

# **The position of women in trade unions** in Serbia

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Pančevo, December 2021

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For publisher:

Association of Female Citizens “FemPlatz” with the support of the OSCE Mission to Serbia

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Printing:

Jovšić Printing Centar

Print run:

400

ISBN-



Note: The views expressed in this publication are those of the authors and their associates only and do not necessarily reflect the official views of the OSCE Mission to Serbia.

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# 1. Introduction

The position of women in the field of labour and employment in Serbia is unfavourable. There are obvious gender inequalities in the labour market, while the gender dimension is missing in employment policies (Urdarević i dr, 2019: 22-23) The gender gap in the employment rate is constant, while the labour market is characterised by gender segregation by sectors and occupations (Urdarević i dr, 2019: 22). There is a gender pay gap, and due to the barriers to reconciling work and family life, as well as due to the lack of adequate services, women are much more inactive in the labour market (Urdarević i dr, 2019: 23). The austerity measures introduced in 2014 disproportionately affected women.

Women are more likely to work part-time than men, both in the private and public sectors. As many as 87.4% of all employees who mentioned care for children or sick adults as the reason for shorter working hours were women (Urdarević i dr, 2019: 29). Reports from various trade unions show that employers very often pay such contributions for employed women, particularly in the production sector, as if they completed only primary school, regardless of their actual education (Mitrović, 2019), that women are exposed to poor working conditions, and that the situation of textile female workers is especially difficult in Serbia.<sup>1</sup>

Women face gender-based discrimination in the process of employment, but also in the workplace. A survey on gender-based discrimination in employment and work has revealed that 36% of women and 26% of men at the job interview had to answer questions about children, whether they had or planned to have children, and that about 7% of women were asked to submit a medical certificate confirming that they were not pregnant (Đan i Vrbaški, 2019). Nearly one third of respondents think that they have been deprived of the right to paid maternity leave, i.e. that they have not received salary compensation or other benefits, in accordance with the law. Sixty-four (64%) of the women who used the maternity leave returned to work after the leave expired, while 16% of them claim to have been forced to return to work earlier than planned. In addition, 15% of these women report that their salary was reduced

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1 For example, *Clean Clothes Srbija*, <https://cpe.org.rs/clean-clothes-campaign/>; *Žene govore*, ROZA Association for women's labour rights <https://rozaradnaprava.rs/zene-govore/>

upon their return from the maternity leave, and 9% of them state that they had to work longer (Đan i Vrbaški, 2019: 33).

Taking into consideration the role of trade unions in the protection of labour rights, the aim of the survey is to analyse the position of women in trade unions in Serbia and the orientation of their programmes in terms of promoting women's rights and gender equality, and to establish what trade unions do in that respect, i.e. whether they perform specific activities aimed at improving the position of women or reducing inequality, whether they provide sufficient financial resources for these activities, etc.

# 2. Trade unions: concept, development and importance

Trade union is an autonomous, democratic and independent organisation of employees into which they associate on a voluntary basis, for the purpose of representing, presenting, promoting and protecting their professional, labour, economic, social, cultural, and other individual and collective interests (Kosanović, 2010: 1). It is an association of workers in a particular trade, industry, or company created for the purpose of securing improvements in pay, benefits, working conditions, or social and political status through collective bargaining.<sup>2</sup> Trade union can be defined as legally regulated institution established by employees to represent them in complex economic and legal relationships with employers and the government (Vidaković, 2019: 216). The word trade union in the Serbian language (Serbian: *sindikát*) comes from the Greek word *syndikos* (Greek: σύνδικος), which means an attorney-at-law, legal representative, defence counsel in the court in Ancient Greece.

The role of trade unions in the protection of employees' rights is to protect labour, economic, social and professional interests of voluntarily affiliated workers (Kosanović: 2010: 1), and , in the capacity of collective organisation of workers, to represent, protect and enhance the rights and interests of the employees who are their members (Vidaković, 2019: 217). Through its activities, the trade union puts pressure on employers and the government, threatening with regular legal forms of union activities. Trade unions can operate at different

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<sup>2</sup> Britannica - Trade union - labour organization, published on 24 September 2019, <https://www.britannica.com/topic/trade-union>, accessed on 3 October 2020

levels: at the national level, at the local level, at the level of a certain employer or a certain professional branch. The scope of the trade union's rights depends on the level of organisation.

Trade unions can provide labour-related legal protection in a broader sense (which includes the improvement and protection of labour interests) and in a narrower sense (providing specific protection in the field of labour law); at the macro level (systemic regulation of the position and rights of workers) and at the micro level (labour-related legal protection with a specific employer); preventive (social dialogue) and concrete labour-related legal protection (in case of violation of rights); collective (which refers to the specific protection of a group of members) and individual protection (providing direct labour-related legal assistance to a particular union member); as well as internal (with the employer) and external labour-related protection (before public authorities).

Trade unions have fought for equity and justice in the workplace for many years. The origin of trade unions dates back to the eighteenth century and the industrial revolution in Europe when there was a huge surge of new workers in the field of industry, who needed someone to represent their labour rights.<sup>3</sup> The first trade unions emerged from professional bodies, gathering exclusively groups of workers who performed the same type of specific jobs and were mainly local. With the emergence of trade unionism as an organised movement, trade unions began to gather workers regardless of their profession or qualifications. Over time, trade unions have become part of culture and engagement in every society.

Trade unions are associated with the industrial revolution in Europe. As an organised movement, trade unionism first appeared in the 19th century in the United Kingdom, continental Europe and the United States of America.<sup>4</sup> In many countries, trade unionism is understood as organisation of workers. Small associations of craftsmen that gathered to fight for the improvement of their rights appeared in Britain in the 18th century, but were sporadic and short-lived. The beginning of the 20th century saw changes: the British trade unions favoured

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3 Union plus – A brief history of Unions, <https://www.unionplus.org/page/brief-history-unions>, accessed on 29 September 2020

4 Britannica - Trade union - labour organization, published on 24 September 2019, <https://www.britannica.com/topic/trade-union>, accessed on 3 October 2020



political activism, which led to the formation of the Labour Party in 1906, while American unions pursued collective bargaining as a means of winning economic gains for their workers.<sup>5</sup>

The labour movement in the United States of America grew out of the need to protect the common interest of all workers: to fight, in an organised way, for better wages, reasonable working hours, safer working conditions, stopping child labour, providing health care benefits and providing aid to workers who were injured or retired. It is considered that the earliest recorded strike was organised in 1768 in New York when tailors protested a wage reduction, while the formation of the Federal Society of Journeymen Cordwainers (shoemakers) in Philadelphia in 1794 marks the beginning of sustained trade union organisation among American workers.<sup>6</sup> Women's engagement in trade unionism was recognised as late as in 1964-1965, when trade unions raised the issue of the promotion of anti-discrimination policy.

The main task of trade unions has always been to lead employees in collective bargaining with employers, in the name and in the interest of employees. The most common goal of bargaining is "maintaining or improving the conditions of wage-earners' working live" (Webb & Webb, 1920). The members of trade unions, in addition to employed workers, are professionals, retired workers, students and the unemployed.

Trade union law varies from country to country, as do union tasks and bargaining methods. In the United States of America, collective bargaining of trade unions with employers is most prevalent, while in Austria, Denmark, Germany and Sweden, for example, trade unions most often negotiate with associations of employers.<sup>7</sup>

Gold (1993) and Hall (1994) grouped all trade union activities, regulations and bargaining methods into three types:

- **Continental European system of trade unionism and legislation** in which the government and the state play an important role, because by adopting laws and legal acts they regulate the rights of workers, which are the basis for negotiations between trade unions, as one party, and employers or associations of employers, as another party. This model

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5 Britannica - Trade union - labour organization, published on 24 September 2019, <https://www.britannica.com/topic/trade-union>, accessed on 3 October 2020

6 History - Labor Movement, published on 31 March 2020, <https://www.history.com/topics/19th-century/labor>, accessed on 30 September 2020

7 See: Eurofound – Freedom of Association/Trade Union Freedom, published on 17 April 2011, <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/freedom-of-association>, accessed on 2 October 2020 and Eurofound - ECHR rules against Danish closed-shop agreements, <http://www.eurofound.europa.eu/eiro/2006/01/feature/dk0601104f.htm>, accessed on 2 October 2020

exists mainly in the member states of the European Union, e.g. in Belgium, France, Germany, the Netherlands and Italy, but also in Eastern European countries;

- **Anglo-Saxon system of trade unionism and legislation** in which the role of the government and the state is much smaller and limited, which allows employers and associations of employers to in a way represent the state in negotiation and decision-making processes. This model has been applied in Ireland and the United Kingdom. There is an increasing tendency among the Eastern European countries, which have been relatively recently admitted to the European Union, of getting closer to the Anglo-Saxon system.
- **Nordic system of trade unionism and legislation** implies that the role of the government and the state is limited, as in the Anglo-Saxon system, but there are a large number of networked associations of employers that cover a large number of industrial branches and entrepreneurial firms. This model has been applied in Denmark, Finland, Norway and Sweden (Wagtman, 2010). Although the trade union movement was born in Britain, it is most active today in the Nordic countries.<sup>8</sup>

The largest trade union in the world is the International Trade Union Confederation (ITUC), located in Brussels, which has 332 organisations in 163 countries and a total of about 166 million members.<sup>9</sup>

Trade union activity today varies from country to country.<sup>10</sup> It is estimated that there are about 24,000 trade unions active in Serbia,<sup>11</sup> and the 2010 data of the International Labor Organization show that 27.9% of employees in Serbia were actively organised in trade unions.<sup>12</sup> Significant development of trade unions in Yugoslavia began in June 1950, when the National Assembly of the Federal People's Republic of Yugoslavia adopted the Basic Law on Management of State Economic Enterprises and Higher Economic Associations by Work-

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8 International Labour Organisation - Industrial relations, published on 9 October 2018, [https://www.ilo.org/ilostat-files/Documents/description\\_IR\\_EN.pdf](https://www.ilo.org/ilostat-files/Documents/description_IR_EN.pdf), accessed on 28 September 2020

9 International Trade Union Confederation (ITUC) – List of affiliates, [https://www.ituc-csi.org/IMG/pdf/list\\_of\\_affiliates\\_nov\\_2019.pdf](https://www.ituc-csi.org/IMG/pdf/list_of_affiliates_nov_2019.pdf), accessed on 2 October 2020

10 International Labour Organisation - Industrial relations, published on 9 October 2018, [https://www.ilo.org/ilostat-files/Documents/description\\_IR\\_EN.pdf](https://www.ilo.org/ilostat-files/Documents/description_IR_EN.pdf), accessed on 28 September 2020

11 N1 Info: Sindikati se ne bore za interese radnika (*Trade unions do not fight for the interests of workers*), <http://rs.n1info.com/Biznis/a314322/Sindikati-u-Srbiji.html>, accessed on 12 October 2020

12 International Labour Organisation - Industrial relations, published on 9 October 2018, [https://www.ilo.org/ilostat-files/Documents/description\\_IR\\_EN.pdf](https://www.ilo.org/ilostat-files/Documents/description_IR_EN.pdf), accessed on 28 September 2020

ing Collectives<sup>13</sup>, popularly called the Law on Self-management. The basic idea of this law was that direct producers/workers managed social production, since this law envisaged that state-owned enterprises were the property of all citizens and managed, on behalf of the social community, by working collectives (through workers' councils). Thus, trade unions were given the role of working class mobilizers in the fight for better workers' rights and working conditions. The 1974 Constitution of the SFRY influenced the adoption of the Law on Associated Labour in 1976<sup>14</sup>, *which completed the self-managing organisation of enterprises and institutions, while the trade union was engaged in constituting basic, working and complex organisations of associated labour, electing self-management bodies and adopting normative acts. The Federation of Trade Unions ceased to exist upon dissolution of the SFRY.*

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13 Official Gazette of the FPRY, 1951

14 Official Gazette of the SFRY, 1976

# 3. Trade unions and their activity

## 3.1. Examples of good practice

Regarding the activities of trade unions, we may ask whether and in what way the trade unions are ready to help women, and in what way they can prevent further compromising of the already very sensitive position of women. Some of the examples of good practices of trade unions, in terms of improving labour and social rights, can be found in the trade unions in Italy, Croatia, Slovakia, the Czech Republic, the Netherlands, Portugal, Romania and Ireland. The fight of trade unions against violence and sexual harassment of women in the workplace began long time ago, and is based on the fact that women workers are particularly at risk of this type of violence in the sectors of education, public administration, transport and hospitality (Montserrat, 2016). A 2014 French study found that 30% of the victims of sexual violence and harassment in the workplace became victims precisely because of working conditions and the type of their engagement, e.g. under precarious contracts.<sup>15</sup> Three trade unions in Italy (CGIL-CISL-UIL) joined forces and on 15 October 2019 signed the first agreement on the prevention of violence in the workplace, which is especially important for women, because they are the most common target of abusers at work (Loriol et al., 2020).<sup>16</sup> This agreement was directed against the sexual abuse of women in the workplace by the management of the water company from Siam, with the branch office in Syracuse, Sicily.<sup>17</sup> The basis of the agree-

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15 Montserrat Mir Roca, Trade Unions Take a Stand to End Violence Against Women, 25 November 2016, <https://www.socialeurope.eu/trade-unions-take-stand-end-violence-women>

16 See also: Italy/Sicily: Agreement against Harassment and Violence in the Workplace, published on 22 October 2019, <https://news.industrial-europe.eu/Article/375>, accessed on 14 July 2020

17 Marc Loriol, Liliana Dassisti, Ignazio Grattagliano, Harassment at work in France and Italy first hypothesis for an international comparison, *Aggression and Violent Behavior*, Volume 53, July–August 2020, <https://doi.org/10.1016/j.avb.2020.101427>

ment is the European Framework Agreement on Harassment and Violence at Work<sup>18</sup>, which was adopted by the European social partners back in 2007. In June 2019, representatives of the UN International Labour Organization reached an agreement with governments and employers worldwide on the need to adopt the Convention concerning the elimination of violence and harassment in the world of work, with accompanying recommendations, which would establish the right of all employees to work in an environment free from violence and harassment.<sup>19</sup> This Convention would initiate the adoption of national laws stipulating the punishment of violence and harassment in the workplace, but would also oblige employers to adopt their own acts to prevent and stop violence and harassment in the workplace, after consultation with trade unions and employees.

Even before the outbreak of COVID-19 pandemic, trade unions around the world insisted that protection against domestic violence should be covered by the C190 - Violence and Harassment Convention (ILO C190)<sup>20</sup>, adopted by the International Labour Organization, which must be ratified and incorporated into national legislations. After the declaration of the pandemic, trade unions began to reiterate the importance of this Convention because of a great impact on the safety of all employed women in Europe, where domestic violence tripled at the beginning of lockdown.<sup>21</sup>

Back in 2017, the Australian Council of Trade Unions appealed to the government to introduce 10 days of paid domestic violence leave in labour regulations, so that women could have the opportunity to get out of a situation of violence and escape from the perpetrator.<sup>22</sup> In the explanation of their proposal, the trade union representatives stated that domestic violence cost the state 12 billion dollars a year, and that paid domestic violence leave would cost 5 cents per day of leave per worker, which was a small cost for saving lives. A similar initiative

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- 18 European Framework Agreement on Harassment and Violence at Work, <https://drive.google.com/file/d/0B9RTV08-rjErYURTckhMZzFETk/view>, accessed on 4 October 2020
- 19 ILO Convention on Violence and Harassment: Five key questions, published on 28 June 2019, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_711891/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_711891/lang--en/index.htm), accessed on 17 October 2020
- 20 International Labour Organisation - Violence and Harassment Convention No. 190, 2019, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190), accessed on 5 October 2020
- 21 Women and their unions are battling a double crisis: Covid-19 and domestic violence, published on 20 April 2020, <https://www.uni-europa.org/2020/04/women-and-their-unions-are-battling-a-double-crisis-covid-19-and-domestic-violence/>, accessed on 23 July 2020
- 22 ACTU demands Turnbull back 10 days paid domestic violence leave, published on 28 November 2017, <https://www.actu.org.au/actu-media/media-releases/2017/actu-demands-turnbull-back-10-days-paid-domestic-violence-leave>, accessed on 16 October 2020

was launched in February 2020 by the International Transport Workers' Federation (ITF) in Brazil, with the explanation that gender-based violence in Brazil had become a true epidemic to which unions offered at least some response.<sup>23</sup>

- In 2018, trade unions in Spain launched an initiative urging the Spanish Government to combat human trafficking and sexual exploitation of women, and saying that “Prostitution is not work, it’s exploitation”<sup>24</sup>, thus opposing the legalisation of prostitution and using the body of human beings, mainly women, as profit-generating merchandise.

Thanks to the efforts of the trade unions of healthcare workers in Norway, in late 2019, all the income earned by employees was included in the pension calculation amount, and for the first time this applied to part-time employees.<sup>25</sup> In fact, the trade union representatives stated that would rectify the injustice done to nearly 4,000 employees who also worked overtime, but these earnings were not included in the pension base. This will significantly contribute to the increase of pensions of healthcare staff.

In October 2019, The European Trade Union Confederation (ETUC) raised the issue of punishing employers who did not pay men and women equally for the same job.<sup>26</sup> The gender pay gap in Europe varies, but averages 16% in favour of men (e.g. 27% in Estonia, 8% in Romania).<sup>27</sup> If women were paid the same as men, poverty among employed women would be halved.<sup>28</sup> The ETUC has taken the position that the European Commission<sup>29</sup> should adopt a Gender Pay Transparency Directive, which would include in particular:

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23 Paid domestic violence leave and Women's Advocate program go international, published on 13 February 2020, <https://www.unifor.org/en/whats-new/news/paid-domestic-violence-leave-and-womens-advocate-program-go-international>, accessed on 16 October 2020

24 Spanish unions call time on trafficking, <https://www.etuc.org/en/spanish-unions-call-time-trafficking>, accessed on 19 October 2020

25 Norway: pensions and pay victory for health workers <https://www.etuc.org/en/norway-pensions-and-pay-victory-health-workers>, accessed on 16 October 2020

26 Fine companies who refuse gender pay transparency, unions tell Von der Leyen, <https://www.etuc.org/en/pressrelease/fine-companies-who-refuse-gender-pay-transparency-unions-tell-von-der-leyen>, accessed on 16 October 2020

27 ETUC Resolution on Gender Pay Transparency Directive, <https://www.etuc.org/en/document/etuc-resolution-gender-pay-transparency-directive>, accessed on 2 October 2020

28 *Ibid.*

29 European Commission – Equal Pay, [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay_en), accessed on 4 October 2020

- Compulsory annual gender pay audits for employers with more than 10 staff based on entire pay package, including benefits and bonuses;
- Fines for companies with more than 10 staff who fail to produce a report on gender pay levels;
- The right of workers to request the pay data of colleagues, as well as information on gender pay within their companies;
- A ban on pay secrecy clauses in contracts and a new requirement for employers to provide pay scales with job advertisements;
- Support for collective bargaining as the best way to eliminate the gender pay gap.

As a result of such efforts of trade unions, the International Equal Pay Day was celebrated for the first time on 18 September 2020,<sup>30</sup> which was the official recognition of the centuries-old struggle of women's movements and trade unions to achieve equal pay for work of equal value. On this day, for the first time, honour was paid to female conductors in buses and trams, who in 1918 went on strike against unequal salaries. The International Labour Organization has also contributed to the popularisation of this right.<sup>31</sup> The trade unions in Australia have stated that this year the situation in certain sectors is even worse than before, due to the pandemic, e.g. in the Australian health system, the gender pay gap this year is 21.3%.<sup>32</sup>

Trade unions were active also in improving the labour and social rights of fathers. Employed fathers in Italy, Croatia and Slovakia are about to receive for the first time the right to paid paternity leave, pursuant to Directive (EU) 2019/1152<sup>33</sup>, which was adopted by the European Council in June 2019.<sup>34</sup> The trade unions in the Czech Republic, the Netherlands, Portugal and

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30 18 September 2020 marks the inaugural United Nations International Equal Pay Day, <https://www.ituc-csi.org/equal-pay-day-2020>, accessed on 16 October 2020

31 ILO - COVID-19: Protecting workers in the workplace - Play fair for equal pay, published on 14 September 2020, [https://www.ilo.org/global/about-the-ilo/multimedia/video/institutional-videos/WCMS\\_755228/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/multimedia/video/institutional-videos/WCMS_755228/lang-en/index.htm), accessed on 2 October 2020

32 Equal pay day - Pandemic response must address the gender pay gap, published on 28 August 2020, <https://www.actu.org.au/actu-media/media-releases/2020/equal-pay-day-pandemic-response-must-address-the-gender-pay-gap>, accessed on 3 October 2020

33 Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L1152>, accessed on 4 October 2020

34 Parents in 7 countries to get new rights to paid leave, <https://www.etuc.org/en/pressrelease/parents-7-countries-get-new-rights-paid-leave>, accessed on 11 October 2020

Romania have accomplished that the number of paid childcare leave days for fathers doubled.<sup>35</sup> In fact, according to the mentioned Directive, fathers will have 10 working days of paid leave for childcare, which would be paid in the amount of at least two thirds of the regular salary, and which would be equal to the payment of ordinary sick leave. However, the success of all these initiatives depends on how they will be incorporated in national legislation. The trade unions in Ireland proposed a similar scheme that offered paid parental leave for each parent of a child under one, whether employed or self-employed, initially set at two weeks, and thanks to the efforts of trade unions, it was increased to seven weeks.<sup>36</sup> The trade unions in Ireland are currently negotiating the right of each parent to at least four months of paid parental leave for each child up to the age of eight years old.<sup>37</sup>

## 3.2. Trade union activity during the COVID-19 pandemic

During the COVID-19 pandemic, a common priority and aim of trade union efforts is to control whether the work can be done safely. Trade unions insisted on the measures aimed at reducing the spread of the virus in the workplace, such as adjusting work arrangements (e.g. promoting remote work, rearranging working hours and breaks) and working environment (e.g. observing the principle of physical distancing), promoting workplace hygiene, providing workers with reliable and accessible information on healthy behaviour, and identifying and dealing with suspected cases of coronavirus infection. Governments, in cooperation with employers' and workers' organisations, had to consider the urgent and basic needs of vulnerable groups of workers.

The International Labour Organization pointed to some of the key issues that should be particularly addressed by trade unions during the COVID-19 pandemic: preventing discrimina-

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<sup>35</sup> *Ibid.*

<sup>36</sup> Additional rights for new parents in Ireland, <https://www.etuc.org/en/additional-rights-new-parents-ireland>, accessed on 8 October 2020

<sup>37</sup> *Ibid.*



tion, making health care services available to all employees, and expanding the scope of the right to paid and parental leave.<sup>38</sup>

**Discrimination** manifested in various ways during the pandemic, revealing the existing cracks in society: women, people with disabilities, people living with HIV, migrant workers and informal economy workers are at risk of being additionally vulnerable. Employed women faced another crisis with the closure of schools, kindergartens and care facilities,<sup>39</sup> which revealed the inequalities in work and social protection stemming from the contractual status of workers. Part-time or fixed-term employees, as well as self-employed persons, entrepreneurs and their employees, do not have the same rights to paid sick leave or unemployment insurance, nor do they enjoy the same level of protection against occupational diseases or illnesses at work (Berg, 2020). Gender-sensitive approaches, adjusted to the different characteristics and circumstances of these workers, are necessary in developing ways to improve their access to preventive health measures and health care services and the provision of means of subsistence. During the COVID-19 crisis, employee organisations need to work on **increasing the availability of health care services to all employees**, because nearly 40% of the world population do not have the right to health care due to their labour legal status, while improving working conditions of health care professionals is one of the preconditions for providing high-quality health care services, which are crucial for reducing the spread of the virus and facilitating rapid recovery of infected people. **Expanding the right to paid and parental leave** is necessary because nearly 50% of the world workforce does not have the right to sick leave, so they have to choose between staying at home when they are sick or retaining their job to secure a living, thus risking their health and the health of others.<sup>40</sup> Paid parental leave should also be widely available, since there are also employees who cannot work remotely during the pandemic.

Governments, in cooperation with employers' and workers' organisations, have adopted emergency measures aimed at helping companies save jobs, ensuring an adequate level of

38 ILO Policy Brief on COVID-19, Pillar 3: Protecting workers in the workplace, [https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739049/lang--en/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739049/lang--en/index.htm), accessed on 2 October 2020

39 ILO - COVID-19 response: Getting gender equality right for a better future for women at work, published on 11 May 2020, [https://www.ilo.org/global/topics/coronavirus/WCMS\\_744685/lang--en/index.htm](https://www.ilo.org/global/topics/coronavirus/WCMS_744685/lang--en/index.htm), accessed on 2 October 2020

40 ILO - Sickness benefits during sick leave and quarantine: Country responses and policy considerations in the context of COVID-19, ILO policy brief, published on 14 May 2020, [https://www.ilo.org/secsoc/information-resources/publications-and-tools/Brochures/WCMS\\_744510/lang--en/index.htm](https://www.ilo.org/secsoc/information-resources/publications-and-tools/Brochures/WCMS_744510/lang--en/index.htm), accessed on 6 October 2020

social protection and stabilising credit and financial markets.<sup>41</sup> As of 17 April 2020, 108 countries and territories have implemented social protection measures as part of their response to the COVID-19 crisis, particularly in the fields of health care, unemployment protection, sick pay and social assistance.<sup>42</sup>

The Italian trade union confederations (CGIL-CISL-UIL) signed an agreement on the safety of health workers with the Ministry of Health on 25 March 2020. This agreement sets out the implementation of basic preventive measures (use of personal protective equipment, repeat tests for personnel exposed to the virus, disinfection of the work environment) which protect the life and health of health workers, and the trade unions have the authority to monitor the compliance with these measures.<sup>43</sup> With this agreement, the trade unions wanted to protect staff on the frontline of the fight against coronavirus and reduce the number of cases of infection and deaths among health workers.

