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Guidelines for the Implementation of the Principle of Gender Equality in the Workplace



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Introduction

Gender equality is a prerequisite for the comprehensive, democratic, and sustainable development of any society and for the integration of the gender aspect into economic and social policies. According to current international documents, improving the position of women and achieving gender equality is considered a human rights issue and one of the key preconditions for the establishment of democracy, social peace and justice, economic prosperity, sustainable social development, and improvement of social relations. This means that gender equality implies, *inter alia*, increasing the participation of women in decision-making processes, placing gender equality at the center of decision-making processes and medium-term plans, budgets, institutional structures and procedures, the attitude towards employed women and women on the labor market, as well as the economic empowerment of women.

In order to achieve gender equality in Serbia, significant progress has been made in all areas of social life at the legislative level, with a focus on the ratification of international treaties, harmonization of national legislation with international standards, adoption and implementation of anti-discrimination laws and laws on gender equality. This indicates a comprehensive and coherent system of legal protection against discrimination in Serbia in line with international standards and international comparative jurisprudence. However, it is necessary to invest additional efforts to achieve essential equality in terms of implementing existing legal solutions in practice.

The Guidelines for the Implementation of the Principle of Gender Equality in the Workplace is intended primarily for those who are directly involved in the implementation of the Labor Law¹, the Law on Prevention of Abuse at Work², the Law on Prohibition of Discrimination³, the Law on Gender Equality⁴ and other anti-discrimination laws, primarily employers and public authorities. The Guidelines should help employers to promote, encourage and apply the principles of gender equality, equal opportunities, and non-discrimination in their business operations and employment. The Guidelines are also intended for employees, trade unions, associations, non-governmental organizations, local initiatives, other activist groups,

1 Labor Law ("Official Gazette of RS", nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17, CC decision, 113/17 and 95/18 — authentic interpretation)

2 Law on Prevention of Abuse at Work ("Official Gazette of RS", no 36/10)

3 Law on Prohibition of Discrimination ("Official Gazette of RS", no. 22/09, 52/21)

4 Law on Gender Equality ("Official Gazette of RS" no. 52/2021)

and all those dealing with gender equality, labor law and the protection of human rights. Businesses and companies adhere to their own codes of conduct that are conditioned, *inter alia*, by their line of work, legal norms, internal procedures, working conditions, working hours and specific work culture. Therefore, it is necessary for them to adopt and promote the principles of non-discrimination, including gender non-discrimination, but also to improve and broaden their own perspective and understanding. Given that the principles of gender equality in the workplace are fully embedded in the provisions of the Law on Gender Equality, the goal of the Guidelines is to facilitate their application in practice.

With the adoption of the Law on Gender Equality⁵ for the first time in the legal system of the Republic of Serbia, gender equality was regulated by a separate law as one of the basic human rights and basic values of a democratic society, and for the first time, the prohibition of sex- and gender-based discrimination was prescribed. This law ceased to be valid with the adoption of the new Law on Gender Equality of the Republic of Serbia (hereinafter: LGE), adopted on May the 24th, 2021, and entered into force on June the 1st, 2021. Most of the provisions of the LGE governing misdemeanors are applied from June 1st, 2021, while certain provisions of the Law governing the statistical collection of data on unpaid housework, support to victims of violence through the establishment of SOS telephone lines for women and girls, financing of specialized services and the submission of statistical reports to the central-level authority in charge of statistics shall apply only from January the 1st, 2024.

The LGE belongs to the group of anti-discrimination laws, together with the Law on the Protection of the Rights and Freedoms of National Minorities⁶, the Law on the Prohibition of Discrimination⁷ and the Law on Prevention of Discrimination against Persons with Disabilities.⁸ The Law on Gender Equality and the Law on Prohibition of Discrimination were adopted in order to harmonize the legislation of the Republic of Serbia with the relevant regulations of the European Union, ratified international agreements, generally accepted standards and provisions of relevant

⁵ Law on Gender Equality ("Official Gazette of RS", no 104/09)

⁶ Law on the Protection of Rights and Freedoms of National Minorities ("Official Gazette of FRY" no. 11/2002, "Official Gazette of Serbia and Montenegro" no. 1/2003 – Constitutional Charter and "Official Gazette of RS" no. 72/2009 – other law, 97/2013 – Decision of the Constitutional Court, 47/2018)

⁷ Law on the Prohibition of Discrimination ("Official Gazette of RS", no. 22/2009 and 51/2021)

⁸ Law on Prevention of Discrimination against Persons with Disabilities ("Official Gazette of RS", no. 33/2006 and 13/2016)

directives of the European Union, and contain provisions that, *inter alia*, refer to the work environment.

The LGE regulates the concept, terms, definitions and policy measures for achieving and improving gender equality, types of planning acts in the area of gender equality and the implementation reporting modality, the institutional framework for achieving gender equality and supervision over the implementation of laws and other issues of importance for achieving and improving gender equality (Article 1).

The goal of the implementation of measures aimed at achieving and improving gender equality is to create equal opportunities for participation and equal treatment of women and men in all areas of life and work.

The law regulates measures to suppress and prevent all forms of gender-based violence, violence against women and domestic violence, as well as the obligations of public authorities, employers, and other social partners to integrate a gender perspective in their areas of work. In the legal system of the Republic of Serbia, there are subsidiary laws and by-laws that apply in addition to the LGE and regulate gender equality issues within different areas of social life. The LGE consists of eleven units. In addition to the introductory provisions, the following is included:

- equal opportunities policy and measures to achieve and improve gender equality;
- planning acts in the field of gender equality and reporting on the implementation of legal acts;
- public authorities and special measures;
- areas in which general and special measures are determined and implemented;
- prevention and suppression of gender-based violence;
- institutional framework for achieving gender equality;
- recording and reporting achievements in gender equality;
- penal provisions;
- supervision over the law implementation;
- transitional and final provisions.

In addition to introductory remarks, conclusions and proposals, the Guidelines consist of five segments. In the first part, the concept of gender equality and non-discrimination is explained based on the provisions

of the Law on Gender Equality and other anti-discrimination regulations. In the second part, important terms for understanding and implementing gender equality are explained. The third part is dedicated to the obligations of public authorities and employers in the areas specified in the Law on Gender Equality; the fourth part lists offenses for failure to fulfill the obligations stipulated by the law, while the fifth part contains examples of good practice and proposals for the implementation of the principle of gender equality in the work environment.



Concept and Basic Principles of Gender Equality and Non-Discrimination

Equality in the workplace and non-discrimination represent basic labor rights essential for achieving social justice and successful and sustainable economic development. Research papers examining the position of women in the economy, in the labor market, at the workplace and in connection with work and employment have shown that women are still in an unequal position compared to men and that they are discriminated against in the labor market, mostly in terms of wages, hiring process (questions about private life at job interviews), at the workplace (women spend more time on unpaid work than men), as well as in the business environment (smaller share of female entrepreneurs). According to the Gender Equality Index, Serbia lags behind all EU member states in the domain of work, which is why it is necessary to undertake urgent measures and interventions in the labor and employment policies, which would contribute to improving the position of women and reducing gender differences in this sphere. All measures should be aimed not only at increasing the employment rate of women, but also at reducing gender segregation in the labor market and improving the reconciliation of women's private and professional lives. It is quite clear that improving the position of women in the field of the economy also improves the position of women in other areas of social life and reduces their domestic violence victimization⁹

According to the European Charter on Equality of Women and Men in Local Life¹⁰ **“Gender equality assumes that in a society, community or organization, there are equal opportunities for women, men and persons of different gender identities to contribute to cultural, political, economic and social progress, as well as to have equal opportunities to enjoy all the benefits and prosperity from the progress of a community.”**

Gender equality implies equal rights, responsibilities and opportunities, equal participation and balanced representation of women and men in all areas of social life, equal opportunities to exercise rights and freedoms, use personal knowledge and abilities for personal and social development, equal opportunities and rights to access goods and services, as well as to achieve equal benefits from work outcomes, while

⁹ Čopić S. (2016) Gender Equality in Serbia, Current State and Prospects, Institute of Criminological and Sociological Research, Belgrade, pg. 11-13.

¹⁰ European Charter for Equality of Women and Men in Local Life available at <https://ravnopravnost.org.rs/wp-content/uploads/2017/03/Evropska-povelja-o-rodnoj-ravnopravnosti-na-lokalnom-nivou.pdf>

respecting biological, social and culturally formed differences between men and women and different interests, needs and priorities of women and men when adopting public and other policies and deciding on rights, obligations and legal provisions, as well as constitutional provisions (Article 3, LGE).

Gender equality implies the **right to equality** (equal participation, opportunities, and access to resources) and the **right to diversity** (different treatment in certain circumstances, which in accordance with the Law is not considered as discrimination).

Gender equality is the aspiration towards a society without sex- and gender-based discrimination, where women and men, as well as persons of different gender identities will have equal prerequisites for exercising their rights and needs. It assumes, as a goal, a society in which there are equal opportunities for all to contribute to cultural, political, economic, and social progress, as well as to have the same opportunities to enjoy all the benefits of the progress of a community.¹¹

Discrimination on the basis of sex, sex characteristics, or gender (Article 4, LGE) implies any unjustified differentiation, unequal treatment, or omission (exclusion, restriction or preferential treatment), in an open or covert manner, in relation to persons or groups, as well as members of their families or persons close to them, based on sex, sex characteristics, or gender in politics, education, media, economy, employment, occupation and work, self-employment, consumer protection (goods and services), health insurance and protection, social insurance and protection, marriage and family relations, security, ecology, culture; sports and recreation, as well as public advertising and other areas of social life.¹²

Discrimination can occur in various work-related activities, such as employment, work conditions, occupational health and safety, wages, training, professional development and other segments of the work environment.

11 Antonijević, Z. & Gavrić, S. (2021) Gender Equality is Important for Everyone! Banja Luka: Helsinki Citizens Assembly Banja Luka, pg.11, available at https://hcabl.org/wp-content/uploads/2021/09/Rodna-ravnopravnost-je-vaz%CC%8Cna-za-sve_FINAL_web.pdf

12 The Law on Gender Equality in Article 6 defines sex as "biological characteristics on the basis of which people are determined as women or men", and gender as "socially established roles, possibilities, behaviors, activities and attributes, which a certain society considers appropriate for women and men, including the mutual relations between men and women and roles in those relationships that are socially determined depending on gender".

