



ANNEX C1: Twinning Fiche

Project title: Support and improvement of occupational safety and health and labour inspection in the Republic of Serbia

Beneficiary administration: Ministry of Labour, Employment, Veteran and Social affairs

Twining Reference: SR 14 IPA SO 01 18

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EU funded project
TWINNING INSTRUMENT

Acronyms and Abbreviations

BC	Beneficiary Country
CFCU	Department for Contracting and Financing of EU Funded Programs
DWCP	Decent Work Country Programme
EC	European Commission
EEC	European Economic Community
ESAW	European Methodology on Accidents at Work
EU	European Union
EUD	European Delegation to the Republic of Serbia
HIF	Health Insurance Fund
ILO	International Labour Organization
IMF	International Monetary Fond
IPA	Instrument for Pre-Accession Assistance
ISP	Indicative Strategy Paper
MEI	Ministry of European Integration
MoF	Ministry of Finance
MoH	Ministry of Health
MoLEVSA	Ministry of Labour, Employment, Veterans and Social Affairs
NAD	National Priorities for International Assistance
NPAA	National Programme for the Adoption of the Acquis
MS	Member State
NCP	National Contact Point
OSH	Occupational Safety and Health
PDIF	Pension and Disability Insurance Fund
PL	Project Leader
PSC	Project Steering Committee
RS	Republic of Serbia
RTA	Resident Twinning Adviser
SAA	Stabilisation and Association Agreement
SMEs	Small and medium-sized enterprises
STE	Short Term Expert
TNA	Training Needs Assessment
ToT	Training of Trainers
USDOL	United States Department of Labor

STANDARD TWINNING PROJECT FICHE

1. Basic Information

1.1 Programme: Annual Action Programme for Serbia (2014)

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions to the grant agreement.

1.2 Twinning Sector: Social Affairs and Employment

1.3 EU funded budget: 1.500.000 €

2. Objectives

2.1.Overall Objective(s): Improving occupational safety and health (OSH) in the Republic of Serbia.

2.2.Specific objectives:

- Labour inspection capacities strengthened by upgrading labour inspectors' professional competences for the inspection of compliance with occupational safety and health laws and regulations, and labour inspection activities streamlined and standardized on the basis of newly established procedures, standards and methods of work.
- Preparation of a transparent and functional specific insurance against injuries at work and occupational diseases completed by devising financial facilities to fund prevention from injuries at work and occupational diseases (separating expenses for injuries at work from those for occupational diseases and singling out both respectively from the pool of benefits based on health insurance and pension and disability insurance), occupational health care to strengthen the role of occupational health services (the enhancement of legal framework to include transposed Directive 89/391/EEC) and creating conditions to put in place a model of an (information) system of statistics on injuries at work and occupational diseases as per the European Methodology on Accidents at Work (ESAW).

2.3 CONTRIBUTION TO NATIONAL DEVELOPMENT PLAN

This project is directly linked and relevant for the achievement of the objectives of the following strategic documents:

National Action Plan for the Adoption of the Acquis (NPAA), Community Strategy on health and safety at work 2007-2012, Communication from the Commission to the European

Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work, Occupational Safety and Health Strategy in the Republic of Serbia 2013-17 (*Official Gazette of RS*, 100/13)¹ is an act adopted by the Government comprehensively identifying occupational safety and health situation in Serbia, and measures to be undertaken for their development, and/or identifying activities, objectives and directions of further advancement.

The Strategy paper builds on the previous one covering the period between 2009 and 2012. It is created taking into account the activities, objectives and directions for further advancement of occupational safety and health. As previously, the Strategy seeks to economically and socially motivate all participants in working processes in order to entice and spur as maximum number of economic operators to active management of occupational safety and health, and as a result to enhance the overall occupational safety and health situation.

The Strategy's legal bases include the Occupational Safety and Health Law (*Official Gazette of RS* 101/05), ILO Conventions, EU Directives by way of following the key principles laid down in them, and the Law on Ratification of Revised European Social Charter (*Official Gazette of RS*, 42/09), underpinning the current occupational safety and health system.

Where the Strategy activities and objectives have been identified, the principles of the preceding Strategy have been followed, and a new one regarding the promotion of the occupational safety and health has been introduced.

The overall objective of the Strategy is to improve and maintain the health of able-bodied population and/or conditions of work to prevent injuries at work and occupational and work-related diseases, minimizing or eliminating occupational risks. The Strategy is geared towards 5% reduction in occupational injuries in the referred to period against the registered injuries at work as maintained and available with the Labour Inspectorate.

The set of principles include:

- 1) Promotion;
- 2) Prevention;
- 3) Involvement of all stakeholders and interested parties;
- 4) Responsibility;
- 5) Practicability.

The Occupational Safety and Health Strategy Action Plan in the Republic of Serbia, 2013-17 (*Official Gazette of RS*, 81/14)² identifies competent authorities, social partners and other occupational safety and health stakeholders and actors, their concrete individual objectives and activities to be carried out in order to further elaborate the objectives and

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<http://www.minrzs.gov.rs/files/doc/bezbednost/Strategija%20bezbednosti%20i%20zdravlja%20na%20radu%20u%20RS%20za%20period%20od%202013%20do%202017.pdf>

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http://aler.rs/files/Akcioni_plan_za_sprovodjenje_strategije_bezbednosti_i_zdravlja_na_radu_u_Republici_Srbiji_za_period_od_2013_do_2017_godine_SI_gl_RS_br_81_2014.pdf

measures identified in the Strategy paper as a key strategic document on occupational safety and health.

The activities to be carried out under the Action Plan and its objectives cannot be achieved without efforts to be made by the Occupational Safety and Health Directorate, Labour Inspectorate, line ministries, National Social and Economic Council, representative trade unions and association of employers.

National Priorities for International Assistance (NAD) 2014-2017 with 2020 Projections, identifies safety and health at work among the first priorities which will be supported by this project through capacity building of labour inspection and legislative and institutional rolling out of a segregated insurance against injuries at work and occupational diseases and an institution. Also, The Stabilization and Association Agreement (SAA) identifies safety and health of workers as one of its implementing measures.

Serbia 2015 Progress Report states that Serbia is moderately prepared when it comes to social policy and employment as some progress was made on employment policy, social policy, and occupational health and safety. It indicates that alignment regarding health and safety at work continues, and that the administrative capacity of the Labour Inspectorate needs to be increased.

National program for adoption of Union acquis (2014-2018):

Measures related to execution of the obligations under the SAA include alignment of the national law with the EU law, taking into account emergent economic and social requirements including harmonisation of labour law, equal opportunities, safeguards for vulnerable population, workers' safety and health.

In addition to the strategic papers relevant for improvement of occupational safety and health, referred to in items 2 and 3, paragraph 1 the following ILO conventions are also relevant, including: Labour Inspection Convention, 1947 (No. 81), Occupational Safety and Health Convention, 1981 (No. 155), Occupational Health Services Convention, 1985 (No. 161), Safety and Health in Construction Convention, 1988, (No. 167), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), etc.

3. Description

3.1. Background and Justification

The Occupational Safety and Health Strategy has been adopted by the Republic of Serbia which sets out policies for reduction in occupational injuries and diseases. Also, a set of legislation has been enacted in order to which provide preventive occupational safety and health measures and are related to rights and obligations employers and employees are bound with. Both the Occupational Safety and Health Strategy and Law set out the policy providing insurance against occupational injuries and diseases for employees and covering of the expenses of coverage by employers.

The project beneficiaries include employers and employees in the Republic of Serbia, and institutions responsible for implementation and exercising of the occupational injuries and

diseases right to insurance include: Health Insurance Fund (HIF), Pension and Disability Insurance Fund (PDIF), Ministry of Labour, Employment, Veterans and Social Affairs (MoLEVSA), Ministry of Finance (MoF), Ministry of Health (MoH).

