



**Republic of Serbia
Ministry of Labour and Social Policy
Labour Inspectorate**

**Report on work
of the
Labour Inspectorate
For the year 2010**

Belgrade, March 2011

1. INTRODUCTION

Labour Inspectorate, as an administrative organ within the Ministry of Labour and Social Policy, shall conduct oversight over the implementation of laws and other provisions in the field of labour, labour relationships and health and safety at work, in order to achieve strategic goals through realization of the activities defined by the Plan.

Labour inspectors in Republic of Serbia, in the period January-December 2010, were taking measures and activities in the field of labour relationship[s and health and safety at work with a prime goal to ensure application of the Law on Health and Safety at Work and Labour Law, other laws, by-laws and collective agreements, i.e. to reduce number of injuries at work, breaches of laws and other provisions governing the field of health and safety at work and labour relationships, as well as a number of unregistered workers.

The said goals have been received by preventative work (direct provision of necessary information to employers, employees, trade union representatives, as well as by the public information network, by organizing round tables to exchange information related to the labour inspection activities) and by conduct of inspection oversight ex officio, or upon request of the parties.

At the same time, in the reporting period the Labour Inspectorate's activities were focused on establishment of the management system of the Labour Inspectorate, through actualisation of procedures for realisation of the activities, in order to achieve strategic and operational goals, programmes and measures, aimed at effectiveness and efficiency of the work and unification of the structure, content and conduct during the inspection oversight.

During the reporting period, in addition to regular oversight in the field of labour relationships and health and safety at work (regular, control, upon request of parties, performed in order to establish minimum technical conditions required for commencement of employer's work), integrated inspection oversight at employer with small number of employees performing low-risk activities also took place, i.e. employers engaging higher number of employees in activities exposed to risk and harm to health of employees at work, were gradually established.

Realised activities of the Labour Inspectorate were founded on the following principles:

- Priority: focusing the activities primarily on production activities and the activities and objects that constitute high risk for life and health of employees due to failure to apply, or inconsistent application of labour-legal institutes, work-related injuries incurred, occupational diseases etc.
- Effectiveness: conduct of sufficient number of inspection oversights in order to reduce and halt breaches of labour-related legislation.
- Efficiency: planning of feasible goals for appropriate application of the labour-related legislation.
- Comprehension: conduct of inspection oversight at all employers in all activities.

With this regard, departments/sections/groups of the labour inspection, based on completed analysis of the state in the territory of district, identified problems arising out of the labour relationships and health and safety at work in administrative districts in the City of Belgrade and selected the activities in 2010 according to the available resources.

In the reporting period, the labour inspectors achieved the established goals in general, and also conducted oversights in a number larger than the one defined by work goals, by efficient use of working hours and disciplined attitude towards the work.

Priority task of the Labour Inspectorate is to build a modern inspection system adjusted to the EU standards, in order to establish an effective and efficient operational framework. With this respect, the prime goal of the Labour Inspectorate is to introduce an integrated method of the labour inspectors' work.

Integration of the labour inspection is a process of qualifying all labour inspectors, irrespective of their professional education, to independently conduct oversight over the implementation of the regulations in the field of labour. The labour inspection reform should increase efficiency of the labour inspection's work by its integration, since every inspector shall be able to independently discharge his duties in the field of labour relationships and health and safety at work, up to the certain degree of complexity of each field which is liable to the inspection oversight.

In the period January-December 2010, integrated inspection oversights were conducted in compliance with the methodology prescribed for the inspection oversight conduct at the first and the second oversight level, and in activities envisaged by the Annual Plan of the Labour Inspectorate. Practical implementation of the third level of the integrated inspection oversights in the field of labour relationship and health and safety at work has commenced as of July 1st 2010.

Within the implementation of the Project "Modernisation and Integration of the Labour Inspection System in the Republic of Serbia in accordance with the ILO and the EU Standards and Practice", which donor is the Ministry of Foreign Affairs of the Kingdom of Norway, the working version of the Draft Labour Inspection Law and the Work Plan of the Labour Inspectorate for the period 2010-2014, were prepared.

The Labour Inspection Law defined organisation and manner of conduct of the inspection oversight over the implementation of laws, other regulations, general enactments and employment agreements governing rights, duties and responsibilities of employees in the field of labour relationships, i.e. according to the health and safety at work, organization and scope of responsibilities of the Labour Inspectorate in the Ministry responsible for

labour in the Republic of Serbia, rights and duties of the labour inspectors, as well as other issues relevant for the work of the Labour Inspectorate.

The long-term activity plan of the Labour Inspectorate for the period 2010-2014 is aimed at follows:

- building of a modern labour inspection system adjusted to the EU standards, in order to establish efficient and effective work of the Labour Inspectorate in general;
- implementation of the integrated method of inspectors' work in practice, which implies concept "get service in one place"
- Better quality and more efficient conduct – discharge, by the rights of labour inspector, established ex lege.
- standardization of labour inspectors' conduct in same legal matters.

Competence of the Labour inspection

The LABOUR INSPECTORATE, as an administrative organ within the Ministry of Labour and Social Policy, shall conduct inspection oversight in the field of labour relationships and health and safety at work, over the implementation of the Labour Law, Law on Health and Safety at Work, Anti-smoking Law, Law on Prevention of Abuse at Work, Law on Entrepreneurs, Law on Companies (in the part governing health and safety at work), Law on Strike, General Collective Agreement, collective agreements (special and separate), general enactments and employment agreements, governing rights, duties and responsibilities of employees in organizations, legal entities and other organisational forms and institutions.

Besides the oversight over the implementation of laws, the labour inspection shall conduct oversight over the implementation of other regulations governing measures and standards of the health and safety at work, technical measures related to health and safety

at work, standards and generally recognized measures in the part governing health and safety at work.

Strategic goals

The work plan of the Labour Inspectorate for the year 2010 was primarily focused on:

- Reduction in the number of work-related injuries and occupational diseases, by minimising the risks linked to workplaces in accordance with laws and practice, suppression of unregistered work and reduction in breaches of labour-legal institutes in the field of labour relationships stipulated by law, collective agreements and employment agreements.

- Promotion of development of national culture regarding prevention in the field of health and safety at work and labour relationships (raising awareness and informing the public), with special regard to the sector of small and medium enterprises and high-risk sectors (civil construction industry, chemical industry, agriculture etc.);

- Establishment of priorities in resolving the issues related to the health and safety at work and labour relationships for especially vulnerable categories of workers – the issues related to female labour force, child labour, home-made manufacture, family manufacture, foreign workers etc;

- Establishment and building of a modern labour inspection system adjusted to the EU standards through reform, reorganization and integration of the labour inspection.

The Work plan of the Inspectorate for the year 2010 was founded of further expansion of the inspection oversight area, introduction of integrated oversight, organisation of strengthened inspection oversight – campaign according to activities, organisation of strengthened oversight per municipality of administration districts, in order to ensure relatively equal participation of inspection controls within the whole district area, active cooperation with social partners and standardization of performance of labour inspectors in the same or similar legal situations.

Report

The Labour Inspectorate has prepared this annual Report on the work of the inspection services, in accordance with the obligation arising out of the ILO Convention no. 81 on labour inspection in industry and commerce, and ILO Convention no. 129 on labour inspection in agriculture.

The report shall be drawn up based on collected data on the work of 28 internal organizational units in districts and the City of Belgrade, and the data on the work of labour inspectors having their seat in the Inspectorate.

The report shall relate to all activities having engaged employees, except specific activities contained in other provisions, such as specific tasks of the Army in the state of war, police during the intervention or civil protection during the state of emergency and in mining industry.

Organisational and qualification structure of the Labour Inspectorate

In the Labour Inspectorate, three internal units have been established, as follows:

a) in the Ministry's headquarters

Department for the second-instance administrative proceedings in the field of labour relationships and health and safety at work;

Study-Analytical Department;

I Labour Inspection Department in the City of Belgrade;

II Labour Inspection Department in the City of Belgrade;

III Labour Inspection Department in the City of Belgrade.

b) out of the Ministry's headquarters

12 departments, 12 sections and one group of the labour inspection placed in the district units in administrative districts.

Qualification structure of the state officials having been employed for indefinite period in the Labour Inspectorate

282 persons were employed in the Labour Inspectorate of the Republic of Serbia during 2010, as follows:

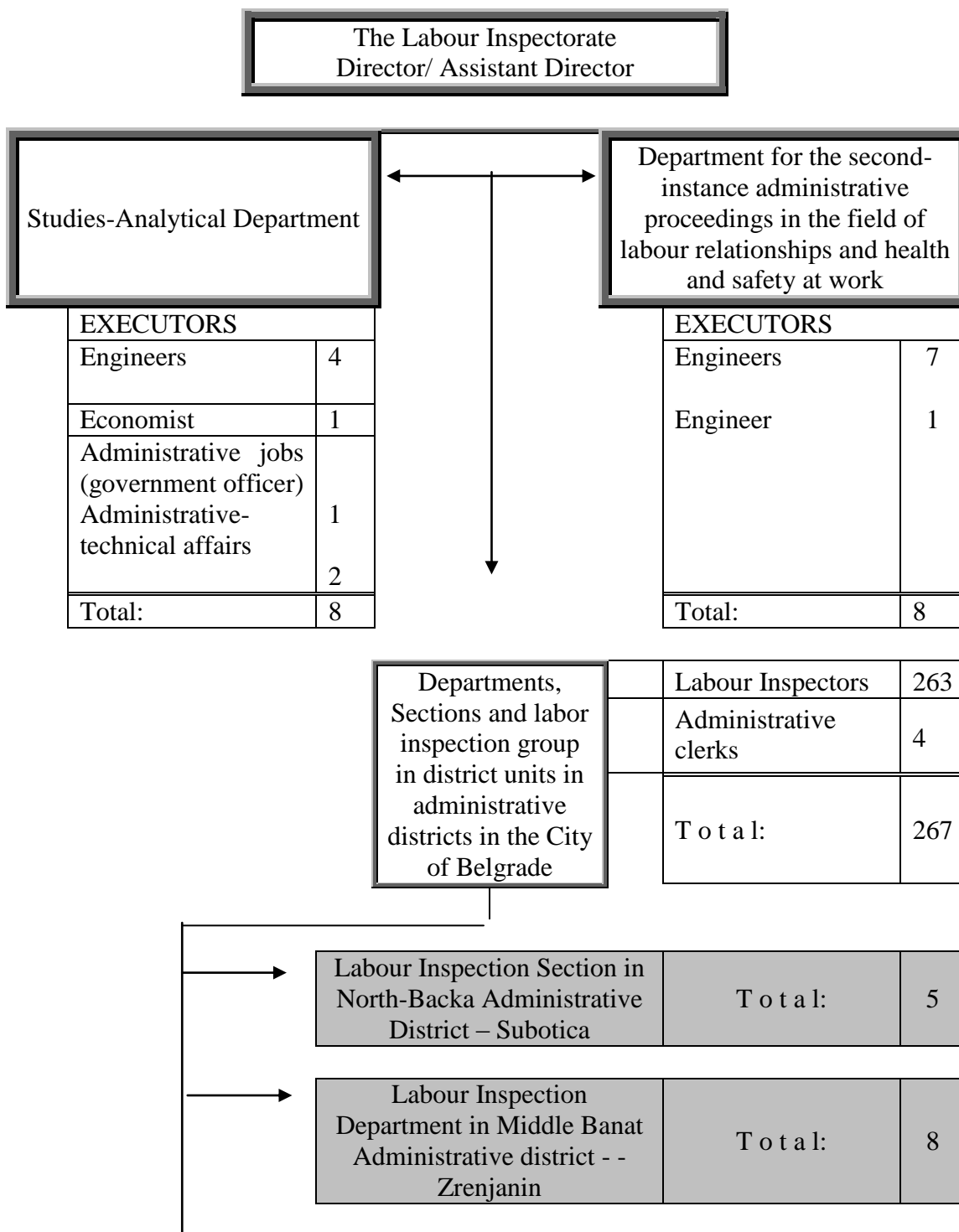
- two appointed persons
- 274 state officials, out of which:
 - o **262 labour inspectors (148 lawyers, 112 engineers and two economists),**
 - o 11 state officials in the Labour Inspectorate headquarters (the second-instance administrative proceedings and study-analytical jobs),
 - o 1 administrative-technical worker and
- 6 appointees.

Educational structure of the employees in the Labour Inspectorate follows:

- 155 government officers - lawyers (2 Masters of Law);
- 117 government officers – engineers of different technical occupations:
 - o 6 civil construction engineers,
 - o 9 technology engineers (1 Master of Technology),
 - o 25 machinery engineers,
 - o 9 electro-technical engineers (1 Master of Electro-technical sciences),
 - o 5 agricultural engineers,
 - o 47 protection-at-work engineers (2 Masters of Protection at work),
 - o 1 environmental protection engineer,
 - o 2 architecture engineers,
 - o 1 Professor of Mechanics,
 - o 4 engineers of the work organisation,
 - o 7 metallurgy engineers,
 - o 1 geology engineer and
 - o 1 chemistry engineer;

- 3 economists and
- 7 persons with secondary education.

Organogram of the Labour Inspectorate



→	Labour Inspection Section in North Banat Administrative district - Kikinda	T o t a l:	6
→	Labour Inspection Department in South Banat Administrative district – Pancevo	T o t a l:	9
→	Labour Inspection Section in West Backa Administrative district – Sombor	T o t a l:	6
→	Labour Inspection Department in South Banat Јужнобачком Administrative district – Novi Sad	T o t a l:	19
→	Labour Inspection Department in Srem Administrative district - Sremska Mitrovica	T o t a l:	8
→	Labour Inspection Department in Macva Administrative district – Sabac	T o t a l:	11
→	Labour Inspection Department in Administrative district of Kolubara – Valjevo	T o t a l:	9
→	Labour Inspection Department in Administrative district of Podunavlje– Smederevo	T o t a l::	8
→	Labour Inspection Section in Administrative district of Branicevo– Pozarevac	T o t a l:	6
→	Labour Inspection Department Administrative district of Sumadija – Kragujevac	T o t a l::	11

→	Labour Inspection Section in Administrative district of Pomoravlje– Jagodina	T o t a l:	6
→	Labour Inspection Group in Administrative District of Bor – Bor	T o t a l:	4
→	Labour Inspection Section in Administrative district of Zajecar – Zajecar	T o t a l:	6
→	Labour Inspection Department in Administrative district of Zlatibor – Uzice	T o t a l:	15
→	Labour Inspection Section in Administrative district of Morava – Чачак	T o t a l:	7
→	Labour Inspection Department in Administrative district of Raska– Kraljevo	T o t a l:	12
→	Labour Inspection Department in Administrative district of Rasina– Krusevac	T o t a l:	8
→	Labour Inspection Department in Нишавском управном округу – Nis	T o t a l:	21
→	Labour Inspection Section in Toplicki Administrative district – Prokuplje	T o t a l:	7
→	Labour Inspection Section in Administrative district of Pirot – Pirot	T o t a l:	6
→	Labour Inspection Section in Administrative district of Jablanica– Leskovac	T o t a l:	7

→	Labour Inspection Section in Administrative district of Pcinj– Vranje	T o t a l:	7
→	I Labour Inspection Department in City of Belgrade	T o t a l:	18
→	II Labour Inspection Department in City of Belgrade	T o t a l:	17
→	III Labour Inspection Department in City of Belgrade	T o t a l::	15
	Labour Inspection Section in Administrative District of Kosovska Mitrovica– Kosovska Mitrovica	T o t a l:	5

The organogram was shown according to the current Code of Rules on Internal Organisation and Job Plan in the Ministry of Labour and Social Policy.

2. GENERAL INDICATORS OF THE LABOUR INSPECTION IN THE FIELD OF LABOUR RELATIONSHIPS

Inspection oversight ex officio

Full and partial oversight

By the labour inspection oversights conducted over the year 2001, all legal institutes related to labour were subject to full oversight, starting from legal governance of labour relationships (general enactments and employment agreements), to application of the Labour Law, general enactments and employment agreements in particular cases and exercise of employees' rights.

Collective agreement governs the rights, duties and responsibilities arising out of labour relationship with employer, if the conditions prescribed by law are met and if participants in existing collective agreement agree. The Collective agreement shall be executed by

and between the representative trade union at employer and the employer's director, i.e. entrepreneur, and in case employer is public utilities company, i.e. public service – and founder, i.e. the organ empowered by the founder. The collective agreement must be in conformity with law, and equally beneficial or more beneficial for employees, in relation to the law.

Based on full inspection oversights with registered employers, it may be established that the rights, duties and responsibilities of employees and employer are governed by either collective agreement with employer or codes of rules. It was established that the most of controlled employers do not contain all the elements referred to in Article 33 of the Labour Law (for instance, contain no description of the job performed by employee, amount of remuneration, undefined elements for increase of salary, working hours per day, undefended leave allowance and meal allowance). In such cases, labour inspectors were rendering decisions with respect to Article 269 of the Law on Labour, ordering employer to remedy the established failures; in seldom cases they lodged request to the magistrate for failure to act in compliance with the rendered decisions.

It was noticed that employers have become more aware of importance to execute the employment agreements and to regulate all the issues arising out of the Law on Labour, thus they often refer to the labour inspection seeking for professional assistance how to regulate such relations. According to full oversights and others, it was established that a number of employers having over five employees, has no Code of Rules on Organisation and Systematization of Workplaces passed, or has passed the Code which does not envisage type of job or type and degree of professional education. In such cases, labour inspectors passed decisions ordering employers to remedy such failures.