Within the definition of discrimination, a distinction is made between direct and indirect discrimination.

Direct discrimination on the basis of sex, sex characteristics, or gender exists if a person or a group of persons is or has been or could be placed in an unequal position on the grounds of sex, sex characteristics, or gender, in the same or similar situation by any act, action or omission.

Indirect discrimination on the basis of sex, sexual characteristics, or gender exists if a person or a group of persons is or could be placed in an unequal position with the neutral provisions, standards, or practice under the same or similar conditions, unless it is justified by a lawful objective and the means of achieving that objective are appropriate and necessary.

Incitement to discrimination constitutes a form of discrimination; it exists if a person or group of persons is incited to discriminate by giving instructions on how to undertake discriminatory actions or incited to discriminate in another way (Article 6, paragraph 3 of the Law on Prohibition of Discrimination). More severe forms of discrimination are provided for in the Law on the Prohibition of Discrimination (Article 13) and among them are repeated discrimination - discrimination committed a number of times - as well as persistent discrimination, which is committed over an extended period of time against the same person or group of persons.

The Law on Gender Equality defines **discrimination on the basis of sex, sex characteristics, or gender**: a) if a person or a group of persons is or could be unjustifiably treated less favorably than others, solely or mainly because they sought, or intend to seek, protection from discrimination based on sex or gender, or because they offered or intend to offer evidence of discriminatory treatment, b) as harassment, humiliating treatment, threats of sexual harassment and sexual blackmail, gender-based hate speech, violence based on gender, sex characteristics, gender or gender reassignment, violence against women, unequal treatment based on pregnancy, maternity leave, child care leave, special child care leave by parents, adoptive parents, foster parents, guardians and incitement to discrimination, as well as any less favorable treatment because of the fact that a person is refusing or tolerating such treatment; c) discrimination against a person based on two or more personal characteristics, regardless of whether the impact of personal characteristics can be delineated (multiple discrimination) or not (intersex discrimination).

It also states which procedures are **not considered discriminatory based on sex, sex characteristics, or gender**: measures for the protection of motherhood and fatherhood (parenthood), adoption, foster care, guardianship, as well as protection in the workplace of employees of different genders, in accordance with the regulations concerning labor relations and safety and health at work, special measures introduced to achieve full gender equality, protection and advancement of persons, or groups of persons who are in an unequal position based on their gender, sex characteristics, or gender, special measures adopted to eliminate and prevent the unequal position of women and men and achieve equal opportunities for women and men.

Judicial protection of persons and groups of persons who are exposed to discrimination on the basis of sex, sex characteristics, or gender is provided in accordance with the Law on the Prohibition of Discrimination. This law (Article 2 paragraph 1 item 1) defines the terms "**discrimination**" and "**discriminatory treatment**" as **any unjustified discrimination or unequal treatment, omission (exclusion, restriction or preferential treatment), in relation to persons or groups as well as members of their families, or persons close to them, overt or covert, based on race, skin color, ancestry, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, sex, gender, gender identity, sexual orientation, gender characteristics, financial position, property status, birth, genetic characteristics, health status, disability, marital and family status, previous convictions, age, appearance, membership in political, trade union and other organizations and other real or presumed personal characteristics.**

The Law on the Prohibition of Discrimination (Art. 16) prescribes that it is forbidden to exercise discrimination in the sphere of labor; that is to say, to violate the principle of equal opportunity for gaining employment or equal conditions for enjoying all the rights pertaining to the sphere of labor, such as the right to employment, free choice of employment, promotion, professional training and professional rehabilitation, equal pay for work of equal value, fair and satisfactory working conditions, paid vacation, joining a trade union and protection from unemployment. Different treatment, exclusion, or preferential treatment on account of the specific character of a job, for which an individual's personal characteristic constitutes a genuine and decisive precondition for performing the said job, if the objective to be achieved is justified, shall not be considered to

constitute discrimination, nor shall undertaking protective measures towards certain categories of persons (women, pregnant women, women who have recently given birth, parents, underage persons, persons with disabilities and the like) be considered to constitute discrimination. The right to protection from discrimination shall be enjoyed by a person who is employed, a person doing temporary or occasional work, or working on the basis of a contract of service, or some other kind of contract, a person working additional hours, a person performing a public function, a member of the army, a person seeking employment, a student or pupil doing work practice and undergoing training without concluding the employment contract, a person undergoing professional training, and advanced training without concluding the employment contract, a volunteer or any other person who works on any grounds whatsoever.

When it comes to employment discrimination, one of the ways to overcome it which represents **good practice** for companies, organizations, institutions, and the labor market is **managing workplace diversity**.¹³ Managing diversity means acknowledging people's differences and similarities so that everyone, regardless of differences, has equal employment opportunities and rights at work. This applies particularly to women who enter the labor market and are denied labor rights and do not have equal opportunities in all segments of employment. In addition, women are more exposed than men to sexual harassment and violence in the workplace.

13 Velikonja, N. (2015) Good practice in managing workplace diversity – European Union, Serbia and the Western Balkans, Student Cultural Centre, ŠKUC, available at <http://labris.org.rs/sites/default/files/Dobre%20prakse%20upravljana.pdf>; Matković, A. et al. (2011) Diversity in managing human potential – Guidebook for Employers, available at <https://zaposlosi.hr/data/guide/03.pdf>

Other Important Terms for Understanding and Implementing Gender Equality

Article 6 within the introductory provisions of the LGE defines the following terms and concepts used in the law:

- **Gender** shall mean the socially established roles, positions and statuses of women and men in public and private life, from which, due to the social, cultural, and historical differences, discrimination based on a person's biological sex arises;
- **Sensitive social groups** mean rural women, victims of violence, as well as groups of persons who, due to their social origin, nationality, property status, gender, gender identity, sexual orientation, age, mental and/or physical disability, living in an underdeveloped area or for another reasons or characteristics are placed in an unequal position;
- **Sex** means biological characteristics according to which human beings are divided into males and females;
- **Equal opportunities** imply the equal realization of the rights and freedoms of women and men, their equal treatment and equal participation in political, economic, cultural and other areas of social life and in all phases of planning, preparation, making and implementing decisions and equal use of their results, without the existence of gender restrictions and gender discrimination;
- **Discrimination against a person on the basis of two or more personal characteristics**, regardless of whether the impact of certain personal characteristics can be delineated (multiple discrimination) or not (intersex discrimination);
- **Gender perspective** refers to taking into account gender differences, sex differences and different interests, needs and priorities of women and men and their inclusion in all phases of planning, preparation, adoption and implementation of public policies, regulations, measures and activities;
- **Gender analysis** means an assessment of the impact on women and men and gender equality of the consequences of each planned activity, including legislation, measures and activities, public policies, and programs, in all areas and at all levels;

- **Gender mainstreaming** is a tool to achieve and improve gender equality through the inclusion of a gender perspective in all public policies, plans and practices, as well as in the internal logic of their actions;
- **Gender-balanced representation** exists when the representation of one gender is between 40-50% in relation to the other gender, and a significantly unbalanced representation exists when the representation of one gender is below 40%, unless otherwise determined by other law;
- **Gender-based violence** is any form of physical, sexual, mental, economic and social violence against a person or a group of persons due to their sex or gender, as well as any threat of such acts, regardless of whether they occur in public or private life, as well as any form of violence that affects persons of a certain gender to a greater extent;
- **Violence against women** means a violation of human rights and a form of discrimination against women and all acts of gender-based violence that lead or may lead to physical, sexual, mental or financial harm or suffering for women, including threats of such acts, coercion or arbitrary deprivation of liberty, either in public or in private life;
- **Domestic violence** means any act of physical, sexual, mental or economic violence that occurs within the family or household, or between former or current spouses or partners, regardless of whether the perpetrator shares or has shared the same residence with the victim;
- **Harassment** is any form of unwanted conduct that has the aim or consequence of violating the dignity of a person or a group of persons based on gender or sex, and creates fear or a hostile, intimidating, humiliating and offensive environment;
- **Inciting sex- or gender-based discrimination** means giving instructions on how to undertake discriminatory actions and leading to discrimination on the basis of sex, or gender in another similar way;

- **Sexual and gender-based harassment** is any unwanted verbal, non-verbal or physical act of a sexual nature that has the aim or consequence of violating personal dignity, especially if it creates fear, a hostile, intimidating, humiliating or offensive environment;
- **Sexual and gender-based extortion** is any behavior of a person who, with the intention of doing or not doing an act of a sexual nature, blackmails another person that in case of refusal to conduct the requested act he/she will disclose something that can harm that person or persons close to him/her, his/her honor, or reputation;
- **Gender-sensitive language** is gender equality made manifest and a way of influencing the awareness of those who use that language in the direction of achieving equality, including changes in opinions, attitudes, and behavior within the language they use in their personal and professional lives;
- **Public authorities** are state authorities, authorities of the autonomous province and local self-government units, as well as public enterprises, institutions, public agencies and other organizations and persons entrusted by law with certain public powers, as well as legal entities fully or partially founded or financed by the Republic of Serbia, the autonomous province or local self-government units;
- **Employer** is a domestic or foreign legal or natural entity in the public and private sector, which employs or engages one or more persons, or a person who exercises the rights and duties of an employer on behalf of the Republic of Serbia, the autonomous province or local self-government unit in public authorities, authorities of the autonomous province or local self-government units;
- **Association** is a voluntary, non-governmental, non-profit organization based on the freedom of association of several natural or legal persons, established for the purpose of monitoring, achieving, and promoting a certain common or general goal and interest, which are not prohibited by the Constitution or the law, registered in the register of the relevant authority, in accordance with the law;
- **Social partners** are the Government, relevant authorities of the autonomous province, relevant authorities of the local self-govern-

ment unit, representative trade unions, representative associations of employers, employers, with the exception of entities that appear as social partners on other grounds, producers and sellers of goods and service providers, public enterprises and public services;

- **Salary** represents monetary compensation for work performed. The right to salary is the basic and inalienable right of employees. Salary represents compensation for equal work and work of equal value, with the application of the principle of equality and equal treatment of employees, regardless of sex or gender;
- **Unpaid housework** is work for which no monetary compensation is obtained, and includes running a household, taking care of children, elderly and sick family members, working on the agricultural estate, as well as other similar unpaid work;
- **Gender stereotypes** are traditionally formed and rooted ideas according to which women and men are arbitrarily assigned characteristics and roles that determine and limit their opportunities and position in society;
- **Provisional bodies in charge of gender equality** are provisional authorities of the autonomous province and local self-government units formed in order to implement the measures provided for by this law and public policy documents for the purpose of promoting gender equality.
- **Gender-responsive budgeting** implies the obligation of public authorities to conduct the budget gender assessment and to plan revenues and expenditures with the aim of improving gender equality in accordance with the law regulating the budget system and the principle of gender equality in the budget procedure.

