



Challenges for Organising and Collective Bargaining
in Care, Administration and Waste collection sectors
in Central Eastern European Countries

National Report on Collective Bargaining in Public Administration Sector in Serbia



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1. Methodological preface

The research pertains to the Public Administration Sector of the Republic of Serbia. During the research, desk research techniques were applied to relevant, available context, literature and internet pages (Statistical Office of the Republic of Serbia, *Paragraf* legal database, Social and Economic Council of the Republic of Serbia, websites of representative trade unions, etc.), as well as the collection of primary data using interviews with employees, trade unionists, and employers in the Public Administration Sector.

2. General characteristics of the labour market and industrial relations system

Public Administration is a section of the executive power of the Republic of Serbia that performs administrative tasks within the rights and duties of the Republic of Serbia, and is composed of ministries, administrative authorities within the ministries, and special organisations (government administration authorities).¹ The Special Collective Agreement for State Authorities (hereinafter: the SCA for State Authorities) specifies that for the purposes of this Agreement employees are civil servants and staff who are employed by the employer, the Republic of Serbia, with the rights and duties of the employer on behalf of the Republic of Serbia being exercised by the head of the state authority.²

The activities performed by public administration employees, covered in the SCA, include the following: state authorities and officials, institutes, state agencies, judicial authorities, tax administration, customs, local government authorities, and employees in the defence sector. The SCA for State Authorities was concluded between the Government of the Republic of Serbia, the Administration Union of Serbia, the Union of Employees in Judicial Authorities of the Republic of Serbia, and the Union of Organisations of Judicial Authorities of Serbia, for a validity period of 3 years. The SCA for State Authorities covers approximately 150,000 employees.

While the number of existing special collective agreements is known, as they must be registered with the Ministry of Labour, Employment, Veteran, and Social Affairs, the number of collective agreements concluded with employers in the public sector is an unknown factor, as there is no obligation to register these agreements in any publicly accessible database or government authority. However, certain sectors, such as public enterprises and the media, are largely covered by collective agreements. For example, collective agreements exist for public enterprises such as *Pošta Srbije* (Serbian Post), the Nikola Tesla Airport, Serbian Railway Infrastructure, *Službeni Glasnik* (Official Gazette), *Zavod za udžbenike* (Textbook Publishing Institute), Radio-Television Serbia, Radio-Television Vojvodina, and others.

If we wish to quantify the coverage of the public sector by collective agreements, we may conclude that it is almost entirely covered (primarily by special collective agreements), with only a few exceptions. The exceptions are certain public enterprises without collective agreements and are currently transitioning from public enterprises into capital-based companies (joint-stock or limited liability companies). In line with the constitutional guarantee of the right to freedom of union association and the right to collective bargaining, these rights are equally upheld in both the private and public sectors within the Republic of Serbia. The only exceptions are members of the Security Intelligence Agency, who, under the Law on the Security Intelligence Agency, do not have the right to unionise or strike. It is also important to note that the Serbian Military Trade Union gained representative status back in March 2015, but to date, no special collective agreement has been concluded for employees in the defence sector of the Republic of Serbia.

¹ Law on Public Administration (RS Official Gazette, Nos. 79/2005, 101/2007, 95/2010, 99/2014, 47/2018 and 30/2018 – other law) https://www.paragraf.rs/propisi/zakon_o_drzavnoj_upravi.html

² Special Collective Agreement for State Authorities (RS Official Gazette, Nos. 38/2019, 55/2020 and 44/2023) <https://www.paragraf.rs/propisi/poseban-kolektivni-ugovor-za-drzavne-organe.html>

The Law on the Budget System defines the public sector in the Republic of Serbia as encompassing all entities responsible for providing predominantly non-market services and for redistributing income and wealth. This includes budget users of the Republic of Serbia, local government budgets, extra-budgetary funds, including social security funds at all levels of government, as well as institutions controlled and financed by the state at all levels, and state-controlled enterprises (public enterprises) primarily engaged in commercial activities.