1) Background – Labour Inspectorate

Entitlement and right to safety and health at work is a basic worker's right guaranteed under the Constitution of the Republic of Serbia, whereas its exercising mechanisms, systemic issues, rights and obligations are governed by the national laws and regulations, implementing laws and by-laws, provisions and standards, collective agreements, company-level acts and employment contracts. Key pieces of legislation include Occupational Safety and Health Law, Labour Code and social insurance legislation (Health Care Law and Pension and Disability Insurance Law).

The provisions of the Occupational Safety and Health Law (Official Gazette of RS, 101/05), (hereinafter referred to as the Law) are based on the transposed Framework Directive 89/391/EEC (1989) on the introduction of measures to encourage improvements in the safety and health of workers at work. The Law governs enforcement and advancement of occupational safety and health of persons who participate in work processes, and of the persons who find themselves in working environments, to prevent injuries at work, occupational and work-related diseases. The Law establishes the Occupational Safety and Health Directorate as an administration body integral to the Ministry of Labour, Employment, Veterans and Social Affairs, the scope of activity of which includes specified public administration activities and tasks related to occupational safety and health. From the adoption of the Law in 2005 to 2015, 19 by-laws were adopted aligning the field of safety and health at work with specific EU Directives, whereas 11 implementing laws were adopted to enable enforcement of the Law. However, during the years of its enforcement the practice has identified specific shortcomings, inaccuracies and inconsistencies with the remaining body of legislation. To eliminate such deficiencies and bottlenecks and to facilitate further alignment with the Framework Directive 89/391/EEC (1989), the Revised Occupational Safety and Health Law was adopted in late 2015. In the forthcoming period procedures and clear instructions are to be developed to facilitate enforcement of the Law.

The Labour Inspectorate is an administration body integral to the Ministry of Labour, Employment, Veterans and Social Affairs, the scope of activity of which is inspection of compliance of employment and safety and health at work with Labour Law, Occupational Safety and Health Law, Inspection Law, Strike Law, Protection of Population from Exposure to Tobacco Smoke Law, Anti-Workplace Bulling Law, Company Law, Volunteering Law, Gender Equality Law, Whistle blower Protection Law, Conditions and Protection for Workers Referred to Work Abroad Law, other laws, collective agreements, general acts and employment contracts governing employees' and employers' rights and obligations.

In addition to inspection of compliance, labour inspection is in charge of inspection of compliance with other legislation and regulations of safety and health at work, technical policies related to occupational safety and health, standards and generally recognized measures of occupational safety and health.

Labour Inspectorate is predominantly in focused on reduction in injuries at work and occupational diseases by minimizing job-related risks in compliance with laws and practices and to combating undeclared work.

Labour Inspectorate is divided in 29 separate units (divisions, sections and a group of labour inspection based in administrative districts and the City of staffed with a total of 238 labour inspectors.

According to the data provided by the Agency for Business Registers (May 2017), there are 359.681 economic operators registered in Serbia, which means that one labour inspector is in charge of the inspection of 1511 economic operators. A constant rise in a number of economic operators (in 2017 another 21.754 operators were added in comparison to 2016), and increasing body of laws and by-laws that employers are to comply with and the compliance of which labour inspectors supervise and inspect unambiguously requires more inspectors present on the spot and in the field work. Simultaneously, contemporary market, and new technologies in all areas of business operation and processes require adequate technical equipping and fully trained competent inspectors.

Such trainings on inspection do not follow any set procedures, nor has any educational centre been set up at which training will be delivered. In general, the training for labour inspectors is reduced to the transfer of the knowledge by more experienced colleagues. Absence of an organized education and of preparation of new inspectors for such tasks, of precise procedures and clear instructions for supervision of compliance, of adequate technical equipment (PCs, printers, laptops, hand-held devices – tablets with permanent internet connection, company and terrain vehicles) and information system result in inspections conducted in a fashion void of standardized procedures and at times insufficiently professionally conducted inspections.

Therefore, despite unrelenting efforts to advance safety and health at work and raise awareness on the relevance of preventive measures for safe and healthy work and of their application, the inconsistent enforcement of the Law and by-laws by certain employers and companies, non-compliance with legally prescribed occupational safety and health measures by employees and workers and difficulties in the control over their enforcement and application still remain.

Although between 2013-15 a mild decline trend of mild decline in the incidence of injures at work was recorded, there is a large number of injuries at work occurring in Serbia, particularly fatal ones at high risk jobs (e.g. construction, industry, agriculture).

In 2013 there were 1.146 inspections conducted against reported injures at work (of which 24 inspections as a result on fatalities, 11 in the wake of serious injuries with fatal outcome), in 2014 there were 1.100 inspections (21 as a result of fatalities, and 14 in the wake of serious injuries and fatal outcome), and 947 in 2015 (24 as a result of fatalities, and 17 in the wake of serious injuries and fatal outcome).

In Serbia, the incidence of fatalities and serious injuries with fatal outcome is considerably lower than in certain EU countries (2 to 100.000 workers), which, unfortunately, does not point to a good situation in the subject area, but contrary, is a consequence of the fact that employers in the Republic of Serbia do not fulfil legal obligation to report an injury at work to a competent labour inspection without delay and not later than 24 hours of the occurrence. Also, the practice indicates that employers are non-compliant in case of individual reporting and registration of occupational diseases, and that many occupational diseases are not treated as such due to absence of recognition of link between diseases and working conditions.

The greatest number of injuries at work occurs in industry and construction sectors, and high-risk activities. In terms of labour law status, the workers who died due to an accident at work comprise high percent of undeclared workers (for 34% of a total number of undocumented workers – without employment contract duly signed – worked with a fatal outcome in 2015).

An approach to trainings for labour inspectors that is systemic and continuing, clear and precisely defined procedures of work, standardized labour inspection procedures to be conducted in a consistent fashion, and adjustments by labour inspectors to a new approach to the inspection are required to achieve higher level of professionalism in labour inspector's work, upgrade knowledge, streamline overall activity, and enhance the efficiency of labour inspection.

2) Background – Compensation based on injury at work and occupational diseases under the applicable health insurance, pension and disability insurance and occupational safety and health.

In Serbia, compensation granted to eliminate or alleviate the consequences of a sustained injury at work or developed occupational disease is integral to the system of social insurance (health insurance and pension and disability insurance).

Compulsory health insurance benefits include: health care, compensation of wages at times of temporary incapacity for work and compensation of the costs of health care-related transport in cases of occupational injuries and diseases. Health insurance covers 100 per cent of the costs of health care service including health examinations, treatment and recovery (rehabilitation) in case of an injury at work or occupational disease.

An employee who has sustained occupational injury or disease is entitled to wage compensation due to temporary incapacity for work on all the grounds for the amount of 100 per cent during the period between termination of employment and termination of reasons for temporary incapacity which is covered by employer. However, in practice numerous issues are encountered (e.g. in case of an employer's illiquidity the persons concerned cannot exercise their legally warranted right; when in cases of an ascertained non-compliance with occupational safety and health measures employers are bound to cover additional costs of damages to insured persons and organisations of social insurance, and thus the employer is not motivated to report the occurrence of an injury at work but will try to force the employee concerned to have the temporary incapacity attributed to an illness or out-of-work accident, thus leading to failure to report the injury and depriving the employee concerned of the guaranteed entitlement.

In addition to the referred to entitlement, on the basis of injury at work, an employee is entitled to pension and disability insurance rights, including: entitlement to disability benefit the contingency of which is a total loss of work capacity due to a new health condition, entitlement to survivor's benefit, benefit in case of bodily impairment caused by an injury at work or occupational disease – right to cash benefit for bodily impairment, funeral fee and caregiver's cash benefit.

Health insurance and pension and disability insurance are sourced from contributions of employees and employers who have coverage. Health insurance contribution rate is 10.3% (by an employee-5.15%, and by an employer – 5.15%). As of August 1, 2014 pension and

disability insurance contribution rate was raised from 24% to 26% (by an employee – 14%, and by an employer – 12%).