According to the experience in preventative work of the labour inspectors, by proposing employers to take measures with respect to Article 27 of the Law on Public Administration, in order to remedy identified failures, it may be said that such work has appeared to be efficient. Employers shall act upon the proposal by the labour inspectors and have positive attitude towards the same, since it is preventative, not repressive. In the

course of full inspection oversight, employers were mostly cooperative and accepted interpretations of legal and other provisions provided by labour inspectors, which related to labour relations and remedied the identified failures in the prescribed time limits.

While performing full inspection oversights, labour inspectors called the employees' representatives to be present, and asked them to give statements on whether employer observe the rights of employees arising out of labour relationship and health and safety at work, on whether employer complies with the Labour Law providing the right to trade unions to have technically-spatial work conditions and access to the data and information necessary for performing trade-union activities in conformity with the signed collective agreement; the situation established on that occasion may be assessed as good.

The most often failure by employers to comply with the Labour Law was reflected in payment of their salaries once a month at least (Article 110 of the Labour Law), and in failure to produce calculation of the salaries to employees for the months when the salaries were not paid, together with notification that the salary i.e. remuneration was not paid and stating the reason for that.

In cases when the inspection oversight showed that employer has not paid taxes and contributions for mandatory pension and disability insurance, health insurance and insurance against unemployment until 30th date in the current month for the previous month, which is obligation of the employer pursuant to Article 51 of the Law on Contributions for Mandatory Social Insurance, the labour inspectors were notifying thereof the Tax Administration responsible to perform oversight over the implementation of the said law, according to Article 69 of the same law.

Also, in large number of the employers which were subject to the oversight, it was found that working hours schedule in a working week was not established, with respect to Article 55, Paragraph 2 of the Labour Law, nor the right to 30-minutes daily break was established, in which cases labour inspectors ordered them to remedy the identified failures.

Having conducted oversight of employers, inspectors established that Article 76, Paragraph 2 of the Labour Law is usually not observed, i.e. that employers usually failed to submit to employee decision on annual leave within minimum 15 days prior to the date defined as the date of commencement of annual leave, but they usually made such decisions the employee began to use the leave. In such cases, labour inspectors warned employers in line with the authorities referred to in Article 27 of the Law on the Public Administration, to comply with the said provision of the Law; however the inspectors did not submit request to initiate proceedings before Magistrates if the decision was submitted to employee prior to his/her annual leave, considering that Article 275, Paragraph 1, Subparagraph 1 of the Law on Labour envisages sanction just in case of failure to submit to employee the decision on annual leave, without stating the deadline for submission thereof.

After the intervention by labour inspectors, employers were immediately, during the oversight, remedying the identified failure and submitting appropriate decision to employees who begun using their annual leave.

It is especially highlighted that aforesaid employers regulated the rights, duties and responsibilities of employers in 2010 in more complex and precise manner, recognising real importance thereof.

After full inspection oversights conducted at the said employers, other irregularities and failures in implementation of legal institutes related to labour, incorporated in the provisions of the Labour Law, were not identified.

During the reporting period,, partial inspection oversights ex officio were conducted in accordance with the Labour Inspectorate Work Plan for 2010, and they imply control of particular legal institute in whole or in a part.

Partial inspection oversights ex officio were conducted at employers who were expected in advance to violate provisions of the Labour Law, based on information given to labour inspectors from employers who were seeking for protection from the labour inspection, or from citizens by telephone, or from Ministry of Interior. The said information were related primarily to employers registered for commercial activities, catering industry or manufacture, to employers providing security services for persons or property and those engaging unregistered workers, or to employers violating particular rights from employment, primarily the right to salaries, compensations of salary and other remunerations, overtime work, or that employers, which failed to give back duly executed labour booklet after termination of employment.

The said oversights were conducted in regular working hours, in afternoon hours and even overnights.

There is a considerable number of cases that employers engage persons to work without employment relationship, with respect to Articles 197-202 of the Labour Law. Engagement of persons by Youth Cooperative Associations has been especially increased, with respect of Article 198 of the Labour Law, for the jobs which are durable systematised at certain employer, but where duties are intensified over a certain period, which last no longer than 120 working days during a calendar year, for replacement of absent worker, but for a period no longer than the said one; engagement of persons with respect to Article 201 of the Labour Law also appears, based on signed agreement on vocational training.

For labour inspectors, much more efficient were partial inspection oversights in the field of labour relationships, which were targeted and mostly not announced in advance to employer, in line with the activities planned for the year 2010.

C a m p a i g n s

Targeted inspection oversight organised by the labour inspection according to its work plans regularly each calendar year, implies strengthened inspection supervision in particular activity at local level (in the territory of its district with participation of larger number of inspector in duration of one-two days). Such inspection oversight may be conducted during the working hours and overnight.

In 2010, considerably large number of campaigns was organised in the fields of catering industry, commerce, bakery industry, wood processing industry, production and processing of plastic and PVC carpentry etc.

The campaigns were organised in accordance with Annual Plan of the Labour Inspectorate for particular activities, according to monthly work plans of the departments and sections.

In addition to planned campaigns of the Labour Inspectorate, other forms of campaigns were run, according to the principle of joint inspection work with other inspection organs.

Key effects of the campaigns show that labour inspectors show that the labour inspectors, within their legal authorities in controlling irregularities and failures, have achieved results in decreasing the number of unregistered workers identified, and pursuant to the ordered measures ensured their transfer into legal work activities.

All parameters of the analysis indicate to justifiability of campaigns, as a method of the labour inspection's extraordinary activities; indicators may vary depending on place of oversight conducted over commercial activity specific for the place of campaigns, by more severe punitive policy and rendering orders requiring remedy of failures and irregularities and with simultaneous submission of the request before the Magistrates, which show effectiveness and efficiency of the campaigns.

Inspection oversight upon request by a party

In reporting period, parties referred to the inspectors with two requests, related to: postponement of enforcing the decision by employers on termination of employment agreement and for taking measures in order to exercise the rights at employer.

Requests by parties to enforce measures securing exercise the rights at employer

The most often reasons for referral to the labour inspection upon party's request were conduct of employer contrary to the provisions of the Labour Law, employer's general enactments and employment agreements in case of unpaid salaries, compensation for salaries, increase of salaries and other remunerations to which the employee was entitled pursuant to the Labour Law, even in the period of 30 days after employment was terminated, failure to pay taxes and contributions for mandatory social insurance, failure to submit M-4 form to the Republic Pension and Disability Insurance Fund, due to which the data on paid insurance are missing, unpaid salary compensation to employees on maternity leave and who have been absent due to childcare with respect to Article 94 of the Labour Law, in conformity with Law on Financial Assistance to Families with Children, incompliance with the provisions of the law governing working hours and overtime, termination of employment agreement by employers, contrary to the cases envisaged by the Law, failure to comply with procedure of terminating employment agreement by employer, failure to render decision on termination of the employment agreement, failure to bring back labour booklets duly filled, at the termination date.

Upon parties' requests to effect oversights related to implementation of the Labour Law, employer's general enactments, employment agreements, the targeted inspection oversights took place at said employers; in the course of such oversights, employers were often uncooperative or trying to justify their illicit performance and violation of the provisions of the Labour Law. It must be said that employees usually refer to the labour inspection, seeking for protection of their rights under the employment after their

employment cease to exist, while during the employment relation, when inspectors conduct oversight ex officio, the employees in their statements usually protect their employer.

Employers often terminate employment agreements to their employees, dismissing them as redundant, and such employees waive their right to redundancy payment. In such case, termination of employment is usually the only solution for both, employer to be released from a worker employed for indefinite period, due to aggravated financial status, and for employee to leave the employment, with possibility to exercise his/her right to financial compensation during unemployment with the National Employment Agency.

Postponement of enforcing the resolutions to terminate employment agreement

According to the data collected from the Labour Inspection department and section, it is found that in the reporting period, 732 resolutions to terminate employment agreement were made with respect to Article 271 of the Labour Law, while in 2009, 902 such resolutions were made, which shows decreasing trend in parties' requests for the labour inspection intervention.

When labour inspector finds that resolution to terminate employment has obviously violated the rights of an employee and therefore the employee initiated labour dispute, the labour inspector shall, upon employee's request, decide to postpone enforcement of such resolution until final court decision is rendered.

If inspector finds that the employer's resolution to terminate employment agreement obviously violated the rights of employee, and therefore the employee initiated labour dispute, the labour inspector shall, upon employee's request, decide to postpone enforcement of such resolutions until final court decision is rendered.

Labour inspector may bring a decision to postpone the resolution to terminate employment agreement only under condition that employee initiated a labour dispute because of having his/her rights obviously violated by single decision (resolution) of employer. The employee, before referring to the labour inspection, shall within a 90-day

period as of the resolution violating his/her right was submitted, lodge a request for protection of the rights before the competent court. With request to postpone enforcement of the resolution, the employee shall be bound to furnish the inspection with the copy of the action he/she lodged to the court. The request for postponement of enforcement of resolution may be submitted to the inspection within 30 days as of the initiation of proceedings before the court. Labour inspector shall assess whether the right of the employee was violated and whether the resolution should be postponed. If he finds that the right of employee was obviously violated, he shall bring a decision postponing enforcement of the resolution to terminate employment agreement. In the reporting period, attention was paid in particular to strict compliance with the deadlines to resolve the requests of employees, stipulated by the law. Considering the situation in the labour market and chronically slowness of courts, decisions of the labour inspector are usually the only solution for employees who remained jobless, and responsibility of inspectors in applying this institute is very high.

Total number of oversights	Total number of oversights upon party's request	Number of resolutions rendered pursuant to Article 271 of the Labour Law
37.747	9.871	732

Control oversight

In inspection control oversight, labour inspector shall control enforcement of the resolutions made pursuant to Article 269 of the Labour Law, by which the inspector ordered employer to remedy observed violation of the law, general enactment or employment agreement.

In case the resolution has not been enforced, the labour inspector shall lodge a request to initiate proceedings before the Magistrates. For such misdemeanour, the Labour Law envisages fine for employers having capacity of legal entity, in the amount from RSD 800.000 to 1.000.000, and for responsible officer in such legal entity a fine in the amount of RSD 30.000 to 50.000. For the same misdemeanour, an entrepreneur shall be also fined with the amount of RSD 300.000-500.000.

Strike

Strike shall mean an interruption of work organized by employees for the purpose of protecting their professional and economic interests under the employment, as prescribed by the Law on Strike.

Strike is a temporary interruption of work by employees, with objective to exercise particular rights under employment, by making pressure on employers. All or any person employed at employer may participate in such strike.

Federal Secretariat for Labour, Healthcare and Social Care ceased to exist by entering into force the Constitutional Charter of Serbia and Montenegro Union („Official Gazette of Serbia and Montenegro“no. 1/2003). Since this organ, in accordance with Article 17 of the Law on Strike, was responsible to conduct oversight over the implementation of the Law on Strike, the competence was conferred to the Ministry of Labour, Employment and Social Policy- Labour Inspection Sector (Article 20, Paragraph 5 of the Law on Implementation of the Constitutional Charter of Serbia and Montenegro Union („Official Gazette of Serbia and Montenegro“no. 1/2003).

Labour Inspection of the Ministry responsible for labour affairs has been conducted inspection oversight over the implementation of th Law on Strike for over eight years. During this period, great efforts were made in order to qualitatively discharge this part of the inspection oversight in accordance with the law.

Since the Law on Strike and the Law on Official Labour Records do not prescribe the obligation of strikers or employers to announce strike, the Ministry of Labour and Social Policy and Labour Inspectorate have no data on total number on strikes in our country in 2010.

During 2010, labour inspectors completed **148** oversights over the implementation of the Law on Strike. After the completed oversight, labour inspectors were taking many measures, emphasising to social partners their mutual rights, duties and responsibilities, to decisions on violation of the Law on Strike and Labour Law, and lodging a request to initiate proceedings before the Magistrates. In 2010, labour inspectors brought **38** resolutions ordering employers to remedy violation of provisions of the Law on Strike, and brought resolutions ordering employers to remedy violations of the Labour Law provisions, and were related to ordering payment of unpaid due salaries, what was the most often request of strikers. Also, **21** claims were lodged before the Magistrates.

Analysis of data on oversights conducted due to strike, established that the oversights of particular employers, were conducted several times during the year, and that many strikes went through phases of strike announcement, warning strike and long-term strikes.

By comparing data from 2009 and 2010, we may make conclusion that number of referrals to the labour inspection has increased, as well as number of the measures taken in order to remedy the observed violations of the law.

Relatively small number of the resolutions brought during the oversight over the Law on Strike, is a result of characteristics of the field which was subject to the oversight. However, after the completed oversight due to strike, inspectors brought resolutions ordering remedy of other observed violations of law, general enactments and employment agreement. This relates in particular to payment of outstanding salaries and compensation, which were often subject matter to the strikers' requests.

By analysing the data related to number of strikes, strikes organisers, strikers' requests, duration and manner of ending a strike, we may conclude that the main reasons for strike have economic-social nature. Many strikes in 2010 were organised at employers which are inactive and generate no profit, thus possibility for strikers to make pressure on employers is either minimal or none. Employer is not interested in keeping employees who are on strike (protest) thus mass dismissals are often. The most often, former strikes

appear as parties, requesting the labour inspector to postpone enforcement of employer's resolutions until the court renders its final decision.

The characteristic of strikes in 2010 is that many of them have swelled into protests of employees that took place out of factory/plant-i.e. their workplace, and thus are no ore under competence of the labour inspection. For the year 2010 it is typical that a large number of strikes in privatised companies were organised due to improper privatisation. Epilogue of some strikes has been termination of the privatisation contracts.

Labour Inspectorate shall continue to professionally discharge the oversight over the implementation of the Law on Strike, without being sided with strikers or employers, which may appear before the Labour Inspectorate as parties due to request to postpone enforcement of resolution to terminate employment agreement.

Labour Inspectorate in 2010 actively participated in preparing Draft Law on Strike. We hope that passing a new Law on Strike shall eliminate ambiguities related to application of the law and the inspectors' performance.

Requests by the Agency for Privatisation

In cases when the Agency for Privatisation, while controlling the privatisation procedure, found that certain subjects to privatisation do not apply the regulations governing rights, duties and responsibilities of employees related to employment relationship, the requests for oversight to be conducted in line with the Labour Law were submitted to the Labour Inspectorate, Ministry of Labour and Social Policy.

The Agency's requests were referred to labour inspection territorially competent in districts, which conducted, within its legal mandate, oversights at employers and took measures prescribed by laws, and the Agency was notified thereof at the same time.

Objections related to failure to comply with provisions governing labour relations in the privatisation subject shall be referred to the Control Sector of the Agency for Privatisation, during the oversight over realisation of particular sale agreement. Special regard was made to the following circumstances:

- failures to comply with collective agreements signed with company and other provisions governing labour relationships,
- Violation of the Labour Law provisions governing salaries, compensations and other earnings or allowances and any reasonable suspicion to privatisation contrary to the provisions governing labour relationships,

Established factual situation by the inspection oversight shall be submitted to the Agency for privatisation for collecting of evidence in monitoring performance of the liabilities under the contracted agreement, within the mandate of the same Sector.

During 2010, **57 requests** were submitted to the Labour Inspectorate, which compared to the year 2009 makes a minor increase in the number of requests, when 56 requests were submitted, seeking for the inspection oversight by the Agency for Privatisation.

Magistrates proceedings

Better cooperation with the Ministry of Justice and the Magistrates authorities in 2010 resulted in more efficient work of the Magistrates and created conditions for labour inspectors to follow all the phases in requests processing, as well as the manner of their resolving (related in particular to the amount the fines imposed).

Cooperation between departments/sections of the Labour Inspection and Magistrates authorities in the Republic of Serbia is correct, with both the first-instance organs and with magistrate's panels. When necessary, joint meetings are organised in order to resolve the problems appearing in practice. It is highlighted that the amount of the fines in the field of employment relations and health and safety at work is high at this moment, and there are difficulties in decision making to impose fines. Issues of high volume of

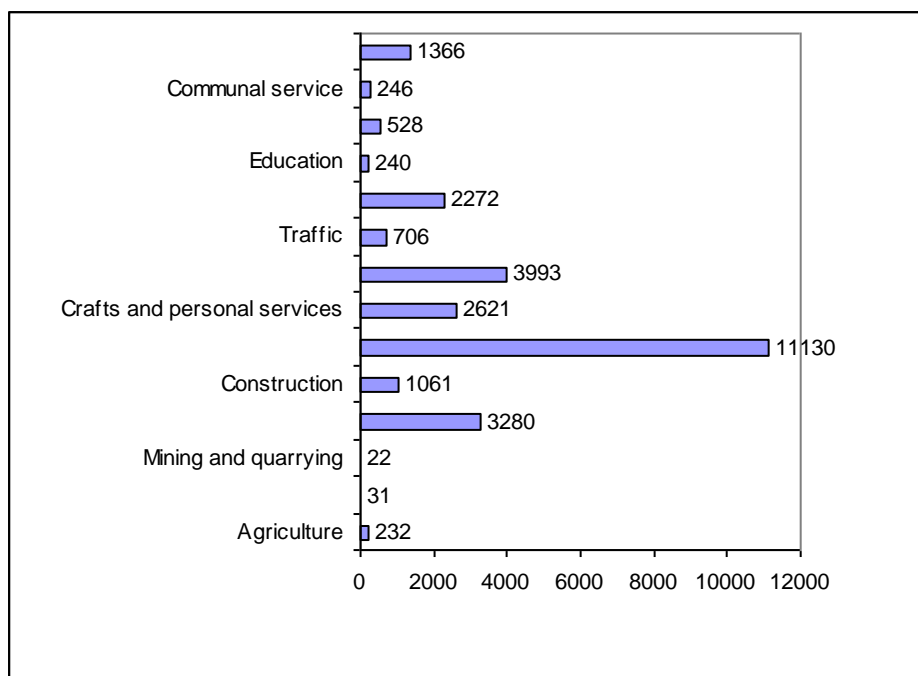
enactments applied in labour relations and complexity of the subject matter to the inspection oversight were also emphasised.