The responses of the interviewees, including employees and trade union representatives, indicate that during collective bargaining between the employer and representative trade unions in public administration, negotiations primarily focus on the rights to paid leave, trade union activities, annual vacations, and solidarity assistance, which is limited by the budget of the Republic of Serbia. Salaries, perhaps the most significant area of collective agreements, are not subject to negotiation, as they are regulated by legal and by-law acts (Law on Salaries in State Authorities and Public Services, Law on the Temporary Regulation of Bases for the Calculation and Payment of Salaries, Wages, and Other Regular Earnings for Public Fund Beneficiaries, Regulation on Coefficients for the Calculation and Payment of Salaries for Appointed and Assigned Persons and Employees in State Authorities, Regulation on Compensation and Other Earnings of Elected and Appointed Persons in State Authorities, Regulation on Coefficients for the Calculation and Payment of Salaries in the Directorate for the Execution of Criminal Sanctions, Regulation on Reimbursement of Expenses and Severance Pay for Civil Servants and Employees, etc.).

The Unified Information System for Salary Calculation in the Public Sector (Iskra) is expected to contribute to operational transparency and provide a basis for potential salary reform in the public sector.³ The Iskra programme is tailored to the calculation and payment of salary supplements as stipulated by law, and it has also raised the issue of calculating employees' overtime work (a maximum of 32 hours per month with the possibility of 20 hours per week, but not exceeding three months per year for employees in prison security services). However, this allowance is insufficient to cover all overtime hours for some employees, where monthly overtime can reach 60 to 70 hours. This has also highlighted the issue of job classification and the optimal number of employees in public administration, an open-ended topic for over a decade now.

The adoption of the Law on the Manner of Determining the Maximum Number of Public Sector Employees⁴ from 2014, resulted in an employment ban in the sector, which further led to a reduction in the number of public institution employees. The respondents emphasised that as far back as 2020 there have been significant changes and issues concerning employee structures in government authorities. In addition to the lack of staff, there has been an outflow of professional employees, and a drop in the quality of the work performed has been noted. A full five years after the fact, this law is no longer in effect, however, supervision over new permanent employees continues to be recorded, pursuant to the Law on the Budget System.⁵

As far as the calculation of the salaries of state authority employees is concerned, an issue arose with the application of the Regulation on Coefficients for the Calculation and Payment of Salaries in State Authorities⁶ of 2012, which should have served to establish and define the fairest solution, where identical pay is given for the same work, has instead led to creating disproportion and inconsistency in salaries. The increase in the minimum wage, which in recent years has been higher than the growth of the salary base in the public sector, has led to a situation where more and more employees receive the minimum wage guaranteed in the event of sick leave, which acts as a disincentive for employees. Additionally, the salary system in state authorities has been affected by the Law on the Temporary Regulation of Bases⁷ of 2018, which included a 10% reduction (Article 6) in the base for the calculation and payment of salaries for all public sector employees, further reducing their earnings.

3 Republic of Serbia, Ministry of Finance, 15 June 2021, presentation of the Iskra project <https://mfin.gov.rs/aktivnosti/mali-iskra-uvodi-red-u-sistem-zarada-kod-korisnika-javnih-sredstava>

4 Law on the Manner of Determining the Maximum Number of Public Sector Employees (RS Official Gazette, Nos. 68/2015, 81/2016 – decision of the CC and 95/2018) <https://suk.gov.rs/extfile/sr/127/Zakonona>

5 Law on the Budget System (RS Official Gazette Nos. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 – corr., 108/2013, 142/2014, 68/2015 – other law, 103/2015, 99/2016, 113/2017, 95/2018, 31/2019, 72/2019, 149/2020, 118/2021, 138/2022, 118/2021 – other law and 92/2023) https://www.paragraf.rs/propisi/zakon_o_budzetskom_sistemu.html

6 Regulation on Coefficients for Calculation and Payment of Salaries for Appointed and Assigned Persons and Employees in State Authorities (RS Official Gazette Nos. 44/2008 – consolidated text, 2/2012, 113/2017 – other law, 23/2018, 95/2018 – other law, 86/2019 – other law, 157/2020 – and other law 123/2021 – other law) <https://www.paragraf.rs/propisi/uredba-koeficijentima-za-obracun-plata-imenovanih-postavljenih-lica-zaposlenih.html>

