

Obaveze poslodavaca za vreme vanrednog stanja usled pandemije korona virusa Kovid-19

U skladu sa proglašenjem vanrednog stanja na teritoriji Republike Srbije, a usled pandemije korona virusa Kovid-19, 16. marta 2020. godine počela je sa primenom Uredba o organizovanju rada poslodavaca za vreme vanrednog stanja, koja je objavljena u "Sl. glasniku RS", br. 31/2020 (dalje: „**Uredba**“).

Uredbom se uređuje poseban način organizacija rada poslodavaca na teritoriji Republike Srbije za vreme vanrednog stanja, a pre svega:

- obavljanje poslova van prostorija poslodavca;
- uvođenje smenskog rada;
- omogućavanje održavanja svih poslovnih sastanaka elektronskim, odnosno drugim odgovarajućim putem (video link, video poziv i dr.); kao i
- odlaganje službenih putovanja u zemlji i inostranstvu, u skladu sa odlukom nadležnog organa o zabrani, odnosno privremenom ograničenju ulaska i kretanja.

U skladu sa pomenutom Uredbom, za vreme vanrednog stanja poslodavac je dužan da omogući zaposlenima obavljanje poslova van prostorija poslodavca (rad na daljinu i rad od kuće), na svim radnim mestima na kojima je moguće organizovati takav rad u skladu sa opštim aktom i ugovorom o radu.

Employers' obligations during the state of emergency due to the Covid-19 virus pandemic

Pursuant to the declared state of emergency on the territory of the Republic of Serbia due to the pandemic of the corona virus Covid-19, the Regulation on Organizing the Work of Employers during a State of Emergency became applicable as of 16 March 2020 (published in the "Official gazette of RS" no. 31/2020 (hereinafter: the "**Regulation**").

The Regulation determines the specific mode of organizing the work of employers on the territory of the Republic of Serbia during a state of emergency, principally:

- performing of work outside the premises of the employer;
- introducing of shift work;
- enabling the holding of all business meetings electronically or via other corresponding means (video link, video call, etc.); as well as
- postponing of business travel in the country and abroad, following the decision of the competent authority on the ban, i.e. temporary restriction of entry and movement.

In accordance with the aforementioned Regulation, during a state of emergency, the employer is obliged to enable employees to perform work outside the employer's premises (teleworking and work from home), at all workplaces where such work can be organized pursuant to the general act and employment agreement.

Ako opštim aktom i ugovorom o radu nije predviđen navedeni način rada, poslodavac može rešenjem omogućiti zaposlenom obavljanje poslova van prostorija poslodavca, ukoliko mu to organizacioni uslovi dozvoljavaju.

Rešenje o obavljanju poslova van prostorija poslodavca obavezno sadrži:

- 1) trajanje radnog vremena;
- 2) način vršenja nadzora nad radom zaposlenog.

Poslodavac je takođe dužan da vodi evidenciju o zaposlenima koji obavljaju rad van prostorija poslodavca.

Poslodavac čija je priroda delatnosti takva da nije moguće organizovati rad van prostorija, neophodno je da svoje poslovanje uskladi sa uslovima vanrednog stanja i to:

- da, ukoliko je to moguće i ne iziskuje dodatna sredstva, organizuje rad u smenama, kako bi što manji broj zaposlenih i svih drugih radno angažovanih lica rad obavljao istovremeno u jednoj prostoriji;
- omogući održavanje svih poslovnih sastanaka elektronskim, odnosno drugim odgovarajućim putem (video link, video poziv i dr.);
- odloži službena putovanja u zemlji i inostranstvu, u skladu sa odlukom nadležnog organa o zabrani, odnosno privremenom ograničenju ulaska i kretanja.

Uredbom je propisano i da je poslodavac dužan da, u cilju osiguranja zaštite i zdravlja zaposlenih, radno angažovanih i stranaka, obezbedi sve opšte, posebne i vanredne mere koje se odnose na higijensku sigurnost objekata i lica u skladu sa Zakonom o zaštiti stanovništva od zaraznih bolesti.

