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## NEWSLETTER

**08/06/2021**

### *Law on Gender Equality*

*("Official Gazette of RS", No. 52/2021)*

The National Assembly of the Republic of Serbia adopted the new Law on Gender Equality ("Official Gazette of RS", No. 52/2021, hereinafter: the "**Law**"), which entered into force on June 1<sup>st</sup>, 2021.

The Law regulates the concept, meaning and measures for achieving and promoting gender equality and other issues of importance in this area and determines the obligation of public authorities, employers and other social partners to integrate a gender perspective in the area in which they operate.

Gender equality implies equal rights, responsibilities and opportunities, equal participation and balanced representation of women and men in all areas of social life and equal opportunities for exercising rights and freedoms, use of personal knowledge and abilities for personal development and development of society that include equal treatment and equal participation of both women and men in political, economic, cultural and other areas of social life and at all stages of planning, preparation, decision-making and implementation and equal use of their results, without the existence of gender restrictions and gender discrimination.

Among other things, the Law prescribes **the obligations of employers**, which the Law defines as a domestic or foreign legal and natural person in the public and private sector, which employs one or more persons.

In that sense, **employers who have more than 50 employees** are obliged to determine and implement **special measures** depending on the goals that need to be achieved by determining them, which measures are determined and implemented within the **annual work plans or programs**, which in addition to the elements prescribed by law, they must also contain a part related to the realization and promotion of gender equality. Employers whose plans or programs are not publicly available **are obliged to inform the Ministry in charge of human rights about the adoption of the plan or program as well as about the adoption of the report on the implementation of the annual plan or program** and to submit an excerpt from the plan or program referring to promotion of gender equality, **no later than 15 days from the day of its adoption**, while employers whose plans or programs are publicly available are obliged to submit to the Ministry a notice on the newsletter or website where the plan or program is published, within 15 days from the day of adoption.

The employer in the public and private sector **is obliged to:**

- conducts the programs of professional training **respecting the family obligations of employees** (obligations of caring for children, elderly and sick family members, etc);
- informs the employees or their representatives, at least once a year, on the position of women and men employed by the employer, which includes information on special measures applied to promote gender equality, an overview of the representation of women and men at different levels of the organization, information on salaries and differences in their salaries expressed according to the sex of employees, but which information do not contain personal data of employees, in accordance with the regulations governing the protection of personal data;
- provide financial resources for the realization of these obligations.

The employer **is obliged to return the employee to the same or other equivalent jobs** upon returning from leave due to pregnancy, maternity leave, leave for child care, leave for special child care, adoption, foster care, guardianship. **It is forbidden to transfer** the mentioned employees or send them to work with another employer, if it is unfavorable for the employee, unless it is done in accordance with the findings of the competent health authority or due to organizational changes with the employer, which were made in accordance with law.

Absence from work due to pregnancy, maternity leave, leave for child care and leave for special child care, that is paternity and maternity (parenthood), adoption, foster care, guardianship, cannot be a reason for denial of the right to professional training, promotion and higher rank, the use of all improvements in working conditions provided during the absence **and the stated absence will not be taken into account when assessing the performance of work in the total time period in which the performance is calculated.**

Employers **are obliged** to separately record the data determined by Article 65 of the Law, on a special form, in which any change of that data is also entered, **within eight working days from the day when the change occurred.**

Employers **are obliged** to present the recorded data to the competent inspection as well as to the competent Ministry at its request, in the manner and in accordance with the protection of personal data.

Employers **are obliged to prepare annual reports** on gender equality, which contain an assessment of the situation regarding gender equality with the employer, including the reasons why the prescribed equal representation of women and men in the employer has not been achieved, if that representation has not been achieved. **Employers are obliged to submit the report to the Ministry no later than January 15<sup>th</sup> of the current year for the previous year.**

The Law also prescribes additional obligations for public authorities, which are defined as state bodies, bodies of the autonomous province and local self-government units, as well as public companies, institutions, public agencies and other organizations and persons entrusted by law with certain public authorities, as well as legal entities which are established or financed in its entirety or in its predominant part by the Republic of Serbia, an autonomous province or a unit of local self-government.

In addition to the above mentioned obligations, public authorities with more than 50 employees are obliged to **appoint a person in charge of gender equality** from among their employees and to adopt a **Risk Management Plan** for the drafting and implementation of which the competent Ministry shall render a rulebook within one year from the date of entry into force of the Law.

The Law stipulates penalty provisions, and in that sense an employer who has the status of a legal entity will be fined in the amount **of 50,000RSD up to 2,000,000 RSD** for a misdemeanor **if the employer does not act in accordance with the obligations, that is if it acts contrary to the prescribed prohibitions**, while the responsible person in a legal entity shall be fined in the amount **of 5,000 RSD up to 150,000 RSD.**

**For any additional consultations or legal assistance, you can contact the Tasić & Partners team by email at na [office@tasiclaw.com](mailto:office@tasiclaw.com) or by phone at +381116302233.**