7 Law on the Temporary Regulation of Bases for the Calculation and Payment of Salaries, Wages, and Other Regular Earnings for Public Fund Beneficiaries (RS Official Gazette Nos. 116/2014 and 95/2018) http://demo.paragraf.rs/demo/combined/Old/t/t2018_12/t12_0096.htm

Further confusion is caused by the Salary Calculation Base in Public Services and State Institutions of January 2024⁸, which defines different bases for salary calculation in public services and state authorities, with 15 different bases for salary payment.

During the interviews, respondents highlighted the following significant facts that have had an impact on working conditions and employment in public administration: a lack of professional staff and associates, as well as digitalisation, introduced in the Republic Geodetic Authority without employee training. Due to a shortage of manpower, state employees are compelled to cover two or three posts, resulting in overtime hours, which cannot be fully compensated for monetarily due to the limits set by the Employment Act. Furthermore, overtime is paid out on a maximum of 32 overtime hours, rather than proportionally to the time spent working, which leads to increased workplace injuries, reduced focus, and exhaustion. All of the aforementioned factors act as a disincentive for employees in public administration.

The majority of respondents described the relationship between the employer and the trade union as complex during collective bargaining. The administration is a large state apparatus comprising various sectors, each with its own issues, making it impossible to address and resolve all sector-specific issues in public administration with a single collective agreement. However, respondents highlighted positively that employers in public administration support collective bargaining, as evidenced by the existence of the SCA for State Authorities.

Respondents described the formation of a union organisation at the employer as a straightforward process and noted that certain state authorities recognise unions as stakeholders.

They rated internal relationships within the unions as sound. Collaboration between different trade union centres is possible, and there have been several joint actions, which have proven to be a positive move, in particular in the Republic Geodetic Authority.⁹

As a solution to the issues, respondents see changes in the regulations that have limited salaries in state authorities and public institutions. The majority of respondents believe that starting salaries should not fall below the median salary in the Republic of Serbia. The Staffing Plan of the Republic of Serbia for Employment in Public Administration should be aligned with the real needs for specific posts.

Two representative trade union centres in the Republic of Serbia have highlighted the issue of salary calculation that employees in public administration face: the Confederation of Autonomous Trade Unions of Serbia in the administration had a meeting with the Director of the Administration for the Enforcement of Penal Sanctions.¹⁰ During the meeting, modalities for improving the material status of employees in these institutions were considered. The Sectoral Union of Administration, Judiciary, Defence, and Police 'Independence' criticised the Regulation on Coefficients for Salary Calculation in the newspaper *Politika*¹¹.

Labour market performance

According to data from the Statistical Office of the Republic of Serbia¹², Labour Market – Registered Employment Q1 2024, dated 29 April 2024, Table No. 6: Employees in the Public Sector for Q1 2024, total employment in the public sector amounts to 614,522 employees.

The average age of employees in state administration is 52 years of age, while in the military, police, and the Administration for the Enforcement of Penal Sanctions, the average age is 44.

8 Bases for the Calculation of Salaries in Public Services and State Bodies, Table: Public Services by Activities and Professional Services of the Compulsory Social Insurance Organisation (OOSO) from January 2024:

https://www.paragraf.rs/statistika/osnovice_za_obracun_plata_u_javnim_sluzbama_i_drzavnim_organima.html

9 United Branch Trade Unions (UBTU), Category: News, Title: "Three Unions of the Republic Geodetic Authority: Harmful Announcements from the Management of the Republic Geodetic Authority" of 8 April 2024, available at:

<https://nezavisnost.org/tri-sindikata-rgz-a-stetne-objave-rukovodstva-republickog-geodetskog-zavoda/>

10 News taken from the website of the Confederation of Autonomous Trade Unions of Serbia, entitled: "Meeting Held with the Director of the Administration for the Enforcement of Penal Sanctions," dated 21 May 2024. UIKS is the abbreviation for the Administration for the Enforcement of Penal Sanctions

