



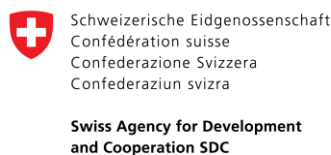
**Policy Recommendation:
Fulfilment of International Labour Organization Standards as a Precondition of Sustainable
Development in Serbia**

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Abstract

This analysis aims to contribute to the fulfilment of the UN 2030 Agenda for Sustainable Development in the Republic of Serbia, with focus on Sustainable Development Goal number 8 ‘Promoting inclusive and sustainable economic growth, employment and decent work for all’. The subject of this analysis is an assessment of the degree to which Serbia’s labour rights are in harmonisation with International Labour Organization (ILO) standards of relevance to our country on many levels.



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They influence the preparation of regulations, case law and policy making and, at the same time, form part of the agenda of harmonising domestic legislation with EU regulations. With 77 ratified ILO conventions, Serbia holds a high-ranking position, at 24th place, out of the total of 187 member states belonging to this organisation. However, the pace at which ILO instruments have been ratified has decreased since 2000 to just one ratification every two years. Among the 36 non-ratified instruments, there are many that are significant to the improvement of labour rights in Serbia, such as those which determine standards relevant to working from home, violence and harassment in the workplace and the position of healthcare workers. Of particular concern is the insufficient application of adopted labour standards, both in terms of non-compliance with regulations and their application, which is regularly pointed out by ILO supervisory bodies, as well as trade unions and employers' associations. Furthermore, Serbia lacks adequate capacities for monitoring and reporting on the implementation of ratified instruments, nor does it inform the interested public of this process. For this reason, it is necessary to promptly: initiate the ratification of the remaining 36 ILO instruments, to significantly improve the application of ratified instruments, to strengthen the capacities of the Ministry of Labour in terms of monitoring and reporting on the implementation of ratified instruments and to improve the transparency of this process.

“Labour is not a commodity”.

*Declaration concerning the aims and purposes
of the International Labour Organization,
International Labour Conference, Philadelphia
(USA), 1944*

Introduction

The aim of this analysis is to contribute to the fulfilment of the UN 2030 Agenda for Sustainable Development (adopted by the United Nations in 2015) within the Republic of Serbia, with focus on Sustainable Development Goal number 8 ‘Promoting inclusive and sustainable economic growth, employment and decent work for all’. The subject of analysis is the degree to which target 8.8 ‘Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment’ has been fulfilled, observed through indicator 8.8.2 ‘Increase in national compliance of labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status’. Thus, labour rights will be viewed in full, according to applicable ILO labour standards, instead of focusing solely on freedom of association and the right to collective bargaining, as stipulated in this indicator.

Decent work for all occupies a top position among the priorities set by the 2030 Agenda for Sustainable Development. This concept, formulated by the ILO in 1999 with the Decent Work Agenda, contains four basic elements: new jobs, social protection, labour rights and social dialogue. In addition to the specifics of Social Development Goal (SDG) number 8, the basic elements of decent work according to the ILO concept

have become part of a large number of other goals of the Agenda¹. As stated in the Agenda, UN member states will work on building economies aimed at sharing prosperity, inter alia, “by promoting decent work for all”². In this manner, the UN has taken a much further step in relation to the previous global strategy, the Millennium Development Goals which were in effect until 2015 and failed to include decent work as a separate goal. What’s more, the UN Millennium Declaration of 2000 mentions decent work in just one area, in reference to young people, in that the UN member states are obliged “to develop and implement strategies that give young people everywhere a real chance to find decent and productive work”³. Not only do the SDGs recognise the achievement of decent work as a global development priority, they have also set clear and measurable indicators to monitor its achievement. The incorporation of international labour standards into the Goals (established through ILO conventions and recommendations) has further facilitated the task of determining the situations in UN and ILO member states and their ability to compare these situations. On the other hand, one would be justified in saying that these indicators only include freedom of association and the right to collective bargaining, which are only fragments in comparison to the rich global heritage of labour rights built by the ILO over the past century, a large portion of which are acknowledged by the RS.