Punitive policy in magistrates proceedings has become more severe lately. Activity of the labour inspectors, who complained on the Magistrates' decisions pronouncing the fines bellow to minimum prescribed by law, contributed to such a trend and in such manner caused the changes in the punitive policy.

Measures taken in oversight of employment relationship

Measures taken in departments and sections of the labour inspection in administrative districts and in the city of Belgrade

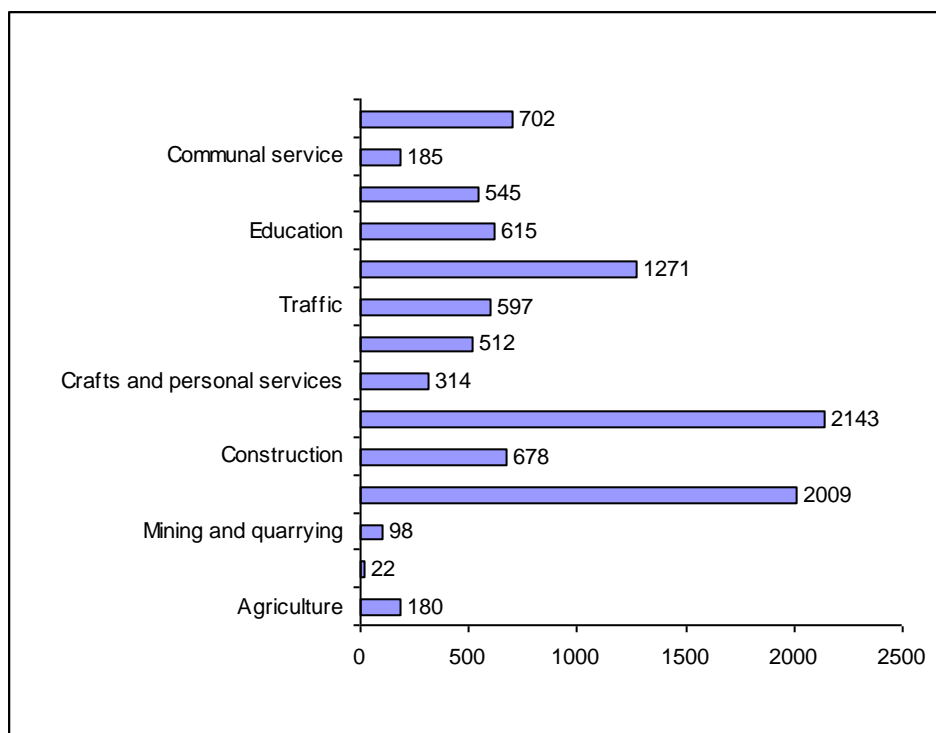
During the reporting period, in the field of labour relations, measures and activities with prime goal to ensure compliance with the Labour Law were taken, i.e. to reduce number of violations of the law and other provisions governing the field of labour relations.. In 2010, 37,747 oversights were conducted ex-officio or upon request by party, including 558,536 employees. Besides the oversight, many citizens referred to labour inspectors everyday, in person or by telephone, so the labour inspectors received several thousand persons seeking for legal assistance in protecting their rights and appropriate application of the Labour Law.



Number of the oversights conducted ex officio

Total number of the oversight conducted ex officio in the field of labour relationships is 27.728, out of which the most of oversights were conducted in commerce, hotel-management, tourism and in industry.

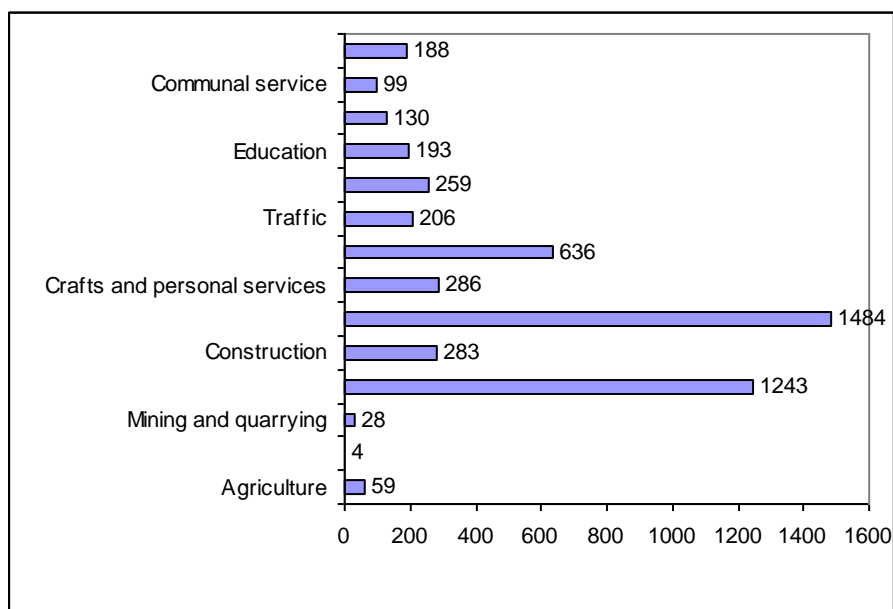
The largest number of oversights conducted upon request by a party, out of 9.871 in total, was made in commerce, industry, financial and business services, while the largest number of oversights ex-officio was made in commerce, personal services and catering industry.



Number of the oversights conducted upon party's request

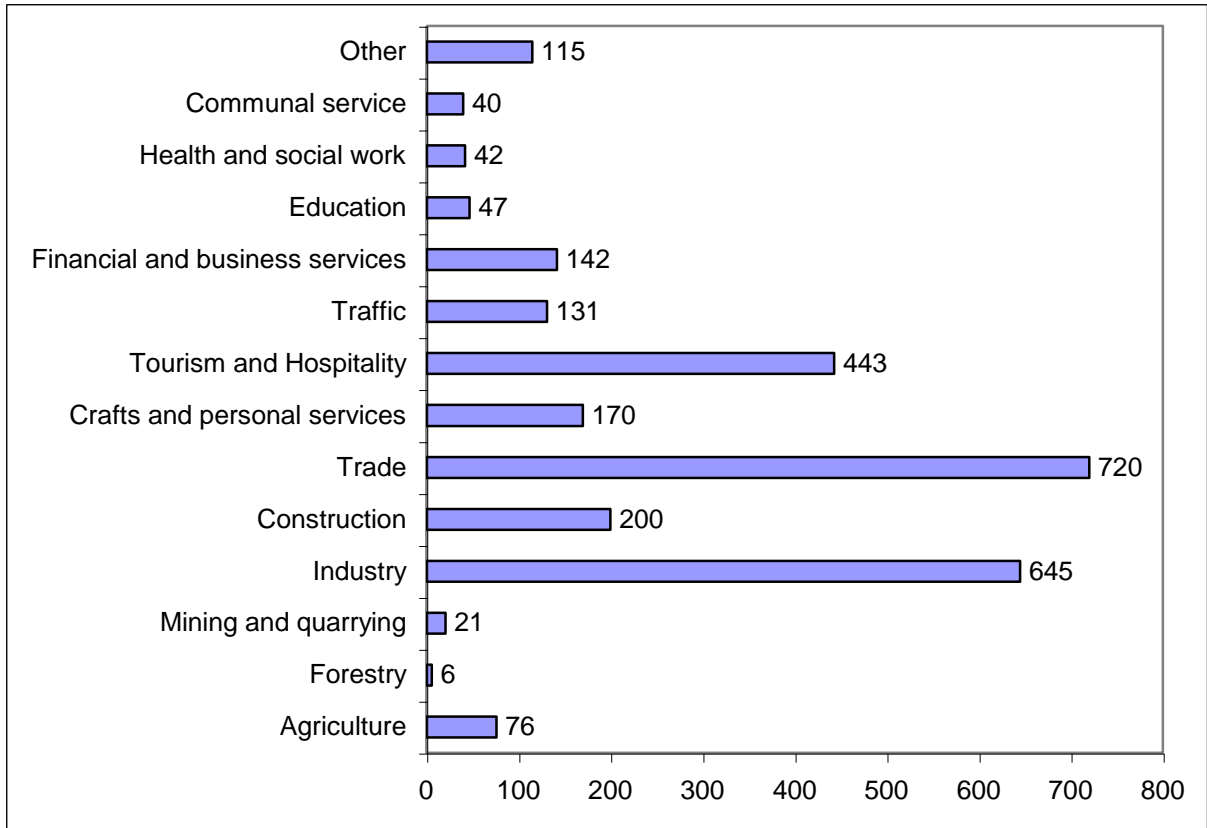
Measures of the labour inspection, during the conduct of the inspection oversight, are reflected through preventative and repressive approach. Preventative approach is reflected through cooperation with employers and their representatives by providing advices and guidelines, aimed at consistent implementation of the Labour Law. Repressive measures of the labour inspection are reflected through issuing an order to remedy the observed violations of the Labour Law, submission of request to initiate the proceedings before the Magistrates, filling crime reports and imposing mandatory sanctions. In 2010, **5.098** orders were made to remedy the violations of the Labour Law observed, with total of **5.293** ordered measures and **732** resolutions pursuant to Article 271 of the Labour Law – temporary return to job.

Ordered measures to remedy observed failures in labour relations	Number
Entering into employment relationship	1785
Discrimination	112
Working hours – night work, overtime work	103
Leaves and breaks	91
Earnings	1299
Compensations and other remunerations	501
Termination of employment relationship	346
Amendments and addendums to employment agreement	1056
Total of the measures pronounced	5293

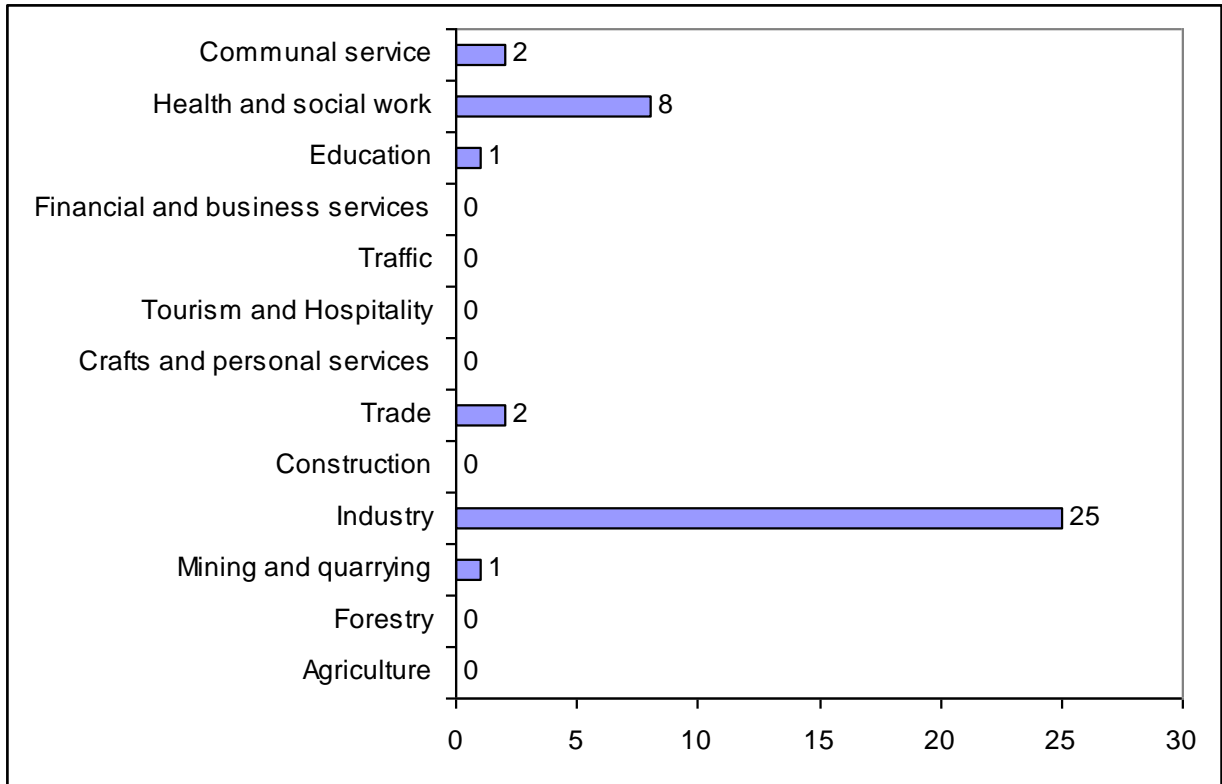


Number of the orders to remedy failures and irregularities

During 2010, labour inspectors submitted 2.798 requests for initiation of the proceeding before the Magistrates as follows: 1.565 requests against legal entity and responsible person in such legal entity and 1.233 requests against entrepreneurs. In the same period, 39 requests for initiation of criminal proceedings were submitted.



Number of requests for initiation of the proceeding before the Magistrates



Number of submitted crime reports

Report on effects of inspection oversight in the field of labour relations for the year 2010		
1.	Number conducted inspection oversights in the field of labour relations	37.747
	-full oversight	2.097
	- partial oversight	24.037
	- oversights upon party's request	9.871
	- strike	148
	Controlling inspection oversight – control over enforcement of resolutions/decisions	1.594

2.	Total number of workers employed at employer	558.536
	Number of persons found at work	154.988
	Number persons performing factual work	5.228
	Number of persons who entered into employment agreement upon the oversight	3.925
3.	Total number of the decisions rendered	5.382
	- pursuant to Article 269	5.098
	- pursuant to Article 271 of the Labour Law	732
	- due to strike	38
4.	Number requests for initiation of magistrates proceedings	2.798
5.	Number lodged appeals to the resolutions made	672

7.2. Presentation of activities by the department for second-instance administrative proceedings in the field of labour relationships and health and safety at work

Department for second-instance administrative proceedings in the field of labour relationships and health and safety at work, engages besides the Head of the Department, seven executors.

The department for second-instance administrative proceedings in the field of labour relationships and health and safety at work, shall perform the duties related to decision-making in the second-instance administrative proceedings in the field of labour relationships and health and safety at work; shall prepare a proposal resolution by which it is decided whether to retrial proceedings closed by the second-instance decision, which amends and vacates the decision in connection with administrative dispute and decision by the Supreme Court of Serbia from the field of labour relationship and health and

safety at work; shall prepare draft decision vacating or repealing the resolution on the grounds of official oversight and prepare decisions on appeals in all cases laid down by the Law on General Administrative Proceedings; shall prepare draft response to the action initiating the administrative proceedings before the Administrative Court of Serbia in the field of labour relationships and health and safety at work; shall prepare responses to parties' requests in the field of labour relationships and health and safety at work, for their submission to first-instance organs having subject matter and territorial jurisdiction to act: shall participate in preparing annual reports and work plans of the Labour Inspectorate (monthly, quarterly, annual) and other reports and information in connection with the work of the Labour Inspectorate; shall establish and maintain contact with social partners, other professional institutions and shall perform other jobs defined by the Inspectorate's director.

Measures taken in the Department for second-instance administrative proceedings in the field of labour relationships and health and safety at work

In the reporting period, total of 2.998 cases were received (acting upon appeals, responses to actions, delivery of files to Public Prosecutor, responses to various petitions, including responses to petitions addressed to Ombudsman, Trustee for Information of Public Interest, electronic petitions, providing opinion on draft laws and other types of petitions.

Department for second-instance administrative proceedings in the field of labour relationships and health and safety at work made total of 1.296 decisions on appeals to the first-instance decisions, 64 responses to actions brought in administrative proceedings before the Administrative Court of Serbia were given, insight into **24** file cases was made and the same were delivered to the Republic Public Prosecutor, in relation with the initiative for protection of legality.

1.482 petitions, were processed, by which the employed and other persons referred to the Ministry with different questions from the field of labour relationships and health and safety at work.

57 petitions of the Agency for Privatisation, referred to the Labour Inspectorate, were processed.

11 referrals by the Ombudsman of the Republic of Serbia were processed.

5 requests of the Republic Trustee for information of public importance were processed.

25 opinions on the draft laws were processed. 59 responses were given to various media, when they addressed in writing to the Labour Inspectorate. 39 reports were submitted to the Crisis Centre of the Ministry of Labour and Social Policy .

During 2010, all executors in the Department participated in work groups providing professional assistance to labour inspectors through consultation with departments and sections of the labour inspection in administrative districts and the City of Belgrade, and the same provided professional assistance in organised strengthened inspection oversight of so called campaigns and participated in preparing plans and annual reports. They also participated in preparing media material, in giving opinion on draft laws and attended particular seminars organised by the HR management and other jobs upon order by director of the Labour Inspectorate.