If the general act and the employment agreement do not stipulate the aforementioned mode of work, the employer may adopt a decision allowing an employee to perform work outside the employer's premises, if organizational conditions permit the same.

The decision to perform work outside the premises of the employer must include:

- 1) working hours;
- 2) the manner of supervising the employee's work.

The employer is also required to keep records of employees performing work outside the employer's premises.

An employer whose business activity is of such a nature that organizing work outside the premises is not possible, is obliged to harmonize his business with the conditions of a state of emergency, namely to:

- organize shift work, if such is feasible and does not require additional funds, so that as few as possible employees and all other work-engaged persons can work simultaneously in one room;
- enable all business meetings to be held electronically or via other corresponding means (video link, video call, etc.);
- postpone business travel in the country and abroad, following the decision of the competent authority on the ban, i.e. temporary restriction of entry and movement.

The Regulation further stipulates that, in order to ensure the protection and health of employees, work-engaged persons and clients, the employer is obliged to provide all general, special and extraordinary measures related to the hygienic safety of facilities and persons in accordance with

Za zaposlene i radno angažovane, koji su u neposrednom kontaktu sa strankama ili dele radni prostor sa više lica, potrebno je obezbediti dovoljne količine zaštitne opreme u skladu sa posebnim propisima.

Dodatno, na sednici Vlade Republike Srbije doneta je Naredba o ograničenju i zabrani kretanja lica na teritoriji Republike Srbije ("Sl. glasnik RS", br. 34/2020) koja je stupila na snagu 18.03.2020. godine, a koja podrazumeva potpunu zabranu kretanja na javnim mestima, odnosno van stanova, prostorija i objekata za stanovanje u stambenim zgradama i izvan domaćinstva licima sa navršениh 65 i više godina života - u naseljenim mestima preko 5000 stanovnika, odnosno licima sa navršениh 70 i više godina života - u naseljenim mestima do 5000 stanovnika, dok se ostalim licima zabranjuje kretanje na javnim mestima u vremenu od 20 do 05 časova.

S tim u vezi, poslodavci koji imaju organizovan rad u noćnim smenama ili rad van ovog predviđenog okvira dozvoljenog kretanja, potrebno je da se prijave Privrednoj Komori Srbije i dostave kontakt podatke osobe zadužene za koordinaciju ove aktivnosti, matični broj i naziv društva, kako bi obezbedili dozvole za svoje zaposlene da neometano obavljaju svoje radne obaveze. Prijavu je potrebno poslati na mail igor.kronja@pks.rs.

Za sva dalja objašnjenja kontaktirajte advokatsku kancelariju Cvetković, Skoko & Jovičić.

the Law on Protection of the Population from Infectious Diseases.

For employees and work-engaged persons who are in direct contact with clients or share a workspace with multiple persons, it is necessary to provide sufficient quantities of protective equipment in accordance with special regulations.

In addition, at the session of the Government of the Republic of Serbia, the Ordinance on Restriction and Prohibition of Movement of Persons on the Territory of the Republic of Serbia ("Official Gazette of the RS", No. 34/2020) was adopted and entered into force on 18 March 2020, implying a complete ban on movement in public places, i.e. outside apartments, premises and facilities in residential buildings and outside households for persons 65 years of age and over in populated settlements with more than 5000 inhabitants, i.e. persons 70 years of age and over in populated settlements with up to 5000 inhabitants, while all other persons are prohibited from moving in public places between 8 p.m. and 5 a.m.

In this regard, employers whose work is organized in night shifts or outside the above prescribed timeframe of permitted movement, should report to the Serbian Chamber of Commerce and submit the contact details of the person in charge of coordinating this activity, the company name and registration number, in order to provide permits for their employees to perform their work duties without interruption. The application should be sent to the email igor.kronja@pks.rs.

Should you need any further explanations, please contact Law office Cvetković, Skoko & Jovičić.