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# The position of tradeswomen during the pandemic of Covid-19

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# The position of tradeswomen during the pandemic of Covid-19

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## Introduction

Women are in a significantly more unfavourable position in the labour market in Serbia than men - the gender gap among the working age population<sup>1</sup> is present in employment rates (12.9 percentage points), unemployment rates (1.5 percentage points), as well as inactivity rates (13.7 percentage points). Most women work in the service sector (68.6% of total employed women), and the largest number of women employed within it is in trade (212,000).<sup>2</sup> Therefore, the A 11 Initiative conducted research on the position of women in the trade sector, with special reference to respect of their labour rights during the COVID-19 pandemic and the state of emergency introduced to prevent the spread of this contagious disease.

Since the outbreak of the COVID-19 pandemic, the most vulnerable have been those women workers who belong to risk groups due to their age, health condition or illness, those who are on the frontline in contact with the infected or the general population, as well as with each other, and women workers engaged in professions where the so-called social distancing cannot be practiced.<sup>3</sup> These women workers are popularly also called essential workers or frontline workers. However, all these terms

<sup>1</sup> All gender-specific words used in this report denote and refer equally to both sexes.

<sup>2</sup> Centre for Democracy Foundation, The impact of the COVID-19 epidemic on the position and rights of workers in Serbia with particular reference to frontline and informal economy workers and multiply affected worker categories, p. 51, available at: <http://www.centaronline.org/userfiles/files/publikacije/fcd-uticaj-epidemije-covid-19-na-polozaj-i-prava-radnica-i-radnika-u-srbiji.pdf>

<sup>3</sup> Social or physical distancing is providing a safe distance between people who are not from the same household and most often means providing about 1.5 meters of distance between these people. Along with the use of personal protective equipment and maintaining hand hygiene, this measure is key to preventing the spread of the infectious disease COVID-19.

are not important when it comes to the position of frontline workers, because this issue is not regulated, and the very fact that a woman worker can be classified as an essential worker is not a legal but a factual issue.

Women workers in professions in which social distancing cannot be practiced also include workers who, due to the nature of their job, had to perform work in the employer's premises. According to the classification used in the comprehensive analysis of the impact of the COVID-19 epidemic on the position and rights of workers in Serbia, "The impact of the COVID-19 epidemic on the position and rights of workers in Serbia with particular reference to frontline and informal economy workers and multiply affected worker categories" prepared by the Centre for Democracy Foundation, whose definition we have taken over for the purposes of our research, can be divided into two categories. The first includes those women workers who are called "frontline workers", who were in constant risk of infection during the state of emergency, both due to the type of work they performed and the fact that they came in contact with a large number of customers or user of services and/or stuff and items that may be contaminated. Some of these women workers were in the working obligation regime, while the other part worked in the regular labour relation regime under special conditions that referred to working hours and safety at work.<sup>4</sup>

Tradeswomen belong to the latter. Tradeswomen, i.e. women working in stores that sell basic foodstuffs, belong to the above-stated category of so-called frontline workers in the working regime without work obligation. They worked in significantly

<sup>4</sup> Centre for Democracy Foundation, The impact of the COVID-19 epidemic on the position and rights of workers in Serbia with particular reference to frontline and informal economy workers and multiply affected worker categories, p. 51, available at: <http://www.centaronline.org/userfiles/files/publikacije/fcd-uticaj-epidemije-covid-19-na-polozaj-i-prava-radnica-i-radnika-u-srbiji.pdf>.

more difficult conditions and with increased demands, especially during the state of emergency, but also after it, in the so-called second and third waves of the pandemic. As stated in the previously mentioned analysis of the Centre for Democracy Foundation, several situations were noted in which it was possible to talk about the impeded exercise of labour rights and their endangerment or violation in case of this category of women workers.<sup>5</sup>

It is for these reasons that A 11 Initiative conducted research involving women workers engaged in these activities. During the pandemic, the professions involving dominantly women, particularly those possessing lower qualifications and performing less paid jobs were most exposed to changes in the actual organization of work and increased risk of spreading the infection. The most vulnerable among them are those who are in a state of multiple marginalization, single mothers, and especially women who take care of small children and children with different abilities, as well as women who provide necessary care to close family members, those engaged outside the employment relationship, who can be assumed that due to socio-economic vulnerability in most cases were not allowed to reject the requests of employers relating to the movement and organization of work, or who are employed in the informal economy.