Either contribution rates are equally divided between employees and employers as said. Contrary to the general rule of compensation for injury at work or occupational disease they should be exclusively funded by employers. There is no contribution paid by employer which is earmarked out of which compensation is generated to cover for occupational injuries and diseases.

The situation related to exercising of the rights by employees on the basis of injuries at work is additionally complicated by the two definitions of injuries at work in place in Serbia, which are diverse, leading to legal uncertainty when a person concerned is to exercise entitlement as a result of an injury at work and occupational disease.

There are two definitions of injuries at work. The Health Insurance Law (Article 33) defines injury at work and occupational disease in a significantly different manner from the definition provided in the Pension and Disability Insurance Law (Article 22), which triggers legal uncertainty when a person concerned is to exercise the right as a result of a sustained injury at work or developed occupational disease or when Pension and Disability Insurance Fund needs to ascertain if the injury sustained is an occupational one or not. Thus, two definitions need to be applied or the person concerned will not be able to exercise the right arising from an injury at work if only the definition provided by in the Health Insurance Law is applicable (production-related and sports competition).

Under Article 33 of the Health Insurance Law, an injury shall also be regarded of as an injury at work while commuting. Under Article 102, a wage compensation resulting from temporary incapacity for work which is a consequence of an injury at work or occupational disease shall be covered by an employer. Employers rightly argue against such a solution should an injury occur while commuting as it may be misused. They also challenge it because of the fact that such an injury as a rule would occur in the conditions that are beyond their control and thus are rendered unpreventable.

Also, there are concerns regarding how records on injuries at work and occupational diseases are kept by competent authorities whose responsibility is to maintain such records.

The records and/or data on injuries at work and occupational diseases are maintained by the following institutions: Occupational Safety and Health Directorate, Labour Inspectorate, Health Insurance Fund, Pension and Disability Insurance Fund, and Central Register of Compulsory Social Insurance.

The data available with all the institutions vary as the data on occupational injuries and diseases are not maintained in a unified fashion (according to the data available with the Health Insurance Fund over 25.000 reports on injuries at work are submitted yearly for the purpose of benefit granting).

This issue can be addressed by introducing a model of occupational safety and health information system for more efficient application of the ESAW Eurostat methodology (Article 9, para. c) and d) of the Framework Directive 89/391/EEC is a basis for the introduction).

In addition to an obsolete concept of reporting injuries at work and occupational diseases there is also an issue of their unified registration. Also, occupational injuries and diseases often remain unreported by employers.

In practice, injuries at work are most often left unreported by companies hiring undeclared workers and by SMEs, resulting in the incidence of injuries at work and a total number of occupational diseases considerably higher than reported.

The reasons on account of which employers increasingly avoid reporting occupational diseases include: the outdated definition of an occupational disease, maintenance of the records on occupational diseases, list of occupational diseases (open or closed ones), eligibility criteria, mechanisms of reporting, etc.

Currently in the Republic of Serbia, an indemnity on the basis of occupational injury and diseases (e.g. entitlement to compensation of intangible and tangible loss) may be exercised in protracted, expensive and uncertain court proceedings. Indemnification is governed by the Contractual Relations Law, and voluntary insurance under the Insurance Law. The insured sums are as a rule insufficient to cover for the actually sustained loss.

Under the Occupational Safety and Health Law employers are bound to insure employees from injuries at work, occupational and work-related diseases, to ensure indemnity and that insurance is paid by employers in the amount set depending on the level of risk from injuries and occupational disease at workplace and in working environment. A principle of prevention from injuries at work and occupational diseases is transposed from Directive 89/391/EEC into occupational safety and health system of the Republic of Serbia. When adopted, a separate piece of legislation on insurance against injuries at work and occupational diseases on the basis of a contribution paid by all employers is supposed to, among other things, create conditions for setting aside a share of the proceeds to be used to cover activities of prevention to reduce incidence of injuries at work and occupational diseases (media campaigns, trainings for micro – and small enterprises, guides, etc.).

In line with the requirements arising from majority of EU Directives transposed to national law by means of by-laws the list of which is annexed herewith, occupational health services are in charge of monitoring employee's health. However, in Serbia this provision has not been operational. An occupational health service is a service the employer is bound to entrust with the activities of protection employees' health. Currently, there are three binding functions of occupational health services which is not sufficient to ensure adequate monitoring of employees health status. The functions include:

- Assessment and establishment of a specified types of medical fitness workers are bound to be in order to carry out the tasks at a high risk workplace
- Conducting pre-emptive and periodical medical examinations of workers working at high risk workplaces, and
- Monitoring of health care at workplaces with high risk.

The commission of services from an occupational health service is not binding and therefore whether an employer will commission such services from an occupational health service or not is dependent upon occupational safety and health policy of a company in question.

The coverage by occupational health services has declined, occupational health specialists have moved to other sectors and status of occupational health services within health care

system has become unclear. In Serbia, according to an assessment undertaken by an international expert in 2005, the occupational health service was still a subject matter classified within the field of prevention and treatment with focus on treatment. According to IMF experts for occupational safety and health, about 90 per cent the undertaken activities are related to health care of citizens.

Consequently, employed population, particularly undeclared workers and small and medium-sized enterprises (SMEs) labour force, has not been catered for with the services of sufficient level of quality.

According to the data available in the Republic of Serbia, there are a total of 450 occupational health specialists, of which 287 are active and employed by health care system, while the remaining number of specialists is most likely to be working as general practitioners.

The average age of an occupational health specialist is relatively high: 75% of a total number of the specialists are above 55 years of age. Young medical professionals are not interested in taking up occupational safety and health specialization, which might be attributed to the uncertain role of occupational health within overall health care system. It indicates that insufficient attention is paid to workers' health prevention.

A legal framework within the occupational safety and health system needs to be developed including provisions for employers to commission and organize occupational health service, setting criteria for the provision of such services, to effectively protect health not only of employees at high-risk workplaces but of all employees and in particular workers at SMEs.

The coverage by occupational health services is in decline and employed population, in particular SMEs labour force, is not catered for with the services of sufficient level of quality.

Henceforth, the subject matter related to insurance against injuries at work and occupational diseases needs to be covered by a separate Insurance against Injuries at Work and Occupational Diseases Law to ensure higher level of legal certainty. Notably, the enacting of a separate Insurance against Injuries at Work and Occupational Diseases Law would effectively address the issue of the need for monitoring of employees' health through the reinforcement of occupational health services and accurate and consistent reporting of injuries at work.

3.2 Ongoing reforms:

There are no on-going reforms in the field of labour inspection and in the field of insurance from injury at work in place.

3.3 Linked activities

The USDOL supported “Developing a Serbian Labour Inspectorate for 21st Century” project implemented between 2003 and 2005 by the ILO

A needs analysis on labour inspector trainings conducted; manuals for labour inspectors developed – A Model of Law Implementation Policy, Manual on Training and Operational Work, Manual on Ethical Conduct; trainings on inspection in high-risk sectors (transfer of labour inspection practices from Republic of Slovenia, the Netherlands), and on prevention of

injuries at work and occupational diseases (delivered by the Occupational Health Institute of Republic of Serbia “Dr. Dragomir Krajovic”) organized for labour inspectors.

Royal Norwegian Ministry of Foreign Affairs supported “ILO and EU Standard-based Streamlining of Labour Inspection” project implemented between 2008 and 2010

Supported by the Dutch Royal Ministry of Foreign Affairs; Labour Inspection Law putting in place and legally establishing a new organisation of the reformed and integrated labour inspection drafted; the labour inspection policy developed; a five-year work plan of labour inspection with an annual schedule and action plan designed; awareness raising campaigns organized to improve level of information and awareness of social partners and stakeholders (employers and trade unions).