For a better understanding and implementation of gender equality, the following concept should be clarified:

The policy of Equal Opportunities

The policy of equal opportunities includes:

1. equal participation of women and men in all stages of planning, preparing, developing, and implementing decisions that affect the position of women;
2. taking into account the different interests, needs and priorities of women and men when adopting public and other policies and deciding on rights, obligations, and legally based interests;
3. taking measures to ensure an equal starting point for the realization of the principle of equal opportunities for persons, or groups of persons who are in an unequal position based on sex, sex characteristics, or gender, especially members of vulnerable social groups.

The policy of equal opportunities entails ensuring equal opportunities for everyone in terms of employment, payment, working conditions, education, professional training and career development, preventing any form of discrimination; promoting non-discriminatory conduct in the employment of women and men and developing policies of equal opportunities in the work environment;¹⁴ achieving equal participation of women and men in decision-making processes, eliminating gender stereotypes, including a gender perspective in all activities;¹⁵ provision of financial resources necessary for the implementation of general and special measures at the employer as a form of gender-responsible budgeting.

14 Herman Đerić, A. (2014) Policy of equal opportunities in the European Union and Autonomous Province of Vojvodina – gender equality and employment-related discrimination, Institute for Gender Equality, available at <https://ravnopravnost.org.rs/wp-content/uploads/2017/02/7-PolitikAJednakihMogu%C4%87nosti-6.08.2015..pdf>

15 Mechanisms for achieving gender equality at the local level, Organization for Security and Co-operation in Europe, Mission to Serbia, available at <https://www.osce.org/files/f/documents/6/c/81309.pdf>

Measures for Achieving and Improving Gender Equality

The law distinguishes between general and special measures.

General measures for achieving and improving gender equality are legally prescribed measures that prohibit discrimination on the basis of sex or gender or require appropriate actions to achieve gender equality. They also include measures determined by other acts (declarations, resolutions, strategies, etc.), whose goal is to achieve gender equality. In UN documents, these measures are, for example, focused on combating gender-based violence and domestic violence, social and economic protection of girls and women, provision of support services, the inclusion of girls and women in the decision-making process, and adoption of legal documents that have a gender perspective.¹⁶

Special measures for achieving and improving gender equality are activities, measures, criteria, and practices in accordance with the principle of equal opportunities, which ensure the equal participation and representation of women and men, especially members of vulnerable social groups, in all spheres of social life and equal opportunities for exercising rights and freedom. These measures are **implemented by the employer, in cooperation with public authorities**. Special measures are applied until the goal for which they are prescribed is reached, unless otherwise prescribed by the LGE.

Types of Special Measures

1. Measures that are determined and implemented in cases of significantly unbalanced gender representation;
2. Incentive measures, which give special benefits or introduce special incentives in order to improve the position and ensure equal opportunities for women and men in all areas of social life;
3. Program measures, which operationalize programs for achieving and improving gender equality.

¹⁶ UN Sustainable Development Goals - Goal 5: Achieve gender equality and empower all women and girls, available at <https://www.un.org/sustainabledevelopment/gender-equality/#:~:text=Social%20protection%20and%20economic%20stimulus,coordination%20mechanisms%20include%20gender%20perspectives>

What Should Be Ensured by Special Measures

When determining special measures, different interests, needs and priorities of girls, women and men must be taken into account, and special measures shall ensure:

1. the right of women, girls and men to information and equal access to policies, programs, and services;
2. application of gender mainstreaming and gender-responsive budgeting in the process of planning, managing, and implementing plans, projects and policies;
3. promoting equal opportunities in human resource management and the labor market;
4. gender-balanced representation in administrative and supervisory bodies and positions;
5. gender-balanced representation in every phase of formulating and implementing gender equality policies;
6. the use of gender-sensitive language in order to influence the removal of gender stereotypes in exercising the rights and obligations of women and men;
7. collecting relevant data disaggregated by gender and submitting them to competent institutions.

Implementation of the Gender Perspective in the Work Process

The implementation of the gender perspective means **the introduction of the gender perspective in all phases of planning, adoption and implementation of business policies and measures.**

This process involves:

- realization of the gender perspective through the phase of medium-term planning;
- preparation of annual work plans while respecting the gender dimension;
- the adoption of internal legal acts that promote gender-balanced representation through equal access for employed women and men to decision-making and management positions and the full-

fillment of the necessary competencies for specific positions,

- use of gender-sensitive language, for example, when writing the management position at the end of an official email, when signing official correspondence, nametags at professional gatherings, conferences and meetings, etc;
- gender-responsive budgeting as the most obvious example of gender mainstreaming in fiscal policies, which contributes not only to a more equal distribution of the budget, but to the consideration of the needs of all categories of the population,¹⁷ and is realized through gender-responsive budgeting in the process of planning, managing and implementing plans and projects,
- creation of equal opportunities for advancement, professional development and empowerment of all employees for equal participation in all spheres of activity and work.

Gender Mainstreaming

The concept of **gender mainstreaming** is defined by the United Nations Economic and Social Council as **"a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated"**.¹⁸ With the gender mainstreaming strategy, gender issues are considered an important factor in all aspects of development, in all sectors and areas of activity, so they are also a fundamental part of the planning process.

¹⁷ Antonijević, Z. & Gavrić, S. (2021) Gender Equality is Important for Everyone! Banja Luka: Helsinki Citizens Assembly Banja Luka, pg.9, available at https://hcabl.org/wp-content/uploads/2021/09/Rodna-ravnopravnost-je-vaz%CC%8Cna-za-sve_FINAL_web.pdf

¹⁸ World Health Organisation (2011) Gender Mainstreaming Manual for Health Managers: A Practical Approach. Geneva, available at <https://www.who.int/publications/i/item/9789241501057>



Obligations of Public Authorities and Employers pursuant to the Law on Gender Equality

The Law on the Prohibition of Discrimination (Art. 2 Item 5) and the Law on Gender Equality (Art. 6 Item 19) introduce the **definition of employer** according to which an employer is a domestic or foreign legal or natural entity in the public and private sector, which employs or engages one or more persons, or a person who exercises the rights and duties of an employer on behalf of the Republic of Serbia, the autonomous province or local self-government unit in public authorities, authorities of the autonomous province or local self-government units. The law prescribes the **obligations of employers** to take appropriate measures, if necessary, in order to ensure access, reasonably adapted workplace, participation, professional training and career advancement to employees who are in an unequal position compared to other employees, especially persons with disabilities, members of national minorities, women, men, persons of different sexual orientation, gender identity, elderly persons and others, unless these measures would represent a disproportionate burden for the employer. It is also defined that the burden is not considered disproportionate if it is reduced by appropriate public policy measures in the field of work and employment.

Special attention in the LGE (in its section on the policy of equal opportunities and measures for achieving and improving gender equality) is paid to the obligation to record statistical data **disaggregated by gender**. It is foreseen that the information and statistical data that are collected and recorded in public authorities and employers in all areas where legal measures are implemented shall be presented aggregated as well as disaggregated by gender and age. Information and statistical data disaggregated by gender and age constitute an integral part of the official statistics kept in the Republic of Serbia and available to the public.

Adoption of planning acts in the field of gender equality and reporting on the implementation of legal acts (Art. 13–24)

In order to develop, improve and achieve gender equality, the LGE envisages the adoption of five planning acts¹⁹ Adoption of **work plans or**

¹⁹ The planning acts are: National Strategy for Gender Equality; Action Plan for the Implementation of the National Strategy for Gender Equality; action plans of territorial autonomy unit and local self-government units; work plans or programs, and/or business plans of public authorities and employers, which shall also include a section on gender equality in public authorities and employers; risk management plan for violation of the principle of gender equality.

programs, and/or business plans of public authorities and employers, is foreseen for public authorities and employers who have more than 50 employees and employed persons. **These plans and programs shall contain a section on achieving and improving gender equality in the public authority and at the employer.** The part of the plan or program that refers to the achievement of gender equality shall **contain in particular:** a brief assessment of the situation in relation to the position of women and men in the public authority, and/or at the employer, including their age, a list of special measures, reasons for determining special measures and goals that are achieved by them, beginning of, method of and supervision over the implementation, termination of the implementation of special measures. Public authorities and employers whose plans or programs are **not publicly available** are obliged to notify the **Ministry responsible for human rights** on the adoption of the plans or program and to submit an extract from the plan or program related to the realization and promotion of gender equality within 15 days from the date of their adoption. If the plans and programs are publicly available, public authorities and employers shall notify the Ministry about the gazette or website where the plans or programs are published within 15 days from the date of their adoption.

Data on the implementation of the plans or programs in their section related to the achievement of gender equality constitute an integral part of the annual report on the implementation of the annual plan or program, which, in accordance with the law, is adopted by the public authorities and the employer's bodies. Public authorities and employers whose annual reports on the implementation of the plan or program are not publicly available are obliged to notify the Ministry of the adoption of the report on the implementation of the annual plan or program and to submit along with the notification an extract from the annual report on the implementation of the plan or program - the part that refers to the implementation of gender equality, within 30 days from the date of its adoption, for the purpose of informing and monitoring the implementation of planned activities in that area. Public authorities and employers whose reports are publicly available shall notify the Ministry about the gazette or the website where the report is published, within 30 days from the day of its adoption.