When it comes to service activities, there were practically two completely opposite situations in different sectors during the state of emergency: women workers at the employers' where food is prepared and sold were the so-called frontline workers, who were expected to work during the state of emergency, while waiters, musicians in catering facilities and others did not work. Later, the latter were allowed to work after the state of emergency, but their working hours were shortened, and

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<sup>5</sup> Ibid, 6.

recently, by the latest measures adopted by the COVID-19 Crisis Response Team, workers engaged in these activities have been forbidden to directly work with customers and are only allowed to do counter sales and delivery of food and beverages.

While some service industries where women make up the majority of employees were affected by job losses, bans and restrictions, in stores selling basic foodstuffs, where women also make up the majority, demand increased due to stockpiling, thus increasing workload. The shortening of working hours during the state of emergency and as part of other measures adopted after the state of emergency aimed at preventing the spread of COVID-19, additionally burdened the employees and increased the intensity of their work.

The Law on the Protection of the Population from Infectious Diseases<sup>6</sup> prescribes the obligations of employers and employees regarding the observance of special safety measures and the protection of the health of all persons participating in the work process (including service users). During the state of emergency, the Government of the Republic of Serbia and line ministries passed regulations affecting access to labour rights, among which the Decree on state emergency measures<sup>7</sup> and the Decree on the organization of work of employers during the state of emergency were of the greatest importance.<sup>8</sup>

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<sup>6</sup> "The Official Gazette of RS", nos. 15/2016, 68/2020 and 136/2020.

<sup>7</sup> Decree was published in the Official Gazette of RS, no. 31/2020, 36/2020 (Art. 2 is not included in the refined text), 38/2020 (Art. 2 is not included in the refined text), 39/2020, 43/2020 (Art. 2 is not included in the refined text), 47/2020, 49/2020, 53/2020, 56/2020, 57/2020, 58/2020 and 60/2020. See: Decision of the Constitutional Court of RS - 126/2020.

<sup>8</sup> "The Official Gazette of RS", no. 31/2020.

## Methodology of research on the position of tradeswomen

The research was conducted during October 2020. Fifteen semi-structured interviews were conducted with women workers from retail stores in Belgrade and Šabac with the surrounding area. This publication presents more representative results - from four interviews with women working in retail chains and four with those from independent retail stores. The participants in the research belong to the majority of the population, aged from 23 to 56 years. In this text, they, as well as the places where they work, i.e. their employers, will remain anonymous at their own request, in order to protect their jobs. All participants in the research were employed at the time of the interviews.

The questions in the interview were designed on the basis of measures from the relevant legal framework, so that they follow the basic obligations related to the work process and the position of workers, which apply both during the state of emergency and in regular circumstances. The questions in the interviews were divided into phases during and after the state of emergency, in order to map the changes during this period.

## The right to fair and favourable working conditions and a safe and healthy environment

The decree on the organization of work of employers during the state of emergency establishes for all employers in the Republic of Serbia the obligation to introduce emergency measures for protection at work for all employees and users of services, i.e. for all persons participating in the work process. The Decree prescribes that the employer is “obliged to provide all general, special and extraordinary measures related to the hygienic safety of facilities and persons in accordance with the Law on Protection of the Population from Infectious Diseases, in order to ensure the protection and health of employees, the engaged in work and customers. For employees and those engaged in work who are in direct contact with customers or share work space with several people, it is necessary to provide sufficient quantities of protective equipment in accordance with special regulations”.<sup>9</sup>

Extraordinary measures introduced by this Decree upon the recommendation of health women workers, implied the obligation of employers:

- to provide indoor women workers with physical distance, i.e. to reduce the number of employees per square meter;
- to regularly disinfect the premises in which they work, as well as to provide all women workers with appropriate protective equipment (primarily masks and gloves), as well as to control whether the women workers use them.

9 “The Official Gazette of RS”, 31/2020.

However, these rules have not always been applied consistently, i.e. the obligation has not always been respected. Participants in our research stated that, as in other professions, there were employers who ignored the new measures, or did not apply them fully. In that way, the rights to fair and favourable working conditions, as well as to a safe and healthy working environment were violated, both for those workers who did not respect the prescribed measures, thus exposing customers to the risk of the infection, and for those women workers who used personal protective equipment appropriately and conscientiously.