Royal Norwegian Ministry of Foreign Affairs supported “Promotion of Occupational Safety and Health in Serbia” implemented between 2010-13

The occupational safety and health trainings organized with special focus to risk assessment at workplace and in working environment for the occupational safety and health actors, selected experts and licensed occupational safety and health practitioners, social partners in construction sector, wood processing industry and chemical industry; a feasibility study prepared to serve for identification of a modality of setting up an occupational safety and health centre; a grant scheme with cost and benefit analysis prepared, related to the provision of concrete assistance to employers (ten selected factories) producers of textile, leather and footwear to improve working conditions (air conditioning, airing, lights, etc.); trainings on health at safety at work delivered to textile workers and application of the standards OHSAS 18001 и OHSAS 18002; a media campaign organized.

Under the Decent Work Country Programme (DWCP) 2008-11 agreed between the Government, social partners and ILO the study was undertaken titled “Entitlement to Benefits in Case of Injuries at Work and Occupational Diseases in Serbia – Open Questions and Options”

The key project participants were labour inspectors, Occupational Safety and Health Directorate staff, civil servants, employers and employees from various economic sectors, social partners (representative trade unions and Association of Employers of Serbia).

3.4 List of applicable *Union acquis*/standards/norms:

Applicable Union *acquis*/standards/norms are listed in ANNEX III attached to Twinning Fiche.

3.5. Results per component

Component 1. Labour inspection capacity strengthening

Result 1.1 Labour inspectors’ expertise on inspection of compliance with occupational safety and health requirements enhanced, and a system of continuous education in place.

Result 1.2 Labour inspection operations enhanced and standardized and a strategic multi-annual plan of activities of labour inspection developed.

Performance Indicators linked to Result 1.1

- New instructions (3), guidelines (6), check lists (8) developed and an operational methodology for labour inspection aligned with the adopted legislation and European standards
- A training course curriculum for labour inspectors (1) developed, a training manual for labour inspectors (1) printed containing the training course curriculum for labour inspectors, new procedures, instructions, guidelines and the operational methodology for labour inspection and new legislation aligned with the EU law
- Trainers who deliver training to labour inspectors trained to apply the new operational methodology and tools
- A pilot classroom for the training of labour inspectors and other occupational safety and health stakeholder and actors organized to ensure that basis are in place for continuous and life-long education and training (among others the Labour Inspectorate and Occupational Safety and Health Directorate staff will act as trainers)
- All the labour inspectors trained to follow the new procedures, instructions, guidelines and operational methodology for labour inspection.

Performance Indicators linked to Result 1.2

- A five-year plan of work of labour inspection developed
- Awareness raising and information campaigns conducted to upgrade knowledge of social partners and stakeholders (employers and trade unions), and to effectively promote in the media the relevance of corporate social responsibility and of consistent law enforcement and compliance.

Component 2 Legal framework of insurance against injury at work occupational safety and health under the health insurance and pension and disability insurance systems and occupational safety and health upgraded

Result 2.1 Legal framework and registering insurance system against injuries at work and occupational diseases upgraded.

Result 2.2 The role of the occupational health services strengthened.

Performance indicators linked to Result 2.1

- Law on Specific Insurance against Injuries at Work and Occupational Diseases drafted, By-laws on insurance against injuries at work and occupational diseases drafted, as well as on the system of reporting and registering the injuries at work and occupational diseases, contribution levels, and method of distribution of the insurance funds for injuries at work and occupational diseases to fund prevention of injuries at work and occupational diseases. Further amendments to the Occupational Safety and Health Law under the section on workers' health care to strengthen the role of occupational health services drafted.

Performance indicators linked to Result 2.2

- Revision of the rulebook regarding the list of occupational diseases prepared. Proposal of the legislation related to the list of occupational diseases (revision of the applicable rulebook) developed

- The occupational health strategy in terms of development and strengthening of the role of occupational health service, within a system of protection of workers' health designed.

3.6 Means/ Input from the MS Partner Administration:

The Project Leader (PL) and the Resident Twinning Adviser (RTA) shall provide support to the responsible Serbian authorities in strengthening their capacities as well as in the implementation of this project. During the implementation of this project, the RTA will be positioned in the premises of the Ministry of Labour, Employment, Veterans and Social Affairs.

3.6.1 Profile and tasks of the Project Leader

The MS PL will manage the project team of selected member state(s) experts and supervise and co-ordinate the implementation of project activities.

PL tasks:

- Accountable for the overall guidance and implementation of the project in cooperation with the BC PL
- Supervises the RTA
- Ensures that all team members are aware of their tasks and responsibilities
- Ensures, together with the RTA that the project remains within allocated budget
- Project reporting
- Ensuring backstopping and financial management of the project in the MS
- Ensuring timely, effective and efficient implementation of the project and achievement of results, through proposed activities
- Coordination of deployment of short-term experts
- Coordination (with the MS RTA) of the Project Steering Committee meetings
- Participation at the Steering Committee meetings (every three months).

PL profile:

Requirements:

- University degree High-ranking official/senior civil servant with proven contractual relation to public administration or mandated body.
- At least 7 years of professional experience in the area of social development and related EU regulations.
- Experience in project management preferably in at least 2 projects.
- Good command of the English language
- Good computer literacy.

Asset:

- Proven experience in the implementation of at least 1 EU Twinning Project
- Experience in at least 1 project related to the subject of this project.

3.6.2 Profile and tasks of the RTA

The Resident Twinning Advisor (RTA) works on a daily basis with the BC staff to implement project, support and coordinate activities in the beneficiary country.

- The RTA should have adequate experience and knowledge related to the areas covered by this project (occupational health and safety at work, social insurance). He/she should be an employee of the governmental competent authority for occupational safety and health at work (Ministry or Agency or Directorate) in an EU Member State, or have a proven contractual relation to public administration or mandated body.

RTA tasks:

- Responsible for monitoring project implementation and proposing corrective management actions if required
- Support and coordination of all project activities in BC in line with the agreed work programme to enable timely completion of project results and delivery of the outputs
- Advise on related EU policies and best practices, legislation and regulations
- Establish and maintain cooperation with all beneficiaries involved in the implementation of the project and other related projects (ensuring the avoidance of overlapping), in close co-ordination with the Project Leader
- Nomination, mobilization and supervision of the short-term experts, together with the Project Leader
- Facilitation of the contacts with peer institutions in EU member states in order to stimulate a proper exchange of information and data
- Organization of visibility events (kick-off and final event)
- Responsible for organization of the Project Steering Committee meetings and reporting on the project progress in close cooperation with the Project leader
- Identifying and reporting to the Contracting authority, at early stage, all difficulties that may jeopardize the implementation of the project and the achievement of its results.

RTA profile:

Requirements:

- University degree in law, economics, management science or equivalent
- Senior civil servant with at least 5 years general working experience in a governmental competent authority (Ministry or Agency or Directorate) in EU Member State responsible for occupational safety and health at work.

- Specific working experience of at least 3 years in the preparation and/or implementation of legislation in the areas of occupational health and safety at work and social insurance.
- Fluency in English
- Computer literacy.

Assets:

- Experience with Twinning rules and procedures
- Experience in at least 1 project related to the subject of this project.

3.6.3 Profile and tasks of the Component Leaders:

MS shall designate for each component a short-term expert who, besides contributing directly to individual activities, acts as Component Leader and coordinate, in close cooperation with the RTA, the intervention of all other Member State experts mobilised for the same component.

Component Leaders will be responsible for the execution of following tasks in compliance with the requirements and scope of each individual component:

CL tasks:

- Responsible for coordinating the implementation of all activities implemented in the framework of the concerned component
- Arranging training activities in compliance with the requirements designated under activity purposes.

CL profile:

- University degree in the fields relevant to this project (social insurance, occupational safety and health, IT, law, economics, management, media and communication, science or equivalent)
- At least 3 years of professional working experience in the field for which the expert is mobilized
- Strong communication capabilities and ability to work in different environments with local experts
- Fluency in English
- Good computer literacy required
- Excellent presentation skills and previous experience as a trainer (Only for training activities).