The COVID-19 pandemic has contributed to a greater visibility of jobs performed predominantly by women, whose work has been systematically underestimated and underpaid for centuries. Women account for over 70% of the world workforce in the social and health care sector, while the percentage of women employed in the sector of services and housework, food retail, maintenance and cleaning is slightly more than 58%.<sup>44</sup> In July 2020, the Centrale des syndicats du Quebec (CSQ) submitted an initiative to withdraw all pregnant teachers from schools because of the risk of infection,<sup>45</sup> due to the fact that among women who got infected in the first trimester of pregnancy, an increased number of them had to give birth by Cesarean

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41 ILO - Country policy responses, <https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang--en/index.htm>, accessed on 6 October 2020

42 ILO Social Protection Monitor, [https://www.ilo.org/secsoc/information-resources/publications-and-tools/Brochures/WCMS\\_741212/lang--en/index.htm](https://www.ilo.org/secsoc/information-resources/publications-and-tools/Brochures/WCMS_741212/lang--en/index.htm), accessed on 6 October 2020

43 COVID-19: Italian unions sign vital new agreement on safety of health workers, <https://www.epsu.org/article/covid-19-italian-unions-sign-vital-new-agreement-safety-health-workers>, accessed on 17 October 2020

44 18 September 2020 marks the inaugural United Nations International Equal Pay Day, <https://www.ituc-csi.org/equal-pay-day-2020>, accessed on 16 October 2020

45 Union demands pregnant teachers be withdrawn from schools because of risks tied to COVID-19, published on 19 September 2020 <https://montreal.ctvnews.ca/union-demands-pregnant-teachers-be-withdrawn-from-schools-because-of-risks-tied-to-covid-19-1.5111870>, accessed on 9 October 2020

section or gave birth prematurely. These are just some of the numerous initiatives launched by trade unions around the world since the beginning of the coronavirus pandemic.<sup>46</sup>

Even before the crisis, women's employment was characterised by informal, insecure, low paid, poor-quality work, with little or no social protection. According to the latest data from the *Monitoring Report on measures introduced during the state of emergency in the areas of social policies and employment, public health and consumer protection and education* of the National Convention on the European Union (NCEU)<sup>47</sup>, some larger trade unions were mentioned as initiators of social policy and employment decisions extending the range of labour rights to employees during the state of emergency. The report states that the vast majority of employees (86%) "on the frontlines" in the fight against COVID-19 were women.

Based on the request sent by the Confederation of Autonomous Trade Unions of Serbia to the Government of the Republic of Serbia,<sup>48</sup> employers were recommended to ensure the right to 100% salary compensation in case of absence from work because of the confirmed SARS-CoV-2 virus infection, self-isolation or isolation.<sup>49</sup>

As soon as the state of emergency was introduced on 15 March 2020<sup>50</sup>, a large number of economic entities and institutions stopped working, which endangered the position of a large number of workers. At the initiative and request of the United Branch Trade Union *Independence (UGS Nezavisnost)*, the Social and Economic Council held an extraordinary session. This union proposed the introduction of moratorium on labour status for at least 90 days, which was the possible duration of the state of emergency, and on 19 March 2020, sent the so-called *Ten Questions to the Ministry of Labour, Employment, Veteran and Social Affairs*, proposing

46 There are numerous activities launched by the trade unions in Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Korea, Japan, Luxembourg, New Zealand, the Netherlands, Norway, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States of America. See more at: Covid19 crisis: Mapping out trade union and social partners' responses, published on 30 June 2020, <https://tuac.org/news/covid19-crisis-mapping-out-trade-union-and-social-partners-responses/>, accessed on 7 October 2020

47 Monitoring izveštaj o merama tokom vanrednog stanja u oblasti socijalne politike i zapošljavanja, javnog zdravlja i zaštite potrošača i obrazovanja Nacionalnog konventa o Evropskoj uniji (NKEU) (*Monitoring Report on measures introduced during the state of emergency in the areas of social policies and employment, public health and consumer protection and education of the National Convention on the European Union (NCEU)*), <http://eukonvent.org/wp-content/uploads/2020/08/Monitoring-izvestaj-SOCIJALNE-POLITIKE-I-ZAPOŠLJAVANJA-JAVNOG-ZDRAVLJA-I-ZAS%CC%8CTITE-POTROS%CC%8CAC%CC%8CA-I-OBRAZOVANJA.pdf>, accessed on 9 October 2020.

48 Savez samostalnih sindikata Srbije - dopis (*Confederation of Autonomous Trade Unions of Serbia - letter*), [https://www.sindikats.rs/aktuelno\\_files/vesti\\_pdf/brnabic\\_30mart20.pdf](https://www.sindikats.rs/aktuelno_files/vesti_pdf/brnabic_30mart20.pdf), accessed on 29 September 2020

49 Government Conclusion no. 53-3008-2020-2 of 2 April 2020

50 Decree on Measures During the State of Emergency, *Official Gazette of the RS*, nos. 31/2020, 36/2020, 38/2020, 39/2020, 43/2020, 47/2020, 49/2020, 53/2020, 56/2020, 57/2020, 58/2020, 60/2020

how employers who continued to work could overcome the lack of protective equipment and disinfectants in the initial phase of the state of emergency; insisting on providing protective equipment for all, especially for companies employing several hundreds of workers; considering the possibility for employers to send employees on annual leave without applying the Law on Labour provision on the 15-day notice requirement. Some other important issues were raised: allowing parents to work from home if they have a child under 12; the status of employees in self-isolation and the manner of calculating their salary; the acting of employees in case of receiving verbal orders to perform work; the need for introducing shortened working hours due to the incompatibility of the working hours of essential businesses with the beginning of curfew hours; the organisation of transportation of employees, especially those working in the third shift, and having in mind the introduction of curfew, which became relevant particularly after the introduction of the ban on public transportation.<sup>51</sup>

The application of the provisions on the work obligation of doctors and other health workers has led to numerous problems, violations of labour rights and basic legal principles, such as the principle of legal security, which was continuously pointed out by the Serbian Trade Union of Doctors and Pharmacists during the state of emergency. They addressed the competent authorities in writing and urged them to solve the problem of working hours in cases where both parents were health workers and proposed solutions (such as work from home of one of the parents, absence from work, different shifts<sup>52</sup>). They also tackled the issue of ensuring the health and safety of health workers during the pandemic.<sup>53</sup> This trade union also issued a public statement calling on the authorities to implement urgent measures against discrimination against health workers, stating that health workers did not have the opportunity to be tested in great numbers, that the information about infected patients with whom they had been in contact was hidden from them, that in some health institutions the health workers were prohibited from using personal protective equipment<sup>54</sup>, and sent a request to the

51 Source: UGS Nezavisnost - Pitali smo Ministarstvo za rad (*United Branch Trade Union Independence - We Asked the Ministry of Labour*), published on 19 March 2020, <https://nezavisnost.org-pitali-smo-ministarstvo-za-rad>, accessed on 2 October 2020

52 Obaveštenje o problemu u praksi sa zahtevom za rešavanje i predlogom mera, (*Notification of the problem in practice with a request for resolution and a proposal of measures*) <http://www.sindikatlfs.rs/obavestjenje-o-problemu-u-praksi-sa-zahtevom-za-resavanje-i-predlogom-mera/>, accessed on 2 October 2020

53 Hitni zahtevi i preporuke za krizni štab za suzbijanje zarazne bolesti COVID-19 (*Urgent requests and recommendations for the COVID-19 Infection Disease Crisis Response Team*), <http://www.sindikatlfs.rs/hitni-zahtevi-i-preporuke-za-krizni-stab-za-suzbijanje-zarazne-bolesti-covid-19/>, accessed on 3 October 2020

54 Saopštenje za javnost Sindikata lekara i farmaceuta Srbije (*Press Release of the Serbian Trade Union of Doctors and Pharmacists*), <http://www.sindikatlfs.rs/saopstenje-za-javnost-sidnikata-lekara-i-farmaceuta-srbije/>, accessed on 4 October 2020

Ministry of Health to pay health workers for all the work performed in infectious wards, COVID hospitals, admission units, wards, to pay employees who got infected with COVID-19 or had to be in isolation, as well as employees who worked on duty and in shifts.<sup>55</sup> In the statement dated 10 May 2020, the Serbian Trade Union of Doctors and Pharmacists stated that “there are no official data on how many health workers died during the pandemic, but that, according to the data obtained by that union, 14 health workers in Serbia died as a consequence of coronavirus. According to the official data, 450 health workers are currently suffering from corona, and most of them were infected at the beginning of the pandemic in Serbia, when equipment was a big problem.”<sup>56</sup>

The Report on the online workshop “Women workers in the frontlines - women, trade unions and the crisis”, held on 17 July 2020,<sup>57</sup> includes an overview of measures relevant to the field of social policy and employment, as well as the application of measures and their consequences on the labour market and labour and social rights. Women are a particularly vulnerable category because of the type of work they perform, in the conditions in which safety and health protection measures are not implemented, but also because of special circumstances that have limited or prevented the availability of childcare services.<sup>58</sup> Some of the basic issues discussed at the workshop were what needed to be done to have more women organised in trade unions, what new and urgent measures needed to be taken to ensure women’s rights in the labour market during the crisis, how to improve health care at work for women employed “in the front-line” and how to define the legal framework for the improvement of work outside the employer’s premises.

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55 Zahtev za vrednovanje, uvažavanje i nagrađivanje zdravstvenih radnika (*Request for the respect, recognition and remuneration of health workers*), <http://www.sindikatlfs.rs/zahtev-za-vrednovanje-uvazavanje-i-nagradjivanje-zdravstvenih-radnika/>, accessed on 4 October 2020

56 According to the data from the Monitoring Report on measures introduced during the state of emergency in the areas of social policies and employment, public health and consumer protection and education of the National Convention on the European Union (NCEU), <http://eukonvent.org/wp-content/uploads/2020/08/Monitoring-izvestaj-SOCIJALNE-POLITIKE-I-ZAPOŠ%CC%8CLJAVANJA-JAVNOG-ZDRAVLJA-I-ZAS%CC%8CTITE-POTROS%CC%8CAC%CC%8CA-I-OBRAZOVANJA.pdf>, accessed on 9 October 2020

57 Radnice na prvoj liniji - žene, sindikati i kriza (*Women workers in the frontlines - women, trade unions and the crisis*), published on 17 July 2020, <http://www.centaronline.org/sr/dogadjaj/12093/radnice-na-prvoj-liniji-zene-sindikati-i-kriza>, accessed on 4 October 2020

58 Data collected in the Monitoring Report on measures introduced during the state of emergency in the areas of social policies and employment, public health and consumer protection and education of the National Convention on the European Union (NCEU) for the state of emergency period

# 4. The impact of the women's rights movement on women's trade union activity

Since the beginning of the women's rights movement, women who have dedicated their lives to reform processes usually belonged to the middle or upper class (Lange, 2015), because women who struggled for the survival of their families had less time and resources to engage in social movements. British trade unionism dates back to the 17th century but developed rapidly during the Industrial Revolution, in response to a rising capitalist system that affected society as a whole; it brought a clearer division of labour within working class families and introduced a new paradigm of paid work as opposed to unpaid housework performed by women as housewives (Djouimai, 2019).

At the end of the 19th century, women entered factories in large numbers, working fourteen hours a day, six days a week in dangerous jobs for low pay. Although the productivity of women workers did not lag behind the productivity of men, the difference between men's and women's wages was significant and ranged from half to a third of the amount received by men. In response to these conditions, young female textile workers organised America's first industrial protests, strikes, and reform groups. Despite these efforts, women were excluded from trade union activities.<sup>59</sup> The creation of unions was a response to "correcting" social, po-

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<sup>59</sup> Women's Rights - Breaking the Gender Barrier: A Woman's Place is in Her Union, <https://www.lib.umd.edu/unions/social/womens-rights>, accessed on 15 October 2020

litical and economic injustices, because the trade union was a channel through which employees could demand higher wages, improved working conditions and the acquisition of political rights. Once institutionalised, the labour movement focused on the needs and concerns of the “standard male worker”; women workers became part of the women’s movement, which initially was not seen as an integral part of the labour movement. Conforming to the societal view that a woman’s place was in the home, trade unions took a stand that husbands should independently support their families while wives stayed at home. Trade unionism characterised women as passive workers, reluctant to take industrial action, who lacked commitment to trade unionism because their primary concern was family (Djouimai, 2019).

In order to find their place in the trade union movement, women workers in the 19th century began to establish various crafts associations, through which they could gain more industrial rights, better legal protection and labour legal status. At the International Workers Congress held in Paris in July 1889, Clara Zetkin<sup>60</sup>, a political worker in the German and international labour movements, gave a significant speech on the relationship between women’s labour and capital, with special focus on the specifics of women’s wages in the capitalist system, pointing out that the issue of woman’s emancipation was not isolated but needed to be seen in the context of a broader social reproduction within which both men and women workers shared a common interest and the same “enemy”, which is way it was necessary for them to join in trade unions.

At the beginning of the 20th century, through the *suffragette movement* women began to fight more and more for their voting rights, join trade unions, strike against low wages, protest against poor working conditions and take an active role in society. Harriot Stanton Blatch<sup>61</sup> began collaborating with the Women’s Trade Union League, which was founded in 1905 to help women organise in trade unions and fight for legal and labour reforms, and in 1907 she founded the Equality League of Self-Supporting Women, which later became the Women’s Political Union. Shortly after the League was established, three priorities were defined: organising women into unions, adopting laws on labour standards, and promoting the individual and social development of workers through education.

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60 Who led the movement of proletarian women in Germany since 1890

61 Daughter of Elizabeth Cady Stanton who was a leader of the suffragette movement.

Though they did not altogether erase established beliefs of gender and class within the working classes, the First World War<sup>62</sup> and the Second World War accelerated the growth of women unionisation as they were massively recruited into jobs vacated by men.

After the Second World War, women have worked tirelessly to make gender equality central to the union movement. Millions of women got employed in the female-dominated sectors, such as retail, health, education, and service. In these areas, hours were long, wages low, benefits few, and union organisation weak, which gave rise to a “second wave of feminism”<sup>63</sup> that had a profound impact on the labour legal status of women and their engagement in trade unions.

In the early 1960s, after the adoption of the first anti-discrimination laws in the United States of America,<sup>64</sup> many stereotypes about gendered jobs were broken through the combination of feminist movement actions and the growing women's influence in labour organisations and trade unions. In 1974, the Coalition of Labor Union Women (CLUW) united the members of various trade unions and launched an initiative for greater engagement and membership of women in trade unions, and their greater representation in governing bodies. This coalition advocated for the improvement of the labour legal status of employed women, specifically: non-discrimination in employment and promotion, equal pay, paid childcare leave, protection from sexual harassment and violence, protection of reproductive rights and childcare. Women began to emerge from the shadow of labour movements, and their involvement in trade unions became a factor in maintaining and preserving them. And yet, as regards the engagement of women in trade unions, the key issues were gender inequality in access to trade unions, gender inequality in union leadership, and gender inequality manifested through trade union engagement priorities and initiatives.

The analysis of data from 39 countries and membership in nearly 80% of the world's trade unions<sup>65</sup> showed that women made up the majority in trade unions in one third of the countries, while in one third of the country's women accounted for less than 40%, which is considered underrepresentation of women (Cobble, 2016). The situation by country is the following:

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62 During the First World War “the first time in history, women outside the cotton industry were learning the power of trade unionism” (Drake 1984:99).

63 Women's Rights - Breaking the Gender Barrier: A Woman's Place is in Her Union, <https://www.lib.umd.edu/unions/social/womens-rights>, accessed on 15 October 2020

64 For example, 1963 Equal Pay Act and 1964 Civil Rights Act

65 Dorothy Sue Cobble, together with Anna Harewood (Cobble, 2012: 11-12)



	<b>% Female Trade Union Members, Most Recent</b>	<b>% Female Trade Union Members, 2000s</b>	<b>Percent Female Labour Force</b>	<b>Overall Union Density</b>
<b>Latvia</b>	68.0 (2008)	58.9 (2003)	48.4 (2009)	10-19 (2008)
<b>Poland</b>	59.2 (2008)		45.0 (2009)	10-19 (2008)
<b>Lithuania</b>	56.3 (2008)	57.1 (2003)	49.0 (2009)	0-10 (2008)
<b>Estonia</b>	55.6 (2009)	64.0 (2003)	49.1 (2009)	10.7 (2009)
<b>Finland</b>	54.7 (2008)	53.1 (2003)	48.1 (2009)	90-100 (2008)
<b>United Kingdom</b>	54.5 (2010)	47.3 (2000)	45.6 (2009)	20-29 (2008)
<b>Ireland</b>	53.3 (2009)	43.5 (2001)	43.1 (2009)	32.1 (2008)
<b>Norway</b>	52.1 (2008)		47.4 (2009)	70-79 (2008)
<b>Ukraine</b>	52-48.2 (2011)		49.1 (2009)	47.2 (2011)
<b>St. Vincent and The Grenadines</b>	51.8 (2009)	56.5 (2001)	41.1 (2009)	
<b>Sweden</b>	51.5 (2008)	52.0 (2003)	47.3 (2009)	80-89 (2008)
<b>Denmark</b>	50.4 (2010)	49.2 (2003)	46.9 (2009)	80.5 (2008)
<b>Canada</b>	50.0 (2005)		47.0 (2009)	27.5 (2010)
<b>Slovenia</b>	49.9 (2008)	49.7 (2003)	46.2 (2009)	30-39 (2008)
<b>Taiwan</b>	48.3 (2008)			36.1 (2008)
<b>Luxembourg</b>	48.1 (2008)		43.9 (2009)	50-59 (2008)
<b>Australia</b>	48.0 (2010)	42.4 (2000)	45.3 (2009)	20.3 (2006)
<b>Bulgaria</b>	46.9 (2008)	49.7 (2003)	46.1 (2009)	20-29 (2008)
<b>Hungary</b>	46.2 (2008)		45.1 (2009)	20-29 (2008)
<b>USA</b>	45.7 (2010)	41.0 (2000)	46.0 (2009)	12.1 (2007)
<b>Hong Kong</b>	44.5 (2009)		46.3 (2009)	22.5 (2009)
<b>Mexico</b>	42.4 (2000)		36.1 (2009)	11.2 (2008)
<b>Portugal</b>	41.9 (2008)	41.5 (2003)	46.8 (2009)	20-29 (2008)
<b>Slovakia</b>	41.9 (2008)	42.1 (2003)	51.0 (2009)	10-19 (2008)
<b>Namibia</b>	40.7 (2004)		46.1 (2009)	

<b>Brazil</b>	40.6 (2007)	40.1 (2005)	43.7 (2009)	17.8 (2007)
<b>Malaysia</b>	39.5 (2010)	38.0 (2005)	35.5 (2009)	10.1 (2008)
<b>Belgium</b>	39.1 (2003)		44.9 (2009)	79.2 (2009)
<b>Cyprus</b>	37.3 (2008)	36.3 (2003)	42.8 (2009)	50-59 (2008)
<b>China</b>	36.4 (2009)	37.8 (2000)	44.6 (2009)	90.3 (2000)
<b>Nicaragua</b>	35.6 (2009)		44.7 (2006)	38.7 (2009)
<b>Austria</b>	33.3 (2008)	33.2 (2003)	45.5 (2009)	30-39 (2008)
<b>Netherlands</b>	32.4 (2008)	28.1 (2001)	45.7 (2009)	20-29 (2008)
<b>Germany</b>	31.8 (2008)		45.6 (2009)	20-29 (2008)
<b>Chile</b>	30.6 (2009)	19.7 (2002)	37.2 (2009)	12.5 (2009)
<b>Malta</b>	30.5 (2008)	27.3 (2003)	32.4 (2009)	50-59 (2008)
<b>Bangladesh</b>	14.0 (2009)		24.0 (2009)	5.0 (2007)
<b>El Salvador</b>	13.2 (2009)	12.5 (2005)	41.5 (2009)	8.0 (2009)
<b>Pakistan</b>	3.2 (2007)	1.5 (2000)	19.7 (2009)	15.7 (2009)

The International Labour Organization considers it extremely important to increase the knowledge of legal regulations in the field of gender equality in the world of labour relations, because there is still a gap between the rights set out in national and international documents and their implementation in real life situations.<sup>66</sup>The International Trade Union Confederation has launched a campaign to end gender-based violence in labour relations, in line with the standards of the International Labour Organization (ILO), with the aim to build critical support for the adoption of the ILO Convention and accompanying recommendations about “Violence and Harassment against Women and Men in the World of Work” with a strong

66 International Labour Office - ABC of women workers' rights and gender equality, Second edition, International Labour Organization, 2007, [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjLu83Hi\\_DsAhXSCRAIHysXDHQQFjABegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Fwcmsp5%2Fgroups%2Fpublic%2F---dgreports%2F---gender%2Fdocuments%2Fpublication%2Fwcms\\_087314.pdf&usg=AOvVaw1qDff7013ShsH6qT4N600K](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjLu83Hi_DsAhXSCRAIHysXDHQQFjABegQIBhAC&url=https%3A%2F%2Fwww.ilo.org%2Fwcmsp5%2Fgroups%2Fpublic%2F---dgreports%2F---gender%2Fdocuments%2Fpublication%2Fwcms_087314.pdf&usg=AOvVaw1qDff7013ShsH6qT4N600K), accessed on 2 October 2020

focus on the gender dimension of violence, as well as to mobilise and strengthen trade union activities in eradicating gender-based violence from the world of work.<sup>67</sup>

The European Trade Union Confederation works on promotion of women's rights and equality between women and men in the labour market and society in general, as women make up over 50% of the European population and about 45% of ETUC members.<sup>68</sup> ETUC priorities are outlined in the Paris Action Programme (2015-2019)<sup>69</sup> and the ETUC Action Programme on Gender Equality (2016-2019)<sup>70</sup>, and include: mainstreaming gender into all ETUC policies; achieving equal pay between women and men; eliminating the gender gap in decision-making bodies; tackling the challenge of work-life balance; facilitating work, family and private life; addressing the link between domestic violence and workplace rights.

The annual 8th March Survey monitors the gender balance in trade union decision-making bodies. Also, the ETUC is lobbying for greater economic independence for women, new EU legislation to improve work-life balance and a directive addressing gender imbalances on company boards.<sup>71</sup> Gender mainstreaming can be a good way to address gender inequalities. However, the feminisation of union membership is not a guarantee of the feminisation of leadership (Cobble, 2016).

In recent times, the position of women at work, both globally and in Serbia, has greatly improved, mostly thanks to the activities of international organisations and their guidelines and the obligations that states have to fulfil to improve the protection of women.<sup>72</sup> However, neither the Law on Labour nor the signed collective agreements have significantly contributed

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67 STOP nasilju nad ženama i muškarcima na radnom mestu (*STOP violence against women and men at work*), published on 8 September 2017, <https://nezavisnost.org/stop-nasilju-nad-zenama-i-muskarcima-na-radnom-mestu/>, accessed on 9 July 2020

68 ETUC - Gender equality, <https://www.etuc.org/en/issue/gender-equality>, accessed on 8 October 2020

69 ETUC Action Programme 2015-2019, <https://www.etuc.org/en/publication/etuc-action-programme-2015-2019>, accessed on 8 October 2020

70 ETUC Action Programme 2016-2019, <https://www.etuc.org/en/document/etuc-action-programme-gender-equality-2016-2019>, accessed on 8 October 2020

71 *Ibid.*

72 The important documents are the United Nations documents on women's rights, in particular the 1996 Beijing Declaration and Platform for Action, which was ratified by Serbia in 2002.

to the reduction of unemployment and poverty of women.<sup>73</sup> A common type of discrimination against women is the lack of sufficient recognition and appreciation of their work; for example, in Serbia, there is the *glass ceiling effect*, which implies that women see opportunities for advancement, but are prevented to reach that goal by a seemingly invisible barrier only because of their sex, race, disability, etc. (Zorić et al, 2008).

The position of women in the field of labour relations and employment in Serbia is not very favourable, and employment-related regulations lack a gender dimension (Urdarević et al, 2019: 22-23) The labour market is characterised by gender segregation by field and occupation; there is a gender pay gap, and as a consequence of efforts to reconcile their professional and private lives, women are becoming increasingly inactive in the labour market (Urdarević et al, 2019: 23). Women are more often than men offered to work under fixed-term contracts; reports of various trade unions show that women who work in industry, regardless of their level of education, are paid wages as if they had finished only primary school (Mitrović, 2019), that women face gender-based discrimination, both in the process of employment and in the workplace (in the process of employment 36% of women had to answer the question of whether they planned to have children, while 7% of women were asked to provide a medical certificate confirming that they were not pregnant) (Đan & Vrbaški, 2019), one third of employed women were denied the right to paid childcare leave or received a lower salary for that period, while 16% of women stated that they returned to work after giving birth earlier than planned) (Đan & Vrbaški, 2019: 33).

