

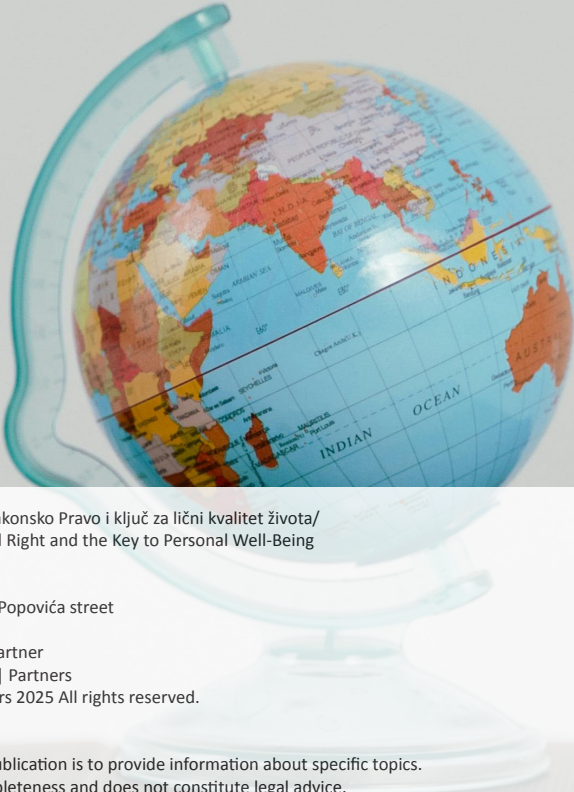


Plaćeni Godišnji Odmor: Zakonsko Pravo i ključ za lični kvalitet života

Paid Annual Leave: A Legal Right and the Key to Personal Well-Being

JPM

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Paid Annual Leave: A Legal Right and the Key to Personal Well-Being

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Authors: Marija Živković, Partner
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Sredina je jula, ljeto u punom jeku, i većina nas je, ili na godišnjim odmorima, ili u njihovom željnom iščekivanju, kako bismo se prepustili prijeko potrebnom punjenju baterija. Upravo zbog toga odlučila sam da, ovom laganom temom pogodnom za čitanje na +35 u hladu, podsjetim da pravo na plaćeni odmor predstavlja jedno od temeljnih ljudskih prava, ali i nužan odgovor na način života koji vodimo.

Živimo u vremenu konstantne dostupnosti, opterećeni notifikacijama, porukama i zadacima. U poslovnoj kulturi često se slavi radoholizam, navodno dokaz lojalnosti i sposobnosti. Međutim, vrlo često smo upravo mi ti koji sami sebi nepotrebno namećemo nerealne standarde i rokove. Sve to dovodi do hroničnog umora, nedostatka koncentracije, pa i sindroma pregorijevanja (burn-out), anksioznosti i sličnih stanja, što opet negativno utiče na naš radni učinak i produktivnost.

Jedini pravi način da pobrojane “negativne posljedice” otklonimo je da se kvalitetno odmorimo, što se ponekad čini veoma teškim. It’s mid-July, the summer is in full swing, and

It’s mid-July, the summer is in full swing, and most of us are either on annual leave or eagerly counting down the days until we can finally unplug and recharge. That’s why I decided to dedicate this light, summer-friendly topic, perfect for reading in the shade at +35°C, to reminding us that the right to paid annual leave is not only one of the fundamental human rights, but also a necessary response to the lifestyle we lead.

We live in an age of constant availability, never-ending notifications, messages, and tasks. In today’s work culture, workaholism is often celebrated as a sign of loyalty and capability, and more often than not, we are the ones imposing unrealistic standards and deadlines. All of this leads to chronic fatigue, lack of concentration, burnout, anxiety, and similar conditions, which in turn negatively affect work performance and productivity.

The only real way to eliminate these “negative consequences” is to rest well, which can sometimes feel incredibly difficult.

Pravo na plaćeni godišnji odmor za sve kategorije radnika je prvi put priznato u Francuskoj, 1936. Godine, dok je u Jugoslaviji ono najprije bilo rezervisano za određene kategorije radnika kao što su državni službenici, trgovačko i više osoblje, da bi kao opšte pravo bilo priznato nakon Drugog svjetskog rata.

Ovo univerzalno proklamovano i priznato pravo sadržano je u međunarodnom radnom pravu, kroz niz konvencija Međunarodne organizacije rada, Međunarodnim paktom o ekonomskim, socijalnim i kulturnim pravima, kao i u ustavima, zakonima o radu i kolektivnim ugovorima na nacionalnom nivou.