3.6.4 Profile and tasks of the other Short term experts

The Twinning partners will decide on the profile, number and involvement of the short term experts during the drafting of the project work plan. STEs should be identified by the Project Leader/RTA and have to be agreed with the beneficiary institutions in the course of designing and delivery of the expected project outputs.

Main areas of expertise required by the team of short-term experts should cover the following fields (the list of fields is non-exhaustive):

- Social insurance
- Occupational safety and health
- IT
- Law
- Media and Communication
- Economics
- Other according to the needs.

Profile of the short - term experts:

Requirements:

- University degree in the fields relevant to this project
- At least 3 years of professional working experience in the field for which the expert is mobilized
- Proven contractual relation to public administration or mandated body
- Working knowledge of English language
- Computer literacy: Knowledge of Microsoft Office.

4. Budget

The maximum budget allocated to this Twinning project is 1,500,000.00 EUR.

Occupational Safety and Health (OSH) in the Republic of Serbia	IPA Community Contribution	National Co-financing	TOTAL
Twinning Contract	1,500,000 €	0 €	1,500,000 €

Interpretation and translation costs for training, documentations and project activities will be up to 6% of the budget and will be financed from the budget.

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Delegation/Office):

The Implementing Agency of the project is the Central Finance and Contracting Unit (CFCU). The CFCU will be the Contracting Authority and it will be responsible for publishing tenders, concluding contracts and authorizing the Treasury to make contract related payments.

Ministry of Finance
Department for Contracting and Financing of EU Funded Programmes (CFCU)
Sremska St, No. 3-5
11000 Belgrade, Serbia

Mr Marko Jovanović, Head of CA
Phone: +381 11 20 21 - 115
E-mail: marko.jovanovic@mfin.gov.rs

Mr Darko Vasić, National Contact Point
Tel: +381 11 20 21 412
E-mail: twinning@mfin.gov.rs

5.2 Institutional Framework

In Serbia, every of the referred to public authorities has its own role with view to advancing and developing occupational safety and health, and/or reduction in the incidence of injuries at work and occupational diseases, granting of benefits to eliminate and alleviate consequences of injuries at work and occupational diseases, benefits under health insurance, and related to reporting injuries at work and occupational diseases.

Ministry of Labour, Employment, Veterans and Social Affairs' scope of activity includes inter alia, those activities of public administration which are related to: employment relations and occupational safety and health; pension and disability insurance; social insurance – Article 16 of the Law on Ministries (*Official Gazette of RS* 44/2014, 14/2015, 54/2015 and 96/2015 – specified law).

Labour Inspectorate, as an administrative authority integral to the Ministry of Labour, Employment, Veterans and Social Affairs is in charge of inspection and related technical activities concerning employment and occupational safety and health including: regular and control inspections, examination of fatal, serious and collective injuries at work; identification of the pre-emptive compliance with occupational safety and health at company level and other activities under law;

Pension and Disability Insurance Department as an organizational unit integral to the Ministry is responsible for drafting laws and other regulations on pension and disability insurance and voluntary pension insurance: social insurance; supervision over compliance in terms of operation and general acts of an organization in charge of pension and disability insurance – the pension and disability insurance fund; supervision over the operations and functioning of the Social Insurance Institution;

Occupational Safety and Health Directorate - integral to the Ministry is in charge of public administration activities aimed at advancement and development of occupational safety and health, and/or reduction in incidence of injuries at work and occupational and work-related diseases, and in particular of drafting occupational safety and health laws and regulations, passing opinions on their enforcement and application, studying causes and phenomena resulting in injuries at work, occupational and work-related diseases; collection and analysis of the data on injuries at work, occupational and work-related diseases and phenomena and occurrences that affect workers' health status – Occupational Safety and Health Law (*Official Gazette of RS* 101/05 and 91/15);

Ministry of Health is responsible for public administration activities related to: health care; compulsory social insurance; other forms of health insurance and contributions; governing in greater detail health insurance benefits; participation in development and application of international agreements on compulsory social insurance – Article 15, Law on Ministries (*Official Gazette of RS*, 44/2014, 14/2015, 54/2015 and 96/2015 – specified law).

Under the Health Care Law (*Official Gazette of RS*, 107/2005, 72/2009 – spec. law, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 – spec. law, 93/2014, 96/2015 and 106/2015)

Occupational Health Institute of Serbia “Dr. Dragomir Krajević” is responsible, among other things, for development of understanding among workers on occupational health measures and making them aware of specific conditions and requirements, and of specifically required fashion of application and use of personal and collective protective equipment, monitoring of working conditions and occupational safety, professional risks assessment towards upgrade of working conditions by adjustment of work to workers’ psychological and physical abilities, etc.

Health Insurance Fund - the remit is provided for under Articles 208-210 of the Health Insurance Act („Official Gazette of RS”, 107/2005, 109/2005 - corrigendum, 57/2011, 110/2012 – Decision by the Constitutional Court (CC Decision), 119/2012, 99/2014, 123/2014, 126/2014 – CC Decision, 106/2015 и 10/2016 – spec. law) – Health Insurance Fund based in Belgrade has vested public powers related to provision and administration of health insurance, decision-making on health insurance rights and obligations, under the Law. For such a purpose it is organized as the network of branch offices and Provincial Health Insurance Fund.

Pension and Disability Insurance Fund – the remit is provided for under Article 63 (C 1) of the Amended Pension and Disability Insurance Law (*Official Gazette of RS*, 85/2005) – Pension and Disability Insurance Fund is organised as a legal entity with the status of a compulsory social insurance organisation administering pension and disability insurance benefits and providing funds for such an insurance.

Project Steering Committee (PSC) will be established for the direct control and supervision of the project implementation. The PSC will be responsible for the overall quality of project implementation, provide strategic direction and ensure that the project outputs and goals are met in time, approve work plans and reports, offer guidance and advise on project activities.

The composition of the PSC will be defined by the Twinning Contract. Nevertheless, the PSC will be composed of following members: MS Project Leader, BC Project Leader, RTA, RTA BC counterpart, representatives of the Ministry of Finance, Department for Contracting and Financing of EU Funded Programs (CFCU), representatives of the MOLEVSA/IPA Unit, representatives of the Ministry of European Integration (MEI) and the representatives of other key institutions involved in the project. Representatives of the EUD will be invited as observer(s). If deemed necessary, representatives of other institutions with relevant expertise or key experts who can enhance the quality of the project should be invited to join the Steering Committee Meetings as observers.

The role, responsibility and main tasks of the PSC will be as follows:

- to assess progress in achievement of objectives and results planned in the project;
- to ensure exchange of information on implementation of contracts;
- to ensure synchronization of activities within contracts;
- to ensure cooperation of relevant stakeholders;
- to discuss any critical points, risks or bottlenecks in contract implementation;

- to propose and discuss remedies in case of problems;
- to review and make recommendations on reports, submitted by the contractor;
- to closely coordinate with other EU contracts related to this field and with other relevant donors' contracts to promote synergies and integration;

Project will ensure the secretariat function of the PSC, including organization of meetings, preparing and circulating the agenda, as well as writing and distributing PSC minutes to all members. The PSC meetings should be announced at least two weeks before the actual date and all relevant papers (agenda, minutes of the last meeting, progress report and other documents to be discussed at the PSC meeting) should be circulated one week before the meetings to the PSC members. The PSC will meet on quarterly basis and ad hoc when required. It will be chaired by the BC Project Leader and in accordance with the previously circulated agenda to the PSC members.

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:

Ms Jovana Milovanović, Acting Assistance Minister in charge for International Cooperation

Ministry of Labour, Employment, Veterans and Social Affairs
Nemanjina St, No. 22-26, 11000 Belgrade, Serbia

5.3.2. PL counterpart

The BC Project Leader will manage and lead a project team from the Serbian side and will ensure that the decision makers at the national level will be informed accordingly on the implementation and evolution of the project. He/she will ensure close cooperation and supervision of the project and he/she will also be responsible for drafting and signing reports and other documents related to project management from the Serbian side and will chair PSC meetings.