Relevant ILO Standards

Since the ILO’s establishment in 1919, as part of the Treaty of Versailles (Peace Treaty with Germany) and until today, it has become a key global player in achieving social justice. For its efforts in this area, it was awarded the Nobel Peace Prize in 1969. Social justice is woven into the very fabric of this organisation’s constitution and in 1946 it became the first specialised (and only tripartite) UN agency. It is already in the first sentence of the Preamble that the ILO Constitution recognises “universal peace can be established only if it is based upon social justice”⁴ and that it is urgently necessary to develop working conditions where such justice has yet to be achieved. To date, the ILO has adopted 190 conventions, core instruments through which it determines obligatory (legal) labour rights standards for its 187 member states⁵, including the Republic of Serbia. In addition to the conventions, it has also adopted 12 protocols, which serve as additional acts to the conventions aiming to facilitate their implementation or to expand on the obligations they envisage, as well as 206 recommendations, which, as a rule, follow the conventions and include additional labour standards. While conventions and protocols are subject to ratification by member states, this is not a requirement for recommendations. Today there are 74

¹ International Labour Organization, *The Rules of the Game*, Geneva 2019, pg. 13.

² United Nations - General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 2015, pg. 8.

³ United Nations Millennium Declaration - General Assembly resolution 55/2 of 8 September 2000, item 20.

⁴ International Labour Organization Constitution, *Preamble*.

⁵ According to the latest review of member states dated 4 October 2019, available via the following link: https://www.ilo.org/public/english/download/pp/191004_member%20state%20list_MASTER-EN-FR-SP.pdf. UN member states do not become ILO members by default, which is why the UN currently has 193 members, six more than the ILO.

conventions in effect, as well as six protocols and 82 recommendations⁶. More precisely, these are instruments that are ready for ratification by member states i.e., those still deemed relevant for implementation⁷. The ILO's labour standards cover 21 areas of labour law, specific issues or category of workers: freedom of association, collective bargaining, and industrial relations; forced labour; effective abolition of child labour and the protection of children and youths; equal opportunities and treatment; tripartite consultation; activities of government administration and labour inspection; employment policy and promotion; vocational guidance and training; job security; remuneration; working hours; OH&S; social security; maternity protection; social policy; migrant workers; sailors; fishing workers; port workers; indigenous peoples; special categories of workers. The most important standards are contained in the so-called fundamental conventions, of which there are eight in total. These conventions refer to: Forced Labour (conventions nos. 29 and 105); Freedom of Association and Protection of the Right to Organise Convention and Right to Organise and Collective Bargaining Convention (conventions nos. 87 and 98); Equal Remuneration Convention (no. 100); Discrimination (Employment and Occupation) Convention (no. 111); Minimum Age Convention (no. 138); Worst Forms of Child Labour Convention (no. 182). Although the ILO strives towards universal ratification, that is, that these conventions be ratified by all ILO member states, this aim has yet to be achieved as only 145 countries have ratified all of the eight fundamental conventions, while the Worst Forms of Child Labour Convention is the only one to be ratified by all 1878. In terms of the other fundamental conventions, the Forced Labour Convention has been ratified by 178 countries, Abolition of Forced Labour Convention - 176, Discrimination (Employment and Occupation) Convention - 175, Equal Remuneration Convention and the Minimum Age Convention - 173, Right to Organise and Collective Bargaining Convention - 167, while the Freedom of Association and Protection of the Right to Organise Convention was ratified by only 155 ILO member states.

The situation concerning the adoption of ILO labour standards is even more dire, in terms of the remaining conventions. For example, Weekly Rest (Industry) Convention no. 14 of 1921 was ratified by 120 members, while the Occupational Health and Safety Convention no. 155 of 1983 was ratified by only 69, and the Workers with Family Responsibilities Convention no. 156 of 1981 by just 45, while the Maternity Protection Convention No. 183 of 2000 was ratified by only 39 members. Such an insufficient degree of transposition of the labour standards established by the conventions is certainly not what the writers of the ILO Constitution had in mind, since it obliges each member state to ratify conventions within one year of their adoption⁹. If we view the situation by region, the highest rate of ratification is in Europe, while the lowest rate is found in the regions of Asia and the Pacific. If we observe individual countries, Spain, France, Belgium, Italy, Uruguay, the Netherlands, Norway, Finland, Bulgaria and Luxembourg have the highest number of ratifications (over one hundred ratified

⁶ Based on data taken from the ILO's website dated 10 February 2021: International Labour Organization, *Up-to-date Conventions and Recommendations*,

