



**Novi Zakon o bezbednosti i zdravlju na radu**  
**New Law on Safety and Health at Work**

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Novi Zakon o bezbednosti i zdravlju na radu/New Law on Safety and Health at Work

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Narodna skupština Republike Srbije je 28. aprila 2023. godine, simbolično na Međunarodni dan bezbednosti i zdravlja na radu, usvojila Novi Zakon o bezbednosti i zdravlju na radu ("Sl. glasnik RS", br. 35/2023 – dalje: Novi Zakon), koji je stupio na snagu 7. maja 2023. godine.

Novi Zakon donosi veliki broj novina u oblasti bezbednosti i zdravlja na radu (dalje: BZR), a njegov osnovni cilj jeste potpuno usaglašavanje ove oblasti sa evropskim standardima, i kao posledica toga, značajno smanjenje broja povreda na radu i profesionalnih oboljenja zaposlenih.

On April 28, 2023, symbolically on the International Day for Safety and Health at Work, the National Assembly of the Republic of Serbia adopted the New Law on Safety and Health at Work ("Official Gazette of the RS", No. 35/2023 – hereinafter: the New Law), which entered into force on May 7, 2023.

The New Law brings a large number of novelties in the field of safety and health at work (hereinafter: OSH), and its main goal is the complete alignment of OSH regulation with European standards, and consequently, a significant reduction in the number of injuries at work and occupational diseases of employees.

Najvažnije novine koje nosi novi Zakon o bezbednosti i zdravlja na radu se ogledaju u sledećem:

### **1. Rad od kuće i rad na daljinu**

Prvi put je u oblasti BZR regulisan institut rada od kuće i rada na daljinu. Predviđena je obaveza poslodavaca da izvrše procenu rizika i propišu mere za bezbedan i zdrav rad od kuće i rad na daljinu, pri čemu se i zaposlenom pruža mogućnost da učestvuje u postupku procene rizika.

Utvrđena je i obaveza zaposlenog da obaveštava poslodavca o ispunjenosti uslova za bezbedan i zdrav rad od kuće i na daljinu.

The most important novelties carried by the new Law on Safety and Health at Work are reflected in the following:

### **1. Working from home and working remotely**

For the first time in the field of OSH the institute of work from home and remote work is regulated. It envisages the obligation of employers to carry out risk assessment and prescribe measures for safe and healthy work from home and remote work, whereby the employee is given the opportunity to participate in the risk assessment process.

The obligation of the employee was also established to inform the employer about the fulfilment of the conditions for safe and healthy work from home and remotely.

## 2. Obavezne obuke zaposlenih

Novim Zakonom uvode se obavezne obuke u oblasti BZR, uključujući i obavezu poslodavaca da sprovedu i obuku zaposlenih za pravilno korišćenje opreme za bezbedan rad.

Poslodavac je naročito dužan da izvrši obuku zaposlenih:

- prilikom zasnivanja radnog odnosa, odnosno drugog radnog angažovanja;
- premeštaja na druge poslove;
- prilikom uvođenja nove tehnologije ili novih sredstava za rad ili promene opreme za rad; i
- prilikom promene radnog procesa.

U toku obuke za bezbedan i zdrav rad, poslodavac je dužan da zaposlenog upozna sa rizicima na radnom mestu na koje ga određuje i o konkretnim merama za BZR u skladu sa aktom o proceni rizika.

## 2. Mandatory training of employees

The New Law introduces mandatory training in the field of OSH, including the obligation of employers to conduct and train employees for the proper use of equipment for safe work.

In particular, the employer is obliged to carry out the training of employees:

- when establishing an employment relationship, i.e. other kind of work engagement;
- transfer to other jobs;
- when introducing new technology or new means of operation or changing work equipment; and
- when changing the work process.

During the training for safe and healthy work, the employer is obliged to inform the employee about the risks in the workplace to which he is determined and about the specific measures for the OSH in accordance with the risk assessment act.

### **3. Dozvole za rad u visokorizičnim delatnostima**

Svakako jedna od najvažnijih novina Novog Zakona jeste uvođenje obaveze poslodavaca da, kao posebnu preventivnu meru, reguliše način za izdavanje dozvole za rad koju je dužan da obezbedi svakom zaposlenom koji izvodi radove na visini, u dubini, u prostoru sa potencijalno eksplozivnim atmosferama, na energetsom objektu, pri korišćenju opasne hemijske materije, rad u zonama u kojima je prisutna ozbiljna, neizbežna ili neposredna opasnost ili štetnost koja može da ugrozi zdravlje zaposlenog.

Regulisanje samog postupka za izdavanje dozvole za rad u visokorizičnim delatnostima je u dispoziciji poslodavaca.