Ono što je jako važno je da je u većini zemalja pravo na plaćeni godišnji odmor neotuđivo pravo, što znači da se zaposleni/a ovoga prava ne može odreći, da mu/joj ga poslodavac ne smije uskratiti i da se godišnji odmor ne može zamijeniti novčanom nadoknadom, osim u slučaju prestanka radnog odnosa. U određenim jurisdikcijama pravo na plaćeni godišnji odmor je disponibilno pravo, što znači da zaposleni ima pravo da se, u određenoj mjeri, ovoga prava odrekne, odnosno, da ga zamijeni za novčanu nadoknadu.

The right to paid annual leave for all categories of workers was first recognized in France in 1936. In Yugoslavia, it was initially reserved for certain categories of employees, such as civil servants, commercial and senior staff, and only after World War II was it recognized as a general right. This universally proclaimed and recognized right is enshrined in international labor law, through various ILO conventions, the International Covenant on Economic, Social and Cultural Rights, as well as in national constitutions, labor laws, and collective agreements.

Importantly, in most countries, the right to paid annual leave is inalienable, meaning an employee cannot waive it, an employer cannot deny it, and it cannot be replaced with financial compensation, except in the event of employment termination. In certain jurisdictions, this right is discretionary, meaning an employee can partially waive it or exchange it for compensation.

Crnogorsko zakonodavstvo pravo na plaćeni godišnji odmor tretira kao neotuđivo pravo. Minimalno trajanje godišnjeg odmora je 20 radnih dana, u skladu sa evropskom praksom. U uporednoj praksi, sa kojom je formalno usklađena i naša, utvrđeno se da se godišnji odmor koristi u kontinuitetu. U nekim zemljama korišćenje odmora je predviđeno tokom ljetnjih mjeseci, kako bi se vrijeme godišnjih odmora uskladilo sa školskim raspustima i time doprinijelo zadovoljavanju potreba porodice.

U našem pravu, zaposleni/a po pravilu koristi godišnji odmor odjednom, ili u dva dijela - prvi dio u neprekidnom trajanju od najmanje 10 radnih dana se mora iskoristiti u toku kalendarske godine, a ostali djelovi najkasnije do 30. juna sljedeće godine. Od 2019. godine, zakon dozvoljava mogućnost da se, na zahtjev zaposlenog, godišnji odmor može koristiti i u više djelova, ukoliko to dozvoljava proces rada kod poslodavca, s tim što ostaje obaveza korišćenja prvog dijela godišnjeg odmora u trajanju od najmanje 10 radnih dana.

Montenegrin legislation treats the right to paid annual leave as an inalienable right, and the minimum duration of annual leave is, in line with European practice, 20 working days. In comparative practice, aligned with our legal system, it is generally recommended that annual leave be used continuously, and in some countries even during summer months, specifically to coordinate with school holidays and better support family needs.

In our law, employees typically use their annual leave in one or two parts, with the first part, lasting at least 10 consecutive working days, required to be taken within the calendar year, and any remaining days no later than June 30 of the following year. Since 2019, the law allows, at the employee's request and if the employer's work process permits, that annual leave be used in more than two segments, while still maintaining the obligation to use the first 10-day portion continuously.

Ovim zakonskim rješenje se pravna norma prilagođava potrebama zaposlenih koji sve češće koriste godišnje odmora u više djelova, uzimajući po par dana godišnjeg odmora, koje najčešće spajaju sa drugim neradnim danima, čime sebi obezbjeđuju.

Pomenuti način korišćenja godišnjih odmora je široko prihvaćen i vrlo često se i prvi dio godišnjeg odmora, koji bi trebalo da traje minimum 10 radnih dana, “cjepka” i koristi iz više puta, iako su formalno-pravno rješenja o godišnjim odnosima usklađena sa zakonom. Kod ovakve prakse koja je definitivno uzrokovana mnogo većom dostupnošću putovanja, niskotarifnim letovima, povoljnim putničkim aranžmanima, poteškoćama u usklađivanju termina putovanja sa porodicom ili prijateljima i našom stalnom potrebom da vidimo nešto nešto novo, posjetimo još jedan koncert, obiđemo još jedan outlet, akva park, ili isprobamo neke nove ski staze, postavlja se sasvim legitimno pitanje – da li se svrha godišnjih odmora uopšte ostvaruje, da li se na tim čestim odsustvima odmaramo ili umaramo?