<https://www.ilo.org/dyn/normlex/en/f?p=1000:12020:::NO:::>

⁷ Stated according to: NORMLEX User Guide, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:71:0:::>

⁸ The source of all data on the ratification of ILO instruments is NORMLEX - *Information System on International Labour Standards*, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0.>

⁹ International Labour Organization Constitution, Article 19, paragraph 5, item (b).

conventions). Brunei, Tuvalu, Palau (two each) and Tonga (one) have the lowest number of ratifications. When the governing bodies of a member state fail to ratify a convention after receiving a notice from the ILO, the country is still obliged to report to the ILO on the manner in which its laws and practices relate to the standards set in the convention, including their transposition via regulations and collective agreements, as well as any difficulties that hinder or postpone the ratification process¹⁰. At any rate, each member state has the rudimentary obligation to submit an annual report on the application of ratified conventions, which is to be submitted to the ILO (said report should first be submitted to the representatives of employers' associations and trade unions for comment). The report must be submitted by 1 September of the current year. Concerning the obligations of countries, the ILO's supervisory bodies have expressed their "long-standing concern at the low proportion of reports"¹¹ this organisation receives within the stipulated deadline. Once received, these documents are reviewed by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), compiled of independent experts and the Conference Committee on the Application of Standards (CCAS), compiled of government representatives, employees and trade unions (both committees were established in 1926). While the CEACR considers the individual reports submitted by member states on the application of ratified conventions, the CCAS considers the most severe violations of these commitments on the basis of the submitted reports. Thus, at the last session of the International Labour Conference held in 2019, this body identified and compiled a list of 24 individual cases of violations of labour standards. In addition to these two supervisory bodies, in 1951 the Committee on Freedom of Association was formed, under whose mandate it is to examine complaints filed as a result of violations of this freedom and to provide support to social partners in making the necessary improvements to the laws and practices¹².

In addition to its internationally recognised impact on national legislation through the preparation and adoption of instruments which set international labour standards, the ILO also has a pronounced amount of 'gentle' influence in the domain of international labour standards, manifested through: adopting declarative acts, establishing *ad hoc* and thematic labour bodies, initiating various research-analysis and promotional incentives, organising forums and other forms of international dialogue, offering technical (expert) aid to member states (via the so-called *Decent Work Country Programmes*¹³), maintaining statistical databases and through an extensive library of publications. There have even been a few initiatives to try to compensate for the failure to achieve the universal ratification of the fundamental conventions, so that the Declaration on Fundamental Principles and Rights at Work and its implementation and monitoring establish that ILO member states have an obligation to "respect, promote and achieve, in good faith and in accordance with the Constitution, principles relating

¹⁰ *Ibid.*, item (e).

¹¹ International Labour Conference - Conference Committee on the Application of Standards, *Record of Proceedings 2019*, Geneva 2019, pg. 14.

¹² International Labour Organization, *The Rules of the Game*, Geneva 2019, pgs. 114-115.

¹³ More information is available on the following ILO webpage: *Decent Work Country Programmes (DWCPs)*, <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/lang--en/index.htm>.

to fundamental rights"¹⁴, even if they have not ratified the fundamental conventions, as this obligation arises from the very fact of their ILO membership.

Implementation of ILO Standards in Serbia

The relevance of ILO standards to Serbia are manifold. According to the Serbian Constitution, ratified international agreements are an integral part of its legal order and are directly applicable¹⁵. This means that ratified ILO conventions have the same legal force as domestic law, and it is unnecessary to adopt special regulations or public policy documents for their application. However, in practice, sources of ILO law are often applied such that the standards they set are incorporated into new legal solutions. Rarely does it happen that the courts base their decisions on ratified sources of ILO law. In the end, ILO standards also serve to influence public policy making, which is at times explicitly required of countries via conventions or set by recommendations. Finally, in terms of our country, the significance of ratified ILO instruments is reflected in the fact that they are invoked by other international organisations to which Serbia is a member or to whose membership it aspires. In this respect, it is certainly of the highest importance that the EU takes these standards into consideration when assessing harmonisation of RS legislation with EU standards in the area of labour rights. The Screening Report for Chapter 19 - Social Policy and Employment states also that in the process of harmonisation with EU law "international agreements related to employment, labour and social issues, such as the relevant ILO Conventions"¹⁶ need to be taken into consideration. In its latest report on Serbia the European Commission assessed that the Law on Inspection Oversight should be amended "so as to comply with relevant International Labour Conventions that were ratified by Serbia"¹⁷. Furthermore, projects approved by Serbia within the framework of Instruments for Pre-Accession Assistance, as a rule, must be designed and implemented in compliance with relevant ILO standards¹⁸.