The public authorities or the employers responsible for the implementation of the activities, are obliged to submit the report

on implemented activities determined by the Action Plan to the Ministry by January 31 of the current year. The report shall contain an assessment of the state of gender equality in the area for which the public authority or employer is responsible, the results of the implemented activities according to the indicators with baseline and target values, data on the financial resources spent and recommendations on how to improve gender equality in the area to which the report refers.

Obligations of Public Authorities and Employers regarding the Implementation of General and Special Measures aimed at Achieving and Improving Gender Equality

General and Special Measures (concept and types)

General measures for achieving and improving gender equality are measures prescribed by law that prohibit discrimination based on gender in specific areas, or require appropriate action to achieve gender equality. General measures also include measures determined by other acts (declarations, resolutions, strategies, etc.), the goal of which is to achieve gender equality (Art. 9).

Special measures for achieving and improving gender equality are introduced in order to achieve full equality, protection and advancement of persons or groups of persons who are in an unequal position and **are determined and implemented by the public authorities and the employers.** When determining special measures, the different interests, needs and priorities of women and men must be taken into account. Special measures shall ensure: 1) the right of women, girls and men to information and equal access to policies, programs and services; 2) implementation of gender mainstreaming and gender-responsive budgeting in the process of planning, management and implementation of plans, projects and policies; 3) promoting equal opportunities in human resource management and the labor market; 4) gender-balanced representation in administrative and supervisory bodies and positions; 5) gender-balanced representation in every phase of formulating and implementing gender equality policies; 6) the use of gender-sensitive language in order to influence the removal of gender stereotypes when exercising the rights and obligations of women and men; 7) collection of relevant data disaggre-

gated by gender and their submission to competent institutions. Special measures are applied until the goal for which they are prescribed is achieved, unless otherwise prescribed by the law.

The types of special measures are: 1) measures that are determined and implemented in cases of significantly unbalanced gender representation; 2) incentive measures, which provide special benefits or introduce special incentives in order to improve the position and ensure equal opportunities for women and men in all areas of social life; 3) program measures, which operationalize programs for achieving and improving gender equality (Article 11).

The most important obligations of public authorities are: *continuous monitoring of the achievement of gender equality in the area of social life for which they are responsible, application of international standards and rights guaranteed by the Constitution in that area, use of gender-sensitive language for names of workplaces, positions, titles and occupations, conducting a policy of equal opportunities for women and men, planning, adoption, implementation and public disclosure of the results of special measures, cooperation with civil society directly or through the authority responsible for cooperation with civil society.*

Gender-balanced representation is necessary in public authorities that have management and supervisory bodies, in accordance with the regulations on the basis on which they are founded and internal general acts. It is the task of the **authority responsible for the appointment or giving no objection to the appointment**. This body is obliged to take special measures in the event that there is a significantly unbalanced gender representation in the management and supervisory bodies.

Public authorities adopt special measures in order to achieve gender-balanced representation when there are objective reasons in accordance with the law and on the basis of a special explanation that contains and respects the specific characteristics arising from the nature of the job, service or activity, place and working conditions. Their obligation is to establish quantitative and qualitative mechanisms for monitoring progress in achieving gender-balanced representation in management and supervisory bodies. **The body responsible for the appointment giving no objection to the appointment**, monitors the progress in

achieving a gender-balanced representation in the management and supervisory bodies.

Areas in which General and Special Measures are Determined and Implemented

Measures listed in the below areas are also governed by other regulations, primarily the Labor Law and the Law on the Prohibition of Harassment at Work. According to the LGE, measures related to gender equality are implemented in sixteen areas: **work, employment and self-employment; social and health care; education, upbringing, science and technological development; information and communication technologies and information society; defense and security; traffic; energy; environmental protection; culture; public information; sports; management and supervision authorities and their bodies; political action and public affairs; work of political parties, trade union organizations and associations; sexual and reproductive health and rights and access to goods and services.**

Considering the intended purpose **of the Guidelines for the Implementation of the Principle of Gender Equality in the Workplace**, special attention will be paid to the **area related to gender equality in the field of work, employment and self-employment and the obligations of employers in connection with the prevention and suppression of gender-based violence.**

In the area of work, employment and self-employment (Art. 27-35) the following is foreseen: general and special measures for increasing employment and opportunities for employment and self-employment; particular attention is given to equal opportunities in the field of employment; the assessment of the total value of unpaid housework; the structure of management and supervisory bodies at the employer is specified; prohibition of termination of employment, prohibition of harassment, sexual harassment and sexual extortion, prohibition of gender inequality during absence from work due to pregnancy, maternity leave, leave for child care and leave for special child care; prohibition of unequal pay for the same work or work of equal value; and social dialogue and gender equality.

General and special measures to increase employment and opportunities for employment and self-employment are undertaken to ensure equal employment opportunities for women and men and members of vulnerable social groups, equal availability of jobs, and self-employment, including selection criteria and selection conditions, regardless of the industry, and at all levels of the professional hierarchy, including career advancement. The above measures are provided by organizations responsible for employment matters (National Employment Service and employment agencies). When applying general and special measures, it should be borne in mind that they are not considered discrimination.

The LGE states that different treatment, excluding or giving priority due to the particularity of a certain job, where gender or sex is a real and decisive condition for performing the job, **is not considered discrimination**, if the purpose to be achieved is justified, and the requirements are appropriate, provided that such different treatment is justified by a legitimate aim. It is also not considered discrimination taking incentive measures for employment and self-employment of less employable categories of persons, such as women, pregnant women, postpartum women, victims of domestic violence, victims of gender-based violence, parents, persons under the age of 18, persons over the age of 45, persons with disabilities, persons of different sexual orientation and gender identity, members of the Roma national minority as well as taking incentive measures for the development of entrepreneurship among women.

Equal opportunities in the field of employment and work and the evaluation of the total value of unpaid housework are guaranteed by the application of general and special measures and refer to the realization of the right to work for women and men in terms of the availability of executive jobs and positions; conditions for access to employment, self-employment or occupation, including selection criteria and recruitment conditions, regardless of the industry and at all levels of the professional hierarchy, including career advancement; all forms of paid work, deployment and promotion, working hours, flexible working hours in order to facilitate balancing family and work obligations of men and women, absence from work; payments, working conditions, professional development and additional education, including practical work experience; daily, weekly and annual leave; termination of employment and work engagement; collective bargaining; information; social insurance; absences due to pregnancy, maternity leave, duration of maternity leave

and benefits during maternity leave; child care leave and special child care leave for children with disabilities; protection of the right to work and in connection with work.

Data on unpaid housework, collected and recorded by the producer of official statistics, are publicly disclosed in accordance with the five-year statistical program and annual applicable plans of the republican authority responsible for statistics. The value of unpaid work in absolute terms, as well as the share of the value of unpaid work in the gross domestic product, is calculated based on the data of the main producer of official statistical data, and the methodology for calculation is determined by the ministry in charge of gender equality. It is very important that a person who is not health insured on any other basis acquires the right to health insurance on the basis of unpaid housework (housekeeping, taking care of children, taking care of other family members), unpaid work on an agricultural estate, etc.

Employers in the public and private sector and public authorities **are obliged, regardless of sex, gender and family status, to provide equal opportunities to persons seeking employment in terms of the establishment of an employment relationship, other types of work engagement or jobs, in accordance with the law regulating work at the employer or public authorities.**

Employers in the public and private sectors and public authorities **are prohibited from discriminating against persons on the basis of sex or gender in relation to:**

1. conditions for employment and selection of candidates to perform a specific job;
2. working conditions and all rights from the employment relationship;
3. professional development and additional education;
4. advancement at work;
5. termination of the employment contract.

Employers in the public and private sectors and public authorities **are obliged to:**

1. implement professional development and professional training programs respecting family obligations (such as the obligation to take care of children, elderly and sick family members, etc.);

2. provide employees or their representatives information on the position of women and men employed or engaged by the employer and in the public authority at least once a year; information shall include data on special measures applied to promote gender equality, an overview of the representation of women and men at different levels of the organization, information about their earnings and the differences in their salaries disaggregated by gender, but will exclude personal data of the employees, in accordance with the regulations governing the protection of personal data;
3. provide financial resources for the realization of these activities.

Dismissal or termination of employment by the employer or public authority, as well as declaring an employee redundant **on the basis of** gender, sex, pregnancy, maternity leave, child care leave or special child care leave, as well as due to the initiated procedure for protection against discrimination, harassment, sexual harassment and sexual extortion **is prohibited**.

The law prescribes the **prohibition of harassment, sexual harassment, and sexual extortion at the workplace or in connection with work on the basis of sex or gender** by employers, employees or other workers towards other employees or other workers. Gender-based harassment and sexual harassment are prohibited not only in the workplace, but also during recruitment, professional development, and promotion.

Special protection of women and maternity is prescribed by the Law **through the prohibition of gender inequality during absence from work due to pregnancy, maternity leave, child care and special child care leave**; after the leave due to pregnancy, maternity leave, child care leave, special child care leave, adoption, foster care, guardianship, the employee shall return to the same position or an equivalent position, which is in line with provisions of the **revised ILO Convention no. 183 on maternity protection**.²⁰

Also, it is forbidden to **transfer the above persons or assign them to work with another employer**, if it is less favorable for them, unless it is done in accordance with the findings of the competent health authority,

²⁰ International Labor Organization (ILO) – No 183 Maternity Protection Convention (2000), available at http://www.ilo.org/rs/files/Mor_texts/MOR%20183%20Konvencija%20o%20zastiti%20materinstva,%202000.pdf

or another competent authority, or due to organizational changes at the employer, or changes in the internal organization of the state authority, the authority of the autonomous province or local self-government unit, carried out in accordance with the law. A question that remains open is the following - **how long does this kind of protection last, i.e. what is the period during which the employer may not transfer to other jobs an employee who was absent from work on the grounds mentioned above?**

Absence from work due to pregnancy, maternity leave, child care leave and special child care leave, paternity and maternity (parenthood), adoption, foster care, or guardianship, cannot be a reason for **denying the right to** professional training and additional education; promotion and acquisition of a higher title, based on the acquired conditions, in accordance with the law; use of any improvements in working conditions provided during the leave.

