

LABOUR LAW NEWS:**EMPLOYER'S DUTY TO KEEP DAILY OVERTIME RECORDS**

Please note some important novelties introduced by the Law Amending the Labour Law ("RS Official Gazette", Nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Decision of Constitutional Court and 113/2017), (hereinafter: "Law"), applicable as of 25 December 2017.

Employer's duty to keep daily records of employees' overtime work

The Amendments to the Law introduced a duty on part of the employer to duly keep day-to-day records of its employees' overtime work. These overtime records should also serve as evidence of overtime work at the employer, required along with the already prescribed duty on part of the employer to adopt a decision introducing the overtime work, defining the types of jobs, commencement and duration of overtime.

As a reason for introducing this provision, the legislator has argued that the Labour Inspectorate was unable to determine whether there were any overtime cases at the employer, and that, as a rule, employees are not paid for the overtime work that is not recorded, although the Law on Records-Keeping at Work provides for the duty to keep records of working hours, including the working hours over and above the full-time working hours.

The Amendments to the Law provide for misdemeanour liability in case of failure to keep daily records of overtime work, prescribing fines ranging between 150,000 and 300,000 RSD for the employers as legal entities and between 50,000 and 150,000 RSD for sole proprietors, while the responsible person at the legal entity may be fined between 10,000 and 20,000 RSD.

Change in delivery of Notice of the grounds for dismissal

The Notice of the grounds for dismissal must be delivered to the employee in the same way as provided for delivery of the Decision on dismissal (personal delivery, at Employer's premises, or at permanent or temporary residence).



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Change in deadlines for applying for mandatory social security

Employer has the duty, based on a contract of employment or another contract for work performance concluded in accordance with the Law, to submit the unique application for mandatory social security within the deadlines provided by the Law governing the Central Register of Mandatory Social Security, however at the latest before the employee or another hired person commences work.

New amounts of fines for certain misdemeanours

- Denying employee's right to severance pay -

In case the employer fails to pay to the employee the severance pay upon termination of employment contract due to technological, economic or organisational changes, such conduct will trigger employer's misdemeanours liability and fines ranging between 400,000 and 1,000,000 RSD for employers as legal entities and between 100,000 and 300,000 RSD for sole proprietors, while the responsible person at the legal entity may be fined between 20,000 and 40,000 RSD.

- Other misdemeanours -

When conducting inspection, a Labour Inspector may initiate misdemeanour proceedings for the misdemeanours governed by Article 276 of the Law, specifically: if the employer fails to keep the original contract or a copy of the employment contract, fails to keep daily records of employees' overtime work, fails to provide breaks during daily work, daily and weekly rest, fails to allow the employee to use paid leave, fails to keep monthly records of earnings and compensation of earnings, denies the employee the right to a notice period, or compensation of earnings.

The above breaches of the Law will now trigger larger fines than before, ranging between 150,000 and 300,000 RSD (previously 100,000 RSD) for employers as legal entities and between 50,000 and 150,000 RSD for sole proprietors (previously 50,000 RSD), while the responsible person or the representative at the legal entity may be fined between 10,000 and 20,000 RSD (previously 10,000 RSD).