Bearing the above in mind, it is positive that the Republic of Serbia has 77 ratified ILO conventions and is positioned at a high-ranking 24th place among the 187 member states belonging to this organisation (and ranks far above the average 44 ratifications per country). Within our vicinity, Bulgaria, Slovenia, Bosnia and Herzegovina and Northern Macedonia have a larger number of ratifications. More importantly though, is the fact that Serbia has ratified all of the fundamental conventions, and did so almost immediately after becoming a member of the ILO in 2000 (when six out of the eight conventions were ratified, while the remaining two were ratified in 2003). On the other

¹⁴ International Labour Conference, *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, Geneva 1998.

¹⁵ RS Constitution - RS Official Gazette, No. 98/2006, Article 16, paragraph 2.

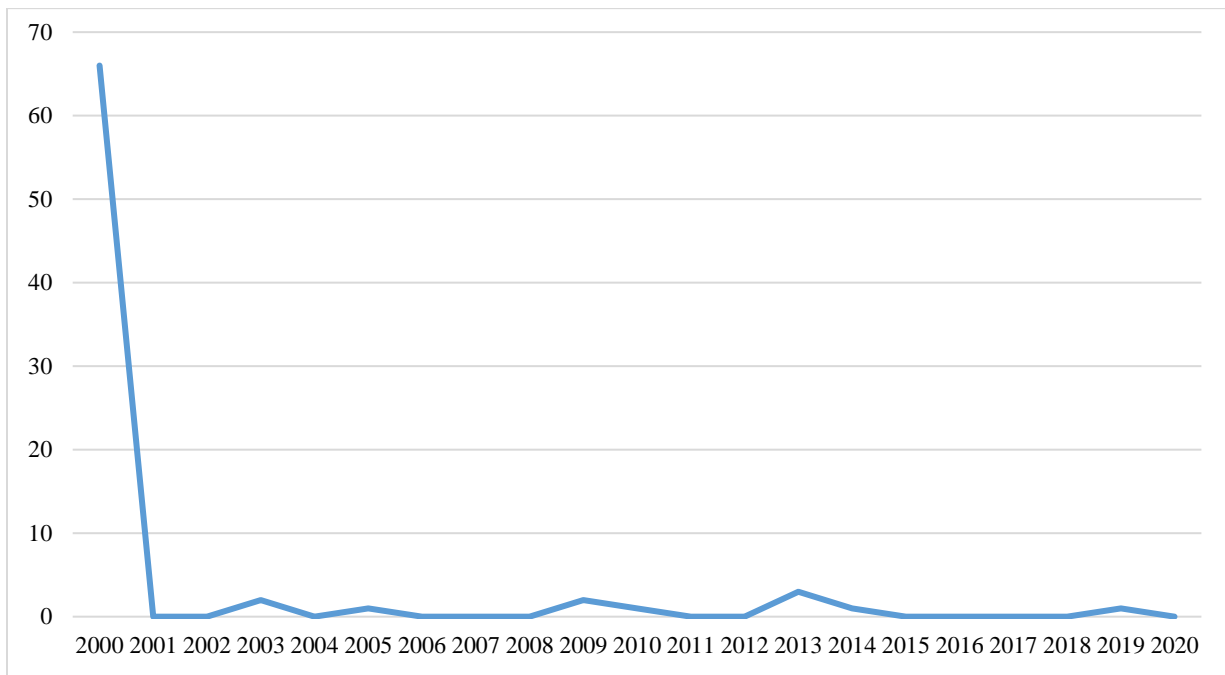
¹⁶ Screening Report for Serbia - Chapter 19 - Social Policy and Employment, pg. 2.

¹⁷ European Commission, *Commission Staff Working Document - Serbia 2020 Report*, pg. 105.