The time during which the employee was absent from work due to pregnancy, maternity leave, child care leave and special child care leave will not be counted when assessing work performance in the total time period in which work performance is assessed.

All employees are **guaranteed the same salary** for the same work or work of the same value, for the same level of professional training, education, knowledge and abilities, in which equal work contribution is achieved with equal responsibility. **The systematization of jobs and positions shall be based on the same criteria for women and men and arranged in such a way as to exclude gender-based discrimination.**

With regard to the **prevention and suppression of gender-based violence** (Art. 51-58), the LGE prohibits any form of violence based on sex, sex characteristics, gender, and violence against women in the private and public spheres. It prescribes that special measures and programs intended for: 1) victims of violence, who are provided with social, health, legal and other assistance and compensation with the aim of protecting, eliminating and mitigating the consequences of violence, without making a difference in relation to the readiness of the victim of violence to file a report, testify against any person who committed violence or participate in any proceeding; 2) preventing the person who committed the violence from continuing or repeating the violence; 3) taking care

of victims of violence in order to prevent violence and exercise the right to life without violence, such as safe houses, social housing programs, personal assistance, etc; 4) protection of other persons who are directly or indirectly threatened by the perpetration or consequences of violence, as well as persons who reported the act of violence; 5) preventive action and programs to work with persons who have committed violence in order to eliminate circumstances that favor or encourage the perpetration of violence by that person; 6) victims of violence and perpetrators of violence from vulnerable social groups; do not constitute discrimination.

The role of employers and public authorities in preventing and suppressing gender-based violence consists first of all of the obligation to report violence. This means that every person, public authority, employer, association and institution **is obliged** to report every form of gender-based violence and violence against women in the private and public spheres. Also, public authorities shall report promptly to the competent police department or public prosecutor's office any violence that they learn about in the course of performing tasks within their jurisdiction and their activities. They are obliged to take legislative and other measures to ensure that all victims of violence have easy access to general support services, which are provided in an adequately equipped space, by the staff trained to provide assistance and support to victims of violence. When it comes to the prevention of violence, public authorities are obliged to implement measures to prevent and suppress violence, such as: planning, organizing, implementing and financing measures aimed at achieving protection from violence, programs to prevent all forms of violence and support programs for victims of violence and persons who report violence; raising public awareness of the need to prevent violence; specialization of professionals who act in cases of protection of victims of violence and their regular education; training of professionals on gender equality and the phenomenon of gender-based violence; provision of social, legal and other assistance and compensation, in order to protect against violence and eliminate and mitigate the consequences of violence; provision of care services for victims of violence; provision of services to persons who committed violence, in order to prevent further violence, as well as other measures.

Recording and Reporting on the Achievement of Gender Equality (Art. 65)

In order to monitor and achieve gender equality and report on it, **employers are obliged** to record data disaggregated by gender, expressed in numbers or percentages; personal data shall not be included.

The Law prescribes data that are recorded on a special form, the layout of which is prescribed by the Ministry; any **changes** to these data shall be recorded within **eight working days** from the day when the change occurred.²¹

Employers are also obliged to submit the recorded data to the competent inspection, which in accordance with this law performs inspection supervision in this area, as well as to the Ministry at its request, in a manner and in accordance with the protection of personal data.

²¹ Data to be recorded: 1) the total number of employees and workers; 2) the number and percentage of men and women among employees and workers, the number and percentage of men and women among employees and workers in relation to the total number and percentage of employees, classified by gender and age; 3) qualifications possessed by employees and workers, by gender 4) the number and percentage of employees and workers in executive positions and jobs, classified by gender; 5) salaries and other compensations of employees and workers, expressed in the average nominal amount and classified by gender and categories of executive positions and jobs; 6) the number and percentage of employees and workers, classified by gender and age employed in the previous two years and the number and percentage of employees and workers by gender and age who were dismissed along with the reason thereof; 7) the reasons for which members of a certain gender were employed, i.e., assigned in greater numbers to certain jobs; 8) the reasons for which members of a certain gender were appointed to certain positions, i.e. appointed in greater numbers; 9) the number and percentage of candidates applying to fill vacant positions or executive positions in public authorities, i.e. to establish an employment relationship with an employer or conclude other types of employment contract, classified by gender and qualifications; 10) the number of received reports of employees and workers, classified by gender and age, about their exposure to harassment, sexual harassment or blackmail or any other treatment that results in discrimination based on sex or gender; 11) actions taken by the employer or the responsible person in the public authorities in relation to the above claims; 12) the number of court cases conducted in connection with discrimination on the basis of sex or gender, as well as the number of court cases concluded in favor of the employee and on the way the employer or responsible person in public authorities acted in relation to those court decisions; 13) the number and percentage of employees and workers, classified by gender, included in programs of professional development and additional education, as well as professional training of interns, on an annual basis; 14) number and percentage of employees in management and supervisory bodies, commissions and other bodies of public authorities and employers, classified by gender, qualifications and age; 15) the number and percentage of applicants and beneficiaries of free legal aid classified by gender; 16) the number and percentage of reported cases of violence based on sex or gender, classified by forms of violence, gender of the victim of violence and gender of the perpetrator of violence and the relationship between the victim and the perpetrator; 17) the number and percentage of persons who committed domestic violence, classified by gender and the relationship between the perpetrator and the victim of violence; 18) the number and percentage of verdicts for violence against women and domestic violence, classified by the gender of the victim of violence and the gender of the perpetrator.

The law stipulates the obligation of employers to prepare annual reports on the achievement of gender equality, which, in addition to the above-mentioned completed form, contains an assessment of the state of the achieved gender equality at the employer; in case the gender-balanced representation is not accomplished, the report shall contain the reasoning thereof. Employers are obliged to submit the report to the Ministry by the **15th of January** of the current year for the previous year.

Political parties and trade union organizations are obliged to prepare reports containing data on the number of women and men in management bodies, supervisory bodies and their units and to submit them to the Ministry after each regular or extraordinary election and/or appointment, as well as at the request of the Ministry.



Examples of Employment– and Work–Related Good Practice for the Implementation of Gender Equality

The largest number of examples of good practice in many countries refers to the **management of workplace diversity** which aims to ensure the application of a system of rules for the realization of equal opportunities, prevention of discrimination, development of social justice, equality and social responsibility in companies, organizations, and institutions. The main implementing entities of the workplace diversity policy are employers, employment agencies, trade unions, public authorities, and non-governmental organizations; through the realization of various programs and projects, they implement different models of diversity, successfully fighting against various forms of discrimination and multiple discrimination. Programs and models that are most often implemented by employers, organizations and institutions relate to employment conditions, compliance with high ethical standards, increasing the number of employees who come from vulnerable groups (hard-to-employ individuals, including persons under the age of 30, over 50, persons registered as redundant, single parents and women), flexible working hours adapted to the needs of employees, safer work environment, cooperation with local communities.

When it comes to the implementation of employment- and work-related gender equality, it is carried out within the framework of diversity management and the implementation of the principle of non-discrimination based on sex or gender. This means that employers must: look carefully at the different elements of each job, rather than seeing them as a uniform whole, in order to meet the needs of different people and create a personalized work plan that is tailored to everyone's needs; read all job descriptions and check that stereotypes are not used and that they are written in gender-sensitive language; with help of people or teams in charge of human resources, it is necessary to create conditions and encourage a safe work environment without discrimination and prejudice based on gender, encourage and develop educational resources for all employees regardless of gender, create an environment that encourages honesty, open communication and respect; enable employees to work flexibly and establish a balance between private life and work. The role of employees is also important for the implementation of gender equality and consists, *inter alia*, of respecting the prohibition of discrimination, good collegial relations, and company policy.

In the following text, we will focus on several examples showing the successful implementation of gender equality in the workplace.

The employment agency Randstad in Belgium has been rated as one of the best employers in respect of diversity. The company has a dedicated Diversity Department that encourages employers to respect the principles of equality in their human resource practices and realize the potential benefits of diversity. The agency was also the initiator of the Equal Project »Paradox«, which aimed at increasing the employment of persons over 45 and of ethnic minorities.²²

Česka Sportelna Bank, a branch of the Erste banking group, is an example of the well-developed business culture of diversity management; through the "Diversitas" program, it intends to increase the benefits of diversity: it forms working groups mixed on the basis of sex/gender, age, social and cultural affiliation; opens work opportunities for people with disabilities; encourages the number of senior managers (female), etc.²³

The company **Vodafone Czech Republic** introduced the "Odyssey" program, encouraging the role of women in management positions.²⁴

The French company Batisol employs 42 workers, and its personnel orientation is the employment of a local, diverse workforce, women and young people from underprivileged contexts. The company organized diversity training to teach employees about different forms of discrimination and the benefits of diversity.²⁵

According to a 2013 survey, 80% of German companies agree that incorporating diversity in the workplace represents an important business factor. **The company Lufthansa** started incorporating diversity policies back in the 70s of the 20th century, and in 2000 it launched broader and more specific programs. Today, all business managers are responsible for implementing and practicing diversity. Since 2004, the company **Deutsche Telekom** has had a very extensive diversity

22 European Commission (2005) *The Business Case for Diversity: Good Practices in the Workplace*, Office for Official Publications of the EU, Luxembourg, available at: <https://op.europa.eu/en/publication-detail/-/publication/57e667e2-d349-433b-b21d-1c67fd10ebb1>, pages 23, 46.

23 Erste/Roland Berger Strategy Consultants: *Diversity in Central and Eastern Europe –The decisive next growth factor*, (2013) Dunaj, available at <https://docplayer.net/3317004-Diversity-in-central-and-eastern-europe-the-decisive-next-growth-factor.html>, page 31.

24 *Ibid.*, pg. 33.

