

New Law on “e-sick leave” – Mandatory Digitalisation of Sick Leave Procedures as of 1 January 2026

The Law on the Exchange of Data, Documents and Notifications in Cases of Temporary Incapacity for Work through the Software Solution “e-Sick Leave – Employer” (Law) was published in the Official Gazette of the Republic of Serbia, No. 109/2025 of 4 December 2025, and shall apply as of 1 January 2026.

This Law introduces a comprehensive digitalisation of the procedure for exercising rights arising from temporary incapacity for work, abolishing the existing paper-based procedure.

1. Subject matter and purpose of the law

The purpose of the Law is to establish a mandatory electronic exchange of data, documents and notifications between employers, chosen physicians, the compulsory health insurance organisation and competent state authorities, through a single software solution – “e-Sick Leave – Employer”.

The Law aims to ensure more efficient, legally secure and transparent exercise of employees’ rights, while significantly reducing administrative burdens for all participants in the process.

2. Entities subject to the Law

The Law applies to all employers, including:

- state authorities;
- authorities of autonomous provinces and local self-government units;
- institutions;
- public notaries and public enforcement officers;
- companies and other legal entities;
- entrepreneurs employing one or more persons.

The following are excluded from the scope of application of the Law: members of the Security Intelligence Agency, professional members of the armed forces, and natural persons employing domestic household staff.

Notably, the software solution “e-Sick Leave – Employer” may also be used by an entrepreneur who does not employ any other persons, subject to prior registration in the e-Government system.

3. Employer obligations and system functionalities

Employers are required to register as users of e-Government services and to access and use the software solution “e-Sick Leave – Employer”.

By using this system, employers electronically:

1. receive certificates and reports on temporary incapacity for work;
2. receive notifications containing the assessment of the first-instance medical commission issued upon the proposal of the chosen physician;

3. submit requests for the calculation of salary compensation and receive such calculations from the competent authority;
4. submit objections and requests and receive notifications containing assessments of the first-instance and second-instance medical commissions.

The employer obligations referred to under items 3 and 4 shall apply as of 1 April 2026.

In addition, the system enables the receipt, review and exchange of other data and documents relevant to the exercise of employment and health insurance rights, monitoring the status of salary compensation calculations and payments, as well as the preparation of relevant reports.

4. Electronic certificates and reports – legal effect

A chosen physician who establishes temporary incapacity for work issues a certificate on the occurrence of temporary incapacity for work in the form of an electronic document, which must contain the identification code of the issuing authority. Such certificate has the evidentiary value of a public document.

For the purpose of determining the right to salary compensation or closing the sick leave period, the chosen physician issues a report on temporary incapacity for work in electronic form, which also has the evidentiary value of a public document and constitutes an accounting document

within the meaning of accounting regulations.

Both the certificate and the report are automatically delivered or made available to the employer via the software solution “e-Sick Leave – Employer”, while the report is simultaneously delivered to the compulsory health insurance organisation.

5. Automatic notifications and termination of employees’ previous obligations

One of the most significant novelties introduced by the Law is that salary compensation calculations and assessments of first-instance and second-instance medical commissions are delivered to the employer automatically, without any obligation on the employee to physically or separately submit such documents.

In this manner, the Law systemically regulates matters that were previously governed, inter alia, by Article 103 of the Labour Law, as well as Article 152 paragraph 5 and Article 154 paragraph 6 of the Health Insurance Law, insofar as they related to notifying the employer of medical commission assessments. These provisions shall cease to apply as of the date of application of this Law.

6. Personal data protection

The Law pays particular attention to personal data protection. Data processing is strictly limited to what is necessary for the exercise of rights arising from temporary incapacity for work, in accordance with the principle of proportionality.

Information on medical diagnoses is provided to the employer exclusively at the request of the insured person, subject to the application of appropriate data protection measures.

7. Supervision and misdemeanour sanctions

Supervision over the implementation of the Law is carried out by the Labour Inspectorate, the Administrative and Health Inspectorates, as well as the Defence Inspectorate, within the scope of their respective statutory competences.

Failure to access and use the software solution “e-Sick Leave – Employer” is subject to the following misdemeanour sanctions:

- employer – legal entity: a fine ranging from RSD 50,000 to RSD 200,000;
- entrepreneur employing one or more persons: a fine ranging from RSD 10,000 to RSD 50,000;
- responsible person within the employer or the employer’s legal representative: a fine ranging from RSD 5,000 to RSD 25,000.

For any additional consultations or legal assistance, please contact Tasić & Partners at office@tasiclaw.com or by phone at +381 11 630 2233.