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73 Data from the Statistical Office of the Republic of Serbia show that 32% of the working population in Serbia are women, while the percentage of men is significantly higher - 49.3%. At the time of the survey, more and more women worked in the lowest paid industry branches and services, while the pay gap was most noticeable in education, health and social services, with the largest number of women workers. Mothers with children are particularly disadvantaged, but even a larger number of women face age discrimination, and one in three women fears losing their jobs. Many women work without employment contracts, undeclared, without the right to leave, including paid annual leave. Regarding the role of trade unions in the protection of women's rights in Serbia, the 2008 data show that a small percentage of women believe that trade unions seriously deal with workers' rights and position, and only 11% think that trade unions are seriously committed to women's position and protection of their rights. Only 13% of women stated that they would address a trade union in case of workplace harassment, while 8% of women would choose to do it in case of sexual harassment at work. See: Republički zavod za statistiku, *Žene i muškarci u Srbiji*, Beograd, 2008 (*Statistical Office of the Republic of Serbia, Women and Men in Serbia, Belgrade, 2008*), available at: <https://publikacije.stat.gov.rs/G2008/Pdf/G20086028.pdf> Compared to the 2008 data, the 2017 data showed that the female employment rate was 38.1% and the male employment rate was 52.8%. The biggest gender gap in the labour market/employment was recorded in the category of persons aged 55-64, where the female employment rate was 32.5% and the male employment rate was 52.8%. See: Republički zavod za statistiku, *Žene i muškarci u Srbiji*, Beograd, 2017 (*Statistical Office of the Republic of Serbia, Women and Men in Serbia, Belgrade, 2017*), available at: <https://www.stat.gov.rs/publikacije/publication/?p=10781>

In the survey on gender discrimination in the field of labour and employment in Serbia (Đan & Vrbaški, 2019: 42-43), 42% of respondents believe that no trade union represents their interests, while 30% of respondents do not know whether there are trade unions in Serbia. Nearly half (47%) of respondents state that they are members of a trade union, but 51% think that trade unions represent their interests poorly or very poorly. There are no significant differences in responses between male and female respondents. The interviews conducted with trade union representatives have shown that trade unions do not consider gender discrimination in the labour market an issue that should be seriously addressed or even examined. The research has revealed that trade unions are more focused on permanent employees, that workers with fixed-term contracts or contracts on performance of temporary and occasional jobs are not their priority, and therefore they do not treat all employees equally, due to which they lose membership, and consequently the power to influence the adoption and implementation of labour regulations as an important actor in the protection of workers.

According to the data of the Commissioner for the Protection of Equality, the most common discrimination at work is based on gender and age, and increasingly more discrimination is based on health condition and membership in trade unions.<sup>74</sup> Complaints about workplace discrimination are filed more often by women, primarily due to maternity and care for family members, because it is not uncommon to assign a woman to a lower position or lower/inadequately paid job after she returns from maternity leave.<sup>75</sup> Both young people and people older than 55 suffer the burden of discrimination, the former because employers are under the influence of prejudice and believe that young people do not have enough will to work and have no experience, and the latter because they are considered less productive. Therefore, the Commissioner appealed to trade unions to be an important factor in protecting the rights of employees, because we have to understand the reluctance of workers to report discrimination themselves due to fear of losing their jobs. In addition, workplace discrimination can easily lead to violence, which has detrimental consequences for both employees and employers; also, workplace discrimination is more common among women and people with dis-

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74 Poverenica: Sindikati važni u zaštiti prava zaposlenih (*Commissioner: Trade Unions Important in the Protection of Employees*), published on 1 May 2018, <http://rs.n1info.com/Vesti/a384302/Poverenica-Sindikati-vazni-u-zastiti-prava-zaposlenih.html>, accessed on 8 October 2020

75 Ibid.

abilities.<sup>76</sup> Cooperation with trade unions is extremely important for making better use of the existing mechanisms to protect workers from violence, but also from other forms of workplace discrimination.

Discrimination against women in employment relations most often manifests through unequal/lower earnings of women compared to men workers with equal education performing the same jobs, through non-compliance with legal regulations related to special protection of pregnant women and maternity, as well as through mobbing and sexual harassment at work. These are also the topics that trade unions and their women's sections need to deal with more thoroughly. For example, Article 4 of the Rules of Procedure of the Women's Section of the Alliance of Independent Trade Unions of Vojvodina (AITUV)<sup>77</sup> stipulates that the Women's Section, as a form of AITUV's activity, shall focus on promoting economic and social interests and rights of women, in particular raising awareness about the existence of gender inequalities in the social environment and adherence to the principle of equal opportunities for both sexes in all areas of life and work, promotion of the women's contribution and importance in overall social development, consistent implementation of conventions and recommendations of the International Labour Organization and other international legal instruments that protect the position of employed women, exercising and protecting all labour related rights of women, especially against illegal dismissals, monitoring regulations and proposing solutions to improve the position of women, creating systemic conditions for full employment of women, exercising trade union rights of employed women - members of independent trade unions, ensuring gender equality within the AITUV bodies, that is, implementing the principle of at least 30% of women in each AITUV body, improving social and health protection of women, providing better forms of protection of women, mothers with small children, single

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76 Diskriminacija na radnom mestu lako vodi do nasilja (*Discrimination in the workplace easily leads to violence*), published on 9 September 2017 <https://nezavisnost.org/diskriminacija-na-radnom-mestu-lako-vodi-do-nasilja/>, accessed on 8 October 2020

77 Pravila o radu sekcije žena Saveza samostalnih sindikata Vojvodine, Savez samostalnih sindikata Srbije - Savez samostalnih sindikata Vojvodine (2010) (*Rules of Procedure of the Women's Section of the Alliance of Independent Trade Unions of Vojvodina, Confederation of Autonomous Trade Unions of Serbia - Alliance of Independent Trade Unions of Vojvodina (2010)*), [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewj-kubekt\\_sAhXlylUKHR39AvUQFJAegQIBRAC&url=http%3A%2F%2Fwww.ssv.rs%2Fsekcije%2Fzene%2Fdokumenta%2FPRAVILA%25200%2520RADU%2520ZENE%25202010.pdf&usg=AOvVaw1iUvmmhmkSISgY\\_HHYtUn7](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewj-kubekt_sAhXlylUKHR39AvUQFJAegQIBRAC&url=http%3A%2F%2Fwww.ssv.rs%2Fsekcije%2Fzene%2Fdokumenta%2FPRAVILA%25200%2520RADU%2520ZENE%25202010.pdf&usg=AOvVaw1iUvmmhmkSISgY_HHYtUn7), accessed on 10 October 2020

mothers and mothers with children with special needs<sup>78</sup>, other issues relevant to social and economic position of women.

In order to achieve these goals, the Women's Section is free, among other things, to inform and educate women about the rights under laws and other regulations, as well as the rights arising from international legal instruments, but also to present their views and proposals to the AITUV bodies with the aim of improving legal, financial and social position of employed women.<sup>79</sup> This work plan and goals are certainly an example of good practice.

The trade union *Nezavisnost* demanded that discrimination of employees and forcing them to participate in non-union activities be declared a criminal offence, and that they be given the right to legally represent workers who were not ready to personally initiate court litigations.<sup>80</sup> The United Trade Unions of Serbia *Sloga* state that most women in Serbia today are not economically independent, which is one of the main causes of women's exposure to all forms of abuse: including workplace, physical, sexual and domestic violence with tragic consequences. The vast majority of women have jobs where salaries are up to 40% lower than the salaries of men who do the same job, or they even receive the minimum wage, and the most vulnerable women workers are employed in the so-called "screwdriver industry" - manual gluing and assembling of cables, and footwear and clothing industry.<sup>81</sup>

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78 The term "special needs" is quoted from the above Rules, but it should be noted that it is an incorrect and outdated term that is no longer in use.

79 Article 5 of the Rules of Procedure of the Women's Section of the Alliance of Independent Trade Unions of Vojvodina

80 What types of discrimination do employees most often complain about?, published on 5 March 2020, <https://www.rts.rs/page/stories/sr/story/13/ekonomija/3877609/diskriminacija-posao-zalbe-socio-ekonomski-savet.html>, accessed on 10 October 2020

81 Danas Online - Sloga: U Srbiji se prava žena sve jače narušavaju (*Danas Online - Sloga: Women's rights are increasingly violated in Serbia*), published on 7 March 2019, <https://www.danas.rs/drustvo/sloga-u-srbiji-se-prava-zena-sve-jace-narusavaju/>, accessed on 8 October 2020

# 5. Legal framework for trade union activities

The concept and activity of trade unions in the Republic of Serbia are determined in the Law on Labour (hereinafter: LoL),<sup>82</sup> and in the national-level special collective agreements for each activity or branch of industry (hereinafter: SCA).

## 5.1. Law on Labour of the Republic of Serbia

According to the Law on Labour, “trade union”<sup>83</sup> is understood to be an autonomous, democratic and independent organisation of employees into which they associate on a voluntary basis, for the purpose of representing, presenting, promoting and protecting their professional, labour, economic, social, cultural, and other individual and collective interests.<sup>84</sup> The employees are guaranteed the freedom to organise in trade unions and engage in trade union activity which shall require no approval, with the registration<sup>85</sup>, while employees join a trade union by signing a membership application form and paying a membership fee<sup>86</sup>.

The employer has an obligation to provide technical and spatial conditions for the trade union, in accordance with its spatial and financial possibilities, and to allow access to the data

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82 *Official Gazette of the RS*, nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - CC Decision, 113/2017 and 95/2018 - authentic interpretation

83 In parallel to trade unions, it is possible to establish an association of employers with private employers - shops and associations, in accordance with Articles 221 and 222 of the LoL.

84 Article 6 of the LoL.

85 Article 206 of the LoL.

86 Article 207 of the LoL.



and information necessary for performing trade union activities<sup>87</sup>, and one of the basic trade union's rights is also to be informed by the employer about economic, labour and social issues of importance for the situation of employees, i.e. trade union members.

The trade union assists its members in exercising their right to salary and other earnings; providing safe working conditions and organising work to ensure safety and protection of life and health at work; providing information on working conditions, work organisation, rights and obligations arising from labour regulations and regulations on safety and protection of life and health at work; ensuring the completion of tasks specified in the employment contract; respect for the use of annual leave, paid and unpaid leave and solidarity assistance, in the cases envisaged by the relevant special collective agreement; negotiates measures to mitigate the socio-economic consequences for the situation of employees in the event of change of employer. The employer is obliged to request an opinion of the trade union on the measures of safety and protection of life and health of employees who work during night time<sup>88</sup>, as well as on the engagement of part-time employees.<sup>89</sup> In cases of adopting a redundancy programme because due to technological, economic or organisational changes the need for work of employees hired for an indefinite period of time has ceased, the employer is obliged to cooperate with the representative trade union and, if possible, take appropriate measures for new employment of redundant employees before adopting such a programme.<sup>90</sup> In case that the employer warns in writing an employee who is a trade union member about the existence of a reason for cancelling the employment contract, to which the employee may respond within eight days, the trade union is authorised to provide its opinion that will accompany the employee's response.<sup>91</sup> Seeking help from a trade union in protecting labour related rights may not be used by the employer as a reason for terminating the employment contract.<sup>92</sup> Also, the employer can neither terminate the employment contract, nor in any other way put the employee in a disadvantageous position because of his or her status or activity as an employee representative, trade union member, or because of his or her participation in trade union activities.<sup>93</sup> The trade union may institute a litigation before the competent court

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87 Article 210 of the LoL

88 Article 62 of the LoL

89 Article 40 of the LoL

90 Article 154 of the LoL

91 Article 181 of the LoL

92 Article 183, point 6 of the LoL

93 Article 188 of the LoL

on behalf of its member, if duly authorised by that member, or together with its member, against a decision that violates the employee's right, or when the employee becomes aware of the violation of the right.<sup>94</sup>

In addition to the rights guaranteed to employees and trade union membership, a trade union representative, in order to be able to perform trade union activities, may be entitled to paid leave<sup>95</sup> during collective bargaining<sup>96</sup> or representation of an employee in a labour dispute against the employer before an arbitrator or court.<sup>97</sup> A trade union representative is entitled to a paid absence from work during representation,<sup>98</sup> and the law prescribes misdemeanours for the employer who calls to account the employees' representative who acts in accordance with the law and the collective agreement.<sup>99</sup>

In order for the trade union to be able to conclude special collective agreements and individual collective agreements with the employer, and thus to be asked for an opinion and to legally represent the interests of employees, it is necessary to be representative.<sup>100</sup> **The same**

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94 Article 195 of the LoL

95 Article 211 of the LoL provides that a trade union representative or a person authorised to represent the representative trade union at the employer, in order to perform trade union duties, is entitled to 40 paid hours a month if the trade union has a minimum of 200 members, and one extra hour each month for every subsequent 100 members, or proportionally fewer paid hours, where the trade union has less than 200 members, and where collective agreement has not been concluded, the president of the local branch and the trade union body member are entitled to 50% of paid hours.

96 Article 212 of the LoL

97 Article 213 of the LoL

98 Which may not be larger than his or her average salary over the past 12 months, in accordance with the general act and the employment contract. Article 214 of the LoL.

99 The law provides for misdemeanour fines ranging from RSD 400,000 to RSD 1,000,000 imposed on the employer that has the status of a legal person if such an employer calls to account the employees' representatives who act in accordance with the law and the collective agreement, while the amount of this fine imposed on an entrepreneur ranges from RSD 100,000 to RSD 300,000. Article 275 of the LoL; the fines envisaged for responsible persons in the legal entity range from RSD 20,000 to RSD 40,000. Article 275, paragraph 3 of the LoL.

100 Pursuant to Articles 218-220 of the LoL, a trade union is considered representative if it has been established and acts according to the principles of the freedom of trade union organising and acting; it is independent from state agencies and employers; it is financed predominantly from membership fee and other own sources; it has a necessary number of members as documented by membership application forms, i.e. if at least 15% of employees with the employer are trade union members, and it has been registered in conformity with the law and other regulation. A representative trade union for the territory of the Republic of Serbia, territorial autonomy or local self-government unit, or for a branch, group, subgroup or line of business, is considered to be a trade union which meets all the prescribed requirements and which holds as members at least 10% of the total number of employees in the branch, group, subgroup or line of business, or in the territory of a particular territorial unit.

**applies to associations of employers.<sup>101</sup> A trade union or an association of employers whose representativeness has been determined is entitled to participate in collective bargaining and concluding a collective agreement at a corresponding level; to participate in solving collective labour disputes; to take part in the work of tripartite and multipartite bodies at a corresponding level; and other rights in conformity with the law.<sup>102</sup>**

The Law on Labour does not specifically define women's rights, except for the right to special maternity protection. An employed woman who has commenced the maternity leave<sup>103</sup> is guaranteed the right to continue to exercise the right to maternity leave and absence from work for childcare<sup>104</sup>, which is especially important for women who are employed under a fixed-term contract, because it guarantees that her employment will not be terminated regardless of the date specified in the contract, but will be extended by virtue of law until she has used the right to maternity leave and absence from work for childcare. Thus, the employee formally remains employed and is allowed to accumulate years of service, while receiving salary compensation during maternity leave, absence from work for childcare and special childcare.<sup>105</sup>

The Law on Labour explicitly prohibits direct and indirect discrimination of persons seeking employment and employees, on the ground of sex, birth, language, race, colour of skin, age, pregnancy, health condition, disability, ethnic origin, religion, marital status, family obligations, sexual orientation, political or other belief, social background, financial status, membership in political organisations, trade unions, or any other personal characteristic.<sup>106</sup>

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101 According to Articles 221-222 of the LoL, an association of employers is considered representative if it has been registered in conformity with the law and if its membership consists of 10% of the total number of employers in the branch, group, subgroup or line of business, i.e. in the territory of a specific territorial unit, provided that such employers employ a minimum of 15% of the total number of employees in a branch, group, subgroup or line of business, i.e. in the territory of a specific territorial unit.

102 Article 239 of the LoL

103 In accordance with Article 94 of the LoL

104 Independent Articles of the Law on Amendments to the Law on Labour, (*Official Gazette of the RS*, no. 61/2005): Article 11[para. 1] - 13[ para. 1].

105 The law also stipulates a fine of RSD 600,000 to RSD 1,500,000 for the employer with the status of a legal entity if it fails to provide the protection of maternity and the rights related to childcare and special care for a child or other person. Article 274 of the LoL

106 Article 18 of the LoL

## 5.2. Special) collective agreements

A collective agreement regulates the rights, duties and responsibilities stemming from employment relationship, the procedure of amending and supplementing a collective agreement, mutual relations of parties to the collective agreement, and other matters of importance for employees and employers.<sup>107</sup> A collective agreement, employee handbook and employment contract may determine greater rights and more favourable working conditions than the rights and conditions established by the law, unless otherwise provided by the law.

A collective agreement can be concluded as **general** (by a representative association of employers and a representative trade union, both established for the territory of the Republic of Serbia)<sup>108</sup>, **special** (for a branch, group, subgroup or line of business, by a representative association of employers and a representative trade union established for a branch, group, subgroup or line of business;<sup>109</sup> for state companies and public services, it is concluded between a founder, i.e. agency authorised by the founder, and a representative trade union;<sup>110</sup> for persons who independently conduct business in the spheres of fine arts and culture, it is concluded between a representative association of employers and a representative trade union<sup>111</sup>, etc.) and **collective agreement at an employer** (for state companies, corporations established by a state company and public services, it is concluded by a founder, i.e. an agency authorised by the founder, a representative trade union at the employer and the employer,<sup>112</sup> while a collective agreement at an employer is concluded by the employer and the representative trade union at the employer).<sup>113</sup>

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107 Article 240 of the LoL

108 Article 244 of the LoL

109 Article 245 of the LoL

110 Article 246, paragraph 1 of the LoL

111 Article 246, paragraph 4 of the LoL

112 Article 247 of the LoL

113 Article 248 of the LoL

In Serbia, 14 special collective agreements have been adopted at the national level.<sup>114</sup> Since the members of all trade unions are workers and employees at employers, the main purpose of these collective agreements is to protect, preserve and improve working conditions in all workplaces.

Collective agreements concretise and thoroughly regulate the rights guaranteed by law. This survey focuses on the rights of women/parents to annual leave, paid and unpaid leave, specific cash and other benefits, salary compensation during the COVID-19 pandemic, overtime work, performing work with increased risk, compensation during temporary incapacity for work, occupational safety and health, special emphasis on maternity protection, protection against discrimination and workplace harassment, etc.

### 5.2.1. Leave and absence from work

Parents have the right to a certain number of days of **annual leave**, which is added to the minimum mandatory number of annual leave days (20 days) and days that each employee gets based on clearly defined criteria (years of employment, qualifications, working conditions, etc.). Most SCAs set out that employees can be entitled to these days on the basis of their “social and health status”,<sup>115</sup> “social conditions”<sup>116</sup> or “care for children and immediate

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114 Special collective agreements have been adopted for the following lines of business and branches: Special Collective Agreement for the Road Economy of the Republic of Serbia (*Official Gazette of the RS*, no. 14/2018); Special Collective Agreement for State Authorities (*Official Gazette of the RS*, nos. 38/2019 and 55/2020); Special Collective Agreement for Serbian Electric Power Industry (*Official Gazette of the RS*, nos. 15/2015 and 38/2018); Special Collective Agreement for Public Utility Enterprises in the Republic of Serbia (*Official Gazette of the RS*, nos. 27/2015, 36/2017 - Annex I, 5/2018 - Annex II and 94/2019 - Annex III); Special Collective Agreement for Police Officers (*Official Gazette of the RS*, nos. 62/2019 and 62/2020); Special Collective Agreement for Engagement of Performing Artists and Musicians in Hospitality Industry (*Official Gazette of the RS*, nos. 23/2015); Special Collective Agreement for Social Protection in the Republic of Serbia (*Official Gazette of the RS*, nos. 29/2019 and 60/2020); Special Collective Agreement for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government (*Official Gazette of the RS*, no. 106/2018); Special Collective Agreement for Higher Education (*Official Gazette of the RS*, nos. 86/2019 and 93/2020); Special Collective Agreement for Employees in Local Self-governments (*Official Gazette of the RS*, nos. 38/2019 and 55/2020); Special Collective Agreement for Employees in Primary and Secondary Schools and Student Dormitories (*Official Gazette of the RS*, nos. 21/2015 and 92/2020); Special Collective Agreement for Employees in Preschool Education Institutions Founded by the Republic of Serbia, Autonomous province and Local Self-governments (*Official Gazette of the RS*, no. 97/2020); Special Collective Agreement for Employees in Institutions for Student Standard Founded by the Republic of Serbia (*Official Gazette of the RS*, nos. 1/2019 and 92/2020) and Special Collective Agreement for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments (*Official Gazette of the RS*, nos. 96/2019 and 58/2020 - Annex I)

115 For example, the SCA for Social Protection in the Republic of Serbia (Article 26 paragraph 1 point 5)

116 For example, the SCA for Employees in Primary and Secondary Schools and Student Dormitories (Article 14 paragraph 1 point 5)

family members“,<sup>117</sup> while some SCAs include parenting in a broader sense under the term “other criteria”.<sup>118</sup> The only SCA that does not envisage the increase of the legal minimum of 20 days of annual leave on the basis of these criteria is the SCA for the Road Economy of the Republic of Serbia.<sup>119</sup>

In accordance with the signed SCA, employees are also entitled to a certain number of **paid leave** days in case of various life events. All SCAs establish that employees are entitled to a certain number of days off in the following cases: wife’s delivery (five working days), immediate family member’s delivery (one working day) or serious illness of an immediate family member (five<sup>120</sup> to seven<sup>121</sup> working days). A small number of SCAs grant the right of paid leave to adoptive parents.<sup>122</sup> The SCA for Cultural Institutions<sup>123</sup> is the only one that grants the right to paid leave to employees in case of the delivery of wife or *cohabiting partner* living in the joint household with an employee, emphasizing the legal equality of marital and cohabiting partners and their children. One of the recent provisions introduced in some of the SCAs refers to the use of two working days of paid leave for the child’s starting the first grade of elementary school.<sup>124</sup> The SCA for Employees in Local Self-governments is the only one that grants to employees two working days of paid leave for sending off their child, stepchild, adoptee or foster child to the army.<sup>125</sup>

Only the SCA for Employees in Preschool Education Institutions Founded by the Republic of Serbia provides for the employee’s right to use **unpaid leave** for the purpose of treatment

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117 For example, the SCA for State Authorities (Article 12 paragraph 1 point 6)

118 For example, the SCA for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government (Article 17 paragraph 1 point 5)

119 Article 15 provides an increase only on the basis of work contribution, working conditions and years of service.

120 The SCA for Higher Education (Article 14), the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia (Article 16 paragraph 1 point 3) and the SCA for the Road Economy of the Republic of Serbia (Article 13 paragraph 1 point 3)

121 The SCA for Employees in Local Self-governments (Article 21, paragraph 1, point 11), the SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments (Article 52 paragraph 1 point 7) and the SCA for Social Protection in the Republic of Serbia (Article 13 paragraph 1 point 6)

122 The SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments (Article 52 paragraph 1 point 5), the SCA for Employees in Local Self-governments (Article 21 paragraph 1 point 1), the SCA for Social Protection in the Republic of Serbia (Article 29 paragraph 1 point 5) and the SCA for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government (Article 19 paragraph 1 point 2)

123 Article 19, paragraph 3, point 2

124 This right is not provided only in the SCA for Higher Education (Article 14), the SCA for the Road Economy of the Republic of Serbia (Article 16) and the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia (Article 13)

125 Article 21, paragraph 1, point 9

and in vitro fertilisation at his or her own expense in the duration of 30 working days.<sup>126</sup> The SCA for Employees in Local Self-governments,<sup>127</sup> the SCA for Employees in Primary and Secondary Schools and Student Dormitories<sup>128</sup>, the SCA for Social Protection in the Republic of Serbia<sup>129</sup>, the SCA for Police Officers<sup>130</sup> and the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia<sup>131</sup> envisage that unpaid leave can be used, with the previous employer's approval, among other reasons, for the purpose of caring for a seriously ill family member, but the duration of this leave varies: from not prescribing the number of days,<sup>132</sup> through 30 working days<sup>133</sup>, to 90 working days.<sup>134</sup> The SCA for Higher Education<sup>135</sup> provides that the employer may grant unpaid leave to the employee, at his or her request, for the purpose of caring for an immediate family member under treatment, but only outside the place of residence or abroad, for up to one year, if it does not disrupt the work process.

### 5.2.2. Cash and other benefits for employees

Special collective agreements can set out requirements for acquiring the right of employees to **solidarity allowance** and its amount. In general, all SCAs specifies a minimum of cases in which the payment of solidarity allowance may be granted, for example, provides that the employer is obliged to pay the employee this allowance in the following cases: death of employee's spouse or child (funeral expenses according to provided invoices up to non-taxable amount), severe and permanent disability (in the amount of two average salaries), sick leave lasting longer than three successive months (in the amount of one average salary once in a calendar year) and purchase of medical aids or medicines specified in the rulebook on medical technical aids financed from insurance in the amount of one average salary).<sup>136</sup> One of the recent novelties introduced in some SCAs is that an employee can be paid solidarity allowance for the birth of a child, usually in the amount of an average monthly salary without

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126 Article 30, paragraph 1, point 6

127 Article 22, paragraph 1, points 2 and 3

128 Article 17, paragraph 1, point 5

129 Article 30

130 Article 22, paragraph 1, point 1

131 Article 14, paragraph 1, point 5

132 SCA for Employees in Primary and Secondary Schools and Student Dormitories

133 SCA for Police Officers

134 SCA for Employees in Local Self-governments

135 Article 15, paragraph 2

136 For example, the SCA for Employees in Primary and Secondary Schools and Student Dormitories (Article 29) specifies these cases as only ones for the payment of solidarity allowance.

taxes and contributions in the Republic of Serbia.<sup>137</sup> Some SCAs envisage the right to solidarity allowance in cases of child adoption.<sup>138</sup> In cases where both parents work for the same employer, the right to solidarity allowance is granted to the employed mother. Some collective agreements provide the payment of solidarity allowance to employed women in cases of in vitro fertilisation (IVF) after undergoing all IVF treatments covered by the Republic Health Insurance Fund, up to three average monthly salaries in the Republic of Serbia.<sup>139</sup> The SCA for Employees in Preschool Education Institutions provides that the employer can pay the solidarity allowance to the employee for the purpose of mitigating the employee's unfavourable financial and social situation, once a year up to the amount of the average net salary without taxes and contributions for the Republic of Serbia.<sup>140</sup> The SCA for Police Officers provides for granting regular education scholarships for children of deceased or wounded police officers, up to the age of 26, purchase of textbooks and school supplies for primary and secondary education and for preschool education<sup>141</sup>, and assistance to immediate family members of deceased police officers for paying a rental fee if their housing issue has not been solved or for the payment of housing loan debt and for subsistence if they do not have other means of subsistence and are unable to work.<sup>142</sup>

Special collective agreements can provide also **various other cash benefits for employees**, in addition to those required by law. All SCAs provide that, in agreement with trade unions at employers, children of employees should or can receive a New Year gift. The only thing that differs is the child's age requirement that ranges from 11<sup>143</sup> to 15<sup>144</sup>. The SCA for Employees in

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137 The SCA for Employees in Local Self-governments (Article 51 paragraph 1 point 9), the SCA for Social Protection in the Republic of Serbia (Article 69 paragraph 7 point 1), the SCA for Serbian Electric Power Industry (Article 53), the SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments (Article 107 paragraph 4 point 1), the SCA for State Authorities (Article 45) and the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia (Article 37).