Factual work - unregistered work

Labour Law prescribed that labour inspection shall conduct oversights over its implementation and implementation of other provisions governing labour relationships, general enactments and employment agreements, which govern the rights, duties and responsibilities,

Labour legislation defines employment relationship as a legal relationship between workers and employers, which content is made of rights, duties and responsibilities that become effective at the day of commencement of work.

Employment relationship is constituted by executing employment agreement in writing, and the rights, duties and responsibilities shall become effective at the day of

commencement of work. At contrary, there is factual work or ‘unregistered work’ which may be defined as relationship between work and employment where the legal grounds for establishment of employment agreement does not exist or ceased to exist, but in which the worker actually performs its working duties regularly and in prescribed manner.

Objective effects of the factual work are reflected in impossibility of such person to exercise any right arising out of the work, existence of permanent risk of injuries without consequences for employer, impossibility to exercise the right to healthcare, and inexistence of social security at old age, considering that such persons have not been registered for mandatory social insurance.

According to determination of the Labour Inspectorate to reduce ‘unregistered’ work as much as possible, labour inspector’s activities are strongly focused on control over implementation of the Law governing legal-labour institute “entering into employment relation” and on identification of persons performing ‘actual work’ at employer.

Although being combated, the issue of ‘unregistered work’ still exist, and is more often in private sector and in commerce, catering industry and crafts, but also in other activities and other property sectors. The unemployed, refugees, pensioners, pupils and students are the most often engaged, but also the employed whose employers are defunct, i.e. those who have not received earnings for long period.

Employers usually justify factual work of workers by ‘probation work’, i.e. they present a need to test working abilities of the engaged person prior to establishment of the employment relationship by executing employment agreement in writing and prior to submission of application for social insurance. ‘Unregistered work’ is also justified by refusal of the engaged person to sign a written employment agreement with employer and his/her intent to have his salary increased for the amount of appurtenant taxes and contributions, and employer does not have to pay the same by using this type of work.

Oversights may also find extreme situation when a person factually working at employer refuses to constitute employment relationship upon inspector's intervention and cease to work by leaving the employer, in order to preserve other rights i.e. financial compensations out of employment relationship.

In inspecting whether employment agreements have been executed in general, i.e. in establishing whether a person at work and employer entered into employment agreement, labour inspectors are often in situation to enter into the minutes a statement of the employee who was found at work, that he/she are not registered employees.

While inspecting whether an employment agreement has been executed, i.e. establishing whether the person at work and employer have entered into employment agreement, labour inspectors often enter into the minutes the fact that the same person is unregistered employee (has no executed employment agreement in writing, nor employer has submitted application for mandatory social insurance), according to the statement of such unregistered employee. However, employers usually invalidate such finding by presenting to inspector employment agreements executed, as a rule, a day or two prior to the oversight, with a statement that application for mandatory social insurance is pending and that the registration for such mandatory insurance shall be completed within a deadline prescribed by law, and do so.

Upon request by the Labour Inspectorate to shorten the period of registration for social insurance, from 8 days from commencement of the employment, i.e. to register the employee for mandatory social insurance at the day of commencement of his/her employment in 2010, by amendments to the Law on Pension and Disability Insurance, the respective period has been shortened to 3 days, which also gives a room for manipulation.

The fact that employees agree to retroactively sign employment agreement and in such way they devastate their previous statement is not surprising – they are forced to act so by their existential intent to preserve their workplace. Finally, fact that inspection findings

are only formally appropriate and fact that in work results there are few-times smaller number of unregistered employees and that magistrates proceedings have not been initiated, is less irritating than the fact that factual work has been terminated and that the main goal was achieved – establishment of employment relationship.

Such legal institute is misused by use of so called flexible forms of labour and in situations when that is unlawfully. As labour out of employment, the use of employment agreements related to temporary or seasonal works are most often used if there are no basic characteristics of temporary or seasonal work.

It is highlighted that labour inspectors while performing oversight, found “phantom companies” i.e. the companies not registered with the competent organs, where employer engages unregistered employees. The problem is significant because labour inspectors are disabled to perform the inspection oversight in such cases, and to take legal measures due to their incompetence (competence of market and tourist inspection) for which reasons such form of labour engagement of the employee is not terminated.

The number of employment agreements executed and the number of registration for mandatory social insurance after the inspection oversight completed, has obviously increased. Besides the severe punitive policy, better compliance with this legal institute is result of method of inspector’s work, i.e. circumstances that the oversight is also conducted out of regular working hours – in the afternoon, overnight, over weekends, or at time when the work of unregistered employees is more used.

Labour inspection has been more engaged in suppression of unregistered employees for several years. Considering permanent monitoring of this issue, its characterises have been established, especially regarding activities where unregistered labour is mostly present, regions where the same is more frequent and periods during which the same is in increase. According to the Labour Inspectorate’s data, high number of unregistered employees appears in catering industry, crafts, industrial and production plants and civil

construction industry. Since we constantly follow trends in this matter, the aforesaid activities were mostly subject to oversight.

In certain activities it was recorded that the number of unregistered employees increases in the same period every year. This is especially typical for hospitality industry and civil constructions. In hospitality industry, during the summer time, due to extended volume of jobs, the number of engaged workers also increases in general, and accordingly the number of unregistered employees. Considering the civil constructions, the number of unregistered employees rapidly increases before the end of construction season, due to intent of employers to meet stipulated deadlines and to complete as many as possible jobs in the current season.

The young, unqualified workers having maximum secondary education, the employed without regular salaries, unemployed over 40 years of age, beneficiaries of financial compensations, social care assistance etc. are those who are mostly recruited for factual labour. Although the jobs performed by such persons are usually high-risk jobs, it is very difficult to “find” them since in most of the cases there is a connection between such engaged worker and employer. This often happens in civil construction industry, and therefore strengthened inspection oversights were conducted over the whole year.

Insecurity of employment and existential vulnerability, with fear that employer may dismiss them, do not allow even those worker who would like, to overcome legal obstacles and establish their legal employment status with employer.

Due to small salaries of employees, there is often a situation that the worker is the one who does not to execute employment agreement and does not want to acquire the right to social insurance, but wants to get gross salary as ‘cash in hand’ in order to have more money for consumption. This is characteristically in particular for young population engaged in work.

The state having factual work, incurs losses in two ways. First, employers do not pay taxes and contributions on salary, which is significant amount. Also, if such behaviour of employers is not adequately sanctioned, this could be counterproductive to employers who comply with legal provisions.

In cases where several persons were found to work as unregistered employees, direct request were submitted for initiation of magistrates proceedings and on such legal grounds, resolutions ordering execution of employment agreements were made.

In inspection oversight, there was a large number of cases established, where employers organise manufacture in basements, garages, private houses, thus it is very difficult to discover such activity. On such facilities there is no style of activity or firm, and entrance into the premises where the manufacture takes place is prevented by dogs, micro-cameras, interphones and locks. In such premises, the most often activities are: sewing, footwear manufacture, carpentry, or other form of mini-manufacture, where workers are engaged as unregistered employees.

Such appearances are spread in services, hair-dresser shops, beauty saloons, which allegedly “engage” workers on practice upon recommendation by Workers Universities, and which apparently present a form of ‘unregistered employees’.

As far as the engagement of foreigners in the Republic of Serbia is concerned, their number is minor in comparison with previous years – it has almost disappeared.

Based on the practice so far, inspection oversights should be conducted in continuity; both in morning and afternoon hours, when the effects of discovering unregistered employees are the best.

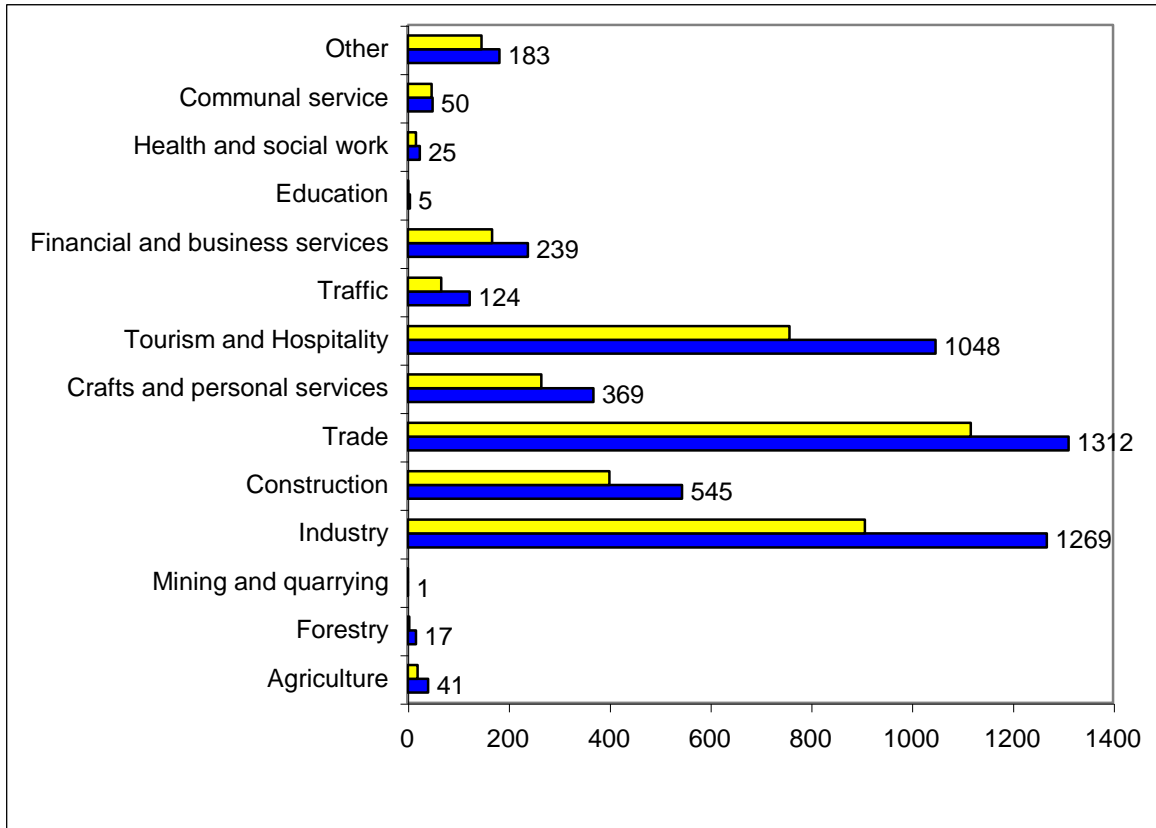
In order to better control employers, especially those in commerce and hospitality industry, where factual labour is mostly present, the Ministry organised shift work of the

labour inspectors, in order to check in afternoon shift whether employers engage workers without having executed employment agreement.

It is significant for this reporting period that the orders of labour inspector to constitute employment relationship were enforced mostly in a short period, even prior to expiry of the deadline imposed by the order, and mostly due to fear of high fines.

**Overview of total numbers of unregistered workers in the Republic of Serbia
in 2007. 2008. 2009. and 2010.**

Year	Total number of oversights	Number included into oversight	Number of persons found as unregistered employees	Number of persons having established employment after the oversight
2007.	48.255	268.682	10.448	7.517
2008.	42.595	306.416	9.054	6.394
2009.	40.222	357.498	5.734	4.178
2010.	37.747	558.536	5.228	3.925



- Number of persons found as unregistered employees – factual labour
- Number of persons who executed employment agreement after the oversight

Legal institutes related to labour in conformity with the Labour Law and International Conventions (81. и 129. of Labour Law)

Annual report on work in accordance with the plan and work goals of the Labour Inspectorate for 2010 was prepared based on the data collected on the work of labour inspectors, which were processed according to legal institutes related to labour. Labour inspectors were engaged in inspection oversight ex officio, upon party's request and in campaigns where the 'unregistered employees' were controlled.

Governing the rights, duties and responsibilities arising out of labour

Rights, duties and responsibilities arising out of labour are not governed only by employment agreements, but also by collective agreements (general, special and individual) if a trade union was established at employer, and by the Code of Rules, if

trade union was not established. Individual collective agreement, i.e. collective agreement with employer shall be executed by and between employer and representative trade union at employer.

Employers being legal entities, mostly govern the rights, duties and responsibilities arising out of labour by collective agreements, if have organised trade union. At such employers, parties to collective agreement are often two or more trade unions. The largest number of employers being legal entity has already entered into new collective agreements with trade unions. Those employers who failed to do so still apply provisions of previous collective agreements which are in conformity with the Labour Law.

Importance of collective bargaining and execution of collective agreements are not fully comprehended. It happens that new collective agreements do not contain provisions which more precisely define provisions of the Labour Law, but they simply re-write and re-phrase them, and sometimes even define less right of those laid down the law, thus remaining inapplicable.

Conflict between employer and trade union usually appears as a problem, due to which there are no conditions for bargaining on execution of new collective agreement or for amendments to the existing ones.

In such situations it happens that employer terminates collective agreement and regulates the rights, duties and responsibilities by Code of Rules after the termination period, since bargaining on new collective agreement failed with no hope to be continued. Such situations have become often because of insufficient cooperation and unequal potential between social partners and disagreements among trade unions.

Employment relationships at entrepreneur are governed in another manner. Minor, almost symbolic number of entrepreneurs regulated employment relationships by Code of Rules or by existing collective agreements with trade unions. Employment relationships are often regulated by employment agreements. In addition, in the largest number of cases it

is about standard forms of the employment agreement which are filled by employer, mostly just in part and without proper consideration of the content thereof. Book-keeping agencies, in most cases prepare employment agreements for employers, and they usually are not enough familiar with the field of employment relationships in order to fully and creatively govern the relationship. Professional qualification and occupation of employee, type and description of jobs, working hours schedule, place of work, salary, are usually not entered into the agreement. Labour inspectors in their decisions ordered remedy of the failures observed. Considering the aforesaid, the rights and duties of workers employed at entrepreneur are usually at minimum level defined by Labour Law, i.e. such employment agreements usually do not contain all elements referred to in Article 33 of the Labour Law, and especially not amount of salary. Also, while executing employment agreement, the copy of the same is often not delivered to employees, because of which the employees are not familiar with their rights.

Employers and employees are still not enough educated on importance of having executed employment agreements. Preparation and execution of employment agreement is considered as a legal obligation, which is essential approach according to specificity of the jobs in particular activity i.e. legal code. Employer should envisage the obligation to register employment agreements with the competent government authority, which would enable eventual anti-dating by employer.

As a form of governing rights, duties and responsibilities arising out of employment relationship, collective agreement, code of rules and employment agreement may not contain provisions providing an employee less rights or establishing unfavourable work conditions than those laid down by law. Such legal provision is followed by sanction – invalidity of such provisions, in which case the law shall apply. Court, not inspector, is to establish such invalidity. On the other side, it is a legal principle that general enactments and employment agreement may provide more rights or more favourable work conditions than those laid down by the law.

Establishment of employment relationship

Institute of establishment of employment relations is clearly governed by law, which implies a written act signed by employer and employee at the date of commencing the work. This legal clause arises out of duty of employer to register employees within an 8-day period for mandatory social insurance and to deliver to employee a photocopy of the insurance registration, which is evidence that the legal status of employee has been governed in conformity with law.

According to the Labour Law, general condition for establishment of employment relationship is age of the employee. Employer may execute employment agreement with person of minimum 15 years of age, irrespective of the jobs he/she is to perform.

Activities of labour inspector in conducting inspection oversight in the field of employment relationships, if finds a **minor** below 18 years of age and older than 15 years of age as unregistered employee (factual labour) shall be: to issue a ruling ordering employer to establish employment relationship with the minor by executing employment agreement (with obtained written consent of parents, adoptive parent or guardian and findings of competent healthcare institution that such minor is capable to perform the jobs required for employment) and to submit application to register mandatory pension and disability insurance.

According to the reports of the Labour Inspectorate departments and sections in 2010, labour inspectors conducting oversight in the course of their regular activities, did not identify violation of the law in this field, and no case of **child labour** was registered.

Execution of employment agreement, as a legal form to establish employment relationship, shall constitute fundamental right of employee. Many employees are not aware of importance of this agreement from the aspect of exercising rights in the field of labour. Very often, through discussion with employee, labour inspector gets information that the employee did not even read his/her employment agreement and does not know

his/her rights, duties and responsibilities. The problem often appears when employment relationship is terminated, or when any right under the employment is to be exercised, when it is established that provisions of the employment agreement are not in accordance with will of the contractual parties, or with agreement achieved.

In inspection oversights it was established that employers were entering into employment agreement on performing temporary or seasonal jobs, which by their nature last no longer than 120 working days in a calendar year, and which fall under employer's activities, as well as for performing jobs which do not fall under the employer's activities, where there were signed service agreements, agreements on representation, agreements on mediation. Because of characteristics of such agreement, employer and engaged person do not enter into employment agreement, which means that provisions of the Labour Law are not applied to the rights and duties under such legal matters, but provisions of the Law on Contracts and Torts.

Considering such legal treatment, it is a rule not to stipulate salary, but compensation for the labour contracted. In such cases employer is bound to register the persons engaged to mandatory social insurance, and the person engaged is not entitled to costs for nutrition during the work, to annual leave, leave allowance, severance pay etc.

