level of education seems quite stable in the reference period. Unemployment is most prevalent among those with secondary education, since more than two-thirds of the unemployed graduated from secondary schools (68% in 2005 and 69% in 2010).

In order to overcome the existing situation, particularly unfavorable educational structure of the unemployed, their outdated knowledge and inadequate skills, what is primarily required is the reform and innovation of both education systems, especially the system of secondary vocational education and adult education, as well as establishment of the labor market training system.

unemployment rate fall of 4.5 percentage points in 2008, if compared to 2007, (from 18.1% to 13.6%) was due to the change in methodology (1.9 percentage points) and due to the actual change (2.6 percentage points).

Table X. Educational structure of unemployed persons, 15-64

Educational level	October 2005	October 2006	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010
Without education	0.7%	0.7%	0.9%	0.6%	0.3%	0.4%	0.1%	0.1%
Primary level of education	20.2%	21.1%	21.3%	18.0%	19.5%	19.4%	21.2%	18.2%
Secondary level of education	68.0%	69.5%	67.5%	69.3%	69.0%	68.5%	68.7%	69.2%
Tertiary level of education	11.0%	8.7%	10.2%	12.1%	11.2%	11.6%	10.0%	12.5%

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

Long-term unemployment

Unemployment in Serbia has a long-term character. Many employees, once they have become unemployed, remain in that status for a very long period of time. International experience shows that the probability of finding a job decreases proportionately to the length of unemployment, which can lead to permanent exclusion from the labor market and increase the risk of poverty.

Reduction in the number of unemployed persons did not significantly affect the average length of job search period. The share of long-term unemployment, i.e., of those looking for job for a year or longer, in unemployment of working-age population (15-64), is extremely high and it amounted to as much as 79.4% in 2005. During the period from 2005 to 2009 the share dropped to 65.1%.

The share of long-term unemployed (over 12 months), in the number of the working-age unemployed (15-64), amounted to 66.7% in April 2010 (the share of long-term unemployed men in total unemployment was 63.8% while the share of women was higher and amounted to 70.3%). The prolonged period of job search leads to the loss of motivation and knowledge and to the decrease of employment possibilities.

Table X: The structure of unemployed persons by length of job seeking, 15-64

Length of job seeking	October 2005	October 2006	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010
Up to 12 months	20.6%	19.2%	18.8%	28.4%	29.4%	35.5%	34.5%	33.3%
Longer than 12 months	79.4%	80.8%	81.2%	71.6%	70.6%	64.5%	65.5%	66.7%

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

Long-term unemployment rate for working age population (15-64) amounted to 13.4% in April 2010, which makes a decrease of 3.3 percentage points compared to October 2005. As in the case of total unemployment rate, it should be stressed that much of this reduction resulted from the changed methodology used for covering employees, i.e., the unemployed in the LFS.

Table X: Long-term unemployment rate, 15-64

	October 2005	October 2006	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010
Long-term unemployment rate	17.3%	17.4%	15.2%	10%	10.4%	10.6%	11.4%	13.4%
<i>Male</i>	<i>13.8%</i>	<i>18.5%</i>	<i>13.1%</i>	<i>8.7%</i>	<i>8.9%</i>	<i>9.3%</i>	<i>10.7%</i>	<i>12.4%</i>
<i>Female</i>	<i>21.9%</i>	<i>21.5%</i>	<i>17.9%</i>	<i>11.7%</i>	<i>12.3%</i>	<i>12.2%</i>	<i>12.3%</i>	<i>14.7%</i>

Female unemployment

Female unemployment in the Republic of Serbia is more pronounced than male unemployment.

In April 2010, female activity rate amounted to around 50.9%, while the same rate for men was 67.4%. The lowest female activity rates were recorded in the age group 15-24, because young women take care of family and household more often than young men and thus delay their entry into the labor market. The main causes of female inactivity (with the exception of university students) are personal, family reasons or "other" reasons.

The difference in unemployment rates between male and female was reduced to 1.5 percentage points in April 2010. Although the differences in employment and activity rates are still very large, there is the trend of gradual reduction.

Table X. The main labor market indicators divided by sex

Rates- age group 15- 64	October 2005	October 2006	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010
Female								
Activity rate	56.2%	54.5%	54.9%	54.8%	54.1%	52.8%	52.8%	50.9%
Employment rate	40.8%	40.6%	43.0%	46.0%	44.7%	43.3%	42.7%	40.3%
Unemployment rate	27.4%	25.5%	21.7%	16.1%	17.3%	18.1%	19.1%	20.9%
Male								
Activity rate	74.3%	72.7%	71.9%	71.1%	71.3%	69.0%	68.4%	67.4%
Employment rate	61.2%	59.2%	60.0%	62.3%	62.2%	58.7%	57.4%	54.3%
Unemployment rate	17.6%	18.6%	16.5%	12.4%	12.7%	15.0%	16.1%	19.4%

Source: Statistical Office of the Republic of Serbia, Labour Force Survey

Redundant workers

Large number of redundant workers still presents a particular problem in the labor market of the Republic of Serbia. Increase of this group of the unemployed was brought about by the transition processes, and given that the privatization of companies and public institutions has not yet been completed and the process of forced liquidation of companies is also expected to start, it will result in an additional inflow of redundant workers and increase of unemployment.

The state has given financial help to resolve the redundancy problem in the companies that have begun the process of rationalization and restructuring in preparation for privatization. From 2002 until October 2010, the funds were provided from the budget of the Republic of Serbia for resolving the legal status of 209,795 redundant workers.

Increase in the number of this group of the unemployed in 2009 was affected, inter alia, by the world economic crisis, since employers, due to economic difficulties, resorted to reducing the number of employees. In addition, the Republic of Serbia opted for a substantial reduction of public administration and of the number of public sector employees and, therefore, resolving of the legal status of redundant workers will remain the priority in the forthcoming period.

Regional differences

Regional disparities in the Republic of Serbia are vast. Differences in the development levels (average wage, national income, the level of migrations, employment and labor market situation) of territorial parts show a deteriorating trend year over year. The situation in southern compared to northern parts of the country, as well as in rural compared to urban areas, is unfavorable. Insufficient economic activity and lack of jobs in some regions result in workforce moving towards regions that offer a greater opportunity regarding employment.

Observed by regions, divergent trend in unemployment occurred during the two sub-periods. During the first sub-period (from 2005 to 2007), unemployment declined in all three regions, most notably in Belgrade and the least sharply in Vojvodina, while during the second sub-period (from 2008 to 2009) unemployment rose in Vojvodina (30.1%) and Central Serbia without Belgrade (21.4%). In Belgrade, the number of the unemployed remained at the 2008 level. The above regional unemployment trends are in line with regional employment trends, according to which Belgrade is in the most favorable situation, while Vojvodina and Central Serbia are significantly worse off.

Informal economy

According to the LFS data of April 2010, employment (15-64) in informal economy amounted to 17.2% in April 2010. Employment in the informal sector is the largest among the young (15-24) and amounts to 28.8%. The lowest employment in the informal sector is recorded in the age group 25-35 and amounts to 13.7%.

The possibility of losing a job among informally employed is higher than among the formally employed workers, as indicated by the LFS data. That is, despite all the expectations that informal employment will grow during the crisis, the claim that the probability of losing a job is higher in informal than in the formal sector, is thus confirmed.

Work in informal economy in Serbia is associated with low wages and low productivity, low level of safety at work, poor working conditions, and very often these are jobs without elementary health and social insurance. Out of the total number of the employed below the poverty line, over 72% of them were employed in the informal economy¹⁰. Companies operating in informal economy mostly employ unqualified and unskilled workforce. Informal employment, which is widespread among young people decreases with aging and gaining work experience. And it is also associated with the level of education, meaning that the less educated more often accept informal employment.

¹⁰ Statistical Office of the Republic of Serbia, *Living Standard Measurement Survey Serbia 2002-2007*, BGD 2008

107. Please describe the institutional framework for employment policies in your country (main policy documents, main objectives of employment policies/strategies).

a) Institutional framework for employment policy in the Republic of Serbia

Creation and implementation of employment policy is under the competence of the Ministry of Economy and Regional Development, while the institutions responsible for performing employment activities are the National Employment Service (as a public service) and private employment agencies (introduced into the legal system of the Republic of Serbia by the Law from 2003).

Detailed description of the competences of the Ministry is given in the answer to the question number 108, and of the National Employment Service in the answer to the question number 109.

Recruitment activities are also performed by private employment agencies which can be established by legal and natural entities for the purpose of performing employment affairs, namely: a) vocational guidance and career counseling, b) job matching, and c) organizing further education and training. In addition, with the consent of the Ministry of Economy and Regional Development, the National Employment Service may outsource private employment agency to implement certain programmes and measures set forth in the National Employment Action Plan, as well as to prepare and implement individual employment plans, especially for group's categories of unemployed persons (e.g. persons with disabilities, etc.). The National Employment Service concluded the Code of Cooperation with some employment agencies, regulating, inter alia, mutual relations.

The Law stipulates that the agencies are not allowed to deal with employment of minors, or placement in high risk jobs, nor are they allowed to do the job matching in order to fill in the positions of workers taking part in a strike, except in the event that the minimum service has not been provided, pursuant to the law.

The Ministry of Economy and Regional Development is also competent for issuing and revoking operating licenses to employment agencies, and thus far over 50 employment agencies have been established and licensed.

6) The main employment policy documents

In accordance with the strategic orientation towards EU accession, the Government of the Republic of Serbia adopted the **National Employment Strategy 2005-2010** in April 2005, which considers the field of employment in the context of sustainable economic growth and development as well as employment increase. Its key purpose is to point out to specific directions in solving the problem of unemployment in the phase of transition process, and to offer solutions appropriate to the process, taking into account available human and financial resources.

Drafting of the **National Employment Strategy 2011–2020** is currently under way and its adoption is expected in the first quarter of 2011. In the context of guidelines and recommendations of the Europe 2020 Strategy for growth and development and strategic choices of further construction and development of the Republic of Serbia, with consideration of the national labour market characteristics, it has been determined that the main goal of employment policy in the Republic of Serbia by the end of 2020 shall be to establish an efficient, stable and sustainable trend in employment growth and to completely harmonize employment policies and

labor market institutions with the *acquis*. Employment policy priorities for achieving the main goals are increase of employment, investment in human capital and social inclusion.

The first **National Employment Action Plan 2006-2008**, which was adopted in May 2006, represents an operating model for the implementation of Employment Strategy. Thereafter, the action plans for 2009, 2010 and 2011 were adopted. Namely, the Law on Employment and Unemployment Insurance stipulates drafting of action plans on an annual basis and their adoption by 31st July of the current year for next year.

Priorities and objectives of employment policy, laid down by the **National Employment Action Plan for 2010** (*Official Gazette of RS* No. 7/2010) are the following:

- support to job creation, reducing the impact of economic crisis on existing jobs and encouraging formal employment in the private sector, with significant participation of social partners;
- reduction of youth unemployment and promotion of youth employment, especially of those affected by decreased employment possibilities;
- decentralization of employment policy and stimulation of the development of regional and local employment policy through proactive approach of local authorities;
- greater investments in human resources by improving education and training in order to harmonize supply and demand in the labor market;
- promotion of social inclusion and equal opportunities in the labor market.

The objectives of employment policy in 2011, as laid down by the **National Employment Action Plan for 2011** (*Official Gazette of RS* No. 55/2010), are focused on increase of employment, investment in human capital and social inclusion, and the priorities thereof are the following:

- striking a balance between supply and demand on the labor market;
- creating new jobs;
- improving education and training for the development of qualified workforce;
- promoting employment of vulnerable and disadvantaged categories;
- decentralizing and promoting the development of regional and local employment policies.

Many of the priority activities related to the above objectives are a part of the process which has already begun and has been being carried out continuously. The activities that started under the previous National Employment Action Plan will continue in 2011 and will be carried out over a longer period of time.

One of the most important requirements for successful achievement of objectives and priorities is full participation of all institutions and partners relevant for the implementation of employment policy with an adequate level of synergy between sectoral policies.

108. Could you please present an overview of administrative capacity related to employment policy? Which Ministry is responsible? Which other administrative bodies are involved? Could you inform about staff numbers and responsibility levels for employment policy?

Creation and implementation of employment policy is under the competence of the **Ministry of Economy and Regional Development**. Department of Employment, as a separate organizational unit within the Ministry, is responsible for employment issues.

Department of Employment is responsible for the public administration activities related to: employment in the country and abroad; sending unemployed citizens to work abroad; monitoring of the situation and trends in the labor market in the country and abroad; employment registries; promotion and stimulation of employment; strategy, programmes and measures of active (ALMPs) and passive employment policy; employment of persons with disabilities and other hard-to-employ persons; redundancies; exercise of rights derived from unemployment insurance, other rights of the unemployed and of redundant workers; preparation of national standards of qualifications and proposing measures for the improvement of the system of adult education; proposing, and monitoring the implementation of strategies in the field of labor market migrations; participation in the preparation, conclusion and implementation of international agreements on social security; concluding contracts of employment with foreign employers and other employment-related contracts ; cooperation with international, foreign and national authorities and organizations in the field of labor and employment; harmonization with the European legislation and standards in the employment field and monitoring the implementation of international conventions.

Department for Employment comprises three organizational units: Division for Active Employment Policy, Group for Normative Affairs, Supervision and Harmonization with the EU Regulations and Section for Preparation and Implementation of IPA Projects - Human Resource Development. Department for Employment employs 16 civil servants and an assistant minister who manages the work of the Department.

National Employment Service (NES) implements employment policy and a detailed overview of NES (competences, capacities, etc.) is given in the answer to the question number 109.

The Law on Employment and Unemployment Insurance sets forth the possibility of establishing a **employment councils** for the territory of the Republic of Serbia (National Employment Council), for the province territory (Provincial Employment Council) and one or more municipalities (local employment council) with the aim to decentralize employment policy. Provincial and local councils are established by the competent authorities of autonomous territory or local self-government. The local council, covering the territory of several municipalities, is established by the agreement of competent authorities of each of the local government units.

Councils are advisory bodies which provide opinions and recommendations on issues of interest for the promotion of employment, such as: employment plans, ALMPs, regulations in the area of employment, etc.

Councils consist of representatives of the founder, representative trade unions and employers' associations, the National Employment Service and employment agencies, associations of importance for the field of employment, i.e. associations concerned with the protection of interests of the unemployed (persons with disabilities, national minorities, veterans of armed conflicts, women, youth, etc.) and employment experts.

Thus far, around 120 local employment councils have been established at the level of the Republic of Serbia.

The competent authority of the autonomous territory and the competent authority of the local self-government may adopt its employment action plan. The Law provided for the possibility of co-funding of programmes and measures laid down in local employment action plans, with funds from the budget of the Republic of Serbia. Co-funding of active employment policy programs and measures with funds from the budget of the Republic was approved for 10 municipalities in 2010.

Informational seminars and trainings are organized in order to increase the capacity of local self-governments to create employment policy and programmes and measures, adjusted to the needs of the local labor market. A manual, intended to help local councils and representatives of local self-governments directly involved in the creation and implementation of employment policy, was drafted for that purpose.

109. Does a public employment service (employment office) exist? If yes, what is its legal status and how is it organised? What are the main tasks/functions of the public employment service? What is its relationship with the Ministry of Labour? What are its resources and its staff?

The Republic of Serbia has the public employment service, named the National Employment Service (NES). NES is a legal entity with the status of the organization for mandatory social insurance. NES carries out employment activities, administers unemployment insurance and exercise of the right derived from unemployment insurance and other rights, keeps registries in the employment area, and performs professional, organizational, administrative, economic, financial and other general duties in the field of employment and unemployment insurance. Employment activities include: providing information on the possibilities and conditions of employment, job matching for employment in the country and abroad, vocational guidance and career counseling, implementation of ALMPs and issuing work permits to foreigners and persons without citizenship. For conducting activities within the National Employment Service, the following units have been established: provincial employment service (2 provincial services), branch offices (34 in administrative districts) and other internal organizational units (21 services – at the level of local self-government, 118 local centers and 2 offices in smaller towns). The network of organizational units of the National Employment Service covers the whole territory of the Republic of Serbia.

The Ministry of Economy and Regional Development is responsible for supervision of the work of the National Employment Service (NES), since the employment area is entrusted to this Ministry.

At the end of May 2010, NES employed 1,773 persons under permanent employment contract, and 154 persons under fixed-term employment relationship due to temporarily increased work load.

The budget of the National Employment Service for 2010 amounted to 44.23 billion dinars (out of which the biggest portion of funds is allocated for the payment of unemployment benefits, then for ALMPs, and a portion of the funds are used for operational activities of NES).

National Employment Service is a full member of the World Association of Public Employment Services (WAPES).

National Employment Service has introduced the quality management system and implemented the ISO 9001:2008 series of standards, and received nationally and internationally recognized certificate No. I-1957/09 from the authorized accredited assessors of JUQS, for establishing and implementation of quality management systems throughout the business system of the National Employment Service, on 8th December 2009.

National Employment Service also received the prestigious IQNet certificate issued by the world famous association for quality.

A Management by Objectives Model was established, according to which the results of the branch offices are measured and monitored in relation to established indicators for measuring of the set objectives. At present, qualitative indicators are defined and applied by the National Employment Service, according to the adopted methodology of the EU countries, which positions us among institutions comparable with the similar institutions in the EU countries according to the method of displaying results.

110. Please describe the implementation of employment programmes and measures: legislative framework, responsible bodies, ways of financing, monitoring, follow-up etc.

The legal framework for creating and implementing programmes and measures aimed at employment promotion comprises the Law on Employment and Unemployment Insurance and the Law on Professional Rehabilitation and Employment of Persons with Disabilities. For the purpose of implementing the above laws and regulating certain issues more precisely, bylaws were passed related to: the method of implementation of ALMPs, inclusion of the unemployed into ALMPs, employment registries, assessment of work capacity and prospects for getting and keeping employment, monitoring of whether the obligation to employ persons with disabilities has been met, measures and activities of professional rehabilitation, etc.

The Law on Employment and Unemployment Insurance prescribes that active employment policy is a system of plans, programmes and measures aimed at increasing employment and reducing unemployment, and that the main instrument of this policy is the National Employment Action Plan, adopted annually by the Government at the proposal of the competent Ministry. In this way, every year by the end of July the Action Plan for the forthcoming year is adopted. It contains the description of the labor market situation and trends, in detail for the next year and as a rough outline for the three forthcoming years, and includes, in particular, ALMPs for the forthcoming year, specifying responsibilities for their implementation and necessary funds, as well as institutions with principal responsibility for implementation of the Action Plan.

Active labour market programmes (ALMPs) are funded from the budget of the Republic of Serbia, the budget of territorial autonomy and budgets of local self-governments, in accordance with the Law. In addition, grants, donations, bequests, loans, and the contributions for unemployment insurance are also used.

ALMPs are implemented by the National Employment Service which can outsource some tasks to employment agencies, on the basis of public procurement procedures and in accordance with performance agreement.

National Employment Service performance and monitoring of the efficiency of the implementation of ALMPs, set out in the Action Plan, are defined by the Performance Agreement, concluded between the Minister competent for employment and Director of the National Employment Service.

The National Employment Service regularly submits semiannual and annual reports on its activities to the Ministry, which are then submitted to the Government.

In addition, the ministry submits the annual report on implementation of the National Employment Action Plan to the Government, no later than 30 April for the previous year.

In cooperation with the National Employment Service and Statistical Office of the Republic of Serbia, the ministry regularly monitors the situation and trends in the labor market and evaluates the effects and impact of particular programmes and measures on employment.

On the basis of indicators, the ministry monitors the implementation of programmes and measures under the national employment action plan. System of statistical indicators and the methodology for their calculation are established in accordance with international and European standards and are defined in the National Employment Action Plan.

The ministry also supervises: enforcement of the laws, and regulations adopted for the purpose of implementation thereof, as well as the work of the National Employment Service and agencies.

On the other hand, the Law on Professional Rehabilitation and Employment of Persons with Disabilities stipulates that the activities related to promotion of employment of persons with disabilities are performed by organization in charge of employment activities. Active employment policy in case of persons with disabilities includes measures and incentives aimed at increasing motivation, employment and self-employment of persons with disabilities. Beside the enterprises for professional rehabilitation and employment of persons with disabilities and educational institutions, the National Employment Service is also responsible for implementation of measures and activities of professional rehabilitation. The professional rehabilitation of persons with disabilities covers setting up and implementation of measures and activities aimed at preparing persons with disabilities for suitable job, employment, maintenance of employment, job promotion or change of professional careers.

The funds for implementation of activities related to promotion of employment of persons with disabilities are provided from the budget of the Republic of Serbia, but also with special funds collected in the Budget Fund for Professional Rehabilitation and Promotion of Employment of Persons with Disabilities. The income from this fund is made up of funds incurred from the penalties paid by employers who fail to fulfill their obligation of employing persons with disabilities. Budget Fund has been established for an indefinite time and is administered by the ministry responsible for employment. Budget Fund resources are used for promotion of employment, professional rehabilitation and enterprises for professional rehabilitation and employment of persons with disabilities, social enterprises and job centers. Since the obligation of employing persons with disabilities entered into force in May 2010, expenditure of the funds has not started yet, but will commence at the beginning of 2011.

111. How do labour market policy delivery systems function? What are the registration rates of the unemployed? What is the registration share of men and women? What is the role of the official information services?

The National Employment Service delivers services and implements ALMPs in accordance with the procedures adopted within the quality system, based on the calls for proposals. Calls for proposals, as well as all information about services provided by the National Employment Service, are available at the Service website, through the media and in the “Vacancy” publication. Information about the work and services are available in all organizational units of the National Employment Service, via telephone call center for the unemployed and the call center for employers, as well as through the “Vacancy” publication. Employers and unemployed persons can also apply and register by electronic means, on the website.

Information about the work and services of the National Employment Service are also available through appropriate printed materials (brochures) and on the bulletin boards.

Employment policy is defined by the National Employment Strategy 2005-2010 and Action Plan for Employment for 2010. Employment Action Plan defines the measures implemented by the National Employment Service. According to the latest available statistics (January 2010), 751,590 persons are registered as unemployed, out of whom 52.57% or 395,087 are women and 47.43%, or 356,503 men.

Administrative statistical sources are based on the data about registered employed and unemployed persons from statistical records of institutions that measure the activity of the population according to the formal status (Statistical Office of the Republic of Serbia, the Republic Fund for Pension and Disability Insurance and the National Employment Service).

The National Employment Service publishes the data on the number of unemployed persons registered in the registry in accordance with the Law on Employment and Unemployment Insurance (Article 4). The database is updated on a daily basis with information on newly registered persons and persons removed from the registry, on unemployed persons who entered into employment relationship from its registry or not, and on a series of other data related to the labor market. The data overview is performed on the last day of the month and is regularly published, each month, in the Monthly Statistical Bulletin of the National Employment Service, with all the relevant information about the labor market.

The registered unemployment rate is the share of the registered unemployed persons in the sum of the registered unemployed and employed persons, including individual farmers who pay contributions for pension and disability insurance.

The reference institution in charge of the employment statistics is the Statistical Office of the Republic of Serbia. According to the Labour Force Survey of the Statistical Office of the Republic of Serbia, from October 2009, the unemployment rate of the persons of working age 15-64 amounted to 17.4%, while the unemployment rate of the working-age women amounted to 19.1%.

Pursuant to the Law on Employment and Unemployment Insurance, the National Employment Service is responsible for providing information on the possibilities and conditions of employment, providing information on the laws and bylaws and other general acts relating to employment and unemployment insurance, as well as for providing advice on the methods and procedures for exercising rights and meeting obligations.

The National Employment Service provides services for the unemployed (career guidance and counseling, further education and training, entrepreneurship development and employment programmes) as well as services for employers (training of unemployed persons organized at an employer's request, selection and classification, employment fairs, mentoring programmes and specialized trainings, job creation subsidies, public works, etc.).

All organizational units of the National Employment Service are networked in information system and all operational processes are IT supported with the possibility for the unemployed to use self-service systems.

112. What are the active labour market measures in place? What is the share of unemployed addressed by these measures? How is your active labour market policy funded?

The Law on Employment and Unemployment Insurance defines that active labour market programmes are activities aimed at reducing unemployment and improving employment, as follows:

1. job matching (matching supply and demand side of the labor market, selection of job seekers, job counseling, training for active job search, job clubs, drafting of individual employment plans with the unemployed, referring the job seeker to the employer for selection for entering into employment relationship with him/her or hiring them in another manner, job fair, etc.);

2. vocational guidance and career counseling (psychological counseling for individuals when choosing and, changing occupations and decision-making related to career development, improving skills for active job search - self-efficiency training, psychological assessment for purpose of selection of job candidates, for purpose of inclusion in the programmes of further education and training and entrepreneurship programmes, psychological assessments for the purposes of classification, providing information on labour market and opportunities for career development, organizing vocational guidance fairs, etc.);

3. employment subsidies to employers who primarily belong to the private sector and who employ the unemployed on the newly created jobs. The subsidy is granted as a lump sum payment for purpose of employing of up to 50 unemployed persons registered with the National Employment Service. Exceptionally, subsidy may be granted for employment of more than 50 unemployed persons with a view to balancing regional development, eliminating labor market disparities and higher level of employment within the greenfield and brownfield investments.

4. support to self-employment is the financial and professional assistance available to the unemployed who wants to become self-employed. Self-employment funds are granted as subsidies for establishing a shop, a cooperative or other form of entrepreneurship by the unemployed, or jointly by several unemployed persons, and for establishing a company if the founder enters into a contract of employment with the company. The unemployed receive professional assistance for encouraging self-employment through informative and advisory services in business centers, entrepreneurship trainings, mentoring and specialized trainings, while the subsidy is granted as a lump sum payment. Unemployment benefit can also be given to the unemployed who is unemployment benefit recipient as a lump sum payment for the purpose of self-employment.

5. further education and training are the activities aimed at providing the unemployed and redundant workers with the possibility of acquiring new knowledge and skills for purpose of employment i.e. the creation of employment and self-employment opportunity, through the process of theoretical and practical training. Further education and training are carried out in accordance with the annual programme of further education and training, laid out in the National Employment Action Plan.

6. incentives for unemployment benefit recipients are delivered in such a way that those who enter into permanent employment contract receive 30% of the total amount of unemployment benefit (excluding contributions for mandatory social insurance) that would have been paid for the time remaining until the right to unemployment benefit expires. This amount is paid as a lump sum payment;

7. public works are organized for purpose of employing hard-to-employ and the unemployed in social need, for preserving and improving working abilities of the unemployed, and for achieving particular social interest.

The total number of unemployed persons, who were treated with an ALMP implemented by the National Employment Service in 2009, amounted to 135,784, which made 18% of the average number of the unemployed registered by NES in 2009. 57,316 participants in ALMPs, entered into employment contract, which made 42% of the total number of those treated by ALMPs.

During the period January-September 2010, the number of unemployed persons who were included in ALMP implemented by the National Employment Service, was 79,209.

Overview of persons included in ALMPs in 2009 and 2010

ALMP	2009		Jan-Sept.2010
	Number of persons included in the programme	Impact on employment	Number of persons included in the programme
Active job seeking:	93,377	16,327	59,921
Training for active job seeking	35,911	6,229	22,193
Self-efficiency training	1,975	/	1,221
Job Clubs	3,190	642	2,153
Employment fairs	52,301	9,456	34,354
Further education and training programmes:	20,515	19,097	8,652
Interns	17,150	17,150 *	7,236 *
<i>Interns – budget of RS</i>	9,577	9,577	
<i>Interns – budget of AP Vojvodina</i>	7,573	7,575	
Trainings	3,365	1,947	1,416
Employment Subsidies:	11,732	11,732	
Self-employment subsidies :	5,303	5,303	1,821
<i>Self-employment subsidies – budget of RS</i>	2,307	2,307	
<i>Self-employment subsidies– budget of AP Vojvodina</i>	2,625	2,625	
<i>Subsidies to the unemployed for registration of farms – budget of AP Vojvodina</i>	371	371	
Job Creation Subsidies	6,429	6,429	3,211
<i>Job Creation Subsidies – budget of RS</i>	3,311	3,311	
<i>Job Creation Subsidies – budget of AP Vojvodina</i>	3,118	3,118	
Public works	10,160	10,160 **	5,604 **
<i>Public works – budget of RS</i>	8,250	8,250	
<i>Public works – budget of AP Vojvodina</i>	1,910	1,910	
TOTAL	135,784	57,316	79,209

* Entered into employment contract in the capacity of interns

** Employed on fixed-term contract for the duration of public work.

Source: National Employment Service

Active labor market policy is funded from the budget of the Republic of Serbia, the budget of territorial autonomy and local self-governments, with the funds from grants, donations, bequests, loans, and from the contributions for unemployment insurance and other sources.

In 2010, the budget of the Republic of Serbia provided funds in the amount of 3.7 billion dinars for the implementation of active labour market measures. These funds are higher than in the previous year, but still much smaller than needed (the RS budget funds allocated for active employment policy amount to only 0.1% of GDP), which is why good planning and optimal use of funds is necessary in order to cover as many of different target groups as possible by these measures.

Pursuant to the Program of allocation of funds from the budget of the Republic of Serbia, total funds are allocated to individual ALMPs and the time plan of their utilization is determined.

Overview of the distribution of funds from the RS budget to ALMPs in 2010

Number	Active employment policy measure	Funds in 2010
1.	Active job seeking	5,000,000
2.	Further education and trainings:	2,095,000,000
2.1.	Interns	1,800,000,000
2.2.	Trainings	295,000,000
3.	Employment subsidies:	900,000,000
3.1.	Self-employment subsidies :	300,000,000
3.2.	Jobs creation subsidies	600,000,000
4.	Public works	700,000,000
Total in RSD		3,700,000,000

Source: NEAP, MERD

On the basis of agreements on mutual cooperation concluded between the National Employment Service (NES) and local self-government, NES actively participates in the implementation of measures and programmes for which funds are provided by the local self-government. AP Vojvodina, within its budget, also earmarks funds for financing ALMPs on the territory of the Autonomous Province of Vojvodina.

Additional funds are provided under the projects implemented in the field of employment in the Republic of Serbia.

In 2009, Youth Employment Fund was established in the National Employment Service through the support of the project *Support to National Efforts for the Promotion of Youth Employment and Management of Migration*. The purpose of the Fund, the is to help the young people in need of special support, such as persons with no qualifications or with low qualifications, people with disabilities, Roma, returnees in the process of readmission and refugees and internally displaced persons. In addition to the funds from the budget of the Republic, allocated for active labour market measures, the Fund is also financed from the donation of the Spanish Millennium

Development Goals Fund, donations of the Italian Government and the Fund for Open Society. Fund Management Committee has been established with the mandate for approving procedures and criteria for the use of the Fund resources. The Fund resources are used for financing ALMPs for youth, such as different types of trainings (institution based trainings, on the job training), employment subsidies and assistance with starting a business.

Promotion of employment and professional rehabilitation of unemployed persons with disabilities, reimbursement of salaries of persons with disabilities employed in the enterprise for professional rehabilitation, improvement of working conditions, enhancement of production programmes, introducing standards, improvement of the quality of products and services rendered, adjustment of work place, and the like, is financed from budget fund income (described in detail in the answer to the question number 110).

B. European Social Fund (ESF)

113. Do you have a Social Fund equivalent or similar to the European Social Fund (ESF)?

The Republic of Serbia has no social fund that would be equivalent to the European Social Fund, but the preparations of the competent institutions for the IPA component IV - human resource development, are underway. Preparation process is described in the answer to the question 117.

114. What is the administrative set-up for dealing with this policy?

- a) Ministries, administrations involved;**
- b) Inter-ministerial co-ordination;**
- c) Vocational education and training systems;**
- d) Public employment services;**
- e) Coordination with European Employment Service (EES) and social inclusion process;**
- f) Participation of other authorities/partners (partnership)?**

Answer 113

115. How is the programming capacity conceived?

- a) Establishment of development plans and programming documents;**
- b) Implications of structural funds principles: additionality, partnership, co-financing?**

Answer 113

116. How is the implementing capacity conceived?

- a) Preparation, selection, appraisal;**
- b) Financial procedures;**
- c) Monitoring;**
- d) Evaluation;**

113

e) Audit and financial control?

Answer 113

117. How do you intend to prepare for future ESF implementation using IPA component IV for Human Resources Development?

The preparations of the competent institutions in the Republic of Serbia for the IPA component IV - human resources development, are underway. In this regard, the Operating structures for managing and implementing the Operational Programmes under the IPA components regional development and human resources development have been established, i.e. the Ministry of Economy and Regional Development has been designated as the body responsible for the Operational Programme for Human Resources Development (Component IV) and assistant minister for employment has been appointed the person responsible for performing duties of the body responsible for e Head the Operational Programme for Human Resources Development. The Ministry of Economy and Regional Development, Ministry of Education and Ministry of Labour and Social Policy have been designated bodies responsible for priority axes within the Operational Programme. State Secretary in the Ministry of Education and Secretary of the Ministry of Labour and Social Policy have been appointed persons responsible for the performance of the preparatory work for establishing the bodies responsible for the priority axes within the Operational Programme for Human Resources Development.

In view of the role of the Ministry of Economy and Regional Development in the preparations for IPA component IV, IPA IV Unit (for Human Resources Development) was established within Employment Department by the new Rulebook on Internal Organization and Systematization of Jobs, in January 2010.

All details concerning the activities, roles and responsibilities of the Operating structures shall be regulated by separate agreements that will be prepared and signed between the National Authorizing Officer and the heads of the Operating structures, as well as between the respective bodies constituting the Operating structure.

The Republic of Serbia is currently in the second phase of preparations for the decentralized implementation system (DIS) for IPA components III and IV - Gap Plugging phase. Gap Assessment Report was prepared in March 2010. IPA 2008 project "Further Support for Implementation of DIS", which is providing support to the competent institutions with in the preparation of structures and procedures necessary to obtain DIS accreditation, started in September 2010.

All the above mentioned activities, carried out with the aim of developing staff capacities and procedures and structures in order to better prepare the system for IPA components III and IV as well as for implementation of the Operational Programmes that will ensue from the moment of obtaining DIS accreditation are a form of preparation of the relevant institutions in Serbia, as well as capacity building for the future use of structural funds, that is, in the case of IPA component IV, for the European Social Fund.

V. SOCIAL INCLUSION

A. General

Evaluation of current data situation and structures

118. Is there an official national definition of absolute and/or relative poverty and/or social exclusion? What is the national absolute/relative poverty line? How is it defined? Which equivalence scale is used?

The Government of the Republic of Serbia has adopted in 2003 the Poverty Reduction Strategy (PRS) by which the poverty is defined as a multidimensional phenomenon which, in addition to insufficient income for securing livelihood, implies also the lack of employment, inadequate housing and access to social welfare, medical, educational and communal services. Other key aspects of poverty include inability to exercise the right to healthy environment and natural resources, clean water and air above all. PRS has provided the basis to develop and implement measures at national and local level which should contribute to the decrease of absolute poverty above all, pursuant to international definitions. As the basic source of information for monitoring the poverty the Living Standard Measurement Survey (LSMS) was used, which has been realised in 2003 and 2007. Apart from the Living Standard Measurement Survey, poverty in Serbia is measured by the Household Budget Survey (HBS). By the strategic decision adopted in 2004 to base poverty statistics in Serbia on data obtained in HBS, the efforts were made to ensure full national ownership and continuity in monitoring poverty-related data.

The Government of Serbia defines social exclusion as a process by which particular individuals have been pushed to the society's margins and prevented from participate in their full capacities, in social relations and flows due to their poverty or the lack of basic knowledge and possibility for the long-life learning, or as a result of discrimination. Such cases further the individual or a group from the employment possibility, realisation of incomes and possibility of education, as from inclusion and participation in social networks and activities in community. Such individuals and/or groups, have insufficient and inadequate approach to institutions, administration bodies and decision-making processes. On the other hand, social inclusion is defined as a process enabling those at risk of poverty and social exclusion to gain access to the opportunities and resources necessary to enable them to participate fully in economic, social and cultural life and achieve a standard of living and well-being that is considered normal in the society in which they live. Social inclusion ensures that they have greater participation in decisions that affects their lives, and access to fundamental rights.¹¹ As one of its important tasks in the process of EU accession Serbia sees active participation in European process of social inclusion and development and improvement of the institutional framework and methodology of individuals and social groups in a specific context of social changes in Serbia. The monitoring methodology should simultaneously ensure comparability of basic indicators of social inclusion of EU Member States and the acceding states, but also provide insight into specific issues of social inclusion arising from the characteristics of the transition in Serbia. For the needs of measurement of poverty in the Republic of Serbia absolute and relative poverty lines are used,

¹¹ Monitoring Social inclusion in Serbia, the team of the Vice-President of the Government for Poverty Reduction Strategy implementation, 2009. Version of the document in English can be taken through the link:

calculated on the basis of the aggregate of consumption from HBS, which is regularly conducted by the Statistical Office of the Republic of Serbia based upon the recommendation from the Statistical Office of EU – Eurostat – and the International Labour Organization (ILO).

Under the absolute poverty line are persons of legal age whose consumption at the month level is lower than the minimum amount necessary for the food (nutritive minimum – 2,288 calories per day), envisaged by the Organization for Food and Agriculture of UN (FAO) and other expenditures, including clothing and footwear, living, health, education, transport, recreation and culture and expenditures for other goods and services. The imputed rent and expenditures for durable goods are not included in the analysis. For establishing equivalent size of the household modified OECD scale is applied, which enables the comparison of households differing in size and composition. Equivalent household size is calculated as pondered sum of household members, where the first adult in the household is counted as 1 unit, each other adult of the household as 0.5 units, and each child under 14 as 0.3 units. In order to be able to monitor the trends from 2006, The Statistical Office of Serbia has accepted the recommendation from the World Bank to apply methods of CPI (Consumer Prices Index) in establishing the absolute poverty line. Absolute line of poverty is measured by calculating nutritional basket in 2006 which is enlarged for suitable amount of inflation (Consumer Prices Index) for each year. Data on HBS for 2009 show that during that year 6.9% of population of the Republic of Serbia has lived under the absolute poverty line. According to HBS for 2009, all household in which expenditures were under 8,022 dinars per consumer unit were poor.

Table 1: The percentage of the poor in the Republic of Serbia (CPI)
Absolute poverty line

2006.	2007.	2008.	2009.
Line of poverty = 6,221 dinar monthly per consumer unit	Line of poverty = 6,625 dinars monthly per consumer unit	Line of poverty = 7,401 dinar monthly per consumer unit	Line of poverty = 8,022 dinars monthly per consumer unit
8,8	8,3	6,1	6,9

Relative poverty line defines poverty in relation to the national living standards level and is defined as 60% of median of average consumption per consumer unit. Relative poverty line shows that in 2009 in Serbia there was 13.6% of the poor in the population, and the poverty line was 9,583 dinars monthly per consumer unit.

Table 2. The percentage of the poor in the Republic of Serbia
Relative poverty line

2006.	2007.	2008.	2009.
Line of poverty = 7,171 dinar monthly per consumer unit	Line of poverty = 7,747 dinars monthly per consumer unit	Line of poverty = 8,923 dinars monthly per consumer unit	Line of poverty = 9,583 dinars monthly per consumer unit

119. Provide data on the following indicators – where possible: 2009 social inclusion indicators of the Social Protection Committee of the European Union (http://ec.europa.eu/employment_social/spsi/common_indicators_en.htm) and explain the source for the income data and the methodology used where appropriate.

Social inclusion indicators of the Social Protection Committee of the European Union from 2009 in the Republic of Serbia are monitored and calculated by the following institutions: The Republic Statistical Office (financial poverty indicators and employment indicators through the Household Budget Survey – HBS and the Labour Force Survey – LFS), the Public Health Institute of Serbia “Dr Milan Jovanovic Batut” (health indicators) and the Ministry of Education (education indicators). Apart from that, significant source are also single independent researches and certain contextual data, at disposal of the Ministry of Finance and the Republic Fund for Pension and Disability Insurance. The team for social inclusion and poverty reduction within the Vice-President of the Government Office for European Integration, in the report named “Monitoring Social Inclusion in Serbia – Overview and Current Situation of Social Inclusion in Serbia Based on Monitoring European and National Indicators” prepared in March 2010, has published the detailed data on requested indicators.

Primary indicators are: financial poverty, labour market, health and education.

Financial Poverty. The data on income are reached over the Household Budget Survey (HBS), which is quarterly conducted by the Republic Statistical Office. While calculating the indicators, Eurostat methodology and definitions have been adjusted to the national data source (HBS). The total income is defined as total net income received by a household and all members of a household. It includes income of household members from non-independent work, income from self-employment, income from ownership, pensions (age and family), social transfers and other transfers received by a household from persons who are not members of the household. The imputed rent of an owner of an apartment/house is not included in the total income. Equivalent income (income per consumer unit) is calculated by dividing the total household income with the equivalent household size (number of consumer units). A modified OECD scale was used for establishing an equivalent household size. By applying this procedure, comparison of households differing in size and composition is possible.

At-risk-of-poverty rate by gender and age				
	2006.	2007.	2008.	2009.
Gender				
Total	23,6	22,5	20,6	22,5
Male	23,0	22,1	20,6	22,9
Female	24,2	22,7	20,7	22,1
Age groups				
0-15	28,9	23,0	22,2	28,1
16-24	24,7	21,0	19,6	22,1
25-49	22,3	20,3	18,1	20,8
50-64	19,3	20,6	19,6	20,8
65 years and more	25,7	27,4	25,3	23,2

Source: *HBS*

At-risk-of-poverty rate by type of household				
	2006.	2007.	2008.	2009.
Single person household				
GENDER				
total	22,9	30,5	29,5	24,7
male	19,0	25,7	24,9	21,3
female	24,3	32,8	31,7	26,2
AGE				
under 30	20,0	7,1	5,9	4,9
between 30 and 65	16,9	23,3	29,5	24,7
65 years and over	25,4	34,6	33,2	26,5
Two adults household				
without dependent children, both under the age of 65	14,3	18,8	17,2	18,4
without dependent children, at least one aged 65 and over	23,2	24,6	21,7	19,2
with one dependent child	18,7	12,6	12,9	16,2
with two dependent children	20,4	17,5	15,0	20,2
with three and more dependent children	38,0	40,2	26,2	35,4
Other households without dependent children	17,5	16,1	18,3	20,2
Other households with dependent children	27,2	22,5	22,5	26,0
Single parent, one or more dependent children	39,9	30,2	25,8	32,1

Source: *HBS*

At-risk-of-poverty rate by the most frequent status at the labour market

Economic activity of households members	2006.	2007.	2008.	2009.
Employed	15,2	14,7	13,4	14,4
Self-employed	31,5	34,6	35,9	39,9
Unemployed	37,0	33,2	30,7	35,2
Pensioners	17,6	17,5	17,2	16,2
Other inactive	28,7	28,9	50,0	49,3

Source: *HBS***At-risk-of-poverty rate by type of tenure**

	2006.	2007.	2008.	2009.
Owner/rent-free	23,7	22,3	20,8	22,9
Tenant	20,6	27,1	15,8	8,1

Source: *HBS***At-risk-of-poverty threshold**

	2006.	2007.	2008.	2009.
At-risk-of-poverty threshold in dinars (60% of the national median of income)	7.820	9.238	11.200	12.000

Source: *HBS***Inequality of income distribution, quintile ratio S80/S20**

	2006.	2007.	2008.	2009.
At-risk-of-poverty threshold in dinars (60% of the national median of income)	7,7	6,4	5,5	5,6

Source: *HBS***Relative at-risk-of-poverty gap by age and gender**

	2006.	2007.	2008.	2009.
Relative at-risk-of-poverty gap	32,7	30,4	25,7	27,8

Source: *HBS*

Labour Market. The source of data is The Labour Force Survey (LFS) which is being published two times a year, in April and October, by the Republic Statistical Office.

Regional cohesion		
	April 2008	October 2008
Variations in unemployment rates by region	0,029	0,017

Source: *LFS*

Long-term unemployment rate				
	April 2008	October 2008	April 2009	October 2009
Men	8,19	8,49	8,83	10,18
Women	11,11	11,73	11,65	11,82
Total	9,49	9,91	10,08	10,91

Source: *LFS*

Health. Data on life expectancy in Serbia are gathered by the Republic Statistics Office and published in statistical yearbooks and publication “Municipalities in Serbia”. Also, the Public Health Institute of Serbia “Dr Milan Jovanovic Batut” is gathering data. Values are provided for the whole Republic, as well as for municipalities, so regional comparisons are possible.

Life expectancy			
	Total	Male	Female
2001-2003.	72,37	69,73	75,05
2007.	73,40	70,70	76,16
2008.	73,65	71,06	76,23

Source: *Health and Statistical Yearbook of the Republic of Serbia, 2008, 2007, 2006; the Public Health Institute of Serbia “Dr Milan Jovanovic Batut”*

Subjective health status according to the level of income is marked as bad/very bad for 32% of population in the lowest quintile and 125 in the highest quintile¹²

Education. The source of data is The Labour Force Survey of the Republic Statistical Office, as well as researches conducted by the Ministry of Education on Quality and Fairness of Education in Serbia in PISA mirror.

¹² Republic Development Office, 2009, *Report on Development for 2009* based on the research of the World Bank and the Batut Institute

Early school leavers not in training aged 18-24				
	April 2008	October 2008	April 2009	October 2009
Men	56,5	60,1	53,2	53,9
Women	43,5	47,7	43,6	44,1
Total	50,1	54,0	48,5	49,4

Source: *LFS*

Note: Since the school year for freshmen/students starts in October, they give negative answer in October to the question whether they have attended classes within the previous 4 weeks. That is the reason of great disparities in the percent of population which left education.

Indicator on *Low functional literacy of pupils* – (*Low reading literacy performance of pupils*) is measured by PISA test (Programme for International Assessment of Attainment of Pupils). It is defined as weak results of the students at PISA test, which is measured as participation of 15-year-olds who, in a combined scale of functional literacy, realise level one or less than that. Testing in Serbia is being carried out since 2003. The last testing has been carried out in April 2009 and the results of it are expected by the end of this year. While testing in 2003 and 2006, 15-year-olds have not shown adequate level of achievement.

Quality of education in Serbia, PISA test												
	Mathematical literacy				Scientific literacy				Reading literacy			
	2003.		2006.		2003.		2006.		2003.		2006.	
	RS	OECD	RS	OECD	RS	OECD	RS	OECD	RS	OECD	RS	OECD
Educational attainment	437	500	435	498	436	500	436	500	412	494	401	492
Quality of education	445	500	440	500	445	500	440	500	420	500	406	500
% of the functionally illiterate	42	21	43	21	-	-	38	19	47	19	52	20
Gender disparities (m versus f)	1	11	5	11	-5	6	-5	2	-43	-34	-42	-38

Source: *Quality and Fairness of Education in Serbia Mirrored by PISA*, Dragica Pavlovic-Babic, Aleksandar Baucal

Note: RS is abbreviation for the Republic of Serbia.

Secondary indicators are: financial poverty, labour market and education.

