



European Commission
Justice

Exchange of good practices on gender equality

New forms of work

The Netherlands, 24-25 October 2011

Comments paper – Serbia

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This publication is supported by the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013).

This programme is implemented by the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields.

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Flexible Working Time

Nataša Gospić
Belgrade University

1. Introduction

1.1. General data

The total population in the Republic of Serbia counts 7.276195¹. Out of the total number of inhabitants, women make 51,37%. The GDP for 2010 amounted approximately to 30 billion € (EU 27 had 11 785 billion € in 2009) whereby the growth of the GDP in 2Q 2011 compared to 2Q 2010 was 2,2%.

The significant decline in economic activity worldwide had also a great impact on the economy of the Republic of Serbia and particularly on the labour market. Despite of the slight economic growth in 1Q 2010, the employment rate was reduced to 47,2%, which is a decrease of 2,8 percentage points in regard to October 2009. The features of the labour market have not changed over a number of years regarding high unemployment, aggravation of the conditions in the private sector and low mobility of manpower, non-reconciliation of supply and demand of manpower, high share of long-term unemployed persons (particularly among marginalised groups and displaced people), negative age and qualification structure of unemployed persons, high unemployment rate among young people, huge difference between regional labour markets and low mobility of manpower, high number of unemployed that belong to hardly employable categories, as well as a large number of people working in grey economy.

In 2010 and first half of the year 2011 the unemployment rate (age 15-64) continued to grow. Data show a growth of 2,7 percentage points with 17,4% in October 2009 to 19,2% in 2010 and 22% in April 2011.

Having in mind such a bad situation, in 2011 114 local self-administrations set aside funds for employment programmes through local employment action plans in the amount of approximately 5 million € and the Ministry of economy and regional development added to that amount through the National employment office another 6,3 million € from the republic budget, so according to this programme the total budget for this year amounts to 1,13 million €. In 2011 programmes for trainees, trainings, subventions for self-employment and subventions for opening of new working places² shall be financed.

1.2. Legal and institutional background

Serbian Constitution has promoted gender equality as one of the highest values of the constitutional order and as such made it a basis for other legislative, strategic and policies. The main legislative documents which treat the issues of labour and employment are the Labour Law³ and the Law on employment and insurance in case

¹ Estimate of the Statistical Office of the Republic of Serbia <http://webrzs.stat.gov.rs>

² National Employment Office www.nsz.gov.rs

³ Official Gazette of the RS No 25/2005, 61/2005 and 54/2009.

of unemployment⁴, and the Law on gender equality⁵ which also concerns the women's labour rights. In addition, the National Employment Strategy for the period 2011-2012 and the National employment action plan for 2011⁶ as well as the National Strategy for improved status of women and gender equality promotion in the Republic of Serbia for the period from 2010 to 2015⁷ and the National Action Plan for the implementation of the National Strategy for improved status of women and gender equality represent important relevant documents dealing with women on the labour market. The Ministry of Labour and social policy is in charge of the legal regulations in the field of labour, while the Directorate for gender equality is a part of this Ministry. The Ministry of economy and regional development has jurisdiction in creating the legislation from the field of employment and the employment jurisdictions are given to the National Employment Office and Employment Agency.

Regulations on the length of working time. The Labour Law regulates the length of full working hours in the duration of 40 hours a week except for persons younger than 18 for whom the regulated working hours are up to 35 for a week, i.e. not longer than 8 hours a day. The law defines also the part time working hours, shortened working hours and overtime work. It is stipulated for overtime work that it cannot last longer than 8 hours a week not longer than 4 hours a day per employee.

1.3. Position of women in the Serbian labour market

The economic crisis, the previous wars with heavy economic, social and humanitarian consequences, the impoverishment of the largest part of the population and the spreading of informal economy were particularly reflected in the life of women and especially their position on the labour market. The reform efforts since 2000 are directed also towards the establishment of gender equality, but according to various indicators, the social position of women is unfavourable in various aspects and in certain fields it also shows a stronger inequality in comparison to men, as it is the case on the labour market. In the table⁸ below the main indicators of the labour market disaggregated by gender are given.

Persons of the working age from 15 to 64	2008 April		2008 October		2009 April		2009 October		2010 April	
	m	w	m	w	M	w	m	w	m	W
Employment rate (%)	62,3	46,0	62,2	44,7	58,7	43,3	57,4	42,7	54,3	40,3
Unemployment rate (%)	12,4	16,1	12,7	17,3	15,0	18,1	16,1	19,1	19,4	20,9
Activity rate (%)	71,1	54,8	71,3	54,1	69,0	52,8	68,4	52,8	67,4	50,9
Inactivity rate (%)	28,9	45,2	28,7	45,9	31,0	47,2	31,6	47,2	32,6	49,1

The systematic and relatively comprehensive analysis of the position of women in the labour market as one of the key aspects of their social position and an important area

⁴ Official Gazette of the RS No 36/2009.

⁵ Official Gazette of the RS, No 104/2009.

⁶ Official Gazette of the Republic of Serbia No 55/2010 and 4/2011.

⁷ Official Gazette No. 15/2009.