Most of the participants in our research stated that their employers had provided them with masks and gloves, except during the first week of the state of emergency when they had to provide them on their own. They also stated that employers provided masks and gloves even after the state of emergency, for the entire duration of the combat against the COVID-19 pandemic. As they say, in Šabac they initially received cotton masks from the employer, which were donated by the City Administration, but they were advised to procure medical masks themselves as more reliable. Two women workers from smaller retail stores in Belgrade stated that their employers had not provided them with masks for months, but insisted that they provide them themselves, and in that sense the burden of providing personal protective equipment fell on the employees. They stated:

”

We had to buy masks ourselves, and it wasn't 15 dinars like now, it was 100 or so, and in the beginning, there was a shortage of them all the time, there weren't enough of them in pharmacies ... so we wore one all day, and we shouldn't wear one more than a few hours, as it doesn't protect you afterwards.

”

As the stabilization of the personal protective equipment market has significantly reduced the prices of masks and gloves compared to the prices that were in force at the beginning of the pandemic, the purchase of this equipment should not be an excessive cost for employers.

The participants in the research stated that in some cases they had received visors in addition to the masks, but the protective glass that was placed on the cash register as a barrier between customers and workers was not always provided. Also, they had no guarantee that customers would wear masks and they themselves had to bear the risk of contact with them if they did not wear. Gloves were provided to them all the time during the state of emergency, but this measure was waived at the end of the state of emergency. As a woman worker stated:

*„ We had to sign some statements that we were aware of the obligation that while we were at the employer’s premises, we had to wear a mask ... As he (the employer) would not pay the fine if the inspection came. And to distance himself from his workers. And, on the other hand, we bought them ourselves ”*

The workers state that the special problem regarding the implementation of anti-epidemic measures is the problem with customers who do not wear masks. As they state:

*„ Of course, not all buyers wear masks. And it is our responsibility to warn them, but we cannot force them. What should I do when a 2-meter-tall and over 100-kilogram giant who I know is violent came in and said– I have to shop right now...*

*And he laughs in my face ... And if the inspection comes and finds them in the store, I don’t know who would be to blame? Will it be me because I can’t get him out? I have half a meter and fifty kilos less than him.*

*„*

In this regard, as in the procurement of masks and other equipment that some workers had to procure themselves, employers shifted the burden of enforcing compliance with the prescribed measures to tradeswomen. As they state:

” *He told me (the employer) to manage on my own with customers. Whether they will wear masks or not. So, to find the way. Because he won't pay the fine if the utility company comes, neither will I, but they. It is our job to warn, not to explain. He was in the store when they didn't want to wear it and he even laughed with them ... He doesn't wear it either, he puts it on maybe only when he stops at the cash register.* ”

Poor implementation of protection measures in some retail chains has also led to the fact that the measures are less respected. The women workers state that due to long working hours and obvious inconsistency in the implementation of measures, they sometimes do not put on a mask, because it is difficult for them to wear them for over ten hours, which is the most common time they spend at work.

The application of other measures, which referred to the cleaning of the premises, was also the responsibility of the tradeswomen. What they often point out is that due to the previously described problems with insufficient application of measures, they eventually gave up on implementing disinfection measures. At the same time, it is important to note that the disinfectants provided to them, according to the instructions of health workers, did not have an effect on the control of coronavirus. They state:

” *Disinfection, this Asepsol to be sprayed and cleaned, so that was up to us. Who will clean if not us, and we clean anyway. We come early to get everything ready, and even when we leave, we have to clean up anyway. I sprayed everything during the breaks, then I gave up.* ”

Measures related to the limited number of persons who can be in a trades facility at the same time are also insufficiently implemented. As one participant of the research states:

” *We pointed out that we can't have more than two people in the store at the same time (customers), but that it can't always be applied ... Sometimes there are five of them, they pretend not to hear us when they come in, and when they come in, I can't always explain them because I'm at the cash register ... The boss is there and nothing ... He stuffed the goods, one can't walk between the shelves, in fact there is even less space for people than what the store is supposed to have.* ”

Smaller trade facilities could not even implement some of the measures due to the organization of work. Thus, some workers state:

” *Well, since it is a small shop, of 20 square meters, only two could enter. There are two of us, workers, already in the shift and the third when it is the census. And then the director said that we would take five, after the state of emergency ...* ”

During and after the state of emergency, even such limited research conducted in two cities and with semi-structured interviews showed that rights of workers to a safe and healthy work environment were endangered due to the organization of work and poor implementation of measures that were in force.

