
COVID-19 and Labour Law: Republic of Serbia

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Update: 10 June 2020

Abstract

In this national report, the author will, chronologically, in an informative form, introduce the measures enacted in the Republic of Serbia in order to prevent and control the spread of COVID-19, with an emphasis on those that are affecting on employment relations and working conditions. Also, in this report the specific problems in practice and the recommendations of the line ministries, that have been enacted with the aim of facilitating the resolution of numerous contentious practice situations, will be highlighted.

Keywords: Covid-19; Labour Law; Remote work; Health and safety.

1. Measures enacted in the Republic of Serbia in order to prevent and to control the spread of disease COVID-19

Since registering its first case of COVID-19 virus infection the Republic of Serbia has joined the global fight for the preservation of human lives and the health and legal systems of the countries.

By closely following the experiences of other countries, with a certain time advantage, the Republic of Serbia could see the danger and seriousness of this disease, as well as the far-reaching and pernicious consequences, not only on human lives, but also on the health, economic and legal systems of the country.

Exceptionally intense, everyday, activity of the competent authorities in the enactment of measures, which gradually but comprehensively covered all segments, began.

Government Decision (Official Gazette of the RS, No. 23/20) has declared COVID-19 a contagious disease which prevention and control are of interest to the Republic of Serbia.

The Order on Prohibition of gathering in RS in public places indoors (“Official Gazette of RS”, no. 25/20) was passed, at first no more than 100 people, but this number gradually decreased, and at the height of the epidemic no more than two people were allowed.

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Regulation which prescribed a number of measures: closing access to public facilities, prohibiting the convening and holding of meetings and all other gatherings, orders for compulsory residence of certain persons or groups of persons in a particular area, was also enacted. In the height of the epidemic, all services requiring close contact between service providers and service users, as well as service users between each other, are banned, which jeopardized the business of many employers and employees. On 20th April, after about a month of work ban (ban wasn't introduced in all cities with the same dynamics) work of employers in the field of service provision, employers in the field of retail trade, as well as activities that involve close physical contact, as hairdressing salons, beauty salons, gyms and fitness centers, is allowed, but with following all protection measures and the use of disinfectants and protective equipment - masks and gloves.

Also, a number of judicial, economic and tax measures were enacted, as well as a package of economic measures to mitigate the economic consequences¹.

2. Enacted measures-emphasis on those that are affecting on employment relations and working conditions.

On 16th March, a Decree on Organizing Employers during Emergency Situations ("Official Gazette of the RS", No. 31/20), which stipulates that during an emergency the employer is obliged to enable employees to perform activities outside the premises of the employer (work on distance and work from home), was enacted. Employees who work from home in accordance with the Labor Law and the Regulation have the right to wages, the only difference is that they don't have right to reimbursement for transportation expenses for coming and going to work. An employer whose job is such that it is not possible to organize work from home, needs to harmonize his business with the conditions of emergency: to enable all business meetings be held electronically (video link, video call, etc.), to postpone business trips in the country and abroad.

In order to ensure the protection and health of employees and clients, the employer is obliged to provide all measures related to the hygienic safety of facilities and persons in accordance with the Law on Population Protection from Infectious Diseases.

In accordance with the Labor Law of the Republic of Serbia, if the employer has reduced workload or has stopped work altogether, employees may be referred to the so-called "forced vacation" for a period of 45 working days, or longer in accordance with the Law, and employees have entitlement to a remuneration of at least 60% of the average wage in the previous 12 months, but it cannot be less than the minimum wage.

¹ <https://www.paragraf.rs/dnevne-vesti/010420/010420-vest1.html>.

3. Practical problems and recommendations of the line ministry

In praxis, employers and employees were confronted with a number of questions, which bothered both employees and employers, to which the regulations did not answer, whether employees would lose their jobs, whether their wages would be reduced and how to organize work in this condition.

Practical problems are also caused by the ban of gathering more than two people in a public place and the required 2m distance between people.

Difficulties were also caused by the introduction of police curfew that imposed a double obligation on employers, first to submit a request for their employees to the Ministry of the Interior, and second to issue daily work permit to their employees.

In order to help employers and employees, but also to specify the intentions of the competent authorities, the line ministry gave out recommendations.

These recommendations specify that persons with established chronic diseases and persons over the age of 60 are particularly at risk, and that a parent of a child up to age of 12 has special protection, and that they need to enable them to work from home.

The Government of the Republic of Serbia has recommended to all employers that their employees who are in self-isolation or who have COVID-19, because of their direct exposure to the risk of doing their job, should be entitled to 100% wage compensation.

4. After the lift of the state of emergency

After 52 days from the proclamation, the National Assembly of the Republic of Serbia has lifted the state of emergency, however, the emergency measures remained, which will be in force as long as there is a danger of COVID-19. Intense activity has continued with decreasing number of infected with COVID-19, but now with a purpose to gradually ease the measures.

With the improvement of the epidemiological situation in the country, due to the recovery of the economy and the position of the employers and the employees, the return to work began. All employers are obliged to develop a special plan of emergency measures and to provide protective equipment for employees (masks, gloves and disinfectants), and work must be done in a respectful social distance. In accordance with the Labor Law, an employee can refuse to work if the employer has not provided this equipment.

In the public sector, there were no layoffs or pay reductions, on the contrary, the salary was increased by 10% to all medical staff. The Serbian government has enacted a regulation on direct benefits to private sector entities to mitigate the economic impact of COVID-19. Entrepreneur, lump-sum entrepreneur, farmer entrepreneur, and micro, small and medium-sized enterprises have the right to receive budget grants in the total amount of three minimum net wages.

5. Instead of conclusion

Given that new measures are being enacted in the Republic of Serbia on a daily basis, it can only be concluded whether or not they were adequate when the epidemic ends and when a certain amount of time has passed.

What is undeniable, is the incredible amount effort of all governmental structures and the incredible intensity of everyday enactment of measures, first in order to prevent and repress the disease, and then to minimize the negative economic consequences.

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