Financial Poverty:

Dispersion around at-risk-of-poverty threshold				
	2006.	2007.	2008.	2009.
40% of national median income				
at-risk-of-poverty threshold (in dinars)	5.213	6.159	7.467	8.000
at-risk-of-poverty rate	11,6	10,6	8,2	8,9
50% of the national median income				
at-risk-of-poverty threshold (in dinars)	6.517	7.699	9.334	10.000
at-risk-of-poverty rate	17,4	16,2	13,9	14,7
70% of the national median income				
at-risk-of-poverty threshold (in dinars)	9.123	10.778	13.067	14.000
at-risk-of-poverty rate	29,9	28,6	27,8	29,5

Source: *HBS*

At-risk-of-poverty rate before social transfers				
	2006.	2007.	2008.	2009.
pensions excluded from income	24,8	23,7	21,6	23,4
pensions included from income	33,9	32,6	32,2	34,4

Source: *HBS*

Inequality of income distribution, Gini coefficient				
	2006.	2007.	2008.	2009.
Gini coefficient	35,3	33,9	32,2	31,9

Source: *HBS***Labour Market:**

Share of long-term unemployed in the total number of the unemployed				
	April 2008	October 2008	April 2009	October 2009
Men	69,89	70,34	61,91	66,53
Women	73,21	71,03	67,37	64,41
Total	71,58	70,70	64,58	65,50

Source: *LFS*

Very long-term unemployment rate ¹³

	April 2008	October 2008	April 2009	October 2009
Men	6,00	6,38	6,56	5,98
Women	8,70	9,04	9,27	7,73
Total	7,20	7,54	7,76	6,77

Source: *LFS*

Education:

Persons aged 25+ who completed primary education only

	April 2008	October 2008	April 2009	October 2009
Men	17,3	17,9	17,6	18,1
Women	22,1	21,0	21,3	20,9
Total	19,8	19,6	19,6	19,6

Source: *LFS 2008*

120. If possible, provide data or proxy allowing for time comparisons on people whose living conditions are severely constrained by a lack of resources (experiencing at least 4 out of 9 deprivations: people who cannot afford i) to pay their rent or utility bills, ii) to keep their home adequately warm, iii) to face unexpected expenses, iv) to eat meat, fish, or a protein equivalent every second day, v) a week's holiday away from home once a year, vi) a car, vii) a washing machine, viii) a colour TV or ix), a telephone.

Serbia still does not have comparable statistics in the area of material deprivation. Specifically, comparable data demand conduction of the Survey on Income and Living Conditions (SILC) which is still not being carried out in Serbia. According to the available surveys of the Republic Statistical Office and the Public Health Institute of Serbia "Dr Milan Jovanovic Batut" approximate indicators can be reached on the quality of life and deprivations to which the population has been exposed.

According to the Household Budget Survey (HBS) one can reach data on possession, i.e. deprivation of durable goods in the household. Based on the survey conducted in 2009, 45.4% of households in Serbia possess a passenger vehicle, 88.1% possess washing machine, 97.1% television set and 86.9% a telephone (data are, apart for the whole Republic, also available for the Central Serbia – with and without the city of Belgrade and for Vojvodina).

According to the Health Statistical Yearbook of the Republic of Serbia by the Public Health Institute, 77.6% of adults in Serbia have breakfast every day, 56.6% have three main meals every day, 33.8% use animal fat in preparing food and 48.7% of adults eat fish less than once a week

¹³ Definition of indicator: Share of very long-term unemployed persons (according to International Labour Organization definition – those who are unemployed for a period exceeding two years) in total active population. Apart from share in total population, it is also classified by gender.

(data are sorted by geographical area, settlement type, gender, age, level of education and financial status according to well-being index).

121. In how far do you consider these indicators to be relevant for the description of the current and future situation of poverty and social exclusion in your country?

Social inclusion indicators of the Social Protection Committee of the European Union are entirely relevant for the description of both present and future profile of poverty and social exclusion in Serbia. Together with these indicators, in the following period it is important for Serbia to continue with monitoring condition of absolute poverty. Although in the period from 2003 to 2007 absolute poverty in Serbia has been halved, in 2008 decrease trend of absolute poverty was stopped and financial crisis has influenced to repeated increase of the number of the poor in the country during 2009. Apart from stated indicators, Serbia monitors nationally specific indicators within the framework of social exclusion (above all, indicators defined within the scope of dimensions of nationally specific dimensions: vulnerability of existential needs and social participation of citizens) and additional ones, such as national specific indicators within the framework of the dimensions defined at the European Union level.

122. Is income or/and expenditure used for measuring monetary poverty?

Yes, expenditure is used for measuring monetary poverty. Poverty in the Republic of Serbia is analysed on the grounds of household expenditure (by the Household Budget Survey). Expenditure is in the case of Serbia and other transition countries accepted as a better indicator of living standard (due to grey economy, remittances from abroad and significance of own agricultural production, and because of the stability that expenditure has during time, unlike incomes). Household expenditure is defined as the sum of expenses for food and other ongoing expenses which include bought products, own production and presents.

As far as using income for measuring monetary poverty, in order to achieve comparability of data with indicators of social inclusion of the Social Protection Committee of the European Union from 2009, for needs of drawing up the report: Monitoring Social Inclusion in Serbia – Overview and Current Situation of Social Inclusion in Serbia, the Republic Statistical Office has accepted definitions of the Committee. Total household income is defined as total net income of the household and all its members; it includes income of household members from non-independent work, income from self-employment, income from ownership, pensions (age and family), social transfers and other transfers received by a household from persons who are not members of the household. Imputed rent of an owner of an apartment/house is not included in total income.

Equivalent income (income per consumer unit) is calculated by dividing the total household income with the equivalent household size (number of consumer units). For establishing equivalent household size modified OECD scale has been applied (where the first adult in the household is counted as 1 unit, each other adult of the household as 0.5 units, and each child under 14 as 0.3 units).

123. In addition, what would you consider as the most meaningful and/or in the public debate most frequently used:

- a) non-monetary indicators for poverty and social exclusion;**
- b) administrative data sources.**

Apart from monetary indicators of poverty and social exclusion which are most often used in public debates, non-monetary indicators of social exclusion are being calculated and followed. Some of them are listed in tables within the framework of answers to the question under no.119, while in Serbia two national specific dimensions of social exclusion are adopted, which follow non-monetary indicators. These are dimension of deprivation of existential needs (within which sub-dimensions of indicators in area of housing, household equipment with durable goods and satisfaction of the basic needs are being followed) and the dimension social participation (which covers different areas of participation in society – cultural, political, civil and the network on micro-level, subjective assessment of social exclusion etc.). Non-monetary indicators for which Serbia possesses data can be found in the report Monitoring Social Inclusion in Serbia – Overview and Current Situation of Social Inclusion in Serbia Based on Monitoring European and National Indicators which was prepared in March 2010 by the Team for Social Inclusion and Poverty Reduction (the Vice-President of the Government Office for European Integration).

Official data sources (data published by public authorities of the Republic of Serbia) are most often used while calculating indicators of poverty and social exclusion, but very useful and significant are the researches carried out by autonomous organizations (civil society organizations and researches of international institutions).

124. Identify vulnerable groups for your country and present data/estimates about their size (e.g. persons with disabilities, unemployed, those in the informal sector/subsistence agriculture, ethnic/cultural communities (please specify), families, children and young people, women, elderly, single parent families etc.) and describe the underlying processes that cause vulnerability. What are the policy responses with regard to the individual groups?

The Government of the Republic of Serbia has established by the Poverty Reduction Strategy in Serbia (2003), as well as by current policies in the area of social inclusion, the following vulnerable groups in the Republic of Serbia: persons with disabilities, children, youth, women, older than 65, Roma national minority, uneducated, unemployed, refugees and internally displaced persons and the population of rural areas.

Persons with Disabilities. *Most significant regulations and documents are:* The Law on Prohibition on Discrimination (Official Gazette of RS, no. 22/09), the Law on the Prevention of Discrimination against Persons With Disabilities (*Official Gazette of RS*, no. 33/06), the Law on Professional Rehabilitation and Employment of Persons With Disabilities (*Official Gazette of RS*, no. 36/09), the Law on Foundations of Education and Upbringing (*Official Gazette of RS*, no. 62/03), the Strategy for Improvement of the Position of Persons with Disabilities (*Official Gazette of RS*, no. 01/07) and the Strategy of Development of Mental Health Protection (*Official Gazette of RS*, no. 08/07). *Group size data:* According to the estimation from the World Health

Organization, the number of persons with disabilities in the Republic of Serbia is around 800,000. During there were 43,769 adults and older users of the services of the social service centres with the feature “disabilities/development disorders” and 12,315 users from the category of children and youth with the same feature ¹⁴ Within the social security system in the Republic of Serbia there are thirteen centres for accommodating persons with development disorders and mentally ill persons. By the Decision on Network of Social Protection Institutions (April 2008) in the centres and institutes around 3,750 mentally ill persons and those with development disorders were accommodated (1,500 adults and older users with development disorders and 2,250 adults and older users with mental illnesses). *Processes which represent causes of vulnerability are:* Over 70% of persons with disabilities are poor, while even half of their incomes come from income based on different social policy measures – invalidity benefits, supplements and increased supplement for the help and care of other person and similar. Above all, causes of vulnerability are: low education level and low employment rate, non adjusted workplaces to the needs of persons with disabilities, availability of services etc. *Regarding this group, the following measures are applied in the framework of individual policies:* Special measures are taken in the area of employment – since the Law on Professional Rehabilitation and Employment of Persons with Disabilities, 5,290 persons were employed.¹⁵ Having in mind that before the law entered into force, 200 to 250 persons with disabilities were employed per year, it is undoubtedly that the new data are encouraging. During the last years number of services in the community and number of users of help at home services, day care centres for children and adults with disabilities are increasing, and it has been started with the development of housing with the support, services of personal assistants, increasing availabilities, removing architecture barriers etc. Large shares are taken at annual basis for support in work, programme and project activities of persons with disabilities.

Children. *Most significant regulations and documents are:* The Family Law (*Official Gazette of RS*, no. 18/05), the Law on Social Protection and Providing Security of Citizens (*Official Gazette of RS*, no. 36/91), the Law on Financial Support to Families with Children (*Official Gazette of RS*, no. 16/02), the Law on Foundations of Education and Upbringing (*Official Gazette of RS*, no. 62/03), the Law on Preschool and Elementary Education (*Official Gazette of RS*, no. 18/10), the Law on Juvenile Offenders and Criminal Protection of the Juveniles (*Official Gazette of RS*, no. 85/05), National Action Plan for Children 2004 – 2015, National Strategy for Prevention and Protection of Children Against Violence (*Official Gazette of RS*, no. 122/08), Development Plan of Health Protection of the Republic of Serbia from 2010 to 2015 and Birth Incentive Strategy (*Official Gazette of RS*, no. 13/08). *Group size data:* Population of children aged 0-18 make 19.6% (1,467 273) of total population: girls 18.5% (714,530) of female population, and boys

¹⁴ Source: Ministry of Labour and Social Policy.

¹⁵ According to data from National Employment Service, 2010.

20.06% (752,743) of male population.¹⁶ In 2008¹⁷ in the structure of users of services of the social services centres in group of users *Children and Youth* (172,381) absence of parental care was recorded with 5.7% or 9,790 children and youth. Also, 12,004 children with disabilities and/or development disorders were recorded, where one part of them is without parental care (in December 2008 it has been recorded that 1,516 children, i.e. 12.6% of the total recorded number of children with disabilities and/or with development disorders were without parental care). *Processes which represent causes of vulnerability are:* Primary cause of vulnerability with this group is poverty caused by low family incomes and unavailability or lack of approach to the institutions which provide protection (social, health, educational, cultural etc.) Causes may be geographical unavailability, non existing exchange of information, lack of parents' awareness on the significance of approach, paying participation, lack of right to some of the services etc. In the Republic of Serbia, especially vulnerable are Roma children, children from refugees and internally displaced families, children in institutions and children without parental care, children with development disorders, children who live and/or work on the street, children with disabilities and difficulties in development and children from rural areas. These categories of children are exposed to multiple risk factors and decreased chances for realisation of full potentials. *Regarding this group, the following measures are applied in the framework of individual policies:* In the Republic of Serbia there has been an improvement in decrease of child mortality. Mortality rate is falling down significantly, both with children under 5 years of age and with the newborns, in neonatal and perinatal period. Better coverage with modern antenatal and postnatal health care has contributed to it, as well as improvement in immunisation coverage. Vaccination coverage is growing and achieving quite high values. The percent of the newborns who are exclusively breast-fed till their sixth month is improving. As far as social services are concerned, long-term reforms of deinstitutionalisation and decentralisation have led to extremely increased number of children at foster parents, day care centres for children with development disorder, drop in centres and children's centres for children which are victims of human trafficking etc. Speaking about education, the question of including children with development disorders and difficulties from marginal groups has been legally solved, thus increasing the number of Roma children and children with development disorders enrolled in primary education.

Youth. *Most significant regulations and documents in the area of youth policy are:* The Law on Volunteering (*Official Gazette of RS*, no. 36/10), National Strategy for Youth (*Official Gazette of RS*, no. 55/08), Strategy of Professional Education Development in the Republic of Serbia (*Official Gazette of RS*, no. 01/07) and Strategy of Career Guidance and Counselling in the Republic of Serbia (*Official Gazette of RS*, no. 16/10). *Group size data:* It is estimated that today

¹⁶ Source: The Republic Statistical Office.

¹⁷ Report on work of the social services institutions in the Republic of Serbia for 2008, the Republic Statistical Office, 2009.

there is about one million young people aged from 18 to 25. In 2009 there was 427,700 young people aged 15-19 in the population, and 480,717 in the population of 20 -24.¹⁸ *Processes which represent causes of vulnerability are:* One of the main causes of vulnerability of youth is long-term unemployment, which is significantly higher than the general unemployment rate. Data from the Labour Force Survey from April 2010 show that employment rate of youth has decreased to 15.1% (1.9 percent points in comparison to October 2009), while the unemployment rate has grown up from 42.5% to 46.4% (4.0 percent point in comparison to October 2009). Data from April 2010 show that there has been a significant decrease of the employment of youth in the category of supporting members of the household (participation in the total employment of this age group in October 2009 was 16.5%, while in April it has decreased to 3.3%, which represents a decrease for 13.2 percent point). The rate of activity of youth in the period from October 2009 to April 2010 has decreased for 1.3 percent point (from 29.5% in October 2009 to 28.2% in April 2010). Also, the data show the increased number of young people which have decided to continue education (growth of 31.9% in April 2010 in comparison to October 2009), which confirms that in the time of crisis youth, due to lack of employment possibilities, decide on further education. *Regarding this group, the following measures are applied in the framework of individual policies:* In the area of educating youth, in 117 secondary vocational schools and in 20 Gymnasiums (in the pilot phase) a subject "Education on Entrepreneurship" has been introduced, as a preparation of youth for the entry into the world of work. National Employment Service and the Ministry of Education organize professional orientation fairs, with the purpose of creating conditions for direct communication among schools, students, parents and employers. Youth employment programme "The First Chance" implies volunteering in duration of three months and entering into employment relationship for the purpose of vocational training of the trainees during the next 12 months. As far as social services are concerned, long-term reforms of deinstitutionalisation and decentralisation have led to development of housing services with support for the youth, day care centres for young with development disorders etc. When discussing the participation of the youth in the public life, institutionalisation of public institutions and youth cooperation through the offices for youth at the local level has significantly enabled and improved the participation of youth in the society, development of cooperation and their inclusion into decision-making process. Also, realisation of more than hundred projects of non-governmental organizations has been supported. They promote informal learning and measures for informal education development and recognition of its outcome. These activities directly involved over six thousand young people, and indirectly about ten thousand. The Fund for Young Talents at annual level provides scholarships for around 500 young high schoolers and students.

Women. *Most significant regulations and documents are:* The Law on Gender Equality (*Official Gazette of RS*, no. 104/09), National Strategy for Improvement of Position of Women and

¹⁸ The Public Health Institute of Serbia "Dr Milan Jovanovic Batut", 2010.

Improvement of Gender Equality (*Official Gazette of RS*, no. 15/09) and Strategy for Protection against Violence in Family and Other Forms of Gender-based Violence (2009) in AP Vojvodina. *Group size data:* According to census from 2002, in Serbia women form 51.4% of population, as much as according to an assessment from 2009, when there was 3,760,759 of them. Among employees there are 54.3% of women, and in the Government of Serbia 18.5%. *Processes which represent causes of vulnerability are:* Discrimination and patriarchal model of behaviour are one of long-term causes and vulnerability of this group. Although the constitution has guaranteed gender equality, women still have lower salaries on average, the unemployment rate is higher and they are paid less for the same job the man do. Among most vulnerable are victims of sexual and gender-based violence, family violence, Roma women, single mothers, women who live in rural areas and women with disabilities. System for data monitoring in the area of violence is in the process of defining. *Regarding this group, the following measures are applied in the framework of individual policies:* Special measures for the purpose of accelerated achievement of gender equality in the area of political rights are introduced, for the first time in the Republic of Serbia, by the Law on Local Elections (*Official Gazette of RS*, no. 129/07) by which it was envisaged that each applicant of the selection list at local elections (elections for assemblies of municipalities and towns) has the obligation to have a certain number of women candidates in the list, according to the rules and criteria by which this law has developed into details. At the national level, special measures are introduced in 2004 by the Law on Corrigendums and Amendments of the Law on Election of Members of Parliament (*Official Gazette of RS*, no. 18/04) by envisaging that each applicant of the selection list must have at least 30% of candidates of less represented gender in the selection list. By the Decision on the Election of Members of Parliament to the Assembly of Autonomous Province of Vojvodina, the same rule was introduced in 2004. Numerous mechanisms have been built for the preparation of laws and politics in the area of gender equality at national, regional and local level. Within the last few years a lot was done in the area of strengthening professional capacities of the persons in the social service centres, police, public prosecutors' offices and courts regarding prevention of violence over women. Some health institutions have their internal protocols for dealing with victims of family violence. Women entrepreneurship, as one of the forms of self-employment, is especially developing over the past few years. Apart from public institutions, numerous professional women organizations of the civil society are active in Serbia, which provide services to women, most often violence victims. Many services have been developed – SOS telephones, shelters for violence victims and human trafficking victims, legal assistance etc., but still the system support is missing for their development and sustainability.

Older than 65 years. *Measures and programmes in the framework of the policies defined with the most significant regulations and documents:* Pension and Disability Insurance Law (*Official Gazette of RS*, no. 34/2003), the Law on Social Protection and Providing Security for Citizens (*Official Gazette of RS*, no. 36/91), National Strategy on Aging (*Official Gazette of RS*, no. 76/06). *Group size data:* According to the census from 2002, there were 1,684,289 people older

than 60 - 56.5% of them were women, and 43.5% were men; while there were 145,477 people older than 80 - 63.3% of them were women, and 36.7% men. According to the assessments from 2009, the number of older people in population between 65-74 years was 714,460 (315,388 men and 399,072 women). In population of 75 years and more, total number was 536,358 (212,060 men and 324,298 women).¹⁹ *Processes which represent causes of vulnerability are:* Older than 65 in 2009, measured according to the absolute poverty line, mark the poverty rate of 7.5%, and older than 75 mark the poverty rate of 8.8%. According to the survey conducted in 2007,²⁰ persons older than 65 who do not receive pension were three times poorer than the general population, which confirms an important role of pensions in decreasing poverty of the old people. Special aspects of vulnerability are in the area of housing, access to the services, especially in rural areas, and in inactive social participation. There is very little awareness of the rights and services of the support programmes entitled to old people. *Regarding this group, the following measures are applied in the framework of individual policies:* Measures concern support which goes in the direction of development of systems and services of un-institutional protection in the area of social protection (help and care at home, clubs for old people, day care centres for old and powerless, groups of older people for self-help, social housing in protected conditions etc).

National Minority of Roma. *Most significant regulations and documents are:* The Law on Prohibition of Discrimination (*Official Gazette of the Republic of Serbia*, no. 22/09), the Law on the Protection of Rights and Freedoms of National Minorities (*Official Gazette of the Republic of Serbia*, no. 11/02) and the Strategy for Improving Position of the Roma in The Republic of Serbia (*Official Gazette of the Republic of Serbia*, no. 27/09). *Group size data:* According to the census from 2002, there were 108,193 citizens of Roma nationality in Serbia, although the estimations are that the total number of Roma could be between 250,000 and 500,000.²¹ *Processes which represent causes of vulnerability are:* Basic problem of Roma population is multiple poverty, greater than with the rest of population of the Republic of Serbia. Causes for that could be found, above all, in education, employment and housing conditions. This national minority is exposed to high rates of poverty and unemployment, and education level is significantly under the population average. More than 58% of Roma in Serbia who are older than 15 have finished less than eight grades of the primary school.²² According to report from

¹⁹ The Public Health Institute of Serbia "Dr Milan Jovanovic Batut", 2010.

²⁰ David-Baronijan H. (2008), Poverty Among Pensioners and Persons With 65 Years and More, survey conducted for the team of Vice-President of the Government for implementation of the Poverty Reduction Strategy, the Republic Statistical Office and the Ministry of Science and Technology Development of the Republic of Serbia, Belgrade.

²¹ Strategy on Improvement of the Status of Roma in the Republic of Serbia.

²² According to the *Living Standard Measurement Study Serbia* (2007), the Republic Statistical Office.

UNICEF on the status of children in Serbia ²³ almost 70% of Roma children are poor, and more than 60% of Roma households with children live under the poverty line. Special problem is unemployment of Roma, which has long-term character with the rest of the population, too; also housing segregation and numerous health problems. *Regarding this group, the following measures are applied in the framework of individual policies:* Apart from inclusion in all measures of active employment policy, there are special problems and measures which are undertaken with the purpose to foster and increase employability of Roma. These are: functional basic education and trainings, improving entrepreneurship of Roma, public works, special programme for subventions for self-employment for Roma and subventions for employers for Roma employment. In the territory of AP Vojvodina, in the last two years through self-employment subsidies 50 small firms were open whose founders are Roma. In the area of education, Roma assistants in education were introduced. Also, numerous measures were defined: for expanding the approach to preschool education, functional primary education of adult Roma, protection of Roma children against discrimination, finding system solution for implementing Roma history, culture and tradition in programmes of general education of teachers and professors, solving the problems of Roma children who are internally displaced and returnees, affirmative measures for enrolment into secondary schools and faculties etc. There has been a programme for computer training and foreign languages learning of the unemployed Roma according to the records. An institution of coordinator for Roma issues was introduced in 40 municipal social services centres. They will, in cooperation with the schools, health institutions and public administration bodies, contribute to better exchange of information with Roma population and their rights and enable better access to all public services for them. In the area of health numerous initiatives were started, which goal is improvement of the health situation of Roma people. Sixty women health mediators were engaged which have, since 2008, covered with their visits 33,985 Roma families, i.e. recorded 118,842 Roma (36,511 women, 34,290 men and 48,041 children); they have performed 72,109 house visits; secured personal documents and health cards for 6,676 Roma; by their engagement 6,160 children were vaccinated; systematic check-ups were done to 3,933 women, health control for 1,943 pregnant women and those who have just delivered and 444 mammographies were made; 1,054 children were enrolled into school; 10,908 Roma have chosen their doctor and 3,990 women their gynaecologist.

Uneducated. *Most significant regulations and documents are:* Strategy of Professional Education Development in the Republic of Serbia (*Official Gazette of RS*, no. 01/07) and Adult Education Development Strategy in the Republic of Serbia (*Official Gazette of RS*, no. 01/07). *Group size data:* According to the census from 2002, 3.4% of population older than 10 were illiterate (5.5 times more women than men); 21.9% of population older than 15 is with incomplete education, 23.9% only with basic education and 41.1% of population with secondary

²³ Children Status in Serbia 2006. – Poverty and Social Exclusion of Children, UNICEF.

education. 44.2% of women in the villages do not have complete primary education.²⁴ Only 11% of population in 2002 had high and higher education.²⁵ 71% of the poorest has not finished primary school or have only finished primary school.²⁶ *Regarding this group, the following measures are applied in the framework of individual policies:* Five regular secondary vocational schools for different areas of work and from different districts in addition to their core activities, educate the adult. At this moment, there are five regional centres for education of adults (Zrenjanin, Bor, Nis, Kragujevac, Belgrade) in which 40 programmes adult trainings are being realised and which are certified by the Ministry of Education and recognizable for the National Employment Service.

Unemployed. *Most significant regulations and documents are:* The Law on Employment and Unemployment Insurance (*Official Gazette of RS*, no. 36/09 and 88/10); National Employment Strategy for period 2005-2010 and National Employment Action Plans . *Group size data:* The number of the unemployed (age group 15-64) was in 2009 total of 517,369 persons (266,427 men and 250,942 women). The same year, there were 537,231 farmers and assisting farmer members (303,634 men and 233,597 women).²⁷ According to the Labour Force Survey, in October 2009 unemployment rate was 20.6%. *Processes which represent causes of vulnerability are:* mismatch between supply and demand of workforce, high share of long-term unemployed and a large influx of redundant employees from the companies in process of restructuring and privatization, unfavourable age and educational structure of unemployed, high youth unemployment rate, large differences between regional labour markets and low mobility of workforce, a large number of unemployed belonging to hard-to-employ categories, as well as a large number of persons engaged in informal economy. *Regarding this group, the following measures are applied in the framework of individual policies:* National Employment Service organizes trainings for vocational retraining and additional training, aimed to increase the level of employment of the unemployed. These trainings last up to six months and are realised in educational and training centres. During the training, practical education is predominant, which is realised in specific and real working space. Apart from that, important features are encouraging employment and prevention of unemployment – promotion of employment and decreasing unemployment, counselling and mediating in employment, organizing and executing

²⁴ Data based on the census results from 2002. This information is very important for planning educational policy especially when considering the findings of the surveys on existence of correlation between educational level of mothers and school achievements of their children and when these indicators are brought into connection with high rates of leaving education among village population.

²⁵ 4.5% high and 6.5% higher education.

²⁶ *The Living Standard Measurement Study Serbia* (2007), the Republic Statistical Office.

²⁷ All data stated are according to the Labour Force Survey (2009), the Republic Statistical Office.

of additional education and trainings, promotion of opening new job positions and employment by encouraging entrepreneurship and self-employment through subsidies, promotion and organizing public works and improvement of possibilities for employment of redundant employees.

Refugees and Internally Displaced Persons. *Most significant regulations and documents are:* The Law on Refugees (*Official Gazette of RS*, no. 18/92), the Law on Asylum (*Official Gazette of RS*, no. 109/07), National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons and the Strategy on Reintegration of Returnees on the Basis of Readmission Agreement (*Official Gazette of RS*, no. 15/09). *Group size data:* The total number of refugees and internally displaced persons in 2010 was 304,152, out of which 82,603 were with the refugee status and 204,753 were internally displaced. In 2010 in the collective centres there were 4,791 persons (1,044 refugees and 3,747 internally displaced), while in unregistered collective centres there are around 1,600, and it is estimated that around 8,500 are very vulnerable refugees, such as chronic patients and persons with disabilities, who live in the private housing.²⁸ *Processes which represent causes of vulnerability are:* Poverty, which is mostly conditioned by impeded access to usage of social assistance (due to lack of finding suitable and permanent basic housing and thus impossibility of obtaining employment and acquiring pensions. *Regarding this group, the following measures are applied in the framework of individual policies:* For the past ten years, large investments are aimed towards solving the residential policy, personal documents, solving the citizenship status and thus total integration into society.

Rural Population.²⁹ *Most significant regulations and documents are:* The Law on Agriculture and Rural Development (*Official Gazette of RS*, no. 41/09), National Programme for Agriculture from 2010 to 2013 (*Official Gazette of RS*, no. 83/10), National Employment Strategy for period 2005 – 2010, National Strategy of Economic Development, Strategy of Regional Development of the Republic of Serbia for period 2007 – 2012 (*Official Gazette of RS*, no. 21/07), National Programme of Environment Protection, Tourism Development Strategy of the Republic of Serbia 2005 -2010 (*Official Gazette of RS*, no. 91/06), Strategy of Development of Competitive and Innovative Small and Medium Enterprises for the period from 2008 to 2013 (*Official Gazette of RS*, no. 103/08) and the National Strategy of Sustainable Development (*Official Gazette of RS*, no. 57/08). *Group size data:* When taken into account that there is no official definition of development of rural areas and the international definition of the Organization for Economic Cooperation and Development is used, rural areas in Serbia cover 85% of the country's territory, with more than a half of total population (55%) and population density of 63 inhabitants per square kilometre. According to data from the census from 2002, out of the total number of residents 56.4%, i.e. 4,225,896 persons live in the settlements defined as towns, and 43.6% of

²⁸ According to the data from the UN High Commissioner for Refugees (UNHCR) and the Commissariat for Refugees of the Republic of Serbia.

²⁹ Note: Serbia does not have an official definition of rural areas, but the parts of land which are residual to urban are considered rural.

the population, i.e. 3,272,105 people live in other settlements. *Processes which represent causes of vulnerability are:* Main causes of vulnerability are demographic structure of rural areas and poverty. The main causes of rural poverty are: high rural economy dependability on agriculture, insufficiently diversified economy structure, inauspicious ownerships structure, undeveloped land and labour force market and modest human potential. One of the main characteristics of poverty in Serbia is the high index of poverty in rural areas, which, although halved in the period 2002-2007, decreases slower in comparison to the urban population. In 2007, almost two thirds of the poor has lived in the rural areas. *Regarding this group, the following measures are applied in the framework of individual policies:* Since 2005 greater attention is being given to rural development. Important novelty in the system of agriculture support in 2004 was introducing the Register on Households. In the following years the system was developed, so that the registration became almost the basic condition for usage of funds from the budget support, so large number of households was excluded from the system of state aid. In the agriculture support structure for the past few years the measures have occurred with the goal to decrease rural poverty. Such measures are: support to non-commercial households (2006), support to the Roma ethnicity members (2008), a chain of specific privileges for investments at households which have young farmers etc. The support measure which has the longest tradition in Serbian agrarian policy – milk premium, has the scheme of financing which points to stronger social than economic function.

125. Territorial disparities: Describe social exclusion in terms of urban/rural and of regional factors. Describe the regional distribution of ethnic/cultural communities.

Rural areas cover 85% of the territory of Serbia and participate in gross domestic product (GDP) with 41%, and their inhabitants make 42% of total population. Precise assessments of position of rural areas in different social and economic processes in Serbia, as well as in characteristic of rural population according to different aspects is difficult provide, due to absence of clear definition of rural areas in domestic statistics. Namely, official statistics recognizes only two types of settlements: “towns” and “other”, so most often while deducting the data for rural areas category “other” is taken into account, which is not precise enough.

Average population density in rural areas in Serbia is 63 inhabitants per square kilometre, with relatively stable size of rural population which has decreased for 2.5% in the period between the two censuses. Evident is a general trend of increasing participation of urban population in total population of Serbia from 54.5% in 1991 to 56% in 2002 and to 58% in 2009. Serbia is a low urbanized country in European scale, due to the low share of town population and low qualitative urbanization, which makes rural areas unattractive for economic investments and living (opposite to trends in highly urbanized countries). Therefore the level of cultural and human capital of these areas is low, which is indicated from inauspicious demographic structure in the rural areas. Ageing index is significantly higher in rural than in urban Serbia, so according to the data from assessment of the population of the Republic Statistical Office (RSO), in urban areas to 100 children (aged 0-14) there are 95 old people (65 years and more), while in the areas classified as “other” to 100 children there are 135 old people. Dependability index is also higher in this other type of settlements, because the ratio of dependent categories of population (children 0-14 and those older than 64) in relation to the population of working age is 55%, while in urban

settlements it is 43% (RSO). Share of illiterate in settlements other than towns is 5.9% (in towns it is 1.6%), and persons without finished primary school even 35.6% (in towns 11.2%). These differences are more expressed in the Central Serbia (37.9% towards 10%) than in Vojvodina (29.5% towards 14.2%), which points to the significance of regional variations in the flows of urbanisation in general and village urbanization especially, road infrastructure development etc. According to the last surveys, percent of the poor which are under absolute poverty line is lower in the town settlements, and in 2009 there has been recorded a slight drop from 5% to 4.9%, while in the category “other settlement”, after the decrease of the number of the poor in 2008, a significant rise is recorded again in 2009 (9.6%).

The percentage of the poor according to the settlement type in the Republic of Serbia (CPI)

	2006.	2007.	2008.	2009.
Town area	5,3	6,0	5,0	4,9
Other areas	13,3	11,2	7,5	9,6
Total	8,8	8,3	6,1	6,9

The greatest number of the poor population is in the central Serbia region – 9.3%, where the highest increase in number of the poor is recorded in comparison to 2008 (7%). The smallest number of the poor population is at the level of Belgrade – 3.8%, while the decrease in number of the poor is recorded in the territory of Vojvodina: from 6.8% in 2008 to 4.9% in 2009.

The percentage of the poor in regions (CPI)

	2006.	2007.	2008.	2009.
Belgrade	4,3	2,4	2,9	3,8
Central Serbia	10,7	9,0	7,0	9,3
Vojvodina	8,6	11,9	6,8	4,9
The Republic of Serbia	8,8	8,3	6,1	6,9

Ratio is similar when we look back to the percentage of the poor in relation to relative poverty line. In town areas decrease of the poor is recorded – from 10.9% in 2008. to 9.1% in 2009, while in the category of other settlements there is an increase of the number of the poor – 16.1% in 2008 to 19.5% in 2009.

The percentage of the poor according to the settlement type in the Republic of Serbia – Relative Poverty Line

	2006.	2007.	2008.	2009.
Town area	9,5	10,1	10,9	9,1
Other areas	20,6	17,6	16,1	19,5
Total	14,4	13,4	13,2	13,6

Households which live in rural areas and have small assets, below three hectares of land, are especially vulnerable. High poverty rates of the rural districts in Serbia are the consequence of the low economic development and insufficiently diversified rural economy. Poor utility and business infrastructure and low human and entrepreneurial potential are the key developmental boundaries of the rural areas.

From total budget expenses for the health and social work in 2008, in the Central Serbia 25,323.4 dinars have been spent per capita. During the mentioned period, the region of Vojvodina is characterised with investments of 25, 462.9 dinars per capita, while in Belgrade 39,684.8 dinars were spent per capita. Availability of health services significantly defers in the territory of Serbia. In ten municipalities with the most inauspicious ratio of the number of persons to one doctor, that ratio is 4.5 times more inauspicious than the national average which is 356 persons per one doctor. On the other hand, ten local self-governments with the best availability of the health services have around 213 citizens to one doctor.

In the education sector there are significant differences among different parts of the country: in the most undeveloped municipalities such as Razanj, Gadzin Han, Crna Trava, Rekovac, Osecina, Bojnik and Zabari, there are six times more persons with unfinished primary school than in the towns with the best performances (Belgrade, Novi Sad, Kragujevac, Nis and Pancevo). The interruption of education is more than seven times higher in the most undeveloped municipalities than in Belgrade. In the Central Serbia from total budget expenses in 2008, on education 17, 029.6 dinars were spent per capita. In the same period, in the region of Vojvodina investments into education were 17,525 dinars per capita, while in Belgrade 25,098.5 dinars were spent per capita.

Since 2000, in Serbia around 150,000 persons, or 2.7% on average, from the working age population (15-64 years of age) leave their previous residence each year. Seven out of ten towns with the fastest growth (except for three relatively small municipalities: Backa Palanka, Kraljevo and Sabac) have recorded net inflow of immigrants in the period from 200 to 2008. The towns which contribute the most to the economic growth of the country (Belgrade with 43%, Novi Sad with 13% and Nis with 3%) have recorded significant inflow of population from the other towns and municipalities. Migrations in Serbia represent a part of current process of urbanisation. At

the moment, around 44% of population of Serbia lives in rural areas. In the most undeveloped areas (20 municipalities with the lowest added value per capita) there are 361,000 people and, apart from Presevo, all these municipalities mark negative fluctuation of working migrants. That means that around 13,100 people have left these 20 municipalities from 2001 to 2008, i.e. around 3.6% have moved out of there. The age structure of the poorest 20 municipalities show that they are affected the most with the working age population departures.

When it comes to territorial share of ethnical/cultural units, available data, according to the census from 2002, in the Republic of Serbia are: greatest ethnic communities are ³⁰ Serbs (82.86%), than Hungarians (3.91%), Bosniaks (1.82%), Roma (1.44%), Yugoslavs (1.08%) and other ethnic communities (total of 8.89%). In the Central Serbia there are 89.48% of Serbs, 2.48% of Bosniaks, 1.45% of Roma, 1.10% of Albanians and other ethnic communities make total of 5.49%. In Vojvodina Serbs make 65.05% of population, Hungarians 14.28%, Slovaks 2.79%, Croats 2.78%, Yugoslavs 2.45%, Montenegrin 1.75%, Romanians 1.50%, Roma 1.43% and other ethnic communities make the total of 7.79% population of Vojvodina.

126. Who has the political responsibility for designing and implementing social inclusion policies at national, regional and local levels? Who is responsible for policy coordination among the relevant departments in the administration at national, regional and local levels?

The Government of the Republic of Serbia has the political responsibility for designing and implementing social inclusion policies at national level. According to the Law on Ministries ("Official Gazette of RS", No. 65/08), the following ministries are responsible for designing and implementing social inclusion policies in the Republic of Serbia: The Ministry of Labour and Social Policy, Ministry of Health, Ministry of Economy and Regional Development, Ministry of Education and Ministry of Human and Minority Rights. For the implementation of relevant policies are also responsible other public institutions at national level, such as Republic Social Welfare Institute, Republic Institute for Health Insurance, National Employment Service, etc. The Government of the Autonomous Province of Vojvodina has the political responsibility for designing and implementing social inclusion policies at regional level. According to Decision of the Provincial Assembly about the Government of the Autonomous Province of Vojvodina ("Official Journal of the Autonomous Province of Vojvodina ", No. 04/10), the following Provincial Secretariats are responsible for designing and implementing social inclusion policies in the Autonomous Province of Vojvodina: Provincial Secretariat for Social Policy and Demography, Provincial Secretariat for Labour, Employment and Gender Equality, Provincial Secretariat for Education and Provincial Secretariat for Health Care. For the implementation of relevant policies are also responsible other public institutions at regional level, such as Provincial Social Welfare Institute and Institute for Gender Equality. According to the Law on Local Self-Government ("Official Gazette of RS", No. 129/07), the cities and municipalities have the political responsibility for designing and implementing social inclusion policies at local level. Regarding the coordination of public policies in social inclusion area, responsible institutions at central level are: General Secretariat of Government, regarding Government Action Plan

³⁰ This shows population of ethnic communities which participation in the total population is larger than 1%.

implementation, European Integration Office, regarding implementation of National Programme for Integration of the Republic of Serbia with the European Union, Civil Society Cooperation Office, regarding cooperation with civil society and European Integration Office of the Vice-President of Government - Team for social inclusion and poverty diminution, regarding harmonization, designing and implementation of public policies with the process of social inclusion in the European Union. For the coordination of relevant policies at central level are also important the following Government occasional bodies: European Integration Council, Council for Children Rights, Council for Gender Equality, National Education Council, Social-Economic Council, Working group of the Government of Serbia for social inclusion, etc. At regional level, within the institutions responsible for the coordination of public policies in the social inclusion area, it is important to mention the Office for the Roma Inclusion of the AP Vojvodina. At local level, the coordination of relevant policies is performed according to the Law on Local Self-Government which regulates the relations between the Republic body, territorial autonomy and the bodies of local self-government authorities, as well as cooperation and association of local self-government authorities. It is also important to mention the activities of Standing Conference of Towns and Municipalities which, within the Committee for Social Services gathers the representatives of towns and municipalities (heads of Departments for Social Services) in order to exchange experiences and to create legislative and other sorts of initiatives for improving the position and functioning of local self-government.

127. Describe the organisational structure of institutions involved in these policies, the role of social service providers, NGOs, advocacy groups, the co-ordination among the institutions and the coverage of their activities. Which are the financing authorities and mechanisms?

Ministry of Labour and Social Policy includes the following basic internal units: Labour Department, Department of Family Care and Social Protection, Pension and Disability Insurance Department, Department of Persons with Disabilities Support and Department of Disabled Veterans' Support. The Ministry includes the following bodies: Labour Inspectorate, Administration of Safety and Health at Work and Administration of Gender Equality. The Ministry, inter alia, performs the public administration activities related to: The system in the field of working relations and working rights in all aspects of work except in the state bodies; safety and health at work; inspectional supervision in the field of working relations and safety and health at work; international conventions in the field of work, safety and health at work, anti-discrimination policy; social protection system; family legal protection system; marriage; gender equality; population policy; family planning; family and children; exercising rights and integration of refugee and displaced persons, returnees according to the Readmission Agreement, Roma population and other socially handicapped groups; pension and disability insurance system; social insurance and military insured protection; disabled veterans' support, organizations and societies for disabled veterans and other disabled persons, etc.

Ministry of Health includes the following basic internal units: Health Protection Department, Department of Health Insurance and Health Care Financing and Department of Inspectional Affairs. The Ministry includes Administration of Biomedicine. The Ministry, inter alia, performs the public administration activities related to: Health protection system; system of obligatory

health insurance, other types of health insurance and health insurance contribution; closer definition of rights from health insurance; health protection content, maintenance and improving of citizens' health and monitoring of health condition and health needs of population; health protection organization; health and sanitary control in the area of population protection against infectious and non-infectious diseases, health surveillance of foodstuffs and general consumer products in production and transport, population public supply of hygienically clean drinking water and other areas defined by law, etc.

Ministry of Economy and Regional Development includes the following basic internal units: Employment Department, Department of Privatization and Restructuring Management, Department of Industrial Development Management, Quality Infrastructure Department, Department of Business Registers Administration and Supervision, Department of Bilateral Economic Cooperation, Department of Multilateral and Regional Economic and Trade Cooperation, Department of Regional Development and Entrepreneurship Improvement, Tourism Department and Department of Tourism Inspection. The Ministry, among other activities, performs public administration activities related to employment in country and abroad, condition and movement monitoring on labour market in country and abroad, records in the area of employment; improvement and promotion of employment; strategy, programme and measures of active and passive employment policy; employment of people with disabilities and those who are affected by the reduced possibility of employment; adjustment to the European Legislation and standards in the area of employment and monitoring of international conventions implementation, etc.

Ministry of Education includes the following basic internal units: Department of Preschool and Primary Education, Department of Secondary Education, Department of Higher Education, Department of Educational Development and International Educational Cooperation, Department of Investments, Pupil and Student Standard and Public Procurements, Department of Finances and Department of School Authorities and Inspectorial and Supervision Affairs. The Ministry, inter alia, performs the public administration activities related to: research, planning and development of preschool, primary, secondary and higher education and pupil and student standard; participation in construction, furnishing and maintenance of preschool, primary, secondary and higher education facilities and pupil and student standard of interest for the Republic of Serbia; improvement of social care about talented pupils and students; improvement of social care about pupils and students with special needs, etc.

Ministry of Human and Minority Rights includes the following basic internal units: Department of Improvement and Protection of National Minorities Rights (which includes the Office for Implementation of Roma National Strategy), Department of Improvement and Protection of Human Rights, Department of International Cooperation and Integrations, Department of Representation of the Republic of Serbia in European Court of Human Rights and Department of Legal and General Affairs. The Ministry performs the public administration activities related to: general questions regarding the position of national minorities; the selection of national councils of national minorities; protection and improvement of human and minority rights; drafting regulations of human and minority rights; compliance monitoring of domestic regulations with international contracts and other international acts of human and minority rights; representation of the Republic of Serbia in European Court of Human Rights; position of national minorities who live on the territory of the Republic of Serbia and exercising minority rights; making contacts of national minorities with their home countries; anti-discrimination policy; etc.

Provincial Secretariat for Social Policy and Demography, inter alia, performs activities of provincial administration in the field of social protection, protection of family and children, pregnant women, mothers during maternity leave, single parents with children, youth and elderly people, legal protection of family and guardianship, pension insurance, war veteran and disability protection and civilian war invalids, which refer to the preparation of acts for Assembly or Provincial Government, performs executive, professional and development activities of Provincial Administration and monitoring of the regulations implementation. The Secretariat includes the following basic internal units: Department of Social Policy, Department of War Veteran and Disability Protection, Civilian War Invalids and Cooperation with Disability and Humanitarian Organisations, Department of Demography and Department of Legal, Financial and Material Affairs.

Provincial Secretariat for Labour, Employment and Gender Equality, inter alia, performs activities of provincial administration in the field of labour, employment and gender equality, which refer to the preparation of acts for Assembly or Provincial Government, performs executive, professional and development activities of Provincial Administration and monitoring of the regulations implementation. The Secretariat includes the following basic internal units: Department of Labour, Department of Employment and Department of Gender Equality.

Provincial Secretariat for Education, inter alia, performs activities of provincial administration in the field of preschool, primary, secondary and higher education, pupil and student standard, informal education of adults and education of minority national communities, which refer to the preparation of acts for Assembly or Provincial Government, performs executive, professional and development activities of Provincial Administration and monitoring of the regulations implementation. The Secretariat includes the following basic internal units: Department of Education Department of Legal and Administrative Affairs and Department of Economic and Financial Affairs.

Provincial Secretariat for Health Care, inter alia, performs activities of provincial administration in the field of health care, which refer to the preparation of acts for Assembly or Provincial Government, performs executive, professional and development activities of Provincial Administration and monitoring of the regulation implementation. The Secretariat includes the following basic internal units: Department of Health Care, Department of Economic and Financial Affairs, Department of Project Development and Coordination and Department of Sanitary Monitoring.

Within city and municipal administrations, for the questions of social inclusion policies the responsible are divisions for social activities which perform the administrative activities in direct implementation of laws and other regulations confided to the community in realization of citizens rights in the field of social protection, health protection, social care about children and youth, preschool, primary and secondary education, pupil and student standard, culture, sport, war veteran and disability protection, as well as inspection activities in the field of education.

The answer to the question about coordination between institutions at central, regional and local level is included in the answer to the question number 126.

In case of service providers role in the field of social inclusion, it is necessary to mention that in each of relevant departments for years is being introduced service providers pluralism (which includes: civil society organizations, private sector, humanitarian organizations, etc.). Service providers give important support to the efforts of competent institutions at all levels of authority in the process of decentralization, and in the same time they respond to the necessities of market and more expressed demands of users for different services, territorial availability and open ways

of protection and support to which system institutions are not always able to respond adequately. Service providers role is to provide services of quality, principally at local level, under precisely defined standards.

Civil society organizations role in the improvement of social inclusion level of vulnerable groups is present in systematic inclusion in the decision making processes at central, regional and local level. Through the numerous communication and cooperation mechanisms between the state and civil society, civil society organizations represent the interests of the most handicapped groups, through the participation in regular and short-time Government bodies and cooperation with National Assembly, making influence to the processes of creation of legislative and strategic framework which has the goal to improve the position of the most vulnerable groups in the society. There are numerous examples of participation of representatives of civil society organizations as experts in drafting regulations, i.e. Law on the Foundations of Education and Upbringing and Draft Law on Social Protection (more than 200 civil society organizations participated at public debate about this draft in 2010). Civil society organizations participate in drafting strategic documents, i.e. Strategy for Social Housing, National Action Plan for Children and Strategy for Suppression of Child Trafficking, Child Prostitution and Pornography. Civil society organizations also participate regularly in public hearings organized by the committees of National Assembly of Serbia, after entering of draft law in parliamentary procedure. Civil society representatives participate also in working of short-time Government bodies in the field of social inclusion, such as Council for Child Rights of the Government of the Republic of Serbia and Council for the Improvement of Disabled Persons Position of the Government of the Republic of Serbia.

Lobbyist groups role is visible through the activities of Serbian Lobbyist Association founded in 2010, as a first organization engaged on legal regulation of lobbyist profession. Lobbying Law Model has been drafted, harmonized with the relevant EU regulations and referred for examination to the Ministry of Trade and Services. Additionally, great number of public relation agencies practice lobbying services, but generally, we still do not have official number of registered organizations which practice lobbying, because, according to the Law on Associations, registration is possible until April of 2011. Also, great number of civil society organizations, with the support of International Donor Organizations, practice advocating policies with partial success, with regard to the great number of initiatives in every sector which initialize and claim changes within existing and creation of new legislative and strategic framework (for example, there are proposals for amendments of Tax Law, Law on Associations of Citizens, proposal of Law on Funds and Foundations, etc.).