<http://sind-upr.rs/odrzan-sastanak-sa-direktorom-uiks/>

11 Newspaper *Politika*, headline: "Nonlinear Salary Increases for Vulnerable Categories of Officials," dated 7 December 2023:

<https://www.politika.rs/sr/articles/amp/588378>

12 Statistical Office of the Republic of Serbia, Labour Market – Registered Employment in Q1 2024 of 29 April 2024, Table No. 6: Employment in the Public Sector: <https://publikacije.stat.gov.rs/G2024/html/G20241110.html#>

The 2023 Labour Force Survey of the Republic of Serbia¹³ shows that the number of employees in state administration, defence, and mandatory social insurance is 155,400 individuals, including 84,400 men and 71,000 women. The largest number of employees is in the age group of 35-45 years, totaling 93,300, or 59.7% of the workforce.

In the context of addressing sectoral differences, it is essential to involve all relevant representatives of employees in collective bargaining, including unions in the military, customs, tax administration, and the Administration for the Enforcement of Penal Sanctions, as the state administration is a complex system that must be addressed appropriately and from multiple perspectives, according to respondents during the conducted interviews.

2.1. Industrial relations at a glance

The Republic of Serbia established the Social and Economic Council of the Republic of Serbia in 2001. Within the SEC, there is a Permanent Working Body for Collective Bargaining and the Amicable Resolution of Labour Disputes (along with three other Permanent Working Bodies for Legislation, Economic Issues, and Occupational Health and Safety).¹⁴

The right to strike is defined by the Strike Law¹⁵. A strike may be organised in a company or other legal entity, as well as in a branch or sector, making it possible to organise a strike within the public administration as well. The law also defines a 'warning' strike, which may last no longer than one hour.

Strikes are not permitted in the Serbian Armed Forces, and union association is not permitted within the Security Information Agency.

Within the public administration, there are several trade union organisations that operate with the employer. The most significant are: the Administration Union, the Judiciary Union, and the Union Organisation of Judicial Authorities of Serbia (these unions are signatories to the Collective Agreement for State Authorities), the Confederation of Autonomous Trade Unions of Serbia for administration, and the Sectoral Union of Administration, Judiciary, Defence, and Police 'Independence'.

2.2. Collective labour agreements

In the Republic of Serbia, a Special Collective Agreement for a branch, group, sub-group, or activity is concluded between the representative employers' association and the representative unions for the particular branch, group, sub-group, or activity. There is a public record of special collective agreements, collective agreements, branch collective agreements, and agreements available on the website of the Social and Economic Council, entitled *Overview of Valid Collective Agreements in the Republic of Serbia*.¹⁶

13 Republic of Serbia, Republike Srbija, Statistical Office of the Republic of Serbia, Newsletter, 2023 Labour Force Survey in the RS, Table 2.9, Employees (15-89 years of age and 15-64 years) according to sector, activity and region 2023 (in thousands), continuation (pg. 37), Table 2.10 Employees according to sector activity and age group, 2023 (in thousands) (pg. 38), and Chart No. 8 Employees according to sector activity and age group, 2023 (in %) (pg. 39): <https://publikacije.stat.gov.rs/G2024/Pdf/G20245707.pdf>

14 The Social and Economic Council of the Republic of Serbia, Permanent Working Body for Collective Bargaining and the Amicable Resolution of Labour Disputes: <http://www.socijalnoekonomskisavet.rs/cir/srt/kp%20i%20mrrs.htm>

15 Strike Law (RS FRY Nos. 101/2005 – other law and 103/2012 – decision of the CC) https://www.paragraf.rs/propisi/zakon_o_strajku.html

16 The signatories of the Special Collective Agreement for State Authorities for the territory of the Republic of Serbia are the Government of the Republic of Serbia, the Administration Union of Serbia, the Union of Employees in the Judicial Authorities of the Republic of Serbia, and the Union Organisation of Judicial Authorities of Serbia, dated 31 May 2019, with a validity period until 31 May 2026. Available at: <http://www.socijalnoekonomskisavet.rs/cir/kolektivno%20pregovaranje/posebni%20kolektivni%20ugovori.pdf>