There are many problems in establishing employment relation for definite period, which means that employer see this opportunity as an instrument to maintain discipline of employees and their higher productivity. Employers try to maintain employment relation with employees for definite period as long as possible, transferring them formally from one job to another assignment.

Inspection oversights established a trend to establish employment relation with employer for definite period in duration of either 30 or 60 days, up to one year maximum, so a minor number of employers employed employees for an indefinite period. The trend is also that employers misuse the institute "establishment of employment relations" as they engage employees for definite period for certain type of job for a year maximum, by

employment agreement for a definite period, and after expiry of such year, the employment agreement is terminated by engaging the same persons under agreement on temporary or seasonal jobs (supporting jobs) and make in such manner a break in employment relationship longer than 30 days.

Some employers still consider probation period as a possibility to engage workers without establishment of employment relationship. Employer highlights that it is necessary to preliminary test and establish the conditions required for establishment of employment relationship, in order to access whether or not to sign employment agreement with any person and deemed unrealistic request by legislator to sign the employment agreement before the employee commences his/her work.

As in previous period, the institute of Agreements on temporary and seasonal jobs is misused, especially concerning engagement of labour via Youth or Students cooperative association. As a way to avoid establishment of employment relations , employers use and other types of agreements: service agreement, agreement on vocational training, agreement of voluntary labour etc.

Workplace has appeared to be a “little fortune” thus we are not be surprised with the fact that the young, when establishing employment relationship, sign whatever offered. Often, they sign a blank request to terminate their employment, without being aware of what they are doing. Certainly, at suitable moment, employer uses such situation and upon request of employee for intervention, labour inspector may just find that the employment was terminated by resignation of the employee.

Labour inspectors examine content of the agreement (duty to stipulate basic earning in monetary amount and elements to assess the effectiveness of work, remunerations, increased salaries, terms of reference for the jobs assigned to employees).

As mandatory element of the employment agreement, the Labour Law stipulated duration of daily i.e. weekly working hours.

Regarding forms of **discrimination** defined by the Labour Law, employees have not found efficient and sure way to their protection. In such situation, the labour inspection may help to employees just in a part. Courts do not provide adequate and timely protection to employees, which were in very difficult and delicate situation as victims to the discrimination. Trade unions may hardly find adequate instruments to protect employees. Just occasionally employees refer to the labour inspection because of the discrimination they were exposed to.

The most often form of discrimination appears while employing workers, when employers set the age of candidate as a condition for employment (mostly up to 35 years of age) or transfer them to other job etc. Labour inspection had interventions in a minor percentage, mostly without success considering the difficult provability of such acting.

Besides the proceedings for protection against abuse at work at employer and judicial protection, the Law on Preventing Abuse at Work, passed in 2010, also stipulated that labour inspection shall conduct oversight over implementation of the said law, i.e. administrative inspection, according to the defined responsibility of all inspection organs.

Labour Inspectorate, in the period **September – December 2010** (since the law has been applied as of September 4th 2010) had registered **98 oversights conducted** upon party's request for prevention against harassment at work. Out of that, the labour inspectors:

- Made **19** decisions ordering remedy of failures observed,
- Made **13** conclusions
- Submitted **3** requests to initiate proceedings before the Magistrates due to observed violations of the law,
- 28 notifications to parties,
- In all other cases, the parties were informed on manner how to exercise their rights or were referred to court, which was entered into the Minutes.

Those who submitted request were explained that re-allocation of employee to other workplace may not be considered an abuse, since protection of such rights is ensured and party was informed on how to exercise his/her rights.

Also, abuse shall not mean individual act by employer resolving the rights of employee under the employment, related to establishment of redundant workers, thus the employee is referred to protect his/her rights in a proceedings laid down by special law.

There was noted that employees consider a mobbing to be everything required from them, and usually request is made by those whose behaviour is at least problematic (even prior to this law was passed) and who avoid to perform their job in such a manner.

In 2011 the Labour Inspectorate shall, considering increased interest of the public in the abuse at work, follow on a spreadsheet, monthly, a number of oversights and measures taken in conformity with the Law on Preventing Abuse at Work based to newly-made spreadsheets.

Working hours schedule

Full working hours of an employee, according to the Law, is 40 hours a week. Working week lasts five working days. However, upon employer's request, employee shall be bound to work extra hours in case of force majeure or sudden increase of jobs volume. Such overtime work may not last over eight hours a week, nor over four hours a day.

This is one of the legal institutes related to labour, where many failures were observed, and inspection oversight was significantly strengthened in this segment.

As mandatory element of the employment agreement in conformity with Article 33 of the Labour Law is determination of daily and weekly working hours. Employer shall make a schedule of working hours with respect to Articles 55 and 56 of the Labour Law within working hours. As a rule, the schedule of working hours is stipulated by employment agreement, according to 40-hour working week. Labour inspector finds out on the

problem after termination of employment, when employee comes in person or when submits request that his/her employer did not comply with the working hours schedule which was stipulated by employment agreement.

Problems appear due to failure to make decision on working hours schedule, or due to inadequately schedule and often overtime work, failure to keep records on working hours and failure to pay compensation for overtime work. Since such appearance is considerably spread and appears in almost all activities, at all organisational forms of employer, the problems in application of this legal institute related to labour shall be resolved in phases. Simultaneously with inspection oversight with repressive and corrective methods, the campaign is run via social partners in order to bring back this institute in a legal framework. Repressive approach is mostly applied to those employers, to which education and preventative measures in the previous period did not give positive results, i.e. such employers which continued to violate legal provisions.

Working hours prescribed by law are mostly observed in the public utility companies and institutions. “Wall of silence” of employees and unclear applicable legal provisions are favourable to employers. The most of the failures observed were in civil construction, commerce and hospitality industry. In order to have more efficient oversight, it is necessary to pass a law on records related to labour, which would envisage more severe sanction for employers violating Article 53 of the Labour Law. Labour inspectors submitted requests to initiate proceedings before the Magistrates and ordered by their decisions to employers to make resolution on working hours schedule for employees and to inform the employees thereof, in order to facilitate identification of violations of the law in the future oversights.

It is to be stated that, like in previous years, that employees, while being employed, are very uncooperative with labour inspection, protecting employer with their statements, and later, after termination of their employment relationship, disclose to labour inspection accurate facts against employers for failure to comply with legal provisions, and general

enactments of employer and employment agreement executed with employees, and such behaviour is typical in relation to their overtime work.

Since mandatory keeping of records on presence at work has not been stipulated by law, in such cases labour inspector may not establish whether the right of employee is infringed, in order to take measures according to their powers.

Vacations and leaves

Provisions of the Law on Labor has established the break during work, daily rest, weekly rest and annual vacation. Important for the inspection control also were weekly and annual leaves, given the serious consequences of their abuse by employers, although tellers were often denied even the 30 minute rest during the work.

Statutory provision that the employer shall provide the employee leave of at least 24 consecutive hours within the next week, if it is necessary that the employee works on his weekly rest day. In this regard, there were sporadic interventions addressing employment and labor inspection.

The right to annual leave is not disputed by employees in most cases, although decisions in terms of the Law on Labor are rarely adopted – the right to annual leave is instead verbally granted. As the contract usually stipulates the right to the legal minimum of 20 working days, the employee is allowed to use not at least three working weeks, but one week at a time.

The monitoring of the implementation of this institute and information provided by employers and employees have identified some of the deficiencies related to the implementation of this institute, the most common being:

- Written decisions on the determination of entitlement to annual leave are not adopted;
- if the decisions are made in writing, they are submitted to employees in timeframe shorter than the one established by the Law (usually on the day of commencement of the annual leave);

- the annual leave shall be the legal minimum, without the additional increase by the mandatory criteria;
- break during a working day is not established for certain categories of workers (trade, catering);
- employee is sent to an unpaid leave the employee if employer's business is not successful, or in cases of reduced workload.

Particular problem are part-time employees who are granted the right to a proportionate annual leave for each period of part-time work. In most cases, employees are afraid to apply for the use of annual leave, because then the employer will not re-employ them. Hence, even in the case where the employer issues a decision regarding the use of annual leave, it is difficult to determine whether the employee has used the leave and to what extent.

In cases where the employer did not issue the annual leave decision to an employee, it is considered that the employee was denied that right and in those cases charges are pressed.

Last year there were reports that employers have sent, contrary to the Law, employees on leaves due to lack of work without issuing decisions on leave. They have posted notices on bulletin boards containing a list of employees who are sent on paid leave with wage compensation in the amount of 60 % of the wage they would earn if they were working regularly. In such cases, the labor inspectors have undertaken appropriate measures.

Other forms of leaves are very rare, particularly the paid leave, and employers rarely permit the employee to use such a leave – and even then, only for the shortest possible time and most often, in verbal form. The application of this institute is difficult to monitor because there employees do not complain, afraid of losing their job or in larger companies fearing that addressing the inspection might cost them transferring to lower-paying positions, unless this absence is not abused by the employer, in the sense of termination of employment contract for unjustified absence from work.

Protection of employees

When it comes to special protection of certain categories of employees, the largest problems occur in **protection of women** during pregnancy and after childbirth. There are still some cases that an employed women upon their return from absence from work due to childbirth and child care receives termination of employment, as soon as formal requirements are met. Also, young women often are not employed, even though they fulfill all necessary requirements, because employers fear that they will exercise the rights related to pregnancy and child care. Employed persons younger than 18 years are almost non-existent.

Departments and divisions of labor inspection in the Republic of Serbia in the year of 2010 were mostly addressed by women with a request to take action against their employers who have not regularly paid compensations for maternity leave and salaries based on the use of **maternity leave** and leave for child care, etc. According to available data, there are cases when female employees upon termination of employment address the Labor Inspectorate, complaining about employers' attitude towards them, in terms of length of daily working hours longer than eight hours a day, denial to use weekly, annual leave, or that the right to sick leave was not recognized.

The reason why employees do not claim their denied rights with the labor inspection during the employment is the fear that they would lose their source of income or their position.

In terms of **maternity protection**, working mothers usually address the Labor Inspectorate for the payment of wage compensation during maternity leave and leave for child care, which generally resulted in requirement that the employer pays the compensation, and which was almost always fulfilled within the required timeline.

It is very often that the employer does not issue a decision on entitlement of employees on maternity leave.

In connection with the above and based on records available to the labor inspection in the departments / divisions of the administrative districts and the city of Belgrade, which the parties (working mothers) contacted for the protection of maternity rights, labor inspectors have solved these claims as priorities.

During the reporting period, during the night control exercised over employers – caterers, only a small number of underage persons aged 15-17 were discovered working, usually as waiters on rafts or in summer gardens. These persons had work contracts with their respective employers, which is not in compliance with the requirements of Article 25 of the Law on Labor. It was also concluded that the employers were acting contrary to Article 88, Paragraph 2 of the Law on Labor, because they allocated persons younger than 18 to night shifts, which is explicitly prohibited by the given Article. Request for initiation of legal proceedings against such employers were filed, and they were ordered to discontinue such a work plan, or terminate the practice to employ this category of workers in night shifts. All of the adopted decisions were implemented. It is necessary to intensify the work of inspectors carrying out inspections at night, particularly in summer and over employers in the catering business and those registered for the production of bread and rolls, in order to detect and prevent such an employment of minors.

It is also recorded that the employer **of a disabled** person do not provide jobs according to the remaining work capacity, in accordance with the regulations on pension and disability insurance, or provide other suitable positions when it is determined that the risk of disability exists in certain jobs.

Since disabled persons were not a protected category of employees, majority of such employees have been dismissed in previous years, on the basis of redundancy. Only if the employee works on projects with high risk, who is in the periodic medical examination determined as not incompliant with the health requirements, the Law on Safety and Health at Work stipulates that such an employee is to be relocated to another position that suits his competency. What about employees who are working in jobs with higher risk, and who can no longer perform their duties according to findings of medical examination? There is a strong possibility that these persons are abused in their workplaces, aimed at quitting their jobs by themselves. There are instances of perfidious forms, where other employees are verbally forbidden to cooperate with or contact such an employee, that these persons are placed in unsuitable working area, given workloads which cannot possibly be realized, and the like.

Wages, compensations and other earnings

General act or contract shall define the elements or method of determining salaries.

During the reporting period, the greatest number of requests for inspection intervention is related to the implementation of this labor-legal institute, with the predominant request that employers are ordered to pay the salaries, or the unpaid difference.

The Labor Law in Article 104 clearly states that the employee has the right to remuneration in accordance with general acts and the employment contract and that it should be paid within the period determined by them. However, it is common that this right is not respected by the employer.

It is characteristic that employers in the employment contract do not establish the elements for determining the performance, even those employers who are engaged in productive occupations in which, by the rule, standardization of jobs is easier, i.e. determining the number and quality of product units an employee is required to produce per time unit, in order to achieve a basic income.

A number of employers, however, provide incentives or “disincentives” in certain percentage, but again without contracting the elements based on which we can determine the grounds and amount of these disincentives - it is all left to the decision of the Director and founder, and the impression of arbitrariness or wrong intention in making this decision, which is sometimes used as punishment, cannot be escaped.

Wages are generally in the amount **of the minimum wage**, or slightly more than this amount. There are few employers who pay wages according to the employee’s skills and education degree. There is a serious problem with agreeing on wage and the obligation to express the basic salary as the monetary amount. This creates many difficulties for employers, hence earnings are generally defined so that they are monetarily established, starting with several established parameters.

As in the previous year, the minimum wage was agreed in most of the monitored cases. Very often the employees, but only once they have stopped working for

the employer, have stated that the earnings were verbally agreed to be higher than the minimum, and that was being paid 'under the counter'. Often, termination of payment of salary agreed in such a manner was the reason why an employee ceases to work. It is necessary to explain to the employer that if salaries are determined in nominal terms and in the minimum amount, in case that they must change the amount, an annex to the employment contract must be made, accompanied by a written offer. One gets the impression that the employers found it much more convenient if someone else, for example through special collective agreements would determine the coefficients and their values, which they would then only enter into the contract of employment. This is probably because, as we said, even the conclusion of the employment contract is entrusted to accountants, who use the standard form. Evaluation of one's work and determining appropriate standards and performance is not an easy job and it is necessary that the employer does this, depending on the activity, number of employees and so on.

Given the state of the economy, the number of employers who employ a larger number of individuals (200 and more) and that they cannot pay salaries to employees for a longer period, because of operating losses and bad financial situation, is not small. In case of some employers who are in this situation bankruptcy proceedings were initiated, and there are also employers who are formally in the business, but in essence, they are not operational for a long time. Existence of the employees is threatened, and labor inspection has not adequate tools to protect their rights.

There are obvious problems related to failure to submit salary calculation to employees, keeping records of earnings and legal obligation that employee signs these records.

Meals in the role of cash benefit have become the subject of mockery of some employers who have determined its height in the amount of several - up to one RSD. The situation is similar when it comes to payment of reimbursement. Problems also arise with payment of wages to female employees during maternity leave, as employers sometimes do not have their own funds to pay these fees along with other earnings, and resources of the Fund for health insurance are not paid regularly, which affects the right of working women. Also, in some cases there is a problem of non-payment of compensation to employees for coming and going from work.

Very often, the earnings are not being paid for several months and even years in companies that were privatized, and decisions on termination of employment are not being issued. Assuming that the worker is in an unequal positions with regard to, it should be specified that the employer is obliged to pay at least minimum wage and that the mode and time of payment of the same can not be a subject of agreement with the employee.

In cases where the inspection determined that the employer does not pay taxes and mandatory pension and disability insurance, health insurance and unemployment insurance by the 30th of the current month for the previous month, which is required pursuant to the provisions of Article 51 of the Law on Mandatory Social Insurance, inspectors have provided the Tax Administration with such information which has jurisdiction to supervise the implementation of the said Law, in accordance with the provisions of Article 69 of the Law.

Bearing in mind that the monetary claims arising from employment expire within three years from the date when the obligation becomes effective, the employees are in all cases of longer insolvency of employers instructed to seek protection of their rights in parallel with the competent court, in order to end the period of limitation.

In the reporting period, the labor inspectors have issued decisions and orders to employers for payment of wages, salaries and other benefits, regardless of whether the employer at the time when the liability for payment of wages has aroused was blocked due to the current account, and also the requirements for initiating legal proceedings were submitted, regardless of the attitudes of certain institutions or rulings of the Supreme Court of Serbia from the year of 2005 that the account blockage of the accused legal entity represents a circumstance which excludes their liability in terms of violation of Article 60, Paragraph 1, item 13 of the Law on Value Added Tax.

Termination of employment

During the year of 2010 and in the reporting period, there were cases of termination of employment for employees on almost any possible grounds.

In most cases, employees approached labor inspectors with a request to provide them with their **work papers** and other documents upon termination of employment. It happens that the employee leaves work without dismissal in the sense of the Law on Labor or the agreement with the employer, which results in a specific legal situation that the employee is still employed, although he/she no longer works. Solution for this situation involved social dialogue between labor inspectors and the involved parties and returning of the legal employment relations into the legal framework. Failure to return the duly completed work papers is an ever present constant in the relations between the employer and the employee. Reasons for not returning work papers mostly include outstanding liabilities to the Pension Fund, which results in the inability of the employee to exercise the rights of the employee in future employment with another employer, or rights on the basis of temporary unemployment.

The problem of controlling the working-legal institute is that failure to return the employment papers is sanctioned by a mandatory fine which a labor inspector still cannot collect.