The most important financial institutions in the field of social inclusion are all above mentioned ministries, provincial secretariats, as well as local self-government bodies. Regarding financial mechanisms, the most important are: Fund for Young Talents of the Ministry of Youth and Sport, mutual program Of Ministry of Labour and Social Policy and United Nations Development Program (UNDP) – Fund for Social Innovations(FSI), social affairs program organized by the National Employment Service, Fund for Capital Investments of AP Vojvodina³¹, etc. There is also a very important position in the field of social inclusion for the projects funded by the European Union (as mentioned FSI), firstly those financed within

³¹ According data of the Government of the AP Vojvodina, through the Fund of Capital investments until now about 300 RSD for solving infrastructural problems in Roma settlements, which is currently one of the biggest investments in Serbia regarding Roma position improvement.

Instrument for Pre-Accession Assistance (IPA) and Community Program for Employment and Social Solidarity 2007-2013 "Progress".

Evaluation of future challenges

128. What are the main challenges for combating poverty and for promoting social inclusion in your society? How do you assess the impact of the financial and economic crisis on the vulnerable groups?

The biggest challenge of the Government in achievement of economic policy goals, poverty combatment and social inclusion in the following period is the achievement of continuous economic growth which will use mostly to the poorest strata of the population. Further deterioration of the labour market indicators in 2010, as a consequence of effects of the World Economic Crisis on the economy of Serbia, indicates the possibility of significantly bigger number of poor people in 2010 regarding 2009 when, according to the concept of relative poverty, there were 17.7% of poor people. Apart from the challenge mentioned above, additional challenges are: (1) it is necessary to improve existing and establish new adequate mechanisms for planning, implementation coordination, monitoring and evaluation of adopted and realized policies implementation; (2) State Aid to the poor people in the following period should moderate new poverty occurrence, and help the prevention of poverty deepening of the most handicapped categories of the population, why it is very important to continue the work on improvement of targeting of the two most important programs of help to the poor people - child-care allowance and family financial support; (3) it is necessary to considerate additional redirection of active measures at labour market, and especially public affairs, to the regions and groups which are mostly affected during crisis; (4) it is necessary to focus on the preparations for implementation of research about income and living conditions (SILC) according the methodology of Eurostat and alongside continue the monitoring of absolute poverty movement according present methodology (absolute poverty line and consumption of the household).

Regarding the influence of financial and economic crisis to the vulnerable groups, according to the qualitative research results³², the position of the specific sensitive social groups (Roma population, internally displaced person, single mothers, social welfare consumers) is deteriorated during crisis because of the reduced job offer in informal economy, losing jobs in formal sector, small possibilities to find a new job and lower salaries in formal and informal economy. For the most households in Serbia the most important strategy for survival during crisis is cost reduction or deferment. Households mostly defer the consumption of all articles except food. They give up on buying clothes, furniture, consumer durables (43.5%). The next most important mechanism of survival is savings use (13.9%). A certain number of households deferred also health costs (6.7%), survived thanks to loans from cousins and friends (6.3%), gave up on investments to the assets or family business (approximately 6%). Although the applied strategies are basically similar between different groups of population, the poorest person, more than others, relied on help of family and cousins and social welfare. They also, more than others, deferred health costs and looked for additional job. The households also save on more expensive foodstuffs, and

³² Crisis influence to the labour market and standard of living in Serbia, Belgrade 2010, Center for Liberal-Democratic Studies, Ipsos Strategic Marketing.

increase the consumption of cheaper articles. They defer also paying bills, buying clothes and shoes. Although one of the main priorities of the Government is social protection of the poor, one of the main challenges which encounters is how to help the increasing number of the most handicapped population categories, in harder financial conditions of the state. The population groups which, in the following period, could become especially handicapped are young people, but also all the others who look for the employment for the first time, and unemployed person of especially sensitive groups which also in the conditions before crisis were the most handicapped, i.e. unemployed Roma population, internally displaced person and disabled person. Because of this, it is necessary to focus the measures of social inclusion policy to this handicapped groups, but also enable continuous risk rate monitoring of poverty for the most handicapped groups (Roma population, internally displaced person and disabled person), since the Household Consumption Survey does not include this categories of population.

129. Are there any expected impacts of reforms in other areas of social protection (pension, health, employment) on social exclusion and poverty? Are there any plans to e.g. extend coverage or e.g. reduce the benefit level of the social protection system?

Health insurance is provided also for the handicapped categories of the citizens of the Republic of Serbia, and it is financed from the budget funds of the Republic of Serbia. In fact, in accordance with Article 22 of the Law on Health Insurance (*Official Gazette of RS*, No. 107/05 and 109/05, insured are also persons who belong to the group of population exposed to increased risk of diseases; persons whose health protection is necessary regarding prevention, combating, early detection and treatment of diseases of bigger socio-medical importance; as well as persons from the category of socially handicapped population, if they do not fulfil other conditions imposed for the status of insured person, or if they do not use the rights of compulsory health insurance as a member of family of insured person, namely:

- 1) children until the age of 15, school children and students till the end of regular education, and no later than the age of 26, according to the Law;
- 2) women regarding family planning, as well as during pregnancy, delivery and maternity for 12 months after delivery;
- 3) persons older than 65;
- 4) persons with disabilities and mentally handicapped persons;
- 5) persons for treatment of HIV infection or other infectious diseases which are defined by special law which regulates the field of population protection from infectious diseases, malignant diseases, hemophilia, diabetes, psychosis, Epilepsy, multiple sclerosis, persons in terminal phase of chronic kidney insufficiency, cystic fibrosis, systemic autoimmune diseases, rheumatic fevers, addiction diseases, ill or hurt persons who need urgent medical help, as well as persons included in health protections regarding organs and tissues transplant;
- 6) monks and nuns;
- 7) materially uninsured persons who receive material insurance according to the regulations of social protection, i.e. according to the regulations of protection of war veterans, war disabled veterans and civil war disabled person;
- 8) consumers of regular financial aids, as well as aid for accommodation in social protection institutions or other families, according to the regulations of social protection;

9) unemployed person and other categories of socially handicapped person whose monthly incomes are below incomes established according to this Law;

10) consumers of aid - family members whose breadwinner is on the military service;

11) Roma nationality person who, because of traditional way of living, do not have permanent residence, i.e. domicile in the Republic.

According to the Article 24 of the Law also the rights from compulsory health insurance are provided to the members of nuclear family of certain categories of insured person from the Article 22, such as nuclear family members of the insured person from the items 7) – 9) and 11) of this Article. It is important to mention that, according to this Law, the following family members shall be considered nuclear family: spouse or extramarital partner, children born in wedlock or out of wedlock, adopted children and stepchildren and children taken for maintenance.

Apart from this, certain facilities are also provided for the other categories of insured person which have their own incomes (employees, pensioners, farmers, entrepreneurs etc.). In fact, according to Article 24 and 25 of the Rulebook on Content and Scope of Health Care Rights from the compulsory health insurance and on Participation (“Official Gazette of RS”, No. 11/10, 50/10 and 73/10), insured person whose incomes are below limits established by this Rulebook, as well as members of their families, health care is provided in full amount from the funds of compulsory health insurance, i.e. this persons are discharged in respect of the participation payment. Above mentioned amount, for insured person who lives alone, is established according to the extent of minimal salary in net amount increased for 30%, established according to the labour regulations, in the month of application. For insured person who lives in household this census is established according to the extent of minimal salary in net amount per family member, established according to the labour regulations, in the month of application.

In this moment in the Republic of Serbia there is no plan for decrease, i.e. abolition of handicapped categories rights in the field of health insurance. Taking into consideration that GDP per resident in the Republic of Serbia amounted to 4,300 EUR, out of which for health care is allocated about 6% or 14% of total state expenditures, i.e. small amount for health protection expenditures per resident in the Republic of Serbia (about 270 EUR per resident), with increase of total allocations for health care, there is also going to be the increase of financial means for extending of insured person rights (for example, extending of List of medicines which are provided from the means of compulsory health insurance, providing larger extent of medical services, reduction, i.e. abolition of insured person participation in paying the price (participation) for certain rights from health insurance (for example for certain medicines and medical services) or for certain categories of insured persons (socially handicapped).

Regarding social protection in the narrow sense, Draft Law on Social protection provides larger number of socially handicapped persons, introducing of equivalence scale, larger number of family members who can use the right to social assistance (from 5, as established by existing law, to 6), as well as better conditions regarding the period of exercising rights for families with larger or equal number of members able or unable to work. Draft Law also predicts benefits

regarding exercising rights for families whose all members are unable to work, as well as bigger social assistance for those families, and for single parent families, as established by Draft Law.

On the other side, Draft Law establishes consumer responsibility for meeting their own needs and the needs of their family, as well as the obligation of active participation of the working able consumer of social assistance in overcoming unfavorable social situation in which he lives. As young people, aged 16-30, young from families which use social assistance through the generations, without education or with lower level of education represent 30% of social assistance consumers, the goal of new law is to help them to show and use the potentials they have, with professional guide and help, both professionals from the centers for social work, and professional services of the Ministry of Economy and Regional Development, i.e. National Employment Service, Ministry of Education, Ministry of Youth and Sports – Youth Office, as well as the rest of the services necessary to achieve this goal. That cooperation would, inevitably, lead to establishment of integrated services at local level, which would give comprehensive support to the consumers.

The rights under unemployment insurance, under terms and conditions stipulated by the Law on Employment and Unemployment Insurance are given in answer to the question number 158 i).

There is no plan to change legal provisions regarding pecuniary benefits in the period of unemployment.

The proposal of the Law on Amendments of the Law on Pension and Disability Insurance predicts that all the members of farmer household will be compulsory insured. Until now only the holder of farmer household was compulsory insured, while other members could be insured on a voluntary basis. This way increases population coverage by pension and disability insurance.

B. People with disabilities

Institutional and operational aspects

130. Has your government adopted any national policy document containing main principles of national disability policy? Is there any corresponding Action Plan (stating out the way how the actions described in the policy document will be implemented)? Is there a specific coordination body overseeing the implementation of the national disability policy?

The Government of the Republic of Serbia has adopted a Strategy for Improvement of the Position of Persons with Disabilities in Serbia 2007-2015, on 28 December 2006. The strategic aim that this document points to, is advancement of the position/status of persons with disabilities up to the level of the status of citizens of equal rights who enjoy all rights and responsibilities.

In accordance with the set framework, the Strategy stipulates that the following general objectives are to be realised by 2015:

1. The issue of the position of persons with disability should be integrated into general development plans within an institutional framework and operability of multi-sectoral and multi-ministerial cooperation in carrying out planning and follow-up activities in this area;

2. Develop an efficient legal protection along with development and implementation of plans banning and preventing discrimination of persons with disabilities and preparing plans for awareness-building in the society in general regarding disability issues.

3. Make accessible social, health and other services based on the rights and needs of the users in accordance with modern, internationally accepted methods of assessing disabilities and the needs of affected persons;

4. Develop policies and measures and put in practice programmes, particularly those in the areas of education, employment, work and housing that offer equal opportunities to persons with disabilities and foster their independence, personal development and an active life in all the areas;

5. *Provide access to the constructed environment, accessible transport, information, communications and services intended for the public through development and implementation of a plan for elimination of barriers and construction of accessible structures and services;*

6. Enable an adequate living standard and social security to the persons with disabilities.

Further activities on the elaboration of the documentation for the Strategy include elaboration of action plans and defining concrete measures and activities, as well as nominating leaders of activities aimed at reaching the objectives set in this document.

Presently the Action Plan for the Implementation of the Strategy for Improvement of the Position of Persons with Disabilities in the Republic of Serbia for the Period 2010-2011 is undergoing the adoption procedure.

There is a considerable number of other strategic documents and plans that the Republic of Serbia adopted since 2003 up to now that are also aiming to achieve improvement of the position of persons with disability in conformity with the principle of inclusion of disability issues into the general programme documentation (mainstreaming): The Poverty Reduction Strategy, Social Welfare Development Strategy, National Employment Strategy, National Strategy for Young People, Strategy for Protection of Women against Violence.

Since 2002, the Government of the Republic of Serbia has had a Council for Persons with Disabilities which functions as an ad hoc working body of the Government and consists of representatives of in-line ministries and national organisations dealing with the issues related to the persons with disabilities, and experts from the Belgrade University. At the moment, the Council for Persons with Disabilities is presided by the state secretary of the Ministry of Labour and Social Policy, and the members of the Council are representatives of thirteen ministries, five representatives of the National Organisation of Persons with Disabilities of Serbia and one representative of the Association of Students with a Handicap. Also, the procedure is ongoing for the formation of a Work Group within the Council for Persons with Disabilities which will be assigned the task of following up the implementation of the Convention on the Rights of Persons with Disabilities and the Strategy of Improvement of the Position of Persons with Disabilities in the Republic of Serbia in the Period 2007-2015.

A special organisational unit of the Ministry of Labour and Social Policy is a Department for Protection of Persons with Disabilities, whereas in some other ministries there are groups or individual advisors dealing with the position of the persons with disabilities (for example, Ministry of Economy and Regional Development, Ministry of Culture, Ministry of Education etc.)

131. Has the European Disability Strategy 2010-2020 been taken into account when drafting and designing the national disability policy? If yes, can you highlight any concrete measures where the European Disability Strategy 2010-2020 has been of help or inspired policy makers to develop certain actions?

The Strategy for Improvement of the Position of Persons with Disabilities in Serbia 2007-2015 has been inspired by the following international documents: **European Action Plan for Equal Opportunities of Persons with Disabilities** from 2003, **Guidelines of the European Council 2000/43/EC** from June 2000, dealing with the implementation of the principle of equal treatment of persons regardless of racial or ethnic origin, as well as the **Guidelines of the European Council 2000/78/EC** from November 2000 on the establishment of a general framework for equal treatment in employment and obtaining professional qualifications, Article 13 of the Amsterdam Agreement, Article 15 of the Revised European Social Charter of the European Council (Serbia has ratified the Revised European Social Charter on the 29 May 2009), **Council of Europe Action Plan for Persons with Disabilities for the period 2006-2015.**

The Strategy for Improvement of the Position of Persons with Disabilities in Serbia 2007-2015 stipulates realisation of a bigger number of objectives and measures defined by the European Action Plan regarding Position of Persons with Disabilities and the European Union Strategy for Persons with Disabilities 2010-2020. For example:

SPECIAL OBJECTIVE 9: Provide equal opportunities for work and employment of persons with disabilities within development and implementation of system solutions based on the needs and abilities.

MEASURES

9.3. Strengthen the role and responsibilities of social partners with the view of attaining a comprehensive approach in the area of employment of persons with disabilities;

9.4. Increase the level of employment of persons with disabilities, their chances of keeping the employment and their advancement/promotion at work by application of concepts of lifelong learning based on competencies of persons with disabilities and based on the needs of the labour market;

9.5. Develop and establish the system of informing persons with disabilities on the employment opportunities;

9.6. Develop and establish the system of informing the employers on the competencies of persons with disabilities;

9.7. Develop mechanisms of support to the employers in employment of persons with disabilities;

9.8. Develop mechanisms for assessment of work abilities and needs based on the recognized international standards;

9.9. Consider the employment of persons with disabilities in the open market as an absolute priority. For persons with disabilities whose needs cannot be met in the open employment, the alternatives are employment with the support and small units of protected employment.

9.10. Develop a model of social economy;

9.11. Further develop the notion of accessible workplace along with the development of standards through protection and health at work;

- 9.12. Develop standards of accessibility, social support and professional training within enterprises for employment and professional capacity building of persons with disabilities;
- 9.13. Develop mechanisms and resources for professional rehabilitation;
- 9.14. Prepare general programmes of training and employment, accessible for the persons with disabilities in terms of programme, information and space.
- 9.15. Develop and foster self-employment, entrepreneurship and support programmes for entrepreneurship and establishment of small and middle-sized enterprises by persons with disabilities;
- 9.16. Establish provision of services to the persons with disabilities as regular activities of agencies that deal with the development of small and middle-sized enterprises and regional development;
- 9.17. Create new professions of mediators in employment of persons with disabilities on the open market who would orientate and assist in employment of persons with disabilities;
- 9.18. Develop services for support and development of active participation, bigger employment and work-related activities of persons with disabilities;

Special Objective 9 was obviously inspired by priority action 1 stipulated by the Action Plan of the EU for 2006-2007, "Encouraging States Members of EU and Social Partners to Promote Access of Persons with Disabilities to the Open Labour Market".

GENERAL OBJECTIVE 5: Ensure access of persons with disabilities to the constructed environment, available transport, information, communications and services intended for the general public through development and implementation of a plan for elimination of barriers and the construction of accessible structures, spaces, services, information and communications.

SPECIAL OBJECTIVE 13: Make sure that all new public structures and those open to the general public, transportation infra-structure and vehicles used for public transport of passengers in all branches of transport are accessible for persons with disabilities;

MEASURES

- 13.1. Promote and educate public and experts on the concept of accessibility - universal design or accessibility for all with the aim of preventing creation of new barriers and discrimination;
- 13.2. Consistent application of regulations that stipulate obligatory implementation of standards of accessibility, supervision over application of the regulations and sanctioning of those who disrespect these rules;
- 13.3. Enhance formation and development of bodies and institutions that will deal with issues of accessibility and will promote the principle of the "Universal Design".

SPECIAL OBJECTIVE 14: Gradual and continuous adaptation of existing public structures, transportation infrastructure and means of transport in public circulation of passengers in all branches of transportation so as to make them more accessible for the persons with disabilities.

MEASURES

- 14.1. Provide financial means for the elimination of barriers in all public services, public structures, transportation infra-structure and means of transportation in public circulation of passengers in all the transportation branches;

14.2. Elaborate action plans for the reconstruction of existing structures and infra-structures following a list of priorities and a gradual, continuous and systematic replacement of the existing inaccessible means of transportation by new accessible ones in the public circulation of passengers and in all transportation branches;

14.3. Develop and apply the principle of a parallel track in the organisation of public transport for the persons with disabilities, apart from introducing new and accessible means of transportation in the public circulation of passengers in all branches of transportation.

SPECIAL OBJECTIVE 15: Ensure accessibility of information, communications and services including application of information and communication technologies as well as other scientific achievements, with the aim of creating equal opportunities and advancement of the position of persons with disabilities;

MEASURES

15.1 Support research, development, production and application of new information and communication technologies with the aim of better accessibility and approach to the information and communications for persons with disabilities;

15.2. Develop accessible mechanisms of information for users with disabilities including translators for the sign language;

15.3. Enable access to all utilities and public services including use of services in extraordinary situations for persons with disabilities.

General objective 5 of the Strategy for Improvement of Position of Persons with Disabilities in Serbia, special objectives 13 and 15 and measures for their implementation, have obviously all been inspired, among other, also by the priority activity 3 of the EU Action Plan for Persons with Disabilities 2006-2007 "Promoting Accessibility of Goods and Services". The provisions of the Guidelines 18/2004/EC on public procurement have served as a direct inspiration for the adoption of the amendment of the Law on Public Procurement in December 2008 in which the observance of accessibility standards was directly stated as an obligatory part of tender documentation that the participants in public tenders have to present. The same law stipulates the possibility of formation of undertakings for professional rehabilitation and employment of persons with disabilities, with services and goods complying with the prescribed standards so that they can be included into the negotiation process referring to procurement of goods and services without announcing public appeals.

132. Does your national disability policy operate on the basis of the mainstreaming concept? If yes, can you give any examples of where and how the mainstreaming approach was used and worked successfully? How do you ensure the application and implementation of the mainstreaming concept across various policy areas?

Yes.

Besides the Strategy for Improvement of the Position of Persons with Disabilities in the Republic of Serbia in 2007-2015, the issue of the position of persons with disabilities is included into a considerable number of general strategic documents in Serbia: Strategy for Poverty Reduction in

Serbia, Strategy for Development of Social Protection, National Strategy of Employment, National Strategy for the Young People, Strategy for Protection of Women Against Violence.

The issues of importance for the equal rights status and full inclusion of persons with disabilities in the Republic of Serbia are part of a bigger number of legal regulations: **Labour Law** forbids discrimination on the basis of disability and regulates protection of persons with disabilities at workplace. **Law on Public Procurement** stipulates the obligation of the participants in public tenders to include into the documentation that they are submitting a proof on existence of plans for the application of standards of accessibility in their products and services. **Law on Planning and Construction** regulates in detail the obligation of observing accessibility standards in making designs/projects and in construction of new multi-floor high-rise buildings for public use and housing and prescribes sanctions for those who do not respect these standards. **Law on the Foundations of Education and Upbringing System** stipulates measures for equalizing and upgrading to the general level the opportunities that students with disabilities have for pursuing their studies. **The Law on Higher Education** provides measures for equal possibilities of studying for the persons with disabilities. **Law on Prohibition of Discrimination** includes a special article that forbids discrimination based on disabilities, but this topic is elaborated in more detail in the **Law on Prevention of Discrimination of Persons with Disability**. The **Law on Safety in Public Transport** includes several provisions that ensure equal possibilities for participation in public transport for people with disabilities.

Apart from the provisions of importance for the equal rights status of persons with disabilities and their inclusion into general strategic documents and laws along with the abovementioned Strategy for Improvement of Position of Persons with Disabilities in the Republic of Serbia 2007-2015, Serbia has adopted several other important laws that primarily regulate the position of persons with disabilities: In April 2006, the first anti-discrimination law in our country has been adopted - the **Law on Preventing Discrimination of Persons with Disabilities**. In May 2009, the **Law on Professional Rehabilitation and Employment of Persons with Disabilities** was adopted. On 29 May 2009, the National Assembly of the Republic of Serbia passed the **Law on Ratification of the Convention on the Rights of Persons with Disabilities** and the **Law on Ratification of the Optional Protocol along with the Convention on the Rights of Persons with Disabilities**, turning this international document into an integral part of the internal legislation in our country.

Consistent and continuous implementation of a legal framework of high quality referring to the position of persons with disabilities in Serbia is one of important challenges and a pre-condition for true equality in rights and full inclusion of these persons in the Serbian society. Equalizing opportunities of persons with disabilities sometimes requires significant funds that the societies in transition do not dispose of to the necessary extent. The Ministry of Labour and Social Policy dedicates important amounts for the promotion of equal rights of persons with disabilities, primarily through the Department for Protection of Persons with Disabilities. Some other ministries such as Ministry of Culture and Ministry of Economy and Regional Development systematically and regularly dedicate a part of their budgets to the purposes of equalizing the opportunities for the persons with disabilities.

In addition to spending the necessary funds for the equalisation of opportunities for persons with disabilities and the quality use of existing relatively limited resources, it is necessary - in accordance with the Strategy for Improvement of Position of Persons with Disabilities in the Republic of Serbia 2007-2015 - to further develop and strengthen multi-ministerial and multi-

sectoral cooperation in affirmation of rights and improvement of position of persons with disabilities so as to enable them to achieve the equal rights status in practice and enjoy the same rights as all other citizens of the Republic of Serbia.

133. In most EU member states, national disability councils (comprising NGOs, organisations representing the persons with disabilities, disability experts, civil servants and other stakeholders) have been established. Have similar bodies been established in your state? If yes, are these bodies actively involved in the decision making process related to the persons with disabilities? If no, does the government in your country have any plans to contribute to the creation of such bodies?

In the year 2002, Government of the Republic of Serbia established the Council for persons with disabilities, as a periodical working body comprised of the representatives of various relevant ministries and national organisations for the persons with disabilities as well as professionals from Belgrade University. The Council for persons with disabilities is currently presided by the state secretary of Ministry of Labour and Social Policy and the Council members are the representatives of thirteen ministries, five representatives of the National organisation of persons with disabilities in Serbia and one representative of the Association of Students with Handicap. The procedure for formation of the Working group at the Council for persons with disabilities which would accompany implementation of the Convention on the rights of persons with disabilities and Strategy for Improvement of Position of Persons with Disabilities in the Republic of Serbia for the period 2007-2015.

134. Do you have some kind of regional bodies dealing with disability (regional disability councils) or are disability issues administered and dealt with only at national, centralized level?

At the initiative of local self-governments and local organisations of persons with disabilities in various cities and municipalities, Councils for Improvements of position of persons with disabilities have been formed, similarly to Council for persons with disabilities of the Government of the Republic of Serbia. Thus, for example, the City of Belgrade and a large number of municipalities have established councils for the rights of persons with disabilities. Autonomous province of Vojvodina has had its Council for persons with disabilities comprised of the representatives of relevant regional secretariats and regional organisations of persons with disabilities since 2002. Along with city council, City of Novi Sad has Committee for persons with disabilities comprised of representatives of municipal administration and municipal organisations of persons with disabilities, and establishment of Council for persons with disabilities along with Assembly of the City of Novi Sad is also under progress. Regarding other local self-governments, they are satisfied to appoint a certain member in municipal or city executive institutions who would be responsible also for the position of persons with disabilities.

135. Are there any initiatives to raise awareness of disability issues among the general population and to foster greater knowledge among people with disabilities of their rights and of how to exercise them?

Yes. The Department for the Protection of Persons with Disabilities of the Ministry of Labour and Social Policy has financed the projects of raising the awareness of the rights and position of persons with disabilities within its partnership with the organisations of persons with disabilities in Serbia. Among many others, the campaigns of organisations of persons with disabilities were financed in order to promote the United Nations Standard rules on the equalization of opportunities for persons with disabilities 2003/2004, as well as Convention on the rights of persons with disabilities 2006/2007 which contributed signing and ratification of the Convention by Serbia, translation and promotion of the Council of Europe Disability Action plan 2007, and the campaign for promotion of inclusive education in primary and secondary schools in Belgrade in 2008 and 2009.

The international donors also supported the campaigns which were organised by the organisations of persons with disabilities in Serbia, thus, for example, in 2009, UNDP and Office of the United Nations High Commissioner for Human Rights supported the project "Universal rights: invisible citizens", which presented the rights confirmed by the Universal declaration of human rights to pupils and employees in the secondary schools in Belgrade and Novi Sad as well as the obstacles persons with disabilities confront in the event of exercising those rights. EU supported the campaign for promotion of Law on Prevention of Discrimination against Persons with Disabilities in the biggest cities in Serbia in 2008 and 2009, UNDP supported the campaign for promotion of Law on Prevention of Discrimination against Persons with Disabilities and Anti-Discrimination Law in 7 cities in Serbia in 2010. International Labour Organisation supported the campaign of Serbian Association of Employers, unions and National Organisation of persons with disabilities in Serbia for promotion of employment of persons with disabilities. EU and UNICEF prepared the campaign of promotion of social inclusion of children with disabilities in 2010.

The Department for the Protection of Persons with Disabilities of the Ministry of Labour and Social Policy published and updates the Guidelines though the rights of persons with disabilities, which is available both in print and on the web site of the Ministry. The latest update performed in the end of 2010 was done in cooperation with the National organisation of persons with disabilities in Serbia.

One of the aims of Law on Professional Rehabilitation and Employment of Persons with Disabilities ("OG of RS", no. 36/2009) is breaking prejudices on possibilities and abilities of persons with disabilities and taking incentive activities directed towards inclusion of persons with disabilities into all spheres of social life through their inclusion in the labour market. Activities performed in this sence include also equal opportunities affirmation, monitoring effects of labour and social inclusion, as well as cooperation with all participants who could contribute to incentives of employment and inclusion of people with disabilities. In order to accomplish these tasks, the institutions in charge of creation and performing the policy on employment of people with disabilities, Ministry of Economy and Regional Development and National Employment Service have participated and/or organized more than 80 public discussions, policy dialogues and conferences since May 2009 when the specified Law entered

into force in order to raise the awareness of labour market participants and citizens in general on rights and needs of persons with disabilities. Among others, 18 public discussions were organized by Association of Employers in cooperation with Ministry of Economy and Regional Development and National Employment Service, with the assistance of International Labour Organisation referring to promotion of employment of persons with disabilities.

Within the EU's Programme for Employment and Social Solidarity and Project "New skills for persons with disabilities", two regional conferences were held on the topic – "Importance and role of partnership in employment of persons with disabilities" with participation of more than 220 partners (employers, associations, NGO...).

Organized by Ministry of Economy and Regional Development and National Employment Service, the appropriate brochures were printed and distributed, such as: "Support to employers concerning employment of persons with disabilities", "Vocational rehabilitation of persons with disabilities" and "Equal Opportunities in the Labour Market" in course of informing the public on position of persons with disabilities in the labour market and possibilities for vocational rehabilitation and employment. Brochures were printed in circulation of 7000 per each edition.

Furthermore, continued cooperation with companies "Support to employers concerning employment of persons with disabilities", "Vocational rehabilitation of persons with disabilities" and "Equal Opportunities in the Labour Market" in course of informing the public on position of persons with disabilities in the labour market and possibilities for professional rehabilitation and employment.

Legislation

136. Is the protection of persons with disabilities as a specific segment of vulnerable population provided for in the constitution or does a specific "disability law" exist in your legislation? Does the Labour Law in your country explicitly prohibit discrimination in hiring and employment on the basis of disability?

The Constitution of the Republic of Serbia in paragraph 3, article 21, explicitly prohibits discrimination on the basis of physical and intellectual disability. Measures taken for obtaining the complete equality of the group of persons which is not in the equal position with other citizens shall not be considered discrimination. The Constitution of the Republic of Serbia guarantees the special protection to persons with disabilities.

The National Assembly of the Republic of Serbia adopted Law on Prevention of Discrimination against Persons with Disabilities on 17 April 2006. That was the first anti-discrimination law in Serbia. The Law regulates general discrimination prohibition regime, special cases of prohibited discrimination acting before public authority institutions, membership in associations of citizens, approach to facilities and services open to public, public surfaces, public transportation, upbringing and education, employment and work relations, marital and health protection. The Law also stipulates measures for stimulation of equality of persons with disabilities, measures of court protection against discrimination, sanctions for discriminators. The Law prohibits direct and indirect discrimination, victimization, invitation to discriminatory behaviour. The Directive 78/2000/EC has been used as an inspiration for provisions of this Law.

Labour Law prohibits both direct and indirect discrimination on the basis of disability in the event of employment, engagement and exercising rights from being employed. The Directive 78/2000/EC has been used as an inspiration for provisions of this Law.

The prohibition of discrimination on the basis of disability has been planned also in the roof Law on Prohibition of Discrimination, the Law on Health Protection, the Law on Higher Education, the Law on the Foundations of Education System and the Law on Professional Rehabilitation and Employment of Persons with Disabilities.

The National Assembly of the Republic of Serbia on 29 May 2009 adopted Law on ratification of the Convention on the Rights of Persons with Disabilities and Law on ratification of the Optional Protocol with Convention on the Rights of Persons with Disabilities which made this international document an integral part of the internal law of our country.

Specific protection of persons with disabilities has been stipulated also in the Law on Professional Rehabilitation and Employment of Persons with Disabilities regulating promotion of employment to create conditions for equal inclusion of persons with disabilities in the labour market, assessment of working capabilities, professional rehabilitation, obligation to employ persons with disabilities, conditions for establishing and operation of enterprises for professional rehabilitation and employment of persons with disabilities and other special forms of employment and work engagement of persons with disabilities as well as other issues of importance for professional rehabilitation and employment of persons with disabilities. This Law is based on the principles of respect for human rights and dignity of persons with disabilities, full inclusion of persons with disabilities in all spheres of social life on an equal basis – taking into account their individual professional capacities, promotion of employment of persons with disabilities at the adequate and adjusted work places and working conditions, prohibition of discrimination against persons with disabilities, pursuant to law, respecting equal rights and obligations and gender equality of persons with disabilities.

Besides general principles, this Law includes also the principle of affirmative activity considering inclusion of persons with disabilities into the labour market, incentive measures of their employment, as well as an obligation of engagement by an employer.

137. Variations in terminology and definitions of disability used in different sectors of law and policy can lead to inconsistent application of the law and sometimes even result in denial of benefits. To what extent do you consider the definitions you use in your legislation uniform and coherent? Could you briefly describe the different definitions of disability legislation in your country operates with?

According to the social model of disability, goals and principles established by the Strategy for Improvement of Position of People with Disabilities, Law on Professional Rehabilitation and Employment of Persons with Disabilities defines persons with disabilities as persons suffering permanent consequences of bodily, sensory, mental and psychiatric impairment or sickness which cannot be eliminated by any treatment or medical rehabilitation and faced with social and other limitations affecting his/her working capacity and possibility to find or retain

employment and who does not have the possibilities or has reduced possibilities to be included in the labour market or apply for employment on equal terms with other persons

According to this definition, the Law establishes the procedure of work capacity assessment and possibility of employment or keeping employment which includes medical, social and other criteria which establish possibilities and abilities of person with disability necessary for participation at labour market and for conducting concrete activities independently or with support service, use of technical aids, i.e. employment possibility under general or special conditions.

Law on Prevention of discrimination, defines people with disabilities as people with innate or gained physical, sensory, intellectual or emotional disability who due to social or other obstacles have limited or no possibilities to participate to social activities at the same level with others, no matter if they are possible to accomplish above mentioned activities with the help of technical aids or support services.

The Law on Pension and Disability Insurance from 2003 defines disability as a total loss of working capacity which cannot be cured or medically rehabilitated.

Data and statistics

138. The lack of reliable statistical information is a serious obstacle to effective policymaking in the disability area. Has a centralised data collections system, containing the relevant data, been developed in your country? Which are the main sources of disability related information and how do you ensure that the collection of these sensitive data is not violating the provisions on personal data security? What are the arrangements for convergence with the data gathering exercises, which the EU conducts in the area of disability? How is the relevant cooperation with the responsible bodies (such as Eurostat) organised?

There is still no centralized system for collecting data on disabled persons in Serbia. By the Law on Population and Households Census, the conditions for inclusion of data on disabled persons in the census, which is scheduled for 2011, are created. In cooperation with the Bureau of Statistics, representatives of the Sector for protection of disabled persons of the Ministry of Labour and Social Affairs and organizations of disabled persons formulated the questions about functional obstacles that people with disabilities face. These data will serve as a basis for assessing the needs of these people for various forms of support.

Ministry of Labour and Social Affairs keeps records on persons with disabilities, users of social protection services, first of all users of institutions for permanent stay, users of other rights such as allowance for assistance and care of another person and increased allowance for care and assistance of another person, the disability support pension and survivor's pensions for people with disabilities who are unable to work, veterans' disability rights. These records are kept in cooperation with the Republic Fund for Pension and Disability Insurance. The National Employment Agency keeps records of unemployed persons with disabilities who are seeking employment and have registered in this agency. Ministry of Education keeps track of children

and youth with disabilities and special needs who attend special schools and special classes and groups within regular schools and students who are users of disability scholarships.

All of the mentioned records are kept in accordance with the law and with strict respect for the rights of persons with disabilities – users that are in the records, and privacy protection of such persons in accordance with the highest international standards.

According to the research conducted in 2001, persons with disabilities represented 6.5% of the total population of the Republic of Serbia (about half a million people), of which about 300,000 were of working age (15-64). The results of the research conducted in 2006 by the European Agency for Reconstruction, show that there are between 700,000 and 800,000 persons with disabilities in the Republic of Serbia. It is estimated that about 330,000 people with disabilities are of working age (15-64 years old).

National Employment Service, according to a single methodological principle, keeps records of unemployed persons and unemployed persons with disabilities, but this is not a complete information, because there is no obligation of registering with the service. According to the National Employment Service data as of September 30, 2010, 20,740 persons with disabilities had the status of an unemployed person. These records are kept with a purpose of reviewing the situation and trends in the labor market, in accordance with the principles of personal data protection, efficiency, economy, conscientiousness and responsibility.

Ministry of Economy and Regional Development has a database of enterprises for professional rehabilitation and employment of persons with disabilities, as a special form of employment and work engagement of persons with disabilities and a significant resource for employment and professional rehabilitation of persons with disabilities. Currently 42 enterprises for professional rehabilitation and employment of persons with disabilities, who employ a total of 2931 employees of which 1,607 persons with disabilities, actively work.

On the other hand, the obligation of employing persons with disabilities is controlled and followed by the Tax Office, in accordance with the regulations on tax procedure and tax administration. In this way information relating to the total number of employed persons with disabilities and ways of carrying out duties of employment by the employers who have a duty of employment is provided.

Furthermore, in accordance with international recommendations for censuses, based on the Strategy of improving the position of people with disabilities, and considering the fact that in Serbia there is no single database of persons with disabilities, National Bureau of Statistics has decided to collect data in the forthcoming population census in 2011 on functioning and social integration of persons for the purpose of obtaining data on the prevalence and incidence of disability in the regional and local levels. The methodology of the census is fully in line with international recommendations, and thus collected data could also be used for international comparison.

Pensions and Benefits

139. In most of the EU countries, social protection available to people with disabilities includes right to health and pension insurance, the right to employment and occupational rehabilitation, child allowances and social welfare rights. Could you briefly describe which

different forms of social protection are available for persons with disabilities in your country? Is an effort made to assure decent living conditions for people with disabilities? How are decent living conditions defined?

A person with a disability who, due to the severity and nature of the problem and injury, needs assistance of another person in meeting basic living needs, has right to get allowance for assistance and care to another person. A person with a disability whose physical damage is 100% on one basis is entitled to an increased allowance for care and assistance of another person. Social Welfare Law provides for the right to vocational training or education and training for children and young people with disabilities and adults with disabilities who can be trained for work, and this right is not arranged by other regulations.

The right to accommodation in a social care institution, among others, have children with moderate, severe and very severe intellectual disabilities, children with multiple disabilities, children with autism and children with physical and sensory impairments who do not have conditions to remain in their own family. Adults with physical, sensory or mental impairments have also right to accommodation in a social care institution.

Local government provide day care to children and adults with disabilities and home help service, which is designed for adults with disabilities.

Since 2003, the Ministry of Labour and Social Affairs, through the project activities, support personal assistance service and accommodation programs with support of the associations of people with disabilities. Some local governments have become involved in funding these services.

Law on financial support for families with children, among other things, provides for compensation of salary to a parent during the leave for care for a disabled child, child allowance and cover of the stay costs at a preschool institution for disabled children.

Insured persons with disabilities are exempted from health care costs.

Children and young people with special needs and disabilities and adults with disabilities have the right to education. By the Law on the Fundamentals of the Educational System from 2009, the idea of inclusive education has been affirmed.

Law on Professional Rehabilitation and Employment of Persons with Disabilities regulates the rights of persons with disabilities in employment, promotion of employment, professional rehabilitation and right to employment under the general and special conditions.

In accordance with this Law, the person with disability, is entitled to:

2. 1) have her/his status established and work capacity assessed ; promotion of employment, labour and social inclusion and affirmation of equal opportunities in the labour market ;
3. professional rehabilitation measures and activities;
4. the employment under general conditions;
5. the employment under special conditions;
6. active employment policy measures
7. employment in specially organized forms of employment and work engagement of persons with disabilities;
8. other rights in accordance with the Law.

Law defines the activities related to promotion of employment of persons with disabilities, including:

- 1) *affirming equal opportunities* of persons with disabilities in the labour market;
- 2) organizing and implementing measures and activities for professional rehabilitation;
- 3) exercising the right to active employment policy measures i.e. measures for encouragement of self-employment of persons with disabilities;
- 4) providing technical, professional and financial support for adjustment of activities, workplace or activities and workplace, including technical and technological aids for the purpose of enhancing possibilities for the persons with disabilities to find and retain employment;
- 5) monitoring the effects of labour and social inclusion of persons with disabilities;
- 6) cooperation with organizations and associations of persons with disabilities, employers and other bodies and organizations for the purpose of encouraging employment and inclusion of persons with disabilities;
- 7) other activities carried out with the purpose to enhance employment and include the persons with disabilities in the labour market.

Activities related to promoting employment of persons with disabilities are being performed by the organization in charge of employment issues.

Law defines professional rehabilitation of persons with disabilities as organizing and implementing a programme of measures and activities aimed at particular job training, employment, job retention, advancement or change of career.

Professional rehabilitation of persons with disabilities is being carried out by applying the measures and activities which include:

- 1) career guidance, career information, counselling and individual employment plan;
- 2) vocational training, additional training, retraining and programs for the acquiring, maintaining and improving working and of working and social skills and abilities;
- 3) individual and group, general and adjusted programs for improving labour and social integration;
- 4) development of motivation, technical assistance, professional support, monitoring and assessment of professional rehabilitation results;
- 5) individual counselling, including assistance in accepting one's own disability from the perspective of participation in labour and particular professional rehabilitation measures ;
- 6) education and training seminars for employers, experts for training and professional rehabilitation of persons with disabilities and other persons;
- 7) proposals and training for the application of adequate technical and technological solutions in order to improve learning and working efficiency of the persons with disabilities, as well as support services;
- 8) other activities

The organizers of professional rehabilitation, besides the organization in charge of employment issues, may also be enterprises for professional rehabilitation and employment of persons with disabilities, educational institutions and other types of organizations that meet the requirements, criteria and standards for the implementation of measures and activities of professional rehabilitation.

Persons with disabilities are employed under general or under specific conditions.

Employment of the persons with disabilities under the general conditions is an employment by the employer without adjusted work activities, workplace or both the work activities and workplace.

Employment of the persons with disabilities under the special conditions is an employment by the employer with adjustment of the work activities, workplace or both the work activities and workplace. The concepts of adjustment are explained in detail in the answer to the question number 188.

The Law establishes the obligation to employ persons with disabilities as an obligation of any employer who has at least 20 employees.

An employer who has 20 to 49 employees is obliged to employ one person with a disability.

An employer who has 50 or more employees is obliged to employ at least two persons with disabilities, and per any subsequently started number of 50 employees, to employ one person with a disability each.

Special forms of employment and work engagement of persons with disabilities (described in detail in the answer to the question number 145), aimed at employment, i.e. work engagement and improvement of the quality of life of persons with disabilities, can be organized as:

- 1) enterprises for professional rehabilitation and employment of persons with disabilities;
- 2) job centres;
- 3) social enterprise and organization.

140. Social benefit system can sometimes have de-motivating effects in the sense that a disabled person who is able to work still chooses to go on social benefits instead of working. Different means can be applied to boost the efficiency of the system and to prevent a situation like this. Could you briefly describe what measures you have taken in order to increase flexibility of the system and stimulate persons with disabilities capable of working to take up work?

Besides the rights described in the answer No. 139, the Law on Professional Rehabilitation and Employment of Persons with Disabilities defines obligations of persons with disabilities, including:

- 1) to respond to the call for assessment of working capacity and determining the status;
- 2) to engage in education, skill improvement and professional and vocational training;
- 3) to actively seek employment;
- 4) to accept professional rehabilitation;
- 5) to cooperate with qualified workers during the professional rehabilitation, employment and work and comply with working and technological discipline;
- 6) to accept active employment policy measures;
- 7) to accept employment, in accordance to his/her professional abilities.

In order to implement these obligations, the activities related to employment stimulation and particularly measures of active employment policy of persons with disabilities are defined, which includes incentives aimed at improving motivation, employment and self-employment of persons with disabilities. Upon the entry into force of the said Law, the necessary conditions for adequate working and social integration of persons with disabilities in the labor market are created and through the incentives for people with disabilities (strengthening motivation, self-efficacy, raising the level of skills, retraining and additional training, improved social and work skills ...), providing technical assistance as a form of support to a disabled person in including him/her in the work or at the workplace, through counseling, work assistance services and support in the

workplace, monitoring at work, personal work methods development and efficiency evaluation, on the one hand, and incentives (financial and professional) intended for employers, on the other. Detailed view of the active employment policy measures is provided in the answer to the question 141.

Under the activities of encouraging the employment of persons with disabilities, the tasks of cooperation with organizations and associations of persons with disabilities, employers and other agencies and organizations are performed, in order to stimulate employment and inclusion of persons with disabilities, and other tasks that are performed with the aim of increasing employment and inclusion of persons with disabilities in the labour market, which includes the motivation and enhancing the efficiency of the system that is based on the **inclusion of persons with disabilities into working life.**

One of the most significant social benefits for persons with disabilities - the right to compensation for care and assistance of other person – belongs to each person with a disability who cannot meet his/her basic needs on their own, regardless of whether he/she is employed or not. On the other hand, persons with disabilities cannot simultaneously be employed and have a disability or survivor's pension, the condition for the realization of these two rights is a total loss of working capacity. However, a significant number of people with disabilities in the past, before the law in 2009, rather opted for early retirement and disability pension as soon they realized the legal minimum of insurance - one year for people under 20, two years for under 25 and three years for people under 30 year olds. However, the introduction of the quota system and the obligation of employing persons with disabilities have created a growing demand for these persons in the labour market and the authorities responsible for assessing work capacity pay much more attention to assessing the remaining work capacity of persons with disabilities, in order to find them employment appropriate to their capacity instead of being easily sent to a disability pension. The legal requirement, according to which only a complete loss of working capacity is a condition for a disability pension, is now strictly enforced.

Employment and Education

141. Describe shortly the different means by which you promote active participation and inclusion of people with disabilities in the labour market. To what extent is the quota system applied and which are the other incentives and measures aimed at encouraging disabled persons' entry into the labour market?

Persons with disabilities, as a low employability category of the unemployed, have priority in participation in all measures of active employment policies which are implemented to encourage employment, and in particular the Law on Professional Rehabilitation and Employment of Persons with Disabilities regulates the active policy of employing people with disabilities. An active policy of employment of persons with disabilities includes measures and incentives aimed at increasing motivation, employment and self-employment of persons with disabilities, according to the law.

Measures of active employment policy of persons with disabilities as defined by Law:

- 1) reimbursement of costs of adjustment of working place;
- 2) wage subsidies to disabled people without work experience;

- 3) support to self-employment
- 4) measures and activities of professional rehabilitation;

An employer who employs person with disabilities under special conditions, to whom due to the type and severity of disability the tasks or work place, or both the tasks and the work place, must be adapted, may be entitled to a refund of the appropriate costs.

An employer permanently employing a person with a disability without previous work experience is entitled to a salary subsidy for that person for a period of 12 months in the amount of the minimum wage determined in accordance with the rules of procedure.

Persons with disabilities are entitled to self-employment support under the terms and conditions designed to support self-employment of the unemployed. Persons with disabilities are being included in the activities of professional rehabilitation (as a specific active policy measure) under the general terms or through the adapted programs, which include:

- 1) career information, career guidance and consulting;
- 2) development of motivation, motivation trainings, professional support, monitoring and assessing of the results;
- 3) vocational training programmes, additional training, retraining, programs for the acquisition and improvement of working and social knowledge, skills and abilities and improvement of working and social integration;
- 4) recommendations and training on application of appropriate technical and technological solutions in order to improve learning and working efficiency of the disabled, and support services necessary for participation in education and employment;
- 5) education and training seminars for employers, experts and the public.

The mentioned law introduces the quota system, which is defined as an obligation of every employer who has at least 20 employees to employ a certain number of disabled people.

- An employer who has 20 to 49 employees is obliged to employ one person with a disability.
- An employer who has 50 or more employees is obliged to employ at least two persons with disabilities, and starting with every next 50th employee at least one person with a disability.

The Law stipulates that the obligation of employment (quota system) shall be applied after the expiry of one year from the date of entry into force of the law, i.e. from May 23, 2010. Data on the results of applying the quota system, having in mind the beginning of the application, are not available at this moment.

142. Describe shortly the system of vocational training available to persons with disabilities. How do you ensure that the training is adjusted to the needs of the market?