This legal solution adapts the regulation to the evolving needs of employees who more frequently choose to split their annual leave, often combining a few days off with public holidays to secure multiple shorter breaks throughout the year.

This approach to taking leave has become widely accepted. In practice, even the mandatory first portion of annual leave, which by law should last at least 10 working days, is often divided and taken in multiple segments, despite the fact that official decisions on leave remain aligned with legal provisions.

This trend is clearly driven by greater access to travel, low-cost flights, affordable vacation packages, the challenge of coordinating vacation time with family or friends, and our constant desire to experience something new—visit another concert, explore a new outlet mall or waterpark, or try out a different ski resort. This raises a valid question: are we actually resting during these frequent getaways, or just tiring ourselves out even more?

Sigurno ste se puno puta zatekli na aerodromu kako panično tražite utičnicu da napunite laptop, kako biste završili dokument na kojem radite, kako na pasoškoj kontroli čitate poruku od klijenta ili poslodavca, ili kako po slijetanju grozničavo tražite mrežu da provjerite elektronsku poštu, a vjerovatno ste i nebrojeno puta došli sa odmora u nedjelju večer, da biste već u ponedjeljak ujutro bili na sastancima, a u srijedu konstatovali kako vam se čini da su cijeli mjeseci protekli od odmora.

Kada uzmemo sve ovo u obzir, jasno je da se na ovaj način ne ostvaruje osnovna, zaštitna, svrha prava na plaćeni godišnji odmor – zaštita zdravlja zaposlenog, smanjenje izloženosti rizicima posla, omogućavanje psihičkog i intelektualnog opuštanja, relaksacija, zabava i smanjenje akumulirane radne zamorenosti, kako se to lijepo definiše u pravnoj teoriji.

You've surely found yourself at the airport frantically searching for a socket to charge your laptop and finish a report, or reading a message from a client or boss while waiting in line at passport control, or feverishly checking your emails right after landing. And let's not forget all the times you returned from vacation late on a Sunday night, only to be in meetings first thing Monday morning, and by Wednesday, you already feel like your trip happened two months ago.

Taking all of this into account, it becomes clear that in such a context, the primary protective purpose of paid annual leave is not being fulfilled. That purpose is to protect the employee's health, reduce exposure to work-related risks, allow for mental and intellectual recovery, relaxation, enjoyment, and relief from accumulated work-related fatigue, as so eloquently defined in legal theory.

Takođe je u nizu naučnih istaživanja utvrđeno da odmor poboljšava kognitivne funkcije, raspoloženje i odnose, da najveći efekat imaju tzv. pasivne aktivnosti kao što su čitanje, sunčanje i slično, da najveći efekti nastupaju oko 8. dana odmora, da se efekti odmora brzo gube ako se odmor ne koristi kvalitetno kao i da kraći odmori (3–4 dana) takođe donose vidljive koristi ako uključuju pravu psihološku pauzu.

Da zaključim, smatram da je važno da se pravo na plaćeni godišnji odmor ne samo formalno poštuje, već i da se istinski koristi, onako kako je i zamišljeno i normirano – za odmor, oporavak i postizanje ličnog blagostanja.

A number of scientific studies have also confirmed that taking time off improves cognitive function, mood, and interpersonal relationships; that the greatest benefits are associated with so-called passive activities such as reading, sunbathing, and the like; that vacation effects peak around the 8th day of leave; and that these effects fade quickly if the time off is not used meaningfully. Even short vacations (3-4 days) can bring noticeable benefits if they involve a true psychological break.

I believe it is essential not only to formally respect the right to paid annual leave, but also to genuinely use it as intended and regulated, for rest, recovery, and personal well-being.

Najbolji efekti postižu se kada se odmor mudro planira: jedan duži period odmora za potpuni reset, uz nekoliko kraćih tokom godine, za redovno punjenje baterija.

Samo kada sebi i zaposlenima damo priliku da se istinski odmorimo, možemo se vratiti radu – osvježeni, motivisani i produktivni, i spremni da u poslu dajemo najbolje od sebe, ali bez izgaranja.

The best results are achieved when time off is thoughtfully planned: a longer break for a full reset, combined with several shorter ones throughout the year to maintain regular energy levels. Only when we give ourselves and our employees the opportunity to truly rest can we return to work refreshed, motivated, and productive, ready to give our best, without burning out.



Author



Marija Živković

Partner

E: marija.zivkovic@jpm.law

JPM | PARTNERS

2 Šeika Zaida Street

81000 Podgorica

Montenegro

email: T:+382 20 672534

E: office.mne@jpm.law

www.jpm.law