2.3. Opinions on the state of collective bargaining

The Republic of Serbia has yet to ratify International Labour Organization Convention No. 154 on the Promotion of Collective Bargaining,¹⁷ which aims to enhance the process of collective bargaining. Provisions in collective agreements related to employee wages are a key mechanism for achieving decent work standards, particularly the right to adequate wages, which remains a pressing issue in this case. Additionally, all matters important for collective bargaining are regulated by the Employment Act. According to the Employment Act of 2014¹⁸ Article 284 states that *"the provisions of a collective agreement that are in force on the date this law comes into effect, and which are not contrary to this law, remain in force until a new collective agreement is concluded in accordance with this law."*

In the transitional and final provisions of the same law (Footnote: 16), Article 117 (s3) states that *"The provisions of a collective agreement or rules of procedure in force on the date this law comes into effect, and which are not contrary to this law, remain in force until the expiration of the collective agreement or until a new collective agreement or rules of procedure are established in accordance with this law, but no longer than six months from the date this law comes into effect."* All collective agreements and rules of procedure that are not in compliance with this Employment Act have ceased to remain valid. The adoption of a new Employment Act is anticipated.

At the European level, on 12 June 2023, the Council Recommendation on Strengthening Social Dialogue in the European Union¹⁹ was adopted. This recommendation calls on member states and the Council to improve social dialogue at all levels and in all its forms, to ensure the active participation of social partners in shaping the future of work and building social justice.



17 The International Labour Organization Convention No. 154, C154 – Collective Bargaining Convention, 1981 (No. 154), was adopted on June 19, 1981, in Geneva: https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312299

18 Employment Act (RS Official Gazette Nos. 24/2005, 61/2005, 54/2009, 32/2013 and 75/2014) Art. 284 and Art. 117 (s3) <https://www.paragraf.rs/dnevne-vesti/300714/300714-vest1.html>

19 Preporuke Veća od 12.juna 2023.g. o jačanju socijalnog dijaloga u Evropskoj uniji, https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=OJ:C_202301389

3. Collective bargaining dynamics in recent years

The SCA for State Authorities (presented in point no. 2 of this report, footnote no. 2), which applies to employees in state authorities, ministries, special organisations, the judiciary, part of the defence system, police, and customs, fails to address many issues characteristic of specific state authorities and sectors. Working hours in customs, the military, and hail protection require adequate treatment in the collective agreement. The work of healthcare employees in the judiciary and defence system also needs to be elaborated and defined through collective bargaining. This should certainly include issues related to occupational health and safety in public administration, which has been a chronic issue in recent years. As for the Special Collective Agreement for the Police, the issue lies in the financial constraints imposed by the Budget Law, resulting in no financial benefits for employees within the entire collective agreement.

A common feature of the Special Collective Agreement for Government Bodies and the Special Collective Agreement for Local Government Employees and The Special Collective Agreement for Police Officers is the absence of explicit provisions that improve the balance between family and work obligations. For example, none of the agreements include provisions on flexible working hours or other aspects that would support employees with children. New forms of work are also not recognised in any of the agreements. Furthermore, the agreements incorporate provisions from the Employment Act regarding employment conditions, referring to the conditions outlined in the organisation's job classification and systematisation rulebook. Provisions on probationary work and internships are also drawn from the Employment Act. None of the analysed collective agreements address the status of those engaged in precarious forms of work. However, they do grant employment preference to individuals who have previously worked in a particular role and have fulfilled their duties during this specific time. The only special collective agreement that limits precarious employment is the one drafted for local government employees, adopting a provision from the Law on the Budget System. The analysed collective agreements also contain provisions on occupational health and safety, though to varying extents. A notable shortcoming is the absence of recognition of psychosocial risks, which lead to workplace stress and are not acknowledged in any of the collective agreements. Remote work and other forms of employment during pandemics, emergencies, or natural disasters are also not covered. The agreements do not include provisions to protect specific categories of employees, such as pregnant women, minors, and elderly employees (this is regulated by the Employment Act and other specific laws). Provisions on professional development and training are largely adopted from the Employment Act and other specific laws (such as the Law on Civil Servants) and are included only in a few articles. In all the analysed agreements, employers are obliged to fully, promptly, and accurately inform the representative trade union of all activities, decisions, and measures of significance to the social, economic and employment rights status of employees, in accordance with the Employment Act. Moreover, employers are required to support the representative trade union at no cost by providing administrative and technical support services. Dispute resolution provisions are present in all collective agreements.

