

Summary 2020 Report Ivan Sekulović (OPC)

2020 brought with it a global breakdown of labour and basically all human rights caused by the COVID-19 pandemic. As was the case in the previous year, according to the International Trade Union Confederation, Serbia was a country in which labour rights were systematically violated. Due to the social and economic crisis caused by the COVID-19 epidemic and the inadequate response of government authorities to the pandemic, the situation concerning labour rights further deteriorated relative to 2019. During the state of emergency, put into effect as a result of the epidemic, there was a drastic deterioration of labour rights concerning all categories of workers in Serbia. As a result of decisions rendered by the RS Government, labour rights were further diminished, inter alia, due to the fact that these decisions were not brought in a timely manner and in line with the guarantee of non-discrimination, and by the failure to establish work-from-home in a more exact manner that would offer workers who had switched to this mode of work additional protection.

In terms of **labour rights**, a drastic slowdown of normative activities has ensued, caused by the COVID-19 epidemic and the holding of parliamentary elections. There was no shift in preparing a new Labour Law, despite the fact that the National Programme for the Adoption of the Acquis has determined Q2 of 2020 as the deadline for the adoption of this law on behalf of the Serbian Government. Only one public policy document for 2020 has been adopted i.e., the Action Plan for Chapter 19 - Social Policy and Employment. However, this document includes a number of shortcomings, such as arbitrary estimates of the degree of compliance of domestic regulations with EU law and material errors in terms of regulatory compliance. In comparison to 2018, in 2019, the number of labour inspectors was again reduced, as was the number of implemented and planned inspections to be performed by supervisory bodies. During the state of emergency, and aiming to supervise over the application and implementation of the Decree on the Organisation of Operations of Employers During the State of Emergency, labour inspectors conducted a total of only 1,572 inspections. Furthermore, violations and criminal charges were not brought against employers who failed to provide for proper health and safety conditions in the workplace. Due to the deteriorated state and challenges, as well as the institutional framework, we assess the area of labour rights with a lower score than was the case last year - 1.33 (in comparison to 2 in 2019). The report recommends the following, inter alia: to maintain the labour rights of all categories of hired contractors for the duration of the COVID-19 epidemic by rendering all decisions that are in their best interests, in line with the Labour Law and in close consultation with representative trade unions; to stop the trend of reducing the number of labour inspectors, significantly increases their numbers by the end of 2020 and intensifies their work during the epidemic; to start the necessary work required to apply the new Labour Law on the basis of an *ex-post* analysis of the effects of applying the current law with focus on the epidemic, within the framework of a working group compiled to draw up a draft copy of the law which will express the interests of social partners and civil societies in a transparent manner, including and by naming their representatives in the working group, in line with the AP for Chapter 19; to adopt the Draft Gender Equality Law, and the amendments to the Financial Support to Families with Children Law and to approach the amendment of the Inspection Oversight, in line with the recommendations

provided by the European Commission (EC) and the assessments of the Commission for the application of International Labour Organisation standards.

In the area of **occupational health and safety (OH&S)**, the highest number of fatal occupational injuries was recorded last year in comparison to recent years - as many as 54, while the number of occupational injuries in 2019 increased by as much as 30% in relation to 2018, with a reduced number of executed inspections in this area. As was the case last year, not a single regulation planned for this year was adopted by the Government in relation to OH&S. On the other hand, during the state of emergency and succeeding it, a number of bylaws were adopted which prescribe OH&S standards as well as obligations of both employers and employees within the context of the COVID-19 epidemic. The most significant of which is the Decree on the Organisation of Operations of Employers During the State of Emergency which prescribes, inter alia, that for employees and hired contractors in direct contact with customers or who share a workspace with a number of individuals, the employer is obliged to provide a sufficient amount of protective gear. The Rulebook on Preventative Measures for Safe and Healthy Work When Exposed to Chemical Agents was amended and now recognises "*coronavirus 2 associated with severe acute respiratory syndrome (SARS-CoV-2)*" as a biological hazard. The situation pertaining to OH&S received a score of 2, just as in the previous report. The report proposes the following, inter alia: to adopt bylaws as provided in the Government Work Plan for 2020; to increase the number of labour inspectors and the number of inspections relating to OH&S; to provide a sufficient amount of protective gear for the duration of the COVID-19 epidemic so that all public and private sector employers can secure a safe and healthy way of working for their employees, hired contractors and other parties engaged in their workspace; to approach the amendment of the Law on Safety and Health at Work aiming to prescribe the necessary standards within the context of the COVID-19 epidemic, in close collaboration with trade union representatives.

Where **social dialogue** is in question, the circumstances have been assessed by the EC in the same manner as the previous report for Serbia - that social dialogue remains weak. Social partners once again failed to reach a consensus at the Social and Economic Council (SEC) session on minimum wage for the coming year, which the Government subsequently took the decision on its own and increased by 6.6 percent, from RSD 30,022 to RSD 32,126. This move was not in adherence to trade union requests, which asked for minimum wage to be brought to the same level as the consumer basket, i.e. RSD 37,500, in line with the agreement reached last year within the SEC. In 2020 only one new separate collective agreement was concluded in the public sector, and due to the consequences of the COVID-19 epidemic, ten separate collective agreements were amended. 20 additional collective agreements were in force in the public sector. At SEC sessions, epidemic crisis management measures were not considered, nor were trade union representatives consulted in any other manner on these agreements, prior to their adoption. In 2020, a number of strikes were held as a result of poor working conditions during the epidemic, such as the Jura plant strike in Rača (under South Korean ownership), when the trade union representative was arrested. Not a single draft law was adopted in this area that was planned for the year 2020. (Proposed Law on Strike and Proposed Amendments to the Law on Social and Economic Council). The situation concerning social dialogue was assigned the same score as in the previous year – 2. The report proposes the following, inter alia: to complete preparation of the draft copies and adoption of the draft laws established in the Government Work Plan for 2020.

(The Law on Strike and the Law on Social and Economic Council); to stop the application of repressive measures imposed on employees who go on strike in line with the law, in particular, due to the failure of employers to adhere to OH&S standards and to investigate all cases of competent bodies overstepping the boundaries of their authority; to analyse Government measures rendered during the COVID-19 epidemic in terms of their impact on labour rights and social dialogue.

Based on the sum of the scores of each of the individual chapters of the Report, **the average score assigned by the Center for Democracy Foundation to labour rights in Serbia for 2020 is: 1.78** (ranging from 1-5, 1 being the lowest and 5 the highest score). This is a deterioration in comparison to the score of 2 assigned to labour rights in 2019 and a result of poor scores in subsections 'Current Situation and Challenges' and 'Institutional Framework' in terms of labour rights, as well as subsection 'Current Situation and Challenges' in OH&S.