138 As provided, for example, in Article 45, paragraph 1, point 7 The SCA for Employees in Preschool Education Institutions and Article 30 of the SCA for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government.

139 The SCA for Social Protection in the Republic of Serbia (Article 69, paragraph 7, point 2), the SCA for Employees in Local Self-governments (Article 51, paragraph 1, point 9) and the SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments (Article 107).

140 Article 46

141 Article 37, paragraph 1, point 11

142 Article 37, paragraph 1, point 12

143 For example, Article 32 of the SCA for Employees in Primary and Secondary Schools and Student Dormitories and Articles 24-25 of the SCA for Higher Education

144 For example, Article 49 of the SCA for Employees in Local Self-governments, Article 60 of the SCA for Serbian Electric Power Industry and Article 36 of the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia.



Local Self-governments extends the right to a New Year gift, granting it not only to the children of employees, but also to the children of casual employees engaged by the employer for at least three months intermittently or continuously in the calendar year in which this right is provided and if they are under contact on the day of exercising this right,<sup>145</sup> while the SCA for Social Protection provides that the employer may grant financial assistance also to a single parent with a child up to 14 years of age.<sup>146</sup> In addition to New Year gifts for employees' children, some SCAs envisage a Christmas bonus for employees in the equal amount.<sup>147</sup> The employer and the trade union can agree to include in the collective agreement a gift for employed women for the International Women's Day or pay them a certain amount of money.

In the context of the COVID-19 epidemic most SCAs<sup>148</sup> were amended with respect to **salary compensation during temporary absence from work due to the infectious disease COVID-19**. It is provided that the employee shall be entitled to the salary compensation equalling 100% of the basic salary for the month in which his or her temporary absence from work due to the confirmed COVID-19 infectious disease occurred or in which he or she had to be isolated or self-isolated in relation with this disease, as a consequence of direct risk exposure while performing jobs and work duties, or while performing official duties and being in contact with persons with confirmed COVID-19 disease or to whom the measure of isolation or self-isolation was ordered.<sup>149</sup> The employee has an obligation to prove his or her absence

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145 Article 49, paragraph 2

146 Article 59, paragraph 1, point 6

147 The amount is negotiated by the Government and representative trade unions every year in the process of adopting the Budget Proposal of the Republic of Serbia, whereas the amount is at least 10% of the average monthly salary per employee in the Republic of Serbia preceding the payment, according to the latest data published by the national body responsible for statistics. Article 30 of the SCA for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government

148 The SCA for Employees in Local Self-governments (Article 43a), the SCA for Employees in Primary and Secondary Schools and Student Dormitories (Article 24a), the SCA for Employees in Preschool Education Institutions (Article 41a), the SCA for Higher Education (Article 20a), the SCA for Social Protection in the Republic of Serbia (Article 64a), the SCA for Medical Institutions (Article 101a), the SCA for State Authorities (Article 33a), the SCA for Police Officers (Article 30a) and the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia (Article 23a).

149 Depending on the duration of leave, the sources of financing the employee's compensation differ: for the first 30 days of leave, the salary compensation is paid from the employer's budget, while starting from the 31st day of leave, the salary compensation is paid from the mandatory health insurance fund up to the legally prescribed amount of salary compensation during sick leave (65%), and the difference between that amount and 100% of the basic salary is paid from the employer's budget.

from work with a decision issued by the competent authority<sup>150</sup> or with a medical report on temporary incapacity for work (doctor's certificate of illness).<sup>151</sup>

The SCA for Police Officers in these situations recognises the right to salary compensation in the amount of 100% of the basic salary, as well as the right to contribution for accelerated retirement for police officers who work in the positions for which pensionable service is calculated at an accelerated rate.

It is interesting that all these SCAs ensure certain rights to employees only if they got infected as a consequence of direct risk exposure while performing jobs and work duties, or while performing official duties and being in contact with persons with confirmed COVID-19 disease or to whom the measure of isolation or self-isolation was ordered.

### 5.2.3. Rights related to overtime work

The SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments is the only such agreement that provides employees with protection regarding **overtime work** in the context of pregnancy and parenting. It provides that pregnant employees, one of parents of a child under three years of age, single parents of a child under seven years of age or a child with disability, including with moderate to severe developmental challenges, can be assigned to on-call duty, as a form of overtime work, only with their written consent.<sup>152</sup>

### 5.2.4. Occupational safety and health

All SCAs envisage employees' representatives for **occupational safety and health** and special occupational safety and health committees, but only the SCA for Serbian Electric Power Industry provides that the committee has a duty to analyse the situation of special protection of employees under 18 years of age, women and employees with reduced or altered work capacity, and suggests measures for improving their protection<sup>153</sup>, requiring the employer to re-

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150 Sanitary inspector, authority responsible for state border crossing control, customs authority, excerpt from the records of the Ministry of Interior, etc.

151 The SCA for Medical Institutions provides that this right is granted to the employee who was absent from work as of 1 March 2020.

152 Article 46

153 Article 26, paragraph 1, point 6

fer all employees to a preventive medical check-up, at its own expense and in cooperation with the trade union, in accordance with the employee health protection programme, and to organise and finance preventive medical check-ups and specialist examinations for women on a yearly basis.<sup>154</sup>

### 5.2.5. Performing jobs with increased risk and special maternity protection

**Performing jobs with increased risk** is mentioned in the SCA for Social Protection in the Republic of Serbia<sup>155</sup> and the SCA for Medical Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-governments<sup>156</sup>, which provide that employed women during pregnancy and mothers of children under three years of age may not perform jobs with increased risk without their own consent, and that employers may not assign a pregnant employee to perform jobs with increased risk that could endanger her pregnancy. The SCA for Medical Institutions also provides for the employer's obligation to ensure that the employee during her pregnancy be informed in writing about the results of job risk evaluation and measures for eliminating these risks.<sup>157</sup>

The SCA for Serbian Electric Power Industry is the only such agreement that specifies the cases of **temporary incapacity for work where it is obligatory to provide salary compensation in the amount of 100% of the basic salary** if the employee is absent from work for the purpose of maintaining pregnancy or providing special care for a child under three years of age.<sup>158</sup>

### 5.2.6. Harassment in the workplace (mobbing)

**Harassment in the workplace (mobbing)** is explicitly mentioned only in the SCA for Employees in Preschool Education Institutions<sup>159</sup>, which sets out the employer's obligation to organise work in a way to prevent the occurrence of harassment in the workplace and provide

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154 Article 27, paragraphs 2 and 3

155 Article 40

156 Article 66

157 Article 66, paragraph 3

158 For each case of such sick leave that lasts longer than 30 days, the employer shall be reimbursed by the relevant fund when the conditions are met. Article 43

159 Article 35

such working conditions in which employees will not be exposed to harassment in the workplace by the employer, responsible person or other employees. Any form of harassment of employees in the workplace or in connection with work is prohibited, and the employer has an obligation to take all measures in accordance with the law regulating the prevention of harassment in the workplace, with the aim of identifying and preventing harassment in the workplace.<sup>160</sup> Discrimination is also prohibited, i.e. it is provided that in case of discriminatory conduct, the provisions of the law regulating the foundations of the education system, the Law on Labour and special laws will be implemented. This SCA specifically provides that the **protection of maternity and the exercise of the right to maternity leave and childcare leave, leave for special care for a child or other person** shall be ensured in accordance with legal provisions, in particular insisting on the protection and respect of these rights.<sup>161</sup> Other SCAs do not contain such provisions.

### 5.2.7. Determining redundancy and transfer of an employee to another job

Eight of fourteen SCAs specify the way of **determining redundancy**.<sup>162</sup> Most of them set out that before adopting a downsizing programme, the employer is obliged to take measures, in cooperation with the representative trade union and the National Employment Service, to employ redundant workers or, if it fails, to rank employees based on defined parameters. Women employees are provided with absolute protection against dismissal during pregnancy, maternity leave, childcare leave and special childcare leave, and if she has a fixed-term employment contract, it is extended until the expiration of the right to use maternity leave, childcare leave and special childcare leave. If the employer adopts a decision on the termination of employment contract anyway, it is considered null and void and does not produce legal effect. Special collective agreements for the area of education prohibit the termination of employment contract of employees without their consent if they are pregnant women or women with a child under two years of age, single parents, employees with a child

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<sup>160</sup> Article 11

<sup>161</sup> Article 32

<sup>162</sup> The SCA for Employees in Local Self-governments (Articles 56 and 57), the SCA for Employees in Primary and Secondary Schools and Student Dormitories (Article 34 and 38), the SCA for Employees in Preschool Education Institutions (Articles 60 and 61), the SCA for Higher Education (Articles 30, 31 and 33), the SCA for the SCA for Cultural Institutions Founded by the Republic of Serbia, Autonomous Province and Local Self-government (Article 39), the SCA for Public Utility Enterprises in the Republic of Serbia (Article 75) and the SCA for Employees in Institutions for Student Standard Founded by the Republic of Serbia (Articles 31, 32 and 34).

with severe disability or one of spouses if both of them work in the same institution. The SCA for Higher Education provides such protection also to the parent who has the status of “parent carer”.<sup>163</sup>

In contrast, the SCA for Public Utility Enterprises limits this right, specifying that the employer cannot adopt a decision on terminating the employment contract based on redundancy, without the employee’s consent, if he or she is a single parent with a child up to 15 years of age or a parent with a child with “special needs”.<sup>164</sup> Interestingly, a single parent in this SCA refers only to a parent who lives with at least one child, does not live in a marriage or cohabitation and does not receive child support from other parent or receives child support that is below 50% of the minimum wage in the Republic of Serbia, established in accordance with the law, while the SCA for Employees in Institutions for Student Standard defines a single parent as a parent who exercises the parental right independently, if another parent is unknown or deceased or exercises the parental right on the basis of court decision or if a parent lives alone with the child, based on the certificate issued by the social welfare centre in case that the court has not issued yet a decision on exercising the parental right, and in cases where another parent is fully or permanently incapable of working, without acquiring the right to retirement, or if another parent is serving a prison sentence longer than six months.<sup>165</sup>

Trade unions also managed to introduce a provision according to which an employee with a child up to 15 years of age, whose household’s total monthly income does not exceed the amount of minimal wages and an employee who is the sole provider for a child with “severe developmental difficulties” and the sole provider for an underage child **has an advantage**, over other employees, **to keep his or her employment** at the position where the number of workers is reduced, regardless of the criteria for determining redundancy. One of the ranking criteria in certain areas (such as the area of education) is also the number of preschool age children or children in regular schooling up to 26 years of age.

Some SCAs provide for the special protection of certain categories of employees against changing the contracted conditions of work, in cases where the employer, because of the needs of work process and organisation, can offer to the employee an annex to employment

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163 Article 33, paragraph 1, point 3

164 Article 75, paragraph 1, points 2 and 3

165 Article 34, paragraphs 2 and 3

contract and transfer to another appropriate position that matches his or her professional qualifications and working abilities. For example, the SCA for Medical Institutions provides that the employee during pregnancy, the mother of a preschool age child and the mother of a child with developmental challenges or severe inborn or acquired diseases and conditions may not be assigned in this way,<sup>166</sup> while the SCA for Cultural Institutions provides that employees may not be transferred from one place of work to another without his or her consent, if they are pregnant women, single parents with a child with disability, on the basis of care for child up to the age of 15: a parent, adoptive parent or foster parent and an employee who provides care for an immediate family member with an intellectual disability, severe physical disability or disease whose consequence is complete immobility or very poor mobility.<sup>167</sup>

The SCA for Serbian Electric Power Industry is the only one that prohibits the employer to transfer a pregnant employee, single parent or preschool age child carer or employee with occupational disability to work for other employer, without their consent.<sup>168</sup>

### 5.2.8. Specific features

The SCA for Police Officers contains some interesting and unique provisions defining the **right of police officers to the protection of dignity at work and in connection with work**.<sup>169</sup> To that end, the employer has an obligation: 1) to develop the values of tolerance, understanding and respect for police officers and to recognise, record, prevent and punish any unwanted behaviour and actions that disrupt such relationships through discrimination, harassment or sexual abuse; 2) to provide a safe and healthy work environment, by organising the process of work in such a way to prevent the occurrence of abuse at work and in connection with work, while ensuring such working conditions that do not violate the dignity of police officers by the employer, i.e. responsible person, employees or other persons engaged to work at the employer; 3) to undertake measures of notifying and training of employees and trade union representatives, in order to recognise and prevent abuse, through courses, seminars and other types of education, to easier identify abusive behaviours, their causes and consequences. It also prohibits any form of discrimination or abuse of police officers on the basis of their mem-

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166 Article 22, paragraph 4

167 Article 10, paragraph 1

168 Article 72, paragraph 2

169 Articles 39-46

bership or non-membership in trade union, and provides for the protection of personal data, and the employer's obligation to first try to resolve amicably cases of abuse at work or in connection with work.

The only SCA that does not contain any of these provisions is the SCA for Engagement of Performing Artists and Musicians in Hospitality Industry, which deals only with the way of engaging performers, negotiating the price of work - fee, defining the rights and duties of employers, performers and agents (agencies), as well as the way of solving disputes.

# 6. Engagement of trade unions in combating gender-based violence and domestic violence during the COVID-19 pandemic

COVID-19 is not gender neutral, because women worldwide suffered more different consequences of lockdown and movement restrictions due to the coronavirus pandemic. The COVID-19 pandemic is harming health, social and economic well-being worldwide, with women at the centre. Women make up almost 70% of the health care workforce, exposing them to a greater risk of infection. At the same time, women are also shouldering much of the burden at home, given school and childcare facility closures and longstanding gender inequalities in unpaid work. Women also face high risks of job loss and income necessary for living, as well as increased risks of violence, exploitation, abuse or harassment during the crisis and lockdown and/or movement restrictions.

The UN has said that the Coronavirus hits women three times: for health, for domestic violence and for taking care of others. Restrictive measures taken worldwide to combat COVID-19 intensify the risk of domestic violence and increase the women's workload at home. UN Women, a UN entity dedicated to gender equality and the empowerment of women, has



highlighted that domestic violence is the Shadow Pandemic growing amidst the COVID-19 crisis. Women's rights activists around the world are reporting a significant increase in calls to domestic violence helplines. Global collective efforts and actions are needed to stop this upsurge of domestic violence. Health services and shelters for victims of domestic violence are overloaded, along with helplines, due to which a campaign was launched to raise awareness of an alarming increase in domestic violence during COVID-19 with a message that everyone should support and help women victims of violence if they know or suspect that they are exposed to some form of violence.<sup>170</sup>

The potential consequences of COVID-19 – including higher unemployment (for women and men), lost wages, and job insecurity – are particularly dangerous for women in abusive relationships, as economic control is a key tool of abusers.<sup>171</sup> Financial insecurity may force victims to remain with their abusers. The rapidly-increasing reliance on digital technology during lockdown or movement restriction also has implications for gender-based violence: digital tools represent one way for women to escape violence, but also give abusers the possibility to increase their control and to alienate their victims from the external world even more, by controlling their digital tools, such as mobile phones and computers.

Even before the outbreak of the pandemic, trade unions pointed to the need for involvement in the fight against domestic violence, in the context of women's work engagement, making a link between domestic and workplace violence. The European Trade Union Confederation has already been very active in pointing to gender equality in the workplace. After publishing the report "Safe at Home Safe at Work" in 2017<sup>172</sup>, which contained the first guidelines for trade unions on how to treat workplace harassment and violence against women and how to eliminate them. These guidelines have been incorporated in 40 collective agreements in 11 EU member states.<sup>173</sup> In Denmark, for example, trade unions organised a series of training

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170 UN Women - The Shadow Pandemic: Violence against women during COVID-19, <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>, accessed on 14 August 2020

171 OECD Policy Responses to Coronavirus (COVID-19) - Women at the core of the fight against COVID-19 crisis, published on 1 April 2020, <https://www.oecd.org/coronavirus/policy-responses/women-at-the-core-of-the-fight-against-covid-19-crisis-553a8269/>, accessed on 4 October 2020, p. 14

172 Safe at home, safe at work, published on 12 June 2017, <https://www.etuc.org/en/document/safe-home-safe-work-final-report-national-country-studies>, accessed on 16 July 2020

173 New ILO Convention gives right to work without violence and harassment, published on 21 June 2019, <https://www.etuc.org/en/pressrelease/new-ilo-convention-gives-right-work-without-violence-and-harassment>, accessed on 16 July 2020

courses related to the link between domestic and workplace violence; in France, domestic violence is regulated<sup>174</sup>, while a significant number of trade unions across Europe have joined forces with NGOs to raise awareness of the scope and seriousness of domestic violence and to fight all forms of violence against women (Mir Roca, 2016).

Trade unions in the United States of America have been fighting against domestic and workplace violence for decades: some trade unions have put domestic and sexual violence high on their social, legal and political agenda, while other trade unions began to design innovative educational materials and training programmes for their members, but also ways to support their female members facing domestic violence (Urban & Wagner, 2000).

The increase in domestic violence noticed since the outbreak of the pandemic is also a source of public concern (Taub, 2020). In the absence of social security networks and adequate support in terms of income, many women employed in informal sectors, especially in developing countries, hardly have a choice but to continue to work despite movement restrictions and reduced social contacts.<sup>175</sup> *The National Domestic Abuse Helpline* in the UK reported a 25% increase in calls since lockdown measures began due to coronavirus, while hits to their website increased by 150% (Elliott, 2020). Due to the pandemic, a large number of women work from home, isolated from other employees who, in cases of domestic violence, could provide significant support and assistance to victims. From Spain to Poland, reported cases are up by over 30% and the number of femicides has more than doubled in the UK.<sup>176</sup>

Trade unions around the world are deeply concerned about the growing number of domestic violence cases due to coronavirus and are trying to develop new mechanisms to protect women from violence and discrimination, not only from the virus. Numerous trade unions have well-established women's anti-discrimination networks, which have proven to be crucial in identifying and solving an alarming increase in domestic violence cases.

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174 Collective agreement between the employers La Poste, Carrefour hypermarkets and Peugeot-Citroën

175 ILO Policy Brief on COVID-19, Pillar 3: Protecting workers in the workplace, [https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739049/lang--en/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739049/lang--en/index.htm), accessed on 2 October 2020

176 Women and their unions are battling a double crisis: Covid-19 and domestic violence, published on 20 April 2020, <https://www.uni-europa.org/2020/04/women-and-their-unions-are-battling-a-double-crisis-covid-19-and-domestic-violence/>, accessed on 23 July 2020

Italian trade unions were among the first ones that started to advocate for the protection of health care professionals immediately at the beginning of the pandemic,<sup>177</sup> but also got engaged in the fight against domestic violence, requesting the removal of perpetrators in shelter rather than victims during the pandemic (Ghoshal, 2020: 195-199). In Belgium, *Femmes CSC* put forward a list of best practices to the government, stressing the importance of introducing and enhancing the existing services aimed at supporting victims, opening 24-hour telephone helplines, using pharmacies as outreach facilities and having police check on households with previously recorded cases of domestic violence.<sup>178</sup> In Spain, *FSC-CCOO* launched an awareness raising campaign with a focus on promoting the available resources for fighting domestic violence.<sup>179</sup> In Turkey, where the month of March 2020 alone saw 29 femicides, trade unions jointly with women's non-governmental organisations have called for an emergency action plan and for special training for law enforcement officers.<sup>180</sup> In France, *CGT Unilever* has called for the government to start accommodating victims of domestic violence in empty houses instead of overcrowding safe houses during the lockdown as well as to provide them with free access to essential goods.<sup>181</sup>

In the UK, the Trade Union Congress created an interactive guide for trade unions, including helpful guidance on how to spot signs of abuse in female co-workers and in the workplace and how to help the victim and solve the problem.<sup>182</sup> Other trade unions around the world also want to take measures to protect their female members against domestic and intimate partner violence. Trade unions in South Africa have an interesting proposal of introducing special mobile clinics to deal with the victims of gender-based violence during the COVID-19 pandemic, since access to the health care system is poor as a result of the fight against coronavirus.<sup>183</sup>

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177 COVID-19: Italian unions sign vital new agreement on safety of health workers, <https://www.epsu.org/article/covid-19-italian-unions-sign-vital-new-agreement-safety-health-workers>, accessed on 17 October 2020

178 Women and their unions are battling a double crisis: Covid-19 and domestic violence, published on 20 April 2020, <https://www.uni-europa.org/2020/04/women-and-their-unions-are-battling-a-double-crisis-covid-19-and-domestic-violence/>, accessed on 23 July 2020

179 *Ibid.*

180 *Ibid.*

181 *Ibid.*

182 Domestic and Intimate Partner Violence and COVID-19, <https://aflcio.org/covid-19/domestic-and-intimate-partner-violence-and-covid-19>, accessed on 16 August 2020

183 *Ibid.*

Since the beginning of the pandemic, Canada's trade unions have been pointing to the growing risk of domestic violence because of the coronavirus threat and implementation of certain measures of prevention. The recommendation that people stay in their homes, along with the growing job insecurity and financial pressure, can elevate the risk of domestic violence that, in cases of isolation, is very dangerous for the victim. There are women's shelters and transition houses for victims of domestic violence across Canada, while federal and provincial governments have announced that they will try to secure sufficient funds for this purpose even in the situation of the pandemic.<sup>184</sup> Male members of Canadian *Unifor*, a trade union that represents over 315,000 workers, organised in 2020 a walk Toronto in pink high heels to raise money for assisting women and children victims of domestic violence.<sup>185</sup> In addition to stressing that support should be provided to women and children who survived domestic violence, another important message is that men should take responsibility for the fight against gender-based violence.

Hoping to push back the rising tide of gender-based violence amidst the COVID-19 pandemic, a union federation affiliates in the Latin American and the Caribbean region launched a "Trade Union Activism against Gender-based Violence" project in Brazil.<sup>186</sup> In June 2020, an Israeli trade union *Histadrut* launched a campaign TV ad to call for an end to violence against women, both at work and home, urging women to report all cases of violence and harassment.<sup>187</sup> Domestic violence was already a big problem even before the COVID-19 pandemic, but the movement restriction and lockdown worsened the problem, which is why this union's movement of working women and volunteers took practical steps to provide direct help to

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184 Home is not safe for everyone: Domestic violence during a pandemic, published on 26 March 2020, <https://canadianlabour.ca/home-is-not-safe-for-everyone-domestic-violence-during-a-pandemic/>, accessed on 15 July 2020

185 The walk raised CAD 134,000 and all proceeds will go to the Halton Women's Place, which provides shelter and crisis services for physically, emotionally, financially and sexually abused women and their children. Members of Unifor walk in pink high heels downtown to raise money for women's shelter, published on 19 September 2020, <https://www.cbc.ca/news/canada/toronto/unifor-hope-in-high-heels-walk-toronto-halton-womens-place-domestic-violence-1.5731400>, accessed on 2 October 2020 See also: Unifor raises \$134,000 to aid domestic violence victims, published on 19 September 2020, <https://www.unifor.org/en/whats-new/press-room/unifor-raises-134000-aid-domestic-violence-victims>, accessed on 17 October 2020

186 The project was implemented in the form of a webinar that was streamed live on Facebook and watched by 1,448 people, including women members of 66 trade unions from Brazil, Peru, Ecuador, Argentina, Honduras, Costa Rica, Guatemala, Colombia, Mexico, Panama, Uruguay and Jamaica. Brazil Trade union activism vs. gender-based violence pushed, published on 15 September 2020, <https://www.bwint.org/cms/brazil-trade-union-activism-vs-gender-based-violence-pushed-2010>, accessed on 4 October 2020

187 Israeli unions launch TV ad on violence against women, published on 8 June 2020, <https://www.bwint.org/cms/news-72/israeli-unions-launch-tv-ad-on-violence-against-women-1886>, accessed on 18 September 2020

women who suffered domestic violence by setting up a shelter and a hotline for help. The union has stated that women in Israel are most severely affected by the pandemic due to high unemployment among them (of 792,000 unemployed persons registered in March and April 2020, 55.4% are women) labour market segregation,<sup>188</sup> unpaid work and the rise in domestic violence.

