

Pursuant to **Article 15** of the Law on Amicable Resolution of Labour Disputes ("Official Gazette of RS ", Number 125/04),
Minister of Labour, Employment, Veteran and Social Policy issues the following:

RULEBOOK ON PROCEDURE FOR PEACEFUL SETTLEMENT OF LABOUR DISPUTE

(Official Gazette of RS Nos. 12/05, 84/05)

**Consolidated version, including the amendments from Official Gazette of RS
No. 84/05 effective from 12/10/2005
(amendments in Article: 2).**

Article 1

This Rulebook regulates the conditions regarding the method of communication between the participants of peaceful settlement of labour dispute and the manner in which the proceedings are conducted, in accordance with the Law.

Article 2

- (1) Motion for Initiation of a Procedure for peaceful settlement of labour dispute (hereinafter: Motion) shall be filed in writing and submitted directly to the Republic Agency for Peaceful Settlement of Labour Disputes (hereinafter: Agency) or shall be sent by mail, or submitted by fax or electronic mail.
- (2) Motion shall be filed on appropriate **Form** – Motion for Initiation of a Procedure for peaceful settlement of labour dispute, which is enclosed to this Rulebook and integral thereto.
- (3) If the Agency determines that two or more submitted motions for initiation of a procedure for peaceful settlement of individual labour dispute refer to the same factual and legal basis and to the same employer, the Agency may decide to join the submitted proposals and conduct a single proceeding.**
- (4) Decision from Paragraph 3 of the Article hereof may be reached only if the arbiter designated by an agreement between the parties to the dispute remains the same or the parties to the dispute fail to select the arbiter by a mutual consent.**

Article 3

- (1) Motion shall be comprehensible and complete.
- (2) If the Motion is incomprehensible, incomplete and cannot be acted upon, an authorized person from the Agency shall notify the submitter orally, in writing, via electronic mail or in any other appropriate manner on defects of a motion and set the deadline for their elimination.
- (3) An authorized person from the Agency shall make a note on such oral notification.

Article 4

If the Agency is not competent for accepting and acting upon the motion, the Agency shall notify the submitter as provided for in Article 3 Paragraphs 2 and 3 of the Rulebook hereof.

Article 5

- (1) If the submitter of a motion eliminates the defects in time, a motion shall be considered complete from the beginning.

(2) If the submitter does not eliminate the defects in a defined time and the motion cannot be acted upon, such motion shall be rejected by issuing a reasoned conclusion.

Article 6

(1) If one of the parties to the dispute files a motion, it shall file a motion in a sufficient number of copies for the Agency and other party to the dispute.

(2) Other party to the dispute shall, as provided for in **Article 2** of the Rulebook hereof, notify the Agency whether it accepts peaceful settlement of labour dispute.

Article 7

If one party to the dispute withdraws the motion for initiation of a procedure, in accordance with the law, it shall notify the Agency and other party to the dispute on such action, as provided for in **Article 2** of the Rulebook hereof.

Article 8

(1) If the parties to the dispute deal with the activities from **Article 18** of the Law on Amicable Resolution of Labour Disputes and fail to file a motion pursuant to the Law, the Agency Director shall, ex officio, make a decision on initiation of a conciliation procedure.

(2) Decision shall include, in particular:

- 1) Designation of parties to the dispute;
- 2) Subject matter of a dispute;
- 3) First name and family name of a conciliator.

(3) Decision shall be delivered to the parties as provided for in **Article 3** of the Rulebook hereof.

Article 9

Provisions from **Articles 2-7** of the Rulebook hereof shall be applied to a motion for participation of a conciliator in collective bargaining.

Article 10

(1) Invitation to a hearing shall be made as provided for in **Article 3** of the Rulebook hereof.

(2) In invitation to a hearing, the conciliator shall notify the parties to the dispute to designate their representative in Conciliation Panel (hereinafter: Panel) not later than the date when the hearing is scheduled.

Article 11

(1) Conciliator shall decide on time, location and method of a hearing before the Panel, having in mind proposals of parties to the dispute, circumstances of a disputable relation, interests of the parties and in compliance with the principle of urgency.

(2) If the procedure before the Panel is not completed within 30 days from the date of hearing opening, conciliator shall continue to manage the procedure in accordance with Paragraph 1 of the Article hereof, in direct contact with parties to the dispute.

Article 12

Discussion before the arbiter shall be held in employer's premises.

Article 13

Conciliator and arbiter shall issue a conclusion on the course of procedure, evidence presentation and other actions related to the procedure.

Article 14

- (1) A record shall be made on the most important actions taken during the discussion.
- (2) A record on information and other data gathered outside the discussion shall not be made. Instead, such information shall be put in an official document in the form of note.
- (3) A record or note shall be signed by conciliator or arbiter and parties to the dispute or a representative of a party to the dispute.

Article 15

A separate record shall be made on consultation and voting before the Panel. Such record shall contain the course of voting and disposition of a recommendation.

Article 16

This Rulebook shall enter into force eight days following its publication in the *Official Gazette of the Republic of Serbia*.