### **3. Work permits for high-risk business activities**

Certainly, one of the most important novelties of the New Law is the introduction of the obligation of employers to, as a special preventive measure, regulate the manner of issuing a work permit that they are obliged to provide to every employee who performs work at height, in depth, in areas with potentially explosive atmospheres, on energy facility, when using dangerous chemical substances, work in areas where there is a serious, unavoidable or immediate danger or harm that can endanger the health of the employee.

The regulation of the procedure for issuing a license for work in high-risk activities is at the disposal of employers.



# Health and Safety at work



#### **4. Lekarski pregledi**

Uvedena je obaveza poslodavca da zaposlenog na njegov zahtev uputi na lekarski pregled, najkasnije u roku od pet godina od prethodnog pregleda.

Takođe, uvedena je obaveza poslodavca da zaposlenom koji obavlja rad noću obezbedi periodični i prethodni lekarski pregled.

Troškovi lekarskih pregleda padaju na teret poslodavca.

#### **4. Medical examinations**

The employer is obliged to refer the employee to a medical examination at his request, no later than five years after the previous examination.

Also, the obligation of the employer was introduced to provide the employee who performs work at night with a periodic and preliminary medical examination.

The cost of medical examinations is borne by the employer.

## **5. Odbijanje daljeg rada zaposlenog**

Propisani su slučajevi u kojima zaposleni može da odbije dalji rad, odnosno kada mu je ugrožena bezbednost i zdravlje na radu. Takođe, zaposleni ima pravo i da se obrati nadležnoj inspekciji rada ukoliko poslodavac ne postupi po zahtevu za otklanjanje rizika za BZR.

Dalje, propisano je da zaposleni može da napusti svoje radno mesto ako mu prethodi ozbiljna, neizbežna i neposredna opasnost po život ili zdravlje, te da u tom slučaju neće biti stavljen u nepovoljnu situaciju, niti će odgovarati poslodavcu za štetu, ako štetu nije prouzrokovao namerno ili iz krajnje nepažnje.

## **5. Refusal of further work of the employee**

Cases are prescribed in which an employee may refuse further work, i.e. when his safety and health at work is at risk. Also, the employee has the right to contact the competent labour inspection if the employer does not act on the request for elimination of risks for OSH.

Furthermore, it is stipulated that an employee may leave his workplace if he is threatened with a serious, unavoidable and imminent danger to life or health, and in that case he will not be placed in an adverse situation, nor will he be liable to the employer for compensation of damage, if he did not cause the damage intentionally or out of gross negligence.



## **6. E-registar povreda na radu i obaveza prijavljivanja nadležnoj inspekciji**

Uvodi se novi registar povreda na radu koji uspostavlja i vodi Uprava za bezbednost i zdravlje na radu u elektronskom obliku.

Poslodavci su sada dužni da odmah, a najkasnije u roku od 24 časa od nastanka, usmeno, u pisanoj formi ili elektronskim putem prijave nadležnoj inspekciji rada i nadležnom organu MUP-a svaku smrtnu, kolektivnu ili tešku povredu na radu, kao i opasnu pojavu koja bi mogla da ugrozi bezbednost i zdravlje zaposlenih.

Takođe, poslodavci su sada dužni da odmah, a najkasnije u roku od 5 radnih dana od dana njenog nastanka prijave nadležnoj inspekciji rada laku povredu na radu zbog koje zaposleni nije sposoban za rad više od tri dana, odnosno da u roku od 5 dana od dana dostavljanja mišljenja zdravstvene ustanove, prijave nadležnoj inspekciji rada utvrđenu profesionalnu bolest.

## **6. E-register of injuries at work and the obligation to report to the competent inspection**

A new register of injuries at work is being introduced, established and maintained by the Administration for Safety and Health at work in electronic form.

Employers are now obliged to immediately, and no later than 24 hours after their occurrence, orally, in writing or electronically report to the competent work inspection and the competent authority of the Ministry of the Interior affairs any fatal, collective or serious injury at work, as well as any dangerous phenomenon that could endanger the safety and health of employees.

Also, employers are now obliged to immediately, and no later than 5 working days from the date of its occurrence, report to the competent work inspection a minor injury at work due to which the employee is not fit to work for more than three days, and within 5 days from the date of delivery of the appropriate opinion of the health institution, to report to the competent work inspection the determined occupational disease.

## **7. Organizovanje poslova BZR prema Novom Zakonu**

Način organizovanja poslova BZR potpuno je promenjen Novim Zakonom, uvođenjem instituta savetnika (lice za BZR u visokorizičnim delatnostima), odnosno saradnika (lice za BZR u manje rizičnim delatnostima).