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)<sup>189</sup> gathers 425 trade unions from 127 countries and has about 10 million members. Its primary goals from the beginning of the pandemic have been to retain jobs and preserve the health of workers who go to the workplace despite the pandemic and movement restrictions. Health and safety depend on life without sexual violence, domestic violence and different types of harassment.<sup>190</sup> As already mentioned, trade unions around the world are putting pressure on the governments of their countries to take action to prevent domestic violence and ratify the Violence and Harassment Convention and ILO Recommendation no. 206,<sup>191</sup> the two international instruments that include domestic violence as an element impacting employment and the health and safety of employed women. Employed women are protected from violence throughout the workplace - whether that workplace is in the employer's premises or in their living room if they work from home.<sup>192</sup>

The situation in Serbia regarding the records of cases of domestic violence against women does not differ much from the situation in the rest of the world. The state of emergency was introduced in Serbia on 15 March 2020 and lifted on 6 May 2020, and various measures - phys-

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188 *Ibid.*

189 The international union that represents workers in agriculture and plant production, preparation and production of food and dishes, hospitality, restaurant and catering industry or in any of the tobacco processing phases.

190 International Labour Organisation - Violence and Harassment Convention No. 190, 2019, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190), accessed on 5 October 2020; International Labour Organisation - Violence and Harassment Recommendation No. 206, 2019, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R206](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206), pretraženo 05.10.2020; We cannot let domestic violence accompany the spread of COVID-19, published on 17 April 2020, <http://www.iuf.org/w/?q=node/7584>, accessed on 21 October 2020

191 The trade union movement is very strong and persistent in the fight against domestic violence worldwide during the pandemic. For more information see: Connell, T., Women & Their Unions Stand Strong during COVID-19, published on 21 April 2020, available at: <https://www.solidaritycenter.org/women-their-unions-stand-strong-during-covid-19/>, accessed on 20 September 2020, Union responses to gender-based violence and the COVID-19 pandemic, published on 22 June 2020, <https://www.ituc-csi.org/union-responses-to-gender-based>, accessed on 22 September 2020, and Protecting women's rights during Covid-19, published on 9 April 2020, available at: <http://www.industrialunion.org/protecting-women-rights-in-during-covid-19>, accessed on 20 September 2020

192 Domestic violence invades the workplace: Why ILO C190 is needed in the time of Covid-19, published on 6 September 2020, available at: <https://uniglobalunion.org/news/domestic-violence-invades-workplace-why-ilo-c190-needed-time-covid-19>, accessed on 28 September 2020

ical isolation, distancing and prohibition/ restriction of movement - were implemented in that period. There are no publicly available data on the number of criminal and misdemeanour cases related to domestic violence, which were initiated during the state of emergency, or data about the activities of trade unions in Serbia aimed at combating this type of violence and submitting initiatives to the competent public authorities for introducing mechanisms for fighting against it.

# 7. Research on the position of women in trade unions

## 7.1 Goal, object and description of research

The **goal of the research** was to determine the position of women in trade unions and analyse the work of trade unions related to women's rights and gender equality, including the programme orientation of trade unions and specific activities aimed at improving the position of women and gender equality.

The **object of the research** was the attitudes and awareness of trade union's female members about the position of women in trade unions in Serbia and about the position of women at work and in connection with work. The analysis of collected data looked at the attitudes of women trade union members and leaders about several topics related to the position of women in trade unions: the activities of trade unions and women; respect for women's rights at work and in connection with work; the impact of COVID-19 on women's labour rights and the role of trade unions.

The research on the position of women in trade unions in Serbia was conducted in four phases, in the period from the beginning of September to the end of December 2020. In the first phase (desk research), an overview of the beginnings of the trade union movement was first prepared, along with an overview of the impact of the women's rights movement on women's trade union organisation and activism. The existing reports of international institutions and organisations addressing the position of women in trade unions, as well as trade union activities during the COVID-19 pandemic, particularly in connection with the protec-

tion of employed women against violence, were reviewed. In addition, a total of 14 special collective agreements in Serbia were collected and analysed from the aspect of employed women's rights and gender equality. In the second phase of the research, inquiries were sent to the following trade unions inviting them to cooperate: *Nezavisnost* (Independence), *Sloga* (Harmony), the Confederation of Autonomous Trade Unions of Serbia and the Association of Free and Independent Trade Unions. In this phase, a questionnaire for women union members was prepared and forwarded to the trade unions asking for answers from women members. In addition, the questionnaire for women union members was available online, and a call to women union members was sent and resent several times via social media. Also, in this phase of the research, a guide was developed for focus groups with union members, as well as a guide for in-depth semi-structured interviews with women union leaders.

In the third phase of the research, the data obtained through focus group discussions with women trade union members, in-depth semi-structured interviews with women trade union leaders and the questionnaire to which women trade union members responded were systematised, processed and analysed. In the fourth phase of the research, all collected, processed and systematised data were interpreted and the text of the analysis, including the main findings and recommendations for improving the position of women in trade unions, was prepared.

The **research sample** consists of 245 women who are trade union members and who participated in the quantitative part of the research. In addition, 39 women trade union members participated in the research in six group interviews (focus group discussions) and 18 women trade union leaders participated through in-depth semi-structured interviews.

In planning the research, the focus was placed on these four large trade unions operating in Serbia: *Nezavisnost*, *Sloga*, the Confederation of Autonomous Trade Unions of Serbia and the Association of Free and Independent Trade Unions. However, cooperation was established with three out of four planned trade unions, while cooperation with the Association of Free and Independent Trade Unions was not established. Therefore, focus group discussions and in-depth interviews were conducted with women members and representatives of the trade unions *Nezavisnost*, *Sloga* and the Confederation of Autonomous Trade Unions of Serbia. A total of six focus group discussions were held, two with women members of each of the three unions. The focus groups were held in December 2020. Two focus groups were held in person, respecting all epidemiological measures and measures introduced to prevent the spread



of COVID-19, while the other focus group discussions were held via Zoom. The women participants in the focus group discussions were members of these three trade unions and came from different branch unions, which ensured the diversity and representation of a large number of sectors. The focus group participants were from the following sectors: health; social protection; education (preschool and primary school); media and culture; administration; judiciary and defence; utilities; defence industry; agriculture and other. As regards the years of service and the years of trade union activism, some participants had a small number of the years of service, from two to five, while others had over 30 years of service and trade union activism. Most focus group participants had between 10 and 20 years of service and trade union activism.

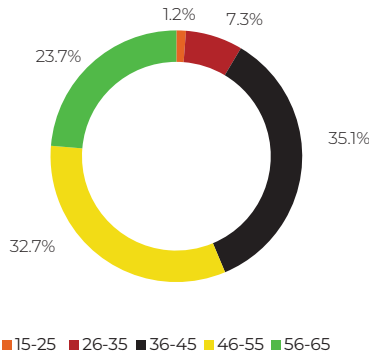
Members of many trade unions participated in the quantitative research because participation was not limited to the four initially targeted trade unions. The only condition for participation in the research was the current or former trade union membership.

The main **limitation** of this research was primarily a very short research period (September-December 2020). In addition, the epidemiological situation was very unfavourable during this period, which made it very difficult to conduct in-person focus group discussions and in-depth interviews. Two focus group discussions were held in person in November, respecting all epidemiological measures and measures on the number of people allowed indoors, while the remaining four focus group discussions were held via Zoom, and the in-depth interviews were conducted by phone and via online applications (Viber, Skype, Zoom). This particularly affected the number of women who participated in the focus group discussions, due to restrictive measures (in person) as well as due to lacking sufficient IT equipment (online). In addition, one of the limitations of this research was the impossibility of conducting a more comprehensive analysis of trade union practices regarding the position of women and gender equality because of the short research period.

## 7.2. Findings and interpretation

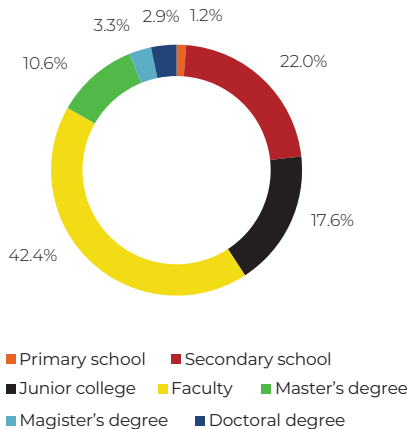
### 7.2.1. Demographic characteristics of the sample

A total of 245 women trade union members participated in the quantitative part of the research. Most respondents were in the age groups 36-45 (35.1%) and 46-55 (32.7%), followed by the respondents 56-65 years of age (23.7%), while the sample contained fewer younger respondents - 8.5% in the age group 15-35.



**Chart 1:** Age of respondents

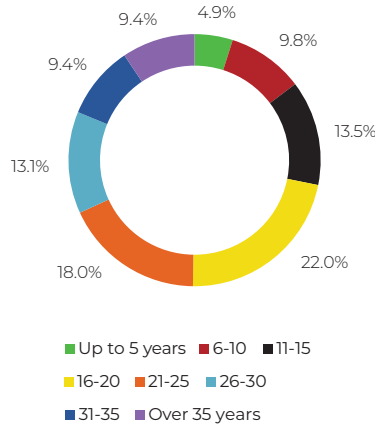
The sample consisted mainly of women with university education (42.4%) and women with secondary education (22%), followed by women with junior college education (17.6%) and a master degree (10.6%), as well as a lower percentage of woman with a doctor’s degree and those with completed primary education.



**Chart 2:** Level of education

The sample includes women from all parts of Serbia, mostly from Belgrade, Niš, Novi Sad and Kragujevac, but also a significant number of women from other parts of Serbia, including women from rural areas.

As regards years of service, most participants were women with 16-20 years of service (22%), followed by women with 21-25 years of service (18%), 11-15 years of service (13.5) and 26-30 years of service (13.1%). The fewest number of women in the sample had up to five years of service (4.9%).



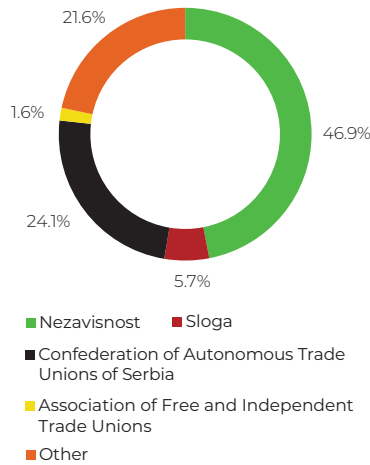
**Chart 3:** Years of service

## 7.2.2. Trade union membership

As stated in the section on research methodology, we focused on the four largest trade unions in Serbia - *Nezavisnost*, *Sloga*, the Confederation of Autonomous Trade Unions of Serbia and the Association of Free and Independent Trade Unions. In addition to sending the questionnaire to these trade unions, it was posted online and women trade union members were invited via social media to participate in the research. The largest number of respondents (46.9%) are from the trade union *Nezavisnost*, followed by the Confederation of Autonomous Trade Unions of Serbia (24.1%), the trade union *Sloga* (5.7%) and the Association of Free and Independent Trade Unions (1.6%).

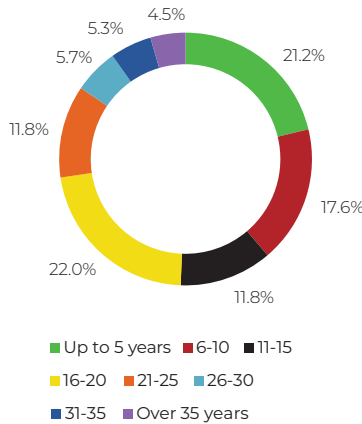
21.6% of respondents are members of other trade unions. These are: the Trade Union of Justice, the Trade Union of Oil Refinery Pančevo, the Confederation of Trade Unions of Vojvodina, the Trade Union of Health and Social Protection Employees, the Trade Union of Teachers, the Trade Union of Electric Power Industry of Serbia, the Trade Union of Journalists of Serbia, the

Industrial Trade Union of Serbia, the Independent Trade Union of Education Workers of Vojvodina, the Solidarity Trade Union, the Police Trade Union of Serbia, etc.



**Chart 4:** Trade union membership

The sample consists of almost the same number of respondents who have been trade union members from 16 to 20 years (22%) and those with up to five years of trade union membership (21.2%), followed by the respondents with 5-10 years of membership (17.6%) and the respondents with an equal number of membership years: 11-15 and 21-25 (11.8% each).



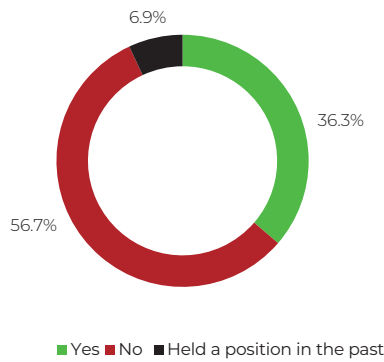
**Chart 5:** Length of trade union membership

As mentioned, the duration of the focus group participants' trade union membership varies: some of them are recent members, while others have been active members for more than 20 years and committed to trade unionism for many years; most of them joined the trade un-

ion immediately upon employment. Some respondents joined different trade unions during their working life.

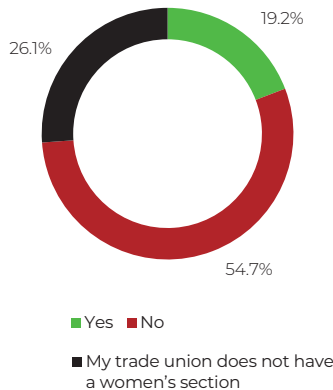
*I have been a member of the trade union Nezavisnost for about 20 years, and before that I was a member of another union where I was not satisfied with representation, which is why I moved to this union and I can tell you that I've been treated differently here.*

The largest number of respondents currently do not hold any position in the trade union (63.6%), of which 6.9% once held a position in the trade union, but not any more. On the other hand, some of the focus group participants are trade union commissioners, trade union committee members, presidents and/or members of trade union women's sections.



**Chart 6:** Role in trade unions

The largest number of respondents in the sample are not members of trade union women's sections (80.8%), including 26.1% of respondents who state that there is no women's section in their trade union.



**Chart 7:** Membership in the women's sections of trade unions

The focus group participants state that in some trade unions there is a women's section; it does not exist in others; some committees have not established women's section, but it exists in the branch trade union.

*We do not have a separate women's section, but usually the general commissioner or I are the ones who usually gather members for all activities. Nothing can be taken for granted, we have to fight for everything.*

Women trade unionists have different opinions on the activity of women in the women's sections of the trade unions that have these sections.

*I'm not dissatisfied with women's activity, but I think it could be a little bit better. It is difficult for a woman to come to any position, because it is predominantly a male organisation. In our country, 7-8 years ago, elections for the women's section were held and I was elected for my city. At the time, you could expand cooperation with many actors from that position. After my term ended, the new president was elected, but I don't know whether she ever held any meeting or gathering. It doesn't work as far as I know. It works only in Vojvodina.*

*The sections have been established, but they do very little, I've suggested that writing papers and holding lectures could be organised in women's sections as a sort of mini-educations for which participant would obtain points that must be collected in the health care sector.*

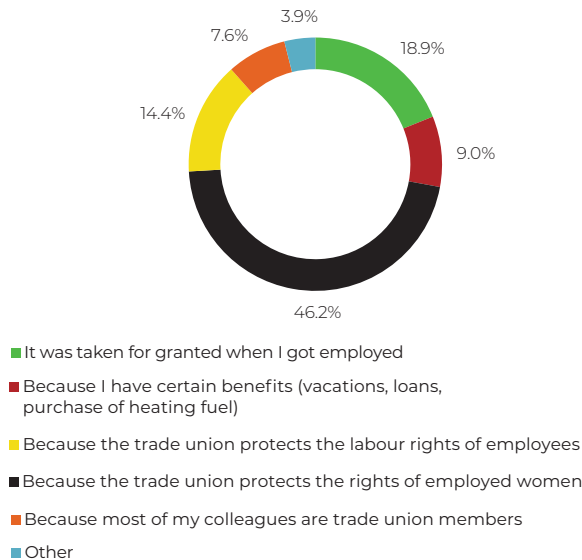
One of the most frequently mentioned activities of the women's section is the organisation of the March 8 rallies and trips, and securing resources for the solidarity fund.

*Women's sections deal with topics related to women and their problems, unlike commissions or branches. I think that only now the section is protesting a bit, so far we've had mainly March 8 actions, various performances.*

There are suggestions for other activities that can be performed in the women's section, and one focus group participant said that she had launched an initiative to teach third and fourth grade secondary school pupils about trade union activities, labour rights and trade union rights.

Multiple answers were offered for the question about the reasons for trade union membership. Most respondents have joined the trade union because it protects the labour rights of employees (46.2%), because it was taken for granted when the respondent got employed (18.9%), because the trade union protects the labour rights of employed women (14.4%), while about 9% of respondents mentioned certain benefits (vacations, loans, purchase of heating fuel) as the reason for joining a trade union.

About 4% of respondents give other reasons for trade union membership, such as: the possibility of social engagement unrelated to political parties; I believe that the status of workers depends on how much I am personally involved in fighting for my rights and the rights of other workers; I believe that a trade union member must be honest, decent, fair and brave and will fight for it; because I love justice and it is achieved by fighting; because the trade union is the only organisation that protects workers; because I can change things for the better. Some respondents state that personal engagement facilitates an adequate fight for the rights of employees, considering that trade unions do not sufficiently protect these rights.



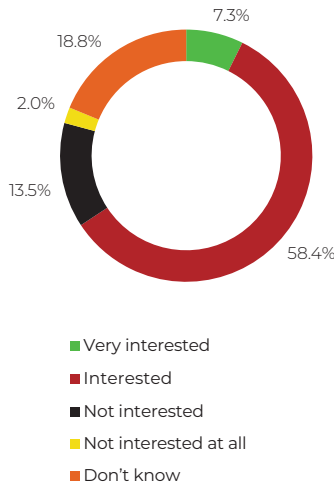
**Chart 8:** Reasons for joining a trade union

The focus group participants joined trade unions for various reasons. In addition to those who joined automatically, upon employment, most participants joined a trade union primarily because of benefits for purchasing various goods, while only later did they realise the power of

trade unionism. From the very beginning of their engagement in trade unions, some respondents were aware that in addition to the general benefits they had as trade union members, women could benefit from the trade union membership through fighting for their better labour legal status, with employers and in society.

*I want to explain to women that they have to fight for their space and their rights. In the 1990s, the state withdrew from the social protection sector and now that burden is on women. Women work with the elderly, people with disabilities, the infirm, all this is on their shoulders now. They were the first ones who lost their jobs in the transition, these problems are very important to me and this is the reason why I am where I am. I've learned that still water runs deep, that all this has been gradually imposed in male discourses in the trade union.*

The respondents believe that other women from the collective are very interested in being trade union members (65.7%), while 18.8% of them do not know whether other women are interested.



**Chart 9:** Women's interest in joining a trade union

The main impression among the focus group participants is that more and more women are joining trade unions, either because of the benefits related to purchase, receiving bonuses or



travelling, or because of being more active in actions and influencing the labour legal status of women.

*In general, our branch was a predominantly “male” one until recently, only over the last 3-4 years a larger number of women joined, and now that ratio is approximately 50:50.*

Some managers at employers have not been able to fully understand why women are increasingly joining the activity of trade unions.

*When the director called me, he asked me “why would you want to join the trade union when you are a fulfilled woman, married, with two daughters...” It was unclear to him why I accepted to be an official. When someone said a “trade unionist”, it was derogatory.*

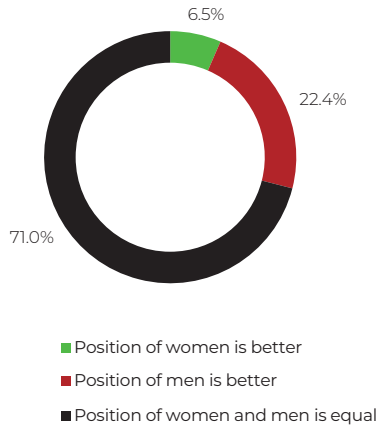
Most respondents believe that women are interested in trade union membership and that one of the reasons is that “women workers feel safer when they are trade union members.”

### **7.2.3. Trade union activities and women**

Most respondents believe that women and men have an equal position in trade unions (71%), some respondents think that the position of women is better (6.5%), and 22.4% of respondents believe that the position of men in trade unions is better.

There are no statistically significant differences in the respondents’ attitudes about the position of women and men in trade unions with respect to the respondents’ age or length of trade union membership. However, there is a statistically significant difference with respect to their level of education. The respondents with primary education (100%), secondary education (74.1%), junior college education (60.5%), university education - faculty (79.8%) and a master’s degree (61.5%) believe that women and men have an equal position in their trade unions. The equal percentage of respondents with a master’s degree believe that women and men have an equal position in their trade unions and that the position of men is better in their

trade unions (42.9% each), while half of respondents with a doctorate believe that the position of men is better in their trade unions.



**Chart 10:** Position of women and men in trade unions

Some focus group participants described the enthusiasm they had from the first day of their engagement in the trade union.

*When I got employed, full of energy, the secretary asked me if I wanted to be a union member, I asked her what and how and of course I agreed, because I thought those were people fighting for justice, for truth, for rights at the employer.*

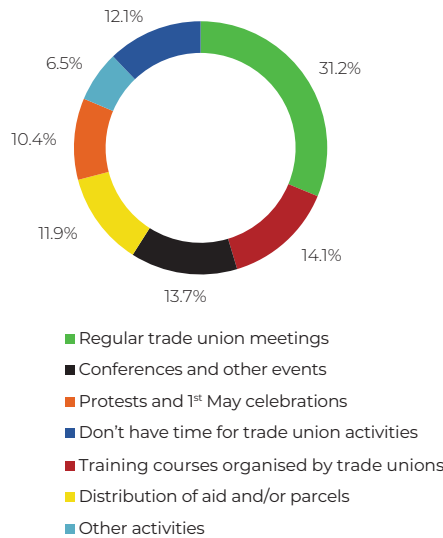
However, some participants stressed that there was a difference between men and women in the trade union.

*Women are neglected in trade unions. I was the first woman president since the foundation of the general hospital, in the competition with four men. So I encountered a really hostile welcome.*

*Most members of our trade union are women, which is why we are harassed by other trade unions, because predominantly male trade unions always have an advantage. Our trade union is smaller than other trade unions, but our struggle never stops, we fight and move on.*

The respondents most often participate in regular trade union meetings (31.2%), training courses organised by trade unions (14.1%), conferences and other events (13.7%), distribution of aid and parcels (11.9%), protests and celebrating May 1 (10.4%), while 12.1% of respondents do not have time to participate in trade union activities.

On the other hand, about 6.5% of respondents mention some other activities, such as: sports games, purchase of goods and services at a discount, organisation of seminars, negotiations with social partners, advocacy activities, communication with members, expanding union network, organising celebrations, trips, humanitarian aid actions, taking care of redundancies, media presentation of trade unions, editing websites and the like. However, several respondents said that there were no activities in their trade unions. Only one respondent stated that she participated in the activities focused on the needs of women, such as medical examinations or actions to improve the status of health and provide psychological assistance.



**Chart 11:** Participation in trade union activities

The focus group participants stated that the main trade union activities were supporting the fight for better rights of employees, organising education and seminars on various topics, collecting solidarity aid and providing financial assistance to sick workers, participating in protests, organising March 8 gatherings and concluding various contracts that provide members with benefits in purchasing various goods.

*Sometimes in our firm we organise lectures about women's diseases and a maximum of 20-30 women attend.*

*Some committees give loans to the members for health problems, we have established a solidarity fund where we set aside 0.2% and send workers on annual leave if they need it for health reasons.*

Regarding the problems faced by the focus group participants in their trade union engagement, this year they have identified a lack of solidarity funds for helping members in case of a serious illness, not just COVID-19.

*There have never been more requests for assisting workers suffering from severe oncological diseases. The increase in these diseases is enormous. By mid-year, a larger amount was paid than in any entire year before.*

Some trade unions have organised teams for providing legal assistance to trade union members whose labour rights have been violated.

*We try to listen to every colleague when needed, we have a solidarity fund established on the basis of membership fees, we have the possibility of paying in instalments for purchased goods, we also have the option of giving interest-free loans for 6 months. We also organise trips twice a year, our goal is to attract new members. It is good that there are more trade unions with the employer, it is important that people are active somewhere.*

Most respondents state that they have not thought about the activities needed to protect women's labour rights, which are not organised by the trade union (80%). Slightly more than 3% of respondents believe that there are no such activities, while 16.3% think that there are activities that the trade union should organise to protect women's labour rights.

The activities mentioned by the respondents can be divided into several categories:

- **Organising training courses for trade union members**

The respondents believe that it is necessary to organise more training courses for trade union members. They consider that the necessary training courses that have not been organised

so far should address the following topics: discrimination; discrimination against women at work; mobbing; work-life balance, including unpaid women's work; violence against women; the position of women in trade unions; awareness raising among male trade union members about the disadvantaged position of women at work; sexual harassment, etc. The activities of cooperation and networking with civil society organisations, as well as the establishment of "clubs of friends of the defenders of employee rights" can be included in this group.

- **Greater activism of women in trade unions**

Organising activities to encourage women to become more involved in trade union activities and bodies; activating women to fight for justice, better conditions and improvement of their position; organised fight against mobbing and exploitation at work, while informing other women to join; organising legal protection of women; activities to strengthen women's participation in all forms of trade union management; establishing the trade union women's section; greater support for women's sections in the trade unions in which they exist; respect for women and their contribution to trade unionism. The focus group participants pointed out that it was difficult to activate female members to engage more in trade unions.

