

Obligations from the Law on Gender Equality

The Law on Gender Equality ("Official Gazette of RS", No. 52/2021, hereinafter: "**the Law**") entered into force on June 1st, 2021, and was adopted with the aim of achieving equal rights, responsibilities and opportunities, equal participation and balanced representation of women and men in all areas of social life.

To maintain compliance with the Law, we remind you of **the key obligations** arising from the current regulation.

The Law regulates the obligations of public authorities and employers to integrate a gender perspective in the field in which they operate, whereby the following is understood by these terms:

- **public authorities** are state authorities, authorities of autonomous provinces and local self-government units, as well as public companies, institutions, public agencies and other organizations and persons entrusted by law with certain public powers, as well as a legal entity that is founded or financed as a whole, i.e. in the majority of the Republic of Serbia, autonomous province or unit of local self-government;
- **employer** is a domestic or foreign legal and natural person in the public and private sector, which employs one or more persons, i.e. a person who exercises the rights and duties of an employer on behalf of the Republic of Serbia, an autonomous province body or a local self-government unit.

1. PLAN AND PROGRAM OF MEASURES OF PUBLIC AUTHORITY AND EMPLOYER

In accordance with Article 16 of the Law, **public authorities and employers who have more than 50 employees** are obliged to determine and implement special measures, within the framework of annual **plans or work programs**, which, in addition to the elements prescribed by the Law, necessarily contain the part that refers to the achievement and promotion of gender equality.

Public authorities and employers whose plans or programs are not publicly available are obliged to notify the Ministry of Human and Minority Rights and Social Dialogue about the adoption of the plan or program and submit an extract from the plan/program in the part related to the realization and improvement of gender equality, **no later than within 15 days from the date of their adoption**.

Public authorities and employers whose plans or programs are publicly available are obliged to submit a notification to the Ministry about the newsletter or website on which the plan or program was published, **within 15 days from the date of adoption**.

The employer will be fined from 50,000 to 2,000,000 dinars if he does not submit the above notices within the prescribed time limits. The responsible person in the legal entity will be fined from 5,000 to 150,000 dinars, and the public authority will also be fined for the same offense.

2. REPORT ON THE IMPLEMENTATION OF THE PLAN OF MEASURES

Data on the implementation of the plan or program of measures, in the part related to the achievement of gender equality, are an

integral part of the annual report on the implementation of the annual plan or program adopted by the public authorities and the employer.

Public authorities and employers whose annual reports on the implementation of the plan or program are not publicly available are obliged to **notify the Ministry** of the adoption of the report on the implementation of the annual plan or program and submit an extract from the annual report on the implementation of the plan or program - the part that refers to the implementation of gender of equality, **no later than within 30 days from the date of its adoption.**

Public authorities and employers whose reports are publicly available are obliged to submit a notification to the Ministry about the newsletter, i.e. the website where the report was published, **within 30 days from the day of adoption.**

The employer will be fined from 50,000 to 2,000,000 dinars if he does not submit the above notices within the prescribed time limits. The responsible person in the legal entity will be fined from 5,000 to 150,000 dinars, and the public authority will also be fined for the same offense.

3. RECORDING OF DATA

To monitor and achieve gender equality and report on it, public authorities and employers are obliged to record data classified by gender, which data is prescribed by the Law.

The data is recorded on a special form, in which any change to that data is entered, within eight working days from the day the change occurred.

Public authorities and employers are obliged to make available the recorded data to the competent inspection, as well as to the Ministry at its request, in a manner and in

accordance with the protection of personal data.

A fine of 50,000 to 2,000,000 dinars will be imposed on an employer who is a legal entity if he does not record the data. The responsible person in the legal entity will be fined from 5,000 to 150,000 dinars, and the public authority will also be fined for the same offense.

4. ANNUAL REPORT

Public authorities and employers are obliged to prepare annual reports on the achievement of gender equality, which, in addition to the completed form from the previous point, contains an assessment of the achieved state of gender equality.

Public authorities and employers are obliged to **submit reports to the Ministry no later than January 15th** of the current year for the previous year.

A fine of 50,000 to 2,000,000 dinars will be imposed on an employer if he does not submit the report within the prescribed period. A responsible person in a legal entity will be fined from 5,000 to 150,000 dinars, and the public authority will also be fined for the same offense.

5. ADDITIONAL OBLIGATIONS OF PUBLIC AUTHORITIES

Public authorities are obliged to adopt a **risk management plan** and are obliged to submit a risk management plan and a **report** on the implementation of the risk management plan to the Ministry, under the threat of an offense sanction.

Public authorities that have more than 50 employees and persons engaged in work are obliged to **appoint a person in charge of gender equality** from among their employees in accordance with their act on internal organization and systematization of

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workplaces, under the threat of offense sanctions.

For any additional consultation or legal assistance, you can contact the Tasić & Partners team by email at office@tasiclaw.com or by phone at +381116302233.