Employees do not address the Labor Inspectorate on the grounds of Article 271 of the Law on Labor, because termination of employment contract comes after working and other relationships between employee and employer have been disturbed, so that is why employees do not want to return to work for that employer. Instead, employees typically require change of the grounds for termination of employment contracts or payment of monetary debts.

When it comes to agreement on termination of employment, employees sometimes point out that they have not given their consent, that a blank form which they have signed on the commencement of the employment was used, or that they have mistaken the employer's intention, or that they were coerced into signing this document. Because of such disputes, employees were sent to court, as the competent authority.

During the year of 2010, some employers started the procedure of determining redundant positions and employees, and on this basis a number of employees received termination of the employment contract and severance. Employees who in these proceedings terminated the employment contract did not address the inspection with the

request to postpone the decision of the employer on termination of the employment contract.

The reporting period was marked with the termination of employment by an employer in the sense of the Article 179 Paragraph 1 item 9 of the Law on Labor in companies that are in deep financial crises or are in the process of ownership transformation.

These companies implemented the group termination of employment and employees were applying for a social program funded by the Government. In the process of implementation of the approved social program, employees contacted the Inspectorate for advice whether signing of the agreement on regulating mutual rights and obligations actually means waiving of claims with the employer on the basis of unpaid wages.

The most frequent failures in the process of canceling a contract employee of the employer are as follows:

- that the employer before canceling a contract did not inform employee that there are grounds for dismissal;
- that the employer did not leave the statutory deadline for employee to respond to the warning;
- that the employer did not submit a warning before dismissal to the union organization whose member the employee is;
- that a warning prior to dismissal or a decision on termination of the employment contract does not contain elements prescribed by law, etc.;
- non-payment of appropriate wages;
- breach of obligations are not foreseen by the general act or contract of employment;
- contract on employment is terminated verbally, not in writing, especially in the case of part-time employment;
- decision on cancellation of contracts issued in written form does not contain all required elements;
- employees are de-registered with the mandatory social security, without the decision on cancellation of contracts;

- employees' employment by the employer is conditioned in advance by signing a blank agreement on termination of the employment, which is subsequently and unilaterally activated by the employer, by entering the date of termination of employment, bringing the employee to a fait accompli situation;
- failure to return properly completed work papers on the day of termination of employment, which employers justify with failure to pay respective contributions;
- phenomenon that employees waive their right to severance pay due to termination of the need for their work, in order to gain the right of compensation paid by the National Employment Service;
- during temporary unemployment.

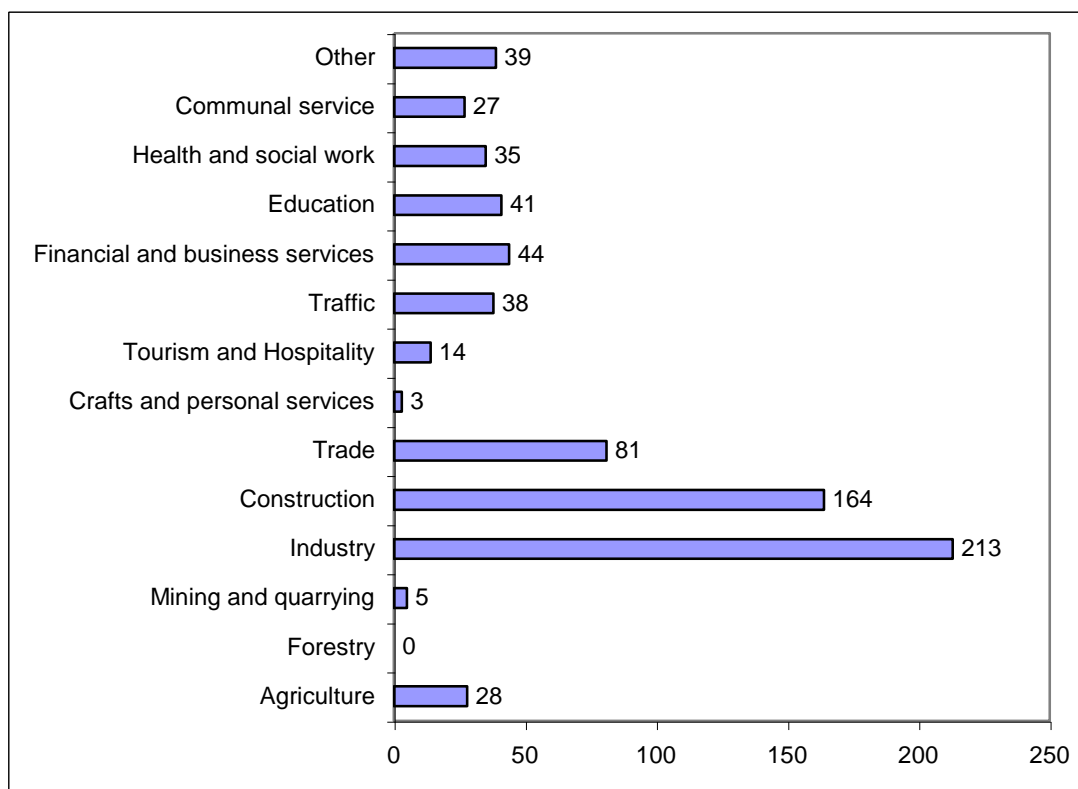
In some cases, employers who have cancelled the employment contract under Article 271 of the Law on Labor (violation of work discipline and violation of duty) in the course of administrative proceedings close a court settlement with employees. This agreement is achieved with mutual benefit - the employer does not have to pay severance due to loss of need for employees (and this is the real reason for the termination of employment), further, there is no legal dispute that would lead to much higher costs, and no risk of violation for failing to fulfill requests made by labor inspectors - and the employee gains certain amount of money without legal proceedings and payment of all the costs that entails, and then finding another job.

If the labor inspection in the performance of inspections finds violations of the provisions related to employment, they shall take appropriate measures within their authority to protect employees against dismissal without appropriate compensation.

It is essential that this problem actively involves organizations and unions and that social dialogue is established, in order to combat the global crisis and fight for protection of the most vulnerable categories (single mothers, disabled persons, etc.).

In the year of 2010, the Labor Inspection spoke to the total of **882** employees, regarding the request for postponement of the decision of the employer on termination of the employment contract. In most cases, the issue was individual canceling of a contract by the employer for violation of duties or work discipline. **732** decisions

were passed at the request by the parties to delay the execution of termination of employment contract.



Number of decisions passed at the request of parties with regard to termination of the employment contract

Monitoring of application of the Law on prevention of exposure to tobacco smoke

In the first five months of the 2010, until the adoption of the Law on Protection of the population from exposure to tobacco smoke, implementation of the ban on smoking in enclosed premises of the employer was monitored, and that during the process of complete, integrated or monitoring in the field of "undeclared work". In the period from entry of the new law into force to the beginning of the actual application of the law (November 11, 2010) labor inspectors have applied preventive measures in their regular activities, in the sense that employers were informed about obligations arising from the new laws and by-laws.

The Labor Inspectorate has, for the period from the entry into force of the Law on Protection of the population from exposure to tobacco smoke, to the end of 2010, achieved the full cooperation in the supervision with the Ministry of Health, as a control enforcement carrier. In the period from November 11th to December 31st of 2010, the labor inspectors have been supervising the application of the Law on Protection of the population from exposure to tobacco smoke and undertaking appropriate legal measures. A general opinion is that employers take seriously the importance of government in the fight to protect the population from exposure to tobacco smoke and creation of healthy conditions at work, so the number of violations identified was very small.

In the period from November to December 2010, **3050 inspections regarding the control of the implementation of the Law on Protection of the population from exposure to tobacco smoke** were made, which included **41,719** employees;

- **69** decisions were issued to order elimination of **193** identified deficiencies;
- The most common identified deficiencies were related to failure to identify the person responsible for controlling the application of the smoking ban and failure to put up 'smoking forbidden' signs;
- no persons who violated the ban on smoking in enclosed work area were found;
- **five** requests for legal proceedings were submitted because of the established violations of the law.

3. GENERAL INDICATORS OF LABOUR INSPECTION IN THE FIELD OF SAFETY AND HEALTH AT WORK IN 2010

APPLICATION OF THE INSTITUTE OF THE LAW ON SAFETY AND HEALTH AT WORK

Normative regulation of the field of safety and health at work

Rights, obligations and responsibilities regarding the safety and health at work can further be regulated by a collective agreement with the employer, the general act of the employer or the employment contract.

In terms of normative regulation of rights and obligations in the field of safety and health at work, the inspection noted that the number of employers who regulate the rights and obligations in the field of safety and health at work by collective agreements is getting smaller, because of the relatively small number of employers who organize unions and limited period of validity of a collective agreement with the employer.

Employers who do not have unions, and have more than 10 employees, as a rule, arrange the rights, obligations and responsibilities in this area by special rules. The problem is not sufficiently recognized fact that the safety and health at work, right from work, can be arranged by the Rules of Procedure, and the lack of sophistication and adaptability of these acts, the present employer and working conditions with that employer. General acts usually contain only transcribed or paraphrased provisions of the Health and Safety at Work, without their further refinement and adjustment of a particular work process.

Employers with fewer than 10 employees, regardless of not having that commitment, often make regulations on safety and health at work.

For employers who do not have general regulation in the field of safety and occupational health, rights and obligations in this area shall be regulated by contracts.

Usually, these are the usual formulations, which in general bind the employer and employee to take legal measures in the field of safety and health at work.

Considering that in 2009. and 2010 new regulations in the field of safety and health at work were adopted (transpose EU directives), it is necessary to implement them in the acts of the employer.

The most commonly identified shortcomings and irregularities in the implementation of normative development institutes of health and safety at work procedures of supervision are:

- The employer failed to establish rights, obligations and responsibilities in the field of safety and health at work
- General Act (Regulations) was made by director, even though the given employer has formed board of directors and
- The employer, who has regulated the rights, obligations and responsibilities in the field of safety and health at work, found no special rights, obligations and measures related to safety and health of youth, women working in the workplace at risk, disabled and professionally cases (Article 6 of the BZR).

Risk Assessment Act (quality, change ordering)

In the year of 2010, the Labor inspectors have, in inspection proceedings, paid special attention to the part of supervision related to the conduct of risk assessments and the issuance of a risk assessment, which resulted in an improvement in the implementation of this institution in the previous period.

This type of work has contributed to awareness of numerous employers about the obligations and procedures for the issuance of a risk assessment act.

Regarding the situation in the application of the Institute of the BZR, it can be seen from two aspects, as follows:

- number of employers who have in this reporting period adopted an act of risk assessment (especially if one takes into account that almost all employers with more people employed in hazardous industries have made the same),
- Quality Risk Assessment Act, or the content and form, and by analyzing and assessing whether a document on risk assessment was prepared in accordance with the safety and health at work, or whether the risk assessment in the workplace was made in accordance with the Regulations on the procedure of risk assessment in the workplace and in the work environment.

One reason for the slowness in adopting Acts is what most employers choose to delegate the act processing to authorized entities, or enterprises with licenses to conduct activities in the field of health and safety at work, concluded in a significantly larger number of contracts for production of documents, from the number that may well to develop an acceptable timeframe. Therefore, some employers, significantly delayed the adoption of legislation on risk assessment.

When it comes to quality of Risk Assessment Act, it varies and depends on the manner of its making and adoption, or whether the risk assessment, in terms of Article 37 Paragraph 3 of the Law was conducted by the employer himself, whether the risk assessment was carried out by persons engaged by the employer, with practitioner who has passed the test proving the practical capability to carry out safety and health at work and whether the employer has commissioned legal entity or entrepreneur with a license to carry out safety and health at work for risk assessments.

The second problem is even more significant, from the aspect of regulations on risk assessment, and it concerns the large number of deficiencies of issued documents, which led to the fact that employers have a formal Risk Assessment Act, which does not reflect the real situation, or determines the direction of the activities of the employer to reduce existing risks, and is thus inapplicable. Many employers, including risk assessors, did not understand the essence of risk assessment act, but only formally carry out the prescribed procedure, believing that in this way they have fulfilled their legal obligation.

The most common deficiencies of issued regulations on risk assessment are as follows:

- the risk assessment does not take into account all the operations that are performed in the workplace,
- analysis does not cover all work equipment used,
- risk assessment is done without prior analysis and inspection of the working process,
- analysis of mutual relations between several positions is not made, which can influence the change in risk level on each of them,
- Act Risk Assessment contains list of dangers and hazards from the Regulations on the procedure of risk assessment in the workplace and the working environment, without actual analysis of all activities and identification of dangers and hazards that occur in the performance thereof;
- teams for risk assessment do not include employees with practical knowledge,
- Act does not define the necessary means and equipment for personal protection of employees at work,
- Act does not contain measures to reduce risk,
- employees are not included in the system for risk assessment in its analysis and development, and even after its adoption, and often do not even know that an act was passed, and the like.

Therefore, the inspections determined that a large number of adopted laws on the assessment of risk is inapplicable in practice, which indirectly results in injury of employees. This conclusion stems from the fact that many employers invested substantial funds to meet legal obligations in the field of safety and health at work, which was reflected in the lack of resources for enforcement measures, purchase of equipment for personal protection at work, equipment maintenance to work and others.

Given this situation, it is necessary to further educate persons involved in risk assessment and the social partners in order to improve the quality of documents on risk assessment and to proper risk assessment and constant monitoring and adjusting the measures envisaged to increase the level of safety and health of employees at work.

The legal obligation of employer related to adopting an act on risk assessment in writing for all positions in the working environment and to determine the method and measures for their elimination, was met by 76% employers who were monitored, 14% of employers began activities on the development of Risk Assessment Act, while 10% of employers did not bring an act of risk assessment, and even started activities related to the issuance of a risk assessment in the workplace and in the work environment.

Organizing activities with regard to safety and health at work

Organization of safety and health at work in the territory of the Republic of Serbia, is performed in all three manners prescribed by the Law:

- Workplace safety and health at work activities for the employer from Art. 37. Paragraph 3. Law on BZR (employer has up to 10 employees and conducts business trade, catering and tourism, trade and personal services, financial, technical and business services, education, science and information, health and social care and the housing-communal services), are performed by the employer,
- Workplace safety and health at work activities are performed by employees of the given employer, and
- For the implementation of workplace safety and health at work activities the employer has hired a legal entity or entrepreneur with a license to carry out safety and health at work.

What is characteristic for employers from Article 37. Paragraph 3 of the Law on safety and health at work is that the act did not specify in written form the person in charge of safety and health at work (neither themselves, nor an employee), to which

the labor inspectors in inspections procedures particularly pointed out and made the decisions to requires removal of these irregularities.

The improvement of the existing status affected the performance of integrated inspections in the field of work relations and safety and health at work, which included a significantly larger number of employers from Art. 37. Paragraph 3 of the Law on Safety and Health at Work.

Inspection has found that with employers with many employees activities of safety and health at work are best performed by persons in safety and health at work who are employees of the employer, which proves that the procedures for inspections of employers determine the minimum number of defects and irregularities. Awareness of the importance and responsibilities of the Safety and Health at Work is still not satisfactory. Employer's determination of the person is considered a formality, and often persons engaged in general, or other activities, are also given an obligation to care for the safety and health at work of employees. Very often, these jobs are given to persons who have no previous experience in the field of safety and health at work. For this reason persons in charge of safety and health at work are often unable to properly and with full attention carry out tasks for which they are responsible.

A certain number of employers chose to entrust occupational safety and health at work activities to legal entities or businesses with licenses in this area. Employers who are organized in this way in some cases have a problem, because the agreements concluded between the employer and the legal entity with the license does not specify particular individual who will perform the duties of safety and health at work supervision. In such situations the question is who is person responsible for safety and health at work, if it is determined that the employer does not perform these activities in accordance with the law. In addition, there is a problem of signing several contracts on the performance of safety and health at work, instead of the number that can be well and promptly executed by the legal person or an entrepreneur with the license. This causes a problem that person in charge of safety and health at work fails to come to manufacturing plant of the employer for several months, although, in accordance with the Law on Safety and Health at Work, he has assumed the obligation to follow up and monitor the implementation of measures for the safe and healthy work.

Training of employees for activities related to safety and health at work

Training of staff for safe and healthy work represents the right of employees, but also the obligations of employers. In conducting inspections for the Inspectorate in 2010, the particular control was made over training employees on safe and healthy work because it was noticed that the most common cause of injuries at work is incompetence of the employee for a safe and healthy work.

The fact that the training for safe and healthy work has a particular place in the Law on the safety and health at work and that the law provides an obligation of inspectors to prohibit the work at the workplace of the employer if they determine that the employee is not trained for safe operation in the workplace where he is working, the importance of these preventive measures by which implementation depends largely on adequate safety and health at work.

During the monitoring of implementation of this Law provision, the following was noticed:

- That the employer did not train the employee for a safe and healthy work,
- that the employer issued a document on risk assessment, without informing the employees about all kinds of risks and concrete measures for safety and health at work, according to the Act,
- that the employer ordered the employee to perform tasks in multiple positions, and that the employee is not qualified for safe and healthy work at each of these jobs,
- that employers, where required by technological processes, do not additionally train employees by information, instructions or written instructions,
- that employees on the basis of agreement or contract of business-technical cooperation, carry out work for another employer are not equipped for safe and healthy work by the employer and
- that employers in the detailed records of training employees on safe and healthy work (Form 6) have not entered all the required information.