Sada se organizovanje poslova u ovoj oblasti može sprovesti na tri različita načina:

1. Interno - Ugovorom o radu sa savetnikom/saradnikom, koji su dužni da imaju položen stručni ispit i izdatu licencu;
2. Eksterno - Angažovanjem pravnog lica ili preduzetnika koji imaju licencu za obavljanje poslova bezbednosti i zdravlja na radu, i koji sami određuju ličnost savetnika/saradnika, i njihov broj;
3. Samostalno - Poslodavci koji obavljaju uslužne delatnosti, ako imaju do 20 zaposlenih i položen stručni ispit, mogu samostalno da sprovode mere BZR, za šta im nije potrebna licenca.

## **7. Organizing the work of OSH according to the New Law**

The manner of organizing OSH has been completely changed by the New Law, with the introduction of the institute of advisors (person for OSH in high-risk activities), and associates (person for OSH in less risky activities).

Now organizing work in this area can be carried out in three different ways:

1. Internal - Employment agreement with an advisor/associate, who are obliged to have passed the professional exam and a license;
2. External - By engaging legal entities or entrepreneurs who have a license to perform occupational safety and health activities, and who themselves determine the personality of the advisor / associate, and their number;
3. Independently - Employers who perform service activities, if they have up to 20 employees and passed the professional exam, can independently implement the measures of the OSH, for which they do not need a license.



Dodatno je propisana obaveza za poslodavce sa većim brojem zaposlenih (preko 250, odnosno 500 zaposlenih), da u zavisnosti od delatnosti kojima se bave, angažuju više od jednog savetnika/saradnika.

In addition, it is mandatory for employers with a larger number of employees (over 250, or 500 employees), to hire more than one advisor / associate depending on the activities they are engaged in.

## **8. Pojačan nadzor**

Novim Zakonom je pooštren nadzor i pojačana su ovlašćenja nadležne inspekcije rada u cilju obezbeđivanja efikasne primene Novog Zakona.

Tako, važnu novinu predstavlja ovlašćenje inspektora rada da investitoru zabrani rad na celom gradilištu kada utvrdi da su neposredno ugroženi bezbednost i zdravlje zaposlenog.

Zabrana može trajati sve dok traju okolnosti koje dovode do ugrožavanja bezbednosti i zdravlja zaposlenog, a najmanje 3, odnosno 15 ili 30 dana, u zavisnosti koliko puta su utvrđene okolnosti koje dovode do ugrožavanja bezbednosti i zdravlja na radu na gradilištu.

## **8. Enhanced surveillance**

The New Law tightened supervision and strengthened the powers of the competent work inspection in order to ensure the effective implementation of the New Law.

Thus, an important novelty is the authorization of the work inspector to ban the investor from working on the entire construction site when he determines that the safety and health of the employee are directly endangered.

The ban may last as long as circumstances that lead to the endangerment of the safety and health of the employees exist, but not less than 3, 15 or 30 days, depending on how many times the circumstances that lead to the endangerment of safety and health at work on the construction site are determined.

### **9. Pooštavanje kaznene politike**

Po pitanju kaznene politike, novina u odnosu na stari Zakon jeste propisivanje novčanih kazni u fiksnom iznosu i značajno pooštavanje postojećih novčanih kazni. Maksimalne novčane kazne su se udvostručile i sada su propisana čak 73 različita prekršaja zbog povreda Novog Zakona.

### **9. Tightening of penal policy**

In terms of penal policy, the novelty in relation to the previous Law is the prescribing of fines in a fixed amounts and a significant tightening of existing fines. The maximum fines have doubled and as many as 73 different misdemeanours have now been prescribed for breaches of the New Law.

### **Prelazne odredbe**

Na kraju, treba naglasiti da, iako je Novi Zakon već stupio na snagu, veći broj njegovih odredaba će se primenjivati tek nakon što odgovarajući podzakonski akti budu usvojeni.

Rok za njihovo donošenje je 18 meseci od dana stupanja Novog Zakona na snagu, a poslodavcima je ostavljen rok od dve godine da svoje poslovanje usaglase sa njegovim odredbama.

Do tada, odgovarajuće odredbe važećih podzakonskih akata će ostati u primeni. Bez obzira na navedeno, sve ostale odredbe Novog Zakona koje ne zavise od podzakonskih akata su već sada u neposrednoj primeni.

### **Transitional provisions**

Finally, it should be emphasized that, although the New Law has already entered into force, a greater number of its provisions will apply only after the relevant bylaws have been adopted.

The deadline for their adoption is 18 months from the date of entry into force of the New Law, and employers have been left with two years to harmonize their business with its provisions.

Until then, the relevant provisions of the applicable bylaws will remain in force. Regardless of the above, all other provisions of the New Law that do not depend on bylaws are already in direct application.



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