⁸ Source: Republic Bureau of Statistics, Survey on manpower, 2010.

for establishing and improving gender equality was prepared and issued in 2008⁹. This analysis identified the need for taking a series of concurrent measures and activities that have to contribute to the improvement of the position of women and enhancement of gender equality in the field of work. The analysis particularly emphasised the hard position on the labour market of women from marginalised groups and displaced persons. It did not deal with flexible working time for women.

2. Positions of main actors in the debate on flexible working time

The Labour Law and the Law on employment and insurance in case of unemployment do not talk explicitly about flexible forms of work, but this set-up has been left to the employers. The National Employment Strategy and the National employment action plan for 2011 point to flexible forms of work organisation, when it comes to measures of spurring the employment of women and older workers. In general it can be said that, for the time been, Labour policy has not been to promote part-time work as a long term career option. The current debate on flexibility, parttime work and female participation rates has been framed in a broader debate on the increase of labour market participation rates.

The Ministry of Labour and social policy, in preparation to comply with EU regulation, started the initiative on amending Labour Law, and formed a Working group for changing and amending the Labour Law which, among other things, shall set up also the field of flexible forms of work and employment¹⁰. These changes and amendments of the Law are planned for adoption during 2012.

The Union of branch trade unions „Nezavisnost“ (independence)¹¹ gave its separated attitude on the flexible way of work in the following sense: “the juncture of flexibility in employment (which is recommended by the European employment strategy) and safety, quality and dignity of work, on which the trade unions insist, through an optimal combination of stimulating and punitive measures. According to this, in practice, to apply the term «Flexsecurity» which means that disregarding of the manner, form, time on which a person is employed (indefinite or definite time period, by service level agreement, on temporary or periodical jobs, with full or shortened or part-time working hours... through the National Employment Office or private employment agencies, in private, state-owned or public sector), the employer must observe the determined international standards (conventions, recommendations...) as well as domestic legal and other regulations that determine the rights from and on the grounds of work“.

The Union of employers supports and promotes flexible working hours, whereby they think that this should be determined more precisely through legal provisions. In order to perceive whether the companies have flexible working hours and how they discuss this issue, a short questionnaire with the main questions on flexible working hours was sent to the address of dozens of larger companies. The obtained answers show that for now flexible working hours are implemented only regarding the arrival to work and leaving work and mainly for employees in the headquarters. The employers support the legal

⁹ Marija Babović, *Position of women in the labour market in Serbia*
<http://www.undp.org.rs/index.cfm?event=public.publicationsDetails&revid=07687A0D-3FF2-8C75-2131FD94DB6CD5FA>

¹⁰ National employment action plan for 2011.

¹¹ UGS “Independence” - now they count app. 200.000 active members and more than 50.000 retired persons.

set-up and think that this would facilitate the introduction of flexible forms of work. Those companies being a part of large foreign companies point that the current legal structure although not prohibiting, requires a complex process in the implementation of this form of work (changes of collective and individual employment contracts) and postponed the implementation of this form for later.

Discussing the possibility of introducing flexible forms of work, it is necessary to comment also the ICT development level as an important infrastructure for the realisation of the new way of work. In Serbia, insight can be gained into the extent of ICT diffusion with reference to a survey conducted by the Statistics Office (2011) entitled 'ICT usage in the Republic of Serbia' (2011) which sampled 2400 households, 2400 individuals and 1200 companies, with Eurostar methodology. It revealed that approximately 52,1% of households possessed a computer and 41,2% enjoyed access to the internet. 98,1% companies based their work on ICT, but 75,2% have broadband access to Internet. Broadband penetration in June 2011 was about 12%, which is very low in comparison to EU 27. While women suffer some disadvantage in access to ICTs compared to men, the most significant discriminators in Serbia relate to age (with only approximately 8% of women between 55 and 74 years of age having internet access), income and region. In particular there is a notable variation in ICT accessibility and usage between urban, semi-rural and rural areas. Additionally, for women, lack of ICT skills and access to Internet are serious constrains. Some initiatives of the Directorate for Gender Equalities in cooperation with NGOs, address these issues in order to improve women ICT skills in rural areas.

3. Transferability of the Netherlands' good practice

For now there are regularly no data on companies that have flexible working hours. The limited flexibility mainly referring to staggered hours and flexibility in starting and ending the working day is the most represented form. The reconciliation of work and family obligations is eased by the possibility to vary the start and end of work. Tele(home)working is performed mostly at the initiative of individual employees and based on agreement between employer and employee. and end of the working day for family reasons by at least one hour. From a business case perspective it has been expected that work-life policies or flexible work arrangements can have a positive impact on individual work outcomes, e.g. job satisfaction, retention and organisational commitment, because they reduce work-life conflict. Because full time work is still norm there is comparatively low share of part-time employment. The lack of data, strong black market on employment, where most of employees are women, misuse of some flexible forms of work, are serious issues. But, as said, the Ministry of Labour and social policy formed the Working group that works on the changes and amendments of the Labour law which should also comprise the issues of flexible working hours and the results of which are expected during 2012.

In that sense the Netherlands' best practice may be a good example how to stimulate employers and employees for using flexible working hours in Serbia. In order to succeed on this track support from all stakeholders should be needed. For the moment the joint resolution is not visible.