Ms Marina Furtula, Director of Occupational Safety and Health Directorate (OSH)
Occupational Safety and Health Directorate of the Ministry of Labour, Employment, Veterans and Social Affairs (MOLEVSA)
Terazije St, No. 41, 11000 Belgrade, Serbia

5.3.3. RTA Counterpart

Ms Vesna Jovanović, Coordinator for Analysis and Improvement of Labour Inspection
Study and analysis Department,
Labour Inspectorate of the Ministry of Labour, Employment, Veterans and Social Affairs (MOLEVSA)
Bulevar Umetnosti St, No. 10, 11000 Belgrade, Serbia

6. Duration of the project

Duration of the execution period is 27 months, the implementation period is 24 months

7. Sustainability

Upgrade of labour inspectors' knowledge, their level of expertise and professionalism, following of the standardized method of work and operation, in line with new procedures, instructions, guidelines and methodologies understood by both employers and workers' representatives will ensure more efficient control, better working conditions, reduced incidence of injuries at work and occupational diseases and decline in illegal hiring of undeclared workers.

Rolling out of occupational safety and health training for labour inspectors and all other stakeholders (employers, workers, occupational safety and health officers, etc.) on the basis of a piloted classroom will create tangible basis for continuous training and setting up of an education center on occupational safety and health in the forthcoming period. Awareness raising of the relevance of preventive occupational safety and health measures for both workers and employers and society as a whole will result in the creation of safer and healthier working conditions at workplace and in working environment.

The labour inspectors who upgrade their knowledge, expertise and skills on the trainings to be delivered under the project will transfer the knowledge acquired to other labour inspectors and thus will ensure training and education for other inspectors. Simultaneously, a system of continuous training and education of the existing and newly hired labour inspectors will be in place.

Rolling out of the legally and institutionally based disaggregated insurance against injuries at work and occupational diseases under one law and one institution will provide greater access by workers to all the benefits and entitlements arising from such an insurance (medical treatment, occupational recovery/rehabilitation, indemnification) on the basis of injuries at work and occupational diseases.

Focusing on prevention will contribute to upgraded level of occupational safety and health and reduced incidence of injuries at work and occupational diseases.

The effective prevention will reduce costs and risks of working processes, and indirectly incidence of injuries at work and occupational diseases, absenteeism. It will optimize economic performance of economic operators and their profit. Corporate social responsibility leads to more respected economic operators and long-term productivity increase; workers are healthy, satisfied and motivated for work and actively involved in preventive occupational safety and health activities, which in the outcome results in better occupational safety and health culture in general.

Strengthened role of occupational health services will result in better health care at work. An information system will be in place collecting statistical data on injuries at work and occupational diseases as per the ESAW methodology.

National Occupational Safety and Health Strategy 2018-22 as an act adopted by the Government of Serbia will identify objectives conducive to the undertaking of the activities

related to specific insurance against injuries at work and occupational diseases, whereas its Action Plan will identify all the activities to be undertaken for the purpose of implementation of the Strategy therefore ensuring achievement and sustainability of the project outcomes.

8. Crosscutting issues

Equal Opportunity

Equal opportunity principles and practices in ensuring equitable gender participation in the project and information will be provided in the regular reports of the Twinning Partner regarding gender participation rates in the different trainings, workshops and seminars. Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access, regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

9. Conditionality and sequencing

The successful implementation of this project is conditioned by an active commitment from the decision makers, senior Government officials and the staff of the respective institutions (primarily Labour inspections, including their participation in the relevant capacity building activities (workshops, study visits and other). The output implementation is also conditioned by the decisions made by the Government.

10. Indicators for performance measurement

- Instructions, guidelines, check lists and operational methodology for labour inspection aligned with the adopted legislation and European standards.
- Five-year work plan of labour inspection and training course curriculum for labour inspectors developed. Training manual for labour inspectors printed and labour inspectors and trainers for effective labour inspectors in accordance with EU standards trained.
- A pilot classroom for the training of labour inspectors and other occupational safety and health stakeholders organized.
- The Special Insurance from Occupational Injuries and Diseases Law with related regulations drafted.
- The level of contribution and method of distribution of the proceeds to fund prevention of occupational injuries and diseased proposed.

11. Facilities available

The Ministry of Labour, Employment, Veterans and Social Affairs (Occupational Safety and Health Directorate) will provide the twinning partner with adequate office space for RTA and experts, meeting rooms and equipment necessary for relevant everyday activities and training foreseen in twinning fiche.

12. ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. List of relevant Laws and Regulations
3. List of applicable Union acquis/standards/norms

ANNEX I: Logframe in Standard Format

LOGFRAME PLANNING MATRIX FOR Project Fiche			
Support and improvement of occupational safety and health and labour inspection in the Republic of Serbia		Contracting period expires 3 years after the signing of the Financial Agreement	Disbursement period expires 6 years after the signing of the Financial Agreement
		Total budget: EUR 1.500.000	IPA budget: EUR 1.500.000 National contribution: EUR 0
Overall objective	Objectively verifiable indicators	Sources of Verification	
Improving occupational safety and health (OSH) in the Republic of Serbia.	<ul style="list-style-type: none"> Efficient and improved occupational safety and health system in the Republic of Serbia through established procedures, standards, system and legislation. 	<ul style="list-style-type: none"> Activity reports by relevant institutions Official occupational safety and health statistics European Commission Progress Report for Serbia 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>-Labour inspection capacities strengthened by upgrading labour inspectors' professional competences for the inspection of compliance with occupational safety and health laws and regulations, and labour inspection activities streamlined and standardized on the basis of newly established procedures, standards and methods of work</p> <p>-Preparation of a transparent and functional specific insurance against injuries at work and occupational</p>	<ul style="list-style-type: none"> Labour inspection capacities strengthened and its staff trained to use new operational methodology and procedures. A new system of insurance against injuries at work and occupational diseases in place. 	<ul style="list-style-type: none"> Project implementation and evaluation reports Activity reports by relevant institutions Official occupational safety and health statistics 	<ul style="list-style-type: none"> Sustainable commitment and continuous support by national authorities Good inter-sectoral communication and cooperation Staff involved in implementation of the project fully assist and cooperate with the consultants.

<p>diseases completed by devising financial facilities to fund prevention from injuries at work and occupational diseases (separating expenses for injuries at work from those for occupational diseases and singling out both respectively from the pool of benefits based on health insurance and pension and disability insurance), occupational health care to strengthen the role of occupational health services (the enhancement of legal framework to include transposed Directive 89/391/EEC) and creating conditions to put in place a model of an (information) system of statistics on injuries at work and occupational diseases as per the European Methodology on Accidents at Work (ESAW).</p>			
<p>Results</p>	<p>Objectively verifiable indicators</p>	<p>Sources of Verification</p>	<p>Assumptions</p>
<p>Component 1. Labour inspection capacity strengthening</p> <p>Result 1.1 Labour inspectors' expertise on inspection of compliance with occupational safety and health requirements enhanced, and a system of continuous education in place (training course curriculum developed and the</p>	<ul style="list-style-type: none"> • New instructions, guidelines, check lists developed and an operational methodology for labour inspection aligned with the adopted legislation and European standards; • A training course curriculum for labour inspectors developed • Training manual for labour inspectors printed • Trainers who deliver training to labour 	<ul style="list-style-type: none"> • Relevant project documentation (guidelines, instruction, procedures) • Reports of Labour Inspection and other governmental institutions • Statistics on occupational health and safety • Workshops reports and 	<ul style="list-style-type: none"> • ST Experts experienced and competent to perform the required tasks • Good inter-sectoral communication and cooperation • Labour inspectors involved in implementation of the project fully assist and

