

KNOW *YOUR* RIGHTS

*GUIDE FOR FOREIGN EMPLOYEES
IN REPUBLIC OF SERBIA*



**RIGHT TO
LEGAL RESIDENCE**



**LABOUR
RIGHTS**



**PROTECTION AGAINST
HUMAN TRAFFICKING**

**PROTECTION FROM
DISCRIMINATION**



**HEALTH
CARE**



**ACCESS TO
EDUCATION**







Welcome to **Serbia!**

This brochure is designed to help you understand your basic rights as a foreign citizen living and working here. Knowing your rights is the first step towards protecting them.

IDEAS provides free and secure support to ensure you understand your rights and the protection options.

Below you will find more information about the following rights:

1. Right to legal residence
2. Labour rights
3. Protection against human trafficking for the purpose of labour exploitation
4. Protection from discrimination
5. Health care
6. Access to education

1 RESIDENCE

RIGHT TO LEGAL RESIDENCE



This is the foundation of your legal status in Serbia.

Your right:

Your stay and work in Serbia should be regulated in accordance with the law. Depending on the type and duration of the work you do, you are entitled to an appropriate permit (single permit to reside and work or D visa) authorizing your stay and work.

What it means:

Your status can be regulated in different ways, depending on your work engagement. For longer stays and work, you are entitled to a single permit to reside and work (single permit). For seasonal jobs and short-term work, your stay is regulated by a D Visa, if you come from a country whose citizens require a visa to enter Serbia. Regardless of whether you receive a single permit or are engaged in short-term seasonal work, your stay must be reported to the police, and your work engagement must be registered with the competent authorities. This is a proof that you are residing and working in Serbia legally, which entitles you to protect your rights and security.

Protection mechanism:

The legislative framework regulates the conditions under which you can legally reside and work in Serbia. Applications for a single permit to reside and work are processed by the Ministry of Interior – Foreign Nationals Directorate. In case your application is rejected, you have the right to appeal.

How can IDEAS help:

IDEAS can provide you with information on the procedure of obtaining single permit.



LABOUR RIGHTS

Your rights are protected by the laws of the Republic of Serbia. Still, it is important to know that the scope of those rights depend on the type of your work engagement: e.g. do you have an employment contract, do you work in seasonal jobs or you are assigned to work in Serbia by a foreign employer.

Your rights:

- **Written contract:** You must receive an employment contract or confirmation of work engagement before you start working. Such a contract must clearly contain work location, salary, working hours, job description, and engagement duration.
- **Fair pay:** You have the right to salary or financial compensation for work. Your salary must be paid on time and in the agreed amount. For full-time work, this amount can not be lower than the minimum wage prescribed by law and you must receive a pay slip.
- **Working hours and time off:** You have the right to limited working hours, breaks during the working day and rest periods. Overtime must be paid additionally (except in seasonal jobs which are paid per hour) and you can't be forced to work overtime without compensation.
- **Safety and dignity at work:** Your employer must provide you with safe work environment, including all the necessary equipment and training at zero cost for you. You have the right to dignity at work, meaning protection from insult, threats or harassment.
- **Social security contributions:** Employer is generally obliged to pay contributions for pension and health insurance. If you are an assigned worker (working for a foreign employer in Serbia), your social security may be regulated in your home country, in accordance with international agreements on social security.

What it means:

These rights protect you from exploitation. Employers are obliged to respect them and provide you with protection if needed.

Protection mechanism:

If your rights have been violated, you can file a complaint with the Labor Inspectorate. For disputes about the wage or a termination of the employment status, you can initiate legal proceedings.

How can IDEAS help:

IDEAS can provide you with information on your specific rights and obligations, and instruct you how to get in touch with the relevant institutions.



PROTECTION AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

Passport confiscation, threats by superiors, physical punishment, failure to report work stay, forced labor, unpaid labor, and other actions used to control and exploit workers may indicate a human trafficking situation.

