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In focus: Law on Amendments and Supplements to the Labour Law

On December 14th 2017, the National Assembly of the Republic of Serbia rendered the Law on Amendments and Supplements to the Labour Law (“Official Gazette of RS”, no. 113/2017 – hereinafter: the “**Amendments to the Law**”) which entered into force on December 25th 2017.

The Amendments to the Law were rendered based on the initiative of the Labour Inspectorate as the authority supervising application of the Labour Law, with the aim to allow undisturbed conduct of the labour inspector.

The most important novelties brought by the Amendments to the Law are as follows:

I New deadline for registering an employee on mandatory social insurance

The employer is obliged to, based on the employment agreement or other agreement on the performance of jobs concluded in accordance with the Labour Law, **file a unique application for mandatory social insurance** in the term of three work days from the day of concluding the employment agreement, i.e. other agreement on the performance of jobs, **but not later than prior to the commencement of work of the employee or other work engaged person.**

II Keeping of daily records on overtime work

The Amendments to the Law stipulate the obligation of the employer to keep daily records on overtime work of employees.

III Delivery of the warning on the existence of reasons for termination of the employment agreement

the Amendments to the Law specify the procedure of delivery of the warning on the existence of reasons for termination of the employment agreement, and now it is explicitly stipulated that it shall be delivered to the employee in the same manner as the decision on termination of the employment agreement.

IV Penalty provisions

The Amendments to the Law increase the prescribed range of monetary penalties for certain misdemeanours of employers which are legal entities, entrepreneurs, as well as the responsible person in the legal entity, i.e. legal representative of the legal entity (in case of failure to provide rest in the course of daily work, daily and weekly rest, failure to approve an employee’s use of paid leave, denying the employee the right to a notice period, i.e. compensation of salary, etc.).

The Amendments to the Law have thus harmonized the Labour Law with the Law on Inspection Supervision (“Official Gazette

of RS”, no. 36/2015), enabling the sanctioning of employers for the subject misdemeanours, without the obligation of the Labour Inspection to previously inform the employer on the existence of a misdemeanour and leaving him a suitable deadline to remedy faults.

In addition, the Amendments to the Law define the misdemeanour liability of employers who fail to file the unique application for mandatory social insurance in the defined deadline or do not keep daily records on overtime work of employees, in which case they can be fined.

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