*All members receive information, but it is difficult to mobilise them for protests.*

*Women must understand that nothing was given to them in the trade union, that nothing is just given, but we have to fight.*

Also, women who are more active in trade unions and their governing bodies are, naturally, more active in representing women's labour rights, but state that there is a problem with passive trade union members, i.e. there is a sufficient number of women in trade unions, but they are neither active nor do they hold positions. This is why the motivation of women trade union members to be more active is especially important.

*It is important for us to be instructed by our senior colleagues who have experienced various forms and phases of trade union struggle in order to acquire formal and informal skills.*

- **Equalising the position of women and men in laws, bylaws, collective agreements and employer’s general acts, as well as legislative changes that would contribute to improving the position of employed women**

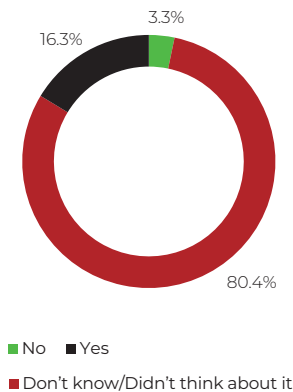
Some respondents believe that it is necessary to focus more on the gender pay gap and on the efforts towards a higher appreciation of predominantly female jobs; more active participation of trade unions in amending or adopting new laws, especially regarding the conditions for maternity leave and other types of leave related to parenting, women’s earnings, mobbing, etc. In addition, some suggestions refer to a greater trade union participation in amending the laws regulating the rights of parents, especially mothers of younger children, to use paid days off to take the child to the doctor; the right to 100% paid sick leave for the care of the child and other family members; regulating the issue of salary compensation during pregnancy leave, maternity leave and childcare leave;

- **Health and safety at work**

More activities related to the right to safety at work; organising regular preventive medical examinations, especially in connection with reproductive health; organising regular systematic check-ups; activities related to the prevention and preservation of women’s physical and mental health.

The focus group participants have a similar opinion.

*The workplace education of women about health protection is at a very low level, almost without any type of preventive screening, especially for breast or cervical cancer.*



**Chart 12:** Missing trade union activities

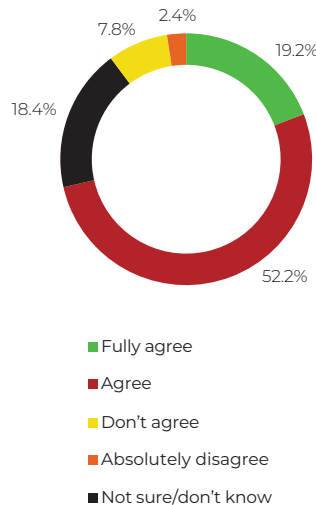
All focus group participants mentioned the need for networking of women and their joint action in trade unions.

*It is innate for us women to withdraw, but also to throw ourselves into all activities, because once we get going, we can do anything and everything. When women start doing something, they don't stop until they finish it. We have to influence each other and unite. We have to find a common goal and try to unite and go shoulder to shoulder with men.*

### 7.2.4. Respect for women's rights at work and in connection with work

The vast majority of respondents believe that the trade union adequately protects the rights of workers (52.2%), while 19.2% fully agree with this statement. On the other hand, 18.4% of respondents are not sure/do not know whether the trade union adequately protects the rights of workers, while 10.2% of respondents disagree or absolutely disagree with the statement that the trade union adequately protects the rights of workers.

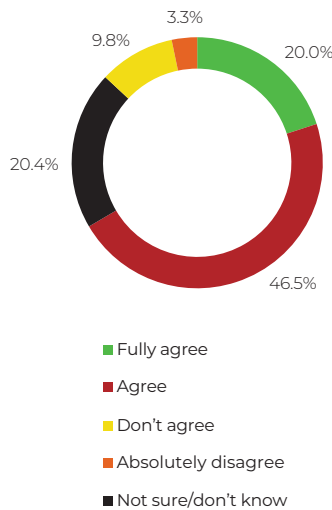
There are no statistically significant differences in the responses with respect to the respondents' age, length of trade union membership and level of education.



**Chart 13:** Protection of the rights of employees

As regards the protection of the employed women’s rights, the answers differ slightly, although the trend is the same. The majority of respondents agree with the statement that the trade union adequately protects the rights of employed women (46.5%), while 20% fully agree with this statement. On the other hand, 20.4% of respondents are not sure/do not know whether the trade union adequately protects the rights of employed women, while 13.3% of respondents disagree or absolutely disagree with the statement that the trade union adequately protects the rights of employed women.

There are no statistically significant differences in the responses with respect to the respondents’ age, length of trade union membership and level of education.

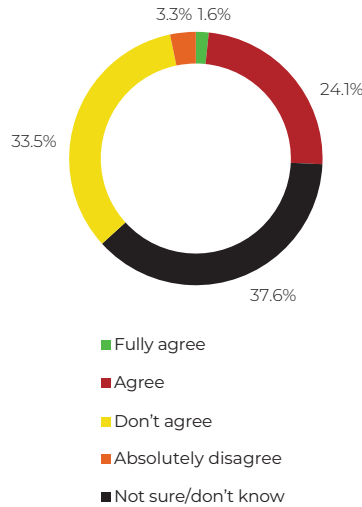


**Chart 14:** Protection of the rights of employed women

Most respondents state that they do not know/are not sure whether the women’s labour rights in Serbia are respected, and 27.5% of respondents agree or completely agree that they are respected. On the other hand, a large number of respondents believe that women’s labour rights in Serbia are not respected (36.8%).

There are no statistically significant differences in the responses with respect to the respondents’ age, length of trade union membership and level of education.





**Chart 15:** Respect for women's labour rights

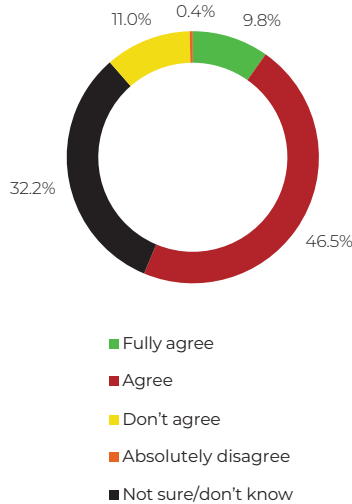
Different opinions on this topic were expressed in the focus groups. The participants stated, among other things, that women were often unaware that some of their rights had been violated.

*I think that the women in the company I currently work for have no idea that they have a problem. The main function of women's activism in my company is to organise the March 8 celebration. They didn't do anything else, it was all that mattered. They suffer for a number of reasons, but they perceive them as normal, from ordinary nonsense to sexual harassment. It's all normal for them. And they don't consider the possibility of changing it. Men also think that it is normal.*

*The trade union has worked on the protection of workers' rights, but I think that the rights of women workers have been violated here. I think that the state did not meet our needs, first of all in terms of retirement conditions, because we are moving towards equalising the pension age between men and women to 65. I find it inconceivable, especially in the context of maternity. I think that the trade union should deal with this issue as well.*

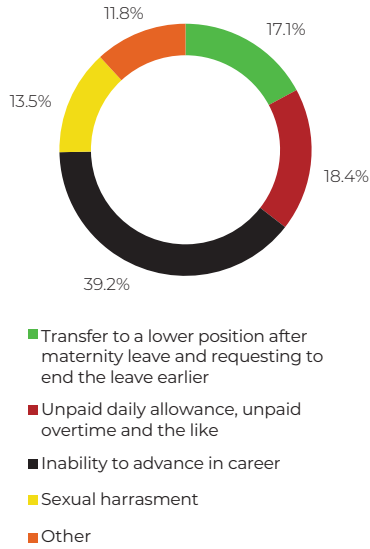
A large number of respondents (56.3%) agree with the statement that women in Serbia are discriminated against at work and/or exposed to mobbing, about one third state that they do not know/are not sure, while about 11% of respondents do not agree with this statement.

There are no statistically significant differences in the responses with respect to the respondents' age, length of trade union membership and level of education.



**Chart 16:** Discrimination and mobbing

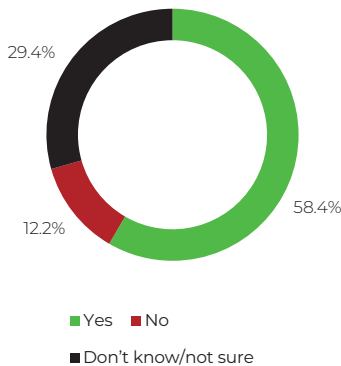
Asked what forms of discrimination and violation at work are most often encountered by employed women, most respondents answer that these are: inability to advance in career (39.2%), unpaid daily allowance and unpaid overtime (18.4%), violations related to the use of maternity leave (17.1%) and sexual harassment (13.5%). One of the offered answers was “other”, and 11.8% of respondents opted for this answer, specifying as follows: mobbing/harassment in the workplace; lower salary for a job with the same education; inability to advance in career because men are given preference; intimidation and blackmail; transfer from one place of work to another; signing “blank dismissals” at the time of employment; being dismissed after using childcare leave; fixed-term contracts in kindergartens and schools, with constant threats that you are employed on a fixed-term basis and that you should “be careful about what you say and do”; denial of voting rights in decision-making, etc.



**Chart 17:** Discrimination and other violations of rights

### 7.2.5. Attitudes about the position of women in trade unions

The majority of respondents believe that women’s labour rights are adequately represented on the agenda of their trade union (58.4%), about one third do not know/are not sure, and 12.2% believe that they are not.



**Chart 18:** Representation of women’s labour rights on the trade union agenda

The focus group participants state that their trade unions perform various activities concerning the respect for women's labour rights, widely ranging from ensuring regular systematic check-ups and solidarity aid in case of illness to protection against mobbing or responding to domestic violence suffered by women. Women who are trade union members are aware that gender inequality is easily manifested in the workplace, which is why they direct their actions towards the protection of women, both members and those who are not members but seek help.

*A lot of my friends have a problem with gender inequality and I joined precisely because of these women, to help them.*

They state that there are many examples of discrimination and mobbing, as well as cases where “a woman is harassed and discriminated against by another woman”. The focus group participants agree that women are generally less likely to have the opportunity to advance professionally, that they will not get the same salary as men with the same level of education, and that they will be offered a position “only after the list of male candidates has been exhausted”.

*We have many women who are better than men and they are more numerous, but usually a man will be the chief.*

*Women have to fight for everything, and men get everything on a platter.*

Most trade unions provide legal assistance in cases of mobbing or other form of rights violation. Employees do not want to waste years in litigation and pay huge amounts of court expenses, which is why the trade union seems like a better option to solve the problem.

*Here, they first address trade unions, even if they are not members. We seem to be a straw of salvation in that context. The procedure is such that we talk to both parties in the dispute trying to reach a compromise. If that doesn't work, we write complaints with the help of our lawyers.*

Some respondents state that employees often do not officially report mobbing, that is, they give up when they have to seek assistance in writing and present their case. In addition, the respondents point out that women often face sexual harassment in the workplace, but that in some cases women do not recognise it.

*You have to explain to women that sexual harassment is not just a sexual act but also many other things. Some women are not able to recognise to which extent they are harassed and discriminated against. Men also need to be educated about it.*

One of the rights gained through the activity of trade unions is the protection of pregnant women who got employed under a fixed-term contract before pregnancy: their employment is extended, by virtue of law, for as long as the woman is on sick leave under maternity rights (maternity leave, childcare leave and special childcare leave).

Although this is not the main focus of the trade union activity, some focus group participants mentioned that in their work they met a woman who was a victim of domestic violence or heard that one of their colleagues had suffered violence.

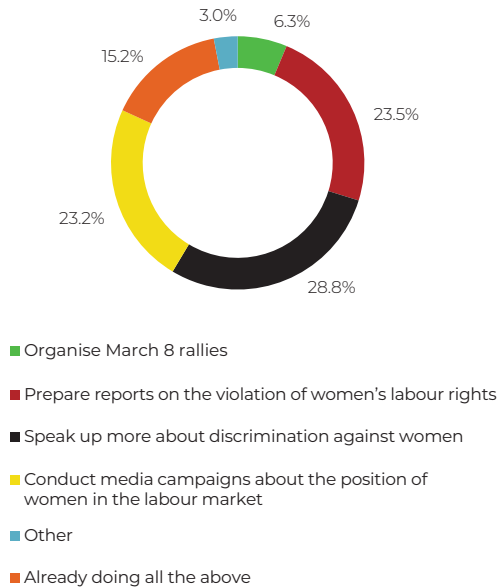
*A colleague, an assistant cook, was a victim of domestic violence. She would jump out the window to go to work. Her colleagues knew about it, they covered up for her when she was late or stood in for her when she was bruised and had to serve food. They thought they were helping her. Until her husband killed her. That's when I learned about her problem. No one officially knew that she had a problem, she never addressed anyone. She had such a relationship and agreement with her colleagues to cover up for her when she was late so that she would not lose her job. All the time they thought they were protecting her. We called her colleagues when the murder happened, only then did we learn that she had been killed for seeking divorce. He killed her and ran away and they still haven't found him. The trade union provided financial assistance to her children; we promised her daughter a job when she finished secondary school. Somehow we provided them with a livelihood. After this, I wanted to organise a panel discussion on that topic, but the secretariat did not allow me. There was no commemoration or any other event where domestic violence could be mentioned. I, as trade union representative, was not allowed to do anything because they said the company would do it, but they did nothing.*

The focus group participants are aware that domestic violence is a huge problem in the lives of many women.

*There was a colleague who said that she did not want to join any lunch or trip because her husband did not allow it. We asked her if she wanted to talk about it, she said she didn't...*

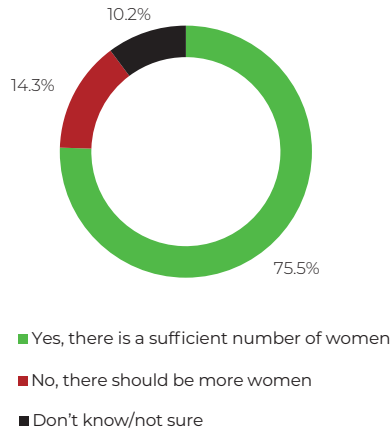
On the other hand, they point out that a stable employment and adequate protection of their rights at work and in connection with work are preconditions for economic independence, which facilitates a way out of abusive relationships.

About 29% of respondents believe that trade unions should talk more about discrimination against women than before, publish reports on violations of women’s labour rights (23.5%) and conduct media campaigns on the position of women in the labour market (23.2%). About 15% of respondents believe that the trade union already performs all of these activities, and 3% of the respondents who answered “other” believe that the trade union should focus more on young employees; salary increase; improving the position of all employees; respecting safety measures at work and more adequate protection of employed women, which must be approached responsibly and systematically.



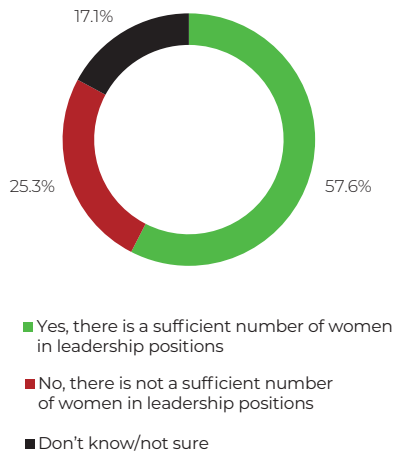
**Chart 19:** Necessary trade union activities

The vast majority of respondents believe that the trade union has a sufficient number of women members (75.5%), while 14.3% consider that the number of women members is insufficient and that there should be more of them. There are no statistically significant differences in the responses with respect to the respondents' age, length of trade union membership and level of education.



**Chart 20:** Number of female trade union members

Most respondents (57.6%) think that there is a sufficient number of women in leadership positions in trade unions, and over a quarter believe that there is an insufficient number of women (25.3%). There are no statistically significant differences in the responses with respect to the respondents' age, length of trade union membership and level of education.



**Chart 21:** Number of women in leadership positions in trade unions

Depending on the branch in which they work, the focus group participants have different opinions about women’s participation in trade union leadership structures.

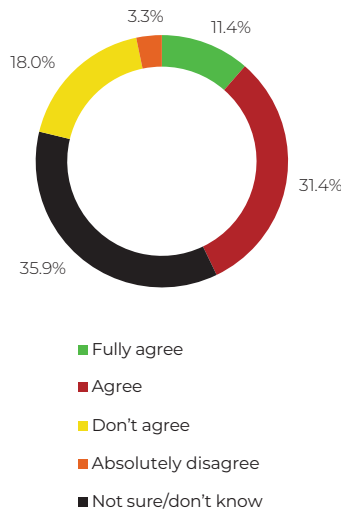
*There are about 10 women in our main committee, almost half.*

*Although there are many of them in the branches, there is only one active woman, while the others are there only to distribute parcels... it’s high time for them to wake up.*

*This trade union has existed for 15 years, one of the two members of the supervisory board is a woman, the executive board has two female and four male members.*

### 7.2.6. Impact of COVID-19 on women’s labour rights and the role of trade unions

The majority of respondents agree or fully agree with the statement that the COVID-19 epidemic significantly compromised the women’s labour rights (42.8%), a significant number of them do not know/are not sure (35.9%), while 21.3% disagree or absolutely disagree with this statement.



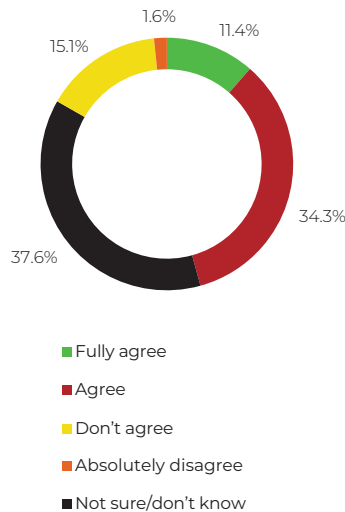
**Chart 22:** Impact of COVID-19 on women's labour rights



The focus group participants state that women have complained of discrimination against private employers, such as owners of shops, stores and boutiques. The state provided these employers with funds to pay three minimum salaries, although they did not work during the state of emergency.

*During the first wave of the pandemic, most complaints came from women whose employers asked them to return the money, but none of these women wanted to report it to the inspection. The majority of them (six of the eight women who addressed us) returned the minimum salary to the employer.*

Most respondents do not know/are not sure whether the trade union took adequate measures to protect the rights of employed women during the COVID-19 epidemic (37.6%), a large percentage of them believe that the trade union did take adequate measures (34.4% agree with this statement and 11.4% fully agree), while 16.7% of respondents do not agree or absolutely disagree with the statement that the trade union took adequate measures to protect the rights of employed women during the COVID-19 epidemic.



**Chart 23:** Adequacy of measures for protection of the rights of employed women during COVID-19

The consequences of COVID-19 for women are yet to be seen, but trade unions certainly need to monitor what is happening to women in the labour market. Most trade union committees have set up their legal and economic teams, which deal with employee complaints against

employers who have violated some of the labour rights. Such teams handle employee complaints only if they are submitted in writing.

The focus group participants spent most of the time talking about the attitude of employers towards the trade union and towards employees since the declaration of the state of emergency and during the COVID-19 pandemic. Many employers set up crisis response teams, and some of these teams included trade union members and representatives, who informed employees about the measures and activities undertaken by the employer. However, some trade unions were not regularly informed about the implemented epidemiological measures, and some were not involved at all.

*Then, after exactly two months, they received us and we had a meeting. We then found a discrepancy between the data provided by the directors and our data from the field. People had not received means of protection since September. After the meeting and a newspaper article, the distribution of protection and hygiene products began.*

*The trade unions were neither organised nor consulted during the COVID-19. The company did not suffer, people did not suffer, but the trade unions were not involved at all.*

The focus group participants agree that the practice of state-owned employers and privately-owned employers differed. The treatment of employees during the state of emergency, in terms of the speed of response, i.e. the application of protective measures and measures adopted in order to prevent COVID-19 infection, was better by some privately-owned employers.

*The bank management strictly adheres to the Government's recommendations. In the first wave of the epidemic, the management first allowed all chronic patients and then employees older than 60 to work from home, and finally, mothers with children up to 12 years old. We did not work until May 15, we received full salary - it was not reduced, and then there was a phased return to work. The last to return were the chronically ill, who could choose whether to return to work or to be on paid leave with 75% of salary. The employer offered*

*the employees who worked from home to bring home their desktop computers and/or chairs that are good for the spine.*

Most union committees initially helped with the purchase of protective equipment and disinfectants when the state of emergency was declared. Some employers and trade unions, when it was needed, financed the testing of potentially infected employees. In addition, most trade unions provided some protective equipment and disinfectants, paid solidarity aid to employees who got ill and needed financial assistance for treatment, as well as financial assistance to the families of employees who died of COVID-19.

Trade unions advocate for rewarding the employees who went to their workplace and worked all the time.

*They came every day and no one can say that they were in the same position as us who worked from home, when none of us knew what exactly was going on.*

Some committees did not hold membership meetings at all during the state of emergency and later during the epidemic, nor did they have any discussions with the employer.

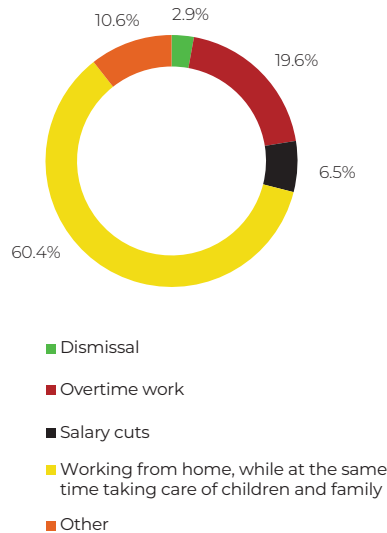
*Neither about current problems nor about new ones that obviously emerged in connection with this infectious disease. We had no contact with employees.*

The respondents state that the biggest problem of employed women during the COVID-19 epidemic was working from home, while at the same time taking care of children and family (60.4%). About one-fifth of respondents say that the problems were overtime work, salary cuts (6.5%) and dismissal (2.9%). More than 10% of respondents answered “other” and specified as follows: fear of infection; lack of protective equipment; lack of control of the implementation of protective measures at work; overtime work without adequate compensation; accelerated shifts impossible to bear for a long period; unregulated work-life balance, left to managers to decide, particularly affecting single parents or families in which both parents have to go to work.

*In our society, in the state of emergency, it was understood that mothers of children under 3 years of age stayed at home with their children, while fathers were the ones who worked. Neither public nor private companies accepted the possibility of men being absent from work, while it was taken for granted in case*

*of women, regardless of their position in a particular company, which again put in an unfavourable position women faced with the decision with whom to leave their children. How to make a decision? And there is a question of whether I am a good mother, precisely because of the pattern and pressure imposed by society and the system.*

The focus group participants believe that all employers, together with trade unions, should adopt rulebooks on health and safety at work. In addition, it is now necessary to develop a programme for attracting women to join trade unions, since they have proven to be more active in situations of crisis. As regards the situation with employers, trade unions should take care and control whether disinfection measures have been intensified and whether protection measures have been applied. In accordance with the bans on large gatherings, the trade union should hold membership meetings online, because the most important thing in situations of crisis is the timely exchange of information. It would be desirable, particularly in the health sector, to organise psychological support for employees in the forefront of the fight against the epidemic and to ensure that COVID-19 sick leave is paid 100% everywhere.



**Chart 24:** Problems of employed women during COVID-19

Finally, the respondents were asked to specify a few key topics that the trade union should address in relation to the rights of employed women.

A large number of respondents believe that trade unions should address discrimination against women, gender equality, prevention and adequate protection from intimidation, mobbing and sexual harassment in the workplace. Furthermore, the respondents think that trade unions should attract more women, allow them to be in trade union leadership structures, and jointly re-examine stereotypical attitudes about women in trade unions, where they are present. The next set of topics is related to pregnancy and maternity leave, labour rights of mothers and compensation for this leave, including better regulation of leave related issues, especially in cases of sick children and/or children with disabilities; the position of single mothers and mothers with three or more children, and the encouragement of fathers to use childcare leave.

Some respondents believe that the trade union should deal with equalising pay for women and men; providing sufficient free time, in particular ensuring that employees do not work overtime; ensuring work-life balance; building kindergartens in factory areas; lowering the retirement age for women and/or reducing the penalty points for retirement with fewer than 45 years of service; employing workers under permanent contracts; increasing awareness of labour rights; encouraging women to become more involved in the leadership structures of both trade unions and employers; issues of accelerated retirement; and allowing part-time work. One set of suggestions referred to the provision of adequate health care and systematic check-ups, including additional examinations to protect the health of women older than 40.

The focus group participants agree that collective organisation and fight for workers' rights are absolutely fundamental and at the core of trade unions. They believe that the trade union should address the problem of a large number of women who work under contracts on temporary and occasional jobs due to employment bans, since their labour rights are very compromised.

Furthermore, women should be involved more in the workplace education about health protection, while the number of preventive screenings, especially for breast or cervical cancer, should be increased. In addition, some participants believe that the trade union should fight against equalising the retirement age for women and men, taking into consideration that women bear multiple burdens during their lifetime.

Many participants believe that trade unions should connect with civil society organisations for the purpose of launching joint initiatives and activities. Establishing stronger ties with

public authorities should also be considered to avoid situations where they ignore the trade union's recommendations.

*We, as a large structure, need to open up, to assimilate good practice, we need to have a body that will identify the biggest problems in each branch. If the trade union tries to engage the non-governmental sector, we'll get a different situation.*

Furthermore, the respondents consider that the trade union should focus more on the protection of maternity, especially women with three or more children, single mothers, etc. The respondents point out that trade unions should initiate the adoption of better laws on labour, and be more active in advocating for the adoption and/or better implementation of international conventions prohibiting violence at work and documents that would encourage maintaining work-life balance.