Persons with disabilities, in accordance with the Law on Professional Rehabilitation and Employment of Persons with Disabilities, are included in the measures of vocational training as follows: vocational training programmes, additional training, retraining, programs for the acquisition and improvement of working and social knowledge, skills and abilities and improvement of working and social integration; These trainings are organized and implemented by National Employment Service independently or through educational institutions, enterprises for professional rehabilitation and employment of people with disabilities or other

forms of organizations which meet certain requirements regarding the training programs (job and individual operations description, practical and theoretical way of training, duration, etc.). as well as technical, spatial, programme, staffing and organizational requirements. In 2010, 15 training programs have received approval or meet the necessary requirements.

National Employment Service organizes and implements trainings for specific employers and labor market trainings. Trainings for a specific employer are trainings which are conducted at the request of an employer and for performing certain tasks. Labour market trainings are adapted to the needs of the labour market based on the data collected regarding the needs of the local labour market and in accordance with the annual Program of additional education.

An unemployed person with disability, who was sent by the National Employment Service to the additional education and training, has the right to free textbooks, transportation costs and financial aid.

In the period from the entry into force of the Law, on May 2009 to October 31 2010, a number of trainings have been organized for the needs of the labour market and a specific employer, in which 358 disabled people have participated, and 63 of them have been employed.

143. Describe how the government is promoting inclusive education and lifelong learning for pupils and students with disabilities. What are the plans for the next 5 and 10 years?

Government promotes inclusive education and lifelong learning through legislation, strengthening of state institutions in this area, supporting civil sector for programmes and projects that support inclusion, encouraging local authorities, businesses, media support to a variety of actions that encourage the inclusion of children with disabilities in education, investment in the removal of architectural barriers. EU IPA funds, the World Bank's funds, European Investment Bank's funds, other international and bilateral donors' funds, are used to support inclusive education.

Within the *Rulebook on additional educational, health and social support to a child and student* ("Official Gazette" No. 63/10) adopted on the basis of the Law on education system basics, there is a range of solutions that should support the learning of school and university students with disabilities through the provision and monitoring of additional educational, health and social services. The estimate is based on a complete and individualized approach, based on equal opportunities for understanding the needs of children and students, in order to, with providing appropriate support, enable social inclusion through access to rights, services and resources.

In this way additional support is provided in the acquisition and adaptation of textbooks and teaching materials (for example, in Braille alphabet), assistive technologies, engaging a personal assistant and other professional support.

Indirect support to educational institutions is also prescribed through the adjustment of the environment, obligatory training of employees, increasing the sensitivity of the peers and parents to accept every child, consulting the parents of children who need additional support, providing food, transportation and extended day care to a child in an educational institution. A database of committees' members is under construction, as well as the training program, which will be supported by the already prepared accompanying manuals and guides for the committees and parents, and support networks will be set up as well. The rulebook was drafted with the active participation of the NGOs which are active in inclusive education.

NGOs and associations of persons with disabilities are a permanent partner of the Ministry of Education in defining and developing the legislation (the Association of Students with Disabilities, the Coalition for Inclusive Education, other NGO networks for support to children and inclusive education). The national campaign for promotion of inclusive education, which is implemented in cooperation with the NGOs, international organizations and other partners, is currently being prepared and will soon begin.

Ministry of Education employs one disabled person to work on promotion of inclusive education.

A number of student scholarships is focused on the education of persons with disabilities. Not all student hostels (boarding-schools) are adapted to persons with disabilities. For now the access is provided to the majority of the student hostels (boarding-schools) and each of them should have a number of adapted rooms and their number has been successively increasing (see a part of the answer to question 17).

In the future it is planned to continually increase the number of participating students with disabilities in regular education system. This will be achieved by adjusting the space in educational institutions and removing architectural barriers, increased investment in procurement of the assistive technology and transportation, adaptation of teaching materials and textbooks, increasing the capacity of educators to adapt to the needs of students with disabilities.

The funds will be allocated from the republic and local budgets, the pre-accession funds and the World Bank loan.

144. Transition period between the school and the first job poses a challenge and is crucial in ensuring successful integration of persons with disabilities into the labour market. Do you have any specific programmes in place targeting this challenge? Does some kind of follow-up guidance programme for the vocational training of the graduates exist?

Persons with disabilities have as a priority as a vulnerable group to be included in measures of active labor market policy. In the period from the entry into force of the Law on Professional Rehabilitation and Employment of Persons with Disabilities in May 2009, to October 31 2010, 11,477 persons with disabilities have been included in these measures. In 2010, 274 persons with disabilities have been reimbursed for the social insurance, while in the same period 149 persons with disabilities have been included in the training. Support for a first job after education, and support for a speedy integration in the labor market after leaving school, is provided through practice and internship programs and specially tailored trainings for active job search (including motivational training and job search clubs). For persons who don't have appropriate qualifications or no qualifications at all, vocational trainings - retraining and additional trainings are organized. The effects of vocational trainings and trainings are checked through monitoring whether a person has found an employment within six months after finishing with the program or not.

145. Has a legal basis for supported employment been established in your country? Describe briefly the supported employment services system. Elaborate on any provisions for facilitating the transition from protected employment into the open labour market.

Law on Professional Rehabilitation and Employment of Persons with Disabilities, for the first time introduces social enterprises and social organizations as special forms of employment and work engagement of persons with disabilities in the normative system of Serbia. In this way, the door are opened to the establishment of social enterprises and organizations as a major resource for employment and labour and social integration, not just of persons with disabilities, but all other "vulnerable" or less employable population groups as well, so that instead of passive recipients of social welfare they become productive members of the society. Social enterprises are viewed as a functional model of the transition from protected to a supported employment of the perons with disabilities, with the ultimate goal - to independently and successfully earn at the open labour market.

An enterprise for professional rehabilitation and employment of persons with disabilities is a legal entity that employs and conducts professional rehabilitation of persons with disabilities.

An enterprise for professional rehabilitation and employment of persons with disabilities may be established by the Republic of Serbia, the Autonomous Province, local government, a company, an association of persons with disabilities or other legal or natural person, with the aim of job creation and employment of persons with disabilities.

An enterprise for professional rehabilitation and employment of persons with disabilities can perform the activity provided that:

- 1) it employs on a full-time basis at least five persons with disabilities;
- 2) in relation to the total number of employees, has employed on a full-time basis at least 50% of persons with disabilities, of which at least 10% of perons with disabilities who can be employed only under special conditions.
- 3) it has adequate space and appropriate technical and other equipment for vocational training and work of persons with disabilities;
- 4) it employs experts for training and professional rehabilitation of persons with disabilities, if the company employs over 20 people with disabilities, i.e. outsources professionals if the company employs fewer than 20 persons with disabilities, including:
 - one person for practical teaching and training for activities for wich persons with disabilities are being trained,
 - one person for the tasks of providing professional assistance to employed persons with disabilities ,
 - one person - advisor for integration at the workplace;
- 5) To have license to conduct business.

An enterprises for professional rehabilitation and employment of persons with disabilities, as part of its activities, implements measures and activities of professional rehabilitation for:

- 1) persons with disabilities employed in enterprise for professional rehabilitation and employment of persons with disabilities;
- 2) high school studentsacquiring education according to the syllabus designed for students with disabilities;
- 3) persons with disabilities participating in the measures and activities of professional rehabilitation.

Currently, there are 42 enterprises for professional rehabilitation and employment of persons with disabilities in Serbia, who employ a total 1,607 persons with disabilities.

A Job Centre is a special form of institution that provides recruitment as a therapeutic working activity to persons with disabilities who can not be employed neither under general nor under specific conditions, or whose performance is less than one-third of an employee's performance in the usual job.

A Job Centre can perform activities provided that it engages in therapeutic work activities at least five persons with disabilities, or at least 80% of persons with disabilities in relation to the total number of the engaged and employed staff.

Work engagement of persons with disabilities at the Job Centre is a long lasting form of professional rehabilitation, in accordance with the mental and physical abilities and desires of persons with disabilities and the capacities of a Job Centre.

During the work engagement in the Job Centre, a person with disability is entitled to financial support.

A social enterprise is a company established to carry out an activity that is focused on meeting the needs of persons with disabilities and which, regardless of the total number of employees, employs at least one person with a disability.

A social enterprise operates in accordance with the regulations on the companies.

A social organization is another form of organization that is established to carry out an activity that is focused on meeting the needs of persons with disabilities and which employs at least one person with a disability.

Social enterprise and organization are obliged to invest a part of the profit gained by the different activities in improving working conditions, job skills, social integration, living standards and in meeting the needs of people with disabilities.

Allocations of the Budget fund for professional rehabilitation and employment support of persons with disabilities (which are secured by payment of penalties and participation of employers in the wages of persons with disabilities - an alternative form of meeting quotas) are used to promote employment, professional rehabilitation and special forms of employment and work engagement of persons with disabilities.

De-institutionalisation and independent living

146. To what extent is de-institutionalisation considered to be a priority for your government? Which measures aimed at promoting de-institutionalisation and communitybased alternatives have been carried out?

Social Welfare Development Strategy has been adopted in 2005. The main reform objectives of the social protection contained in this strategy are: creating conditions for providing high quality, efficient and cost effective services to citizens; following family care standards, the best interests of children, persons with disabilities, the elderly and other especially vulnerable groups of population, the establishment of pluralism of service in partnership of the governmental and nongovernmental sector; implementation of customer support while respecting human dignity, their right to choose services and participation in the processes and decisions.

In relation to the deinstitutionalization of user protection, the reform includes defining general standards of services and vulnerable groups protection standards; promotion of the right to life in the natural environment and other rights, with full participation in the processes and decisions; development of open forms of protection. Also, the guiding principle is application of the **concept of temporality stationary care**, insisting on development and maintenance of relationships with the natural family, and preventing of all forms of social exclusion; analysis and evaluation of the acquired and acquiring of new experiences in the field of providing services to the at risk groups and to both users and families with disabilities; European and other international standards in the prevention and treatment of disability, the legal treatment of minors and other sectors.

As regards the de-institutionalization of children's institutions, the activities have been undertaken in several main directions: reduction of the existing institutional capacities aimed at children, development of foster care and development of community services aimed at children and young people.

Notable results have been achieved in protection of children without parental care and there are more than 500 children at the moment in the institutions, and more than 5,000 in fostering.

Reduction of the existing institutional capacities for children

Until 2000, the number of children in the institutions was approximately the same as the number of children in foster care.

Year ³³	2000	2004	2005	2006	2007	2008	December 2009	January 2010	October 2010
Number of children in - fostering:	2,363	2,452	3,399	3,339	3,647	4,164	4,770	4,816	5,113

Fostering

January 2000:

October 2010 - over 54% increase in the number of children in foster care families.

In December 2008, in the Republic of Serbia, there were 3,185 foster care families, in January 2010, there were 3,533 foster care families, and in October 3, 739. From the above mentioned data³⁴, it can be noticed that during the period of two years the number of foster families has increased by 554. The increase in the number of foster care families and the number of children in foster care has a constant and steady growing trend.

³³ Data by the Ministry of Labour and Social Affairs.

³⁴ Data by the Ministry of Labour and Social Affairs.

Increasing the number of children in fostering is rightly considered as one of the best results in the de-institutionalization process in Serbia. Gradually centres for foster care are being established, with the main function of providing technical support to foster families.

Development of services in the community

Ministry of Labour and Social Affairs has supported the development of strategic documents in the field of social protection in 122 local communities³⁵, as well as development of local services for users in order to keep them in their natural environment and prevent their moving to the institutions. As regards the children, the transformation and a significant reduction in capacity of residential institutions for children and youth in the Republic of Serbia has been carried out, with the development of services that support children to remain in the family. Accordingly, the Ministry of Labour and Social Affairs, in cooperation with the UNICEF, is almost complete with the implementation of the activities of the Project *Transformation of residential institutions for children and developing viable alternatives*³⁶. A group of project activities relates to: development of foster care with a special focus on the development of so-called *specialized foster care*, including children with disabilities, as well as a review of treatment of health workers in maternity hospitals and *prevention of placement of children with disabilities in social care institutions*. With this purpose, in 2009, the Comprehensive plan of transformation of residential institutions of social protection for children was comprised, which specifies an action plan for the transformation of the institutions of social protection for children and youth in the Republic of Serbia for the next five years. The plan is based on the previous results in the reform of social protection, especially having in mind the reduced number of children placed in institutions for children without parental care, as well as an increased number of foster care families, and a continued work on developing social welfare services at the community level, and for other services that are financed from the central level. The aim is that over the next five years, the financial assets allocated for residential institutions are used for the support of transformation of these institutions and the development of open forms of protection that are in the best interests of children.

By changing the purpose of the accommodation facilities to the community service facilities, the de-institutionalization and social inclusion process is being supported.

In the Republic of Serbia, the following the local community services for children and youth with disabilities and adults with developmental disabilities are organized: Daily stay, home help, club and shop with psychosocial support and therapeutic and rehabilitation treatments and living with support.

The dominant service for the specified category of users is the daily stay for children and youth with disabilities because it offers the widest range of activities and is available every day (on working days). This service is organized in almost 50% of the cities and municipalities. Most of the daily stay services are provided by the NGOs.

³⁵ With the support of the Department for International Development of the Great Britain, the Centre for Liberal Democratic Studies Belgrade, and the United Nations Development Program

³⁶ Project financed by the European Union.

Funds to providing services at the local level are allocated from the budget and donor funds, through grant competitions for which the local governments apply.

147. Does your government currently carry out any form of training for independent living programmes?

Ministry of Labour and Social Affairs, as a relevant ministry, promotes programmes which offer the customer support for the people who are leaving the institutional care in the process of becoming independent and taking responsibility for their own quality of life such as supported housing for young people who are leaving the care centres and supported housing for people with disabilities. The Law on Social Protection and Providing Security of Citizens (the basic regulation in the field of social protection) (*Official Gazette of RS* No.

Regarding the services for adult customers, the Inclusion Promotion Association of Serbia (API) has been implementing the project "Living with support" for people with disabilities for 6 years. Through the project, 23 people with intellectual disabilities began life in the open environment in Belgrade, and now live independently in several housing units. All these people were, until the beginning of the project, accommodated in the social care facility (Institute for the disabled, Sremska, Belgrade). This programme is being implemented by the Ministry of Labour and Social Affairs in cooperation with the competent social welfare centres.

Regarding the services of independent housing for youth who leave institutions for children and foster care families, the National Institute of Social Welfare has drafted and the Social Innovation Fund has provided financial support for the Project "Supported housing for youth leaving the social protection system - a step to independence". The purpose of this service is to provide suitable accommodation and professional support to young people for their full integration into the community and the general goal is development of the service as a part of the post-institutional support system to the young people. From the funds of the National Investment Plan for 2006, 11 apartments have been provided. Six apartments are in the territory of Belgrade, and the remaining five in Nis, Kragujevac, Novi Sad, Sremska Mitrovica and Priboj.

Accessibility and participation

148. Which are the measures in place or foreseen to ensure accessibility to goods and services (including public services) and to ensure that assistive devices for people with disabilities are available and affordable? How well does the market in the assistive technology function in Serbia?

Law on Public Procurements (OG of RS no. 116/08) stipulates the obligation of the persons who apply for assets from public funds at tenders to submit the proof of obeying the accessibility standards for their facilities and services. This harmonisation of the regulations of Republic of

Serbia with the provisions of EC Directive 18/ 2004 on public procurements was initiated by organisations of persons with disabilities.

Law on Planning and Construction (OG of RS no. 72/09, 81/09 - corrigendum, 64/10) stipulated the obligation to apply the accessibility standards in the event of construction of new public facilities, as well as sanctions for investors who do not meet this obligation. Law on Prevention of Discrimination against Persons with Disabilities (OG of RS no. 33/06). foresees that the discrimination on the basis of disability regarding accessibility of services and access to facilities for public use and public surfaces. The facilities in public use, in regard to this Law, refer to: facilities in the field of education, health care, social protection, culture, sport, tourism or facilities used for protection of environment, protection against natural hazards and similar. The public surfaces, in regard to this Law, refer to: parks, green areas, squares, streets, pedestrian crossings and other public roads and similar.

Law on Planning and Construction stipulates that the building facilities of public and business purpose shall be designed and built in order to provide persons with disabilities, children and the old with free access, movement, residence and work. Residential and residential-business buildings with ten and more apartments shall be designed and built in order to provide persons with disabilities, children and the old with free access, movement, residence and work. The Law also stipulates sanctions for investors who fail to meet this obligation. Many old public facilities are inaccessible and the refurbishment assets are missing, although institutions of state and local self-government make effort to remove architectural barriers with the assistance of donors. Ministry of Labour and Social Policy supports projects of organisations for persons with disabilities regarding removal of architectural barriers.

Apart from air transportation, the public transportation systems in Serbia significantly have not been accessible to persons with disabilities. Serbian Railways introduced accessible coaches on the international train lines which set off from Belgrade, Novi Sad, Subotica and Vršac to EU countries.

Law on Public Informing (OG of RS no. 43/03, 61/05, 71/09) stipulates the obligation of the state, territorial autonomy and local self-governments that public information is made public to persons with disabilities. The Serbian Government adopted the information on implementation of recommendation on accessibility of public information in electronic format to the blind and partly sighted persons in 2007 after which the adjustment of web sites of authority institutions followed, although not all web sites have been made accessible yet. The Law on Prevention of Discrimination against Persons with Disabilities foresees the obligation of institutions of state authority, territorial autonomy and local self-government responsible for business activities of culture and media to take the measures in order to make information and communications accessible through using appropriate technologies to persons with disabilities. The specified measure refers especially to daily communication of information aimed also at persons with disabilities through appropriate technology of simultaneous written text.

Universal design and accessibility are an integral part of curriculum at the universities in Belgrade and Novi Sad.

The Right to devices and assistive technologies have been regulated by the Law on Health Care (OG of RS no. 107/05, 72/09 – state law, 88/10), Law on Health Insurance (OG of RS no. 107/05, 109/05 - Corrigendum) and Rules on medical-technical assistive devices which are provided from the funds of compulsory health insurance. The insured persons are provided 100 % coverage from health insurance funds for payment of health protection service in relation to

medical checks and treatment of multiple sclerosis, progressive neuro-muscular impairments, cerebral paralysis, paraplegia and tetraplegia, as well as for procurement of medical-technical devices, implants and medical remedies regarding treatment of the specified illnesses and injuries.

The insured persons – war army persons with disabilities, civil war persons with disabilities, blind persons, permanently disabled persons and persons who exercise the benefit for assistance and care of other persons realize the health protection in the total amount, without payment of any participation (Article 50, Law on Health Insurance).

149. Which are the measures in place or foreseen to improve the accessibility of sports, leisure, cultural and recreational organisations, activities, events, venues, goods and services (including audiovisual media services); what is being done to promote participation of persons with disabilities in sports events and to organise disability specific sports events?

The Law on Prevention of Discrimination against Persons with Disabilities foresees the obligation of institution of local self-government to take the measures in order to provide equal participation of persons with disabilities in cultural, sports and religious life of the community. Ministry of Culture adopted in January 2007 the Guidelines for performing activities providing the conditions for free use of content and programme of institutions of culture for persons with disabilities which stipulated activities and procedures which shall be taken in the course of provision of access, use of content and programme of institutions for persons with disabilities. This ministry also finances projects of organisations of persons with disabilities within the field of culture through annual competition for projects.

Many institutions of culture located in old historical facilities are not accessible for persons with disabilities, but refurbishment of certain number of such institutions have been done, and the majority of new facilities with the institutions of culture have been built compliant with standard of accessibility.

Ministry of Sports and Youth made a decision by which sportspersons with disabilities who succeed at European, world championships and Paralympic games receive the same premiums and scholarships as well as sportspersons without disabilities who accomplish successes at European, world championships and Olympic games. Building new accessible sports facilities and refurbishment of the existing ones is in progress, although the majority of existing sports facilities is not accessible for persons with disabilities. Authorized ministries finance sports activities of persons with disabilities through annual financing of corresponding projects, and some of those manifestations have also the support of local self-governments.

Many tourist and catering facilities located in the existing buildings are not accessible for persons with disabilities, and the majority of new facilities was built in compliance with standards of accessibility.

150. How is accessibility to voting locals and electoral material assured? What is being done to facilitate the use of sign language and Braille in dealing with the official institutions? What are the corresponding plans for action?

The majority of polls is located within existing inaccessible public facilities. In order to enable persons with disability to exercise their voting rights specified in election laws in 2004, the possibility of secret voting at home is planned, by putting the filled in voting ballot into the sealed envelop which is handed to the members of electoral commission. The latest corrigendums of election laws enable persons with disabilities who reside in the social welfare institutions for long-term period to vote in those institutions. Voting ballots are not available for blind persons, thus it is the practice of electoral commissions to allow to those persons to take a person to the poll that would assist them in the event of voting.

The Law on Prevention of Discrimination against Persons with Disabilities foresees the obligation of public authority institution to take the measures in order to provide equality of persons with disabilities in the activities before those institutions which represents the legal basis on the right to use services of sign language interpreter and availability of material in Braille alphabet. Engagement of sign language interpreter is common in case law practice unlike submitting voting ballots in Braille alphabet.

Ministry of Culture provides functioning of the library of Association of Blind People of Serbia with voting ballots in Braille alphabet and in audio and electronic format available for the blind. Blind pupils, students and employed blind persons have the right to use software program for reading the text in electronic format which is financed from the Health Insurance Fund.

In cooperation of Association of Blind and Visually Impaired People of Serbia, the Department for the Protection of Persons with Disabilities of the Ministry of Labour and Social Policy started the preparation of the Draft Law on Serbian Sign Language Use in 2008 and has been supporting functioning of the sign language interpreter service since 2009.

Law on Election of Members of Parliament ("Official Gazette of RS", no. 35/00, 57/03-decision of CCRS, 72/03-state law, 75/03-corrigendum of state law, 18/04, 101/05-state law, 85/05-state law and 104/09-state law) in article 52 more closely stipulates the rules at polls and states that those rules are defined by Republic Electoral Commission which brought also the Guidelines on carrying out Election Law ... as well as the Guidelines on functioning of polls committee which specify:

Paragraph 13 A voter who is not able to vote at the poll personally (a blind, disabled or illiterate person) is entitled to take the person who will on his/her behalf fill in the voting ballot, i.e. carry out the voting process, in the way conducted by a voter. This voting method is specified in the minutes.

Paragraph 14 A voter who is not able to vote at the poll due to serious illness or physical impairment informs electoral committee, not later than 11,00h on the election day, that he/she wants to vote. Certain members of electoral committee go to the address of that voter. If a voter who is voting outside the poll is a blind, disabled or illiterate person, he could use the assistance of other person specified by him/her, in the same way that the assistance is used by blind, disabled or illiterate persons voting at the poll.

VI. SOCIAL PROTECTION

A. Main influencing factors for social protection

151. Please provide the following main economic and financial indicators (if available, according to Eurostat methodology and time span covered - 10 years):

- a) GDP: absolute in EURO; growth rate; GDP per head in PPS;
- b) Social protection expenditure as percentage of GDP;
- c) Social protection expenditure as percentage of state budget.

a) GDP: absolute in EURO; growth rate; GDP per head in PPS;

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
GDP - total, mil. EUR	25,53 8.6	12,82 0.9	16,02 8.4	17,30 5.9	19,02 6.2	20,30 5.6	23,30 4.9	28,78 4.6	33,41 7.9	29,96 7.0
Growth rate (%)	5,3	5,6	3.9	2.4	8.3	5.6	5.2	6.9	5.5	-3.1
GDP per head, PPS	...	...	...	...	...	7,100	7,700	8,300	9,000	8,800

For questions under b) and c) there are no data.

152. Please provide the following main demographic indicators: female/male:

a) population: total (Eurostat)

Evaluated number of population in 2009 per sex

Sex		Age	%	Age	%
		0-14		60 and more	
total	7320807	1115005	15.2	1675649	22.9
male	3560048	573146	16.1	726455	20.4
female	3760759	541859	14.4	949194	25.2

Source: Statistical Office of the Republic of Serbia

b) age structure: proportion of the population aged less than 15 years; proportion of the population aged more than 60 years; demographic dependency ratio (population aged 65+ over population aged 15-64), net population increase; proportion of people over 75;

b) Demographic dependency ratio (according to evaluated number of population in 2009)

	0-14 / 15-64	65+ / 15-64	(0-4)+(65+)/ 15-64	65+/(0-14)	60-64/15-19	75+
	%	%	%	%	%	%
total	22.5	25.2	47.7	112.2	99.3	7.3
male	23.3	21.4	44.7	92.0	90.9	6.0
female	21.7	29.0	50.7	133.5	108.1	8.6

Source: Statistical Office of the Republic of Serbia

b) Net population increase

Year	2006	2007	2008	2009
total	-29,200	-29,990	-31,357	-29,415
male	-14,342	-14,741	-15,143	-13,766
female	-14,858	-15,249	-16,214	-15,649

Source: Statistical Office of the Republic of Serbia

c) fertility: birth rate per 1000 inhabitants, total fertility rate, mean age of women at child bearing, net reproduction rate;

Live births per 1000 inhabitants

2004	10.5
2005	9.7
2006	9.6
2007	9.2
2008	9.4
2009	9.6

Source: Statistical Office of the Republic of Serbia

Total fertility rate (total number of live births per one woman)

2004	1.6
2005	1.5
2006	1.4
2007	1.4
2008	1.4
2009	1.4

Source: Statistical Office of the Republic of Serbia

General fertility rate (number of live births per 1000 women aged from 15 to 49 years)

2004	44.2
2005	41.3
2006	40.9
2007	39.6
2008	40.5
2009	41.5

Source: Statistical Office of the Republic of Serbia

The value of net reproduction rate equals one which implies that the population is reproduced (simple reproduction); if the value exceeds one, population shall be increased (extended reproduction) and if it is below one it implies that the population is not reproduced (shrunked reproduction) and that the decrease in the total population can be expected.

Net reproduction rate (indicator of probable reproduction level)

2004	0.7
2005	0.7
2006	0.7
2007	0.7
2008	0.7
2009	0.7

Source: Statistical Office of the Republic of Serbia

d) life expectancy at birth (by gender), at age 40 and 65, healthy life years expectancy at birth and at 65;

Life expectancy at birth, age 40 years and age 60 years

	at birth (0 years)			in 40	in 60	in 40	in 60	in 40	in 60
	Total	Male	Female	Total		Male		Female	
2004	72.6	69.9	75.4	34.4	17.6	32.1	16.1	36.7	18.9
2005	72.7	70.0	75.4	34.4	17.6	32.2	16.1	36.7	18.9
2006	73.2	70.6	75.9	34.9	17.9	32.6	16.4	37.1	19.3
2007	73.4	70.7	76.2	35.1	18.1	32.8	16.6	37.3	19.4
2008	73.7	71.1	76.3	35.2	18.3	33.0	16.8	37.5	19.6
2009	73.7	71.1	76.4	35.3	18.3	33.1	16.8	37.6	19.7

Source: Statistical Office of the Republic of Serbia

e) is life expectancy data by socio-economic status (e.g. by income quintiles/deciles) available? If so, please provide the key data;

Life expectancy regarding socio-economic status is not included. This indicator is calculated for total live births.

Currently, we calculate neither healthy life expectancy.

f) migration: emigration and immigration: crude rate of net migration, main trends, main developments in absolute figures, percentages of population, age groups, regions and ethnic groups.

There are no data because research in external migrations was not founded (Law on Research in procedure).

153. Please provide the following main social indicators:

a) unemployment rate (by gender); further information on vulnerable groups affected by unemployment (young people under 25, persons with disabilities, migrants etc.) male/female;

b) employment and labour market developments: employment rate of women; employment rate of older workers (55-64); highlight regional and sectoral differences and significances;

c) income distribution (income quintile share ratio, GINI index; poverty: at risk of poverty rate and threshold, definitions, highlight vulnerable groups);

d) family structure: main trends, number of children per family; age of mother; divorce rate; percentage of one-parent families; percentage of single households.

unemployment rate, vulnerable groups affected by the unemployment (youth, women, disabled people, etc.) male/female

The unemployment rate, population from 15 to 24 years old					
	April 2008	October 2008	April 2009	October 2009	April 2010
Male	29.6	32.2	38.5	40.1	46,3
Female	37.1	45.1	43.7	46.2	46,7
Total	32.7	37.4	40.7	42.5	46,4

Source: Labour Force Survey, National Bureau of Statistics

The information and explanations related to vulnerable groups are explained in detail in the answer to the question number 124.

b) labour market trends: employment rate of women; employment rate of older workers (55+); highlight regional and sectoral differences and significances;

Regional disparities in the Republic of Serbia are among the largest in Europe. Differences in levels of development:

- average earnings - 26,088 dinars in Toplica district and 52,196 in Belgrade³⁷
- gross domestic product per capita – 7:1 South and Belgrade Region (2008)³⁸,
- formal employment - 15,255 people in Toplice district and 600,062 in Belgrade³⁹

³⁷ RAD Survey, Statistical Office of the Republic of Serbia, September 2009

³⁸ Regional development of Serbia 2009, Republic Bureau for development, December 2009

³⁹ RAD Survey, National Bureau of Statistics, September 2009

- administrative unemployment rate - 45.9% in Toplice district and 13.4% in Belgrade (average Serbia 26.4%).⁴⁰

According to the Labour Force Survey from October 2009, the lowest employment rate was in Toplice district - 29.1% and the highest in Kolubara district - 61.3%.

Employment rate by district and sex, age 15 and over, October 2009

District	Total	Male	Female
City of Belgrade	41.0	45.7	37.1
North Backa district	42.7	50.7	35.9
Central Banat district	36.7	48.4	24.4
North Banat district	42.4	50.3	35.3
South Banat district	38.3	47.9	29.6
West Backa district	37.3	47.0	28.5
South Backa district	37.5	44.2	31.3
Srem district	36.7	48.1	26.1
Macva district	44.8	55.1	34.7
Kolubara district	61.3	69.8	52.8
Danube district	35.7	49.4	23.2
Branicevo district	47.5	60.0	36.5
Sumadija district	40.7	50.4	31.5
Pomoravlje district	34.1	41.4	28.3
Bor district	43.9	53.5	34.3
Zajecar district	46.8	52.7	41.1
Zlatibor district	46.1	52.4	40.4
Moravicki district	49.3	56.9	42.0
Raska district	40.9	49.0	33.0
Rasina district	42.3	49.9	35.2
Nis district	31.9	36.8	27.4
Toplice district	29.1	34.1	23.9
Pirot district	31.5	38.2	24.2
Jablanicki district	47.3	54.7	40.3
Pcinjski district	39.6	50.6	29.3
Total	40.8	48.5	33.7

Source: Labour Force Survey, National Bureau of Statistics

Employment rate by district and sex, age 15 and over, April 2010

District	Total	Male	Female
City of Belgrade	39,6	44,6	35,3
North Backa district	37,2	45,8	30,4
Central Banat district	34,2	46,1	23,6
North Banat district	32,9	41,5	24,2

⁴⁰ National Employment Service

South Banat district	35,5	46,2	25,9
West Backa district	33,7	40,7	27,4
South Backa district	36,5	42,8	30,6
Srem district	35,4	45,5	25,5
Macva district	41,9	52,6	31,0
Kolubara district	54,1	64,9	44,2
Danube district	32,7	46,4	20,0
Branicevo district	44,0	55,5	33,8
Sumadija district	39,1	46,8	31,9
Pomoravlje district	37,6	42,2	33,1
Bor district	42,8	47,4	39,0
Zajecar district	40,9	47,1	35,1
Zlatibor district	40,1	43,3	37,2
Moravicki district	40,6	50,1	31,9
Raska district	40,0	46,6	33,2
Rasina district	41,3	48,5	34,3
Nis district	31,6	36,8	26,8
Toplice district	23,8	29,0	18,9
Pirot district	24,9	33,0	16,0
Jablanicki district	41,0	48,6	33,6
Pcinjski district	37,2	48,2	27,0
Total	38,1	45,5	31,4

Source: Labour Force Survey, National Bureau of Statistics

Employment rate by district and sex, age 55 and over, October 2009

District	Total	Male	Female
City of Belgrade	15.9	21.8	11.3
North Backa district	25.6	35.3	18.2
Central Banat district	17.5	30.9	7.6
North Banat district	25.6	38.1	15.4
South Banat district	14.6	24.1	7.3
West Backa district	12.2	17.1	7.9
South Backa district	18.1	28.6	9.2
Srem district	18.1	29.1	10.0
Macva district	29.5	42.3	18.0
Kolubara district	48.2	59.1	39.4
Danube district	16.7	27.9	8.7
Branicevo district	38.7	52.9	26.5
Sumadija district	16.1	25.1	8.7
Pomoravlje district	10.1	13.1	8.0
Bor district	33.2	42.4	24.6
Zajecar district	36.8	43.8	30.9
Zlatibor district	30.0	32.4	28.4
Moravicki district	29.7	39.7	20.6
Raska district	24.1	28.7	20.3

Rasina district	27.2	35.0	20.6
Nis district	13.0	16.9	9.6
Toplice district	14.3	17.9	11.5
Pirot district	11.4	13.6	9.2
Jablanicki district	29.4	35.8	23.9
Pcinjski district	19.6	27.5	12.7
Total	21.1	29.0	14.7

Source: Labour Force Survey, National Bureau of Statistics

Employment rate by district and sex, age 55 and over, April 2010

District	Total	Male	Female
City of Belgrade	15,0	20,7	10,3
North Backa district	19,8	30,3	12,7
Central Banat district	16,7	29,0	7,5
North Banat district	16,1	24,5	9,1
South Banat district	12,4	21,0	6,1
West Backa district	13,5	21,4	7,3
South Backa district	13,2	21,2	6,7
Srem district	14,8	21,9	8,9
Macva district	28,3	40,6	16,2
Kolubara district	35,7	44,1	29,7
Danube district	17,6	28,5	8,9
Branicevo district	29,7	40,5	21,8
Sumadija district	19,0	27,8	11,7
Pomoravlje district	23,3	31,5	16,1
Bor district	31,9	35,5	28,8
Zajecar district	29,3	36,3	24,5
Zlatibor district	26,8	28,9	25,1
Moravicki district	19,3	28,8	12,6
Raska district	29,5	33,7	25,6
Rasina district	30,2	37,2	24,2
Nis district	13,7	18,9	9,2
Toplice district	10,6	13,2	8,4
Pirot district	7,0	9,4	4,9
Jablanicki district	25,2	32,3	18,6
Pcinjski district	19,0	26,5	12,4
Total	19,3	26,6	13,5

Source: Labour Force Survey, National Bureau of Statistics

Employment structure by sectors and gender, age 15 and over, October 2009.

Sector	Male	Female
Agriculture, Forestry and Water Management	58.8	41.2
Fishery	100.0	0.0

Mining and quarrying	80.6	19.4
Extractive industries	66.5	33.5
Electricity, gas and water production	87.7	12.3
Construction	88.1	11.9
Wholesale and retail trade, repairs	48.9	51.1
Hotels and restaurants	45.7	54.3
Transport, storage and communication	77.9	22.1
Financial intermediation	39.9	60.1
Real estate, renting	54.9	45.1
Public Administration and Social Insurance	56.0	44.0
Education	38.3	61.7
Health and social work	18.8	81.2
Dr Utility and personal services	54.8	45.2
Households with employed persons	11.7	88.3
Exterritorial organizations and bodies	38.0	62.0
Total	56.9	43.1

Source: Labour Force Survey, National Bureau of Statistics

Employment structure by sectors and gender, age 15 and over, April 2010.

Sector	Male	Female
Agriculture, Forestry and Water Management	60,0	40,0
Fishery	100,0	0,0
Mining and quarrying	86,4	13,6
Extractive industries	65,5	34,5
Electricity, gas and water production	88,0	12,0
Construction	85,4	14,6
Wholesale and retail trade, repairs	49,8	50,2
Hotels and restaurants	46,1	53,9
Transport, storage and communication	76,7	23,3
Financial intermediation	37,2	62,8
Real estate, renting	53,1	46,9
Public Administration and Social Insurance	60,9	39,1

Education	33,9	66,1
Health and social work	20,1	79,9
Dr Utility and personal services	61,0	39,0
Households with employed persons	18,9	81,1
Exterritorial organizations and bodies	73,5	26,5
Total	57,1	42,9

Source: Labour Force Survey, National Bureau of Statistics

Employment structure by sector and sex, age 55 and over, October 2009

Sector	Male	Female
Agriculture, Forestry and Water Management	56.7	43.3
Fishery	0.0	0.0
Mining and quarrying	100.0	0.0
Extractive industries	83.4	16.6
Electricity, gas and water production	92.8	7.2
Construction	94.0	6.0
Wholesale and retail trade, repairs	68.3	31.7
Hotels and restaurants	34.7	65.3
Transport, storage and communication	81.4	18.6
Financial intermediation	63.3	36.7
Real estate, renting	72.7	27.3
Public Administration and Social Insurance	65.6	34.4
Education	42.6	57.4
Health and social work	28.0	72.0
Dr Utility and personal services	51.2	48.8
Households with employed persons	0.0	100.0
Exterritorial organizations and bodies	0.0	0.0
Total	56.7	43.3

Source: Labour Force Survey, National Bureau of Statistics

Employment structure by sector and sex, age 55 and over, April 2010

Sector	Male	Female
Agriculture, Forestry and	56,9	43,1

Water Management		
Fishery	100,0	0,0
Mining and quarrying	100,0	0,0
Extractive industries	76,9	23,1
Electricity, gas and water production	85,8	14,2
Construction	93,7	6,3
Wholesale and retail trade, repairs	77,8	22,2
Hotels and restaurants	11,7	88,3
Transport, storage and communication	84,2	15,8
Financial intermediation	57,9	42,1
Real estate, renting	56,7	43,3
Public Administration and Social Insurance	62,2	37,8
Education	57,2	42,8
Health and social work	31,8	68,2
Dr Utility and personal services	63,1	36,9
Households with employed persons	16,6	83,4
Exterritorial organizations and bodies	0,0	100,0
Total	61,6	38,4

Source: Labour Force Survey, National Bureau of Statistics

income distribution (what are the indicators, poverty: poverty line, poverty definition, the percentages of the population affected by poverty, highlight vulnerable groups).

We distinguish three stages in the development of activities related to statistical data on poverty. The first phase is characterized by two Living Standards Measurement Survey (LSMS) conducted by the private agency Strategic Marketing (SMMRI) in 2002 and 2003 at the request of the Government of the Republic of Serbia and with the assistance of the World Bank.

The second phase began in strategic decision enacted in 2004 that the poverty statistics should be based on the data from the Household Budget Survey (HBS), which is regularly conducted by the National Bureau of Statistics (NBS).

The third phase of the Living Standards Measurement Survey (LSMS) was conducted by the NBS in 2007, again in cooperation with the World Bank, in order to compare the results with data from the first two surveys on living standards, and to measure changes in the level of poverty and establish time series of data.

Poverty in the Republic of Serbia was analyzed using household consumption as the basic unit for measuring poverty. It is believed that household consumption is a better indicator of welfare than income, because it is less susceptible to short-term fluctuations.

Poverty was defined by using the absolute poverty line. Poverty line can be defined as the consumption necessary to satisfy minimum basic needs.

NBS since 2006 calculates the indicators of poverty in the Republic of Serbia, based on HBS data which has been conducted since 2003 according to the international standards and recommendations of Eurostat, ILO and the UN, which provides the international comparability of data.

In 2006, in the Republic of Serbia 8.8% of the population was classified as poor since their consumption per equivalent adult was on average below the poverty line, which was 6,221 dinars per month per equivalent adult. If we take into account the standard error of the poverty index, the actual poverty index is in the range from 7.5% to 10.1% (with 95% statistical certainty).

The Gini coefficient, a commonly used measure of inequality, whose value is calculated as consumption per equivalent adult, in the Republic of Serbia in 2006 was 28.

Table 1 Rates of absolute poverty in the Republic of Serbia, by year

	2006.	2007.	2008.	2009.
	Poverty line = 6221 dinars per month per equivalent adult	Poverty line = 6625 dinars per month per equivalent adult	Poverty line = 7401 dinars per month per equivalent adult	Poverty line = 8022 dinars per month per equivalent adult
poor	8,8	8,3	6,1	6,9

Although the poverty rate changes, the profile of the poor remained almost unchanged. Analysis of the profile of poverty in Serbia shows that the following categories of population are mostly exposed to the risk of poverty: population with primary and lower level of education, unemployed and inactive population, children under 18 years of age, multi-member households and households living in rural areas.

An increase in employment and education level of the person responsible for a household would influence poverty reduction.

The relative poverty line is defined as 60% of the median average consumption per equivalent adult, and amounted to 7171 dinars average per month per equivalent adult in 2006. According to this poverty line in 2006, in the Republic of Serbia 14.4% of the population was poor, because their monthly consumption per adult equivalent was lower than the 7171 dinars.

Table 2 Rates of relative poverty in the Republic of Serbia, by year

	2006.	2007.	2008.	2009.
	Poverty line = 7171 dinars per month per equivalent adult	Poverty line = 7747 dinars per month per equivalent adult	Poverty line = 8923 dinars per month per equivalent adult	Poverty line = 9583 dinars per month per equivalent adult

poor	14,4	13,4	13,2	13,6
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Also, since 2006, the data from the Household Budget Survey are used to calculate the indicators defined in the Open Method of Coordination (OMC) (Laeken indicators) based on data on household income. The Eurostat methodology and definitions, applied in the preparation of indicators for the Republic of Serbia, were adapted to the national source of data (Household Budget Survey).

Poverty indicators (Laeken indicators) are calculated based on data on total net household income and household members, which are collected by the survey on household consumption. Total net income includes the income of household members received from employment, income from self-employment, income from property, pensions (old age and family), social transfers and other transfers the household receives from people who are not members of the household, and income in kind.

Income in kind is included in total income both because to the specifics of the Republic of Serbia, where this income in some households may have a significant share of total income, and the tendencies at the EU level.

The total income does not include the imputed rent of the owner of the apartment/house.

The equivalent household income (income per consumption unit) is calculated by dividing the total household income by the equivalent household size (number of consumer units). For determining the equivalent household size the modified OECD scale was applied, according to which the person responsible for the household gets grade 1, every other adult in the household has the coefficient of 0.5 (a household member aged 14 and over) and children under 14 years have coefficient of 0.3. By applying this procedure, it is possible to make a comparison of the households of different size and structure.

The survey is conducted on a random sample of private households, by defining a separate sample for each year, which means that the panel sample is not applied (households are not interviewed on several occasions).

The poverty risk threshold is 60% of median total equivalent household income.

Poverty risk rate is the percentage of people (population) living in households with equivalent income below the poverty risks threshold.

Table 3 Poverty rates in the Republic of Serbia, by year

	2006.	2007.	2008.	2009.
Poverty risk rate %	20,9	21,0	17,9	17,7
Poverty risk rate, RSD	8388	9900	11520	12828

Poverty risk rate from 2006 - 2009 records a decline from 20.9% to 17.7%.

Analysis of the profile of poverty in Serbia shows that the following categories of population are mostly exposed to the risk of poverty: children under 17 and the population aged 65 and over, particularly women aged 65 and over; inactive and unemployed population, one-person female households and one-person households aged 65 and over; household inhabited by a single parent with one or more dependent children and households with two adult members and three or more dependent children.

Social transfers have an impact on poverty risk rates change, which grows if those revenues are excluded from the total household income.

Percentage of the poor before social transfers (including pensions) is higher in children and the population aged 65 and over, and if social transfers and pensions are excluded from the total income, the percentage of poor in the population aged 65 and over is drastically increasing.

Table 4 Inequality of income distribution: The ratio of S80/S20 quintile and the Gini coefficient

	2006.	2007.	2008.	2009.
The ratio of S80/S20 quintile	5,8	5,6	4,8	4,7
Gini coefficient	32,9	32,0	30,2	29,5

If we look at the change of value of the income inequality distribution indicator, the quintile ratio S80/S20, we can see that there was a decrease in the value of this indicator during the period of the observed four years. In 2006, the value of this indicator was 5.8, while in 2009 it was 4.7.

The value of the Gini coefficient, as a measure of inequality of income distribution, also reduces

	Total	Families by number of children					
		Without children	1	2	3	4	5 and more
Total	2215272	682960	728635	684409	98346	15053	5869
A married couple without children	682960	682960	-	-	-	-	-
A married couple with children	1206263	-	500989	600802	86237	13121	5114
Mother with children	252148	-	178556	63533	8170	1334	555
Father with children	73901	-	49090	20074	3939	598	200

during the reporting period.

c) Family structure. main trends, number of children per family; age of the mother; divorce rate; percentage of one-parent families; percentage of single households.

1. Families by type and number of children, Census 2002

Source: National Bureau of Statistics

Census is the only source of information concerning the type of family.

Average number of children in the family: 1.15

Percentage of 'a parent with children' families: 14.72%.

A percentage of single households: 20.02%.

Throughout the period after the Second World War there was a tendency of fragmentation of household size, so that according to the results of Census 2002, an average household is reduced to a family nucleus (average household size was 2.9 members, Census 2002.)

3. Families by type and number of children, Census 1991

	Total	Families by number of children			
		Without children	1	2	3 and more
Total	2325182	767991	704643	736932	118616
A married couple without children	767991	767991	-	-	-
A married couple with children	1321379	-	536080	680035	105264
Mother with children	180949	-	132139	42511	9299
Father with children	54863	-	36424	14386	4053

Source: National Bureau of Statistics

Average number of children in the family: 1.59

Percentage of 'a parent with children' families: 10.14%.

A percentage of single households: 15.12%.

Age of mothers

Average age of a mother, by birth order of live births

Average age of mothers		
	Total	First child
2004	27,3	25,9
2005	27,3	25,7
2006	27,5	26,0
2007	27,7	26,2
2008	27,9	26,5
2009	28.2	26.9

Source: National Bureau of Statistics

Divorce rate

Divorces marriages per 1000 inhabitants

2004	1.2
2005	1.0
2006	1.1
2007	1.2
2008	1.2
2009	1.2

Source: National Bureau of Statistics

154. How does the described background affect social protection?

a) Which are the economic forecasts for the next 2-3 years?

Real GDP growth rate in first semester of the 2010 according to the data of the Statistical Office of the Republic of Serbia (SORS) amounted 1.2% (in first quarter 0.4% and in second quarter 2% regarding the same periods of 2009). Preliminary evaluation of SORS in the third quarter of 2010 predicts GDP growth of about 2%. According to the evaluations issued in the Memorandum on the Budget and Economic and Fiscal Policies for 2011 with projections for 2012 and 2013⁴¹. In 2010 is expected the GDP growth of 1.5%, after which is predicted faster growth (3% in 2011, 5% in 2012 and 5.5% in 2013).

In the following two or three years is expected inflation reducing (measured by the change of consumer prices). The inflation in 2009 amounted 6.6%, and until the end of 2013 it should reach the value of 4%.

In the moment of crisis Serbia was exposed to very high deficit of current account (-18.7% of GDP), and with the crisis, firstly as a consequence of reduction of import demand, happens the significant reducing of current account deficit, which in the end of 2009 amounted 6.3% of GDP. With the economy recovery is expected also the recovery of foreign trade activities. In the period of 2011-2013 is expected relatively high import and export growth rate, which is going to enable the lower level of foreign trade deficit than in 2009. The expected level of current account deficit of 6.8% of GDP in the end of 2013 is also significantly lower than in the period before crisis.

Gross Domestic Product realisation, evaluation and projections

	2008	2009	2010	2011	2012	2013
	Realisation		Evaluation	Projection		
GDP, milliard RSD (current prices)	2,722.5	2,881.1	3,073.5	3,314.4	3,626.3	3,986.5
GDP per resident, in euros	4,547	4,190	4,138	4,445	4,809	5,256
GDP, real growth, in %	5.5	-3	1.5	3.0	5.0	5.5
Inflation, end of period, %	8.6	6.6	6.0	4.5	4.2	4.0
Balance of the current account of payment balance, in euros, % of GDP	-18.7	-6.3	-6.4	-6.4	-6.6	-6.8

Source: MEFP, Memorandum on the Budget and Economic and Fiscal Policies for 2011 with projections for 2012 and 2013 in 2010.

b) Are there any demographic projections? For which period? How are old-age dependency ratios (population aged 65+ over population aged 15-64) expected to evolve over the coming decades?