After examining the record of training employees on safe and healthy work, it was found that Form 6 does not include the reasons for training on safe and healthy work and which are exactly defined by Article 8 paragraph 2 of the Rulebook on records in the field of safety and health at work. Also, it was determined that the records are not filled out properly, as in the part where there are risks that the employee is aware of when training for a safe and healthy work, as well as concrete measures for a safe and healthy work, the person in charge of safety and health at work states that the risks and measures are in accordance with the document on risk assessment issued by the employer, without showing the specific risks and specific measures to eliminate them.

Inspections found that there are cases where employers did not perform periodic testing of fitness for safe and healthy work of employees who work at positions with an increased risk (and this is because the time limit determined in the Act has not expired, because it is generally prescribed limit for a period of 3 years). An additional problem is that employers have through the act on risk assessment determined only term periodicity of testing of fitness for safe and healthy and did not determine the manner and procedure for periodic testing of fitness for a safe and healthy work.

Generally, a problem still arises that training employees on safe and healthy work is understood in a formal manner only, without resorting to essentially all the dangers and hazards that occur in performing certain activities, because employers and employees still do not understand the full extent how important it is to properly and fully train employees in safe and healthy work area. In particular, there is a lack of practical training of employees for safe and healthy work relationships and activities of the employer about the training of employees to act on risk assessment.

Work positions with higher risk

Although a significant number of employers carried out risk assessment in the workplace in the workplace, relatively few of those have found that there are jobs at risk.

The reasons for that are:

- in realistically good conditions of health and safety at work working in the operating environment for most employers and risk assessment by a qualified person and other persons who participated in the implementation process of risk assessment,
- in insufficient professional approach, the implementation process of risk assessment by the assessor, based on the lack of recognition and identification of all the dangers and hazards in the workplace in the workplace, the reasons for that are in the fact that the identification and determination of risk and harm is not done by direct observation and monitor the operation of the workplace, or because the risk assessment is done without the presence of observers in the work place ("from a distance"), and because the determination of data on hazards estimators do not depart from the real current state of security and health at work, which derives from existing expert findings on the completed inspection and examination of the work performed tests of working environment, the instructions for safe operation, as well as proper documentation for use and maintenance, i.e. packaging, transportation, use and storage,
- in different approaches, the implementation process of risk assessment by the appraiser, with the result that an absolutely the same job with one employer was found as a job with higher risk, and with the other it is not, except that this phenomenon is particularly pronounced in cases where the to carry out risk assessment involved entities and entrepreneurs with the license.

Jobs at risk are usually determined by employers, who are engaged in construction works, production of chemicals, explosives and pyrotechnic products, exploitation of forests, as well as in public utilities.

The most common shortcomings of Risk Assessment Act, when it comes to jobs with higher risk, are related to the fact that the employer is found jobs with higher risk, while not obtained, paragraph (estimate) occupational health services, on specific health conditions to be met employees who work in workplaces with higher risk. Also, by

the Risk Assessment Act the employer has not defined the means and equipment for personal protection at work, which would be assessed risks at the workplace with an increased risk, were reduced to a minimum, to eliminate or prevent them.

Employers generally direct employees assigned to perform tasks in the workplace at risk to medical examinations, as well as periodic medical examinations in the manner and procedure prescribed by the Rulebook on preliminary and periodic medical examinations of employees in workplaces with higher risk. Monitoring of reports issued on performed periodic medical examinations by the occupational health services, show that there are instances when employees do not meet health requirements for operating in the workplace at risk. For such irregularities, labor inspectors were making the decision to deploy staff to other duties. However, it happens that the Occupational Health Service made assessment of medical fitness of the employee that he is able to perform the job he is assigned to, but that is not capable of performing individual-specific tasks of his job, for example - for work at heights, steering fork, and so on. Labor inspectors have, in these cases, made a decision on the banning of these activities, and employers closed annex to contract with employees to perform work in accordance with his medical abilities.

During the reporting period, the labor inspection faced some problems related to performing medical examinations of employees who perform jobs that require a medical examination on the basis of secondary legislation (regulations which establishes the obligation to conduct medical examinations), and for employers to work did not find a job place at risk (e.g. tractor driver in crop production - work with dangerous goods, a security guard - a night shift, unqualified worker - hard physical labor).

Using funds and equipment for personal protection at work

Using funds and equipment for personal protection at work is a right and obligation of the employee, and ensuring these funds and equipment, and control of their use of special purpose is the obligation of the employer. This is a very well established

concept that fully shows the duality of legal working relationship in which both parties have rights and obligations, and what is particularly important where the both bear responsibility for failure to perform their duties. When establishing health and safety at work the labor inspector has the possibility to sanction those participants who increased by their own fault risk level in performing specific tasks.

Tools and equipment for personal protection at work, which belongs to the employee during the work, is determined through an act on risk assessment.

Here, a negative phenomenon is found that a number of employers in their acts on risk assessment, in the part where they review the situation of safety and health at work, listed accompanying instruments and equipment for personal protection, which have already been determined by the general act or collective agreement or employment contract, and later on the basis of assessed risk, and identified and the hazards to which employees are exposed in the workplace, do not establish whether the funds corresponding to the recognized and established risks and detriments and sets other risks which are estimated to prevent, eliminate or reduce to a minimum.

Also, the practice shows that the employer provided the employee with adequate facilities and equipment for personal protection at work, and that the employee does not use them.

In 2010, year inspection in the field of safety and health at work is focused on control over the use of funds and equipment for personal protection at work, where in some cases they resorted to unpopular methods' application for legal proceedings "against employees because of non-use of personal protective equipment , even though the same were in charge, and which contributed to the situation in this segment of the measures is improved in relation to previous years.

Use of work equipment

Use of work equipment is subject to the previously established safety measures at work, and so the employer can give employees the equipment to operate only if it has the appropriate documentation in Serbian language for use, maintenance and utilization, and where the manufacturer or supplier stated all security- technical data, important for the maintenance and elimination of risks at work, and if all measures to ensure the safety and health at work that are in this documentation, in accordance with the regulations on safety and health at work, technical regulations and standards. Inspection has found that most employers does not have appropriate documentation relating to work equipment, which cause problems for the use and maintenance of work equipment in good working condition.

There is an evident problem of maintenance of work equipment in good working condition, which is not subject to preventive and periodic examinations by a legal person with the license. Also, there are employers, particularly in the trades, which use very old equipment to work, the manufacturers that no longer exist, and that the equipment for the employer not submitted the required documentation. Also, is not a rare case or that the employer uses the equipment produced by himself.

Some employers have not determined by the general act or employment contract, with which they regulated the rights, obligations and responsibilities in the field of safety and health at work, the terms examination and validation of this equipment to work, and since we do not have appropriate documentation from which to determine the manner of holding , maintenance of work equipment in good working order is arbitrary and left to the employer. Most employers think that is enough to guide the work equipment, which is not made in accordance with manufacturers instructions, and for reasons of lacking of appropriate documentation.

Inspection and testing equipment required for work, most employers carry out the prescribed time limits, by the legal person with the license, and keep records on the prescribed form 9.

Review and verification of work equipment for which the employer has in the act of risk assessment found that it carried out the preliminary and periodic reviews, employers are not made, and for reasons of lack of knowledge of these obligations, and the impression is that employers are often not familiar with the contents of the act on Risk Assessment.

Inspection also found that many employers provide with equipment employees who are not professionally trained to operate the equipment.

In the past year inspection has found that examination and verification of work equipment, at the request of the employer, carry out legal entities licensed and expert findings, which indicate that the review was performed without proper documentation for use and maintenance, and without the accompanying technical documentation. Obtaining such expert finds employers believe that they remove any deficiencies related to equipment operation and that the same applied to measures of safety and health at work (formally this expert finding is consistent with the methodology of the review and validation equipment for the work).

Use of hazardous substances

When it comes to packaging and storage of hazardous substances, it was found that most employers for dangerous goods documentation is provided in the Serbian language to use and maintain, or packaging, and technical data related to assessing and eliminating risk.

Employees who during the production process use hazardous materials, perform tasks at work that the Risk Assessment Act established a position with an increased risk. Employers have directed such employees to prescribed medical examinations.

However, the monitored employers have not defined prescribed records in accordance with the Rules of evidence in the field of safety and health at work in Form 7 (records of hazardous substances used at work).

All employers who are packed and stored hazardous substances are brought into an emergency plan procedures and emergency situations in case of fire, hazardous materials spills and natural disasters.

Controlled employers have set up warning signs in a visible place prohibiting the entrance into the premises where packing and storage of hazardous substances takes place.

Employers who use hazardous materials in the course of technological process possess the required documentation from the manufacturer, but in some cases it has not been translated into Serbian.

Employers who produce, pack, store and using hazardous materials, train employees on safe and healthy work, but often not carried out training for working with hazardous materials. It's common for employees of employers using hazardous substances, and they are not trained in safe and healthy work, or are qualified to work with hazardous materials. It happens even to act on risk assessment procedures do not include the use of hazardous substances as one of the activities at the workplace, where job title and description of the same does not refer to the possibility of working with hazardous materials.

Inspectors revealed that, in the preparation of Risk Assessment Act some employers did not include hazardous materials that are used in technological process, and the inspectors of bringing solutions to create or modify a document on risk assessment. Because of this, means and equipment for personal protection at work are not defined in line with the technological regulations and standards.

Inspecting work environment

The employer is to carry out preventive testing of working environment within 6 months from the start, or alteration of technological process of the reconstruction, which provides workflow changed or technological process that alter the working conditions.

This obligation employers do not perform, which is still a problem in the preparation of Risk Assessment Act.

However, employers who perform their activity continuously, perform required testing of working environment.

One problem is the fact that some employers are in harm always present and cannot take preventive measures to remedy this, and the employer is unable to take other measures except the award of funds and equipment for personal protection at work, because technological process does not allow changes to the procedure production.

There was a phenomenon that in the preparation of Risk Assessment Act some employers did not have the updated information on the analysis of existing conditions, so that no measurement of working environment determined the risks and hazards for a position in the working environment.

Inspection and testing of work resources

Means of work is a resource used as working and auxiliary premises, including the facility to open with all the installations that are subject to supervision and implementation of measures which will ensure full protection and security of all employees.

Often buildings are used as working and extra space for carrying out activities which are very old and poorly maintained in terms of maintenance (flooring, installation, walls, etc.).

Obvious problem is that, as employers begin conducting activities pursuant to a decision of the Agency for Business Registers, and prior work failed to provide minimum technical requirements. In the performance of regular inspections, the inspectors of the working face of inadequate and auxiliary facilities with no extra space for holiday meals and food, without clothes, without provided heating.

Equipment for the average age for several decades, and despite the maintenance in good condition when the process makes use of safety for work.

Ancillary structures and facilities that are occasionally used (scaffolding, platforms), almost never possess the technical documentation or review prior to use by a committee appointed by the employer.

During monitoring, labor inspectors have found that employers do not keep crossing and passing safe, especially during low temperatures when the slippery (although it found that employers provide a considerable amount of salt when it is necessary for the movement of employees and monitoring the technological parameters in several production plants).

Injuries at work

The policy goal of monitoring the safety and health at work, primarily to prevent injuries and occupational diseases, and is based on launching a series of activities in several areas of activity such as, for example, establishing employer liability in all phases of work, the application of preventive measures in all aspects of the technological phases of work, risk assessment and management of the same in all places of work, training employees on safe and healthy work, monitoring their health status, monitoring the parameters of the working conditions and the like.

This policy is justified by inspection of at least two reasons and they are:

- to conduct surveillance of actual injuries at the scene, with the aim of such violations do not occur and

- to be formed as accurate records of injuries at work, which occurred in the Republic, whose analysis would be determined by the most common causes and sources of injury, and the design of future surveillance will be directed toward eliminating the perceived risk.

Injury at work, which is defined by Article 22 of the Law on Pension and Disability Insurance (Official Gazette of RS, no. 34/2003 and 85/2005) is considered a breach of the insured that occurs in the spatial, temporal and causal connection with the performance of work by which it is secured, caused immediate and short-term mechanical, physical or chemical effect, sudden changes in body position, body sudden load changes or other physiological conditions of the body.

In the event of heavy injury, death, or the collective work injuries or damage for which the employee is unable to work more than three consecutive working days, the employer is obliged to report the same to the competent inspection of the competent authority of the Interior within 24 hours since its inception.

When received notification of the injury at work, a labor inspector shall immediately investigate the situation on site and to take measures to eliminate the sources and causes that have contributed to employee injuries.

In the period January - December 2010, labor inspectors conducted **1,322** inspections on the occasion of death, serious and collective work injuries (**35** deaths, **1,026** serious injuries, **29** collective and **232** light injuries).

Analysis of occupational injuries, which occurred in 2010. , shows the following facts:

- injuries are most likely to occur in **industry** and **construction** sector (about 73% of all occupational injuries reported labor inspection took place in these activities),
- employees who are injured at work, in about 82% of **males**;
- in 67% of injuries occurred in the **first** shift
- about 75% of injuries occurred in persons between the ages of **36 - 55 years**;

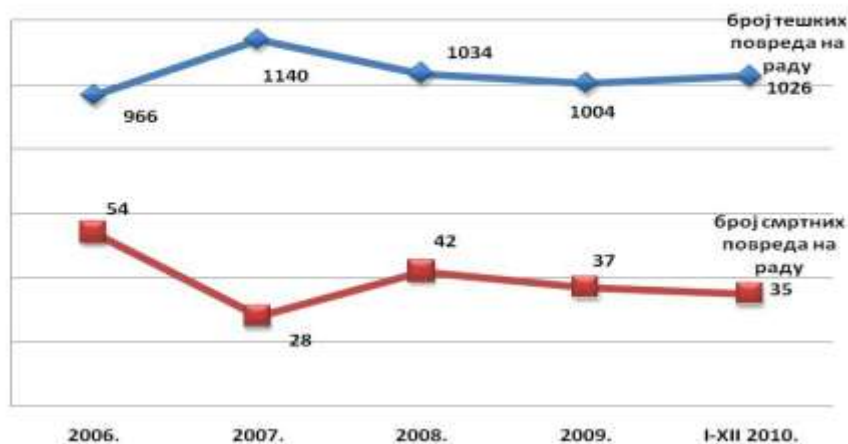
- 65% of injured at work is finished **third and fourth level of education;**
- employees are in 69% of injured **hands, wrists and fingers and feet;**
- The most common source of injury was **work equipment;**
- employment status of employees for which the death occurred due to the injury at work is:
 - employed full-time **41%**
 - employed part-time **37%**
 - **illegal work 22%** (Persons who employers engage without an employment contract generally hold occasional and temporary (seasonal) jobs and come to work without first getting acquainted with the technology of work, with not sufficiently take care of their professional qualifications for those jobs, as well as their training for safe and healthy work. Also, employers who hire persons "to" black rarely granted to use and use of adequate personal protective equipment at work. The consequence of all this is an increased risk of injury for persons who are "illegal", to which clearly indicate the dates of injuries at work).

**Comparative review of the number of inspections made
In cases of death, collective, heavy and light injury at work**

Comparative analysis of the number of inspections at work for **2010** compared to **2009** suggests that the **total number of fatal work injuries declined by about 5%** over the same period last year (in **2010. 35 deaths occurred injuries at work, until 2009. 37 deaths occurred injuries**), and the investigation of serious injuries in 2010. was slightly higher compared to 2009, precisely because the Labor Inspectorate consistently insists employers to report all injuries, where it can be assumed that employees absent from work for more than three working days.

Years	Number of completed inspections in case of death, collective, heavy and light injuries				
	total	death	collective	heavy	light
2006.	1.102	54	27	966	82
2007.	1.330	28	28	1.140	162
2008.	1.285	42	32	1.034	177
2009.	1.286	37	22	1.004	223
2010.	1.322	35	29	1.026	232

Упоредни приказ броја смртних и тешких повреда на раду за
2006, 2007, 2008, 2009. и
период јануар-децембар 2010. године



The most common causes of occupational injuries

The analysis of the causes and circumstances have been injuries, it was found that the most common causes of injury are as follows:

- work on unsecured height and improperly assembled scaffolding;
- non-use of prescribed aids and equipment for personal protection at work, primarily work without protective helmet and protective belts;
- non-application of basic principles of organization of works;
- deviation from the prescribed and established work processes;
- improper cooperation (coordination) of the participants in the work,
- improper operation of the equipment to work;

- incompetence engaged in work for safe operation;
- incomplete implementation of a safety and health at work in places of work;

Collective injuries

Collective injuries at work are infringements in which, independently of the severity of injury at work, injuring two or more persons. In 2010, the Labor Inspectorate has reported 29 violations of the collective work as follows: 10 collective work injuries occurred in the construction sector, 5 in the activity of basic metals, metal products, machinery, transport equipment and electrical appliances, 3 in the activity of coke, refined petroleum products, chemicals, chemical products, synthetic fibers, rubber and plastics, 2 in the activity of food products, beverages and tobacco, two in production and supply of electricity, 2 in the activity of repair of motor vehicles, home appliances and personal and other services activity and a collective work injuries in the transport, storage and communications, financial, technical and business services and construction, business and industry.