Employers did not fully implement or meet the standards prescribed by the introduction of special protection measures in the event of an epidemic of infectious diseases. In the first phase, at the beginning of the state of emergency, employers did not have access to a sufficient amount of protective equipment, which is an understandable problem at the beginning of the pandemic. In the later stages, employers had the opportunity to purchase sufficient quantities of protective equipment, but some of them still decided not to apply the measures, i.e. to transfer the responsibility and cost of procuring necessary stuff and equipment to the employees.

Also, although there is no explicit discrimination, on the grounds of gender, the fact that women workers are left to deal with the arbitrariness of physically stronger customers and their arbitrary application of protective measures is a discriminatory practice that should be addressed in the future and measures should be created to help combat or abolish it.

The research showed that women workers in trade facilities have low expectations and low motivation to turn to the competent inspections and expect that every problem they point out will be solved to their detriment, most often because the inspectorates do not establish violations of rights and do not influence the improvement of their working environment in that particular case.

## Wages and compensation

As they were able to work all the time and during the state of emergency, the participants in the research state that none of them had their salaries reduced, nor do they know about such cases. All participants in the research have a minimum wage plus one dinar, and only, one who is the manager in a retail chain in Šabac receives an additional 4.000 dinars per month because of that position. A particular problem is that the interviewed Tradeswomen not even fully informed about their employment rights. As one of them states:

” *I don't even know what my wage base is ... I don't know how much my working hour actually costs. Especially because my working hours last longer than it is supposedly written ... It can happen that one month you get a 20 percent increase, and that it is less money than it was last month without an increase.* ”

The participants in the research also stated that, although none of them had been on sick leave during the state of emergency, there were problems with the exercise of this right during the regular state. Sometimes this is the case because they themselves, due to the fact that they are “easily replaceable” because of signed blank contractual termination of employment contracts and due to high job demand, do not want to go on sick leave so as not to be “additional cost” to the employer. As one of them points out:

” *When I broke my leg, I took vacation days, I didn't go on sick leave ... Nobody said I had to ... but you know, it's a private entrepreneur.* ”

## Reimbursement of transportation costs and organization of transport during the state of emergency

The problem of lack of public transport (city, intercity and local) during the state of emergency directly affected the exercise of the right to work. In this respect, women workers have been particularly affected by the measures introduced: women make up the majority in occupations that are crucial at the time of the epidemic and require going to the workplace, such as basic grocery stores, so they use public transport proportionally more than men.

As pointed out in the analysis of the Centre for Democracy Foundation, during the state of emergency “a small number of vehicles and a large number of passengers were directly opposed to the purpose of abolishing public transport, because the risk of infection was almost equal to that which would exist in regular public transport, if not bigger”.<sup>10</sup>

The Labour Law<sup>11</sup> prescribes the obligation of the employer to provide employees with conditions for coming to and returning from work. Most of the participants in our research who worked in Belgrade, had to take care of transportation on their own during the state of emergency.

Employees in Šabac went to and from work on foot, and those who work in the vicinity of Šabac took family cars. The employer did not provide transportation to any of the workers during the state of emergency. However, participants from Šabac told us

<sup>10</sup> Ibid, p. 30. More about problems and endangering of the right to work caused by the abolition of public transport can be found in the same publication, pages 29-30.

<sup>11</sup> “The Official Gazette of RS”, no. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Decision of the Constitutional Court of RS and 113/2017. See: Authentic interpretation - 95/2018. See: Conclusion of the Constitutional Court of RS - 22/2011. See: Decision of the Constitutional Court of RS - 79/2011.

that they knew about individual cases of stores not included in this research where the employer provided transport - mostly by personal or family car or through acquaintances who were on duty and whose jobs were located in the same places or in their vicinity. According to the provision of Article 118 of the Labour Law, the employee has the right to reimbursement of costs for commuting to and from work, in the amount of the cost of public transport fare, if the employer has not provided its own transport. However, the participants in the research who work in Šabac and its surrounding pointed out that their employers had not provided them with transportation or financial compensation for transportation even before the pandemic.

As already mentioned, despite the fact that workers receive only a salary for their work that is one dinar above the minimum wage<sup>12</sup> in the Republic of Serbia (except for one that has an “extra pay” of 4.000 dinars), they need to pay transportation costs and organize it themselves.

<sup>12</sup> The minimum hourly rate in the Republic of Serbia is 183.93 RSD.