⁴¹ "Official Gazette of RS", No. 54/09.

The Response of the republic of Serbia to the problems of demographic development is based on more adopted strategic documents which predict policies regarding fertility, mortality, migrations and aging of population. All important resources of the population policy are recognized in strategies. Many activities and measures are indicated, many of them elaborated. The multisectorial approach is accepted, specified and harmonized in their realization. Their adoption, however, represents only the first step. The achievement of the expected results will significantly depend on operation of proposed measures and activities and their implementation, which is significantly postponed because of World Economic Crisis.

In the Republic of Serbia, according to the latest evaluations of the Statistical Office of the Republic of Serbia, on the 1 of January of 2010 lived totally 7,306,000 people⁴² **Regarding the beginning of 2009, the earth population decreased by 28.3 thousands.** From the beginning of 21 century, in the Republic of Serbia the population is continuously decreasing, so that the number of residents at the beginning of 2010, regarding 1 of January of 2000, decreased by 220 thousands of people.

In that period, i.e. during 2000s, **population decreasing was solely the consequence of negative natural population growth** (totally -295.1 thousands). The number of life births in 2009 was 33.7 thousand lower than the number of dead. In the same time, the 2009 was eighteenth year in continuity of the negative natural population growth in the Republic of Serbia. Relatively considered, on one thousand of residents, natural population growth rate amounted -4.6‰ That is lower rate value than the lowest registered in the EU countries. In the same year, natural population growth rate amounted 1‰, and the highest negative natural population growth is recorded in Bulgaria and Leetonia (each – 3.6‰), Hungary (-3.4‰) and Germany (-2.3‰)⁴³

Natural population growth is negative in all the Republic of Serbia and in AP Vojvodina: In central Serbia it amounted -24 thousands (-4.4‰) and in Vojvodina the indicators value was -9.7 thousands (-5,0‰). The real scope of negative natural population growth is visible at the community level. In 2009, negative natural population growth was recorded in as much as 157 of totally 165 towns and municipalities.

The Republic of Serbia falls within the area where demographic process of aging reached the major extent. More than 1,250.000 of persons is 65 years old or older. The share of old people in total population is 17% which positions The Republic of Serbia in one of the oldest population in Europe.

The process of aging of population carried out from the top of age pyramid (increase of share of old) and from the base of age pyramid (decrease of share of young). The result is that today the number of residents younger than 15 is almost equal to the number of residents older than 65.

In 2009, the tendencies of increase of high old age continued. The number of persons 80 years old or more is 231,000 or 3% of total population. Apart from ageing of old population, the

⁴² All the data for the Republic of Serbia are given without data for AP Kosovo and Metohija.

⁴³ The data regarding EU are downloaded from http://www.ined.fr/fichier/t_publication/1475/publi_pdf1_458.pdf - Tout les pays du monde (2009), Gilles Pison and http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-27072010-AP/EN/3-27072010-AP-EN.PDF - Eurostat newsrelease (27/7/2010) EU-27 population 501 million at 1 of January 2010.

important characteristic of old population is also the domination of women. The number of women 65 years old and more significantly overcomes the number of men of the same age (57% to 43% in 2009).

For the social picture of elderly people it is also important to mention that great number of elderly people lives alone or with other person older than 65. Thus, according to the results of the last population census in the Republic of Serbia every fifth elderly persons lives alone and it is established that 607,000 elderly persons or every second of them (49%) lives in single household or in household with more elderly people.

The efficient implementation of the population policy measures is necessary. The best confirmation of that are the results of probabilistic projections⁴⁴ conducted in the period until 2020. Also in the conditions of optimistic demographical development (mostly accomplished goals of pro-population growth policy, faster growth of middle life duration, important inflow of immigrants) and in the conditions of pessimistic scenario realization (unaccomplished pro-population goals, slower growth of middle life duration and continuing of emigration tendencies), in ten years the number of the residents of The Republic of Serbia is going to be smaller than today. However, in case of successful implementation of population policy it will amount 7.273 million. Otherwise, the number of residents is predicted at the level of 6.636 million. The ageing index, however, in 2020 in the Republic of Serbia will amount 0.970 (optimistic scenario of demographic development), i.e. 1.092 (in the conditions of spontaneous population development).

Dependency relationship between population of 65+ years old and the population of 15-64 years old.

	65+ and -64 respectively.
2002	24,7
2007	25,6
2012	24,9
2017	28,0
2022	31,4
2027	32,8
2032	33,0

c) Are there any forecasts for labour market developments?

For the purposes of creating a new employment strategy, the Fund for development of economic science has developed projections that are based on previously developed projections of economic growth within the Post-crisis model of economic growth and development of the

⁴⁴ Nikitovic, V. (2009): "Possible scenario of the demographic development of Serbia until 2020". Demographic Development – studio-analytic basis-Strategy on Territorial Development of the Republic of Serbia-Faculty of Geography, Belgrade.

Republic of Serbia from 2011 to 2020, which gives a new development paradigm for the Republic of Serbia as an expression of a broad professional consensus on the necessity of moving to a new growth model.

Assumptions on the working intensity of growth are included in the projections of trends in the labour market, based primarily on a broad comparative experience, as well as assumptions about the interdependence of employment, activity and unemployment, based primarily on previous empirical trends in the Republic of Serbia. In this way, the arbitrariness in the design has been largely eliminated, and realistic assessments of movement of fundamental contingents at the labor market by 2020 are obtained, provided that the optimal scenario of a new growth model has been achieved. The corresponding relative expression (activity rates, employment and unemployment) are gained through inclusion of demographic projections for the adult population, the population of working age, and population from 20 to 64 years old.

Two important implicit assumptions in the projections of employment in the next decade, which should bring a radical change in relation to current trends in the labour intensity of growth are: 1) completion of the process of the transitional restructuring labor market and 2) transition to a new model of development which involves greater reliance on the real sources of growth.

According to the projections, total employment will be the lowest in 2010, but will return to the pre-crisis level only in 2013, after which it will begin to grow steadily with the average pace of more than 50,000 people annually. At the end of the period, the total employment will be near the figure of 3,000,000, which will be around 440 000 employees more than in this year. Total unemployment, on the other hand, will reach its maximum in 2010, and then till 2013 a subsequent reduction will follow, which will be accelerated by the end of the projected period, so that the number of unemployed in 2020 will be around 340,000.

The employment rate of working-age population will reach its absolute minimum this year, and return to the level of over 50% in 2013. Then its steady and strong growth begins, which will be further underlined by the accelerated reduction of the employment rate denominator, i.e. by reduction of the working age population. This will happen primarily because of disproportion between the small entrance cohorts (generations who will be 15 years over the next decade) and high output "baby boom" cohorts (generation that will be 65). Due to the joint influence of employment growth and working age population reduction, the employment rate will exceed 60% and reach 61.4% in the last year for which the projections are given.

The unemployment rate of working-age population will reach its maximum in 2010, then it will gradually decrease and eventually go under 15% around 2015 and come close to a single digit number (with the level of 10.84%) not before 2020. A bit slower moving down of the unemployment rate is explained by the fact that, unlike in case of the employment rate, reducing the population has no direct impact on the unemployment rate denominator.

As with the population of working age, the employment rate of people from 20 to 64 will reach its absolute minimum in 2010, and return to the level from 2009, of over 54%, just in 2013. Since then begins its steady and strong growth, which is the result of employment growth and reduction of population aged 20-64. Employment rate (20-64) will reach a value of 66% in 2020. The unemployment rate (20-64 године) will reach its maximum of 18.3% in 2010, then it will gradually decrease and eventually go under 15% around 2015 and come close to a single digit number of 8.7% not before 2020.

Table X. The main labour market indicators of working age population (15-64), in thousands

15-64	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total	4.969,0	4.930,0	4.881,0	4.828,0	4.774,0	4.725,0	4.680,0	4.636,0	4.594,0	4.969,0
Active	2.972,7	2.989,7	3.009,5	3.029,9	3.050,1	3.073,7	3.099,7	3.130,5	3.161,9	2.972,7
Employed	2.459,1	2.496,8	2.539,1	2.582,4	2.624,5	2.669,5	2.716,0	2.767,7	2.819,0	2.459,1
Unemployed	513,6	493,0	470,4	447,5	425,5	404,1	383,7	362,8	342,9	513,6
Inactive	1.996,3	1.940,3	1.871,5	1.798,1	1.723,9	1.651,3	1.580,3	1.505,5	1.432,1	1.996,3
Participation rate	59,3%	59,8%	60,6%	61,7%	62,8%	63,9%	65,1%	66,2%	67,5%	68,8%
Employment rate	48,6%	49,5%	50,6%	52,0%	53,5%	55,0%	56,5%	58,0%	59,7%	61,4%
Unemployment rate	18,0%	17,3%	16,5%	15,6%	14,8%	14,0%	13,1%	12,4%	11,6%	10,8%

Source: Post-crisis model of economic growth and development of Serbia 2011 - 2010, Fund for Development of Economic Science

Equally important as the quantitative increase of employment is the change in its sectoral structure that would suggest the parallel improvement of its quality. Analysis of the current sectoral structure of employment shows that employment in agriculture is too high, and employment in the industry is too low compared to the countries with similar level of economic activity. Transferring to a new model of development includes the rehabilitation of industrial employment.

d) Outline the general trends and influences of economic, demographic and social developments on the social protection system of your country.

Set medium-term macro-economic policy objectives (set out in Memorandum on budget and economic and fiscal policy for 2011 with projections for 2012 and 2013) in the area of fiscal policy as its key component, requiring a hard limit of current public spending and reduction of fiscal deficit in the upcoming mid-term period. The projected medium-term fiscal framework of the government sector envisages the reduction of public spending of 3% of GDP in the period 2011 – 2013.

In accordance with these plans the reduction of expenditures on social protection is planned. Social security expenditures, according to the functional classification in 2009, were 18.1% of GDP and it is envisaged that their participation will be significantly reduced by 2013, when it should be 15.6% of GDP.

Expenditures on social security as a % of GDP, according to the functional classification of expenditures

	2009.	2010.	2011.	2012.	2013.
Social security	18,1	17,9	17,3	16,5	15,6

Source: Ministry of finance

According to the economic classification of expenditures of consolidated government sector, 19.3% of GDP was allocated for social assistance and transfers to the population in 2009. The largest category of transfers to the population are the expenditures for pensions. In order to protect the living standard of this category of population, it is envisaged that pensions in 2011 and 2012 follow the increase of salaries in the state sector. For pension projections, the same rule of indexation was applied as with the expenses for the employees. In 2013 the pension shall be adjusted to the cost of living. Other forms of social benefits and transfers to the population in 2011 were harmonized by applying the statutory indexation and the projected increase of the number of users. The share of this category of expenditure, if the aforementioned rules are applied, should decline from 19.3% in 2009 to 18.2% in 2011, to 16.4% of GDP in 2013.⁴⁵

B. Overview of the social protection system

155. Please provide information on the general philosophy and the main principles and mechanisms of the social protection system: is the system Beveridge-type or Bismarcktype, what are the main distributional effects of the system, who is included/excluded?

The pension system in Serbia follows the philosophy of the Bismarck-type system. It is a part of social security system (in addition to the health insurance system and unemployment insurance), in which contributions are paid by all persons engaged in some economic activity, thus exercising the right to pecuniary benefits. The rights arising from pension and invalidity insurance are exercised by fulfilling the minimum prescribed requirements. The amount of benefits depends primarily on the duration of insurance period and on the amount of wages during the period of insurance. The redistribution in the system is achieved regarding the following rights:

Beneficiaries – women:

When calculating old-age or invalidity pension, a woman's completed years of service are increased by 15%.

To a beneficiary, a woman, who gave birth to third child, the time period of two years is counted into a special period (which together with the insurance period makes the pension qualifying period).

Conditions for pension eligibility are differentiated by sex, i.e. women exercise the rights arising from the PII (Pension and Invalidity Insurance) under more favourable conditions.

The lowest pension:

It is assigned to a beneficiary if the amount of old-age or invalidity pension, calculated under the general regulations, is below a certain level.

Invalidity pension:

It is assigned to beneficiaries who exercise their right to invalidity pension, if the invalidity cause is occupational disease or occupational accident, and when calculating the amount of pension it is taken into account as if they have 40 years of pension qualifying period.

⁴⁵ Source: Memorandum on the Budget and Economic and Fiscal Policy for 2011 with projections for 2012 and 2013, "Official Gazette of RS No. 54/09.

It is assigned to beneficiaries who exercise their right to invalidity pension, if the invalidity cause is sickness or injury outside of work, and in calculating the pension amount, the years of pension qualifying period, that they are missing to the age of 65 (men), i.e. to the age of 60 (female), are added in respect of the day when invalidity is diagnosed.

Survivor's pension:

The lowest ratio taken for determination of a survivor's pension is old-age pension of the deceased insured person or of beneficiary, determined for a pension qualifying period of 20 years.

As for the social security in the narrow sense, various types of pecuniary benefits are provided from the central and local budgets. Pecuniary benefits, care and support to another person, child-care allowances, parental allowances, and wage compensations for women who have delivered children are provided at the central level, and one-off pecuniary benefit is provided at the local level. The central level is responsible also for funding and housing services (almshouses and foster families) for the operations of the centres for social work and institutes for social protection (Republic and Provincial). Community services, day care centres, home help, reception centres, shelter stations, etc. are also financed with the funds allocated from the local budgets.

The system of unemployment insurance and exercise of rights to unemployment benefits are described in detail in the answer to question number 158.

156. Please provide the following specific information (please refer to the Mutual Information System on Social Protection (MISSOC)²¹ as a model):

- a) Organisational chart of the social protection system (involved ministries, statutory insurances etc.); discussion of the chart: main institutional responsibilities for the fields of social protection (legislation and administration);**
- b) Centralisation/De-centralisation: Description of the main institutional levels in the social protection system, role of employers and employees, role of NGOs;**
- c) Supervision structures.**

a)

The Social Security system in Serbia comprises the following institutions:

Ministry of Labour and Social Policy

Nemanjina 22-26,
11000 Belgrade,
Tel. +381-11- 363 15 78
www.minrzs.gov.rs

Responsible for policy making and administrative supervision in all areas of social security excluding employment, health care and health insurance systems.

Ministry of Health

Nemanjina 22-26,
11000 Belgrade,
Tel. +381 11 3616 251

www.zdravlje.gov.rs

Responsible for policymaking and administrative supervision in the health care and health insurance systems.

Ministry of Economy and Regional Development

Bulevar Kralja Aleksandra 16

11000 Belgrade

Tel. +381 11 3347 231

www.merr.gov.rs

Responsible for policymaking and administrative supervision of the system of employment.

Republic Fund for Pension and Invalidity Insurance

Dr Aleksandra Kostića 9,

11000 Belgrade

switchboard +381 11 2645 022

www.pio.rs

Independent fund under the supervision of the Ministry of Labour and Social Policy, responsible for the implementation of the pension and invalidity insurance.

Republic Office for Health Insurance

Dr Aleksandra Kostića 9,

11000 Belgrade

switchboard +381 11 645 022

www.rzzo.rs

Independent fund under the supervision of the Ministry of Health, responsible for the implementation of the health insurance.

National Employment Service

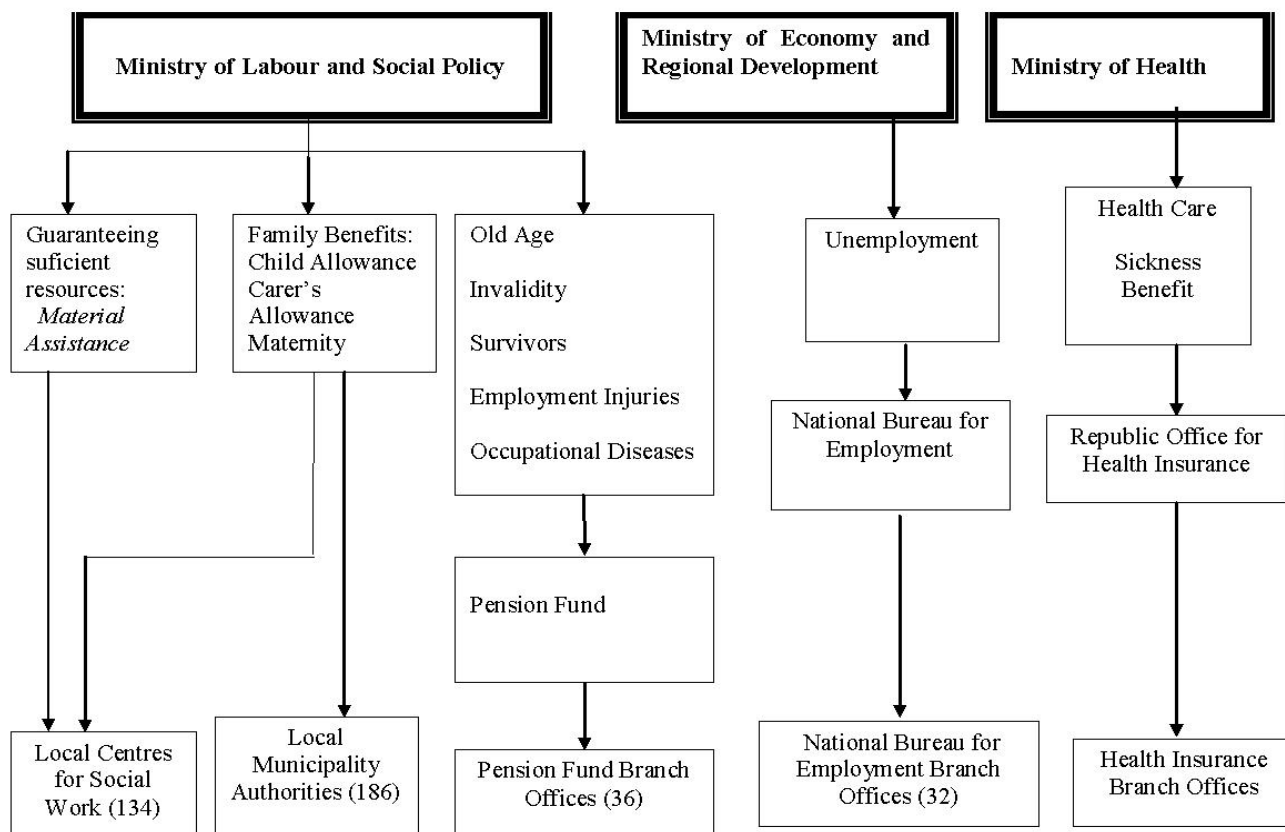
Kralja Milutina 8,

11000 Belgrade

Tel. +381 11 32 15 900, fax: +381 11 32 15 980

www.nsz.rs

An independent body under the supervision of the Ministry of Economy and Regional Development, responsible for unemployment benefits and active labour policy implementation.



b) In Serbia, the responsibilities in the area of social protection are divided between central and local government levels.

The central level provides various forms of financial support: pecuniary benefits, care and support to another person, child-care allowances, parental allowances, and wage compensations for employed women who gave birth to children. The experience of other countries suggest that a sound solution in the area of pecuniary benefits is to define and exercise minimum rights at the national level and under the national criteria, so as to be equally available to all citizens.

In other segments, the social protection system is highly decentralized (only the housing services at almshouses and in another families are financed with the funds allocated from the central level). The competences in the field of social protection services have been transferred to local self-governments. In the previous period, the activities of the state have been focused on finding mechanisms to develop these services and to make them sustainable.

The Law on Social Protection and Providing Security of Citizens envisages that the municipality shall set out and finance the right to day care, the right to one-off support and temporary housing at the shelter and reception station, facilities for the housing of beneficiaries at almshouses or in another family. The law also envisages that municipalities may also establish other rights in the field of social protection, the greater scope of the existing rights and more favourable conditions for the exercise thereof, if they have provided funds from the budget.

Within the additional rights, most municipalities have opted for granting special discounts for the beneficiaries of social assistance upon paying communal services, discounts on kindergarten services, subsidies when purchasing fuel, etc.

Encouragement of the development and expansion of social protection services have certainly been initiated by international donors, but also by two special mechanisms developed after 2001 in the Ministry of Labour and Social Policy: The Social Innovation Fund and the Fund for Financing Invalidation Associations. Both Funds contribute to introducing new types of services at the local level and to development of services that are alternatives to institutional housing (for example development of foster parenting, creation of local networks for the protection for victims of abuse, etc.). In addition, these mechanisms also contribute to the inclusion of new entities in the domain of service, as well as to their teaming up with other actors who exist at the local level in the field of social protection.

The Social Innovation Fund and the Fund for Financing Invalidation Associations are of particular importance for further decentralisation process, for at least two reasons. First, because they are directed to the local level and they recognize local characteristics and priorities. The fact is that there is neither sufficient capacity nor the resources for all the new services to be introduced simultaneously throughout the whole country. Due to these mechanisms, new services are being gradually introduced in several local areas, in line with the needs and the priority order that varies from one local environment to another. In areas where the elderly population resides, the development of homecare and assistance is important, whereas some municipalities are primarily short of the services for the disabled, preschool institutions for Roma children or the activities such as the fight against drugs, etc.

Second, these mechanisms contribute to decentralization by strengthening of local capacities in the field of social protection and encourage partnerships between various actors at the local level, whereas they give priority to projects and programmes that include joint implementation of the projects by non-governmental and governmental sectors. Conditionality in involving local authorities contributes to the sustainability of projects and the imposition of social priorities in local budgets.

Strong incentive for decentralization has been achieved by initiating the process of deinstitutionalization, which is carried out through the projects of developing foster parenting, the transformation of institutions and the development of integrated social protection at the local level. Development of foster parenting, with simultaneous transformation of institutions for children without parental care into, for example, day cares for children with special needs, which are, in accordance with the law, financed with the funds allocated from the local budgets, is a typical example of decentralization in the sphere of social services.

Involvement of **NGOs** in the domain of social services provision in Serbia is present in the last ten years. During the second half of the 1990s, the said were primarily involved in distributing humanitarian aid to refugees, displaced persons and vulnerable local population. Gradually, a growing number of local non-governmental organizations has begun to provide the missing services in the social sphere, such as help lines, shelters for victims of human trafficking and so forth.

Involvement of the NGO sector has contributed to the process of multiplication of service providers.

c) Supervision structures.

The inspections, as well as supervision of work and monitoring of professional activities are conducted in the area of social protection.

Official supervision of social protection institutions and surveys are regulated by the Law on Social Protection and Providing Security of Citizens. (Articles 105 to 111a). The supervision is conducted by the Ministry responsible for social issues.

Supervision of work and inspection of institutions and other legal persons that carry on the business of social protection in the territory of the autonomous province, is conducted by the competent provincial administrative authority for social protection, while the official supervision over shelters, reception centres and facilities for day care and home help in the territory of the city of Belgrade, lay within the competence of the City Administration.

Supervision of the professional work of institutions and other legal and natural persons who carry on businesses, i.e. exercise activities of the social protection, is conducted by the institutes for social protection (Republic and Provincial). The manner, contents and enforcement procedure of supervising the professional work of the guardianship authorities and social protection institutions, are governed by implementing legislation, the Rulebook on the Supervision of Professional Work in Institutions for Social Protection (Official Gazette of RS No.15/92).

157. Please provide information on financing of social protection:

a) Main financing sources of the social protection (taxes, social contributions, other taxes or state subsidies) and institutions involved (State, para-fiscal organisations, regional authorities, NGOs, private households etc.);

The main sources of pecuniary benefits funding are:

1. pensions and benefits for care and support (invalidity, age and family) - contributions for pension and invalidity insurance, and subsidies from the Republic budget
2. unemployment benefits - contributions for unemployment insurance
3. sickness benefits - contributions for health insurance
4. pecuniary social assistance - taxes
5. allowance for care and assistance to another person - taxes
6. social protection services - taxes, local level

The first three types of benefits are paid by the Fund for Pension and Invalidity Insurance, Fund for Health Insurance and National Employment Service, while pecuniary social assistance and

allowance for care and assistance to another person are financed from the national budget and social protection services from the local budget.

b) Main financing principles for the fields of social protection (pay-as-you-go, funded financing);

The basic principle of financing is the pay-as-you-go.

c) Financial administration of social protection: contribution rates, contribution base and tax base; is there an upper (lower) ceiling?

Contribution rates for pension and invalidity insurance are 22%.

The lowest contribution base is determined quarterly, as 35% of average wage for the previous three-month period, and currently (November 2010 - January 2011) amounts to RSD 16,752. Contribution is paid at a rate of 22%.

The highest contribution base is determined monthly, as 500% of average wage for the previous two months. It serves as a kind of advance payment, while the average annual wage is determined in the end and five times the amount thereof is taken as the highest annual contribution base. In accordance with the amount thereof, the insured persons know whether they should be charged extra or should be returned excess payment.

158. Please provide an overview of allowances: benefits and services provided by social protection (coverage, qualifying conditions, level of benefits, length of provision, taxation of benefits): 22

a) health care;

b) sickness;

Answer to a-b

Pursuant to Article 9 of the Law on Health Insurance, mandatory health insurance comprises:

- 1) insurance in case of disease and injury outside of work;
- 2) insurance in case of occupational accident or occupational disease.

Article 10(2) of the Law lays down the principle of compulsory contributions for employees and employers, as well as other taxpayers liable to pay contributions in accordance with the law, which sets the condition for exercising the right arising from compulsory health insurance. Pursuant to Article 112(1) of the Law, a person who has been determined a status of an insured person, or the fact that the contributions due are paid shall be issued the required certificate of health insurance - health insurance card, based on which the rights arising from the compulsory health insurance are exercised.

In accordance with Article 30, the rights arising from compulsory health insurance are:

- a) the right to health protection;

2) the right to wage compensation during the insured person's temporary incapacity for work – wage compensation;

3) the right to reimbursement of transportation costs relating to the use of health care-transportation costs.

The right to health care, provided by the compulsory health insurance according to Article 34 of the Law, comprises:

- 1) preventive measures and early detection of disease;
- 2) medical examinations and treatment of women relating to family planning as well as during pregnancy, childbirth and maternity, up to 12 months after delivery;
- 3) medical examinations and treatment in the event of sickness and injury;
- 4) medical examinations and treatment of mouth and teeth diseases;
- 5) medical rehabilitation in the event of sickness or injury;
- 6) medicines and medical devices;
- 7) prostheses, orthotics and other mobility, standing and sitting aids, visual aids, hearing, speech, dental implants, as well as other aids - medical-technical devices.

Articles 35 to 45 of the Law, and implementing legislation adopted to implement this Law, precisely regulate the scope of the right to health care, provided in the event of disease and injury at work, and the percentage of the provision of these rights from the compulsory health insurance, i.e. the amount by which the insured person participates in paying of fees for health services, as well as medicines and medical devices.

The right to health care in the event of occupational accident or occupational disease includes health care in case the injury at work occurs or occupational disease, and is provided at primary, secondary and tertiary level.

The said scope of rights arising from the compulsory health insurance is provided to all insured persons, as well as to members of their families to the same extent, except for the right to wage compensation during temporary inability to work, which is not included thereof.

- to foreign nationals who employed with domestic organisations in the territory of the Republic of Serbia, i.e. with private employers, on the basis of special contracts on the exchange of experts or the contracts on international technical cooperation;

- to foreign nationals during education or vocational training in the territory of the Republic of Serbia;

- to persons who are included in compulsory health insurance (who pay contributions from their personal resources).

To citizens, i.e. insured persons coming from countries with which the international treaties on social security are concluded, the rights arising from the compulsory health insurance are provided in accordance with the treaties thereof.

The citizens coming from countries, with which the international treaties on social security have not been signed, are provided with emergency medical care. Namely, in accordance with Article 240 of the Law on Health Care (*Official Gazette of RS* No. 107/05, 72/09-other law and 88/10), the health institution and private practice, as well as health workers shall be required to provide emergency medical care to a foreign national. Foreigners bear their own costs for the emergency

medical care provided, as well as for other types of health services provided to them at their request.

Pursuant to Article 96 of the Law, the amount of wage compensation which is provided from the compulsory health insurance funds, as well as from the employers' funds, amounts to 65% of the wage compensation base in the event when the insured person:

- is temporarily unable to work due to disease or injury outside of work;
- is temporarily unable to work due to disease or complications related to the maintenance of pregnancy;
- is temporarily unable to work due to the prescribed measure of mandatory quarantine of carrier or due to occurrence of infectious diseases in the surrounding area;
- is temporarily unable to work due to taking care of an ill member of immediate family, under the conditions stipulated by this Law;
- is temporarily unable to work because he/she is designated to escort an ill insured person sent to treatment or medical examination in another place, or while staying as a companion in inpatient medical facility in accordance with the general act of the Republic Institute.

The amount of wage compensation of 100% is provided in the event when the insured person:

- is temporarily unable to work due to occupational disease or occupational accident;
- is temporarily prevented from work due to voluntary organ and tissue donations, except for blood donations.

c) maternity;

The Law on Financial Support to Families with Children (*Official Gazette of RS* No. 16/02, 115/05 and 107/09) stipulates that employees engaged with legal and natural persons and the self-employed shall be entitled to wage compensation for time of maternity leave and child care leave, in accordance with the Labour Law, for a period of 365 days, for the first and second child, i.e. two years, for the third and each subsequent child from the date of commencement of maternity leave.

The amount of wage compensation during maternity leave, child care leave and special child care leave, shall be the average base wage of the employee for the 12 month-period preceding the month in which the leave commenced, multiplied by the time spent at work, for each completed year in employment relationship in accordance with the Law, but no more than five times the average monthly wage in the Republic of Serbia.

If the employee is a person who independently does the business, the amount of wage compensation shall be the average monthly contribution base for mandatory social security during the last 12 months, preceding the month of commencement of leave, up to five times the average monthly wage in the Republic of Serbia.

An employee shall achieve the full amount of wage compensation if in employment relationship or self-employed for more than six months, 60% of wage compensation if in employment relationship or self-employed for three to six months and 30% of wage compensation if in employment relationship or self-employed for up to three months, directly and continuously prior to the commencement of leave.

The law also stipulates the right to wage compensation during the special child care leave, to a parent, adoptive and foster parents, or guardians, who, in accordance with Articles 96 and 99 of the Labour Law, are on leave due to special child care, or are in half-time employment relationship, until the child turns five.

Wage compensation is one of the incomes that are taxed in accordance with tax laws.

d) invalidity / disability;

A person with invalidity, who is due to severity and nature of the condition and injury in need of another person's assistance when satisfying basic living needs, is entitled to allowance for assistance and care to another person. A person with invalidity who is diagnosed physical damage of 100% on one basis is entitled to an increased allowance for assistance and care to another person.

The Law on Social Protection envisages the right to vocational training or education and vocational training for children and young people with invalidity and for the adults with invalidity who can be trained for work, but who do not enjoy that right under other regulations.

The right to housing in special care institutions shall enjoy, among others, the children with moderate, severe and heavy intellectual invalidities, children with *multiple impairments*, children with autism and children with physical and sensory impairments who do not have conditions to stay with their own families. The right to accommodation in a social care institution shall be entitled to the adults with physical, sensory or mental impairments.

Local governments provide day care to children and adults with invalidities, as well as home help service to the adults with invalidities.

Since 2003, through the project activities, the Ministry of Labour and Social Policy has sustained the programmes for personal assistance and housing, with the support organized by associations of people with invalidities. Some local governments have involved in funding these services.

The Law on Financial Support to Families with Children envisages, inter alia, the wage compensation for the parent during the leave for care of the child with invalidity, increased child-care allowance, and covering of costs for the stay of a child with developmental impairments at preschool for these children.

Insured persons with invalidities shall be exempt from health care costs.

Children and young people with developmental impairments and invalidities as well as the adults with invalidities shall have the right to education. The idea of inclusive education was affirmed in 2009 by the Law on the Fundamentals of the Educational System.

The Law on Professional Rehabilitation and Employment of Persons with Disabilities guarantees the following rights to the said persons:

1. the right to have their status determined and their working capacity assessed;
2. the right to the promotion of employment, work and social inclusion and affirmation of equal opportunities in the labour market;
3. the right to measures and activities of vocational rehabilitation;
4. the right to employment under the general conditions;
5. the right to employment under the specific conditions;
6. the right to active employment policy measures;

7. the right to get employed in special, organized forms of employment, and to work engagement of persons with invalidities;
8. to other rights as stipulated by the Law.

The person with invalidity who is in complete working incapacity, due to occupational accident or occupational disease, injury or disease outside of the workplace the consequences of which can not be eliminated by treatment or medical rehabilitation, has the right to invalidity pension in the procedure and under the conditions prescribed by the Law on Pension and Invalidity Insurance.

A child with invalidity, classified on the basis of regulations on classification of children with developmental impairments, who is unable to work is entitled to survivor's pension and shall exercise that right in the procedure and under conditions prescribed by the Law on Pension and Disability Insurance.

People with invalidities shall be exempt from turnover tax on medicines, prosthetic, orthotic devices and medical materials. They shall also be exempt from taxes on car registration, and duties on car imports. People with invalidities also enjoy the benefits for domestic services.

Disabled veterans and civilian victims of war shall also enjoy and other countervailing rights and benefits, in accordance with the regulations on veterans invalidity protection.

e) old age;

Old age, is not envisaged in the social protection system as a special requirement for exercising the rights to pecuniary benefits in this area, but the elderly can, if they meet the requirements for recognition of rights provided by the Law on Social Protection and Providing Security of Citizens (*Official Gazette of RS* No.36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01, 84/04 and 115/05), who are listed under item h), be the beneficiaries of rights to pecuniary benefits, as well as individuals or their respective families.

The law prescribes the possibility for the elderly housing in a social protection institution or in a foster family, if due to unfavourable health, social, housing and family circumstances they were not able to live with their family or in the household. The beneficiary participates in lodging costs with all his/her emoluments, income and property, reduced by the amount of funds for personal needs.

The law also prescribes the protection of the elderly through the rights provided from the municipal or the city budget, i.e. the local community budget, and the elderly exercise these rights in their household or environment, i.e. in open protection. These are the rights to day care, home help, services of the clubs for the elderly, the right to immediate assistance, (which can be pecuniary or in kind), as well as other rights and services that the municipality or city prescribes and provides the funds thereof by its decision on the extended rights, which are necessary to the citizens from residing therein.

Day care is provided to the elderly who are unable to take care of themselves during the day, and apart from the several-hours day care, the food service, hygiene, work and occupational therapy are provided as well as cultural, entertaining and recreational activities and other services, depending on the needs of the beneficiaries.

Home help is ensured through the provision of gerontology services and those include performance of essential household chores and care at the beneficiary's home.

Clubs for the elderly and pensioners are considered to be the broadest service that aims, through its activities, to provide to the elderly longer and more active living in their homes. Clubs' services relating to support and care at home and a day care, are also provided by various NGOs.

f) survivors;

The right to a survivor's pension can be exercised by family members:

- 1) of the deceased insured person who has reached at least five years of insurance period or is eligible for invalidity pension, or
- 2) of the deceased beneficiary of old-age or invalidity pension.

If the death of a person resulted from the consequences of occupational accident or occupational disease, members of his/her family shall be entitled to a survivor's pension regardless of the length of person's pension qualifying period.

Family members of the deceased insured person, i.e. of a beneficiary, are considered to be:

- 1) spouse;
- 2) children (born in or out of wedlock or adopted, stepchildren fostered by the insured or the beneficiary, grandchildren, siblings and other children without parents or children who have one or both parents entirely unable to work, and who have been fostered by the insured or by the beneficiary);
- 3) parents (father and mother, stepfather and stepmother and adoptive parents) fostered by the insured person or by the beneficiary.

The right to survivor's pension can also be exercised by a spouse from divorced marriage if the right to support has been established by the court decision.

A widow is entitled to a survivor's pension:

- 1) if she reached the age of 50 until a spouse's death; or
- 2) if she became totally unable to work until a spouse's death or within one year after the death of her spouse; or
- 3) if, following the death of a spouse, one child or more children who are entitled to a survivor's pension of the said spouse are left, and the widow performs parental duties towards these children. A widow, who becomes totally unable to work during the period of the validity of rights on this basis, retains the right to a survivor's pension as long as the incompetence exists.

A widow, who has not reached the age of **50** by the death of a spouse or has reached the age of **45**, shall acquire the right to a survivor's pension upon completing the age of **50**.

A widow, who has reached the age of **50** during the validity of the right to a survivor's pension, acquired as referred to in paragraph 1(2) and (3) of this Article, shall permanently retain the right to a survivor's pension. A widow, whose right to a survivor's pension ceases before reaching the age of **50**, or after the age of **45**, may exercise the right again upon reaching the age of **50**.

A widower is entitled to a survivor's pension:

- 1) if he reached the age of **55** until a spouse's death, or
- 2) if he became totally unable to work prior to a spouse's death, or within one year after the death of his spouse; or
- 3) if, following the death of a spouse, one child or more children who are entitled to a survivor's pension of the said spouse are left, and the widower performs parental duties towards these children. A widower, who has become totally unable to work during the period of the validity of rights on this basis, retains the right to a survivor's pension as long as the incompetence exists.

(2) A widower, who has reached the age of **55** during the validity of the right to a survivor's pension, acquired as referred to under 2) and 3), shall permanently retain the right to a survivor's pension.

The child is entitled to a survivor's pension and it belongs to him/her until reaching the age of 15.

Upon reaching the age of 15, a child is entitled to a survivor's pension and it belongs to him until graduation, but no later than the age of:

- 1) 20, if attending high school;
- 2) 23, if attending college;
- 3) 26, if attending the faculty.

(3) The child is entitled to a survivor's pension and it is granted to him/her for the duration of independent living and work disability, which occurred prior to the age until which the children are entitled to a survivor's pension.

(4) The child is entitled to a survivor's pension and it is granted to him/her for the duration of independent living and work disability, which occurred after the age until which the children are entitled to a survivor's pension, and before the death of the insured person or a beneficiary of the right, provided that the insured person or a beneficiary of the right has fostered him/her until his/her death.

(5) The child, whose education was terminated because of disease, is also entitled to a survivor's pension during the disease until reaching the age referred to under 1) to 3) as well after reaching the said years, but no more than the period of schooling missed due to disease.

(6) The child, whose education was terminated because of the referral to military service in accordance with the regulations governing military service, is entitled to survivor's pension also during military service, but no later than reaching the age of 27.

(7) Disabled child, in accordance with the regulations on classification of children with disabilities and children referred to in paragraph 4 this Article, shall acquire the right to survivor's pension even after termination of employment or self employment.

(1) When the subsistence is a requirement for entitlement to a survivor's pension, it is considered that the deceased insured person, or beneficiary of the right to pension, supported his family member if the total monthly income of a family member does not exceed the amount of minimum pension in the previous quarter.

(2) The following is excluded from the incomes taken into account for exercising the right to a survivor's pension: Child-care allowance, parental allowance, pecuniary benefit based on assistance and care, pecuniary benefit for physical injury, emoluments from awards, retirement severance pay, as well as emoluments based on pupil and student standard.

A parent (father and mother, stepfather and stepmother and adoptive parent) who was supported in accordance with the law by the insured person or beneficiary of the rights until his/her death shall be entitled to a survivor's pension if until the death of the insured person or a beneficiary:

1) reached the age of **65** (men) or **60** (women); or

2) became totally unable to work.

(1) Members of an immediate family of deceased insured person or beneficiary, within the meaning of this Law, shall be the spouse and children (born in or out of wedlock or adopted, stepchildren and grandchildren).

(2) The members of the extended family of the deceased insured person or beneficiary, within the meaning of this Law, shall be the parents (father, mother, stepfather, stepmother and adoptive parents), brothers, sisters and other children without parents or children who have one or both parents totally unable to work, and who were supported by the insured person or by the beneficiary.

Extended family members are entitled to a survivor's pension if there are no immediate family members, and if the latter exist - only when the survivor's pension that belongs to immediate family members does not reach a full amount of the basis upon which the amount of a survivor's pension is determined.

A person who caused the death of the insured person or of beneficiary, intentionally or by gross negligence, can not acquire the right to a survivor's pension thereof.

g) employment injuries and occupational diseases;

Entitlement to health care in the event of occupational accident or occupational disease includes health care in case the employment injury or occupational disease occur, which is provided at primary, secondary and tertiary level (see the answer under a,b).

h) family benefits;

The Law on Financial Support to Families with Children (*Official Gazette of RS*, No. 16/02, 115/05 and 107/09) regulates the financial support to family with children.

Financial support to family with children, within the meaning of this Law, shall include: improvement of conditions to meet the basic needs of children, a special child-birth incentive, support to financially vulnerable families with children, families with children with disabilities and children without parental care.

Entitlements to financial support for families with children, defined by this law are:

1) wage compensation during maternity leave, child care leave and special child care leave (as described in the section under c)

2) parental allowance is a measure of population policy.

This right is also exercised by the mother who gave birth to the first, second, third and fourth child, provided that: she is a citizen of the Republic of Serbia, is resident in the Republic of Serbia, is entitled to health care through the Republic Institute for Health Insurance, takes an immediate care of the child for whom she has applied, whose children in previous birth order are not placed in a social care institution, foster family or given up for adoption and who is not deprived of parental rights in relation to children of previous birth order.

Birth order is determined by the number of live born children to the mother, at the time of applying for entitlement to parental allowance.

Application for entitlement to parental allowance, with complete documentation enclosed, shall be submitted no later than the child reaches six months of age.

Parental allowance can not be acquired if the mother and the members of family she lives with, pay property tax on the tax base greater than RSD12 million, and if the parents at the time when application is submitted, live and work abroad.

Parental allowance for the first child is paid as a *lump sum*, and for the second, third and fourth child in 24 equal monthly instalments.

The amount of parental allowance is determined in relation to the day of child's birth.

The amount of parental allowance shall be adjusted on 1 April and 1 October of the current year, based on statistical data, with the costs of living in the territory of the Republic during previous six months.

Parental allowance is considered an income not subject to income taxation.

3) parental allowance is a measure of social policy.

This right is exercised by one of the parents who takes immediate care of the child, who is a citizen of the Republic of Serbia, residing in the territory of the Republic of Serbia and is entitled to health care through the Republic Health Insurance Fund, for the first, second, third and fourth child by family birth order in, from the date the application is submitted.

Child-care allowance belongs to a child under the age of 19, when acting as a pupil in regular education. The education includes acquiring the knowledge as a regular student in elementary and high school, and in accordance with the regulations in the field of education.

Applicant and family members can not own real property apart from the adequate housing they live in, which can not be larger than a room per household member plus another room.

The applicant and members of the household can own agricultural land not exceeding two hectares per household member.

The applicant and family members can not own pecuniary and other liquid assets worth more than the amount of 30 child-care allowances per family member at the time of submitting application.

The incomes accrued in three months preceding the month of application, are also relevant to entitlement to child allowance.

The threshold for entitlement to child allowance is nominally determined and single parents, foster parents, guardians and parents of a child with developmental impairments for whom the decision on classification was adopted, and who is not housed in a stationary institution, can be entitled to child-care allowance under more favourable conditions, because a regular census is increased by 20%.

Single parents, parents, parents, guardians, foster parents and parents of a child with developmental impairments shall exercise the right to child-care allowance increased by 30%.

The right to child-care allowance is recognized for the period of one year and is considered an income not subject to income taxation..

4) reimbursement of the costs of pre-school stay for children without parental care is a measure that aims to further protection of children of preschool age without parental care, since this group of children is particularly vulnerable. The right can be exercised by the guardians and foster parents if they are entitled to child-care allowance, and it is important to emphasize that children without parental care who are accommodated in the institution for social protection can exercise the right without any conditions. In this way, their early integration into the peer group in the local environment is fostered and equal right to preschool education ensured.

5) reimbursement of costs for preschool stay for children with developmental impairments is a special measure to protect vulnerable group of children with developmental impairments, in order to encourage their inclusion in regular preschool groups, or to organize the work in separate groups, when necessary. This measure is aimed at supporting a child with developmental impairments to remain in the family, and to develop its capabilities under these conditions.

6) Reimbursement of costs of stay in preschool institution for the children from economically disadvantaged families. The Law stipulates that local self-government can also prescribe additional rights, by which it allows to all children to, depending on the family income, achieve adequate subrogation in paying the costs of stay in preschool institution.

The rights referred to in 1 to 5 are decided upon in the first instance by the municipal or the city administration where the applicant resides, except for the right to wage compensation during maternity leave, child care leave and special child care leave, which are decided upon by the municipal or the city administration where the employer's headquarters is located

The rights referred to 1 to 5 are financed with the funds allocated from the budget of the Republic, and additional rights from the local self-government budget.

The local government can, within its budgetary resources, also establish other additional rights that will support families with children.

i) unemployment;

Unemployment benefits is exercised as a right arising from insurance in case of unemployment, under the terms and conditions stipulated by the Law on Employment and Unemployment Insurance (*Official Gazette of RS* No. 36/09 and 88/10), which entered into force on 23 May 2009.

Unemployed person covered by mandatory insurance for at least 12 months continuously or intermittently within the past 18 months, has the right to unemployment benefits. Insurance with an interruption shorter than 30 days is also considered continuous insurance.

An unemployed person is entitled to unemployment benefits in the event of termination of the employment contract or termination of mandatory insurance on the following basis:

1. termination of employment contract by employer, in accordance to labour regulations, as follows:
 - 1) If, owing to technological, economic or organizational changes, the need for carrying out a certain job ceases or the workload decreases, in conformity with the law, with the exception of persons who have voluntarily chosen a benefit or a special benefit exceeding the amount of severance pay stipulated by the Labour Law, pursuant to the Government decision setting the redundancy programme in the process of streamlining, restructuring and preparation for privatisation;
 - 2) if an employee fails to achieve working results, i.e. does not possess the needed knowledge and skills to perform the job assigned;
2. expiry of a fixed-term employment contract, contract on temporary and casual work , probation period;
3. termination of public office of the elected, nominated and appointed persons, unless the right to administrative leave or salary reimbursement is exercised, in accordance with the law;
4. transfer of the founder's rights, i.e. the rights of the owner and the company member;
5. commencement of the bankruptcy or liquidation procedure, as well as other cases of winding up of the employer, in conformity with the law;
6. relocation of a spouse, in accordance with special regulations.
7. termination of employment contract abroad, in accordance with the law and international agreement.

An unemployed person is entitled to unemployment benefits from the first day of termination of mandatory insurance, if he/she registers at and applies at the National Employment Service within 30 days from the date of termination of employment contract or termination of insurance. An unemployed person who applies at the National Employment Service after 30 days' time period, he/she shall be entitled to unemployment benefits only for the time remaining according to specified duration of the rights to unemployment benefit. An unemployed person who submits application after the expiry of time during which he/she has been entitled to unemployment benefit, shall have no right thereof. The deadline does not include the time during which the unemployed has been temporarily incapable to work according to the regulations on health insurance.

The base for determining the amount of unemployment benefit is the average wage or salary or wage compensation of the unemployed in accordance with the law over the last six months preceding the month in which employment contract or insurance was terminated. Unemployment benefits shall amount to 50% of the base. Unemployment benefits can not be higher than 160% or lower than 80% of the minimum wage determined in accordance with the labour regulations, for the month in which the unemployment benefit is paid. The amount of unemployment benefit, determined in this way, makes the base for the calculation of contributions for pension, disability and health insurance. The amount of unemployment benefit that makes the base/basis for calculation of contributions, is reduced by the amount of contribution calculated at valid interest rates, and such a reduced amount is paid to a beneficiary of unemployment benefit. Duration of rights to unemployment benefit shall be:

1. 3 months, in case of the insurance span from 1 to 5 years;
2. 6 months, in case of the insurance span from 5 to 15 years;
3. 9 months, in case of the insurance span from 15 to 25 years;
4. 12 months, in case of the insurance span longer than 25 years.

