

EQUALITY CODE

Guidelines for Developing a Code of Anti-Discrimination Policy in Serbia

Revised and updated edition

Publisher

Commissioner for the Protection of Equality

On behalf of the Publisher

Brankica Janković, Commissioner for the Protection of Equality

Design and Layout

Studio Design&Communication

Printing

KLIK COMMERCE D.O.O

Print run

750 copies

CIP



The promotion and printing of this publication were supported by the Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany (BMZ), implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

The revised and expanded edition of the "Guidelines for the Development of Anti-Discrimination Policy Codes for Employers in Serbia – The Equality Code" has been prepared by the Commissioner for the Protection of Equality within the project "Improving Equality in the Field of Work and Employment – Joint Initiative for Equality in the Workplace", as part of the Global Solidarity Initiative project implemented by *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH in Serbia, and funded by the German Federal Ministry for Economic Cooperation and Development (BMZ).

The project aims to raise awareness and strengthen the capacities of employers to adopt the Equality Code, prevent discriminatory practices, and promote responsible business conduct.

Project activities focus on expanding the network of companies that apply inclusive work policies in their operations and strengthening their capacities through the *Partnership for Equality* with the Commissioner. Among these activities, training and educational workshops for employers are planned to further improve their knowledge about the prevention and protection against discrimination in the field of work and employment, familiarize them with new regulations imposing obligations on employers, present examples of good practice, and provide practical advice and guidance to prepare them for the development and adoption of various models of internal Equality Codes within their companies.

All terms used in the masculine grammatical gender include both masculine and feminine genders of the persons to whom they refer.

TABLE OF CONTENTS

INTRODUCTORY REMARKS BY THE COMMISSIONER FOR THE PROTECTION OF EQUALITY	4
WHY DO WE NEED AN EQUALITY CODE.....	6
ADVANTAGES OF ADOPTING THE CODE.....	9
LEGAL FRAMEWORK – PROTECTION AGAINST DISCRIMINATION IN THE FIELD OF WORK AND EMPLOYMENT	10
INTERNATIONAL SOURCES.....	11
<i>Universal Documents.....</i>	<i>11</i>
<i>European Documents</i>	<i>12</i>
DOMESTIC SOURCES.....	16
<i>Anti-discrimination Laws</i>	<i>16</i>
SPECIAL (AFFIRMATIVE) MEASURES	21
MECHANISMS FOR PROTECTION AGAINST DISCRIMINATION	25
<i>Commissioner for the Protection of Equality.....</i>	<i>25</i>
<i>Procedure for the protection of Rights before the Commissioner</i>	<i>28</i>
IMPLEMENTATION OF ANTIDISCRIMINATION POLICIES IN BUSINESS – GUIDELINES AND METHODOLOGIES	33
INTEGRATION OF ANTIDISCRIMINATION STANDARDS INTO COMPANY POLICIES	34
SELF-ASSESSMENT OF THE DEVELOPMENT OF ANTIDISCRIMINATION PRACTICES AMONG EMPLOYERS	35
STEPS TOWARD ADVANCING WORKPLACE EQUALITY.....	38
BASIC PROCEDURES – GUIDELINES FOR THE DEVELOPMENT OF AN EQUALITY CODE	39
I. <i>Team for drafting the code at the employer.....</i>	<i>40</i>
II. <i>Training of Team members and their sensitization on discrimination issues</i>	<i>41</i>
GLOSSARY – Overview of basic terms relevant to the development and/or improvement of the Equality Code	42
III. <i>The process of drafting the code</i>	<i>54</i>
1) THE ANALYTICAL PHASE.....	54
2) THE CODE CREATION PHASE.....	59
3) PUBLISHING THE CODE	65
IV. <i>Continuity in the implementation of inclusive employment policies</i>	<i>65</i>
MODEL EQUALITY CODE.....	68

INTRODUCTORY REMARKS BY THE COMMISSIONER FOR THE PROTECTION OF EQUALITY

Dear partners,

Before you is the updated edition of the “Guidelines for Developing a Code of Anti-Discrimination Policy in Serbia – The Equality Code”, which we have prepared to help employers in drafting internal documents for implementing inclusive policies and the principles of equality in business, as an effective mechanism for identifying and preventing potential cases of discrimination in the workplace.

A company’s success is not measured solely by figures and profit, but also by its responsibility toward society, employees, and the values it upholds.

It is especially encouraging that an increasing number of companies are developing and actively implementing internal policies for the prevention of discrimination and human rights violations, recognizing that the business world and human rights are not two separate paths, but rather intersect and together form the foundation for sustainable development. For that very reason, I would like to express my sincere gratitude to each of you for your commitment and shared vision of building Serbia as a just, democratic society in which everyone has the opportunity to live and work with dignity and on equal footing.