## Organization of working hours

Given that the operation of grocery stores was considered crucial during the pandemic, workers in them worked full time, with additional workload. The workload was due to the fact that working hours were shortened by the introduction of a ban on movement during the state of emergency, while after the state of emergency the restrictions on working hours up to 9 p.m. were introduced and are still in force. Having in mind this organization of working hours, in order to determine the position of tradeswomen, it is important to examine in what way the care that, almost by rule, women provide for all other family members, both for old and sick family members, and for children, further complicates their position and how it was possible to achieve a balance between work and private life. The participants in the research stated that, as a rule, they did not have relief in terms of working hours if they cared for the elderly and the sick and/or have children of school or younger age, although the recommendation was to meet the needs of workers in that situation. One of the workers, who is also a mother, states:

”*Well, they knew that my children did not go to school and that I had no one to leave them with, but I had to come to work regularly.*”

On the other hand, due to the inability to provide childcare, some workers were forced to try to “go on sick leave” so that they could take care of their children. Thus, one of them states:

”*I tried to go on sick leave because there was no one to look after the child ... But neither the director nor the doctor helped me when I went to ask for it.*”

Officially, the working hours of the workers from the retail chains we spoke to are seven hours with a half-hour break, or 8 hours. However, working hours actually lasted, as the participants in our research said, “as much as the boss says” or “as much it takes so that he would not look sideways at you”.

Women workers from the retail chains in Šabac say that they are paid overtime, but that they work seven days a week, and that they have a day off once a month, although it should be two. Some workers work ten hours a day. It happens, therefore, in different combinations, that the working hours are 60 hours a week.

In order to achieve a balance between obligations at work and private life, the organization of working hours and the flexibility of employers in relation to those workers who have specific circumstances that they face “at home” are crucial. However, according to the participants in the research, there is no change in the organization of work in the communication between the workers and the management.

When measures aimed at reducing the number of employees per square meter in the employer’s premises were introduced, it was not a change for them, as some participants in our research say, because the number of women workers is always at a minimum, or even at shortage<sup>13</sup>, and already great workload has increased further due to stockpiling and the introduction of a ban on movement, when a large number of customers concentrated in the store before closing, which further hampered compliance with measures on the distance between them and the number of customers in the store and increased the risk of infection. In that regard, the tradeswomen state:

<sup>13</sup> On the other hand, they state that it happened that due to the increased demand, all workers were in one shift.

” *“People come when their working hours are over, so not everyone works from home, nor do we. And as for the state of emergency and curfew on weekends, it was not known until the day before or something like that? And of course, then everyone rushes in.* ”

Because the number of tradeswomen needed to maintain the work process is minimal, they are overburdened and their working hours are much longer than stipulated in the employment contract. As one of them states: *“Tomorrow is Sunday, my working hours and the working hours of the store are from seven a.m. to five p.m. By the way, I work alone, without a colleague. Next week, my colleague will work the same working hours (ten) so that I can be free”*.

Some unions have proposed labour inspectorates to control working hours in trade, but without success.<sup>14</sup> Due to these accumulated problems, unions and some activists fighting for the protection of the rights of workers advocated for the introduction of a ban on work on Sundays. One of the key arguments in that regard was that if the supervisory mechanisms fail to control working hours, then banning work on Sundays would at least to some extent solve the problem and enable trades workers to have a Sunday break. However, it seems that this initiative lost momentum when, after the initial interest and modest support of certain institutions, the President of the Republic of Serbia pointed out that the ban on work on Sundays affects the reduction of gross domestic product and that it is necessary to work on Sundays.<sup>15</sup>

<sup>14</sup> For instance, this was proposed to the Socio-Economic Council in Kragujevac by the Federation of Independent Trade Unions of Kragujevac, but the initiative remained without a response.

<sup>15</sup> For more information, see: <https://www.rts.rs/page/stories/sr/story/125/drust-vo/3823071/vucic-protiv-zabrane-rada-nedeljom.html>