One year of insurance span is deemed to be 12 months for which the contribution payer was covered by mandatory insurance.

Exceptionally, the unemployed shall be entitled to unemployment benefit for 24-month period, provided that he/she needs up to two years to fulfil the nearest retirement requirement in accordance with regulations on pension and disability insurance. The beneficiary of unemployment benefit is obliged to present himself/herself to the National Employment Service in order to obtain information on employment opportunities and conditions and jobmatching services every 30 days, in accordance with the individual employment plan.

Payment of unemployment benefit to the unemployed shall be continued:

1. during the course of additional education and training, in accordance with individual employment plan;
2. during the temporary incapacity to work assessed according to health insurance regulations, but no longer than 30 days from the date when temporary incapacity occurred;
3. during maternity leave, childcare leave and special childcare leave according to regulations on labour or other regulations governing absence from work.

At the request of the beneficiary of unemployment benefit, the National Employment Service can pay a unemployment benefit in a lump-sum amount for self-employment.

An unemployed person, who is a beneficiary of unemployment benefit for at least three months from the moment of recognition of rights and who enters into open-ended employment

relationships, shall be entitled to one-off employment incentive amounting to 30% of the total amount of unemployment benefit, without contributions for mandatory social insurance, that would be paid for the time remaining until the expiration of the right to unemployment benefit.

The beneficiary of the unemployment benefit can exercise this right only entering into an employment relationship for the duration of the same right to unemployment benefit, if he/she submits a written request within 30 days of entering into the said employment relationship.

Payment of unemployment benefit shall be suspended to a beneficiary during the time for which the rights arising from unemployment are suspended, as follows:

- duration of the contract on temporary and casual work,
- during military service or serving additional military period,
- for the duration of a sentence of imprisonment, security measure, correctional or protective measure, lasting up to six months,
- during a stay abroad in the event when the unemployed person or his/her spouse has been posted abroad to diplomatic, consular and other missions as part of international technical or cultural and educational cooperation

For the endurance of entitlement to unemployment benefit, the beneficiary thereof shall also exercise the right to health, pension and disability insurance. Members of the family of the beneficiary of unemployment benefit are entitled to health insurance if they have no health insurance on another basis.

The beneficiary ceases to be entitled to unemployment benefit if:

- he/she is erased from the register, in the event he/she rejects the offered mediation for suitable employment;
- the records of unemployed ceases to be kept, in the event that an unemployed person enters employment relationship or initiates the insurance on other grounds;
- fails to inform the National Employment Service within 5 days of the change in circumstances which constitute a requirement or grounds for gaining, exercising or terminating the right to unemployment benefit;
- the competent authority finds out that the beneficiary is engaged with the employer without the contract of employment or the contract of temporary or part-time jobs;
- applies for termination of rights.

A beneficiary of unemployment benefit, who is terminated the right to unemployment benefit, can exercise this right again if he/she fulfils the requirement for entitlement to unemployment benefit, but having in mind that the insurance period shall not include the years of service for which he was granted unemployment benefit. The beneficiary of unemployment benefit, who was terminated the right to unemployment benefit due to entering into employment relationship prior to expiration of the period for exercising that right, shall continue to exercise the right to unemployment benefit for the remainder of the period in the prescribed amount if he becomes unemployed again and if it is more favourable for him.

A beneficiary of the right to unemployment benefit is liable to pay contributions for pension, disability and health insurance. The base for contributions payment is the amount of unemployment benefit. Unemployment benefit is not taxable.

j) minimum resources/social assistance;

The Law on Social Protection and Provision of Security to Citizens (*Official Gazette of RS* No. 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01, 84/04, and 115/05) provides for the social protection rights. The rights relating to social protection include entitlement to financial support (income support), caregiver's benefit, assistance for training for work, housing in social protection institution or other family and services of social work in exercise of public powers, and those are the rights of general interest the provision of which lies in the competence of the Republic, while the right to home help, day care, fittings of the beneficiaries for housing in the social protection institution or other foster family, one-off assistance and other social work services in the competence of the municipality or the city.

The right to financial assistance is the pecuniary benefit for the provision of a guaranteed minimum income and it is granted to an individual or family that earns the income below the minimum social security level prescribed by law.

Financial assistance is determined in the monthly pecuniary amount equal to the difference between the minimum level of social security and the amount of average monthly income of individuals or families, accrued during the three-month period preceding the month in which the request was submitted. In addition to income lower than the minimum level of social security, there is also another requirement that an individual or family must meet in order to exercise this right (not to own the property in excess of 0.5 hectares; that an individual, or family member has not sold, donated or waived the right to inherit immovable property if approval for mortgage registration is not given; that he/she does not own movable property of greater value; that the employment relationship was not terminated to him due to his/her fault, that he/she does not own the cash, savings deposits, etc.).

Financial assistance is recognized without limits to families in which the majority of family members is unable to work, while the families with equal number of members capable and incapable of work and the families with the majority of members capable of work the right is recognized for a limited period of time, up to nine months per year. Review of conditions for further entitlement to the rights for the families with members capable of work, is conducted semi-annually, while the review of conditions for further entitlement to the rights for the families with all members incapable of work is conducted once a year. The beneficiary of the right is obliged to report any changes that affect the recognized right.

Financial benefit is not considered an income subject to tax, and is paid monthly.

One-off assistance is provided to a person who suddenly or currently finds himself/herself in need of social assistance, and can be pecuniary or in kind. This right is in the competence of the municipality or the city, which shall prescribe more detailed conditions, manner of exercise, as well as a level of one-off assistance.

All citizens are entitled to free social work services, which include preventive activity, diagnosis, treatment and consultative therapeutic work in order to provide expert assistance in solving life difficulties.

k) long-term care;

Apart from the financial support, a person may also be entitled to other cash benefits - allowance for assistance and care to another person, or an increased allowance for assistance and care to another person.

Allowance for assistance and care to another person is granted to a person who is due to injury and seriousness of the condition of injury or due to sickness in need of assistance and care to carry out the activities for satisfying the basic necessities of life, provided that this right can not be exercised on some other legal grounds. The need for assistance and care is determined by the competent authority of expertise. This assistance does not depend on income. It is recognized in the monthly amount, which totalled RSD 7, 276, 00 in November 2010.

Increased allowance for assistance and care to another person is granted to the beneficiary of right to allowance for assistance and care to another person, who has exercised this right either in the social protection system or in the pension and invalidity insurance system, and who has been diagnosed physical damage of 100% on one basis. This assistance also does not depend on income. It is recognized in the monthly amount, which totalled RSD 18,624,00 in November 2010, considering that for individuals who acquired the right to pecuniary benefit for assistance and care to another person under the regulations on pension and invalidity insurance, this right is recognized equal to the difference amount of increased allowance for assistance and care to another person determined in accordance with the Law on Social Protection and Providing Security of Citizens, and the amount of pecuniary benefit for assistance and care to another person, acquired under the regulations on pension and invalidity insurance.

l) housing.

There is no so-called housing allowance for paying the rent. In the Republic of Serbia personal property housing prevails. In addition, persons who acquired the tenancy right for an indefinite period, as holders of tenancy right under the Law on Housing (*Official Gazette of RS* No. 50/42, 96/92, 84/92, 33/93, 53/93, 67/93, 46/94, 47/94, 48/94, 44/95, 49/95, 16/97, 46/98, 26/01 and 101/05) shall pay the rent in accordance with Article 32 of the Housing Law, which is the maximum beneficial rent, or the so-called social rent.

Persons who are below the poverty line and who pay the rent for living in the apartment of a private individual, do not receive any housing allowance to pay rent, because a system of residential allowances has been introduced neither on republic nor on local levels.

Within the payments for housing services, apart from the rent, households also pay for the costs of communal services. For payment of communal services some of the local self-governments (Belgrade, Novi Sad, Kragujevac, Nis) provide for incentives for poor households to pay the costs of communal services, or allocate the funds thereof in order to compensate the costs to public utilities. This system is not unified at national level, and local self-governments provide these benefits to poor households and marginal income to carry out such subsidies vary from city to city.

In connection with the future of the system that will be developed based on the Law on Social Housing (*Official Gazette of RS* No. 72/09), eligibility criteria for entitlement to housing support under this Law may be categorized, according to the relevance, by the following order: housing status (homeless persons or persons with homes that do not comply with appropriate standards), income, health status, invalidity, number of household members, financial standing (a person who has property valuable enough to provide, by selling thereof, the funds for housing on the market, is not entitled under this law).

Additional criteria of implementing the order of priority are: belonging to vulnerable social group, such as: young people, children without parental care, single parents, families with many children, single-person households, persons over the age of 65, people with invalidities, personal disabled veterans, family disabled veterans, civilian war invalids, refugees, internally displaced persons, Roma, and members of other socially vulnerable groups.

Regulation on use of the funds for social housing, arising from this Law, has not yet been prepared, and this document will define the basic system of the future benefits and subsidies, mostly according to the level of economic potentials of households (mainly income).

NOTE: Annex 2 gives a spreadsheet under the MISSCEO principle for questions no. 157 and 158.

159. How are the various benefits and allowances delivered to the beneficiaries? How is the accessibility and efficiency of the system ensured?

In the system of social protection in the narrow sense, financial benefit is paid through the Postal Savings Bank, into a special account opened for the payment of such right, and the allowance for assistance and care to another person, and an increased allowance for assistance and care to another person, by the beneficiary's choice – delivery to the home address, through the Postal Savings Bank - into a special account opened for the payment of these rights or in the existent beneficiary's personal account at the Postal Savings Bank.

Accessibility of the system is ensured in a way that the beneficiary of the right to financial benefit can withdraw attributable amount of financial benefit at any post office in the territory of the Republic of Serbia which requires only possession of identity card as an identity document, while the beneficiaries of the allowance for assistance and care to another person, and increased allowance for assistance and care to another person, can choose the way their rights are to be paid to them. The efficiency of the system is provided in a way that the payments of these rights are made at the central level simultaneously for all users and regularly, at end of the month for the previous month.

Payment of parental and child allowance shall be made through the Postal Savings Bank, into the personal account of the beneficiary of the right, or if such does not exist, into a special account opened for the payment of these rights.

160. Who is in charge of collecting and processing social data? Are there any specialized social research institutes?

Collecting of data on social and family legal protection is the responsibility of the centres for social work, of which there are 139 in the Republic of Serbia, as well as of the institutions for housing of beneficiaries, of which there is a total of 75. Centres for social work are the authorities responsible for conducting the procedures for exercising social security rights and keeping records and documents of beneficiaries in accordance with the Law on Social Protection and Providing Security of Citizens. As the authorities of guardianship, these services keep the records of all proceedings within the guardianship, adoption and foster care, as well as provision of services to beneficiaries in accordance with the Family Law.

In addition, institutions for housing of beneficiaries keep records of their users.

A special Rulebook on the Family Law stipulates keeping of the Unified Adoption Register, which is kept at the Ministry of Labour and Social Policy (The Rulebook on the Manner of Keeping Records on Adopted Children) (*Official Gazette of RS* No. 63/05).

Automatic data processing for the payment of rights in the field of social and child protection is carried out in the Division for Informatics of the Ministry of Labour and Social Policy, based on the decisions on the recognized rights adopted by the centres for social work.

Republic and Provincial Institutes for social protection were established in December 2005 as social protection institutions for monitoring and improving the overall concept and practice of social protection, fostering the development and conducting research and other activities in the field of social protection. Basing its activities on the values focused on the development of good cooperation and functional connectivity with all relevant social actors, institutes are involved in the implementation of reform projects and programme activities that lead towards achieving an integral model of social protection in the Republic of Serbia. In accordance with the dynamics of the social protection system, institutes participate in standardization of service quality, implementation of new rulebook on the organization of centres for social work, in creation of a model of supervision, in preparing for the accreditation of educational packages, monitoring analytical and research practice, providing support to information flow and exchange and to good practices within the social protection system.

Republic and Provincial Institutes for social protection are established under the Law on Social Protection and Provision of Security to Citizens and are financed with the funds allocated from budget of the Republic of Serbia, and the Autonomous Province of Vojvodina.

Institutes for Social Protection study social problems, develop analysis and reports in the field of social protection and propose measures improvement, monitor and study the operation and organization of services within the social protection institutions, take care of their work improvement and provide technical assistance, develop professional feasibility studies for the needs of public authorities or institutions and provide expert advice on specific issues at their request, make recommendations for existing or prospective regulations, strategies, policy documents in the field of social protection, evaluate the effectiveness of certain legal solutions, development strategies, programmes and measures in certain areas of social protection, in cooperation with providers of social services initiate piloting innovative approaches for providing social services.

C. Pensions

Evaluation of the current system

161. What is the public-private mix in your country? What role do mandatory, occupational and individual pension schemes play for income security in old age (different pillars of the systems)? Is there a universal system for the whole population? Are there any statistics on the composition of income in old age (social transfers, family support, labour income, additional private income)?

Pension system in Serbia includes:

a) Public (state) system of mandatory pension and disability insurance based on: contributions paid for salaries and benefits obtained on the basis of work, current finance (PAYGO) and pension calculation regarding point principle. This system includes three categories of the insured persons, as follows: employed insured persons, self-employed insured persons and private insured persons in agriculture, with the possibility that also persons who are not insured, participate on voluntary basis in mandatory pension and disability insurance.

b) System of voluntary pension funds and pension plans, based on voluntary principle, individual accounts of the insured persons and capitalization of the invested assets.

In Serbia there is no universal pension system which would cover population who did not realize pension on the basis of contribution payment. The protection of old-age persons without any income is performed through social welfare system which provides minimum security to the whole population living below poverty line.

162. Describe the level and structure of benefits: the replacement rate, the pension distribution, adjustment and indexing of pensions and the issue of poverty among pensioners. Do you think that the pension system is adequate with regard to income security in old age, the intergenerational distribution and the reduction of poverty in old age?

Ratio between average pension and average salary (period: January – October 2010, data of Pension and Disability Insurance Fund of the Republic of Serbia):

Wage earners insurance:

old-age pension – 75%
disability pension – 60%
survivor pension – 48%

Self-employed insurance:

old-age pension – 74%

disability pension – 64%
survivor pension – 46%

Farmer's insurance :

old-age pension – 25%
disability pension – 27%
survivor pension – 18%

The Law foresees that pension adjustment is done twice per year, in April and October, according to changes in life expenses in the previous six months. Pensions were additionally increased by 10% in October 2008 (besides regular adjustment in October) and afterwards they were held at the same level in 2009 and 2010 due to financial crisis.

The Law on Budget System, as well as Draft of Amendments to Law on Pension and Disability Insurance, specifies that the pensions shall be adjusted in the following way:

2011 – exceptionally, the pensions shall be adjusted three times:

- in January in accordance with the changes in consumer prices in the previous six months;
- in April in accordance with the changes in consumer prices in the previous three months and half sum of the accomplished real increase rate of GDP in 2010;
- in October only in accordance with the changes in consumer prices in the previous six months;

2012 – in April in accordance with the changes in consumer prices in the previous six months and half sum of the accomplished real increase rate of GDP in 2011;

- in October in accordance with the changes in consumer prices in the previous six months;

2013 and afterwards – in April in accordance with the changes in consumer prices in the previous six months and in case GDP is increased by more than 4%, the difference above the accomplished rate of real increase in GDP and the rate of 4% in the previous year;

- in October in accordance with the changes in consumer prices in the previous six months.

Regarding system adequacy, we are enclosing the table including data on covering of old-age population through the pension income, i.e. it shows what the percentage of population in certain age group is which is receiving pension:

	65+	65-69	70-74	75-79	80-84	85+
Men	87%	92%	92%	90%	75%	51%
Women	69%	75%	76%	70%	57%	45%
Total	77%	83%	83%	78%	64%	47%

Source: Statistical Office of the Republic of Serbia, Pension and Disability Insurance Fund of the Republic of Serbia, Ministry of Labour and Social Policy

Population pension coverage is the lowest with the oldest population. Coverage is increased with population who retired in the last 15-20 years, especially with men, thus more than 90% of men aged between 65 and 79 years receives pension. This percentage is slightly lower with women, yet significantly high (it exceeds 75%) which is in correlation with the high employment rates in 90's in the previous century.

Regarding population poverty, we are pointing to the fact published in the second report on application of Poverty Reduction Strategy that the percentage of the poor who live in households with a pensioner as a bread-winner equals average number of the poor in Serbia and it amounts 8,8%. Considering all other groups of population, apart from those living in the households with the employed bread-winner, the participation of the poor population is significantly higher than the average at the level of Serbia:

The participation of the poor in accordance with socio-economic position of the household bread-winner in Serbia in 2006

	Self-employed	Employed	Unemployed	Pensioners	Other inactive	Total
Percentage of the poor	10,2%	5,2%	14,7%	8,8,%	28,2%	8,8%

Source: Report on the application of Poverty Reduction Strategy

If population poverty is regarded in accordance with the source of the basic income of the household, after households which make the basic income in agriculture, the households whose main source of income is pension have been most prone to poverty risk, and the members of such households were poorer than the average of Serbia:

	Public sector	Private sector	Agriculture	Pensioners	Other	Total
Percentage of the poor	4,8%	7,1%	11,5%	10,2%	26,3%	8,8%

Source: Report on the application of Poverty Reduction Strategy

Ten percentage of population aged 65 and more was classified as poor, which exceeds the average of Serbia (8,8%) but it is also higher than participation of the poor in the households in which the pensioner was a bread-winner (also 8,8%), whereas it was at the level of participation of the poor in the households whose main income in derived from pension (10,2%). It can be said that the pension income considerably affects poverty reduction with old-aged persons.

163. Describe current problems of financing the pension system in your country.

There are several reasons for difficulties in financing pension and disability system of which some have been inherited and some are the consequence of global economic downturn.

In Serbia, as in many European countries, the pension and disability system is PAYGO system. Before the 1990's, the age structure of population was favourable (population was young with relatively many employed and relatively little pensioners), while the system included numerous

favourable solutions with reference to retirement conditions, social protection, etc., and a set of more favourable rights providing the citizens greater security. However, parameters changed in time, but did not follow the demographic changes, labour market and economic trends in the country. Also, in the decades before, the pension and disability system was used to resolve numerous social issues, from unemployment, redundancies, to occupational injuries which occurred outside the workplace.

In addition, 1990's crisis, a consequence of the dissolution of the Ex-Yugoslavia, economic sanctions, shelling of Serbia, and transition to market economy, all had further adverse impact on pension system in financial terms.

Before the pension reform was initiated in 2001, due to the abovementioned factors, there were delays in pension benefit disbursement, and thus accumulation of arrears. The last ten years of reform resulted in regular disbursement of pension benefits and recovery of almost all the debt to the pensioners. However, the involvement of the state in financing of the disbursement of regular annuities in the form of the direct budget transfers to the Pension Fund is increasing annually. The share of subsidies for financing of expenditures of the Pension Fund amounted to 41 percent in 2009. In previous year, this share was at 28 –35 per cent. Also, it must be noted that the Pension Fund's spending include health insurance spending for the pensioners, disbursed by the Pension Fund at rate of 12,3 per cent to the amount of the pension benefits disbursed. If these expenses are excluded, and only spending for pension benefits are taken into account, then subsidies from the budget for the pension benefit amounted to 31 per cent in 2009.

The major difficulty standing in the way to effective financing of pension benefit disbursement are linked to the unemployment level growth and grey economy, problems in the contributing collection (undeclared work, disbursement of wages without duly paid taxes and contributions, unpaid and owing contributions) with increasingly unfavourable demographics in Serbia.

164. What are the economic incentives set by the pension system with regard to labour market participation, employment policies? Are there any other incentives (e.g. support for employers hiring older workers)?

The Law on Compulsory Social Insurance Contribution defined that the employee who recruits a person who is older than 50 years on the date of conclusion of employment contract and who has the status of cash unemployment benefit beneficiary during unemployment or has been registered as an unemployed with the National Employment Service for at least six months in a row, shall be exempt from paying the contributions for mandatory social insurance, which are paid from the assets of employer in the period of two years.

Also, the employer who recruits a person who is older than 45 years on the date of conclusion of Employment contract and who has the status of cash unemployment benefit during unemployment or has been registered as an unemployed with the National Employment Service for at least six months in a row, is entitled to contributions for mandatory social insurance, which are paid from the assets of employer decreased by 80% in the period of two years.

In both cases, if an employee is dismissed within five years from the date of employment, the employer is obliged to pay the contribution he was exempt to pay, calculated with inflation.

165. Are there certain groups excluded from the system (coverage)? Is there a possibility of 'opting out'? If so, are there any problems caused by the exclusion of certain groups? Do you consider the system as equitable with regard to gender equality and other groups of the population?

The system of mandatory pension and disability insurance includes the employed, self-employed, and farmers. Therefore, the categories of population which are not included in the specified insured persons (housewives, students up to 26 year old, if they work through youth association) are not included in this system. However, the provision in the article 15, Law on pension and disability insurance stipulates that also the persons who do not have mandatory insurance pursuant to this law can be included in mandatory insurance, by contracting the agreement with Republic Fund for Pension and Disability Insurance and thus obtain the rights from this insurance under the conditions, range and method specified in this law.

166. Does the public consider your system as transparent and administratively effective? Does the system meet general acceptance in the population?

Through media, as well as based on official information of the Service of this Ministry authorized for public relations, the public gets acquainted with the measures taken in the reform process of pension insurance system.

Besides that, to enhance the system transparency, at the official Internet presentation of the Ministry of Labour and Social Policy (www.minrzs.gov.rs), the data and information within the ministry area are regularly updated, as well as pension and disability insurance, and Info centar has been working since 1 February 2008, through which the citizens can get information on everything they are interested to know regarding pension and disability insurance system.

Pension Fund also has its public relation service as well as Internet address (www.pio.rs) on which information on pension system and fund functioning can be found. Besides that, the Fund publishes also the magazine "The Voice of an Insured Person" in which topics of importance for pension system are elaborated.

When new regulations are drafted, the representative unions and associations of employers have their representatives in the working group, which provides their influence on defining the final view of the regulations.

Thus, there are feedback information, proposals, suggestions and reviews, which contributed to adoption and implementation of the measures which significantly enhanced administrative system efficiency.

In 2009, the survey in public was implemented regarding pension system knowledge, which is the public campaign basis for enhancement of informed population on this topic.

Regarding future challenges, it is required to enhance the knowledge of population, then affect the increase of their interest in functioning and characteristics of pension system, increase the

level of their being interested in the method of income provision in the old age and primarily, affect the development of long-term population behaviour considering consumption planning during the life cycle.

Evaluation of future challenges

167. Assess the financial sustainability of the system (of each pillar) with regard to demographic, economic and social changes.

State, PAYGO system: Regardless currently poor image, demographic situation does not represent a significant threat to system sustainability on short-term basis. In other words, even with the unfavourable demographic image, as it is in Serbia, system would currently be functioning without any need for assistance by the state, in case other factors were favourable. Namely, the most significant issues are at the moment: high unemployment, issues on contribution payment, numerous bankruptcies and liquidation of companies which are not accompanied by establishment of new companies, unfavourable structure and underdevelopment of industry and other factors, mostly in economic sphere. However, on long-term basis, increasingly aging of population (and Serbia has already represented one of the oldest societies in Europe) shall cause issues in pension system, even with the assumption of unfavourable effect elimination regarding the specified factors. Exactly from that reason, the reforms on this part of pension system have commenced, in order to adjust its parameters to the situation in which it is functioning.

Voluntary pension funds and pension schemes: This part of the system is still at its beginning. It has been functioning since 2006 when “Law on Voluntary Pension Funds and pension schemes” (“Official Gazette of RS”, no. 85/05) was implemented. The greatest threat to its development represents the potential standstills in development of state economy and financial market and increase in population standard, who would only with favourable movements in economy have a possibility that the part of their assets use as additional savings for the old age, which would actuate the development of this part of pension system.

168. Are there pension finance projections for the future? Which future developments are indicated?

At the moment, there is just a commitment that the participation of expenses for the paid pensions in GDP should be decreased in the period up to 2015. In compliance with that principle, the proposal for further measures is prepared regarding system reform and corresponding financial projections for that period. Besides aforementioned, the technical preparations are being done (creation of appropriate models, collection and regulation of information and data) for making the projections on long-term basis.

169. What are the main challenges for the old-age security of your country in the future?

As it has already been specified, at the moment, the most significant issues are: high unemployment, issues on contribution payment, numerous bankruptcies and liquidation of companies which are not accompanied by establishment of new companies, unfavourable structure and underdevelopment of industry and other factors, mostly in economic sphere. However, on long-term basis, increasingly aging of population (and Serbia has already represented one of the oldest societies in Europe) shall cause issues in pension system, even with the assumption of unfavourable effect elimination regarding the specified factors.

Evaluation of recent and planned reforms

170. Describe recent major reforms which have been implemented. What were the main objectives of the reforms?

The reform of pension insurance system commenced in 2001 and it has lasted since then. In various phases of the reform, the measures were taken in the course of provision of financial sustainability of pension system, enabling regular pension payment, enhancement of the standard of the pension users, implementation of additional possibilities to make income in the old age and similar. The most important measures brought in the reform process include:

- 1) Measures at reform parameters of mandatory pension and disability insurance based on:**
 - **age limit**, as the condition for exercising rights for age pension, firstly in January 2002 it was raised from 60 to 63 years for men, from 55 to 58 years for women, and that in the period 2008 – 2011 it has been gradually increased, six months per year, from 63 to 65 years for men, i.e. from 58 to 60 years for women.
 - **the method of pension calculation was changed** – the calculation method was implemented based on personal points, which are determined based on the duration of work service and sum of contribution payment for every single insured person, and general point, which is equal for all persons who at certain period obtain right to retire.
 - **the work service being considered in the event of pension calculation has been extended** – Previously the pension calculation was done on the basis of data in ten most favourable years of work service of the insured person. After enacting the Law, the pension is determined based on the complete work service, completed from not earlier than the year 1970.
 - **the method of pension adjustment was changed**: quarterly pension adjustment was used from 1 January 2002, when the adjustment percentage was determined based on 50% in relation to salaries and 50% in comparison to life expenses in the previous quarter (so-called "Swiss formula"). Afterwards, in the period from 2006 to 2009, gradual transfer from pension adjustment four times per year in accordance with "Swiss formula" to adjustment twice per year in accordance with changes in life expenses was performed;
 - **unique minimum pension amount was implemented**
 - **definition of disability was changed** – it was stipulated that the condition for being entitled to disability pension is the total disability to work. It represents a significant

change in making the conditions more strict in comparison to previous regulations for which in order to exercise right to disability pension it was enough to specify the disability to perform corresponding job the insured person did, and furthermore the right to compensation on the basis of partial disability was cancelled. These rights were transferred to the area of employment of persons with disability;

- the obligation of contribution payment was implemented for all incomes exercised on the basis of some economic activity. Thus, the basis for contribution payment for pension and disability insurance was extended, which had a positive effect on an increase in fund income. The possibilities to avoid contribution payment were reduced as well, whereby contribution payment on this basis shall have a positive effect also on the height of pensions of those persons after exercise of their rights;
 - **the possibility of voluntary participation into mandatory insurance was implemented** for all persons who are not insured, and they are willing to pay the contributions for pension and disability insurance.
 - **changes in the scope of insured persons in agriculture** – in the period before the reform commencement, the obligation to be insured had all members of the agricultural household. The new Law regulates that only the bread-winner of the agricultural household, i.e. at least one household member is mandatory insured, whereas other members have the possibility of being included into insurance on the voluntary basis.
 - the rate of contributions for pension and disability insurance amounted 32% until 1 May 2003. In the course of reduction of tax burden on the economy, the rate in the period from 1 May 2003 until 1 July 2004 was reduced to 20,6%, whereas after that date it was raised to 22% as it amounts nowadays.
 - **regular pension payment was established** regarding insurance of the employed (whose pensions were paid with the delay of one and a half month) and insurance of persons in agriculture (whose pension payment were delayed for 20,5 months), when the debts towards pensioners were transferred to the public debt. Almost the complete debt amount was paid (only one instalment, out of four instalments at the commencement of payment, is left for the payment to the users of agricultural pensions).
- 2) **The Law on contributions for mandatory social insurance** (“Official Gazette of RS”, no. 84/04, 61/05, 62/06, 5/09), which has been applied from 1 September 2004, financing of the complete social insurance (pension and disability insurance, health insurance and insurance in case of unemployment) in unique way. In other words, this Law took over the provisions regulating the issue of calculation and payment of contributions in all three systems.
- 3) Besides parametre reforms, also **the pension administration reforms** – previous three pension funds, which were organised in accordance with the type of an insured person (Republic Fund for pension and disability insurance of the employed, Republic Fund for pension and disability insurance of the self-employed and Republic Fund for pension and disability insurance of the insured persons in agriculture), were joined into one Republic Fund for pension and disability insurance in 2008, and
- 4) activities regarding reform of business processes and procedures within the fund are in process.

- 5) The state solved **the problem of unpaid contributions** for the persons who were employed and registered to the insurance in the period from 1 January 1991 until 31 December 2003, who were not paid the contributions for the part or the complete period. That was regulated by the Law on payment of contributions for pension and disability insurance for certain categories of the insured persons - the employed, enacted in October 2005, by which the realised work service is confirmed to these persons.

In addition, on the basis of Conclusion 05 Number: 113-1041/2010-004 from 17 February 2010, the Government agreed to link the work service through payment of unpaid liabilities on that basis to certain economic entities who have unpaid liabilities for contributions for pension and disability insurance of the employed for the period from 1 January 2004 until 31 December 2009.

- 6) **The system of voluntary pension funds and pension schemes was established**, which represents the part of pension system. In this way, everybody who wants to pay additional assets to their pension is enabled to do that.
- 7) **The Central Registry of Mandatory Social Insurance has commenced to work.** In fact, the Law on Central Registry of Compulsory Social Insurance ("Official Gazette of RS", no. 30/10) was implemented, which commenced being used on 15 May 2010. This Law regulates: establishment, institutions and activity of the Central Registry of Mandatory Social Insurance, relations between Central Registry of Mandatory Social Insurance and organizations of mandatory social insurance, institution authorized for public income activities, institutions and organizations authorized for registration of legal and private entities and data of importance for obliges of contribution payment, relations between Central Registry of Mandatory Social Insurance with other legal entities, as well as other issues of importance for functioning of Central Registry of Mandatory Social Insurance. Besides that, in compliance with the provision of article 11, paragraph 4 of the specified Law, also the Regulation was brought on content, form and method of submission of the unique application for the mandatory social insurance, unique methodology principles and unique keys codex for data entry into the unique base of the Central Registry of Mandatory Social Insurance ("Official Gazette of RS", no. 54/10) which was used as of 1 October 2010. This Regulation regulates the immediate content and form of the unique application for mandatory social insurance, method of submission of the unique application, proofs submitted with the application, unique methodology principles and unique keys codex for data entry into the unique base of the Central Registry of Mandatory Social Insurance.

It is required to consider that the reform measures have been changed within the existing situation of economy and economics, which affected also their efficiency.

171. Describe the discussion and status of planned reforms. What are the main political positions? What is the expected impact of these reforms?

The basic goal of the reforms is establishment of financially sustainable pension and disability insurance system, regular pension payment and enhancement of the standard of the pension users, wherein reform implies also some unfavourable measures, such as increase in age limit for exercising right to age pension.

In this phase of the reform, the Draft Law on Amendments to Law on Pension and Disability Insurance has been prepared, which has stipulated: a gradual increase of the conditions for exercising the right to age pension - for the insured women from 35 to 38 years of work service and from 53 to 58 years of age (women and men); change in method of pension adjustment, so that, besides the changes in consumer prices, also an additional parameter was implemented for pension adjustment, which is a real increase of GDP; for the insured persons whose work service for insurance is calculated with extended duration, the changes in conditions regarding the required years spent at work place, i.e. work for reduction of age limit, as well as gradual extension of general age limit from 53 to 55 years. For the insured persons doing the most demanding jobs (for example miners, ballet dancers), the advantage that the age limit can be reduced up to 50 years remained; inclusion of military insured persons into the unique pension and disability insurance system as of 1 January 2012. The Government considered this Draft at the assembly seating held on 17 June 2010 and determined the Proposal for a Law on corrigendums and addendums of the Law on Pension and Disability Insurance, which was submitted to assembly procedure on 22 June 2010. However, the unions showed dissatisfaction by certain proposed provisions, especially in relation to raising the age limit for the insured women; therefore, the Proposal of the Law was withdrawn from the assembly procedure by the conclusion of the government from 22 October 2010. Meanwhile, through negotiations with the union representatives, the possibility of additional adjustment of the minimum pension amount was defined from 1 January of the current year, if the minimum pension amount paid in the insurance of the employees for the previous year amounts less than 27% of the average salary of the employees excluding taxes and fees, and that the required minimum work service of insurance for a female oblige is increased from 35 to 38 years, gradually in four months annually, but only from 2013, instead of 2011. The remaining requests of the union representatives refer to the issue of insurance service years with extended duration, so-called reduced service years, considering the real possibilities of the pension and disability insurance system. However, it is expected that the new text of the Draft Law on Amendments to the Law on Pension and Disability Insurance, with the aforementioned corrigendums, shall be found in the assembly procedure once again very soon, which is of general interest.

172. Provide an analysis of current trends in pension policy and an assessment whether in your view these reforms (recent and planned) will cope with future challenges.

The reform of pension system is a process, thus all activities in reform have a goal to gradually order the system characteristics, in order to secure its sustainability. For that reason, numerous measures were taken, often unfavourable, but required for reaching that goal. We regard that their implementation shall give a good base so that the pension system in future is functioning without any significant problems. Of course, for accomplishing that goal, the stable and developed economic-social surrounding is required in which pension system is functioning.

D. Health and long-term care

173. Please explain how the delivery of health and long-term care is organised. What is the structure of the healthcare system in your country? What is the share of resources devoted to the primary and secondary care?

The essence of the health policy of the Republic of Serbia includes: health improvement, equity in health by reducing inequalities, equity and solidarity in financing and use, then, the provision of optimal and highly specialized services, as well a response to people's expectations - reinforcing the public and the accountability of the system.

The system is organized into the following levels: primary, secondary and tertiary.

- primary health care: basic, active, belongs to the first level of contact with a patient;

Health practice at the primary level is organized as follows: health centre, pharmacy and Institute (Institute for Student Health Care, Institute for Occupational Health; Institute for Emergency Medicine; Institute for Gerontology; Institute for Dentistry; Institute for Pulmonary *Diseases and Tuberculosis*; *Institute for Dermatology and Venereology*).

- secondary level: comprises hospital - inpatient and consulting (specialized) activity;

Health practice at the secondary level is organized as follows: general hospital and special hospital (for psychiatric patients, for patients with tuberculosis, for rehabilitation, etc.).

- tertiary level: sub-specialist activities, education and scientific research.

Health facilities at the tertiary level: Clinical Hospital Centre, Clinic, Institute and Clinical Centre

- health care institutions that perform the activities on several levels:

Bureaus and Institutes of Public Health; Institute for Blood Transfusion; Institute of Occupational Medicine; Institute of Forensic Medicine; Institute of Virology, Vaccines and Sera; *Institute for Antirabic Protection*; *Institute for Psychophysiological Disorders and Speech Pathology*; and *Institute for Biocides and Medical Ecology*.

Health care institutions in Serbia can be state-owned or privately owned. State-owned health care institutions are established in accordance with the Plan of health institutions network, adopted by the Government. The Plan of health institutions network shall establish the structure, number, capacity and spatial distribution of health care institutions.

The following institutions are established solely as state-owned: for emergency medical aid, for blood supply, in the field of transplantation, for the production of sera and vaccines, for pathoanatomic and autopsy work and in the field of public health.

Private practice is established as: clinic and polyclinic, laboratory, pharmacy, health care ambulance and laboratory for dental technology.

What proportion of resources is devoted to primary and secondary health care?

Health activities are implemented by healthcare professionals (physicians and dentists, pharmacists and pharmacists-medical biochemists, nurses and technicians), then, healthcare associates and non-medical staff.

The total number of health centres amounts to 167, and the percentage of the total number of physicians working in primary health care (health centres) is 43%. Number of citizens per a physician at the primary level is the 1112.

The total number of general hospitals is 41 (the number of beds thereof is 14 857).

Out of the total number of physicians and specialists – 20,066 – 7,562 of them (37.7%) work in hospitals.

Out of the total number of nurses and technicians – 56,883 – 23,949 of them (42.1%) work in hospitals.

Bedding capacities:

The level of health care	Number of beds (%)
Primary	320 (0, 8%)
Secondary	32,770 (84%)
Tertiary	6,000 (15.2%)
Total	39,090

The number of beds in the institutions at the tertiary level is as follows:

- Clinics – 1,007 beds
- Institutes – 4,016 beds
- CHC – 2,332 beds
- KC – 7, 103 beds
- Military Medical Academy - 500 beds.

174. Please explain how the healthcare system in your country is financed (is there compulsory insurance or budget financing)? Please indicate the respective parts of taxes and social contributions, the breakdown between compulsory coverage and voluntary complementary coverage and further information on out-of-pocket payments (if available).

There is a system of compulsory health insurance in the Republic of Serbia (Bismarck model). Funds for financing the right arising from compulsory health insurance are provided by the payment of contributions for compulsory health insurance and from other resources, in accordance with the Health Insurance Law and the law regulating contributions for compulsory social insurance. These funds represent the income of the Republic Institute for Health Insurance, i.e. the income transferred therein from the Budget of RS.

Contributions for employees are paid by the employer (the contribution rate is 12.3% of the base), and are borne by the employer and the employee in equal amounts. In addition, other categories of insured persons pay the contribution rate of 12.3% of the base to which the contribution is calculated, while the contribution for vulnerable groups, which is provided from the budget of the Republic of Serbia, amounts to 12.3% of the minimum base.

175. What is the level of total healthcare expenditure in % of GDP? What is the proportion of public and private financing? What is the incidence of out-of-pocket payments (official and unofficial) in healthcare (if available)?

Answer:

Table 1 *Health care expenditures share of GDP in Serbia, 2003-2008 - BATUT*

Indicator	2003	2004	2005	2006	2007	2008
Total health care expenditures share of GDP (%)	8,7	8,6	9,0	9,3	9,9	9,8
Public health care expenditures share of the gross domestic product	6,2	5,9	6,0	5,9	6,1	6,1
RIHI (Republic Institute for Health Insurance) public health care expenditures share of GDP (%)	5,6	5,4	5,5	5,5	5,7	5,6
Private health care expenditures share of GDP (%)	2,5	2,7	3,0	3,4	3,8	3,7

Out-of-pocket payments

2003	2004	2005	2006	2007	2008
86,3	88,0	89,7	90,9	92,2	92,2

Given the fact that GDP per capita in the Republic of Serbia amounts to EUR 4.300, of which about 6% or 14% of total expenditures of the state is allocated for health care, i.e. small allocations for health care expenditures per capita in the Republic of Serbia (about 270 EUR per capita), the increase in total health care expenditures will result in an increase in funding for extending the rights of the insured persons (eg. expanding of the lists of medicines that are provided from the resources of compulsory health insurance, ensuring a broader scope of health services, etc.). In addition, for a number of services a minimal participation to be paid has remained in a fixed amount of RSD 50, and also the participation to be paid in a certain percentage of the expenditures of health services has not been increased. The increase in total allocations for health care will also result in the reduction or abolition of the percentage share of the insured persons in payment of the cost (participation) for certain rights arising from health insurance (e.g. for certain medicines and health services) or for certain categories of insured persons (socially vulnerable).

In addition, certain benefits are also provided to other categories of insured persons who earn their own income (employees, pensioners, farmers, entrepreneurs, etc.). In fact, according to Articles 24 and 25 of the Rulebook on the Contents and Scope of the Rights to Health Care from the Compulsory Health Insurance and on Participation in 2010 (*Official Gazette of RS* No. 11/10, 50/10 and 73/10), to the insured persons whose income is below the amounts laid down by this Rulebook, as well as to members of their families, health care is provided in full amount from the compulsory health insurance funds, i.e. those persons are exempt from paying participation fee. For insured person who lives alone, the said amount is defined as the minimum wage in the net amount plus 30%, laid down in accordance with the labour regulations for the month of application. For insured person who lives in family household this threshold is determined as the minimum wage in the net amount per family member, laid down in accordance with the labour regulations for the month of application.

176. What is the accessibility of healthcare system? Please describe existing inequalities in access (geographical, financial, social)? Are certain groups excluded from the public system for legal reasons (coverage)?

Regarding employment, there are 2,958,668 persons insured, which equals 43.60% of the total number of the compulsory insured persons. Pensioners are at the second position regarding the number of insurers in relation to the insurance basis, whose number equals 1,842,066, i.e. 27.14%, and the persons whose insurance is financed from the budget of the Republic of Serbia occupy the third position, of which there are 1,210,157, i.e. 17.83%.

- 7.7 million citizens

- The total number of the insured persons is 6,866,620 citizens, of which 4,637,740 are insurance holders and 2,228,880 are family members. As socially handicapped categories of citizens whose incomes are financed from the budget of the Republic of Serbia, pursuant to Article 22 of the Law on Health Insurance, 1,047,516 persons are insured. (in the attachment the table with the number of insurance holders based on various insurance basis is enclosed). It may be concluded based on the specified data that approximately 3.5 million citizens pay the contributions for themselves and their family members.

Incomes in 2008

70% - contributions of the employees

23% - contributions of PDI Fund and NES

7% - Other incomes

Expenditures in 2008

46% - salaries of 104,000 employees in health care system

38% - expenses of health care protection, energents, medicines, consumable and built-in material, implants, medical aids...

11% - prescription medicines

3% - remunerations for sick leaves and mileages

1% - RIHI expenses

1% - payment of interests and credits

Incomes in 2009

68.58% - contributions of the employees

28.96% - contributions of PDI Fund and NES

2.46% - Other incomes

Expenditures in 2009

46.13% - salaries of 103,641 employees in health care system

34.78% - expenses of health care protection, energents, medicines, consumable and built-in material, implants, medical aids...

12.55% - prescription medicines

4.18% - remunerations for sick leaves and mileages

2.36% - RIHI expenses

0.00% - payment of interests and credits

Incomes in the period 01.01-31.10.2010

68.78% - contributions of the employees
28.86% - contributions of PDI Fund and NES
2.36% - Other incomes

Expenditures in the period 01.01-31.10.2010

43.98% - salaries of 104,486 employees in health care system
35.25% - expenses of health care protection, energents, medicines, consumable and built-in material, implants, medical aids...
14.42% - prescription medicines
3.96% - remunerations for sick leaves and mileages
1.90% - RIHI expenses
0.49% - payment of interests and credits

The compulsory health insurance system is financially sustainable, however, due to a wide range of rights enabled to insurers and tendency that those rights are expanded also in the following period, it is required to increase the budget allowances for financing the compulsory health insurance system.

In addition, in health care institutions, there is a required number of health care employees for services provided within the compulsory health insurance and there was no cases of numerous transfer of health care staff from the state health care institutions to other job positions, i.e. private sector.

177. Is the healthcare system sustainable from the financial point of view? Is it sustainable from the point of view of human resources? Do you observe outmigration of staff or staff shortages? If yes, are there any strategies in place to retain staff?**Financing**

- 7.7 million citizens
- 3.5 million citizens pay the health insurance for themselves and family members, covering 6.5 million citizens, and 1.2 million citizens are persons without income, protected categories - unemployed, refugees, allocated and prosecuted persons and other social categories

Pursuant to the data of the Republic Institute for Health Insurance (RIHI) available on: <http://www.lat.rzzo.rs/index.php/finansijski-izvestaji-main/286.html>, the income structure of the Institute in 2009 was:

69% - contributions of the employees
29% - contributions of PDI Fund and NES
2% - other incomes

Expenditures in 2009 amounted:

48% - salaries of 104,000 employees in health care system
32% - expenses of health care protection, energents, medicines, consumable and built-in material, implants, medical aids...
13% - prescription medicines
4% - remunerations for sick leaves and mileages

3% - other expenses (expenses of RIHI and payment of interests and credits)

The compulsory health insurance system is financially sustainable, however, due to a wide range of rights enabled to insurers and tendency that those rights are expanded also in the following period, it is required to increase the budget allowances for financing the compulsory health insurance system.

In addition, in health care institutions, there is a required number of health care employees for services provided within the compulsory health insurance and there was no cases of numerous transfer of health care staff from the state health care institutions to other job positions, i.e. private sector.

178. What are outcomes of the health system as measured by different indicators? International comparison would be welcome. How is quality of care controlled (is there an independent body in charge of controls)? How are technologies in the care system assessed (is there an independent body in charge of the assessment)?

The expected life duration at birth in Serbia in 2009 amounted 71.1 years for men and 76.4 years for women, whereas in EU in 2008 it amounted 76.3 years for men and 82.4 years for women. The expected life duration of citizens age 65 years in Serbia in 2008 amounted 13.9 years for men and 16 years for women, whereas in EU in 2008 this indicator amounted 17.1 years for men and 20.7 years for women.

The infant death rate in Serbia shows decreasing tendencies, but the values of indicators in 2008 with 6.7 infant deaths per 1000 live births are still higher than the average of the European Union countries (4.4 infant deaths per 1000 live births). The results of the Research of multiple indicators of the state and condition of women and children in

Serbia refer to significantly more inconvenient values of death rate in relation to Roma infants in Roma settlements, where the value of this rate in 2005 when the research was performed was three times bigger and amounted 25, whereas in general population of Serbia it was 8.9 infant deaths per 1000 live births.

The indicator values in relation to the period of intensive supervision of the health care department in reference to the health of mother and child also imply that the efficiency of the health care protection in this segment in 2008 are less convenient in comparison to the EU.

The selected death rate, Serbia and EU, 2008

	Fetal deaths per 1000 births	Early neonatal deaths per 1000 live births	Perinatal deaths per 1000 births	Infant deaths per 1000 live births	Maternal deaths per 100000 live births
Serbia	4.97	3.91	6.23	6.7	14.48
EU	4.12	2.04	5.8	4.4	6.12

Source: European Health for All Database (HFA-DB). Taken from: <http://data.euro.who.int/hfadb/>

The standardised death rates in relation to certain chronic non-contagious diseases of the highest public health significance show that in relation to death rate from circulatory system and malignant diseases, the values of these indicators in Serbia are less convenient in comparison to the EU countries.

The standardised death rates of the selected death causes, Serbia and EU, in 2008

	SDR, diseases of circulatory system, all ages per 100000	SDR, malignant neoplasms, all ages per 100000	SDR, trachea/bro nchus/lung cancer, all ages per 100000	SDR, cancer of the cervix, all ages, per 100000	SDR, malignant neoplasm female breast, all ages per 100000	SDR, external cause injury and poison, all ages per 100000
Serbia	523,3	203,6	50,5	10,3	29,8	43
EU	240,4	173,6	37,6	3,3	23,7	38,9

Source: European Health for All Database (HFA-DB). Taken from: <http://data.euro.who.int/hfadb>

The level of technological equipment (data from 2009):

The type of medical equipment	Number of devices
magnetic resonance imaging	38
scanners	90
PET	2
Gamma camera	1
mammography units	75
Linear accelerators	13
Telecobalt 60	One, 30 years

The indicator values of the hospitals functioning in Serbia, every year show approximating to the indicator values of the hospitals in the EU.