In terms of the dynamics of collective bargaining for government bodies over the past three years, a Special Collective Agreement for Local Government Unit Employees was concluded on 30 May 2019. This was followed by two amendments and two agreements extending its validity (in 2020, 2022, and 2023), thus it remains in effect until 31 May 2026. A Special Collective Agreement for Government Bodies was also concluded on 30 May 2019, subsequently undergoing one amendment and two agreements for extension (in 2020 and 2023), with validity extending until 31 May 2026.

The Special Collective Agreement for Police Officers was signed on 30 August 2019, followed by the signing of two annexes and three agreements extending its validity (in 2020, 2021, 2022, 2023, and 2024), meaning it will remain in effect until 31 August 2025. Changes to all three collective agreements over the last five years have been minimal, primarily consisting of extensions to the validity of the original texts signed in 2019.

4. Action plan

Membership in trade unions in the Republic of Serbia has generally remained static, with little difference between the private and public sectors. In recent times, efforts to organise employees in the public sector into trade unions have focused on reactivating existing and attracting new members, particularly younger members. The absence of a comprehensive trade union strategy has been a significant issue, where attracting new and retaining existing members is the primary objective. In practice, most trade unions in the public sector have formally adopted such strategies or plans in recent years, but these activities were only carried out while they had donor support. Low levels of trust in trade unions, as a result of numerous scandals, the formation of employer-backed or politically-aligned unions, the fragmented trade union landscape, personal interests of many union leaders, and a lack of information among members, have contributed to a decline in confidence, even in unions that genuinely seek to protect the interests of their members and all workers. For example, the arrest of the leader of the police union and accusations that he abused his position as union president led to other police union members questioning and suspecting that the leadership of other unions might be doing the same. Pressure, threats, blackmail, and various forms of workplace mobbing against union members, in particular senior union representatives, are prevalent in many enterprises and institutions. These actions by employers (or relevant government ministries) are often difficult to prove, and make it harder to attract new members, who fear they may face the same treatment from their employers.

Take all of the above into account, in order to overcome the problems that arise in the CPA sector is that, Collective bargaining is strengthened, because Collective bargaining represents a flexibilization of labour legislation, as it is tailored to specific sectors or activities, also it is essential to enact a new Employment Act that will pay special attention to collective bargaining.



5. Summary and conclusions

In the context of potential solutions, it is essential to create conditions that enable sectoral collective bargaining at the employer level. For example, this could be implemented for sectors such as Customs, the Military, the Administration for the Enforcement of Penal Sanctions, Tax Administration, Cadastre, and the Republic Hydrometeorological Institute, for the purpose of relaxing existing laws. It would be beneficial to recognise the need for sector-specific collective agreements tailored to each sector within public administration and to involve social partners and other relevant civil society organisations that address these issues in the process.

Regarding the relationship between collective agreements, there exists a clearly established hierarchy: lower collective agreements must align with higher collective agreements (employer-level collective agreements must be consistent with special sector-level collective agreements). Further, all collective agreements must comply with the law. According to the general principles of labour law, this further means that a collective agreement of lower legal standing may regulate those issues that are addressed by law and/or a collective agreement of higher legal standing, but only in a manner that is more favourable to the employee. If multiple collective agreements may apply to an employee simultaneously, the one that regulates the specific issue in the most favourable manner shall always prevail.



References

"The issue is that elections are held here all the time, which disrupts social dialogue and the historical context."

"Involvement in the union has slowed down my career advancement."

"The employer is aware that the union must exist, but when the minister says, 'We don't need unions,' what do you think happens to the employer's attitude towards employees once a statement like this is made?"

Literature:

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COLLECTIVE BARGAINING