¹⁸ For example, in the guidelines for grant applicants for project proposals under the Civil Society Facility Programme, the applicant must fulfil human rights' standards, including ILO standards, such as the Freedom of Association and Collective Bargaining Convention and the Abolition of Forced Labour and Child Labour Convention. Source: Delegation of the European Union to the Republic of Serbia, *Civil Society Facility Programme 2018 Republic of Serbia - Guidelines for grant applicants*, pg. 28.

hand, a cause for concern is the decreased pace of ratification over the past two decades (Chart 1). In fact, 66 of the 77 conventions were ratified in 2000, with the last ratification taking place in March 2019.

Chart 1: Number of ILO conventions ratified by the RS in the period 2000-2020



Source: International Labour Organization, NORMLEX - Information System on International Labour Standards;

Serbia has not ratified 31 conventions and five protocols which remain relevant for application. Considered according to area, special issues and category of workers: seven of the most relevant instruments awaiting ratification are in terms of special categories of workers, six in the area of OH&S and five in the area of social security. Three instruments have not been ratified in relation to: freedom of association, collective bargaining and industrial relations; abolition of child labour and the protection of children and youths; working hours. In remuneration, government administration activities, and labour inspection, two instruments have not been ratified in each of these areas. And finally, one instrument has not been ratified in each of the following areas: forced labour, equal opportunities and treatment, port workers, indigenous peoples, sailors and fishing workers. The fact that Serbia has not ratified conventions that regulate important and current issues is cause for concern, issues important to improving labour rights in our country such as: working from home, violence and harassment in the workplace and the position of healthcare workers.

It is certain that the most important issue to exercising labour rights according to ILO standards is the degree to which ratified instruments are applied. The most important sources in responding to these issues are definitely the reports of the ILO

supervisory bodies, the CEACR and the CCAS. In terms of the CEACR, this body makes two types of comments to ILO member states in regard to reporting on convention application: *Observations*, which include comments on substantive issues arising from convention application and *Direct requests*, which relate to technical issues or requests for additional information¹⁹. To date, the CEACR has issued 59 observations and 228 direct requests to Serbia. Some of the most serious complaints filed by the CEACR to Serbia²⁰ refer to: Articles 16 and 17 of the Law on Inspection Oversight, which stipulates the obligation of the labour inspector to inform the supervised entity of the start of the inspection three days in advance, which is in violation of Labour Inspection Convention No. 81; Article 216 of the Employment Act, which stipulates overly strict conditions for establishing employers' associations in relation to the standards of the Right to Organise and Collective Bargaining Convention No. 87; Article 226 of the Employment Act, which prescribes the discretionary right of the Ministry of Labour to decide on requests to appoint trade union representatives and/or the representatives of employers' associations and to do so without a recommendation of the Board for Determining Representativeness of Trade Unions and Employers' Associations, a solution that is not in line with the Right to Organise and Collective Bargaining Convention No. 98.

In regard to the CCAS, to date, the agendas of the sessions of this body have twice now considered cases where Serbia has been in violation of its obligations to adhere to the reporting process and other obligations referring to the standards of ratified conventions (2011 and 2019).

In addition to the above mentioned obligations, the cases considered also include the obligations of the labour inspector in line with the Law on Inspection Oversight and the conditions required to establish employers' associations according to the Employment Act, and the violation of obligations in the application of Tripartite Consultation Convention no. 144 and cases of endangering the bodily integrity of trade union representatives and members, reported by the United Branch Trade Union Independence²¹.

In addition to the official reporting process on behalf of Serbia and the work of ILO supervisory bodies, it is also of significance that domestic and international representative employer's associations and trade unions submitted a large number of observations in terms of Serbia's application of conventions, in that since 2000, a total of 229 observations were submitted on ratified conventions and 21 on those that have not been ratified. Furthermore, in determining the degree to which labour standards have been applied in Serbia, including those set in ratified ILO conventions, the reports of international and domestic NGOs, which do not participate via official channels in the process of monitoring the application of these standards, also hold relevance. In accordance with the reports of the International Trade Union Confederation, for years

¹⁹ International Labour Organization, *The Rules of the Game*, Geneva 2019, pg. 106.

²⁰ The complaints are included in the following sources: International Labour Organization, *Application of International Labour Standards 2020 - Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference 109th Session, 2020; International Labour Organization, *Application of International Labour Standards 2019 - Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference 108th Session, 2019.