Your rights:

Foreign workers facing violence, exploitation or human trafficking have the right to special protection and support.

What it means:

Actions like taking and keeping passport or other personal documents, threats, blackmailing or limitation of free movement are forms of control and exploitation, and can be elements of human trafficking. Human trafficking victims have the right to special protection and support services. This includes not only secure housing, medical, psychological and legal support, but also the right to a period of recovery and reflection, which means a legal base for temporary residence in Serbia.

Protection mechanism:

Center for Victims Protection Against Human Trafficking is an official state body for identification of human trafficking and supporting victims.

How can IDEAS help:

IDEAS can provide you with information and referral to organizations specialized for helping and supporting victims of human trafficking, exploitation, and violence.

4 DISCRIMINATION



PROTECTION FROM DISCRIMINATION

You have the right to equal treatment. It is illegal for anyone, e.g. employer or an official, to treat you less favourable than a Serbian citizen just because you are a foreigner.

Your right:

You are protected from any kind of discrimination based on your nationality, ethnicity, language, religion, gender or any other personal characteristic.

What it means:

Situations such as being unjustifiably paid less for the same work than domestic workers, being subjected to harsher working conditions, being denied breaks, or being subjected to insults and humiliation because of your language or origin – constitute discrimination. It is also discrimination if, just because you are a foreigner, you are unjustifiably denied a service (e.g. in an institution or bank) that other citizens can obtain without hindrance.

Protection mechanism:

The primary institution you can address in cases of discrimination is the Commissioner for the Protection of Equality. You can file a complaint with the Commissioner free of charge if you believe you have been discriminated against. In cases of discrimination, you can also initiate legal proceedings.

How can IDEAS help:

IDEAS can provide you with information on what discrimination legally means, information on the procedure at the Commissioner's and legal proceedings.



HEALTH CARE

Access to healthcare is essential for your well-being. You access healthcare through mandatory contributions paid by your employer (compulsory health insurance), or through private or foreign insurance, depending on your status.

Your right:

If you have an employment contract, you have the same right to compulsory health insurance as domestic citizens. If you are engaged in a seasonal job, contributions paid by the employer cover the cost of treatment if you suffer a work-related injury or occupational disease. For all other health issues, that haven't occurred at work, you need to have private health insurance. For those workers categories of workers that have private health insurance, the scope of rights is defined by such insurance only.

What it means:

If you have compulsory health insurance, you have the right to a health insurance card and to choose your doctor at a health center. If you are a seasonal worker, the state insurance protects you from traumas caused by work only, and for everything else you use your private health insurance.

Protection mechanism:

Republic Fund of Health Insurance (RFZO) provides health protection for full-time employees, and in case of work-related injuries for seasonal workers.

How can **IDEAS** help:

IDEAS can provide you with information on how to register for health insurance and get treatment.



ACCESS TO EDUCATION

Education is a basic right for you and your family members.

Your right:

Your children have the right to attend primary and secondary school under the same conditions as citizens of Serbia. You can also apply for recognition of your diplomas and qualifications.

What it means:

Your children can be enrolled in local schools for free. Your degrees and qualifications can also be officially recognized to improve your employment opportunities.

Protection mechanism:

The right to education is implemented through local schools and the Ministry of Education. The nostrification process is carried out by the Qualifications Agency.

How can IDEAS help:

IDEAS can provide you with information on access to education and referral to relevant state authority.

ACCESS TO JUSTICE AND HOW IDEAS SUPPORT YOU

If your rights have been violated, you have the right to seek justice.

IDEAS IS HERE TO HELP YOU NAVIGATE THE SYSTEM

Our role is:

- To inform you on your rights, legal procedures for obtaining your status and available mechanisms for protection from exploitation and discrimination.
- To refer you to relevant state authorities, organizations or legal help providers for you to exercise your rights.





For more information on relevant institutions and contacts,
please scan this QR code or contact **IDEAS**:
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