The efficiency indicators of the hospital functioning in Serbia and the EU

Year	Total number of released patients per 100 citizens		Length of stay in hospitals		Average daily occupancy of beds in hospitals	
	Serbia*	EU**	Serbia*	EU**	Serbia*	EU**
2007.	15,3	17,5	9,6	8,8	73,4	77,0
2008.	16,2	17,7	9,2	8,7	74,7	77,9
2009.	17,3		8,8		74,5	

*Source: Institute for Public Health of Serbia "Dr Milan Jovanovic Batut", Health Statistical year book of the Republic of Serbia 2009.

179. What is the organisation of the supply of long-term care services (is there a specific budget, specific plans etc.) compared to demand? What is the role of institutional and non institutional care? What is the proportion of public and private supply?

Long-term care and treatment in Serbia has been performed in the existing health and social protection institutions. According to the data of the Ministry of Education, the inclusion of children with institutionalized pre-school upbringing and education is slightly increasing. Special institutions for palliative care and treatment of patients in terminal disease phase do not exist. In the strategy for palliative treatment, adopted in March 2009, palliative care and treatment shall be integrated into the existing health care system. At the level of primary health care protection, palliative care shall be provided in health care institutions and home treatment services as well as forming palliative care teams. At the level of secondary health protection, i.e. in general hospitals, it is planned to form the special palliative care units within the ward for prolonged treatment and care. The units for palliative care with 140 beds were formed in 13 health care institutions and their increase to 160 is planned until 2015.

The sustainable financing method of long time care is still required in numerous countries, considering the fact that the private financing sources share is relatively high³⁷. There is a risk that the investments into health care and long time care shall specially suffer during financial crisis. Local and regional governments are increasingly included into this care aspect, which should continue. According to the evaluations from National Health Account, the shares for long time care in Serbia, as the percentage of the total consumption for health care protection, increased from 0.33% in 2003 to 1% in 2008.

The long term care institutions in Serbia are regarded as social protection institutions and their share in 2007 was approximately 0.74%, and 0.84% in 2008.

In 2007, out of totally spent financial assets for health protection amounting 226,893,474,000, the share for Long term care was 1,744,165,490, of which 568,114,850 was selected from private financment sector (OOP) and 1,176,050,640 is a share from public sector.

In 2008, out of totally spent financial assets for health protection amounting 273,414,323,000, the share for Long term care was 2,285,605, of which 717,304,000 was selected from private financment sector (OOP) and 1,568,301,004 (OOP) is a share from public sector.

180. Did you take specific measures to improve access quality and sustainability of thehealth care sector? Same question regarding the long-term care sector.

Implementation of specific measures to improve the quality of access and sustainability

1. healthcare sector
2. long-term care sector

1. Basic organizational structure of the health care system comprises the network of *state-owned health care institutions*, as well as privately owned health care institutions and private practice.

The types of health care institutions in the Republic of Serbia are defined by the Law on Health Care, while the number, structure, capacity and spatial distribution of state-owned health care institutions is regulated by the Plan of health care institutions network (*Official Gazette of RS*

No. 42/06, 119/07, 84/08, 71/09 and 85/09). The Network of state-owned health care institutions is organized on three levels of health care services provision.

The founders of state-owned health care institutions are the Republic, the autonomous province and the local self-government. The highest degree of decentralization was implemented at the primary health care level, given that the exercise of the founder's rights over the institutions at the primary level (health centers, pharmacies and institutes at the primary level) was taken over by local self-government.

Capacities

According to the Network Plan, the total number of state-owned health care institutions is 375, as follows: 167 health centers, 41 pharmacies, 16 institutes at the primary level, 5 medical centers, 40 general hospitals, 40 specialized hospitals for acute and chronic conditions and for rehabilitation, 5 clinical-hospital centers, 6 clinics, 13 institutes, Military Medical Academy, 4 clinical centers, 37 institutes and bureaus conducting the business on multiple levels, out of which 4 are institutes and 23 bureaus of public health.

The total number of beds laid down by the Network Plan is 38,590, which ensures the capacity of 525 beds per 100,000 population. According to the data collected in health care institutions through the health and statistical reports, the total number of beds in 2008 amounted to 39,660 (not including the beds in day hospitals). In this way, 540 beds per 100,000 population were ensured, slightly less than the EU average (570 per 100,000 population) and significantly less than the average in the WHO European Region, which amounts to 668 beds per 100,000 population.

According to the Network Plan, a total of 114,317 staff was employed in health care institutions in 2008. . Of that number, 20,668 (18.1%) were physicians (of whom 74.3% specialists from various disciplines), 39,905 (34.9%) nurses-technicians, 29,117 (25.5%) administrative and technical workers, while 24,627 (21.5%) were other health care workers (dentists, graduate pharmacists, pharmacists-medical biochemists, dental technicians, pharmacy technicians, laboratory technicians, radiology technicians, etc.). and health care associates. Compared to 10 years ago, it is a 1% increase in number of employees, but at the same time a 5% decrease if compared to 2003 when the greatest number of employees was recorded in the same ten-year period. At the same time, the qualification structure of employees was changed, the percentage of non-medical staff reduced (administrative and technical), while the percentage of physicians and nurses increased. Thus the workforce capacity, i.e. the number of physicians and nurses per 100,000 people, came close to average values in the EU countries.

In relation to the number of employees in health care institutions, laid down by the Network Plan, the capacity of 281 physicians per 100,000 population was ensured in the Republic of Serbia, while that number is slightly higher in the EU - 321 physicians per 100,000 population. In primary health care, the capacity of 81 physicians per 100,000 population was achieved, i.e. one physician per 1228 population. The health care, provided in institutions of stationary type, continues to engage the largest number of physicians, about half of the total number. If we observe the ensured capacity concerning the number of physicians in relation to the total number

of licensed physicians in the Republic of Serbia (28,413 according to the data of the Medical Chamber of Serbia), it amounts to 387 physicians per 100,000 population.

The number of nurses-technicians (taking into account the employees of the health care institutions laid down by the Network Plan) per 100,000 population in the Republic of Serbia is 572, while in the EU that number is a third higher and amounts to 745 per 100,000 population. However, if taking into account a total number of licensed nurses and health technicians (50,801 according to the *Chamber of Nurses and Health Technicians of Serbia*), then the ensured capacity of nurses is closer to EU average and amounts to 721 nurses per 100,000 population.

The proportion of administrative and technical workers in the total number of employees, although continuously decreasing, is still high and amounted to 25.5% in 2008.

Despite the high of provision of personnel at the level of the Republic of Serbia, the problem of territorial disparities in terms of the number of health workers available to the citizens, still remains. Thus, the number of physicians (working in institutions laid down by the Network Plan) per 100,000 population in the administrative districts, ranges from 151 (administrative district of Srem) up to even 437 (administrative district of Nisava), and regarding nurses, from 314 (administrative district of Srem) to 657 (administrative district of Zajecar).

The number of unemployed physicians, dentists and pharmacists as of 2000, indicates an upward trend, with the highest values recorded in 2005 and 2006, while in 2008 it amounted to a total of 3102 (1750 physicians, 1145 dentists and 207 graduated pharmacists). The increase in unemployment of highly educated health personnel is largely due to the lack of consistent national policy of planning enrolment and education, employment and continuous training of health workers and associates.

Continuous investing in renewal and procurement of medical equipment, particularly in equipment of high technological value, takes place in the Republic of Serbia. Based on the analysis of existing data, health care institutions and private practices in the Republic of Serbia have: 2 apparatus for positron emission tomography (PET scans) (0.27 per million population), 38 apparatus for magnetic resonance imaging (MRI) (5.17 per million population), 90 apparatus for computed tomography (CT) (12.24 per million population), 14 linear acceleratory (LINAC) (1.9 per million population) and 75 mammograms (10.2 per million population) of which two are mobile digital mammograms.

In addition to state-owned health care institutions, health care services are also provided in privately owned health care institutions and private practices in the Republic Serbia. At the beginning of 2009, over 5,000 forms of privately owned health care services were registered in the Republic of Serbia (health care institutions and private practice), of which 7 were health centers, 72 hospitals, 136 polyclinics, about 1,200 medical offices, 2,000 dental offices, 1,400 pharmacies and 200 different laboratories and diagnostic offices.

Use of health care

The average number of visits to services in primary health care in 2008 amounted to 8,3 visits per capita, which is significantly above the EU average (6,8). There exist territorial disparities in the use of primary health care, and the results of the Study on the living standards show lower use of health services among the poor and socially vulnerable groups of population (persons with no health insurance, Roma, refugees and displaced persons, the unemployed).

In the Republic of Serbia 1,106,643 hospitalizations were registered in 2008. Although the hospitalization rates recorded a growing trend, and amounted to 15.1 of the hospitalized per 100 population in 2008, it is still significantly lower than the average in the WHO European Region (19.2) and in EU (17.9). The average length of treatment in the past 10 years decreased by 3.6 days, and in 2008 amounted to 9.7 days, which is very close to the EU average (9 days). The average daily beds occupancy in inpatient health care institutions for short-term hospitalization (as laid down by the Network Plan) in the Republic of Serbia amounted to 69.8%, which is not only lower than the EU average (76.3%) but the European average (79.1%) as well. The low level of bed occupancy can not be explained only as a result of excess hospital beds, but as the result of influence of several factors, such as inadequate distribution of beds in relation to current needs and the traditional ways of financing the capacities of health care institutions.

2. At the proposal of the Ministry of Health, the Government of the Republic of Serbia adopted the Palliative Care Strategy and Action Plan on 5 March 2009. The Strategy for Palliative Care is a document of national importance, laying down a complete and consistent national policy aimed at developing the health care system of the Republic of Serbia.

The need for palliative care becomes a priority issue the resolution of which requires the state, in cooperation with health workers and associates, associations, patients, their families and the public media, to develop national health policy on palliative care and to define strategic goals and measures.

Strategy for Palliative Care (hereinafter referred to as: the Strategy) is develop in accordance with Recommendations of the Committee of Ministers of the Council of Europe "REC 24 (2003)" relating to the organization of palliative care, as well as in accordance with Recommendations of the European Conference, held in Belgrade in 2005, stating that palliative care should become an integral part of health care and an inseparable element of the right of citizens to health care.

Palliative care is an approach that improves the quality of patients' lives and the lives of families, facing the problems that accompany life-threatening diseases through the prevention and elimination of suffering through early identification and impeccable assessment and treatment of pain and other problems: physical, psychological and spiritual (World Health Organization, 2002). The term "life-threatening disease" refers to patients with active, progressive, advanced disease with limited prognosis.

Palliative care also includes the philosophy of care provided to the patient and to his family, and the very service of palliative care. It covers the period from the time of diagnosis until the end of mourning for the loss of a family member.

Palliative care complements the specific approaches that aim to influence the course of the basic disease. As the disease progresses, the importance of specific approaches decreases, and the importance of palliative care increases.

The reasons for the adoption of the Strategy are growing demands for this type of health care that results from aging of the population of the Republic of Serbia and the growing number of people with the progressive course of diseases (cardiovascular diseases, malignant diseases, diabetes, neuromuscular diseases, cerebrovascular diseases), HIV/AIDS, *traffic traumatism*s and others.

Analysis of health services at primary level

Analysis of the organization, operation of home treatment and nursing services and the personnel structure in health centers in the Republic of Serbia was made on the basis of the Report of the personnel structure, the Report on the execution of the service plan for 2007 and the Questionnaire for 2008, conducted by the Ministry of Health in cooperation with the *Institute of Public Health of Serbia "Dr Milan Jovanovic Batut"*.

After examining the personnel structure and the capacities of home treatment and nursing services in terms of the chosen physician, it is concluded that over 59.3% of health centers in Serbia does not have specially organized home treatment and nursing services, but the activities of these services are performed within the adults health care (general medicine, emergency, polyvalent patronage).

There is a specialized institution in the territory of Belgrade, (the City Institute for Gerontology, Belgrade), which provides home treatment and palliative care for about 1,500 elderly and seriously ill persons on average, per day.

After conducting the analysis of the existing personnel in the services of home treatment and care (the number of contracted physicians, nurses - technicians), it was concluded that the availability of physicians, was compliant with the existing Rulebook on Detailed Conditions for the Performance of Health Services in Health Institutions and Other Forms of Health Services (*Official Gazette of RS* No. 43/06 - hereinafter referred to as: the Rulebook), while the number of contracted nurses - technicians in 2007, in most health centers, was not compliant with the Rulebook, thus the number of nurses in services of home treatment and care needs to be increased.

The analysis of the workload of physicians (number of visits per a doctor) shows that, in relation to a total number of medical examinations and a number of contracted physicians, the workload per physician is compliant with the prescribed standard of the number of services.

The analysis of the workload of nurses and technicians (number of medical services per a nurse - technician) shows the increased volume of work the above personnel and increased workload in relation to a prescribed standard.

Analysis of health services at secondary and tertiary levels

The Regulation of Health Care Institutions Network Plan (*Official Gazette of RS* No. 42/06, 119/07 and 84/08) stipulates the capacity of hospitals for continued treatment and care (geriatrics, palliative care, chemotherapy, physical medicine and rehabilitation), amounting to 0.20 beds per 1000 population (Article 22, paragraph 1).

The Rulebook stipulates that divisions for continued treatment and care in general hospital shall have eight physicians and 50 nurses - technicians with higher or secondary education (Article 19, item 11), in a special hospital, five physicians and 75 health workers with higher or secondary education (Article 25, item 1), and the clinic, in the area of internal medicine, and rehabilitation - eight physicians specialized in the relevant field of medicine and 20 nurses - technicians with higher or secondary education (Article 26 item 1).

In order to implement the Action Plan of the Strategy for Palliative Care, within the DILS project funded by the World Bank, the Ministry of Health of the Republic of Serbia trained 476 health workers and associates of the home treatment and nursing services of 61 health centers, in cooperation with the Institute of Oncology and Radiology of Serbia, the City Institute for Gerontology, Home Treatment and Care-Belgrade, Serbian Society for Fight against Cancer, the Association of Nurses and Health Technicians of Serbia, associations Belhospis and Oncologist and the Serbian Red Cross.

VII. ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES

A. Anti-discrimination

The EU acquired important new competences in 1999 to combat discrimination on grounds of racial and ethnic origin, religion or belief, age, disability and sexual orientation. These competences are set out in Article 19 of TFEU.

On that basis, the Council adopted two Directives in 2000:

Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. This Directive covers direct and indirect discrimination in the fields of employment, education, social protection (including social security and health care), social advantages, goods and services (including housing).

Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This Directive covers employment discrimination on the grounds of religion or belief, age, disability and sexual orientation. It includes specific requirements on reasonable accommodation for persons with disabilities.

The EU has also established an action programme to combat discrimination to support the transposition of the Directives and to promote a range of non-legislative activities (research, networking and awareness-raising).

Against this background the following questions are relevant:

181. Which is (are) the government department(s) responsible for measures to combat discrimination on the grounds outlined above?

The Law on Ministries of the Republic of Serbia ("Official Gazette of RS" No.65/08) established Ministry of Human and Minority Rights. Article 26 of this Law laid down that it carries out the state administration activities which relate, among other jobs, also to antidiscriminatory policy□

Within the Ministry, there is also a special Department for enhancement and protection of human rights and within it, the systematised special antidiscriminatory group□

We also mention that the Law on the Prohibition of Discrimination ("Official Gazette of RS" No.22/09) regulates that monitoring of this law implementation shall be done by the Ministry of Human and Minority Rights.

The Law on the Prohibition of Discrimination, adopted in March 2009, is completely compliant with the Guidelines No. 2000/78/EC which establishes the general framework for equal treatment in employment area and Guidelines No. 2000/43/EC which implements the equal treatment principle regardless the race or ethnic origin.

Apart from the Ministry of Human and Minority Rights, for the area of discrimination prohibition, the following institutions are also competent: The Ministry of Labour and Social Policy – Gender Equality Directorate and Department for protection of persons with disabilities, Ministry of Economy and Regional Development – Employment Department – Department for professional rehabilitation and employment of persons with disabilities. Besides the Law on the Prohibition of Discrimination, the field of antidiscrimination is also regulated by the Law on Gender Equality, Law on Prohibition of Discrimination of Persons with Disabilities, Law Professional Rehabilitation and Employment of Persons with Disabilities□

182. What kind of legislative and non-legislative measures exist in your country to tackle discrimination?

The Constitution of the Republic of Serbia regulates that before the Constitution and law everybody is equal and that everybody has equal legal protection, without discrimination. Every kind of discrimination, direct or indirect, shall be prohibited, on any basis, especially regarding race, gender, nationality, social origin, birth, religion, political or other belief, property, culture, language, age and mental or physical disability (Article 21, para. 1, 2. 153 and 3). Furthermore, Article 23 of the Constitution regulates that the human dignity is untouchable and everybody is obliged to respect and protect it. Everybody has right for free personality development unless disobeying the rights of other persons guaranteed by the Constitution.

The Law on the Prohibition of Discrimination regulates the general prohibition of discrimination, forms and cases of discrimination, as well as procedures of protection against discrimination

(Article 1) and designated Commissioner for equality protection as an independent state authority, independent in carrying out tasks stipulated in that law.

The Law on the Prohibition of Discrimination defines the terms "discrimination" and "discriminatory treatment" as every unjustified making difference or unequal treatment, i.e. omission (exclusion, limitation or preferences) in relation to persons or groups as well as their family members, or persons close to them, in transparent or covert way, based on race, skin colour, ancestors, citizenship, nationality or ethnicity, language, religious or political beliefs, gender, gender identity, sexual orientation, property, birth, genetic characteristics, health condition, disability, marital or family status, conviction, age, appearance, membership in political, union and other organisations and other real, i.e. assumed personal characteristics (Article 2(1)(1)).

The Law on the Prohibition of Discrimination regulates the discrimination forms as direct and indirect discrimination, as well as violation of principles of equal rights and obligations, invoking accountability, alliance for discriminatory acts, speech of hatred and harassment and humiliating treatment (Article 5). The severe forms of discriminations are specified, among others: causing and initiating inequality, hatred and intolerance based on nationality, race or religion, political belief, gender, gender identity, sexual orientation and disability, slavery, human trafficking, apartheid, genocide, ethnical cleansing and their propaganda, as well as propaganda or discrimination by the state authority or in the procedures before the state authorities (Article 13).

The Law on the Prohibition of Discrimination regulates the judicial protection against discrimination, and everybody who is offended by the discriminatory behaviour has the right to submit the claim to the court. The procedure in respect of claim is urgent (Art. 41 to 46). Monitoring the implementation of the Law on the Prohibition of Discrimination shall be done by the Ministry of Human and Minority Rights (Article 47).

The provisions of the Criminal Code:

- The criminal act on **violation of equality** is stipulated in the provision of Article 128 of the Criminal Code of the Republic of Serbia within the Chapter fourteen which includes criminal acts against freedoms and rights of a man and a citizen. This criminal act criminalizes deprivation or limitation of the rights of a man and a citizen stipulated in the Constitution, laws or other regulations or general acts or the confirmed international agreements, as well as giving privileges or preferences based on nationality or ethnicity, race or religion, absence of that affiliation or differences regarding political or other belief, gender, language, education, social position, social origin, property or some other personal quality. The jail imprisonment of three years is stipulated. More severe form occurs if the act is carried out by the official person during activities, when the jail imprisonment is from three months until five years.

- Within the same chapter, in the provision of Article 174, the Criminal Code regulates also a criminal act on **violation of reputation due to race, religion, national or other affiliation**. The shame of a person or a group due to affiliation to certain race or skin colour, religion, nationality, ethnicity or some other personal characteristic is criminalized. The jail imprisonment of up to one year is stipulated.

- Within the Chapter twenty-eight of the Criminal Code including criminal acts against constitutional order and safety of the Republic of Serbia, the provision of Article 317 stipulates the criminal act of **causing national, racial and religious hatred and intolerance**.

The basic form of the criminal act is causing or supporting national, racial or religious hatred or intolerance between peoples or ethnical communities living in Serbia. For this criminal act, the jail imprisonment from six months to five years is planned.

If this act was performed by force, maltreatment, jeopardizing safety, exposal to shame of national, ethnical or religious symbols, damaging someone else's property, sacrilege of monuments, memorials or graves, the jail imprisonment from one to eight years is stipulated.

If these acts are carried out by abuse of power or authorisations and if they caused riots, violence or other severe effects for mutual life of peoples, national minorities or ethnical groups living in Serbia, the jail imprisonment is stipulated, for the first form from one to eight years and for the second form, from two to ten years.

- Furthermore, within the Chapter thirty-one including criminal acts against public order and peace, the provision of Article 344 stipulates the criminal act of **violent behaviour at the sports performance or public gathering**.

This criminal act criminalizes the activities of violent behaviour which may occur at the sports performance or public assembly, and one of it is causing, by one's behaviour or paroles, national, racial, religious or other hatred or intolerance based on some discriminatory basis, resulting in violence or physical fight with participants. The jail imprisonment from six months up to five years and a fine are planned. A group leader shall be sentenced to jail from three to twelve years.

If this act was carried out by the group, the jail sentence from one to eight years is planned, and if the misconduct occurred with the severe corporal injury was inflicted to some person or the property of higher value was damaged, the jail imprisonment is planned, from two to ten years.

In case that an official or a competent person who, in the event of organisation of sport performance or public gathering, does not take security measures in order to disable or prevent the misconduct, thus the lives or bodies of significant number of persons or property of high value are endangered, the jail imprisonment from three months up to three months and a fine are planned.

- Within the Chapter thirty-six including criminal acts against mankind and other goods protected by the international law, the criminal act of **racial and other discrimination** is planned, stipulated in the provision of the Article 387 of the Criminal Code.

Criminalization implies violation of basic human rights and freedoms guaranteed in the generally accepted rules of international law and ratified by the international agreements, based on difference in race, skin colour, religious affiliation, nationality, ethnical origin or some other personal characteristic, as well as carrying out the prosecution of organisations or individuals due to their advocating the equality of people. For these two forms, the jail imprisonment from six months to five years is planned.

Moreover, expanding the idea on superiority of one race over some other one and propaganda of racial hatred and initiating racial discrimination are criminalized, as well as giving out or in other manner making public the texts, images or every other presentation of ideas or theories expressing or enforcing hatred, discrimination or violence, against any other person or a group of persons, based on race, skin color, religious affiliation, nationality, ethnical origin or some other personal characteristic, as well as public jeopardizing a person or a group of persons, on the same basis, by carrying out the criminal acts for which the jail imprisonment is stipulated for more than four years. For these cases, the jail imprisonment from three months to three years is planned.

- It is required to mention that this Chapter of the Criminal Code includes also criminal acts **genocide and crime against mankind** (Art. 370 and 371), for which the jail imprisonment of minimum five years or from thirty up to forty years is planned.

The Law on the Protection of Rights and Freedoms of National Minorities ("Official Gazette of RS", No. 11/2) regulates also the protection of national minorities against any form of discrimination in exercising rights and freedoms and the instruments of provision and protection of special rights of national minorities for self-government and fields of education, language use, information and culture are established as well as the institutions for facilitating participation of minorities in government and conduct of public affairs are formed (Article 1(2)).

The Law on the Foundations of Education and Upbringing ("Official Gazette of RS" No. 72/09 in Article 46 prohibits activities endangering or maltreating groups or individuals based on racial, national, linguistic, religious affiliation as well as initiating such activities. This law stipulates fines for persons endangering or maltreating groups or individuals based on racial, national, linguistic, religious or gender affiliation. Discrimination of a child, i.e. pupil implies every direct or indirect making differences, their preferences, exclusion or limitation whose objective is to prevent exercising the right of a child, i.e. a pupil. Physical violence, insulting the personality of children, pupils and employees is prohibited as well as gatherings of political parties.

Pursuant to provisions of Article 18 of the Labour Law ("Official Gazette of RS", Nos. 24/05 and 61/05) direct and indirect discrimination against persons seeking employment, and employees, with respect to sex, birth, language, race, colour, age, pregnancy, health condition or disability, national affiliation, religion, marital status, family responsibilities, sexual orientation, political or other belief, social origin, property, membership in political organizations, unions or any other personal characteristic is prohibited. Pursuant to Article 20 of that law, the discrimination is prohibited in relation to employment conditions and selection of candidates for a certain job, working conditions and all rights resulting from employment relationship, education, training and advanced training, promotion at work and termination of contract of employment. Provisions of the contract of employment establishing discrimination on some of the specified grounds shall be null and void.

Within the area of public information, *the Law on Broadcasting* ("Official Gazette of RS", Nos. 43/03 and 61/05) stipulates in Article 3, item 6 that regulating the relations within broadcasting is established, among other things, also on the principles of impartiality, prohibition of discrimination and transparency of the procedure for issue broadcasting permit. Prohibition of discrimination is thoroughly regulated by various other provisions of that law. Pursuant to Article 38(2) the broadcasting permit for radio and TV program is issued under equal conditions. Provisions of Article 77(3) of the Law stipulate that exercising general interest within area of public broadcasting service is done so that the programs produced and broadcast within public broadcasting service shall provide diversity and mutual adherence of the content in support of democratic values of the contemporary society, especially obeying human rights and cultural, national, ethnical and political pluralism. Provisions of Article 78 of the Law stipulate that the holders of public broadcasting service are, among other things, obliged to produce and broadcast programs planned for all segments of society, without any discrimination, paying attention especially to specific social groups such as children and teenagers, minority and ethnic groups, persons with disabilities, socially handicapped and with health risk.

The Law on Public Information ("Official Gazette of RS", Nos. 43/03 and 61/05) in Article 16 stipulates prohibition of discrimination regarding distribution of public media, i.e. it is stipulated

that the person carrying out distribution of public media shall not refuse distribution of somebody's public media without a justified commercial reason nor establish conditions contrary to market principles for public media distribution.

Pursuant to the provision of Article 6 of *the Law on Free Access to Information of Public Importance* ("Official Gazette of RS", No.120/04) the rights from that law belong to everybody under equal conditions, regardless citizenship, residence, temporary residence, i.e. headquarters or personal characteristic such as race, religion, national and ethnical affiliation, gender and similar.

One of basic principles of *the Law on Health Care* ("Official Gazette of RS", No.107/05), contains within the Article 20 of that law, is the principle of equity of health care exercising by prohibition of discrimination in the event of providing health care service, among other things, based on race, national affiliation, religion, culture and language.

The provision of Article 7 of *the Law on Civil Servants* ("Official Gazette of RS", No. 79/05; 81/05 and 83/05) prohibits privileges or deprivation of the civil servant in one's rights or obligations, especially due to racial, religious, gender, national or political affiliation, or some other personal characteristic (Article 1).

The Law on Churches and Religious Communities ("Official Gazette of RS", number 36/06) regulates the prohibition of religious discrimination. The provisions of this Article regulate that nobody shall undergo the pressure which may endanger the freedom of religion, nor they shall be forced to specify one's religion and religious affiliations or their non-existence. Nobody shall be disturbed, discriminated or privileged for their religious beliefs, affiliations or non-affiliations to the religious community, participation or non-participation in religious service and ordinances and use or non-use guaranteed religious freedoms and rights (Article 2).

The Law on Prevention of Discrimination of Persons with Disabilities ("Official Gazette of RS", No. 33/06; Article 1) regulates the general mode of discrimination prohibition on the grounds of disabilities, special cases of discrimination of persons with disabilities, the procedure of protection of persons exposed to discrimination and measures being taken for incentives of equality and social inclusion of persons with disabilities. This law regulates special rules of civil proceedings in disputes for protection against discrimination on disability grounds. The procedure in the dispute for protection against discrimination due to disability shall be initiated by the claim which may be submitted by the person with the disabilities who was exposed to discrimination or one's legal representative. That claim may, under certain conditions stipulated in the law, be submitted also by the attendant of the person with disabilities. The following may be requested by the claim for protection against discrimination due to disability: prohibition of discriminatory activity, prohibition of further discriminatory activity, i.e. prohibition of repeating discriminatory activity; activity due to disposal of consequences of the discriminatory activity; confirmation whether the respondent acted in discriminatory manner towards petitioner; compensation of material and intangible damage. In the proceedings for protection against discrimination due to disability, the audit is always allowed (Articles 39. until 45).

The Law on Gender Equality ("Official Gazette of RS", No. 104/09) regulates creation of equal opportunities of exercising the rights and liabilities, taking special measures for prevention and disposal of discrimination based on sex and gender and proceedings of legal protection of the persons exposed to discrimination (Article 1).

The Law on Police ("Official Gazette of RS", number 101/05), Article 12 regulates that in the event of performing police activities, the police obey, among other things, also international contracts and conventions adopted by the Republic of Serbia, international standards of police

conduct and requests specified in the international acts referring to exercising human rights and non-discrimination in the event of conducting police tasks. Pursuant to the provision of Article 35, the authorised official person in exercising police authorisations acts impartially, providing everyone with equal legal protection and acting without discrimination of person on any basis.

Adoption of Law on confirmation of the Additional protocol with the Convention on Cyber Criminal (“Official Gazette of RS”, number 19/09) in relation to criminalization of racist and xenophobic acts conducted via computer systems, it is prohibited to use computer systems for promotion of ideas or theories which advocate, promote or initiate hatred, discrimination or violence against individuals or groups, based on race, skin colour, inherited, national or ethnical origin and religion in Serbia.

Prohibition of organisations and activities inciting discrimination

Pursuant to the Constitution of the Republic of Serbia, violent demolition of the constitutional order by the political parties is prohibited as well as violation of the guaranteed human or minority rights or causing racial, national or religious hatred (Article 5(3)) The Constitutional Court may prohibit only the association whose activities are directed towards violent demolition of the constitutional order, violation of the guaranteed or minority rights or causing racial, national or religious hatred (Article 55(4)) The Constitutional Court decides on prohibition of functioning of the political party, union organisation, associations of citizens or religious community based on the proposal of the Government of the Republic of Serbia, republic public prosecutor or authority competent for registry entry of the political parties, union organisations, associations of citizens or religious communities (“Official gazette of RS”, no. 109/2007, Article 80(1)). Until the present, the Constitutional Court has not prohibited the activities of any of several organisations which were calling for violence.

The Law on gathering the citizens (“Official Gazette of RS”, No. 51/1992, 53/1993, 67/1993, 48/1994, 12/1997, 21/2001 and 101/2005; Articles 9 and 10) regulates that the competent authority shall prohibit the public gathering on temporary basis which calls for violent change of the order specified by the Constitution, violating territorial completeness and independence of the Republic of Serbia, violation of the freedoms and rights of a mankind and a citizen guaranteed by the Constitution, inciting and initiating national, racial and religious intolerance and hatred. District Court shall decide on temporary prohibition or prohibition of the public gathering.

Pursuant to the Law on Political Parties (Article 37(2)) conduct of political party shall not be directed towards violent demolition of constitutional order and violation of territorial completeness of the Republic of Serbia, violation of the guaranteed human or minority rights or causing and inciting racial, national or religious hatred.

The Law Prohibiting Holding of the Manifestations of neo-Nazi or Fascists Organisations and Associations and Prohibition of Using the neo-Nazi or fascist Emblems and Designations (“Official Gazette of RS”, no. 41/09), Article 1) regulates the prohibition of manifestations, showing the emblems or designations or any other acting of neo-Nazi or fascists organisations and associations, which in any manner violate the constitutional rights or freedoms of citizens and specify the sanctions for violation of this law.

The measures for prevention of discrimination and obtaining complete and efficient equality for the specified sensitive groups

The Constitution of the Republic of Serbia stipulates that the discrimination shall not imply the special measure which the Republic of Serbia may implement in order to reach the full equality of

a person or a group of persons who are essentially in unequal position with other citizens (Article 21(4)). The similar decision was included in the Constitution also regarding the representatives of national minorities (Article 76(3)).

The Law on Prohibition of Discrimination stipulates that the discrimination shall not imply the special measures implemented in order to obtain the full equality, protection and development of a person or a group of persons who are found in unequal position (Article 14)

Pursuant to the Law on Gender Equality, the discrimination or violation of the principle of equal rights and liabilities shall not imply taking special measures due to disposal and prevention of unequal position of women and men and exercising equal gender opportunities (Article 7). It is possible to dispose factual discrimination by special measures regarding the gender affiliation, as well as for marital or family status, pregnancy or parenthood. Those measures have temporary character, they serve to terminate inequality, to reach equality and therefore they shall not be regarded as discrimination.

The Law on Employment and Unemployment Insurance stipulates that the Government, i.e. competent authority of the territorial autonomy and local self-government, may bring the program of active employment policy which regulates priorities, measures, means and competence for their reaching, and especially employment of certain category of the unemployed, employment of refugees and allocated persons, employment of national minority with more significant unemployment rate. An employer who employs the persons seeking the first employment, with the persons who have been waiting for long time for employment, with persons older than 50 years, with refugees and allocated persons, with national minority persons with more significant unemployment rate, with the persons with disabilities and persons with decreased work ability may exercise contribution subvention for pension and disability insurance, health insurance and insurance in case of unemployment which shall be exercised through National Employment Service (Art. 31 and 34).

The Law on the Fundamentals of Education and Upbringing System shall not regard special measures as discrimination implemented in order to obtain the full equality, protection and development of a person or a group of persons who are found in unequal position (Article 44(3)). Pursuant to the Law on Prevention of Discrimination of Persons with Disabilities, the provisions of law, regulations, as well as decisions or special measures taken in course of enhancing the position of the persons with disabilities, their family members and associations of the persons with disabilities who are granted special assistance, necessary to enjoy and exercise their rights under the same conditions that others enjoy and exercise them, shall not be regarded violation of the principle of equal rights and liabilities. Pursuant to that law, employment discrimination shall not be regarded taking initiatives for faster employment of persons with disabilities in accordance to the law which regulates employment of persons with disabilities (Art. 8. (1) and Article 23(1)(2).

The Government adopted numerous *strategies* relevant for protection and enhancement of human rights such as: Strategy for Reduction of Poverty in Serbia; Strategy of Fight against Human Trafficking in the Republic of Serbia; National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons; Strategy for Development of Youth Health; National Strategy on Ageing; National Judicial Reform Strategy; Strategy on Development of Social Protection; National Employment Strategy for the period 2005-2010; National Strategy for Fight against HIV/AIDS; National Action Plan for Children; Strategy on Enhancement of Position of Persons with Disabilities in the Republic of Serbia; Strategy on Development of Professional education in the Republic of Serbia; Birth Incentive Strategy; National Strategy for the Youth;

National Strategy for Sustainable Development; National Strategy for Prevention and Protection of Children against Violence; Strategy for Permanent Enhancement of the Health Care Quality and Safety of Patients; National Strategy for Enhancement of Women's Position and Gender Equality; National Employment Strategy for the period 2005-2010; Strategy for Public Health in the Republic of Serbia; Strategy for Improvement of the Status of Roma in the Republic of Serbia; Strategy for Reintegration of Recidivists based on the Agreement on Readmission; Strategy for Safety and Health at Work in the Republic of Serbia for the period 2009-2012; Strategy of Migration Conduct.

183. What kind of judicial remedies exist in case of discrimination in the fields of employment, education, health care, social security, housing and access to goods and services? To what courts or other tribunals could victims of discrimination take their cases?

The Law on the Prohibition of Discrimination ("Official Gazette of RS", No.22/09) is a "roof law" regulating general prohibition of discrimination, forms and cases of discrimination as well as procedures of protection against discrimination.

The Law on the Prohibition of Discrimination regulates the judicial protection against discrimination, and everybody who is offended by the discriminatory behaviour has the right to submit the claim to the court. The procedure in respect of claim is urgent. Revision is always allowed. Monitoring the implementation of the Law on the Prohibition of Discrimination shall be done by the Ministry of Human and Minority Rights.

The Law on Employment and Unemployment Insurance shall refer to this Law in its principal provisions, prohibiting discrimination in the field of employment.

The Law on Vocational /Occupational Rehabilitation and Employment of Persons with Disabilities prohibits discrimination of persons with disabilities pursuant to the Law on Prohibition of Discrimination of Persons with Disabilities ("Official Gazette of RS", number 33/06),

The prohibition of discrimination in the field of labour is regulated in the Labour Law by prohibition of direct and indirect discrimination against persons seeking employment, and employees, with respect to sex, birth, language, race, colour, age, pregnancy, health condition or disability, national origin, religion, marital status, family responsibilities, sexual orientation, political or other belief, social origin, property, membership in political organizations, unions or any other personal characteristic (Article 18). The Law stipulates what is regarded indirect, and what direct discrimination (Article 19). The prohibition of concrete discrimination forms is also stipulated in relation to employment conditions and selection of candidates for a certain job; working conditions and all rights resulting from employment relationship; education, training and advanced training; promotion at work; termination of contract of employment.

In case of discrimination, pursuant to the provisions of the Labour Law, the persons seeking employment as well as the employees may initiate the proceedings before the competent court for claim remuneration in accordance to the law.

If an employee in relation to violations of provisions of Labour Law relating to prohibition of discrimination contacts labour inspectorate in order to protect one's rights, the labour inspector is authorised that in the decision obliges an employer that within time period remove the specified violations of law, general act or labour law. The employer shall be obliged to notify the labour

inspectorate on decision conduct within 15 days from the date of expiration of the time period for removal of the specified violation. If a labour inspector finds that the employer conducted an offence by violation of law or other regulations in relation to employment, labour inspector files request for initiating misdemeanour proceedings. This decision of labour inspector may be appealed to the Minister within eight days from the date of sending the decision, and the time period for decision on appeal shall be 15 days from the date of receipt of the decision.

According to Article 18 of the Labour Law (*Official Gazette of RS* No. 24/2005, 61/2005, 54/2009), both direct and indirect discriminations are prohibited against persons seeking employment and employees in respect to their sex, birth, language, race, colour, age, pregnancy, health condition or disability, national origin, religion, marital status, family responsibilities, sexual orientation, political or other belief, social origin, property, membership in political organizations, unions or any other personal quality. In cases of discrimination, person seeking employment and employee may file for compensation of damages before the competent court, pursuant to the law.

Pursuant to Article 41 of the Law on the Prohibition of Discrimination (*Official Gazette of RS* No. 22/2009), anyone who has suffered discriminatory treatment shall have the right *to instigate the court proceedings*. The provisions of the Civil Procedure Code shall apply accordingly to such proceedings. The proceedings shall be conducted urgently and the review shall always be allowed. The following may be claimed through the proceedings: imposing a ban on an activity that poses the threat of discrimination, a ban on proceeding with a discriminatory activity, or a ban on repeating a discriminatory activity; ascertaining that the defendant has treated the plaintiff or another party in a discriminatory manner; performing action to redress the consequences of discriminatory treatment; *compensating for material and non-material damage* and announcing the judgment *passed on any of the above claims*.

According to the Law on Organisation of Courts (*Official Gazette of RS* No. 116/2008, 104/2009 and 101/10), the basic court shall adjudicate in the first instance in disputes on commencement, existence and termination of employment relationship and on the compensation for the damage suffered by an employee during work or related to work. The appeals of judgments in these disputes shall be decided by an appellate court.

184. Are there specific legal provisions prohibiting discrimination and providing for remedies? Does such legislation define various types of discrimination (direct, indirect, harassment and instructions to discriminate)?

The Law on Prohibition of Discrimination (*Official Gazette of RS* No. 22/2009), defines the terms discrimination and discriminatory treatment as “every unjustified making difference or unequal treatment, i.e. omission (exclusion, limitation or preferences) in relation to persons or groups as well as their family members, or persons close to them, in transparent or covert way, based on race, skin colour, ancestors, citizenship, nationality or ethnicity, language, religious or political beliefs, sex, gender identity, sexual orientation, property, birth, genetic characteristics, health condition, disability, marital or family status, conviction, age, appearance, membership in political, union and other organisations and other real, i.e. assumed personal characteristics.

Besides general prohibition of discrimination, the Law defines the forms of discrimination: direct discrimination, indirect discrimination, violation of principles of equal rights and obligations, prohibition of invoking accountability, alliance for discriminatory acts, speech of hatred, harassment and humiliating treatment as well as severe forms of discrimination. The special chapter of the Law defines certain special cases of discrimination, considering the field of social relations with discrimination, as well as special characteristics of the discriminated persons. Pursuant to that, the law regulates discrimination in activities before public authorities, discrimination in the field of labour, discrimination in provision of services and use of facilities and surfaces, religious discrimination, discrimination in the field of education and vocational training, discrimination based on gender, discrimination based on sexual orientation, discrimination of children, discrimination based on age, discrimination of the national minorities, discrimination due to political and union affiliation, discrimination of the persons with disabilities and discrimination in relation to health condition.

It is stipulated that everybody has the right to be protected by the competent courts and other public authorities of the Republic of Serbia against any discrimination forms, and the same rights are guaranteed also to the foreigners in the Republic of Serbia pursuant to the international contract, apart from the rights which in accordance to the Constitution and law have only the citizens of the Republic of Serbia.

The Law defines also the forms of discrimination, as follows: direct and indirect discrimination, violation of principles of equal rights and obligations, invoking accountability, alliance for discriminatory acts, speech of hatred and harassment and humiliating treatment. Furthermore, severe discrimination forms are also defined□

Everybody who regards having been subject to discrimination may submit the claim to Commissioner for protection of equality, without an obligation to pay the fee or other compensation.

Everybody who was affected by discriminatory treatment has the right to submit the claim to the court. The law stipulates that the proceedings is urgent and that the revision is always allowed□

185. What sanctions and remedies can be applied in discrimination cases? Can the victim claim compensation? If so, does compensation cover the full extent of the loss suffered or are there any limits envisaged by the legislation?

The Commissioner grants his opinion on the violation of provisions of the Law on Prohibition of Discrimination. With the opinion that the violation occurred, the Commissioner envisages the method of removing the violation of the right to the person against whom the appeal was submitted. The person to whom the recommendation was sent is obliged to act in accordance with the recommendation and remove the violation of the right within 30 days from the date of recommendation receipt, as well as to inform Commissioner about that. If this person does not act in compliance with the recommendation, i.e. does not remove violation of the right, the Commissioner envisages the warning measure. If the violation of rights is not removed within 30 days from the date of warning, the Commissioner may inform public on that.

The claim for protection against discrimination may request: prohibition of discriminatory activity, prohibition of further discriminatory activity, i.e. prohibition of repeating

discriminatory activity; confirmation whether the respondent acted in discriminatory manner towards petitioner; activity toward removal of consequences of discriminatory treatment; compensation of material and intangible damage and notification on the arbitration brought due to some of the specified claims. There are no limitations regarding the claim compensation□

186. What bodies (such as "equality bodies") exist to promote the fight against racial and gender-based discrimination (and discrimination on other grounds)? What are their powers? What are the guarantees for effective and independent performance of their powers?

The Commissioner for protection of equality is authorised, among other things, to promote the fight against racial and sex discrimination, as well as other grounds (colour, ancestors, citizenship, national affiliation or ethnical origin, language, religious or political beliefs, gender identity, sexual orientation, property, birth, genetic characteristics, health condition, disability, marital and family status, conviction, age, appearance, membership in political, union or other organizations and other real, i.e. assumed personal characteristics).

The authorisations of Commissioner are as follows:

- Receives and considers appeals for violation of provisions of the Law on Prohibition of Discrimination and grants opinions and recommendations in concrete cases and envisages measures
- Gives information to the petitioner on the right and possibility to initiate the judicial or other protection procedure, i.e. recommends the procedure of reconciliation□
- Submits the claims from the Law on Prohibition of Discrimination due to violation of the provisions of the specified law, on his own behalf with the approval of discriminated person, if the proceedings before the court have not been initiated for the same reason or completed
- Submits minor offense charges due to the violation of provisions of the Law on Prohibition of Discrimination
- Submits annual and special report to the National Assembly on the condition within the area of equality protection
- Notifies the public on the most frequent, typical and severe discrimination cases
- Monitors implementation of laws and other regulations, initiates enforcement or change of regulations due to exercising or improvement of the protection against discrimination and gives opinion on provisions of the draft of law and other regulations in relation to the prohibition of discrimination
- Establishes and maintains the cooperation with the authorities competent for exercising equality and protection of human rights at the territory of autonomous province and local self□government
- Recommends the measures for accomplishing equality to the public authorities and other persons

Efficiency of carrying out competences is guaranteed by the fact that the Commissioner is appointed by the National Assembly of the Republic of Serbia, for a period of five years, and it was also stipulated that the Commissioner has immunity as Members of Parliament of the National Assembly.

The function of the Commissioner is terminated after the mandate expiration, resignation in the written form submitted to the National Assembly, meeting the conditions for pension in compliance with the law, dismissal and death. The decision on dismissal of the Commissioner shall be made by the National Assembly. The Commissioner shall be dismissed from the duty due to unprofessional and unconscientious work; if he is convicted by the legislative decision for the criminal act for the jail sentence which shall make one undeserving or inconvenient for conducting these activities; after the loss of citizenship; as well as if carrying out other public appointment or vocational activity, other duty or job which may affect one's autonomy and independence or if one acts contrary to the law regulating prevention of conflicts of interests in conduct of public activities.

187. What NGOs exist to promote the fight against discrimination? How are they involved in concrete actions, including policy-making and the defence of discrimination cases in the courts? Please indicate whether NGOs have the right to represent or act on behalf or in support of the victims of discrimination in court/administrative proceedings.

Considering the field of fight against discrimination in relation to all prohibited grounds, we may mention the Coalition against Discrimination comprised of the following Non-Governmental Organisations:

- Anti Trafficking Center - ATC
- Center for Improvement of Legal Studies
- Civil Rights Defenders
- CHRIS – Network Committee for Human Rights comprising of:

- Human Rights Committee Valjevo
- Human Rights Committee Nis
- Human Rights Committee Negotin
- Human Rights Center Vojvodina
- Civic Forum Novi Pazar
- Human Rights Committee Vranje

- Gay Straight Alliance
- Gayten LGBT
- Initiative for Inclusion Veliki Mali
- Labris – a group for lesbian human rights
- Association of students with disabilities

Regarding the organisations whose activities are primarily directed towards fight against discrimination on the sexual orientation grounds, apart from already specified organisations (Gay Straight Alliance, Gayten LGBT and Labris – group for lesbian human rights), we are specifying also the following organisations:

- Queeria center
- Gay lesbian informative center
- Association Rainbow - Sabac
- Safe Pulse of the Youth - SPY
- LAMBDA – Center for promotion and improvement of LGBT human rights and Queer culture, Nis
- QUEER BELGRADE
- Lesbian organisation Novi Sad

Regarding the inclusion of representatives of non-governmental sector in creation of certain policies, we are specifying that in the preparation of the Law on Prohibition of Discrimination ("Official Gazette of RS", no. 22/09), besides experts in government and academic sector, a group of renowned local experts in civil sector also participated. The proposal of the Law was the subject of consultations also with the representatives of this sector.

The Ministry of Human and Minority Rights within whose competence is the preparation and coordination of the report on implementation of international contracts within human rights protection in 2008 started the process of reform of the existing reporting system in the course of institutionalising the cooperation and consultative process with the civil sector. Within the reform, the Ministry concluded the Memorandum on cooperation with approximately 150 non-governmental organisations in February 2009 on behalf of the Government of the Republic of Serbia. In this memorandum, the Ministry obliged itself to provide the regular exchange of information with civil sector in relation to activities referring to preparation, adoption and implementation of laws and strategies within obeying the human rights and basic freedoms, regarding the preparation of report on implementation of the taken international obligations, as well as other activities within its scope. Thus, the level of inclusion of civil society organisations is increased into policy and decision making within the human rights protection. It is essential to establish the inter-department mechanism for information and include non-governmental organisations in that process. The new information system is applicable to the Common Basic Document on the Republic of Serbia which is in compliance with the Adherent Guidelines for Reporting in accordance with the international contracts on human rights adopted by the UN in June 2006.

The Law on the Prohibition of Discrimination, in Article 22 regulates that the claim due to discrimination treatment, besides the Commissioner for protection of equality, may be submitted also by the organisations (association of citizens) whose activities are protection of human rights, i.e. rights of the certain group of persons.