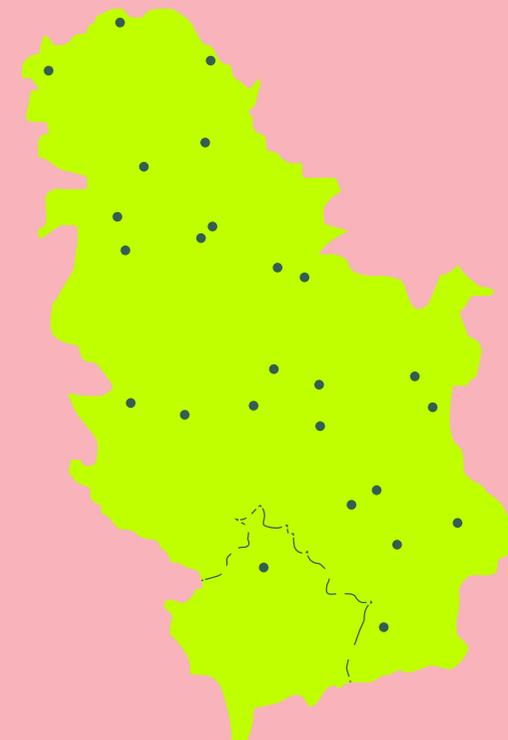
## Conclusions of the research on the position of tradeswomen

The limited findings gathered during the research showed that violations of the rights of workers during the state of emergency were not extraordinary, but that they represent continuity when it comes to the “regularly” bad position of workers in Serbia. Participants in our research also complained about that. The lack of effective protection of their rights is also continuing. Moreover, in cases where no special protective measures have been applied, the fact that working conditions have not been changed compared to the regular situation, such as when we do not face a pandemic of a highly contagious disease, is a violation of rights. Violations of the right to a safe working environment and fair and favourable working conditions have occurred with employers who violate the rights to fair and favourable working conditions, but part of the problem in this regard were certainly unclear regulations and insufficiently efficient control of adopted measures.

## Research on reporting and acting of the Labour Inspectorate upon the cases of discrimination

Given the large number of cases of discrimination against women in the labour market and the inequalities they face in the field of labour relations, which are only illustrated by previous research, the A 11 Initiative conducted research in the period from May to September 2020, which focused on discrimination against women at work.

As labour inspections are legally competent for the procedures of determining discrimination at work, the A 11 - Initiative for Economic and Social Rights sent requests for access to information of public importance to the addresses of labour inspections of 25 seats of districts, i.e. municipalities:



- Belgrade;
- Bor (Bor District);
- Čačak (Moravica District);
- Jagodina (Pomoravlje District);
- Kikinda (North Banat District);
- Kosovska Mitrovica;
- Kragujevac (Šumadija District);
- Kraljevo (Raška District);
- Kruševac (Rasina District);
- Leskovac (Jablanica District);
- Niš (Nišava District);
- Novi Sad (South Bačka District);
- Pančevo (South Banat District);
- Pirot (Pirot District);
- Požarevac (Braničevo District);
- Prokuplje (Toplica District);
- Smederevo (Podunavlje District);
- Sombor (West Banat District);
- Sremska Mitrovica (Srem District);
- Subotica (North Bačka District);
- Šabac (Mačva District);
- Užice (Zlatibor District);
- Vranje (Pčinja District);
- Zaječar (Zaječar District);
- Zrenjanin (Central Banat District).

Also, requests for free access to information of public importance were submitted to the Labour Inspectorate and the Directorate for Safety and Health at Work in the Ministry of Labour, Employment, Veteran and Social Affairs. Each of the requests concerning the Labour Inspection and the Labour Inspectorate related to the following issues:

- number of submitted reports for discrimination at work, i.e. actions contrary to Articles 18, 19, 20 and 21 of the Labour Law<sup>16</sup>;
- the number of completed procedures on reports of discrimination at work, in which discrimination has been established;
- the number of completed procedures on reports of discrimination at work, in which discrimination was established, and all classified by gender and basis of discrimination, in the period from 1 January 2019 to 1 March 2020.

Labour inspections from the largest number of municipalities answered that *no report for discrimination at work had been submitted in the requested period*, i.e. that the procedure for determining discrimination at work had not been initiated or completed. This applies to the following municipalities: Belgrade, Bor, Jagodina, Kikinda, Kragujevac, Kraljevo, Kruševac, Leskovac, Niš, Pančevo, Pirot, Požarevac, Sombor, Sremska Mitrovica, Subotica, Zaječar, while the Labour Inspectorate delivered joint data for all districts. The Labour Inspections from Kosovska Mitrovica, Prokuplje, Smederevo, Šabac and Užice did not respond even after the repeated invitation.

