

Conditions for the Assignment of Employees to Temporary Work Abroad and Their Protection

I Introduction

The National Assembly of the Republic of Serbia has adopted the Law on Conditions for the Assignment of Employees to Temporary Work Abroad and Their Protection ("RS Official Gazette", No. 91/2015). The Law entered into force on 13 November 2015 and shall be applicable as of 13 January 2016.

This Law provides for the rights of employees assigned to temporary work abroad, as well as the conditions, procedures and obligations of employers related to such assignment.

II Definition of assignment

The term assignment to temporary work abroad is deemed to refer to the cases of employees being temporarily sent outside of Serbia by their employers in order to: 1.) work for the employer (e.g. within a business group) or 2.) attend training as required by their employer.

The assignment to temporary work abroad of the employees with indefinite-term employment contracts is subject to no legal limitations in terms of duration of assignment. On the other hand, the employees with fixed-term employment contracts may be assigned to work abroad only for the duration of their employment contracts, however, the time they spend at work abroad is not counted towards the maximum statutory term of the fixed-term employment.

III Employee's consent

An employer who intends to assign an employee to work abroad must obtain such employee's prior written consent for the assignment, except in cases when his/her employment contract provides for the possibility of assignment to work abroad, when such consent by the employee is not required.

The Law specifies the cases when employees may refuse to be assigned to work abroad (e.g. pregnancy, when the employee has a child under the age of 3...).



IV Employer's obligations

The employer is obligated to:

- conclude an Annex to the employment contract with the employee relating to the assignment abroad,
- register the change of the grounds for the employee's insurance (as a result of the assignment) with the Central Register of Statutory Social Insurance,
- provide to the employee:
 - a.) statutory insurance (health insurance, pension and disability insurance, and insurance in case of unemployment);
 - b.) working conditions in accordance with the regulations governing health and safety at work;
 - c.) accommodation, meals and transportation for commuting to and from work- in accordance with the standards applicable in the country to which the employee is assigned, or in accordance with the employment contract/ work rules if more favourable for the employee);
 - d.) salary which may not be lower than the guaranteed minimum salary according to the regulations of the country to which the employee is assigned;
 - e.) preparation for the assignment to temporary work abroad which includes the obligation on part of the employer to inform the employee about the living conditions in the country and the city to which the employee is being assigned, to provide transportation and health checks and to procure work and residence permits;
 - f.) contact person at the place of work whom the employee may contact for any information he/she may require.

V Procedure of notifying the Ministry

The employer is obligated to submit to the Ministry in charge of labour issues a duly filled-out Notification of Assignment form not later than one day preceding the date of assignment. Furthermore, within seven days following the date of assignment, the employer must provide to this Ministry a Certificate issued by the Central Register of Statutory Social Insurance containing the list of the employees assigned to temporary work abroad.

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VI Penalty Provisions

A breach of the Law will give rise to misdemeanour liability of the employer and the responsible person of the employer punishable by a fine ranging between 100.000 RSD and 1.500.000 RSD and between 10.000 RSD and 150.000 respectively.

The assignment to temporary work abroad of the employees with indefinite-term employment contracts is subject to no legal limitations in terms of duration of assignment.

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