*If we talk about strengthening women in the labour market, we must change the labour market.*

In this context, they stressed the need for women to be more active in trade unions, which is why it is necessary to take action to “motivate them and raise awareness of their labour rights.”

*We have to lead women first. We must have a stronger secretariat and treat the rights of women and the women's section as an essential issue, not a decoration. We are a society with a very low level of education, we have to work a lot to get little.*

*Women who are engaged in trade unions are not ordinary women, you have to be different to do it. You have to be righteous, to have the strength, courage and heart to carry it out, you must not be afraid that you will be fired. The moment you start being afraid of being fired, you stop being able to run a trade union. You have to be interested; you should know the company well. How else can we improve the position of women, except to give them a role model? We are their role models, they must have a role model and an example of how someone should look, what they say and how they behave and whether they live well, so that she would want it for herself. There is no alternative.*

They believe that women trade union members should attend various training courses to be able not only to acquire new knowledge, but also to get the opportunity to network, exchange experiences and examples of good practice. All organised and performed activities should have proper media coverage, so that their success also contributes to encouraging a large number of women to join trade unions. In general, some respondents believe that the successes and activities of trade unions are not sufficiently visible, and that it is necessary to talk about them in public to raise awareness about the fact that “the trade union is not about selling meat halves with payment in instalments, but that it is a serious organisation that advocates for better working conditions and better salaries.” In addition, education about the exercise of women’s rights should be a permanent activity of trade unions, based on best practice examples from different trade unions in the European Union, because they could be applied in the future.

### **7.2.7. Views of women trade union leaders**

For the purpose of this research, we interviewed 18 women in different leadership positions in trade unions. The respondents are members of trade unions *Nezavisnost*, the Confederation of Autonomous Trade Unions of Serbia, *Sloga*, the Branch Trade Union of Energy and Mining Industry Novi Sad, the Independent Union of Postal Workers, the Trade Union of Teachers, the Trade Union of Justice of Serbia. It should be noted that the respondents from *Nezavisnost* and the Confederation of Autonomous Trade Unions of Serbia were women leaders from different branch trade unions.

The respondents have been in different positions in their trade unions: presidents and vice-presidents of the trade union, presidents of the women’s section, presidents of the youth section, general commissioners of the trade union, members of the trade union steering committee, members of the trade union main committees, presidents of the trade union council and secretaries. Having in mind that these are women trade union leaders, and that they are located mainly in big cities, geographical representation has also been ensured, i.e. the respondents were from Belgrade, Niš, Novi Sad and Zrenjanin. Most of the respondents have about 20 years of trade union experience, but we also included the respondents with up to three years and those with over 30 years of trade union experience.

We used the method of in-depth semi-structured interview with four major topics: trade union membership and women in leadership positions; women's sections in trade unions; advocacy for labour rights of employed women and situations related to the COVID-19 epidemic. The respondents were asked a set of questions under each topic. In addition, the respondents were allowed to talk also about other topics that they considered relevant to the position of women in trade unions.

### **Trade union membership**

Most respondents believe that women join trade unions for the same reasons as men, and that no difference exists in that respect. The trade union is an interest organisation, among other things, which implies that everyone who joins has certain expectations, and the main expectation is that the trade union fulfils its role, which is the purpose of its existence. The respondents specify the following reasons for joining a trade union:

- Expectation to be able to fight for better working conditions and higher salaries;
- Free protection of labour rights, which is becoming increasingly necessary in the time of liberal capitalism and the emergence of new companies;
- Benefits provided by trade unions for buying various things.

Some respondents mentioned the following reasons for joining trade unions by women:

- The trade union is an organisation that deals with the protection of workers' rights and the improvement of the financial and social situation of employees through social dialogue; The trade union provides legal and financial assistance, operated exclusively in line with the principles of solidarity and reciprocity, which gives women some security and possibility to turn to someone if they have a problem;
- Women have become aware and realised that they have to act;
- Protection provided by trade unions;
- Benefits provided by trade unions (purchase in instalments, traveling, loans, etc.);



- Opportunity to fight for their labour and social rights, since they would probably not succeed as individuals;
- Women want change and protection, especially in the new companies emerging in Serbia. For example, they want security because “there is a lot of ill-treatment in the company”, they work overtime, the cycle time is short, everything happens quickly and it is very difficult and exhausting;
- Protection of their rights, especially protection against mobbing and discrimination.

Some respondents believe that today women rarely join trade unions and engage very little, that women do not join trade unions proactively, but it usually happens automatically at the time of employment and is not further considered.

The respondents point out that employees more often perceive their trade unions as a place where they get benefits for buying various things, and not as an organisation through which they can exercise their labour rights and fight to improve their position. They also point out that employed women are still not sufficiently aware of the importance and role of trade unions, and the fact that trade unions are there to protect women’s labour rights, “but many women are not aware of that”. On the other hand, expectations from trade unions are not always realistic, especially nowadays “because employees have high expectations that trade unions will solve all their problems related to economic and labour legal status.”

Although there are differences in the respondents’ answers, depending on whether they work in predominantly female collectives (health, education, social protection) or predominantly male ones (metalworkers, automotive industry), most respondents believe that trade unions need to be more proactive to attract more women to membership. In this context, trade unions should motivate women to be more engaged in their work, primarily by informing employed women about the role of trade unions in exercising labour rights and the advantages of trade union membership.

*Women need to be informed, because many don’t know what position to take or how to behave when they have a problem.*

At the same time, the respondents point out to certain problems and challenges in informing women - many of them do not use e-mail, it is difficult to adequately communicate with some groups of women, which is why it is necessary to print materials and go to the field, because it is the only certain way to reach out to a large number of employed women. In addition, it is necessary to find a way to engage more young women in trade unions and their activities.

*Awareness and education are key to a greater engagement of women in trade unions, more women's activities in trade unions and their influence in decision-making.*

One respondent points out that women join trade unions looking for job security, but the big problem is that employers perceive women trade union members as a “thorn in their side”. She believes that women cannot advance in career and be in a better position with the employer if they are trade union members, even if they have university education.

### **Position of women and men in trade unions**

Most respondents believe that women and men have equal position in trade unions, i.e. that it is the same to be a male or female trade unionist, while a smaller number of respondents think that the position of men in trade unions is better than the position of women. However, based on the attitudes of the respondents who believe that women and men have equal position and on the situations they describe, it can be concluded that the position of women and men in trade unions is not equal, except with respect to equal conditions for joining trade unions and the difficult position of employees in Serbia.

The interviews have revealed two essential differences in the position of women and men: various duties that prevent women from engaging more in the work of trade unions and participating more in trade union activities, and different gender prejudices that lead to fewer women in trade union leadership.

As regards women's trade unionism, most respondents indicate that women are burdened with responsibilities related to children and family, i.e. balancing between private and professional life, and trade union engagement requires a lot of time, which means “giving up their free time”. Some respondents state that insufficient engagement of women in trade unions

is obvious, and that the reasons for that, apart from family obligations, are lack of interest, distrust in the trade union and insufficiently supportive climate. They say that women are expected to care for their families, children and other members who need care and attention, and that men are more engaged because they have much more free time that can be used for trade unionism.

*Women are desirable associates in trade unions. They know a lot; they are considered non-ambitious because they do not have too much time. And that's good because they can't threaten someone else's position.*

One respondent points out that women of certain ages, the best for trade unionism, cannot engage in trade union activities because they do not have any support with family obligations. Only towards the end of their professional careers do women have more free time for greater trade union engagement, which is one of the biggest obstacles for most women.

*It seems that the golden years of women's careers are after they turn 55, and that's already too late. You don't have the same energy as before, and you lack ideas or will.*

Some respondents state that men are in a better position in trade unions and much more often in leadership positions. They believe that gender prejudices affect the position of women, and that there are cases where men do not want women to lead the trade union, do not want a woman to organise their work and delegate tasks.

*You know, if someone heads the trade union, she has to organise work. But if you tell him what his task is, he says he won't do it now, but he will do it when it comes to his agenda. And then, I hear from some sources that he has a problem with me being in that position. He doesn't want to have an obligation, but wants to decide.*

The respondents point out that there is no problem with equality or access to rights at the most basic level, but that later, in moving towards the top and electing for leadership positions, the traditional way of thinking prevails and men are expected to be leaders. Women are not given many opportunities to engage in the work of trade unions or to hold certain positions. They are always welcome as members, but when it comes to leadership, men are given

primacy. The respondents also point out that it is better and easier for men in leadership positions, particularly because most of them do not have many obligations regarding childcare or housework, which is why they can set aside time for union activities. It allows them to participate in trade union training courses, congresses and the like, which also influences their competencies for trade union activities. “Meanwhile, women work in the background (paperwork, consultation, bookkeeping) and allow everything to function flawlessly.”

Several respondents mention that the attitude towards women in trade unions mirrors the relationship between women and men in the family and society, implying that the problem has not been originally created in trade unions, but in society. Consequently, it is harder for women to “break through” in trade unions, to have their work respected and valued, and to be elected to leadership positions.

*At a training where we discussed gender equality and the division of roles in society, the lecturer stated that in our society a man was expected to chop wood and a woman to make lunch. The president of one of trade union branches said that “he would rather die hungry than make lunch.” And he is the one who holds a position and should promote equality. And how can women from that branch expect to be treated equally in the trade union or to replace him in that position?*

Some respondents, mainly those coming from the branches in which women are more represented, believe that women participate a lot in trade union activities. They think that there are enough persistent and ambitious women who are in all trade union structures, and that there are cases of women who have very successfully fought for better working conditions, including higher salaries. They believe that everyone is respected in their trade unions, regardless of sex, that there is no “restraint or sabotage, and that every opinion is respected, regardless of whether you are in the committee or just a member”.

It should also be noted that some respondents express certain stereotypes and prejudices regarding women. For example, some respondents believe that “women are more agile and responsible than men”, that they are “better fighters for human rights”, that they are “more persistent and ambitious than men”, and that “women are naturally gifted speakers and that this gift must be fully used.”

## Women in leadership positions in trade unions

As regards women in leadership positions in trade unions, it should first be reiterated that these interviews were conducted with women trade union leaders, including several women leaders from predominantly female sectors.

In that context, several respondents consider that women are ready to get more engaged in trade unions and advance, that is, that they are also interested in leadership positions. Two respondents believe that women are increasingly more engaged in trade unions and that their number is growing, including in leadership positions.

*I know that there are some old beliefs and some old stereotypes that it is easier for men because of negotiations, agreements, communication... I have positive experiences, there are many women in management positions also in our company. I think that perhaps women even have an advantage in the trade union. Now, I can't say what's going on behind the scenes.*

Most respondents know how many women are in leadership positions in their trade unions, but there are also those who do not know that information either for their unions or for Serbia in general. More than half of respondents state that there are not enough women in leadership positions in trade unions. Although they point out that it depends on the trade union branch and how the union is organised, they do mention that men are much more represented in trade union leadership structures, as well as in society in general.

*I don't know if there is a trade union in Serbia in which a woman is the president. Women usually lead some sections or are secretaries.*

Although the respondents agree that it is difficult for both women and men in trade union leadership positions, most consider that it is more difficult for women to come to decision-making positions in trade unions where “their voice can be heard”. Some respondents point out that it takes “a lot of luck and a combination of circumstances” for women to come to leadership positions, regardless of their knowledge, experience and education.

*When I was first elected, 10 years ago, there were other candidates. The only objection was - OK, she's good, but she's a woman, is she going to be able to*

*cope with it and work? No one said I was incompetent, lacked education or anything like that. The only objection was that I was a woman.*

As in relation to union membership and women's engagement, the respondents point out that family obligations and difficulties in maintaining a work-life balance contribute significantly to the small number of women in trade union leadership positions.

*If you are an employed woman and have a family, it takes a lot of will and perseverance. You cook at night so that you can do something else the next day. There are very few women who engage deeply if they have family obligations. And among these few women in trade unionism, there are even fewer of those who have children and a family. We don't really have fixed working hours; activities are performed also on weekends and it's not easy to coordinate everything. That's the reason for a small number of them in leadership positions.*

Several respondents reiterate that the trade union reflects the general situation in society, and therefore it is no surprise that leadership positions in trade unions are perceived as reserved for men, that family support is important to women but they usually do not have it. They also point out that engagement in trade union activities, especially in leadership positions, can be an obstacle in professional advancement, particularly in the public sector, which influences the women's choice.

### **Women's sections in trade unions**

Most respondents state that there is a women's section in their trade union, while a smaller number of them do not have a women's section organised in their trade union. Some trade unions have a women's section at the trade union level and within each branch, but one respondent states that she does not know whether women's sections are sufficiently visible and whether all trade union members are aware of their existence.

The respondents believe that women's sections in trade unions are active, in accordance with the current possibilities, while others think that women's sections could be more active, and certainly more visible. They mention that their senior colleagues were more active earlier and more engaged in women's sections. Several respondents consider that women's sections

should be more engaged and exert influence on trade unions to deal more with women's labour rights and the specific problems faced by women at work and in connection with work. It is also a way to attract more women to membership, as it would also increase the women's awareness of the fact that their rights will be more adequately protected if they are trade union members.

Two respondents believe that women's sections are not taken seriously enough, and that the problems to which they point out do not get high on the agenda of trade unions, employers or the state. In addition, some respondents do not know whether a women's section exists in their trade unions, and one respondent thinks that it would be good to establish these sections everywhere to jointly represent women's labour rights. In addition, networking should be done both externally and internally, in order to improve the work of women's sections through various exchanges of experiences and good practices.

Some respondents believe that the establishment of various sections in trade unions (women, youth) is a clear sign of trade unions being aware of the need to change, but also of the persistence of "very rigid structures" in trade union branches, and male domination in leadership. A number of respondents think that women's sections exist only formally, that their work is not supported by trade unions, and that everything depends on the enthusiasm of their female members.

*Women's sections are still an "ikebana" in the trade union structure that everyone is proud of and that keeps women's sections in the background to embellish a photo. Essentially, women must be allowed to be in key decision-making positions.*

*In order to be active and do something, the trade union must allocate some funds and help the section's work. If you aren't able to finance these women to gather somewhere, then it's a pure formality... I've tried to set an example and help the section get together, to agree and do something, but there was no understanding after that...*

One respondent thinks that the women's section in the trade union has never been given adequate importance, nor has it managed to impose itself on the trade union, as an important actor. She points out that the women's section was created when the International Trade Un-

ion Confederation requested national trade unions to establish women's sections. She also states that there is a certain degree of resistance because the idea did not originally come from the membership, that some women do not want to participate because they believe women and men face the same problems, and do not want men to be excluded, and a particular problem lies in the fact that women's sections do not have their own financial sources, but they are financed from membership fees, which means that they have to request funds from the trade union budget. Trade unions usually do not have enough money, because the membership needs are huge and resources are insufficient, which can demotivate women to be active in women's sections.

On the other hand, there are very successful examples of the activities of women's sections. For example, organising various campaigns, including the campaign for the ratification of the International Labour Organization Convention C190<sup>193</sup> on ending violence and harassment against women and men in the world of work.<sup>194</sup> Earlier, an analysis of our legislation was conducted to support the ratification of this Convention, and it was financed by the International Labour Organization. The women's section plans to continue lobbying and campaigning for ratification, after a pause due to the COVID-19 epidemic and the elections in Serbia.

Several respondents stress the necessity of redefining the role of women's sections, especially because they are usually perceived as dealing "exclusively" with issues that concern women, which leads the situation where the rest of the trade union does not address these issues. In addition, several respondents think that there is no need for women's sections in trade unions because women and men should be equal in everything, as they are equal by law. Also, the work of women's sections is often associated with some "remnants of the past", and there are opinions that it is time for trade unions to become actively involved in achieving genuine equality between women and men instead of supporting the "obsolete forms of organisation".

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193 [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

194 The representative of the trade union *Nezavisnost* says that our delegation voted "in tripartite" for the ratification of this Convention in 2019 in Geneva.



## Representation of employed women's labour rights

One set of questions referred to the role of trade unions in representing women's labour rights. The respondents had different opinions about this topic. A number of respondents consider that trade unions do not sufficiently recognise the specificity of the position of women in the labour market, including because trade unions are mainly headed by men who do not have the same problems as women. Some respondents believe that trade unions recognise the specificity of the position of women in the labour market, but that the labour market does not recognise "women as work-capable individuals". Furthermore, some respondents think that trade unions equally represent the rights and interests of women and men, and several respondents believe that trade unions largely represent the interests of women.

The respondents who consider that trade unions represent the rights and interests of women point out that there is always room for improvement and additional activities, because in some cases not much is being done to solve these problems, although they have been recognised. In addition, gender equality is a very current topic at the international level, which is also one of the reasons why trade unions choose to address them. The problem lies in the fact that only employed women have the right to join a trade union, which affects the possibility of expanding the network.

*Women who are unionised have much greater rights than women who are not.*

The respondents believe that women should be more active in trade unions because that would prompt trade unions to deal more with topics important to women. They also point out that trade unions must have a much greater social role and a much more important position in society. In fact, some respondents are dissatisfied with the commitment of trade unions in general, because they are insufficiently opposed to certain decisions adopted by the government, including laws that are unfavourable for employed women and men. Even when trade unions do oppose, when they perform certain activities in the attempt to influence these decisions, it is not sufficiently visible either among the membership or in society in general.

*Our demands are not respected at all, which is why it is very difficult to achieve anything. They help us a lot from Belgrade, they are fighting, but it's very difficult, perhaps not even one-tenth of their demands were successful. They have their goal, they stick to the law, they don't give in... Now we are requesting amendments to the collective agreement, but I don't think it will happen.*

One respondent points out that there are not enough young women in trade unions, and that activities should be taken to address that issue, and that trade unions fail to attract young women, inter alia, due to insufficient success in fulfilling the demands of employees.

*We are in a hurry to do as much as possible, just so that the line wouldn't stop. If it stops, the director immediately punishes you, you lose efficiency as a team... We have breaks, a 15-minute break for breakfast, a 10-minute break and a 5-minute break. We are completely timed. If the trade union achieved to stop such a huge pressure on us, it would be stronger, more respected and with more members. Now employees see that we can't do anything, so they don't join... There are jobs where women have to stand. We don't have a single chair in the whole factory. No one can sit down. You stand for eight hours; the spine is absolutely compromised. The trade union demanded the placing of chairs so that people could sit down. They didn't allow it either. And then you wonder what the trade union can do at all if it cannot get an ordinary chair.*

In addition, she says that women may suffer consequences at work for their trade unionism.

*When they hear that you are in a trade union, they harass you even more. You cannot get promoted. No one from the trade union can get promoted, because we are seen as rebels, we are protesting against the company.*

One respondent states that the specific position of women in the labour market is declaratively recognised, but the issue has not been sufficiently addressed, because the trade union still has a rigid patriarchal structure “which is not ready to leave things in the hands of women”, which implies a different pattern of running a trade union. The respondents have different opinions on how to achieve a larger number of women in the leadership of trade unions. Some respondents advocate a quota system, i.e. the mandatory representation of women and men in the trade union leadership in proportion to trade union membership,

while other respondents think that it is “necessary to avoid defining a mere percentage”, but that women should fight for leadership positions with their knowledge and ability.

In addition, some respondents state that the trade union does not exist separately or isolated from the rest of society, but is one of the political actors, acting in the same space with the authorities, civil society, the media and other actors. Trade unions are influenced by society and should influence society. Among other things, changes are needed in the prevailing cultural patterns, especially now that there are “regressive streams in society and ideological ignorance of a large part of the public”, all of which affects the position of women in society, and thus the position of women in trade unions. In this context, it is necessary for trade unions to establish better cooperation with many actors and to join forces to contribute to the improvement of the position of women both at work and in society. For example, it is necessary to cooperate with women’s organisations that fight to improve the position of women, organise training courses for trade unions, perform joint activities and the like. It should be understood that women’s organisations are not in competition with trade unions or other entities fighting for women’s economic and social rights, but they should be partners and work together to improve the position of women.

*Trade unions have representativeness, which is something that organisations don't have. On the other hand, women's organisations have expertise, so we should complement each other. Civil dialogue does not replace social dialogue. Social dialogue is conducted by trade unions, employers, the state, and all of us should participate together in a wider civil dialogue where there is no competitiveness but only cooperation.*

In addition, it is necessary to have better communication between trade unions and employers, so that some employers stop “treating employees, especially employed women, as cheap labour that they pay minimally and exploit maximally.”

As regards the violations of the labour rights of employed women, the respondents mention that the current position of both men and women is difficult, but some respondents recognise the violations of rights that affect women to a greater extent than men, and stress that women themselves, trade union leaders and members, must influence trade unions to address more these topics because men should not be expected to “understand the position of women and what they need to protect their rights.”

*It is necessary to appreciate the work of women much more, to stop the gender pay gap, belittling, mobbing and all other problems that women encounter every day.*

One respondent points out that in addition to the collective agreement and the improvement of safety and health at work, the current priority is the legal protection of women.

*Our priority is to prevent the violation of employees' rights, both those related to trade unionism and employment relationship, and if they are violated, protection should be provided. We provide legal assistance from counselling to in-court representation and since the situation tends to worsen rather than improve, the protection of rights is one of the most important topics.*

The respondents state that there are many cases of mobbing, some of them believe that women are more affected, while others believe that there is no difference between women and men, i.e. that both groups are victims of mobbing. However, the respondents agree that women are much more exposed to sexual harassment in the workplace. They also mention that these behaviours are very difficult to prove in court, which creates additional problems and can cause additional victimisation of women, but still think positively about the adoption of the Law on Prevention of Abuse at Work (Mobbing) because many more women are now ready to report mobbing, including sexual harassment. One respondent states that the trade union's legal service is mainly engaged in labour disputes related to unpaid salaries and unlawful termination of employment contracts, that these disputes are lengthy and with a successful outcome in most cases, but that they have no gender component. On the other hand, some respondents point out that it is unknown in these cases whether there is a difference between women and men or any specificity, given that legal services do not disaggregate data by gender, although they have such data, and do not conduct gender analyses of their labour disputes.

Although trade unions do not deal with the issues of violence against women, it is a topic that significantly affects many women, which is why some respondents believe that trade unions could provide some support, at least to provide information. They gave an example of the SOS hotline that existed for years in the trade union *Nezavisnost*, and had very good results; many women, both trade union members and other employed women, called seeking advice and help. However, it was a project supported by the Kvinna Till Kvinna Foundation, and

when it ended, this activity was suspended because there were no financial resources for its continuation, since it was not among the trade union's core activities.

Furthermore, the respondents believe that trade unions work to improve the position of women through their regular activities, such as participation in various working groups for drafting laws, bylaws and strategic documents, and through direct influence on the creation of labour legislation, but also through the trade union legal service, participation in working groups for social programmes for redundancies, organising training courses in trade unions, participating in social dialogue and collective bargaining and the like. However, it is very important to raise the awareness of trade union members, both men and women, because it is not enough to "just pay the membership fee and expect the trade union leadership to solve all their problems."

One respondent states that in addition to gender analyses, greater networking and greater cooperation with women's organisations, as well as activities aimed at horizontal networking among trade union members, the next year, which is an election year in the trade union, election campaigns should be conducted at all levels, and some special measures for greater participation of women could be considered.

The respondents agree that trade unions should continue to implement measures and perform activities aimed at achieving the core objectives of trade unions: equality of all employees; ensuring labour, legal and social security for members; improving the financial situation of employees; protecting and improving the working and general environment; enhancing social dialogue; providing legal protection to employees, and protecting their economic and social status.

In addition, one of the topics was the financing of programmes and activities aimed at improving the position of women, both in trade unions and at work. The respondents state that there is a great need for financial support for treatment in general, due to which trade unions have focused on that issue. In some trade unions, financial resources are allocated annually for new programmes and activities, but these are usually small funds. Some respondents do not know whether there are financial resources for introducing new programmes and activities intended for women.

*We need to think of an option, write it down, as a project, so that we can apply for funds. I do not know now if there are funds.*

Some respondents state that there are no financial resources for introducing programmes and activities intended for women. In fact, the membership fee is 1%, around 600 dinars on average, so it is divided into the amount for solidarity fund and the amount for other needs, which means that very little money remains for other activities. On the other hand, although the financial resources are small, they can be used for the activities aimed at improving the position of women. It does not suffice that trade unions deal with women only on the occasion of March 8 - International Women's Day. The respondents mainly agree that it is necessary to secure financial resources for various training courses that are necessary, round tables, and for field work to examine the needs of employed women. After that, it would be possible to prioritise activities and plan to allocate funds from the trade union's budget. In addition, trade unions can plan programmes and projects in cooperation with foreign donors, foreign trade union organisations and the civil sector. In doing so, they should take care about ensuring sustainability, i.e. the continuation of the activities that prove useful and necessary after the end of the project.

### **COVID-19 epidemic**

Several respondents consider that the COVID-19 epidemic did not adversely affect women more than men. They state that all of us face the same problems, that there is a large number of infected people in many collectives, and that in some cases, such as in production line work, it is difficult to maintain physical distancing.

However, most respondents agree that women have been in a much more unfavourable position since the declaration of the epidemic. They have had more duties, both privately and professionally, and now work even more than before. They are also more exposed to domestic violence, since all household members are at home and there is "nervousness, fear of lack of money and job loss". They state that during this epidemic the whole society saw the "strength of women, particularly women who have borne the greatest burden in health care, education, production and work from home."