<sup>16</sup> “The Official Gazette of RS”, no. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Decision of the Constitutional Court, 113/2017 i 95/2018 – authentic interpretation

## Relevant data gathered by the Initiative A 11

The Labour Inspectorate in **Čačak** submitted data that in the requested period it had two reports of discrimination on the basis of Art. 18 of the Labour Law, and that it performed an inspection and instructed the applicant to exercise her rights before the competent court, in accordance with Art. 23 of the Labour Law.

The answer came from **Novi Sad** that the department of the Labour Inspection had 8 reports submitted by employees in the same period, which partly referred to discrimination at work from Art. 18–21 of the Labour Law. In all cases, there were reports of discrimination against women during pregnancy or after childbirth, whose employment contract was terminated, or who did not realize monetary claims on the basis of special protection in accordance with the provisions of the Labour Law and other regulations. Inspection supervision was carried out on each report, and in three cases discrimination on the grounds of sex and pregnancy was established, because employers illegally terminated employment contracts of employed pregnant women.

In two cases, violations of regulations were established to the detriment of employed women, in which employers acted upon the order of the labour inspector and returned the employed women to work, and no requests for misdemeanour proceedings were filed, except against one employer who refused to act upon the order. The answer also states that in other cases there was a problem when submitting the necessary documentation for exercising the right based on special protection of women and refunding the necessary funds, and the problem was eliminated after the intervention of the Labour Inspectorate.

## Further steps and concluding remarks

The Department of Labour Inspection in *Vranje* submitted the information that in the mentioned period it had one report of discrimination at work on the basis of Art. 18 of the Labour Law and that, after the inspection supervision, the applicant was instructed to exercise her rights before the competent court, bearing in mind that the court is exclusively competent to act, according to Art. 23 of the Labour Law.

During the requested period, four written complaints were submitted to the Department of Labour Inspection in Zrenjanin alleging discrimination, but after the inspection, labour inspectors determined that there was no discrimination and referred the applicants to a possible complaint to the Commissioner for Protection of Equality or a lawsuit to Higher Court in Zrenjanin.

When we look at the results of the research on the procedures before the labour inspection for reports of discrimination and the position of tradeswomen, it is quite clear that labour rights have been violated, and that the circumstances occurring as the result of the introduction of the state of emergency only further highlighted all existing shortcomings in the application of the labour law. Employers are aware of the situation that there is no motivation or empowerment to report violations, and continue to use the situation and further undermine labour rights. In a state of pandemic, the collapse of labour rights has gained a health dimension and has further affected the health and safety of workers.

An analysis of the responses of tradeswomen leads to the conclusion that they are aware that certain rights have been violated, but that the prevailing fear of losing their jobs leads to the consequence that they will endure almost all working conditions. To what extent they are deprived of their rights is stated in one of the answers from which we learn that the respondent does not even know what her salary is, while that salary is the only reason why she endures extremely poor working conditions.

Amendments to the Law on Prohibition of Discrimination<sup>17</sup>, which are expected to give the Labour Inspectorate and other inspections greater powers in terms of addressing the Commissioner for the Protection of Equality on behalf of workers, as well as other persons

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<sup>17</sup> In the phase of public debate and adoption of proposal at the time of writing this report.

who have suffered discrimination, could affect empowerment of workers in terms of reporting discrimination. On the other hand, the current state of the amended legal text indicates that trade unions will not be granted the right to lodge complaints on behalf of persons who have suffered discrimination. Therefore, by improving the practice of the Commissioner for the Protection of Equality, the interpretation of the “organization dealing with the protection of human rights” from Art. 35. Paragraph 3 of the Law on Prohibition of Discrimination should be “expanded”.

However, these changes need also be done in two directions, because the problems in the work of the Inspectorate, which primarily refer to the limited authority, allegations of corruption, insufficient number of inspectors, still exist. Therefore, empowerment for reporting violations of rights if applies only to workers while there is almost no discrimination procedure, will not have any effect and attention must be paid to inspectors who could play a significant role in inciting workers to report violations.

It seems as if with each new project the findings about the condition and position of workers are deteriorating, and that it has now become a slope down which the rights of workers roll. This vicious circle can be broken not only with systemic changes but also with the actions of individuals, looking at the examples of those who asked for protection and received it effectively, others will be empowered to initiate proceedings to protect their rights. In addition, trade unions and representatives of organizations dealing with the rights of workers must play a significant role, as seemingly the only remaining actors who need to warn the state that profits or increases in gross domestic product should not be made on the basis of the violations of the rights of workers, but that we must turn to international standards and proclaimed labour rights.