<p>pilot classroom for the training of labour inspectors operational)</p> <p>Result 1.2 Labour inspection operations enhanced and standardized and a strategic multi-annual plan of activities of labour inspection developed.</p>	<p>inspectors trained to apply the new operational methodology and tools</p> <ul style="list-style-type: none"> • A pilot classroom for the training of labour inspectors and other occupational safety and health stakeholder and actors organized • 30% of labour inspectors to apply and follow new procedures, instructions, guidelines and operational methodology for labour inspection trained; • Awareness raising and information campaigns conducted to upgrade knowledge of social partners and stakeholders (employers and trade unions), and to effectively promote in the media the relevance of corporate social responsibility and of consistent law enforcement and compliance. • A five-year plan of work of labour inspection developed 	<p>workshop evaluation papers</p> <ul style="list-style-type: none"> • List of workshops participants 	<p>cooperate with the consultants.</p>
<p>Component 2: Legal framework of insurance against injury at work occupational safety and health under the health insurance and pension and disability insurance systems and occupational safety and health upgraded</p> <p>Result 2.1 Legal framework and registering insurance system against injuries at work and occupational diseases upgraded.</p>	<ul style="list-style-type: none"> • Law on Specific Insurance against Injuries at Work and Occupational Diseases drafted • By-laws on insurance against injuries at work and occupational diseases and on the system of reporting and registering the injuries at work and occupational diseases, contribution levels, and method of distribution of the insurance funds for injuries at work and occupational diseases to fund prevention of injuries at work and occupational diseases drafted. 	<ul style="list-style-type: none"> • Relevant Project documents (law, by-laws, etc.) • Study visit programme and report • Relevant project documents • Study visiting, programme and report 	<ul style="list-style-type: none"> • Continuous commitment of relevant stakeholders and decision makers to preparation of the new Insurance against Injuries at Work and Occupational Diseases Law • Good inter-sectoral communication and cooperation • Adequate number of staff at

<p>Result 2.2 The role of the occupational health services strengthened.</p>	<ul style="list-style-type: none"> • Further amendments to the Occupational Safety and Health Law under the section on workers' health care to strengthen the role of occupational health services drafted 		<p>the Ministry of Labour, Employment and Social Affairs appointed to work with twinning partners on a daily basis for drafting legislation</p> <ul style="list-style-type: none"> • Good inter-sectoral communication and cooperation
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ANNEX II: List of relevant Laws and Regulations

Occupational safety and health by-laws/implementing laws:

- Occupational Safety and Health Strategy in the Republic of Serbia, 2013-17 (Official Gazette of RS, 100/13)
- Action Plan to the Occupational Safety and Health Strategy in the Republic of Serbia, 2013-17 (Official Gazette of RS, 81/14).
- Occupational Safety and Health Law (*Official Gazette of RS*, 101/05, and 91/15),
- Labour Law (*Official Gazette of RS*, 24/05, 61/05, 54/09, 32/13, and 75/14),
- Health Insurance Act (*Official Gazette of RS*, 107/05, 109/05-Corrigendum, 57/11, 110/12- CC Decision, 119/12, 99/14, 123/14, and 126/2014-CC Decision 106/2015 and 10/2016),
- Pension and Disability Insurance Law (*Official Gazette of RS*, 34/03, 64/04- RSCC Decision, 84/04-spec. law, 85/05, 101/05 – spec. law, 63/06-RSCC Decision, 5/09, 107/09, 101/10, 93/12, 62/13, 108/13, 75/14, and 142/14),
- Compulsory Social Insurance Contribution Law (*Official Gazette of RS*, 84/2004, 61/2005, 62/2006, 5/2009, 52/2011, 101/2011, 7/2012- adjusted amounts in dinars, 8/2013- adjusted amounts in dinars., 47/2013, 108/2013, 6/2014- adjusted amounts in dinars., 57/2014, 68/2014-spec. law, 5/2015- adjusted amounts in dinars., 112/2015 и 5/2016- adjusted amounts in dinars.),
- Health Documents and Registers Law (*Official Gazette of RS*, 123/14 effective as of 1 January 2016),
- Contractual Obligations Law (*Official Gazette of SFRY*. 29/78, 39/85, 45/89- YCC Decision, and 57/89, (*Official Gazette of SRY*”, 31/93, and (*Official Gazette of SaM*, 1/2003- Constitutional Charter),
- Insurance Law (*Official Gazette of RS*, 55/2004, 70/2004- corrigendum, 61/2005, 61/2005-spec. Law, 85/2005-spec. law, 101/2007, 63/2009- CC Decision, 107/2009, 99/2011, 119/2012, 116/2013, and 139/2014-spec. law),
- Inspections Law (*Official Gazette of RS*, 36/15),
- Rulebook on content and method of issuance of report form on injury at work, occupational disease and work-related disease (*Official Gazette of RS*, 72/06, 84/06-corrigendum, and 04/16)
- Rulebook on curriculum, method and costs of occupational safety and health exam for OSH Officers (*Official Gazette of RS*, 111/13, 57/14, 126/14, and 111/15)
- Rulebook on requirements and costs of licensing for occupational safety and health (*Official Gazette of RS*, 112/13, 57/14, and 102/15),
- Rulebook on the procedure to establish compliance with occupational safety and health requirements (*Official Gazette of RS*, 60/06),
- Rulebook on costs of procedure to establish compliance with occupational safety and health requirements (*Official Gazette of RS*, 111/13),
- Rulebook on method and procedure for risk assessment at workplace in working environment (*Official Gazette of RS*, 72/06 and 84/06-corrigendum, 30/10, and 102/15),
- Rulebook on the examination and verification procedure for working equipment and working environment (*Official Gazette of RS*, 94/06 and 108/06-corrigendum, 114/14 and 102/15),
- Rulebook on occupational safety and health registers (*Official Gazette of RS*, 62/07 and 102/15)
- Rulebook on pre-emptive and periodic medical examinations of workers at high risk workplaces (*Official Gazette of RS*, 120/07 and 93/08),
- Rulebook on curriculum, method and costs, preparation and taking the exam to become trained project design coordinator and exam to become trained

- construction work executioner (*Official Gazette of RS*, 113/13, 57/14, and 111/15),
- Rulebook on construction site regulation survey content (*Official Gazette of RS*, 121/12 and 102/15)
 - Regulation on safety and health at work at temporary and mobile construction sites (*Official Gazette of RS*, 14/09 and 95/10),
 - Rulebook on preventive measures for safe and healthy work when using personal protective equipment (*Official Gazette of RS*, 92/08),
 - Rulebook on preventive measures for safe and healthy work at workplace (*Official Gazette of RS*, 21/09),
 - Rulebook on preventive measures for safe and healthy work when using working equipment (*Official Gazette of RS*, 23/09, 123/12, and 102/15),
 - Rulebook on preventive measures for safe and healthy work when manually handling loads (*Official Gazette of RS*, 106/09),
 - Rulebook on preventive measures for safe and healthy work when using equipment with screen (*Official Gazette of RS*, 106/09 and 93/13),
 - Regulation on preventive measures for safe and healthy work of workers exposed to asbestos (*Official Gazette of RS*, 108/15),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to chemical agents (*Official Gazette of RS*, 106/09),
 - Regulation on preventive measures on safe and healthy work of workers in mineral-extracting industries through drilling (*Official Gazette of RS*, 61/10),
 - Regulation on preventive measures for safe and healthy work of workers in underground and surface mineral-extracting industries (*Official Gazette of RS*, 65/10),
 - Regulation on preventive measures on measures for safe and healthy work of workers on board fishing vessels (*Official Gazette of RS*, 70/10),
 - Rulebook on the provision of safety and health at work signs (*Official Gazette of RS*, 95/10),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to biological hazards (*Official Gazette of RS*, 96/10),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to vibrations (*Official Gazette of RS*, 93/11),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to noise (*Official Gazette of RS*, 96/11 and 78/015),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to carcinogens and mutagens (*Official Gazette of RS*, 96/11),
 - Regulation on preventive measures for safe and healthy work due to risks of explosive atmospheres (*Official Gazette of RS*, 101/12 and 12/13-corrigendum),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to electromagnetic field (*Official Gazette of RS*, 111/15),
 - Rulebook on preventive measures for safe and healthy work of workers exposed to artificial optical radiation (*Official Gazette of RS*, 120/12 and 29/13-corrigendum)
 - Rulebook on special occupational safety measures in the processing of non-ferrous minerals processing (*Official Gazette of SRS*, 2/38),
 - Rulebook on special occupational safety measures in railway traffic (*Official Gazette of FRS*, 19/85),
 - Rulebook on special occupational safety measures ferrous metals industry (*Official Gazette of FRS*, 25/87),
 - Rulebook on special occupational safety measures in forestry (*Official Gazette of FRS*, 33/88),
 - Rulebook on special occupational safety measures in mechanical wood processing and processing of related materials (*Official Gazette of FRS*, 51/88),