25 European Commission, *Managing Diversity at Work: Realizing the Business Benefits with European Diversity Charters*, Publications Office of the European Union (2012) Luxembourg, available at <https://op.europa.eu/en/publication-detail/-/publication/e5051f13-d096-443f-9955-33a9ac390785>, page 12.

policy, called »Living Diversity«. The program places special emphasis on sex/gender and age, but also on other discriminatory grounds.²⁶

In 2004, **E.ON Energie** launched a project called "Balance" aimed at helping employees find a balance between business and private obligations. The project envisages flexible working hours, the possibility of reduced working hours, extended parental leave with the provision of re-employment, mentor supervision during maternity leave, etc. It also foresees professional support for employees in the form of a counseling center for family problems. Another initiative of this company, "Work and Family" also provides flexible working hours and parental leave, and since 2017 it offers free child care services in kindergartens in the immediate vicinity of the company. Within the "Family Service" program, counseling is offered and child care is organized, support is provided in cases of family crisis.²⁷

In the **R.Presse** Company (newspaper publisher) in the Czech Republic, parents are not obliged to work on weekends and can choose the so-called special leave that is not stipulated in the law as an obligation for employers. Employees can use flexible working hours, work part-time or work from home.²⁸

In **Slovenia** the Office for Equal Opportunities in cooperation with the Employment Office carried out the campaign »You don't need to tell the employer - you can tell us!!!« in the period from November 2, 2006 to April 30, 2007, with the aim of raising employers' awareness of the consistent implementation of Article 26 of the Law on Labour Relations of Slovenia (the employer must not request data which are not directly related to the employment relationship from a candidate when concluding an employment contract). The purpose of the project was to warn the employers, and at the same time raise awareness among candidates. The first three months of the campaign were primarily aimed at raising awareness, which means that the Office for Equal Opportunities was sending letters to the employers, warning them about the implementation of the Law on Labor Relations. In the second quarter, the Office for

26 Erste/Roland Berger Strategy Consultants: *Diversity in Central and Eastern Europe – The decisive next growth factor* (2013), page 8.

27 Association of Employers of Montenegro - Promotion of equality and prevention of discrimination at workplace in Montenegro - Practical guide for employers (2014), available at <https://www.poslodavci.org/biblioteka/publikacije/promocija-jednakosti-i-prevenicija-diskriminacije-na-radu-vodic>

28 *Ibid.*

Equal Opportunities no longer warned employers, but forwarded claims to the Labor Inspectorate.

In Slovenia, the campaign "Go home on time" (Day for work and family) was implemented²⁹ The "Go home on time"³⁰ campaign aimed to encourage companies and their employees to return home on time after working hours, as well as to encourage thinking about the importance of harmonizing private and business life and about long working hours that do not bring the desired results in terms of increased productivity.

Reconciliation of private and business obligations is closely related to the issue of gender equality, because women take care of children and the household (unpaid housework), much more than men, in addition to work duties at the workplace. Therefore, for the implementation of gender equality in the workplace, it is very important to establish more flexible forms of work, to adapt the business schedule to the needs of the family and private obligations. In this sense, the **Certificate Family Supporting Enterprises(FSE)** was established first in Germany and then in Slovenia. In such a system, employers are rewarded for implementing family policies. From the beginning of the project until today, the number of certificate holders has increased significantly: over 250 companies and organizations that employ more than 80,000 people have joined.³¹ The main elements of the FSE certificate are measures that are divided into eight categories, and include working hours, work organization, communication with employees, leadership competencies, career development, family services and rewarding employees. The system is made so that every company/organization can find for itself or its employees something from a wide range of available measures. For this reason, the system can be implemented in any organization, regardless of the industry, size and type of work process.

In **Croatia** about twenty organizations (private and public) with some 20,000 employees have accepted **MAMFORCE© standards**, demonstrating corporate responsibility towards the family as an effective tool for reconciling business and family obligations. The assessment meth-

29 Reconciliation of business and family obligations and gender equality - Regional overview and guidelines, available at <https://www.poslodavci.org/biblioteka/publikacije/pomirenje-poslovnih-i-porodicnih-obaveza-i-rodna-ravnopravnost>

30 See: EkvilibInštitut, available at www.ekvilib.org/en/initiative-go-home-on-time-day/

31 See: EkvilibInštitut, available at www.ekvilib.org/en/work-life-balance/

odology was developed in Croatia by the Institute for Research and Education and based on the experiences gained in the American market, which recognized the need for family support measures several decades ago, as well as based on knowledge from the earlier social and economic systems of Central and Eastern Europe, based on equality and support for family life. The MAMFORCE METHOD® includes six main areas covering the most relevant policies and measures - from communication, work organization, flexibility and family services to leadership and talent management. The MAMFORCE COMPANY® standard is awarded to organizations that, regardless of their size and presence in the public, meet the quality standard in relation to employees, provide working parents with work conditions that facilitate the reconciliation of business and family obligations, and provide working women with equal opportunities for career development.³²

In the **Societe Generale Group oup Bank in Podgorica** (Montenegro) 70% of the total workforce are women, a large number of them are in middle management positions and two leading positions in the bank are held by women. The bank respects the principles of gender equality, diversity in terms of age, education and professional experience, and in 2012 it received the "Naturally Equal" award for the best practice in achieving gender equality in the workplace. The award was established with the aim of promoting gender-sensitive policy in the workplace.³³

The branch of the Austrian **Energy Company EVN** in the Republic of North Macedonia implements a policy of equal opportunities and diversity in employment. The EVN Code of Conduct states that the company supports the elimination of discrimination in the field of employment and work and respects international regulations for the protection of human rights. The chapter on employees states: »We do not allow any discrimination based on national or ethnic origin, gender, sexual orientation, culture, religion, age, or health status. People with the same professional qualifications must be treated the same in the selection, employment conditions, pay, and training. We care about the dignity and individuality of all employees. We pay special attention to harmonizing professional and family life". In the Macedonian **branch of the German bank Pro-**

32 See: MAMFORCE – Transforming organizational culture, available at www.mamforce.com and www.mamforce.hr

33 Association of Employers of Montenegro - Promotion of equality and prevention of discrimination at work in Montenegro - Practical guide for employers (2014), available at <https://www.poslodavci.org/biblioteka/publikacije/promocija-jednakosti-i-prevencija-diskriminacije-na-radu-vodic>

Credit Bank, in their business documents, they commit themselves to respect and fair treatment of all employees and clients, regardless of their origin, skin color, language, gender, religion or political conviction.³⁴

In **Serbia**, activities related to diversity management and the implementation of gender equality in the work process take place through projects, programs, campaigns, initiatives, and international conferences. Also, activities related to managing diversity and promoting gender equality, especially in the segment of labor law, are taking place in parallel and actively involve trade unions that are indispensable for the application of the principle of gender equality. The Coordination Body for Gender Equality of the Government of the Republic of Serbia published the third Gender Equality Index for the Republic of Serbia, which was the first country outside the European Union to apply this methodology and thus became an example of good practice for all countries in the region. At the conference where the gender equality index was promoted, the question of the role of trade unions in ensuring social dialogue regarding the promotion of gender equality in the industry was raised.³⁵

34 Velikonja, N. (2015) Good practices in managing diversity in employment: European Union, Serbia and the Western Balkans, available at <http://labris.org.rs/sites/default/files/Dobre%20prakse%20upravljana.pdf>

35 Gender equality and the fourth industrial revolution: the impact of digitization in the sphere of work on women and men, published on March 4th 2022, available at <https://www.rodnaravnopravnost.gov.rs/sr-Latn/node/741>

Conclusion and Recommendations for Employers

The implementation of the principle of gender equality means that men and women should equally benefit from all company policies and practices and have equal prerequisites to exercise human rights. For the process of work and employment, the integration of gender equality and the principle of non-discrimination has multiple benefits, which, *inter alia*, consist in creating equal opportunities for men and women in employment, equal representation of women in the work environment in the public and private sectors, development of innovative programs, good work atmosphere, equality in professional training and advancement, accessibility of jobs, objective and fair performance assessment, the flexibility of working hours, reconciliation of business and private obligations, etc. There is a good and elaborate international and national legal basis for the application of the principles of gender equality and non-discrimination, so the main problem is in the implementation and practical elaboration and enforcement of the existing regulations. **The task of employers in business operations and management in the public and private sectors is to implement existing rules, comply with high ethical standards and raise awareness among employees of gender equality and non-discrimination in the work process.** The integration of gender issues in the activities and structures of the organization can be external, encouraging the participation of and benefits for women and men in the business and services provided by companies, and internal, promoting the leadership and equality of women and men in the policies and structures of the organization itself.³⁶ **In business, the main obstacles to achieving gender equality in the workplace should be avoided, which are, *inter alia*, gender biases, lack of flexibility, gender difference in pay for the same work, gender segregation in occupations, gender-based harassment, lack of provision of affordable child care and unequal distribution of responsibilities.**

The role of employers in the implementation of gender equality in the employment process, work and work environment consists in undertaking a series of activities, adopting and implementing action plans and work programs, striving to promote gender equality and eliminate gender inequalities in every segment of work, as well as advocating for a sustainable process of gender integration and increasing the scope of collective responsibility for gender equality. Employers should conduct gender analyses in order to identify gender inequality in the work

³⁶ Handbook for trainers: Gender and sex equality, Ekvilib Institute – Republic of Slovenia, available at <http://www.ijp.rs> > editor > joined_document

and employment process, and take appropriate measures to ensure equal opportunities for all employees while implementing gender-specific activities.

Recommendations for employers are based on the European Charter for Equality of Women and Men in Local Life.³⁷ According to the Charter, employers are expected to:

- recognize the right to equality of women and men in regard to all aspects of employment, including work organization and working conditions;
- recognize the right to the reconciliation of professional, social, and private life and the right to dignity and security in the workplace;
- undertake all reasonable measures for the realization of gender equality, which implies: revision of relevant policies and procedures relating to employment and equality in terms of wages, rewards, payment system and fees; establishment of measures to ensure equality in terms of career development opportunities, balanced representation of women and men at higher management levels, provision of measures to address any sex-based job segregation, adequate and safe working conditions, equal participation of women and men in all advisory and negotiating bodies and consultations with trade unions;
- oppose sexual harassment in the workplace, by providing support to victims, implementing measures against perpetrators and raising employees' awareness of this criminal behavior;
- advocate for the reconciliation of professional, social, and private life by introducing policies that allow, where appropriate, adjustment of working time and introduction of flexible working hours.