²¹ Sources: International Labour Organization, *Record of Proceedings 2019: Conference Committee on the Application of Standards*, International Labour Conference 108th Session, 2019; International Labour Organization, *Committee on the Application of Standards: Extracts from the Record of Proceedings*, International Labour Conference 100th Session, 2011.

now Serbia has been classified as a ‘category 4’ country in terms of labour rights i.e., a country where these rights are consistently violated²². According to Center for Democracy Foundation assessment, the state of labour rights in Serbia has declined over recent years, and in 2020 this category scored 1.78 on a scale from 1 to 5²³. In the recently published report *Sustainable Development Goals for All*, Serbia was assessed as lacking a strategic document directed at the following sustainable development target: 8.8 “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”, with the exception of the Decent Work Country Programme for Serbia 2019-2022 (DWCP), “which partially addresses this target”.²⁴

Finally, a further challenge to the application of ILO standards in Serbia are the weak capacities of competent institutions to monitor and report on the application of ratified conventions, which leads to poor quality reporting and delays in their submittal²⁵. That is to say, only one government officer within the Ministry of Labour, Employment, Veteran and Social Policy (MLEVSP) (in charge of preparing and submitting annual reports on the application of ILO conventions) is employed to handle these duties which are both complex in terms of the level of expertise they require, and imply a very demanding workload.²⁶ In addition, although the MLEVSP submits reports on a regular basis for review to its social partners, they are still unavailable to the public (for example, on the website of this ministry or via the Government web portal), so that other actors, such as NGOs which monitor the situation concerning labour rights in Serbia, can perform independent, expert monitoring of applied conventions.

As already mentioned, the ILO provides technical support to countries that need it in order to achieve the standards set forth in the ratified conventions of this organisation. This support is provided on the basis of the concluded Decent Work Country Programme. In this regard, the DWCP aims to assist the RS Government in responding to the main challenges it faces relative to labour rights. Some of the issues which require urgent compliance with ILO standards are indicated by the following performance measures set out in this document: “at least 50% of ILO recommendations reflected in new legislation, including comments related to Equal Remuneration (Convention no. 100), Non-discrimination (Convention no. 111) and Workers with Family Responsibilities (Convention no. 156)” and “By the end of 2021, the existing minimum

²² International Trade Union Confederation, *2020 ITUC Global Rights Index: The World’s Worst Countries for Workers*, 2020, str. 12.

²³ Center for Democracy Foundation, *2020: Red Alert on Labour Rights*, Belgrade 2020., pg. 6.

²⁴ Belgrade Open School, *Serbia 2030 - Readiness for Implementation of the 2030 Agenda*, Belgrade 2020, pg. 56.

²⁵ This is how in 2018, the CEACR noted “with regret that the first report on the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), due since 1 September 2016, has not been received. Source: International Labour Organization, *Application of International Labour Standards 2018 - Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference 107th Session, 2018, str. 41.

²⁶ Although the application of the fundamental conventions and conventions concerning management are to be reported on every three years, and the application of the remaining conventions every six years, there is a very large annual workload in question here, involving a great deal of expertise, as, in addition to reporting, ILO committees often request supplements (responses to comments) for previously submitted reports. In 2021 and 2022 Serbia is to submit reports on the application of six conventions, while in 2023, it is supposed to submit reports on as many as 32 conventions. Source: International Labour Organization, *Requested reports and replies to CEACR comments: Serbia*, https://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:102839.

wage fixing mechanism improved in line with ILO Convention no. 131”²⁷. However, reports on DWCP implementation or at least information on this process is not available to the public, and thereby it is not possible to monitor nor assess improvement in the fulfilment of Serbia’s obligations in relation to this document.

Conclusions and Recommendations

The importance of international labour standards within the context of the SDGs is reflected in the fact that they enable dignified work for citizens of UN member states and ILO members. And without decent work, the achievement of other goals is not possible, that is, poverty eradication, good health, gender equality and economic growth, to name just a few. The link between labour standards and economic development is particularly well documented. For example, as is found in ILO analyses, when foreign investors choose which countries to invest in, they place workforce quality and political and social stability above low labour costs.²⁸

Despite the fact that Serbia has been a member of the ILO since its establishment, first as part of the Kingdom of Serbs, Croats and Slovenes in 1919, through several Yugoslav states until 1992 and, finally, as an independent country since 2000, the international labour standards that it has adopted over the last 100 years remain to this day, far from being applied to their fullest. According to the number of ratified conventions, Serbia ranks among the top 10% on the list of ILO members. However, the pace of ratification has decreased notably since 2000, when the average ratification dropped to just one new convention every two years. What is of particular concern is the fact that Serbia has yet to adopt certain standards that would help the country respond to a number of labour rights’ issues facing the population, such as: working from home, violence and harassment in the workplace, and the position of healthcare workers.