Suggested activities for the prevention of occupational injuries and occupational diseases

In order to prevent injuries at work and the occurrence of occupational diseases the following is required:

- consistent application of the safety and health at work and by-laws;
- continue to risk assessment, risk assessment carried out continuously with the practical application of legislation on risk assessment;
- Insist on respect for due process of risk assessment;
- All adverse events and the perceived flaws and irregularities in the risk assessment should be immediately eliminated;

- educate inspectors and make them qualified to control and review of Risk Assessment Act, and that their treatment could affect the measures;
- exercise constant control and supervision of legal entities and entrepreneurs with a license to carry out safety and health at work, with the withdrawal of licenses in case of illegal work;
- Regular inspections of cooperation with the authorities for violations in order to monitor all stages during the prosecution request for legal proceedings and ways of their solving (especially in terms of the amount of sentences);
- designed and coordinated cooperation of all departments, institutions and individuals whose programs include actions against injury at work, and proper allocation of tasks in teamwork experts in different fields, both within the Council for Safety and Health at Work, and in joint activities of the Union Serbia employers, trade unions, the Labor Inspectorate, Department for Safety and Health at Work, professional institutions, etc.;
- enhanced media campaign (TV, radio) aimed at the importance of reducing the number of occupational accidents, occupational diseases and diseases related to work, with special emphasis on high-risk sectors (construction, chemical industry, agriculture and so on. and the small and medium enterprises);
- development and promotion of brochures to promote the development of national culture of prevention in the field of safety and health at work (raising awareness and informing the public);
- introduction of continuous processing in all departments and institutions dealing with issues of safety and health at work, from level to level of employer, provide more comprehensive data from reports of injuries at work and updating of data processing to analysis results were available as early as possible all interested institutions, agencies, unions and relevant ministries;
- effective national system of registration and collection of data on occupational injuries and diseases.

Report on the extent and effects of inspection
in the area of safety and health at work

Report on the work of the Labor Inspectorate in the field of safety and health at work is composed on the basis of data collected on the work of 17 departments and eight departments of inspection located at the district branch offices in the administrative districts, three departments in the City of Belgrade and departments at the headquarters of the Labor Inspectorate.

In the period January - December 2010, the labor inspectors conducted a total of **15,814** inspections in the field of safety and health at work with **346,024** employees covered by the inspection. Also, during this period brought the **5400** resolution on elimination of deficiencies (with an average of three measures ordered) and **498** of the ban in the workplace.

In addition, **29** criminal charges were filed against those responsible, on suspicion of having committed a criminal act of causing danger not keeping a safety and health at work, as well as the **1266** request for initiating criminal proceedings against legal persons (and persons responsible for legal entities) entrepreneurs, face safety and health at work, and against employees.

On the submitted requests to determine compliance with prescribed requirements, safety and health at work before starting the activity, **606** inspections were carried out.

Measures taken in the supervision of safety and health at work

Corrective measures

Law on Safety and Health at Work establishes an obligation of labor inspector to the employer or employee to undertake measures and actions to remove the causes that caused the injury, led to the emergence of threats to safety and health at work, or that can

prevent the occurrence of injury and reduce or eliminate threats to safety and health at work.

Corrective measures in the field of safety and health at work include making a decision on eliminating the flaws, and Solutions on the banning of the place of work.

In cases where the identified circumstance that leads to the endangerment of health and safety at work, labor inspectors have used the banning Institute, which lasts until the circumstances have rendered.

Repressive measures

According to the criminal provisions of the safety and health at work, laying down the amount of fines imposed on employers as a legal entity, employers that the private entrepreneur or a responsible person with employers and established fines for employees who do not use the donated equipment for personal protection at work, inspection work is in taking action using all the above violations and institutes in this regard the following have been submitted:

- **687** requests for legal proceedings against legal persons and responsible person in legal entity,
- **382** requests for legal proceedings against the entrepreneur,
- **140** request for legal proceedings against the employee and
- **57** requests for legal proceedings related to the performance of safety and health at work as follows:
 - **25** against a person for safety and health at work of the employee by the employer with whom she had carried out surveillance,
 - **22** against a person for safety and health at work of employees of the legal person or entrepreneur with a license,
 - **5** against the legal person with the license, if you do not issue a technical report on the completed review and testing of work equipment or testing of the working environment,

- **5** against legal entities and entrepreneurs if it performs safety and health at work, and there is no appropriate license, and if performs inspection and test equipment operation and testing of working environment, and there is no corresponding license.

In cases when it is determined in accordance with the Criminal Law of Serbia, that there is reasonable suspicion of having committed a criminal act of causing danger not keeping a safety and health at work are submitted to the appropriate criminal complaint with authorities. In 2010, **29** requests for initiation of criminal proceedings were submitted.

4. REVIEW OF THE DEPARTMENT OF RESEARCH AND ANALYTICAL ACTIVITIES

Department of research and analytical activities carried out tasks related to monitoring and analysis of inspection in the field of labor and occupational safety and health at work and suggesting measures for improvement, making inquiries, reports and information about the condition of inspection in the area of and safety and health at work; data on injuries at work and occupational diseases and diseases related to work, drafting and preparation of opinions and statements in this regard, preparation of work plan Inspectorate (quarterly and annually); preparation of quarterly and annual reports on the work of the Inspectorate, preparation of financial data for preparing the annual financial plan in part related to the Inspectorate, keeping records of eight military budget execution by budget positions in the part related to the Inspectorate, preparation and taking measures to ensure conditions for the material and technical equipment of the Inspectorate and other activities determined by the Director of the Inspectorate.

In 2010. in the Department of Studies and analysis following activities were carried out:

- 1322 cases were examined and treated delivered by first instance bodies in due time;

- Given were 52 opinions on draft laws, draft strategies, action plans and other documents submitted by other agencies and organizations;
- Manual was prepared for training of inspectors working for the integrated inspection in the field of labor relations and health and safety at work and methodology for carrying out integrated inspections of labor and occupational safety and health at work;
- Organized as increased inspections of labor and occupational safety and health at work in certain industries;
- Reports were made on completed campaigns and targeted actions of supervision;
- For this purpose the regular monthly, semi-annual and annual reports on the work of the Labor Inspectorate in the field of labor relations and occupational safety and health at work, as well as a number of reports sent to European Commission on the progress of the Republic of Serbia in the European integration process, and in the field of competence of the Labor Inspectorate;
- The annual work plan was made;
- Prepared were various instructions, manuals and guidelines on handling labor inspector in the performance of inspections in the field of labor relations and occupational safety and health at work;
- The day was marked by health and safety at work in the Republic of Serbia, who is also the World Day for Safety and Health at Work, as well as the European Week of Safety and Health at Work is dedicated risk assessment in the workplace;
- Active participation in the Working Group to create an action plan to implement these strategies;
- Active participation in the Working Group to amend the regulations in the field of safety and health at work;
- Provided the technical assistance and logistical support given to the implementation of training of inspectors and inspector work on gender equality;
- Representatives of the Labor Inspectorate participated as lecturers on the state of health and safety at work from the point of inspection in the area of labor relations and occupational safety and health at work in all the seminars that were called by the social partners;

- Representatives of the Labor Inspectorate participated in study visits, seminars, symposia, round tables, which were held in the Republic of Serbia, the Republic of Croatia, Serbian Republic, the Republic of France, Norway, the Netherlands, Azerbaijan, Japan;
- Activities on the Project for Modernization of Labor Inspection;
- Proposal for the project "Improvement of conditions of safety and health at work in the Republic of Serbia", financed by the Ministry of Foreign Affairs of Norway;
- Activities related to coordination of the Regional Association of Southeast Europe, Azerbaijan and Ukraine.
- For this purpose the material and financial plans and their implementation is monitored on a monthly and annual basis, under the Memorandum of the budget - which is related to the Labor Inspectorate;
- printers, faxes, cameras, laptops and cars were purchased;
- expert advice is given to parties in direct contact or by phone;
- For this purpose the various information materials for journalists and media were prepared;
- Other activities within the jurisdiction of the Department.

5. INTEGRATED INSPECTION

The priority task of the Labor Inspectorate is to build a modern system of labor inspection adjusted to EU standards in order to establish efficient and effective framework for the operation thereof. In this respect, the main objective of the Labor Inspectorate is to introduce an integrated method of inspectors, which means that an inspector in an appropriate, high quality, integrated and professional manner supervise all basic issues of safety and health at work and employment in an inspection visit .

Integration of Labor Inspection is the process of training of labor inspectors, regardless of the type of education, to independently oversee the implementation of regulations on labor. Reform of the Labor Inspectorate, through its integration should increase the

efficiency of inspection work, as every labor inspector to be able to independently carry out surveillance in the area of labor relations and safety and health at work, to a certain degree of complexity of matter in each field which is subject to inspection. Therefore, the inspector will work with one employer perform integrated monitoring, which will cover the basic rights, duties and responsibilities of employees and employers in employment and occupational safety and health at work ("Inspector General") and if during the inspection before any more complex problems one of the area which is subject to review, then the inspector will perform monitoring activities, especially adept in that area ("specialists"). In this way, significantly increasing the volume of inspection and the effect to be achieved, reducing the number of inspection visits to employers, and the period of supervision, and increased work efficiency.

The training of inspectors was carried out through three levels of training. With the practical application of the first and second level of training began in 2009. During 2010, the Labor Inspectorate has started the implementation and third level of the integrated inspection, so that in the second half of 2010 the integrated inspections were carried out in accordance with the methodology for carrying out integrated inspections. Integrated inspection involves the simultaneous control of both areas under the jurisdiction of the labor inspection by one inspector and one inspection, to a certain level of expertise, with its combination of targeted inspection visits, which include supervision regarding a specific institute in employment or safety and health at work which proves problematic in practice.

REPORT ON EFFECTS OF INTEGRATED MONITORING FOR 2010		
1.	total number of integrated inspections	7.249
	1.1.1. number of regular integrated surveillance	5.906
	1.1.2. number of control supervision	1.343
	1.2.1. employment with the employer	150.500

	1.2.2.	number of employees who were at work	40.703
	1.2.3.	number of persons who were on the factual work	540
	1.2.4.	number of persons with whom the supervision of employment contract	350
2.		adopt a decision to address shortcomings	3.853
		total number of prescribed measures in the field RO and BZR	9.819
	2.1	adopt a decision to remove deficiencies in safety and health at work	2.878
		number of prescribed measures in the field of BZR	8.135
	2.2.	adopt a decision to address shortcomings in the field of labor relations	975
		number of prescribed measures in the field of RO	1.684
3.		issued the ruling on the banning of work	100
4.		the total number of applications for legal proceedings	325
	1.4	safety and health at work	205
	4.1.1	against a legal person and the person responsible in a legal entity	100
	4.1.2	against entrepreneurs	91
	4.1.3	against employees	6
	4.1.4	regarding the performance of safety and health at work	8
	4.2	labor relations	120
	4.2.1	against a legal person and the person responsible in a legal entity	53
	4.2.2	against entrepreneurs	67
5.		total number of complaints filed to initiate criminal proceedings	0

6. OTHER ACTIVITIES OF THE LABOUR INSPECTORATE

Project Modernization and System Integration **Inspection of the Republic of Serbia** **in accordance with the standards and practices of the ILO and the EU**

Ministry of Labor and Social Affairs of the Republic of Serbia - Labor Inspectorate has in 2009 and in the period January - May 2010 realized the project "Modernization and integration of inspection systems in the Republic of Serbia in accordance with the standards and practices of the ILO and the EU", funded by the Ministry of Foreign Affairs of Norway. During the project, among other things, prepared the following documents:

- 1) Draft Law on Labor Inspection, which materializes and normative establishes a new organization reformed and integrated inspection work.
- 2) Revised national policy for the inspection work
- 3) Code of Ethics and professional behavior for labor inspectors
- 4) The work plan and activities of the Inspectorate for the period 2010 to 2014th years
- 5) Training manual labor inspector for integrated inspection in the field of labor relations and occupational safety and health at work
- 6) The methodology for carrying out integrated inspections of labor and occupational safety and health at work
- 7) Conducted education and information campaigns to improve compliance with the law of better informing the public about the purposes and effects of the integrated inspection work

During July and August 2010, the Inspectorate held round tables held in ten cities in the Republic of Serbia, for the various state institutions, social partners, NGOs, businesses and entrepreneurs with a license to carry out safety and health at work, and the media informed with prepared documents that are the result of the project. At the same time, for these round tables was promoted integrated inspection in the field of labor

relations and occupational safety and health at work (including the simultaneous control of both areas under the jurisdiction of the labor inspection by one inspector and one inspection, to a certain level of expertise) , which was introduced with the aim of reducing the number of workplace injuries and occupational diseases, and elimination of "gray zone" and to increase the efficiency of inspection work.

Project Proposal

"Improvement of occupational safety and health at work in the Republic of Serbia"

Labor Inspectorate of the Republic of Serbia in cooperation with the Safety and Health at Work and the Department of International Cooperation, European Integration and Projects, prepared a proposal for the project "Improvement of occupational safety and health at work in the Republic of Serbia", with a focus on implementation of EU standards in the field safety and health at work in Serbia, which was financed by the Ministry of Foreign Affairs of Norway.

The project will have two phases (duration of the project: two years - the period of November 2010. - November 2012.), Which will include training on safety and health at work (with special emphasis on risk assessment in the workplace and in the workplace) representatives for safety and health at work, selected experts and persons licensed to carry out safety and health at work, the social partners in the business of construction, wood processing and chemical industries, preparation of a feasibility study to define the modalities for establishment of Training safety and health at work, preparation and implementation of grant schemes, which refers to providing targeted assistance to employers (ten selected plants) that produce textiles, leather and footwear, and to improve working conditions at the place of work (improving air-conditioning, ventilation, brightness, etc..) training of employees in the textile industry on safety and health at work and the application of OHSAS 18001 and OHSAS 18002, and a media campaign.

Training of inspectors on gender equality

Ministry of Labor and Social Affairs - Department for Gender Equality in collaboration with UNIFEM (Development Fund for Women at the United Nations) and the Fund for Social and Democratic Initiatives in the period 30th September - 19 November 2010. year, organized a training on gender equality for all inspectors and inspector of the department and the department of labor inspection from 19 administrative districts in the territory of the Republic of Serbia (in 2009. the training on gender equality had labor inspectors from the department and inspection department of the six administrative districts and the City of Belgrade). The trainings were organized for two-day modules in seven different locations in Serbia.

Because of the important role of inspections in the implementation of a policy of equal opportunities, particularly in respect of legal provisions that provide for the prohibition of discrimination against women in the workplace, conducted the training of inspectors and inspector work on gender equality.

Also, under said UNIFEM project prepared a revised edition of the Manual for the Inspection work on the topic of discrimination against women in the workplace, to help the inspectors work to understand the causes and recognize forms of discrimination based on sex, and faced by women in the workplace . It provides an answer to the question of what is gender equality and how learned behaviors and prejudices can affect the different expectations of men and women, which often can lead to discrimination against women. The manual also investigated in relation to discrimination against women in the workplace, as well as recommendations and possible actions that inspectors / Labor Inspector may take notice if the existence of gender-based discrimination in the workplace.

**Activities of the Labor Inspectorate
internationally and marking the
European Week of Safety and Health at Work**

Labor Inspectorate of the Republic of Serbia is a member of the International Association of Labor Inspection (IALI) and the Regional Association of Labor Inspection of Southeast Europe, Azerbaijan and Ukraine (acres) and in 2010 has actively participated in conferences organized by the two Associations.

Also, the Inspectorate has in the month of October, 2010 became a collaborative center of the Republic of Serbia (CENTRE SIS) for the International Information Centre for health and safety at work of the International Labor Organization.

International Resource Center works with more than 120 national institutions around the world and it is extremely important for the Ministry of Labor and Social Policy - Labor Inspectorate of the Republic of Serbia, which has become a collaborative center, because it has the possibility of free access to all information, documents, publications, encyclopedias in safety and health at work and labor legislation.

The obligation of the Labor Inspectorate of the Republic of Serbia to the International Information Centre is that it regularly informed about the data on injuries at work and occupational diseases, state health and safety at work from the point of inspection, and to forward the published brochures and publications on safety and health work.

Labor Inspectorate, in accordance with the work plan for 2010 and as a member of an information network for safety and health at work of the Republic of Serbia in the period from 25 to 29 October 2010, has been actively involved in campaign activities envisaged by the European Agency for Safety and health at work relating to marking the European Week of Safety and Health at Work, which is in 2010 and 2011 dedicated to the promotion of safety and health at work in terms of maintenance of buildings, work equipment and other assets to work.

Given this, it is safe to maintain a basis for quality measures of health and safety at work inspectorate to work during the celebration of the European week of health and safety at work act primarily preventive, providing information on the implementation of measures related to maintenance, which are regulated by the Health and Safety at Work and related by-laws (Regulation on preventive measures for safe and healthy work when using the work equipment, Regulation on measures and standards of safety at work on tools for work, Rules of preventive measures for safe and healthy work at the workplace, Regulations on general measures of health and safety of the hazardous effects of electric current in facilities designed for work, working facilities at work sites), organized a round table on the theme "Safe and healthy workplaces" in which the active participation of representatives of trade unions (SSSS and UGS "Independence"), Union of Employers of Serbia, employers and trade unions in the territory of the district, regional chambers of commerce, medicine, legal entities and entrepreneurs with a license to carry out safety and health at work and the media has promoted the importance of marking the European Week of Safety and health.

Labor Inspectorate, during the European week of safety and health at work, achieved the main objectives of the European campaign, given that all activities were conducted and the results fully justified and contributed to raising awareness, especially employers and other entities on responsibility, the importance and practical application of safe maintenance.

DIRECTOR
Predrag Perunicic