

Serbia: Employment

Law on Prevention of Mobbing at Work ¹

The Law on Prevention of Mobbing at Work (the “**Law**”) was adopted on 26 May 2010 and it will become applicable on 5 September 2010. The Law partly overlaps and partly supplements the mobbing provisions of the general Labor Law.

Mobbing is defined in the Law as any active or passive continuing act against an employee with the purpose or effect of harming personal dignity, respectability, personal or professional integrity, health or status of the affected employee, and which causes fear or creates unfriendly, humiliating or insulting environment, deteriorates work conditions for the employee or causes that the employee isolates himself or herself or terminates his or her employment.

Employers will be obliged to notify each new employee in written form, prior to commencement of employment, on the rights in case of mobbing. Current employees will have to receive such notification by 5 October 2010. In case the employer fails to make the mobbing notification, a fine in the amount of up to EUR 4,000 may be imposed.

According to the Law, the employer is responsible for its own acts of mobbing and is also vicariously liable in case other employees or management engages in mobbing. The indemnifying employer has the right to request compensation from the employee or manager engaging in mobbing.

Allegations of mobbing against co-employees or mid-level management have to be first submitted to labor arbitration. Arbitration procedure is supposed to be quick. If the claimant-employee is not satisfied with the outcome of arbitration or mobbing comes directly from employer (if employer is an individual) or an authorized representative of employer-legal entity, the employee may initiate labor dispute before the court. The burden of proof in such court proceedings is on the employer, provided that the employee shows a *prima facie* case.

¹ Zakon o sprečavanju zlostavljanja na radu, „Službeni glasnik RS“ br. 36/10

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