*Employees with chronic diseases work from home, and women who came to the workplace have worked without days off for months, even on Saturdays and Sundays. And somehow in that hectic schedule at work and at home, the rights of women have been forgotten.*

During the epidemic, work moved online, i.e. people worked from home wherever it was possible. However, women also encountered other problems: from insufficient digital and information literacy to the fact that some families did not perceive the woman's work from home as work, but saw her "as being at home", which meant that she had to take care of all household duties. Consequently, women are much more burdened than men due to the impossibility of achieving a balance between their family and work, since all the burden of the "epidemic fell on the shoulders of women", especially if they are employed in the private sector. Women now have to take more care of their children, due to the closure of kindergartens and online schooling, and they also have more work in the household and in taking care of elderly family members.

*Again, women are expected to do everything. Kindergarten and children and parents and work ...*

On the other hand, most respondents think that trade unions undertook adequate measures during the epidemic aimed at protecting the labour rights of employees, i.e. that they were very active throughout the epidemic. For example, an annex to the special collective agreement for health institutions was signed, and now all employees who are infected in the workplace get a sick-leave compensation at 100 percent of their salary. In addition, trade unions have been very active in providing protective supplies, as well as in "putting a continuous pressure on employers" to provide adequate protective supplies for all employees. It is obvious that everything functioned better during the epidemic in places with strong trade unions, which participated in the work of crisis response teams and were able to directly influence the measures.

Some respondents believe that the epidemic has not changed much, but that some existing problems have become more visible. Despite the implementation of protective measures, there are many infected employees in many collectives. An additional problem is the situation where employees, especially women, do not want to go on sick leave because they lose money, if a sick-leave compensation at 100 percent of their salary is not provided. In addi-

tion, since a negative test is no longer a requirement for returning to work, some employees returned to work prematurely, before being completely cured.

*As regards women, many will work even if they are sick. A mother of three, even more if she's single, will not report to be ill, but will go to work in that state.*

The respondents also mention the problem with the government's recommendation that parents can be absent from work if they have children under 12 and children with disabilities, which was interpreted differently by employers. Some have accepted it, while others did not, under the pretext that it was just a recommendation. On the other hand, although this option was given to parents, in most cases it was used by women, in line with the general social context. There was a problem with the calculation of salaries, so that in some cases women received reduced salaries, while in other cases employers did not know how to treat it and "whether it was work from home or not; some treated it like a sick leave."



# 8. Conclusions and recommendations

At the international level, the social, cultural, regulatory and political role of trade unions depends on the country and varies a lot. Globally, the most frequently mentioned examples of good trade union practice refer to achieving changes concerning flexible working arrangements, fighting for economic incentives for workers, recognising the broader parental protection rights, including the right to paid paternity leave, longer paid leave for special childcare, as well as the right to paid leave to care for a sick family member.<sup>195</sup>

Gender equality has been recognised as an integral part of better work-life balance, while many of the activities that have become examples of good practice are aimed at improving respect for gender equality, such as developing gender equality plans in Spain or a comprehensive oversight of gender equality mechanisms in Portugal. Women's sections in trade unions have been recognised as very important bodies that should be engaged in representation and advocating for work-life balance for women, as well as in promoting the overall protection of women's rights in the workplace.<sup>196</sup>

In the situation of weakened institutions and general social disintegration, a crisis of the political system and the role of political parties, trade unions continue to be organisations that gather membership, and have their own structure that should be preserved and strengthened. It requires cooperation and strengthening of trade unions, including women's sections and women included in trade union decision-making processes, as well as the gathering of civil society organisations and local communities, in order to encourage cooperation with trade unions.

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195 Helfferich, B. & Franklin, P., Syndicat European Trade Union Rebalance: Trade unions' strategies and good practices to promote work-life balance, available at: [https://www.researchgate.net/publication/337112143\\_Rebalance\\_Trade\\_unions%27\\_strategies\\_and\\_good\\_practices\\_to\\_promote\\_work-life\\_balance](https://www.researchgate.net/publication/337112143_Rebalance_Trade_unions%27_strategies_and_good_practices_to_promote_work-life_balance), accessed on 18 October 2020

196 ETUC - Women in Trade Unions in Europe: Bridging the Gaps (2007), [https://www.etuc.org/sites/default/files/English\\_complet\\_1.pdf](https://www.etuc.org/sites/default/files/English_complet_1.pdf), accessed on 29 September 2020

By aiming to combat gender discrimination, by promoting equal pay for men and women doing the same job and by encouraging an increase in the number of women in governing bodies and decision-making processes, trade unions can effectively contribute to bridging the gender gap in labour and social relations. The existing gap must be analysed more broadly in the context of gender inequality, by addressing the problems of lower paid jobs that are usually available for women, underestimation of their abilities, knowledge and skills, unequal division of labour in the family in terms of care for household, children and elderly family members, hiring women more frequently under fixed-term contracts or as casual employees. Therefore, trade unions are advised to enhance capacity in terms of gender equality and gender discrimination, to be able to better identify and record such cases in the labour market.

Women are at a disadvantage in the labour market, representing a minority among employees and a majority among the work-capable population. Severe consequences for the economic situation of women are yet to come, since it is already clear that there will be huge disruptions in many sectors, and layoffs will mostly affect vulnerable and at-risk groups, especially women. The analysis of the sectors with women at the forefront clearly indicate the sensitivity of their position. These are women in health care, women in social protection institutions, women in education, women in trade, women in food production, either directly in agriculture or in food processing industry, women in public administration, women supporting household members, self-employed women, women from particularly vulnerable groups, often exposed to multiple discrimination, such as Roma women, older workers and informally employed women.

Earlier global crises have shown that states are unable to overcome on their own all the challenges imposed on them. Due to the very nature of the COVID-19 crisis, we need more than ever a creative and constructive social dialogue between governments, on the one hand, and representatives of workers and employers, on the other hand. Social dialogue implies all kinds of negotiations, consultations and exchange of information between representatives of public authorities, workers and employers, in order to achieve a common interest in the field of economy, labour and social policy.<sup>197</sup> Considering the COVID-19 pandemic, it is necessary for trade unions to take into account the possible outcomes of the crisis and work towards

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197 ILO Policy Brief on COVID-19, Pillar 4: Relying on social dialogue for solutions  
[https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739050/lang-en/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739050/lang-en/index.htm),  
accessed on 2 October 2020

preventing the effects of public sector salary cuts that will directly reduce women's economic power, which is why a better organisation of trade unions in the public sector is necessary in the period of crisis.

Regarding Serbia, the findings of this research show that one of the key problems is the insufficient commitment of trade unions to topics that concern women or affect women more often. In this context, it is necessary to organise education and training courses on various topics that are of particular importance to women because they affect them (disproportionately) more, starting from the position of women in society, at work and in connection with work, treatment in the world of work, legally guaranteed rights, types of trade union activity and the roots of women's trade unionism, as well as the specific rights and provisions related to gender-based discrimination and mobbing, sexual and other types of harassment in the workplace, and domestic violence whose effects are reflected in the workplace. In addition, education should cover the difference between discrimination and mobbing in the workplace, because this research has shown that a large number of employed women do not know the difference between discrimination and mobbing in the workplace and other violations of rights.

Another problem that has been identified is related to the rights concerning maternity protection, in particular:

- ➔ **protection of the labour legal status of women during pregnancy and maternity leave and/or childcare leave and/or special childcare leave;**
- ➔ **protection against discrimination in the process of employment and professional advancement of women on the basis of their parental status, and protection against threatening women with job loss if they do not make certain choices.**

Most employed women have a problem with achieving the work-life balance, because whatever they do for a living and whatever their occupation is, in addition to their career and professional work, they are most likely to perform also other, unpaid work, without fixed working hours, starting the moment they come home from work. Single mothers who have to work to provide a livelihood are in a particularly difficult position, since being the only parent, they

are also expected to be available for all the child's needs. It should be noted that a large number of employers do not have enough understanding for these problems.

It is precisely due to the fact that they work "two shifts" their whole lives, one at work and another at home, that women trade unionists and workers are not satisfied with the legislative changes towards gradual equalisation of the retirement age for men and women (65 years of age).

Furthermore, the research has shown that employed women are not sufficiently satisfied with access to health care, organisation of systematic check-ups, etc. In order to preserve health in the situation where the number of employed women suffering from serious and incurable diseases has been growing, it is essential to introduce mandatory annual systematic check-ups, including gynaecological and oncological examinations, as well as continuous education of employees to achieve their compliance with occupational health and safety measures.

One of the problems is the lack of gender-disaggregated data in trade unions, which complicates the identification of problems at work and in connection with work that affect women disproportionately. It is therefore necessary to disaggregate data by gender and conduct gender analyses (for example, use of trade union legal services and the like).

Finally, the financing of trade union activities related to the improvement of the position of women and the promotion of gender equality is a particular problem. Women's sections have not been established in all trade unions, and there is no consensus among the respondents as to whether women's sections should exist at all. However, the women's sections that do exist do not necessarily perform exclusively the activities intended for women and aimed at promoting their labour related rights. Therefore, trade unions should allocate funds to finance activities aimed at improving the position of women, either within women's sections or at the level of the entire trade union.

Bearing all this in mind, the compliance with the following group of recommendations would contribute to improving the position of women at work and in connection with work, as well as improving the position of women in trade unions and promoting gender equality in trade unions.

## General recommendations

- Initiate better cooperation with the non-governmental sector, especially women's rights organisations, and combine their expertise with the situational knowledge best provided by trade union representatives and employers;
- Initiate better networking of trade unions, given that jointly they can achieve common goals faster and easier;
- Ensure better information of employees about trade union activities, as well as their greater transparency and better media coverage;
- Provide professional assistance services to female union members, as possible (lawyers, psychologists, social workers, doctors);
- Insist that all employers adopt rulebooks on health and safety at work;
- Develop a programme for attracting more women to trade union membership;
- Work continuously on enhancing solidarity aid funding, providing assistance to employees suffering from serious and incurable diseases, as well as one-time financial assistance for the treatment and recovery of employees.

## Recommendations for greater involvement of women in trade unions and popularisation of trade union membership

- Work on the professionalization of female trade union leaders, facilitate continuous education, organisation of trade union academies and the like, ensuring that training courses include the topics of gender equality, non-discrimination, the position of women in the labour market and other topics of importance to employed women;
- Pay special attention to encouraging women to run for a trade union leadership position and/or engage in the work of trade union leadership;

- Ensure that female trade union leaders actively and continuously fight to improve women's labour rights;
- Organise activities to attract women to join trade unions;
- Work actively on the promotion of trade unionism, the role of trade unions in general, and in particular the role of trade unions in improving the position of women and promoting gender equality.

### **Recommendations for improving the exercise of women's rights**

- Work more actively to achieve respect for women's labour rights, in particular in relation to maternity protection;
- More active and continuous engagement in the fight for more favourable requirements for old-age pension for women;
- More active and continuous engagement in the fight for equal advancement conditions for men and women, and for equal pay for equal work with equal education;
- More active and continuous engagement in connection with amendments to labour laws, by initiating amendments, participating in working groups and organising and/or participating in protests;
- Organising joint March 8 rallies to make women's activity in trade unions and their demands more visible;

## **Recommendations concerning the prevention of mobbing, discrimination against women at work and sexual harassment in the workplace**

- Continuously organise training courses, info-sessions, round tables and similar activities regarding these topics;
- Greater engagement of trade unions in demanding the inclusion of explicit provisions in collective agreements regarding the prevention of mobbing, discrimination at work and sexual harassment;
- Undertake activities aimed at promoting gender equality and non-discrimination, including incentives for employers to adopt internal acts thoroughly regulating the prevention and protection against discrimination at work, as well as the prevention and protection against sexual harassment in the workplace;
- Ensure greater involvement of trade unions as mediators and/or support in cases of mobbing and discrimination at work;
- Promote trade union activities aimed at preventing and protecting against mobbing, discrimination at work and sexual harassment at work, in order to send a clear message to employees that such behaviours are illegal and to encourage employees to report such behaviours;
- Based on good practices from other countries, develop activities/programmes of trade unions to support women victims of domestic violence: work on raising awareness among employed women about this topic, work on raising awareness among workers, provide support to women in situations of violence, in accordance with the possibilities.

## Recommendations regarding the COVID-19 epidemic

- ➔ Hold trade union meetings and perform other activities online during the epidemic;
- ➔ Organise activities related to monitoring the procurement of protective equipment (masks, gloves, visors, protective suits) and disinfectants;
- ➔ Advocate more actively for work in shifts to reduce the number of employees working on the premises at the same time, as much as possible, and advocate for work from home, wherever possible;
- ➔ Monitor actively the situation with the infection of employees and respond in a timely manner;
- ➔ In accordance with the possibilities, provide one-time financial assistance to employees suffering from COVID-19 or to the families of employees who died from the consequences of COVID-19;
- ➔ Advocate more actively for the payment of 100% for sick leave due to COVID-19.



# Annex I

## Recommendations from the European Commission's Serbia 2020 Report Concerning Social Policy and Employment<sup>198</sup>

### 6.19. Chapter 19: Social Policy and Employment

Serbia is moderately prepared in the area of social policy and employment. Serbia made limited progress in further aligning its legislation in this area with the EU acquis. Regarding last year's Commission recommendations, budget allocations for active labour market policies slightly increased in 2019 but decreased again in 2020. They are by far too low to cover the number of jobseekers. Other recommendations of last year remain valid. Therefore, in the coming period, Serbia should in particular:

- ➔ **ensure adequate financial and institutional resources for employment and social policies to target more systematically the young, women and long-term unemployed, and improve the adequacy of social benefits for people below the poverty threshold;**
- ➔ **significantly strengthen the bipartite and tripartite social dialogue at all levels;**
- ➔ **ensure consistent implementation of the labour and social welfare legislation throughout the country.**

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<sup>198</sup> European Commission – COMMISSION STAFF WORKING DOCUMENT, Serbia 2020 Report, SWD(2020) 352 final, Brussels, 6.10.2020, Chapter 6 point 19: Social Policy and employment, pp. 94-97, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), accessed on 1 March 2021

The action plan for aligning with the EU acquis in social policy and employment in the context of chapter 19 of the accession negotiations was adopted in May 2020.

***In the field of labour law***, the law of 2014 is only partially aligned with the EU acquis. Serbia adopted a Law on Work through Temporary Employment Agencies in December 2019. A new law on the right to strike has yet to be adopted. The proportion of undeclared work stood at 18.2% at the end of 2019. Labour inspections have focused on tackling undeclared work, but do not yet have a significant impact. The law on inspection oversight needs to be amended to comply with the relevant International Labour Organisation Conventions that were ratified by Serbia, notably to ensure that labour inspectors are empowered to enter workplaces freely and without giving notice.

***In the area of health and safety at work***, a draft law on health and safety at work has yet to be adopted. Serbia adopted implementing legislation on health and safety measures for work on display screen equipment and work during exposure to noise and to vibrations. After a record number of fatalities in the workplace in 2018 (53), the number of fatal injuries in 2019 increased further to 54, with the majority of cases occurring again in the construction industry. This was linked to a sharp increase in the number of construction sites, but also to the lack of enforcement of the health and safety legislation in place.

***Social dialogue*** remains weak, in particular regarding the involvement of social partners in policy developments relevant to them. Serbia still needs to adjust the legal framework and strengthen the capacity of social partners to foster the use of collective bargaining. Sectoral collective agreements are typical in the public sector. However, they are hardly concluded in the private sector. No progress was made in tripartite dialogue. In the second half of 2019, the minimum hourly wage was increased by 11.1% by means of a government decision, as consensus could not be reached within Serbia's Economic and Social Council.

On ***employment policy***, labour market indicators continued to improve in 2019. The employment rate for 15–64-year-olds increased from 58.8% in 2018 to 60.7% in 2019. Unemployment went down from 13.3% in 2018 to 10.9% in 2019, while the activity rate increased from 67.8% in 2018 to 68.1% in 2019. Youth unemployment decreased from 29.7% in 2018 to 27.5% in 2019 but remains high. Long-term unemployed people, women, young people and low-skilled workers still face severe challenges integrating into the labour market. Measures aimed at promoting the employment of Roma have yet to deliver results. Budget allocations

for active labour market policies slightly increased in 2019 compared to 2018 but decreased again in 2020. They are by far too low to cover the number of jobseekers. Only 28% of people who are registered as unemployed benefit from a measure, and most measures are one-off actions such as job-search training sessions and job fairs. The 2020 national employment action plan was adopted in December 2019.

***In the context of the COVID-19 outbreak***, aid instruments were introduced for preventing layoffs and negative labour market trends, by means of direct grants for employee salaries and postponement of tax and social contributions. Workers engaged on a contract basis (temporary or seasonal work contracts, service contracts, agency contracts, vocational training and advanced training contracts, supplementary work contracts) are not covered by these measures. The impact of the pandemic on unemployment needs to be closely monitored and adequate measures implemented.

There were no developments as regards preparations for the European Social Fund, apart from a few awareness-raising events. In the area of ***social inclusion and social protection***, in 2018, 7.1% of the population was considered to be living in absolute poverty (7.2% in 2017). According to the survey on income and living conditions (SILC), carried out for the sixth time in 2018, the at-risk-of-poverty rate was 24.3% (EU-28 17.1%) and the at-risk-of-poverty or social exclusion rate was 34.3% (EU-28 21.8%). As in previous years, there is more poverty in rural areas than in urban areas (10.4% vs. 4.8%). Some 10% of employed people are at risk of poverty, which means that they cannot fulfil their basic needs, despite working. Some 58.4% of the population is subjectively poor, i.e. they respond to the question on the possibility for a household to 'make ends meet' with 'difficulty' and 'great difficulty', positioning Serbia at the bottom of the list of European countries that conduct SILC surveys. The impact of the COVID-19 pandemic on vulnerable individuals needs to be closely monitored and adequate measures implemented. A new strategy for social protection in Serbia for 2019-2025 and amendments to the law on social welfare are still pending. Payments for maternity leave were reduced as a result of the 2018 amendments to the law on financial support for families with children, as women now need to have worked 18 consecutive months – instead of 12 months prior to the amendments – to be entitled to the full amount of maternity compensation. No progress was made in local-level social care services or in the deinstitutionalisation process. The system of earmarked transfers introduced in 2016 by the social welfare law is still not implemented systematically and transparently. Budgetary allocations are now avail-

able annually, but without multi-annual commitments that would allow for the continuity of service provision at local level and for an evidence-based system of priority setting and monitoring of results.

In the field of ***non-discrimination in employment and social policy***, the authorities need to step up their efforts on implementing recommendations from the Commissioner for the Protection of Equality on developing an anti-discrimination policy for employers in Serbia ('Equality Code of Practice'). A new law on gender equality, as well as draft amendments to the law prohibiting discrimination, have yet to be adopted.

In the area of ***equal opportunities between women and men in employment and social policy***, the employment rate for men (15-64 years) is 12.8 percentage points higher and their activity rate 13.6 percentage points higher than those for women. Women's inactivity reflects: unpaid work in the household, including care of children, sick and/or elderly people; inadequate support in reconciling work and family responsibilities; employers' discriminatory treatment of young women; the existing wage gap; lower statutory retirement age; and the existence of a statutory minimum base for social insurance contributions, which discourages formal part-time work. Although the legislation grants both maternity and paternity leaves, gender-based stereotypical preconceptions persist about childcare and household work being a woman's responsibility. The lack of state services for childcare in rural areas increases the amount of unpaid household work for women. Women have been at the frontline of the COVID-19 pandemic, as healthcare, shop and pharmacy workers. Closure of businesses is expected to have a negative effect on women-dominated professions.

# Annex 2

## Recommendations on work-life balance for parents and carers 2019/1158<sup>199</sup> in connection with EU Directive 2019/1152<sup>200</sup>

### Recommendations for the European Union

- ➔ **Monitor and evaluate the implementation of the new Work-Life Balance Directive and ensure that appropriate sanctions are in place and imposed if the Directive is not properly implemented or not implemented at all;**
- ➔ **Develop a new gender equality strategy for the European Union and make it a priority, in line with the decision of the European Council;**
- ➔ **Propose and adopt new legislation on equal pay, e.g. by promoting the principle of employee pay transparency;**
- ➔ **Enhance the assessment of the efficiency of national care policies and structures that promote work-life balance;**
- ➔ **Revise the Barcelona Targets on childcare and ensure that they are timely met<sup>201</sup>; if necessary, provide the incentives/disincentives necessary to achieve these targets;**

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199 See: Helfferich, B. & Franklin, P., Syndicat European Trade Union Rebalance: Trade unions' strategies and good practices to promote work-life balance, [https://www.researchgate.net/publication/337112143\\_Rebalance\\_Trade\\_unions%27\\_strategies\\_and\\_good\\_practices\\_to\\_promote\\_work-life\\_balance](https://www.researchgate.net/publication/337112143_Rebalance_Trade_unions%27_strategies_and_good_practices_to_promote_work-life_balance), accessed on 18 October 2020

200 Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1158>, accessed on 28 September 2020

201 Barcelona Targets on childcare, [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_08\\_592](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_08_592), accessed on 30 October 2020

- ➔ **Develop a new Lisbon target on elder care / care for dependents<sup>202</sup> and support EU initiatives in this area in line with available financial resources, as elder care should be treated as a universal human right;**
- ➔ **Introduce new binding provisions to impose an obligation on companies of all sizes to develop gender equality plans, including salary surveys, and monitor their application;**
- ➔ **Adopt measures to enhance national monitoring of the implementation of adopted measures based on appropriate indicators, benchmarks and other measurable variables aimed at improving the work-life balance of women and men;**
- ➔ **Encourage measures related to the use of appropriate tax incentives, as well as individualisation of taxes, which may have a significant positive impact on gender equality and on achieving better work-life balance;**
- ➔ **Support social dialogue and review sectoral documents and data related to the use of paid leave for family reasons and ensure that data are disaggregated by gender and socio-economic status;**
- ➔ **Ensure that the topic of work-life balance is discussed in the institutions of the European Union.**

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202 The Lisbon Strategy: Lisbon target on elder care/ care for dependents, <https://portal.cor.europa.eu/europe2020/Profiles/Pages/TheLisbonStrategyinshort.aspx#:~:text=The%20aim%20of%20the%20Lisbon,jobs%20and%20greater%20social%20cohesion%22>, accessed on 30 October 2020

## Recommendations for Member States

- Adoption of national legislation related to gender equality, which would include, *inter alia*, the principles of equal pay for equal work, work-life balance and gender parity leading to *de facto* gender equality;
- Fight for the payment of at least 66% of salary for the period of parental leave;
- Ensure that the right to social security (pension/health insurance) does not depend on working life and that all people have a secure basis for fair retirement conditions;
- Seriously consider - in countries where it has not been regulated by law - the establishment of an independent agency responsible for monitoring the implementation of the principle of gender equality, including the control of collective agreements and authorising the application of appropriate punitive and corrective measures;
- Ensure the individualisation of rights, as the key policy measure for work-life balance;
- Improve the availability, accessibility, economic affordability and quality of state-funded care facilities and services;
- Guarantee the carer's right to work;
- Respect unpaid care work - role models in the workplace can demonstrate the value and possibility of combining unpaid care work and paid work; work and care should not be seen as mutually exclusive;
- Better provision of out-of-school care and bridging the gap between a school day and a typical working day.

### **Recommendations for the European Trade Union Confederation (ETUC) to develop:**

- Global framework for monitoring the assessment and impact of collective agreements at all levels on work-life balance;
- Toolkit for trade unions that negotiate agreements relating to respect for work-life balance;
- Toolkit for trade unions to help comply with the provisions of the Work-Life Balance Directive of the EU;
- Gender mainstreamed policies;
- Collective agreement model aimed at establishing and respecting the work-life balance for different sectors, and formulate relevant provisions that can be included in these agreements;
- Other tools and training courses for collective bargaining on the issues of work-life balance;
- Training courses for members on gender equality and work-life balance.

### **Recommendations for social partners at the national level to commit to:**

- Understanding that investing in work-life balance leads to an increase in productivity, while improving the quality of life;
- Promoting collective bargaining as an efficient way to improve the work-life balance of workers;
- Ensuring equal pay for equal work or work of equal value;
- Mainstreaming gender in all collective agreements, with regular monitoring and evaluation of their implementation;



- Guaranteeing that external experts, engaged in negotiations, understand the meaning of gender mainstreaming and gender equality; supporting this by providing appropriate training courses;
- Establishing gender balance in negotiating teams;
- Concluding agreements that recognise the diversity of families, such as single-parent families, adoptive families, but also the rights of same-sex parents, etc.;
- Dealing with stereotypes to enhance the use of paid paternity leave and to improve the work-life balance of women and men;
- Creating a policy that is oriented towards the needs of employees, e.g. younger workers have different expectations in terms of working hours and leave;
- Giving employees space to establish their own working hours arrangements, especially in certain sectors such as health care sector;
- Introducing technologies that help create conditions for a better work-life balance;
- Systematic collection of previous and current collective agreements, in order to assess their usefulness for achieving work-life balance and gender equality. The provisions related to the following issues should be addressed in particular: who uses family leave, length of leave, employee's position in the work hierarchy at the time of taking leave, what happened to the employee after returning from leave (concerning professional status/salary/promotion), etc.

#### **Recommendations for trade unions at the national level to engage in:**

- Creating provisions to raise further awareness of work-life balance issues within trade unions, and thus strengthen collective bargaining on work-life balance;
- Determining a higher percentage of salary compensation for employees on

parental sick leave and sick leave to care for a sick family member, as well as insisting on a higher level of social support;

- Respecting the unpaid work of caring for a sick family member; finding role models in the workplace that can support cultural change, thus showing the value and possibility of combining unpaid and paid care work;
- Initiating collective bargaining more successfully at the company and/or sectoral/cross-sectoral levels;
- Lobbying for the adoption and/or improvement of legal regulations related to work-life balance, so that all the aforementioned measures can be sustainable.

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