- Rulebook on general safe work measures concerning hazardous effect of electricity within work facilities, work premises and work sites (*Official Gazette of FRS, 21/89*)
- Rulebook on occupational safety in execution of construction works (*Official Gazette of FRS, 53/97*),
- Rulebook on hygienic and technical occupational safety measures at work in quarries and brickworks, as well as in extraction of clay, sand and gravel (*Official Gazette of FPRY 69/48, save Article 58 – 61*)
- Rulebook on technical and health care and technical safety measures at works in chemical and technological processes (*Official Gazette of FPRY, 55/50*) – Schedule 9;
- Rulebook on hygienic and technical safety measures in underwater works (*Official Gazette of FPRY, 36/58*),
- Rulebook on hygienic and technical safety measures of workers in shipping and dock work (*Official Gazette of FPRY, 14/64*),
- Rulebook on occupational safety in thermal processing of light metal alloys in nitrate salt baths (*Official Gazette of FPRY 48/65*),
- Rulebook on occupational safety in maintenance of motor vehicles and transportation of motor vehicles (*Official Gazette of FPRY, 55/65*),
- Rulebook on the protection at work when uploading on and unloading from cargo motor vehicles (*Official Gazette of FPRY, 17/66*),
- Rulebook on occupational safety and technical measures for acetylene developer and acetylene station (*Official Gazette of FPRY 6/67, 29/67, 27/69, 52/90, 2/92, and 6/92*),
- Injunction on prohibiting use of gasoline engine for degreasing, washing or cleaning of metal parts of objects made of different materials (*Official Gazette of FPRY, 23/67*),
- Rulebook on occupational safety in agriculture (*Official Gazette of SFRY 34/68*),
- Rulebook on provision of board and lodgings for workers, and for their commuting to and from work (*Official Gazette of SFRY 41/68*),
- Rulebook on occupational safety of workers in production and handling of explosives and gunpowder (*Official Gazette of SFRY 55/69*),
- Rulebook on special occupational safety measures and provisions for workers in leather, fur and leather refuse processing (*Official Gazette of SFRY 47/70*), and
- Rulebook on equipment and procedure equipment and procedure for first aid and organization of rescue service in case of accident at work (*Official Gazette of SFRY 21/71*).

ANNEX III: List of applicable *Union acquis/standards/norms*

Occupational Safety and Health

- **EU Strategic Framework on Health and Safety at Work**

52014DC0332 (EUR-Lex: 05.20.20.10)

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Strategic Framework on Health and Safety at Work 2014-2020

(COM (2014) 332 final of 6.6.2014)

- **Horizontal issues**

31989L0391 (EUR-Lex: 05.20.20.10)

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

(OJ L 183, 29.06.1989, p. 1)

31989L0654 (EUR-Lex: 05.20.20.10)

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(OJ L 393, 30.12.1989, p. 1)

32009L0104 (EUR-Lex: 05.20.20.10)

Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

(OJ L 260, 3.10.2009, p. 5)

31989L0656 (EUR-Lex: 05.20.20.10)

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(OJ L 393, 30.12.1989, p. 18)

31992L0058 (EUR-Lex: 05.20.20.10)

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(OJ L 245, 26.08.1992, p. 23)

32003H0134 (EUR-Lex: 05.20.20.10)

Council recommendation of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers

(OJ L 053, 28.02.2003, p. 45)

32003H0670 (EUR-Lex: 05.20.40 Social security)

Commission Recommendation of 19 September 2003 concerning the European schedule of occupational diseases (Text with EEA relevance) (notified under document number C (2003) 3297)

(OJ L 238, 25.09.2003, p. 28)

- **Handling of Loads**

31990L0269 (EUR-Lex: 05.20.20.10)

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(OJ L 156, 21.06.1990, p. 9)

- **Display Screen Equipment**

31990L0270 (EUR-Lex: 05.20.20.10)

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

(OJ L 156, 21.06.1990, p. 14)

- **Vessels**

31992L0029 (EUR-Lex: 05.20.20.10)

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels
(OJ L 113, 30.04.1992, p. 19)

31993L0103 (EUR-Lex: 05.20.20.10)

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
(OJ L 307, 13.12.1993, p. 1)

- **Construction**

31992L0057 (EUR-Lex: 05.20.20.10)

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
(OJ L 245, 26.08.1992, p. 6)

- **Mineral Extracting Industries**

31992L0091 (EUR-Lex: 05.20.20.10)

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
(OJ L 348, 28.11.1992, p. 9)

31992L0104 (EUR-Lex: 05.20.20.10)

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)
(OJ L 404, 31.12.1992, p. 10)

- **Carcinogens and Mutagens**

32004L0037 (EUR-Lex: 05.20.20.10)

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version) (Text with EEA relevance)
(OJ L 158, 30.04.2004, p. 50)

- **Asbestos**

32009L0148 (EUR-Lex: 05.20.20.10)

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work
(OJ L 330, 16.12.2009, p. 28)

31998Y0507(01) (EUR-Lex: 05.20.20.10)

Council Conclusions of 7 April 1998 on the protection of workers against the risks from exposure to asbestos
(OJ C 142, 07.05.1998, p. 1)

- **Chemical, physical and biological agents at work**

31991L0322 (EUR-Lex: 05.20.20.10)

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (OJ L 177, 05.07.1991, p. 22)

31998L0024 (EUR-Lex: 05.20.20.10)

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 05.05.1998, p. 11)

32000L0039 (EUR-Lex: 05.20.20.10)

Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (Text with EEA relevance) (OJ L 142, 16.06.2000, p. 47)

32006L0015 (EUR-Lex: 05.20.20.10)

Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC (OJ L 38, 9.2.2006, p. 36)

32009L0161 (EUR-Lex: 05.20.20.10)

Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (OJ L 338, 19.12.2009, p. 87)

32000L0054 (EUR-Lex: 05.20.20.10)

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 262, 17.10.2000, p. 21)

32002L0044 (EUR-Lex: 05.20.30.20)

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) – Joint Statement by the European Parliament and the Council (OJ L 177, 06.07.2002, p. 13)

32003L0010 (EUR-Lex: 05.20.20.10)

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 042, 15.02.2003, p. 38)

32013L0035 (EUR-Lex: 05.20.20.10)

Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC

(OJ L 179, 29.6.2013, p. 1)

32006L0025 (EUR-Lex: 05.20.30.20)

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation)

(OJ L 114, 27.4.2006, p. 38)

32014L0027 (EUR-Lex: 05.20.20.10)

Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

(OJ L 65, 5.3.2014, p. 1–7)

- **Explosive atmospheres**

31999L0092 (EUR-Lex: 05.20.20.10)

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

(OJ L 023, 28.01.2000, p. 57)

- **Hospital and healthcare sector**

32010L0032 (EUR-Lex: 05.20.30.10)

Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU

(OJ L 134, 1.6.2010, p. 66)