Where the application of standards set in conventions is concerned, the situation is even more worrisome. Supervisory bodies in charge of monitoring the application of ILO conventions have thus far sent numerous requests to Serbia with the aim of improving laws and practices so as to make the application of international labour standards achievable in an adequate manner. On numerous occasions, cases of severe violations of these standards committed in Serbia have been considered, such as the provision of the Law on Inspection Oversight which prescribes the obligation of labour inspectors to notify the supervised entity of the start of the inspection three days in advance. There have been several more complaints of violations of standards filed by domestic and international trade unions and employers’ associations. A great deal of attention is paid to the fulfilment of ILO standards by the EU, which also monitors with concern the lack of improvement in this area. Despite the fact that in 2020, the Action Plan for Chapter 19 - Social Policy and Employment was adopted, many deadlines relating to regulation compliance with the Action Plan have been unrealistically set, some having already expired, without any result. Things are made worse when we take

²⁷ International Labour Organization - Decent Work Technical Support Team and Country Office for Central and Eastern Europe, *Decent Work Country Programme for Serbia 2019-2022*, pgs. 10 and 22.

²⁸ International Labour Organization, *The Rules of the Game*, Geneva 2019, pg. 15.

into account the long-expired deadlines for harmonisation of domestic legislation with EU regulations envisaged under the National Programme for the Adoption of the Acquis.

In conclusion, it is worrisome that the capacity of the relevant Ministry of Labour to monitor and report on the application of ILO conventions remains very weak and that there are no publicly available reports on the process. The same complaint applies to the Decent Work Country Programme, which the ILO concluded with Serbia.

Bearing the above in mind, and in light of the obligations Serbia has committed to within the framework of the UN Sustainable Development Agenda, which include Goal number 8 relative to decent work, the following recommendations may be formulated, aiming to increase the degree to which labour rights may be harmonised with ILO standards by 2030:

- **Recommendation No. 1:** in line with the obligation of each ILO member state to ratify any convention within one year of its adoption, the RS Government should, as soon as possible, initiate the ratification of the remaining conventions and protocols (36 instruments in total) so that the National Assembly may confirm them according to optimal dynamics by 2030, and bearing in mind the possibility of adopting new instruments in the coming period: priority instruments for ratification should be confirmed according to relevant indicators provided in the Sustainable Development Agenda, in collaboration with social partners via the Social and Economic Council of the RS and in dialogue with other actors, such as NGOs operating under the EU National Convention;
- **Recommendation No. 2:** the application of ratified ILO instruments, including corresponding recommendations should be significantly improved upon, inter alia, via amendments i.e., by adopting a new Employment Act and other regulations which are currently not in harmony with relevant ILO standards, and according to the findings of the supervisory bodies of this organisation, as well as strengthening the capacities of bodies in charge of applying these standards, such as the Labour Inspectorate and the Republic Agency for the Peaceful Settlement of Labour Disputes;
- **Recommendation No. 3:** the capacities for monitoring and reporting on the application of ratified ILO instruments, firstly within the Ministry of Labour, need to be strengthened, so as to ensure that Serbia's obligations are fulfilled both in a timely and quality manner; in this regard, ILO technical support should be provided and further enhanced by support from EU pre-accession funds, to enable the fulfilment of the Decent Work Country Programme for Serbia;
- **Recommendation No. 4:** the transparency of the process of reporting on ILO instrument application must be significantly improved upon, inter alia, by publishing reports on their application the website of the Ministry of Labour and/or on the Government web portal.

In light of the continual and current COVID-19 pandemic, there is the real threat that in Serbia the accepted international labour standards will be adhered to, to an even lesser degree in the coming period, compared to the situation prior to the

outbreak of the pandemic. For this reason, and in order to fulfil the above mentioned recommendations, the first thing necessary is for decision-makers, especially those in public policy, to heighten their views on social development, as well as labour rights, which are the backbone of this type of development. That is to say, they need to accept labour rights, not as an excessive cost or as being anachronistic, but rather as a key form of investment in both our country's future and its security.

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