In order to improve gender equality, employers should follow the practice and identify potential obstacles to equality, diversity and inclusion during the hiring process; review policies and procedures to ensure the absence of gender biases and take measures to eliminate discrimination; verify whether the job descriptions in the systematization discriminate against a certain category of employees and whether they are written in a gender-sensitive language and in accordance with the principles of gender equality and non-discrimination.

³⁷ European Charter for Equality of Women and Man in Local Life, available at <https://ravnopravnost.org.rs/wp-content/uploads/2017/03/Evropska-povelja-o-rodnoj-ravnopravnosti-na-lokalnom-nivou.pdf>

Specific obligations of employers also include:

Creating equality in the workplace

Attentive assessment of the different elements of each job, adjusting jobs and job descriptions to meet the needs of different people and creating a personalized work plan tailored to the needs of all employees; efforts aimed at strengthening equality, including initiatives such as the publication of gender pay gap reports or training schemes for women in management positions, help to keep employees engaged; however it is important to remember that equality in the workplace does not depend only on the employer, all employees shall also contribute.

Creating equality in employment

Carefully review of job descriptions so that it does not happen that the job description itself places a group of people or individuals in such a way that other categories feel excluded; check whether job descriptions require conditions that are not really necessary and whether stereotypes are used in the description.

Creating a safe work environment

All employees should feel that they are in a safe workplace and know that their voice is heard and respected. If an employee feels discriminated against in any way, he/she should know that there is a safe place to go and discuss the issues.

The department or person in charge of human resources has an important role to play in this respect. All employees should know that if they have a problem, they can address the designated person and raise any concerns, discuss problems or ask any questions they may have, without holding back. Employees should also feel safe knowing that they will never face retaliation for making a complaint or raising a concern.

Not only should the human resources team provide a space for any employees feeling affected or concerned, but it shall also be there to provide guidance to those who feel they need help investigating any issues related to potential biases or discrimination they may feel. It is important that employees feel able to disclose any biases in a safe environment, without harming others, and receive guidance and resources to address these issues.

Helping employees to get educated

Finding resources and educational materials that include examples of different types of discrimination – whether it is indirect discrimination, unconscious bias, or use of offensive or gender-insensitive language. This helps to make employees aware of problems that they previously did not recognize as discrimination.

By being more educated, employees will be able to find ways to improve their language or actions. Educational resources also help to learn about the experiences of others, contributing to unity in the workplace.

Organizing joint meetings

Take time to hold important conversations between company employees. When you encourage meetings that allow employees to share their stories and unique experiences, employees learn from each other. This also helps to bring people together and make work teams more connected and stronger, and therefore more efficient.

Creating a work culture promoting gender equality and equity

Create a work environment (educational seminars, sessions and meetings) that encourages honesty, open communication, respect for individual origins, beliefs and practices, while recognizing the importance of diversity, gender equality and non-discrimination.

Conducting interviews with employees

The topics of discussion should be related to gender equality and ways to achieve it in the work process. It is important that employees feel they can talk openly about anything that affects them and know that support is provided to those who need it. If there are opportunities, employees should organize discussions with experts for gender equality, in order to expand their knowledge and apply it in practice.

Establishing a balance between personal commitments and work

Allowing employees to work flexible hours can have a huge impact on equality. Employees should be able to balance their work and life in a way that suits them. For example, people with children would greatly appreciate the ability to work from home on certain days or have some

flexibility in their working hours. Employers would harmonize these measures with legal obligations.

Finally, it should be noted that unfortunately there is no specific formula or plan on gender equality that can be applied in any context, but there are certain general guidelines and strategies for the implementation of activities and obligations established by the legislation. The methodology regarding gender issues implies the application of gender standards to every single activity, intervention, policy, project and program implemented within the framework of employment and work.

Offenses and Penalties for Non-Fulfillment of Obligations Provided for in the Law on Gender Equality

Articles 67–70 of the Law on Gender Equality regulate penal provisions for non-compliance with the provisions of the law in the form of misdemeanors, the perpetrators of which can be employers, insurance companies and media, public authorities, political parties and trade union organizations.

A misdemeanor in the sense of the Law on Misdemeanors³⁸ ("Official Gazette of RS", no. 65/2013, 13/2016, 98/2016-CCD, 91/2019- other law and 91/2019) is an unlawful act stipulated as a misdemeanor by the law or other regulation of the competent authority for which a misdemeanor sanction is prescribed.

³⁸ Zakon o prekršajima („Sl. glasnik RS”, broj 65/2013, 13/2016, 98/2016-OUS, 91/2019-dr. zakon i 91/2019)

Offenses by Employers, Insurance Companies and Media and Misdemeanor Sanctions

Misdemeanor	Penalty for an employer who has the status of a legal entity	Penalty for a responsible person in a legal entity	Penalty for an -entrepreneur- employer
<p>Failure to inform about the adoption of plans or programs that are not publicly available and failure to provide an extract from the plan or program that refers to the achievement of gender equality within 15 days from the day of their adoption or, if they are publicly available, failure to provide notification in the public gazette or website where the plan or program is published, within 15 days from the date of its adoption.</p>	A fine in the amount of 50,000 - 2,000,000 dinars	A fine in the amount of 5,000 - 150,000 dinars	A fine in the amount of 10,000 - 500,000 dinars
<p>Failure to inform about the adoption of annual reports on the implementation of the plan or program that are not publicly available for the purpose of development, improvement and realization and failure to submit the segment of the report related to the realization of gender equality within 30 days from the day of its adoption or if they are publicly available, failure to submit a notification in the public gazette or the website where the report is published within 30 days from the day of its adoption.</p>	A fine in the amount of 50,000 - 2,000,000 dinars	A fine in the amount of 5,000 - 150,000 dinars	A fine in the amount of 10,000 - 500,000 dinars
<p>Failure to provide equal opportunities to employees and workers, regardless of sex, gender and family status, in the field of work and employment which particularly concerns the application of general and special measures for the realization of the right to work for women and men in terms of:</p> <ul style="list-style-type: none"> ▪ availability of executive jobs and positions; ▪ conditions for access to employment, self-employment or occupation, including selection criteria and recruitment conditions regardless of the branch of activity and at all levels of the professional hierarchy, including career advancement; ▪ all forms of paid work, deployment and promotion, working hours; flexible working hours due to harmonizing of family and work obligations of men and women, absence from work; ▪ payment of working conditions, professional training and additional education, including practical work experience; ▪ daily, weekly and annual leave; ▪ termination of employment and work engagement; ▪ collective bargaining and information; ▪ social insurance, leave due to maternity leave, duration of maternity leave and benefits during maternity leave, child care leave and special child care leave in case of taking care of children with disabilities; ▪ protection of the right to work and in connection with work. 	A fine in the amount of 50,000 - 2,000,000 dinars	A fine in the amount of 5,000 - 150,000 dinars	A fine in the amount of 10,000 - 500,000 dinars

<p>Sex- and gender-based discrimination of employees, other workers, and persons seeking employment in relation to:</p> <p>1) conditions for employment and selection of candidates to perform a specific job; 2) working conditions and all rights in connection to the employment relationship; 3) professional development and additional education; 4) promotion at work; 5) termination of the employment contract.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to provide equal opportunities to employees and workers, regardless of sex, gender and family status, for professional training and additional education, as well as professional training of trainees, professional guidance, advanced professional development and retraining, including practical work experience.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to provide information to employees or their representatives at least once a year on the position of women and men employees or workers, on: special measures applied to promote gender equality; the representation of women and men at different levels of the organization, their earnings and the salary-related gender differences, which do not contain personal data of the employees, in accordance with the regulations governing the protection of personal data.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to comply with the provisions related to the prohibition of termination of employment and declaring an employee redundant on the basis of sex, gender, pregnancy, maternity leave or leave from work for child care and special child care, as well as due to the initiated procedure for protection against discrimination, harassment, sexual harassment and sexual blackmail.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to comply with the provisions of the law relating to the prohibition of harassment, sexual harassment and sexual blackmail in the workplace or in connection with work on the basis of sex or gender towards employees or other engaged persons. Harassment based on gender and sexual harassment are prohibited not only in the workplace, but also during recruitment, professional development and promotion.</p>	<p>A fine in the amount of 50,000 to 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 to 150,000 dinars</p>	<p>A fine in the amount of 10,000 to 500,000 dinars</p>

<p>Non-compliance with the provisions of the law related to the prohibition of gender inequality during leave from work due to pregnancy, maternity leave, leave for child care and leave for special child care. These prohibitions refer to the employer's obligation to reinstate the employee to the same or another equivalent job after returning from leave due to pregnancy, maternity leave, leave for childcare, leave for special child care, adoption, foster care, and guardianship.</p> <p>The transfer of the above employees or referral to work with another employer is prohibited, if this is less favorable for the employee; they are entitled to professional development and additional education, promotion and acquisition of a higher title, i.e. transfer to a higher executive position, based on the acquired conditions, in accordance with the law; as well as to any improvement in terms of working conditions provided during the leave.</p> <p>The time during which the employee was absent from work due to pregnancy, maternity leave, leave for child care and leave for special child care will not be taken into account when assessing work performance in the said period.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to comply with the provisions of the law related to the prohibition of unequal pay for the same work or work of equal value (<i>"Employees are guaranteed equal pay for the same work or work of the same value, whether it is paid entirely in money or partly in money and partly in kind, in accordance with the law governing labor relations. Work of equal value means work that requires the same level of vocational education, i.e. education, knowledge and ability, in which equal work contribution was achieved with equal responsibility. When determining the level of job systematization, it must be based on the same criteria for women and men and arranged so as to exclude discrimination on the basis of sex or gender."</i>)</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Non-compliance with the provisions of the law related to the prohibition of discrimination on the basis of sex or gender in access to goods and services by women and men. This provision applies to all persons who supply goods and provide services available to the public, regardless of whether they are in the public or private sector, which are offered outside the area of private and family life and business in that context.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>