188. Does the legislation impose on an employer a duty of reasonable accommodation of disabled persons, to enable them to have access to, participate in, and advance in employment?

Law on Vocational/Occupational Rehabilitation and Employment of Persons with Disabilities regulates the employment of persons with disabilities. Persons with disabilities are employed under general or special conditions. Employment of persons with disabilities under general conditions is regarded as employment with employer without adjustment of jobs, work place or jobs and work place.

Employment of persons with disabilities under special conditions is regarded as employment with employer with adjustment of jobs, work place or jobs and work place.

Adjustment of jobs refers to adjustment of work process and work tasks.

Adjustment of work position refers to technical and technological equipment of work place, means for work, space and equipment - in compliance with possibilities and requirements of person with disabilities.

Adjustment can also provide professional assistance, as well as assistance to the person with disabilities with entering the work or at work place, through counselling, training, assistance services and support at work place, following during work, development of personal work methods and efficiency assessment.

B. Equal treatment of women and men

Equal opportunities (Directives 75/117, 76/207, 2002/73, 86/613, 86/378, 92/85, 96/34, 96/97, 97/80 and 2004/113)

189. Is the principle of equal pay for equal work or work of equal value for men and women guaranteed?

- i) by law;**
- ii) by collective agreement;**
- iii) by the Constitution ?**

The Constitution of the Republic of Serbia, Labour Law and Gender Equality Law(Official Gazette of RS no.104/09) guarantee the equality of women and men and policy of equal opportunities.

The Labour Law stipulates that the employees are guaranteed equal salaries for the same work or the work of the same value which they have with the employer, and that the work of the same value implies the work for which the same level of the expertise, the same work ability, responsibility and physical and intellectual work are required. This is one of the basic discrimination prohibition principles, especially when it comes to work of men and women.

The Gender Equality Law stipulates that the employees, regardless their sex, exercise the right to equal earning for the same work of the work of equal value with the employer, in compliance with the Labour Law.

General Collective Agreement (OG of RS no. 50/2008, 104/2008, Annex I and 8/2009 Annex II) article 41 stipulates that the employed woman with a child up to two year old whose total monthly income per family member up to the amount of minimum earning, the employment cannot be terminated on the basis of ending the demand for her work.

190. Do pay gaps exist between women and men? How is the gender pay gap defined and measured?

Yes, they do. The differences are measured through Survey on work power, which is carried out on regular basis by the Statistical Office of the Republic of Serbia, and they are defined if a man and a woman at the same work place are paid differently.

The differences between earnings of women and men also exist in Serbia. Regarding the fact that we still do not carry out the Structure of Earning Survey, we are not able to calculate this indicator in compliance with methodology of Evrostat – according to data on earnings per working hour. At this moment, we can calculate the pay gap per gender from the existing Earning Survey with legal entities. The indicator calculated in this way represents the difference between average monthly gross earnings of women and men per employee (not per working hour) shown as percentage of average monthly gross earning of man per employee. (GPG is difference between man's and woman's average gross monthly earnings per employee as percentage of man's average gross monthly earning per employee).

The pay gap between the earning of women and men;

year	Gender Pay Gap*
2003	2.08
2004	4.67
2005	7.31
2006	6.72
2007	3.65
2008	4.84
2009	3.54

191. Is direct discrimination forbidden by law in the field of access to employment, training, promotion and working conditions?

The Law on Employment and Unemployment Insurance is based on several principles among which the significant place has the principle of discrimination prohibition and gender equality.

The Law on Employment and Unemployment Insurance provides the employer with the right to decide independently on the appointment of persons one shall hire or engage in business activities. At the same time, the Law stipulates the obligation of the employer to provide the equal treatment of the persons who applied for the business interview.

The Labour Law prohibits the immediate and indirect discrimination of persons looking for employment, as well as the employees, regarding the sex, birth, language, race, skin colour, age, pregnancy, health condition, i.e. disability, nationality, religion, marital status, family relations, sexual orientation, political or other beliefs, social origin, assets, membership in political organisations, unions or some other personal characteristic. This Law prohibits discrimination in relation to: 1) conditions for employment and appointment of candidate for performing certain

job; 2) work conditions and all rights from being employed; 3) education, training and improvement; 4) promotion at work; 5) cancellation of the Employment Contract. Besides aforementioned, Labour Law defines immediate discrimination as every activity caused by some of the previously specified reasons by which the person looking for an employment, as well as an employee, is put in unfavourable position in relation to other persons in the same or similar situation.

The Gender Equality Law stipulates that the employer shall be obliged to provide the employees, regardless their sex, with the equal possibilities and treatment, in relation to exercising the right regarding their employment and work, in compliance with the Labour Law.

The following shall not be regarded as discrimination or principle disobedience:

- 1) special measures for increase in employment and possibility of employment of less employed sex;
 - 2) special measures for increase in participation of less represented sex in vocation training and provision of equal opportunities for promotion;
- other special measures, stipulated in compliance with the Law (article 11)

Belonging to certain sex cannot be an obstacle for promotion at work.

Maternity and parental leave at work shall not be an obstacle for selection to higher expertise, promotion and vocational training.

Maternity and parental leave at work shall not be a basis for appointment to inappropriate jobs and termination of the Employment Contract in compliance with the Labour Law. (Article 16)

Disturbing, sexual harassment or sexual coercion at work or in relation to work done by one employee to the other one shall be regarded as a violation of work obligation which represents the basis for termination of Employment Contract, i.e. pronouncement of termination measure regarding employment, as well as the basis to alienate an employee from work.

The circumstances implying that an employee is exposed to disturbing, sexual harassment or sexual coercion shall be reported in paper to the employer by the employee, requiring efficient protection (Article 18).

In every cycle of vocational improvement or training, the employer shall consider that the gender representation shows the employees structure to the greatest extent with the employer or in the organisational unit for which the training is being done and advise on it in an annual report. (Article 19).

Initiating the proceedings by the employee due to sexual discrimination, disturbing, sexual harassment or sexual coercion at work shall not be a justified reason for termination of Employment Contract, i.e. termination of work or other (contractual) relation on the work basis, nor they can be a justified basis for making the employee redundant in compliance with the work regulations (Article 20)

Organisation authorized for recruitment provides equal availability of the jobs and quality in the event of employment of both sexes.

Initiatives in employment and self-employment of the less represented sex are not in discrepancy with the principle specified in paragraph 1 of this Article.

Organisation authorized for recruitment provides employment and self-employment of the less represented sex by engagement of a certain number of persons of that sex into specific measures of active employment policy.

The measures of active employment measures provide: affirmation of equal opportunities in the labour market; career guidance, professional information, counselling and individual recruitment plan; additional education and trainings; other activities directed towards initiatives of self-employment and employment of the less represented sex. (Article 22)

Educational and scientific institutions as well as institutions for vocational training are prohibited to exercise sexual discrimination, especially in relation to:

- 1) conditions for acceptance and refusal of entering the institution; opportunities to access the permanent education including all adult education programs and programs of functional literacy;
 - 3) conditions for exclusion from the process of education, scientific work and vocational training;
 - 4) the method of service rendering and provision of advantages and information;
 - 5) the assessment of knowledge and evaluation of the acquired results;
 - 6) conditions for the award of scholarship and other types of assistance for education and studies;
 - 7) conditions for appointment or acquiring the expertise, vocational guidance, vocational improvement and obtaining the certificates;
 - 8) conditions for promotion, additional vocational training and vocational retraining.
- (Article 30)

192. Is gender specific advertising allowed?

The Rulebook on immediate data content and method of keeping the records within the area of employment ("OG of RS", no. 15/2010) closely regulates the content of records regarding the employment requirements.

Data on vacancies, i.e. work position include the following data:

- 1) the required number of workers
- 2) name and description of work and profession
- 3) work location
- 4) type of employment
- 5) duration of employment
- 6) working hours
- 7) work conditions and other conditions regarding work performance
- 8) conditions required for working at the vacancy, i.e. work
- 9) the number of persons with disabilities

As it can be seen in the aforementioned, the sex is not the data required in the event of vacancy posts.

The Gender Equality Law prohibits making any difference regarding the sex in the event of public vacancy ads and conditions for their performance and decision on recruiting the persons looking for engagement due to employment, unless there are justified reasons specified in compliance with the Labour Law

Among other things, the Labour Law prohibits sexual discrimination in relation to employment conditions and appointment of the candidate for performing certain business activities.

193. Is there a rule established either by law or jurisprudence that there is no justification whatsoever to ask a woman about pregnancy when applying for a job of whatever kind?

The Labour Law (Article 26, paragraph 3) stipulates that the employer shall not restrict the employment commencement by pregnancy test, unless the jobs bear significant risk for the health of a woman and a child determined by the competent health institution.

194. Does the national law or case law provide a definition of direct and indirect discrimination, harassment on ground of sex and sexual harassment? (Directive 2006/54/EC))

The Labour Law prohibits direct and indirect discrimination against persons seeking employment, and employees, with respect to sex, birth, language, race, colour, age, pregnancy, health condition or disability, national origin, religion, marital status, family responsibilities, sexual orientation, political or other belief, social origin, property, membership in political organizations, unions or any other personal characteristic (Article 18). This law prohibits both direct and indirect discrimination and specifies more closely these types of discrimination.

Indirect discrimination, within the meaning of this Law, shall be any action caused by some of the grounds referred to in Article 18 of this law that places a person seeking employment or employee in a less favourable position than other persons in the same or similar situation.

Indirect discrimination, within the meaning of this Law, exists if certain apparently neutral provision, criterion or practice places or would place a person seeking employment or employee in a less favourable position than other persons, due to a certain quality, status, affiliation or belief from Article 18 of this law. These discrimination forms are prohibited in relation to conditions of employment and selection of candidates for conducts of certain job; working conditions and all rights resulting from employment relation; education, training and advanced training; promotion at work and termination of contract of employment. The provisions of Labour Law stipulating discrimination in relation to any of the ground in Article 18 of this Law are null and void. In cases of discrimination, the person seeking employment, as well as the employee may initiate the proceedings before the competent court for claim remuneration in accordance to the law.

The Labour Law prohibits harassment and sexual harassment (Article 21). Harassment, within the meaning of the Labour Law is any unwanted behaviour resulting from some of the grounds referred to in Article 18 of this law aimed at or representing violation of dignity of a person seeking employment or employee, causing fear or breeding adverse, humiliating or insulting

environment. Sexual harassment, within the meaning of this Law is any verbal, non-verbal or physical behaviour aimed at or representing violation of dignity of a person seeking employment or employee in the area of sexual life, causing fear or breeding adverse, humiliating or insulting environment.

195. Are there any legal provisions concerning damages to be awarded by court in case of discrimination on grounds of sex? If so, are there any upper limits defined by law for such cases?

Yes, the legal regulation and prohibition of discrimination in relation to gender is stipulated in the Labour Law, Law on Prohibition of Discrimination and Law on Gender Equality. The discriminated person or a group has a legal right to claim compensation, on some occasions even before judicial protection, and in the judicial protection proceedings on several legal grounds in compliance with the Law on Contracts and Torts. The upper limit of this compensation is not specified.

The Law on Gender Equality regulates that every person whose right or freedom was violated due to affiliation to certain sex may initiate proceedings before the competent court and request:

- 1) specifying the violation carried out by discriminatory treatment;
- 2) prohibition of activities likely to cause injury;
- 3) prohibition of further carrying out, i.e. repeating activities which caused injury;
- 4) displacement of the objects which caused the injury (textbooks which on discrimination or stereotype basis represent the sex, printed media, advertising, propaganda material, etc.);
- 5) removal of violation and establishment of position, i.e. condition before the carried out injury;
- 6) compensation of material and intangible damage.

A fine of RSD 10,000 to RSD 100,000 shall be imposed for infringements upon employer as legal entity if:

- 1) he does not prepare the plan of measurement for provision of equal representation of sexes in Article 13(1);
- 2) he does not prepare an annual report on carrying out the plan of measures specified in Article 13(2);
- 3) in the event of employment or labour engagement requests or uses information on family life or family plans of the candidates;
- 4) in the event of public job vacancies, conditions for their conduct and decision on selection of person due to employment relation or other type of engagement, make a gender based difference (Article 15);
- 5) in the event of job selection, violates the provisions on gender equality (Article 16);
- 6) violates provisions on equal payment of the same work of women and men (Article 17);
- 7) he does not take measures in order to protect an employee against harassment, sexual harassment or sexual conditioning (Article 18(1));

8) he does not obey the provisions on equal representation of sexes in the event of organisation of vocational training or training (Article 19);
if he terminates the employment relation or the contract on labour to the employee contrary to
9) the provisions of this law (Article 20).

A fine of RSD 5,000 to RSD 25,000 shall be imposed for infringements upon entrepreneur for violation specified in Article 1.

A fine of RSD 5,000 to RSD 25,000 shall be imposed for infringements upon competent person with employer for violation specified in Article 1. (Article 54)

A fine of RSD 5,000 to RSD 25,000 shall be imposed for infringements upon competent person as public information if the information issued in that media harms the dignity of person regarding the affiliation to certain sex, harms the equality of a person on gender grounds or incites such harm (Article 55).

The Labour Law envisages the possibility that a person seeking employment, i.e. the employee who was affected by the discrimination may request the claim remuneration before the competent court. The regulations do not specify upper limitations of the possible amount of claim remuneration which would oblige the competent court in the event of decision making in the single proceedings.

196. Is there a system of administrative sanctions in case of discrimination based on sex? If so, please give details.

The Gender Equality Law stipulates that every person who had his right or freedom violated based on sex, can initiate the proceedings before the competent court and to require:

- 7) defining the violation done by discriminatory behaviour;
- 8) prohibition of performing the activities which are likely to cause injuries;
- 9) prohibition of further taking, i.e. repeating the activities which caused the injury;
- 10) putting the means, i.e. objects which caused the injury (textbooks which present the sex in discriminatory or stereotype way, printed media, advertisement, propaganda material, etc.);
- 11) removing the injury and establishing the position, i.e. condition before the injury;
- 12) the compensation of material and immaterial damage.

The Labour Law (Article 273, paragraph 1, point 1) stipulates the violation responsibility of the employer who violates the discrimination prohibition, among other based on the sex. According to the article 270 of the specified law, the labour inspector is obliged to submit the request in order to initiate violation procedure if he finds that the employer, i.e. manager or entrepreneur, by violation of the law or other regulations which stipulate work relations committed violation. Authorization for submitting the request.

During 2009 and within the period January – November 2010, the labour inspectors of the department and sector of labour inspectorate in administrative regions and the City of Belgrade did not submit requests for initiating misdemeanour proceedings against employers, who

violated the prohibition of discrimination on gender grounds, because in the specified period, during inspection monitoring, they did not specify that the employers violated the prohibition of discrimination regarding on gender grounds.

Regarding the Law on Prohibition of Discrimination ("Official Gazette of RS", No. 22/2009), the total of six requests for initiating the misdemeanour proceedings were submitted, one request in Belgrade and five requests in Trstenik, within the fields excluding the domain of employment relations.

197. Are there any provisions to protect women (not pregnant women) against work underground, onerous and harmful work and in particular from night work?

Labour Law does not stipulate a general prohibition for women (not pregnant women) for night work, work underground or any other harmful work.

198. Are there any provisions in law or ordinance to define jobs in the sense of Art. 2 (2) of Dir. 76/207 where the sex of a worker constitutes a determining factor?

Neither the Labour Law nor the rulebooks enforced on the grounds of that law specify the professions in which the gender of an employee represents the determining factor. The Labour Law (Article 18) prohibits discrimination, among other things, but it also stipulates (Article 22) that making difference, exclusion or granting privileges shall not be considered discrimination in relation to certain job when it is the nature of such a job or conditions related to it under which the job is performed that the characteristics associated with some of the grounds in Article 18 of this Law represent actual and crucial requirement for performing the job, given that the purpose to be achieved is thereby justified.

In laws and sub-legislative acts within the field of defence and Army of Serbia, there are no provisions under which the gender of an employee represents the determining factor, i.e. the special regulation does not define the jobs which may be performed only by one gender.

Article 11 of the Law on Army of Serbia stipulates that the provisions of the Law on Structure of Army of Serbia (permanent and reserve structure) equally relate to women and men. Furthermore, the provision of Article 39 of the Law, stipulating general conditions for acceptance into military service as a professional military person, specifies the same conditions for acceptance of the candidates of male and female sex, with positive discrimination of women, when unlike male candidates, military service with arms is not the condition which a female candidate needs to meet in order to be accepted into professional military service.

Besides the aforementioned, the complete gender equality is specified also through the provision of the Article 13 of the Law, which prohibits privileges or deprivation of the members of the Army of Serbia in their rights or obligations, especially due to racial, religious, gender or national affiliation, origin or some other personal characteristic.

The protection against discrimination on gender grounds is specified in the provision of Art. 149. of the Law, which, among other things, refers to treatment which harms dignity of the ancillary employees regarding gender as severe violation of service duty – disciplinary offence.

Not even MIA ever envisaged any legislative act in the form of rulebook, guidelines or some other form where on any grounds, the privilege is granted to any gender and thus violate the principle of gender equality.

199. Is there a general prohibition of night work for pregnant women?

Labour Law stipulates that a working woman during her first 32 weeks of pregnancy cannot work overtime or during nights, if such kind of work would be harmful for her health and the health of her child; this in compliance with the conclusions by the competent health authority. During her last eight weeks of pregnancy, a working woman cannot work overtime or work at night.

200. What is the legal position of a spouse of a self employed worker in terms of status, social protection and rights?

According to special regulations, a spouse of a self-employed worker is considered to be a family member. In accordance to this, he/ she is entitled to health insurance according to special laws on health care.

201. Are pregnant women protected against dismissal during the time of pregnancy and maternity leave?

The Labour Law stipulates that during pregnancy, maternity leave, absence from work for child care and absence from work for special child care, the employer cannot cease the employee's labor contract. This prohibition does not relate to the employee with a fixed-term contract, as his/ her contract can be terminated after its validity time expired.

202. Do national law or collective agreements forbid the exposure of pregnant or breastfeeding women to hazardous agents?

The Labour Law - article 89 stipulates that a pregnant woman during her pregnancy cannot be engaged on jobs that are, according to the findings of the competent health authority, hazardous to her or her child's health, especially on jobs that demand lifting weight or jobs where one is exposed to hazardous radiation or to extreme temperatures and vibrations.

203. Does the employer have to assess the risk within the workplace?

Article 13 of the Law on Safety and Health at Work determines the obligation of the employer to pass through a written document on risk assessment for all the workplaces in the working environment and to establish a manner and measures for their removal, as well as to change the document on risk assessment following the arise of every new danger or change of risk level during the work process.

It is also determined that the Document on risk assessment is based on establishing possible types of danger and hazards within the workplace in the working environment. Based on them, one performs a risk assessment of injuries and health deterioration of the employee. Mode and procedures for risk assessment within the workplace and in the working environment are regulated in the Act on mode and procedures of risk assessment within the workplace and in the working environment („Official Gazette of RS“, no. 72/06 and 84/06-Corrigendum).

204. What are length and conditions of maternity leave required by law?

According to the Labour Law, a working woman is entitled to absence from work due to pregnancy and giving birth (hereinafter: maternity leave), as well as absence from work for child care, during a total of 365 days for the first and second child, i.e. 2 years for the third and any following child.

A working woman is entitled to commence her maternity leave based on the conclusions of the health authority earliest 45 days, and obligatory 28 days before the time determined for giving birth.

Maternity leave lasts until the end of three full months from the day of giving birth. A working woman, after the expiration of maternity leave, is entitled to absence from work for child care until the expiration of 365 days, or 2 years from the beginning date of maternity leave.

205. Do provisions in your law clearly stipulate that at least 2 weeks of maternity leave are compulsory?

The Labour Law stipulates that maternity leave and absence from work for child care are the right of a working woman in the duration of 365 days for the first and second child, that is 2 years for the third and every following child. The law does not determine obligatory and non-obligatory duration of the maternity leave, except that it is stipulated that maternity leave is obligatory started 28 days before the term for delivery.

206. Do national law or collective agreements give an individual right to parental leave and to reintegration into the previous or an equivalent job?

The Labour Law does not particularly stipulate that after the expiration of the maternity leave the working woman returns to the same or equivalent work place, but this is understood, because the Labour Law prescribes the cases and conditions when an employer can offer the employee

changes of contracted working conditions, while a transfer to other workplaces is possible only if suitable workplaces are concerned (in accordance with the qualifications of the employee).

207. Is parental leave granted on an individual non-transferable basis to both parents?

The Labour Law determines the right of a working woman on maternity leave and absence from work for child care during the period determined by law (above mentioned in points 174. And 175). However, the Law also determines in which cases the father of the child can use maternity leave (with duration until the end of three months after giving birth) – this is a mother abandons her child, it she dies or if from any other justifiable reasons she is prevented to exercise this right (serving a jail sentence, more severe illness, etc.).

Right of absence from work for child care is extended after the expiration of maternity leave, and this absence can be used by the father or the mother of the child.

208. What provisions on parental leave grant parents the right to return to the same work place, protection against dismissal and the protection of acquired rights?

The Labour Law (article 187) stipulates that during pregnancy, maternity leave, absence from work for child care and absence from work for special child care, the employer cannot cancel the Employment Contract with the employee. This prohibition does not relate to the employee with a fixed-term contract, as his/ her contract can be terminated after its validity time expired.

The Labour Law does not particularly determine the right of a parent to, upon expiration of the maternity leave or leave for child care, return to the same workplace, nor do they have a special protection of gained rights.

A Collective Contract can determine larger protection of parent rights, thus, for example Branch Contract for employees in primary and secondary schools and pupils' homes, predicts that the employment of an employee for which there is no longer need cannot stop without his/ her consent: for a working woman during pregnancy or with a child up to two years of age; 2) single working parent; 3) employee that has a child with serious disability.

Also, General Collective Contract stipulates that the contract cannot be terminated for a working woman with a child below two years of age, whose total monthly income per household member is until the amount of the minimal wage, if it is based on the expiration of the need for her work.

209. Are there provisions on the burden or proof concerning court suits and other procedures in cases of sexual discrimination? If so, does the employer have to prove that he did not discriminate if discrimination can be presumed?

According to the Labour Law, if he/she believes he/she was discriminated on the basis of sex, person that is searching for a job, as well as an employee, can start a compensation procedure in front of the authorized court, in accordance with law.

The discriminated person has an easier position during the process of proving due to the rule that the defendant is guilty, if it is undisputed between the parties or the court has determined that an act of direct discrimination has been conducted. The division of the burden of proof was done so

that if the plaintiff makes it reliable that the act of discrimination was based on sex, the defendant bears the burden of proof.

The provisions of the Anti-discrimination Law, regulating the issue of the burden of proof during court procedures in all cases of discrimination, this also in sexual discrimination, have placed the burden of proof on the defendant, in this case the employer, who has to prove that he did not act discriminatorily, if the discrimination can be assumed.

With such solution, the Law greatly has eased the process position of the plaintiff that is the victim of discrimination, and has created real assumptions for easier, faster and more cost effective come to the satisfaction of the interests of the victim of discrimination.

If the plaintiff makes it plausible that the defendant has performed the act of discrimination, the cost of proof that the undertaken measure has been justifiable, that is that because of that act the principle of equality or the principle of equal rights and obligation have been injured, gets transferred to the defendant, in case of the employee. It shall be considered that the plaintiff made it plausible that the defendant has made the act of discrimination if he/ she makes it plausible that a different treatment of persons exists based on the role of the person, that is the superior person, in the concrete case gender-based, and he she does not have to make it plausible that the undertaken measure has been unjustifiable. The plaintiff has to prove that there was a justifiable doubt that the defendant has undertaken an act of discrimination, and not to prove the very act of discrimination. According to contemporary tendencies in the Anti-discrimination Law, this expresses the need that the burden of proof has to be transferred from the plaintiff to the defendant.

The law enables easier proof of existence of discriminating handling in concrete cases by allowing that the person is wittingly exposed to such handling with the intention to directly check the application of the rules on prohibition of discrimination, and that he/ she cannot raise a lawsuit. Ombudsman, the organization that deals with protection of human rights, or a person who wittingly exposed to such discriminatory handling cannot raise a lawsuit for material and non-material compensation, taking into consideration that the motive of such lawsuit has been protection of persons or a group that has been exposed to discriminatory handling, as well as proving the very act of discrimination.

Law on Gender Equality (Article 49) determines that one cannot prove that direct gender based discrimination has been made without guilt, if among the parties indisputable or if the court has determined that the act of direct discrimination has been committed.

If during the procedure, the plaintiff made it plausible that the act of sexual discrimination has been committed, the burden of proof that this act did not violate the principle of equality, or the principle of equal rights and obligations, is borne by the defendant.

210. Do institutional structures exist for the promotion of gender quality? (Equal opportunities Commission, ombudsperson, etc.). Please provide an overview of all the institutional structures for the promotion of gender equality and indicate their administrative capacity.

Yes, institutional structures in the Republic of Serbia are:

- As part of the National Assembly of RS – Gender Equality Committee, has 15 members from all political parties, proportionally to the number of mandates of members of parliament
- At the Government of RS – Council for Gender Equality, with 24 members (22 women and 2 men). Half of the members are from the Government bodies, while half are from academic circles and Associations.
- Ombudsman and deputy of the ombudsman for special protection in the area of gender equality has been elected in 2008 (according to the Law on ombudsman)
- Commissioner for the protection of Gender Equality has been selected in the year 2010
- Provincial and local protectors of gender equality,
- Gender equality in the Vojvodina Assembly, 10 persons
- Gender Equality Directorate as the first executive institution of Government, founded in 2007. It is authorized for analysis of the condition and proposal of measures in the area field of gender equality improvement, preparation of laws, strategy and action plans and is responsible for their implementation; it monitors implementation of recommendations of the CEDAW committee of the UN; participates in meeting the international obligations within the area of gender equality, especially in the process of EU accession; harmonizes the national legislation with EU; cooperates with other government institutions and local self-government authorities; manages the training of government officials on the topic of including gender equality in their policies; promotes gender equality policy.

The capacity is: manager (female) of the Administration and five (5) employees (female).

- Provincial Secretariat for Labour, Employment and Gender Equality, 4 persons in the sector for gender equality
- Provincial Institute for Gender Equality, with 4 persons
- Committees for Gender Equality on local level.

211. Please provide information on:

- a) the activity rates of women and men;**
- b) the employment rates of women and men;**
- c) the unemployment rates of women and men;**
- d) part time work for women and men;**
- e) educational attainment of women and men (upper secondary school, 20-24);**
- f) share of members of national Parliaments (women and men);**
- g) share of senior ministers of national government (women and men);**
- h) the gender pay gap between women and men;**
- i) the proportion of female entrepreneurs;**
- j) the availability of childcare facilities.**

a) the activity rates of women and men

s15 years and older					
	April2008	October 2008	April 2009	October 2009	Aprilл 2010
Men	60,2	60,5	58,0	57,3	55,9
Women	43,6	43,0	41,4	41,3	39,2
Total	51,5	51,4	49,3	48,9	47,2

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

b) the employment rates of women and men

Employment rate, population of 15 years and older					
	April 2008	October 2008	April 2009	October 2009	April 2010
Men	53,1	53,2	49,8	48,5	45,5
Women	37,0	35,9	34,3	33,7	31,4
Total	44,7	44,2	41,6	40,8	38,1

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

c) the unemployment rates of women and men

Unemployment rate, population of 15 years and older					
	April 2008	October 2008	April 2009	October 2009	April 2010
Men	11,7	12,1	14,3	15,3	18,6
Women	15,2	16,5	17,3	18,4	20,1
Total	13,3	14,0	15,6	16,6	19,2

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

d) non-full or part time work for women and men;

Full time work, population of 15 years and older					
	April 2008	October 2008	April 2009	October 2009	April 2010
Men	89,1	91,7	91,1	92,3	91,0
Women	86,8	89,9	89,4	89,9	90,1
Total	88,1	90,9	90,3	91,3	90,6

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

Part time work, population of 15 years and older					
	April 2008	October 2008	April 2009	October 2009	April 2010
Men	10,9	8,3	8,9	7,7	9,0
Women	13,2	10,1	10,6	10,1	9,9
Total	11,9	9,1	9,7	8,7	9,4

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

e) educational attainment of women and men (higher education, 20-24);

Population with higher and university education, 20-24 years					
	April 2008	October 2008	April 2009	October 2009	April 2010
Men	4400	8578	9160	6832	8734
Women	14088	12802	12377	10988	10970
Total	18488	21379	21538	17820	19704

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

f) share of members of Parliament mandates in National Assembly (women and men);

National Members of Parliament in Assembly of the Republic of Serbia	
Total	255
Men	195
Women	55

Source: National Assembly of the Republic of Serbia

f) share of ministry mandates in National Government (women and men);

Ministry mandates in the Government of the Republic of Serbia	
Total	26
Men	21
Women	5

Source: Government of the Republic of Serbia

h) the pay gap between women and men.

Year	The Gender Pay Gap
2003	2.08
2004	4.67
2005	7.31
2006	6.72
2007	3.65
2008	4.84
2009	3.54

*Data refer to employees with legal entities and they are calculated based on average payment per employee, since there is no average payment per working hour. This calculated GPG is not in compliance with the Eurostat methodology.

Source: Statistical Office of the Republic of Serbia, survey RAD-1

The difference in the amount of salaries between men and women is 16%³⁸

i) The proportion of female entrepreneurs

Year	Proportion of female entrepreneurs in the total number of entrepreneurs
2007	33.4
2008	33.3
2009	42.3
March 2010	42.1

Source: Evaluation of SOR based on RIHI.

j) the availability of childcare facilities.

According to the data of the Ministry of Education, the inclusion of children with institutionalized pre-school upbringing and education is slightly increasing. in 2007/2008 it amounted 33.6% of children of age from 1-5.5 years; in 2009/2010 34.7% of children of this age were included.

The data of the Statistical Institution of the Republic imply that the compulsory pre-school program (children from 5.5 to 6.5 years) in 2007/2008 included 69,728 children (88.85%) and in 2009/2010 69,378 (87.82%) children of this age were included.

**AVAILABLE DATA AND INDICATORS OF SIR
on pre-school upbringing and education for 2009**

o Inclusion of PEI

	The number of children	Inclusion in %	Population group	The number of children in
Registered in PI	184066	38,8%	children (of age 0.5-6 years)	474922
Infants (of age up to 3 years)	27667	16,1%	children (of age 0.5-6 years)	171859
Infants (of age 3-6 years)	156399	51,6%	children (of age 3-6 years)	303063

○ Occupancy of PI capacities

	The number of children	% contingent	Contingent	The number of children
Registered with exceeding capacity	8346	4,5%	Registered in PI	184066
They were not registered due to filled in capacity	13791	7%	registered for placement in PI	197857

212. What measures are put in place to encourage the reconciliation between professional and private/family life of both women and men?

In the course of reconciliation between professional and private life, the Labour Law envisages:

- opportunity of employment relation with part time work, employment relation for carrying out work outside the premises of the employer;
- the right of one parent with a child up to three years and single parent with a child up to seven years or a child with severe disabilities to work overtime, i.e. at night only with one's written approval;
- the right of an employed parent, i.e. the one who adopts, breadwinner or guardian of a child younger than three years or a child with severe level of psycho-physical disabilities to work in transfer of work time only with one's written approval.
- the right of an employee for a paid leave from work with compensation of a salary in the total duration of seven business days in the course of one calendar year in case of marriage, wife giving birth to a child, serious illness of a member of immediate family and other instances laid down in the general act of the employer and five business days in case of death of a member of immediate family;
- the right of one parent, the one who adopts, breadwinner or guardian of a child requiring a special care due to severe level of phycho-physical disabilities (apart from the cases specified in the regulations on health insurance) that, after the expiry of maternity leave and leave from work due to child care, takes days off work or to work part time of the full time, maximum up to five years of a child;
- the right of a breadwinner, i.e. guardian of a child younger than five years that, due to child care, takes days off eight months without a break from the date of accommodation of child in breadwinner, i.e. guardian family, maximum up to five years of a child, and in case the accommodation of a child occurred before three months of a child, a breadwinner, i.e. a guardian of a child has the right to, due to child care, take days off up to 11 months of a child.
- the right of a parent or a breadwinner, i.e. person who takes care of a person impaired with cerebral paralysis, child paralysis, some type of plegia or impaired of muscle dystrophy and other severe diseases, based on the opinion of a competent health authority, to work part time but not shorter than the half time of a full time, exercising the right to corresponding payment, in

proportion to the time spent at work, in compliance with the law, general act and Contract on employment;

- the right of one parent, the one who adopts, breadwinner or guardian to take days off without the compensation until a child is three years (unpaid leave).

213. What measures are put in place to encourage a balanced participation of women and men in economic and political decision-making?

Article 14 of the Law on gender equality stipulates that, if the gender representation in each organizational unit, at the managerial positions and management and monitoring institutions, amounts less than 30%, the public authorities are obligatory to apply affirmative measures in compliance with the Law on Civil Servants and the Law on State Administration.

In AP Vojvodina are adopted affirmative action measures for participation of women in political decision, amendments to the election legislation, including the Law on Elections for the Assembly of AP Vojvodina (but only for 60 members of Parliament who are being elected according to the proportional system, and not for 60 members of Parliament who are elected according to the majority system). Quota for less present sex at all positions and in all deciding bodies, including executive authority are established by the Law on Gender Equality, but this measures are still not fully implemented.

The same Law establishes the participation of women in administrative and managing company committees, action plans for gender equality submitted by the employers with more than 50 employees and other measures against discrimination on labour market.

This measures are also predicted by the National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality in the Republic of Serbia.

Economic strengthening of women is a part of strategic directions of AP Vojvodina development and Provincial Secretariat in 2008, 2009 and 2010 put into effect the affirmative measures by subventions for employment and self-employment of women, single mothers and Roma women. Guarantee Fund of AP Vojvodina also implements the Program for Support of Women Entrepreneurship for working inactive and women entrepreneurs on the market.

214. What measures are put in place to encourage labour market participation of particular groups of women such as disabled women, single mothers, older women, women living in rural areas etc.?

Law on Employment and Unemployment Insurance and Law on Professional Rehabilitation and Employment Persons with Disabilities that came into force on 23.05.2009, are based on the anti-discrimination and gender equality principles and introduce many innovations into the field of employment.

National Employment Action Plan is being passed annually, whereas the report on realization of the previous action plan is also adopted every year.

- National Employment Action Plan for 2010 ("OG of RS", number 7/2010) stipulates measures and activities in order to make the position of women and men of the labour

market equal and in particular encouraging women's employment from the category of more difficult employable women (long-term unemployment persons, unemployed unskilled or underskilled, redundancy of employees, persons with disabilities, Roma people, refugees and displaced people and returnees according to the agreement on readmission).

Realization of measures of the active employment policy through NES within the period 2008-2010

Measure	2008		2009		six months	
	Total persons	% Women	Total persons	% Women	Total persons	% Women
Additional education and training programs	10.030	58,9	20.515	56,9	7.066	52,8
Subvention for employment	3.386	36,1	5.303	41,1	1.498	40,1
Subventions to employers for opening of the new vacancies	8.668	50,9	6.429	47,3	1.647	47,4

NB: Data for 2009 are the total data on participation of persons in the measures taken by NES, financed from the budget of RS and AP Vojvodina.

1. The unemployment rate and the employment rate of young women in the Republic of Serbia are significantly high, i.e. low, respectively.

The Program of employment and vocational training of trainee employees which is aimed at young people up to 30 year old with the qualifications in 2009, 9.518 i.e. 55.5% of women participated, and in the first nine months in 2010, 3.825 women, i.e. 53% participated.

2. At the unemployment registry of National Employment Service, there are 7.017 women with disabilities, i.e. 32,22% of the total number of persons with disabilities as of 30 June 2010.

Participation of women with disabilities into the measures of the active employment policy in the first six months in 2010:

- 386 women with disabilities or 29% of the total number of participants with disabilities took part in the employment fairs.
- 16 women with disabilities, i.e. 57.14% of the total number of participants with disabilities took part in the "job club" functioning.
- 58 women with disabilities, i.e. 33.14% of the total number of participants with disabilities finished the training for active job seeking.

279 persons with disabilities, of which 115 were women with disabilities, were employed from the NES registry in 2009.

3. Registry of Roma people with National Employment Service was established in 2009.

In 2009, 6.504 Roma women participated in the measures of the active employment policy through NES.

Roma people participated in the measures of the active employment policy realized by NES in the period 01 January – 31 October 2010, of which 8.870 Roma women, as follows:

- 1.313 Roma women participated in the group information.
- 1.003 Roma women were directed to an employer for an employment interview (intermediary service);

- The assessment of employment and individual employment plan were determined, i.e. revision for 5.398 Roma women was carried out.
- Vocational orientation (information on the prospects of career development, counselling and selection for an employer or additional education and training) included 46 Roma women;
- Active job seeking (Training for active job seeking/ATP-1 and Self-efficiency training/ATP-2) included 299 Roma women;
- 286 Roman women visited employment fair;
- 24 Roma women participated in the additional education and training activities, as follows:
 - a. functional basic education was organized for 7 Roma women;
 - b. training activities include 19 Roman women, of which training activities for a known employer (3 women) and training activities for labour market (16 women);
 - c. preparation for employment was organized for 62 Roma women;
- Information and counselling for entrepreneurship development involve 182 Roma women;
- Instructional three-day training “The path to the successful entrepreneur” was successfully finished by 120 Roma women;
- Subvention for self-employment was awarded to 38 Roma women;
- 30 Roma women were employed through Subvention to employers for opening of the new vacancies;
- Public works projects employed 115 Roma women;
- 18 Roma women were employed through Subventions to contributions for basic social insurance.

Regarding republic level, there were no special programs and public calls through National Employment Service aimed at women exclusively or certain vulnerable groups of women in the period 2008-2010.

Regarding regional level – In 2008, the Regional Secretariat for Labour, Employment and Equality of Sexes realised the program for subvention award of self-employment and new employment to single mothers in cooperation with NES at the territory of AP Vojvodina. 18 requests for self-employment and 27 requests for new employment were approved.

Regarding municipality level, there were initiatives for employment incentives for certain vulnerable groups of women in accordance with the situation and requirements at the local labour market, which were financed from municipality budgets, projects, through Administration for Gender Equality and Provincial Secretariat for Labour, Employment and Gender Equality.

- National Employment Action Plan for 2011 was adopted (“OG of RS”, number 55/2010) which classifies women into so-called “vulnerable categories” which, accompanied with the category of more difficult employable women, especially persons from rural and devastated areas, shall have priority in the event of inclusion into the measures of active employment policy through National Employment Service.

Within the program and measures for women in NEAP for 2011, also affirmative activities were planned directed towards more difficult employable women and numerously discriminated women at the local labour market.

In AP Vojvodina is adopted the Action Plan for Employment and Self-Employment of the vulnerable women groups targeted as single mothers, women refugees, internally displaced person and women with disabilities, Roma women, women who live in rural areas for the period of 2008-2012. Subventions and support programs form part of the implementation of this plan,

but are not fully implemented neither there is an adequate way of evaluation of effects of this programs to the position of women from the vulnerable groups.

215. Are there any legal provisions in place covering occupational social security schemes? If so, do such schemes already exist in your country?

Mandatory pension insurance in unique way includes three categories of the insured persons, as follows: the employed insured persons, the self-employed insured persons and the insured persons in agriculture. There are no special professional insurance schemes.

Within the specified categories, the special provisions regulate the conditions for exercising the right of the insured persons who work especially strenuous and health hazardous jobs and whose insurance work service is determined with extended duration, as well as certain categories of the insured persons (authorized official persons regarding regulations on business activities of internal affairs and the representatives of SIA; employees in Ministry of Foreign Affairs; authorized official persons regarding regulations on criminal activities; authorized official persons of Tax Police regarding regulations on tax administration).

216. Are there any restrictions based on gender, concerning access to goods and services available to the public, offered outside private and family life?

There are no restrictions based on gender concerning access to available goods and services.

217. Is gender used as an actuarial factor for insurance products?

In the mandatory state pillar of pension insurance, there is a differentiation based on gender regarding the conditions for retirement and method of pension calculation.

In the mandatory state pillar of pension insurance, actuarial assessments have not been carried out yet.

In compliance with the provisions of EU Directive 2004/113/EC, the sex is one of the factors used in the event of the insured risks assessment in insurance.

Actually, the insurance companies, in compliance with the regulations, in the event of calculation (a premium, an insured amount) use statistical tables based on statistical data. The specified statistical tables were issued by the authorized institution in the Republic of Serbia (Republic Statistical Office of the Republic of Serbia) and the used statistical data are reliable, updated and available to public.

218. Are health insurance premiums for women higher than for men and are pregnancy and maternity related costs taken into account for the purpose of calculating premiums?

The bases and rates of health insurance contributions are the same for both men and women.

The contribution for compulsory health insurance depends on category of insurance policy holder, i.e. basis of insurance and not the gender of an insurance policy holder.

However, the contribution for employed persons amounts 12.3% of their salary, and it is provided in the equal percentage by the employer and the employee. Other categories of insurance policy holders pay 12.3% of the base for which the contribution is calculated, whereas the contribution for endangered categories provided from the budget of the Republic of Serbia amounts 12.3% of minimum basis.

Equality of treatment in social security

219. Is there a general social security scheme covering the working population in your country? Does it contain differences in the pensionable age for men and women, or in the survivor pension benefits available to men and women? (These may be permitted under the derogations contained in Directive 79/7/EEC.)

The mandatory pension and disability insurance system was established in Serbia, covering working active population and providing the following basic rights: in case of old age – the right to age pension; in case of disability – the right to disability pension; in case of death – the right to family pension and the right to reimbursement of the funeral expenses.

The conditions for exercising the right to age and family pension were differently determined for a male insured person in comparison to a female insured woman. Therefore, a male insured person obtains the right to age pension when he reaches 65 years and at least 15 years of insured work service, i.e. 40 years of the insured work service and at least 53 years, whereas the woman obtains this rights when she reaches 60 years and at least 15 years of insured work service, i.e. 35 years of the insured work service and at least 53 years. The widower obtains the right to family pension if until the death of a spouse he reached 55 years, and in case of a widow, if she reached 50 years until the death of a spouse.

220. If there is a general social security scheme, does it also apply to civil servants, including the police and armed forces? Is there any specific scheme for civil servants, or are there within the general scheme specific rules for civil servants? Does it contain differences in the pensionable age for men and women, or in the survivor pension benefits available to men and women?

As it was specified in the answer to the questions 182 and 186, the system of mandatory pension and disability insurance was established in our country, which is applied also to civil servants, including the representatives of Ministry of Internal Affairs, Security Intelligence Agency, as well as civil persons serving in the Army. As aforementioned, the Draft Law on corrigendums and addendums of the Law on pension and disability insurance, the inclusion of military insured persons into "civil" pension and disability insurance system is planned as of 1 January 2012, and until that time, the regulations of Army of Serbia shall be used for this category.

ANNEX

Main EU Directives in the field of health and safety at work

- **Directive 89/391/EEC**⁴⁶ of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work;
- **Council Directive 89/654/EEC**⁴⁷ of 30 November 1989 concerning the minimum safety and health requirements for the **workplace** (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2009/104/EC**⁴⁸ of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC – Codification of Directive 89/655/EEC, as amended by Directives 95/63/EC and 2001/45/EC);
- **Council Directive 89/656/EEC**⁴⁹ of 30 November 1989 on the minimum health and safety requirements for the use by workers of **personal protective equipment** at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/269/EEC**⁵⁰ of 29 May 1990 on the minimum health and safety requirements for the manual handling of **loads** where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 90/270/EEC**⁵¹ of 29 May 1990 on the minimum safety and health requirements for work with **display screen equipment** (fifth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/37/EC**⁵² of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to **carcinogens or mutagens** at work (sixth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC - Codification of Directive 90/394/EEC);
- **Directive 2000/54/EC**⁵³ of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to **biological agents** at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) - Codification of Directive 90/679/EEC);
- **Council Directive 92/57/EEC**⁵⁴ of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile **construction sites** (eight individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);

⁴⁶ OJ L 183, 29.6.1989, p.1.

⁴⁷ OJ L 393, 30.12.1989, p.1.

⁴⁸ OJ L 260, 3.10.2009, p. 5.

⁴⁹ OJ L 393, 30.12.1989, p.18.

⁵⁰ OJ L 156, 21.6.1990, p.9.

⁵¹ OJ L 156, 21.6.1990, p.14.

⁵² OJ L 229, 29.6.2004, p.23.

⁵³ OJ L 262, 17.10.2000, p.21.

⁵⁴ OJ L 245, 26.8.1992, p.6.

- **Council Directive 92/58/EEC⁵⁵** of 24 June 1992 on the minimum requirements for the provision of safety and/or health **signs** at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/91/EEC⁵⁶** of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in **the mineral-extracting industries through drilling** (eleventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 92/104/EEC⁵⁷** of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in **surface and underground mineral-extracting industries** (twelfth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 93/103/EC⁵⁸** of 23 November 1993 concerning the minimum safety and health requirements for work on board **fishing vessels** (thirteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Council Directive 98/24/EC⁵⁹** of 7 April 1998 on the protection of the health and safety of workers from the risks related to **chemical agents** at work (fourteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Commission Directives establishing indicative exposure limit values:
 - **Commission Directive 91/322/EEC⁶⁰** of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work,
 - **Commission Directive 2000/39/EC⁶¹** of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/E on the protection of the health and safety of workers from the risks related to chemical agents at work,
 - **Commission Directive 2006/15/EC⁶²** of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC;
 - **Commission Directive 2009/161/EU⁶³** of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC;
- **Directive 1999/92/EC⁶⁴** of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk

⁵⁵ OJ L 245, 26.8.1992, p.23.

⁵⁶ OJ L 348, 28.11.1992, p.9.

⁵⁷ OJ L 404, 31.12.1992, p.10.

⁵⁸ OJ L 307, 13.12.1993, p.1.

⁵⁹ OJ L131, 5.5. 1998, p.11.

⁶⁰ OJ L177, 5.7. 1991, p.22.

⁶¹ OJ L 142, 16.6.2000, p.47.

⁶² OJ L 38, 9.2.2006, p.36.

⁶³ OJ L 338 of 19.12.2009, p. 87.

⁶⁴ OJ L 23, 28.1.2000, p.57.

from **explosive atmospheres** (fifteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);

- **Directive 2002/44/EC**⁶⁵ of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from **physical agents (vibration)** (sixteenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2003/10/EC**⁶⁶ of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from **physical agents (noise)** (seventeenth individual directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- **Directive 2004/40/EC**⁶⁷ of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from **physical agents (electromagnetic fields)** (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC),); as amended by Directive 2008/46/EC⁶⁸
- **Directive 2006/25/EC**⁶⁹ of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from **physical agents (artificial optical radiation)** (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);
- Council **Directive 92/29/EEC**⁷⁰ of 31 March 1992 on the minimum safety and health requirements for improved **medical treatment on board vessels**;
- **Directive 2009/148/EC**⁷¹ of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to **asbestos** at work;
- **Council Directive 2010/32/EU** of 10 May 2010 implementing the Framework Agreement on prevention from **sharp injuries** in the hospital and healthcare sector concluded by HOSPEEM and EPSU (Text with EEA relevance).

⁶⁵ OJ L 177, 6.7.2002, p.13.

⁶⁶ OJ L 42, 15.2.2003, p.38.

⁶⁷ OJ L 184, 24.5.2004, p.1.

⁶⁸ OJ L 114, 26.4.2008, p. 88

⁶⁹ OJ L 114, 27.4.2006, p.38.

⁷⁰ OJ L 113, 30.4.1992, p.19.

⁷¹ OJ L 330, 16.12.2009, p. 28–36