<p>Failure to record data on: 1) the total number of employees and workers; 2) the number and percentage of men and women among employees and workers, the number and percentage of men and women among employees and workers in relation to the total number and percentage of employees, classified by gender and age; 3) qualifications possessed by employees and workers, by gender; 4) the number and percentage of employees and workers in executive positions and jobs, classified by gender; 5) salaries and other compensations of employees and workers, expressed in the average nominal amount and classified by gender and categories of executive positions and jobs; 6) the number and percentage of employees and workers, classified by gender and age employed in the previous two years and the number and percentage of employees and workers by gender and age who were dismissed along with the reason thereof; 7) the reasons for which members of a certain gender were employed, i.e., assigned in greater numbers to certain jobs; 8) the reasons for which members of a certain gender were appointed to certain positions, i.e. appointed in greater numbers; 9) the number and percentage of candidates applying to fill vacant positions or executive positions in public authorities, i.e. to establish an employment relationship with an employer or conclude other types of employment contract, classified by gender and qualifications; 10) the number of received reports of employees and workers, classified by gender and age, about their exposure to harassment, sexual harassment or blackmail or any other treatment that results in discrimination based on sex or gender; 11) actions taken by the employer or the responsible person in the public authorities in relation to the above claims; 12) the number of court cases conducted in connection with discrimination on the basis of sex or gender, as well as the number of court cases concluded in favor of the employee and the way the employer or responsible person in public authorities acted in relation to those court decisions; 13) the number and percentage of employees and workers, classified by gender, included in programs of professional development and additional education, as well as professional training of interns, on an annual basis; 14) number and percentage of employees in management and supervisory bodies, commissions and other bodies of public authorities and employers, classified by gender, qualifications and age; 15) the number and percentage of applicants and beneficiaries of free legal aid classified by gender; 16) the number and percentage of reported cases of violence based on sex or gender, classified by forms of violence, gender of the victim of violence and gender of the perpetrator of violence and the relationship between the victim and the perpetrator; 17) the number and percentage of persons who committed domestic violence, classified by gender and the relationship between the perpetrator and the victim of violence; 18) the number and percentage of verdicts for violence against women and domestic violence, classified by the gender of the victim of violence and the gender of the perpetrator.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>
<p>Failure to submit to the Ministry annual reports on the achievement of gender equality, which, in addition to the completed form prescribed by the ministry, contains an assessment of the situation with regard to the achieved gender equality at the employer, including the reasons why the prescribed equal representation of women and men in the composition of the employer have not been achieved, if this representation has not been achieved and a report on the implementation of the risk management plan, if that entity is obliged to adopt the risk management plan.</p>	<p>A fine in the amount of 50,000 - 2,000,000 dinars</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>	<p>A fine in the amount of 10,000 - 500,000 dinars</p>

Offenses by Public Authorities and Penalties for the Responsible Person in the Public Authority of the Republic of Serbia, Public Authority of the Territorial Autonomy and Local Self-Government Unit, the Responsible Person in the Public Authority and the Natural Person Entrusted with Public Powers

Misdemeanor	Penalties
Failure to adopt the plan and program for the development, improvement and realization of gender equality and failure to inform the competent ministry.	A fine in the amount of 5,000 - 150,000 dinars
Failure to monitor, plan, enact, implement, and publicly disclose results of the equal opportunities policy and failure to implement measures to prevent and suppress sex- and gender-based discrimination.	A fine in the amount of 5,000 - 150,000 dinars
Failure to provide equal opportunities for professional development, additional education, and interns professional training to employees and workers, regardless of sex, gender, and family status.	A fine in the amount of 5,000 - 150,000 dinars
Non-compliance with the prohibition of discrimination in relation to: 1) conditions for employment and selection of candidates to perform a specific job; 2) working conditions and all rights from the employment relationship; 3) professional development and additional education; 4) promotion at work; 5) termination of the employment contract.	A fine in the amount of 5,000 - 150,000 dinars
Failure to provide equal opportunities for professional development, additional education, and interns professional training to employees and workers regardless of sex, gender and family status.	A fine in the amount of 5,000 - 150,000 dinars

<p>Failure to provide employees or their representatives with information about the position of women and men employed or engaged by the employer at least once a year.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to comply with prohibitions related to:</p> <ul style="list-style-type: none"> ▪ <i>prohibition of dismissal and termination of employment</i> based on sex, gender, pregnancy, maternity leave or leave from work for child-care and special child-care, as well as due to initiated proceedings for protection against discrimination or harassment; ▪ <i>prohibition of harassment, sexual harassment, and sexual extortion at work</i> or in connection with work on the basis of sex or gender by employers, employees or other workers towards other employees or other workers; ▪ <i>prohibition of transfer to another workplace</i> after returning from leave due to pregnancy, maternity leave, leave for child-care, leave for special child-care, adoption, foster care, guardianship; ▪ <i>a guarantee of equal pay for the same work or work of the same value.</i> 	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to take prescribed measures to achieve equal opportunities in the field of social and health care.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Non-compliance by managing and supervisory bodies of public authorities with obligations related to gender equality in the field of education, upbringing, science and technological development, information and communication technologies and information society, defense and security, traffic, energy, environmental protection, culture, public information, sports and sexual and reproductive health and rights.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to comply with the ban on restricting access to services and availability of goods and their procurement based on sex or gender in the public and private sectors.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to report promptly to the police administration or the public prosecutor's office any information about gender-based violence that they learn about in the performance of their duties or performance of their activities.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to appoint a person in charge of gender equality.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>

Failure to record data on: 1) the total number of employees and workers; 2) the number and percentage of men and women among employees and workers, the number and percentage of men and women among employees and workers in relation to the total number and percentage of employees, classified by gender and age; 3) qualifications possessed by employees and workers, by gender; 4) the number and percentage of employees and workers in executive positions and jobs, classified by gender; 5) salaries and other compensations of employees and workers, expressed in the average nominal amount and classified by gender and categories of executive positions and jobs; 6) the number and percentage of employees and workers, classified by gender and age employed in the previous two years and the number and percentage of employees and workers by gender and age who were dismissed along with the reason thereof; 7) the reasons for which members of a certain gender were employed, i.e., assigned in greater numbers to certain jobs; 8) the reasons for which members of a certain gender were appointed to certain positions, i.e. appointed in greater numbers; 9) the number and percentage of candidates applying to fill vacant positions or executive positions in public authorities, i.e. to establish an employment relationship with an employer or conclude other types of employment contract, classified by gender and qualifications; 10) the number of received reports of employees and workers, classified by gender and age, about their exposure to harassment, sexual harassment or blackmail or any other treatment that results in discrimination based on sex or gender; 11) actions taken by the employer or the responsible person in the public authorities in relation to the above claims; 12) the number of court cases conducted in connection with discrimination on the basis of sex or gender, as well as the number of court cases concluded in favor of the employee and the way the employer or responsible person in public authorities acted in relation to those court decisions; 13) the number and percentage of employees and workers, classified by gender, included in programs of professional development and additional education, as well as professional training of interns, on an annual basis; 14) number and percentage of employees in management and supervisory bodies, commissions and other bodies of public authorities and employers, classified by gender, qualifications and age; 15) the number and percentage of applicants and beneficiaries of free legal aid classified by gender; 16) the number and percentage of reported cases of violence based on sex or gender, classified by forms of violence, gender of the victim of violence and gender of the perpetrator of violence and the relationship between the victim and the perpetrator; 17) the number and percentage of persons who committed domestic violence, classified by gender and the relationship between the perpetrator and the victim of violence; 18) the number and percentage of verdicts for violence against women and domestic violence, classified by the gender of the victim of violence and the gender of the perpetrator.

A fine in the amount of 5,000 - 150,000 dinars

<p>Failure to record the following data by the bodies responsible for gender equality in the territorial autonomy unit, and in the local self-government unit:</p> <p>1) adopted development plans and other acts in the areas under the jurisdiction of the territorial autonomy unit and the local self-government unit that contain a gender perspective and a brief description thereof; 2) measures and activities initiated aimed at achieving and improving gender equality; 3) the effects of the work of public authorities on achieving and improving gender equality; 4) implementation of the provincial and local budget from a gender perspective; 5) achieved degree and quality of cooperation with other bodies at the provincial and local level; 6) gender-sensitive data from the jurisdiction of bodies of territorial autonomy units and local self-government units; 7) activities of the bodies in the units of territorial autonomy and local self-government dealing with the prevention and suppression of gender-based violence; 8) unpaid housework, which public authorities are required to publish annually as administrative data on unpaid housework in order to determine its total value and its share in the gross national product.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>
<p>Failure to submit annual reports on achieving gender equality to the Ministry by January the 15th of the current year for the previous year. This report, in addition to the completed form, contains an assessment of the state of achieved gender equality in the public authority or at the employer, including the reasons why the prescribed equal representation of women and men in the composition of the employer has not been achieved, if this representation has not been achieved and a report on the implementation of the risk management plan, if that entity is obliged to adopt the risk management plan.</p>	<p>A fine in the amount of 5,000 - 150,000 dinars</p>

Violations by Trade Unions and Penalties for Trade Unions and Responsible Persons

Misdemeanor	Penalty for the trade union as a legal entity	Penalty for the responsible person
<p>Failure to adopt the action plan every four years and to publish it on the website within five days from the date of its adoption; the action plan shall contain special measures for encouraging and improving gender equality and gender-balanced representation in their bodies and ensuring the active participation of the less represented sex in the composition and work of those bodies.</p>	A fine in the amount of 50,000 - 2,000,000 dinars	A fine in the amount of 5,000 - 150,000 dinars
<p>Failure to prepare and submit the reports to the competent Ministry containing data on the number of women and men in management and supervisory bodies and their units after each regular or extraordinary election or appointment, as well as at the request of the Ministry. The reports shall contain data on:</p> <ol style="list-style-type: none"> 1. types of bodies and units; 2. the prescribed total number of members thereof; 3. percentage ratio of men and women, members of the bodies and units. 	A fine in the amount of 50,000 - 2,000,000 dinars	A fine in the amount of 5,000 - 150,000 dinars

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