The workplace is not merely a space where we carry out our tasks, but a place where professional relationships are built, mutual trust is fostered, and collaboration is based on respect — all of which contribute to a stimulating atmosphere and motivate teams toward common goals. Integrating ESG principles into business strategies is gradually becoming a necessity for all companies and a key factor in achieving sustainable business success.

That is why it is of crucial importance not only to promote but also to ensure a lasting continuity in affirming equality in the

workplace. The principle of non-discrimination and equal opportunities is the foundation of every leading company, and its violation undermines not only productivity and interpersonal relations, but also the employer's reputation.

I deeply believe that we have sincere partners in you, with whom, through our *Partnership for Equality* and the network of companies committed to creating a work environment based on the principles of equality and tolerance, we will jointly promote examples of good corporate practices — with the hope that they will become part of business culture, where every individual, regardless of differences, will have equal opportunities for professional development and a dignified life through work.

Brankica Janković

Commissioner for the Protection of Equality



WHY DO WE NEED AN EQUALITY CODE

The need to develop these guidelines – the Equality Code – stems from an analysis of indicators from the many years of practice of the Commissioner for the Protection of Equality (hereinafter: the Commissioner), which shows that the highest number of complaints regarding discrimination occurs in the field of work and employment. Citizens seek protection due to unequal treatment in various phases of employment and work – from the announcement of job vacancies, during the selection and hiring process, to performance evaluation, career development, opportunities for advancement in the workplace, and the termination of employment and the reasons behind it. This area of social life is extremely important, as it represents the basis of income and livelihood, and thus affects all aspects of life for every individual. The practice of the Commissioner also indicates that discrimination in the labor market affects all groups of citizens, regardless of their personal characteristics, but is most frequently directed toward women — both in terms of gender and marital and family status — persons with disabilities, younger as well as older workers, persons with health problems, refugees and migrants, in relation to sexual and gender orientation, and others...

It is important to emphasize that the harmful consequences of discrimination in the workplace are numerous – it leads to decreased efficiency and productivity among employees, causes demotivation, undermines interpersonal relationships, triggers and fosters conflicts and a negative atmosphere, and often harms the reputation of the company itself, which ultimately results in reduced profit – something contrary to the interests of both employees and employers. On the other hand, socially responsible business practices and the adoption of the principles of equality, tolerance, and non-discrimination as business standards do not represent a burden for employers, but rather an opportunity to prosper in multiple ways, which should be the ultimate goal of any rational and sustainable business policy.

These are precisely some of the reasons why the Commissioner, as the national institution for combating discrimination and promoting equality, pays special attention to the development of an inclusive labor market and why, back in 2017, the first edition of the Equality Code was created. This first edition of the Code achieved considerable success and sparked interest among a large number of employers. It was also accompanied by various other activities, including the *Partnership for Equality*, continuous education of different labor market stakeholders on mechanisms for protection against discrimination, training sessions

for labor inspectors and employees of the National Employment Service, as well as numerous professional and other gatherings where these topics were addressed. In 2019, the Commissioner also prepared and submitted to the National Assembly a Special Report on Discrimination in the Field of Labor and Employment, which included numerous recommendations for different actors aimed at improving the situation in this area.

As the legal framework has, in the meantime, been improved to some extent, and bearing in mind that the practice of the Commissioner still shows that this is the area in which discrimination is most frequently reported, this topic remains largely in the focus of our work, with the intention to further strengthen cooperation with employers in the upcoming period and to work together on developing preventive measures in order to prevent human rights violations and discrimination in the workplace, to build inclusive work environments both on the micro level (within employers themselves) and on the macro level (within broader communities – employers' associations, chambers of commerce, local communities, etc.), and to achieve various benefits for employers – compliance with anti-discrimination regulations, diverse work environments, reduction of workplace conflicts, increased work efficiency and productivity, and increased social responsibility and profit.

In order to assess the challenges encountered in the previous implementation of inclusive workplace policies, to map the areas in which employers face the most difficulties in practice, and to identify examples of successful practices, we conducted a survey with employers (using quantitative data collection methods and focus groups). By including companies of various sizes and sectors, as well as different levels of previous engagement in the field of anti-discrimination and promotion of equality in the workplace, the findings contribute to the further improvement of the Equality Code, taking into account new challenges and changes in the work environment resulting from improvements in the legal framework, the new labor market situation characterized by a shortage of workers across different profiles and occupations, the consequences of the COVID-19 pandemic, as well as other socio-economic factors. In this way, we are adapting these guidelines to the current needs of the business sector and the workforce.

A survey conducted on the current state and the assessment of needs for improving the partnership for equality with employers showed that companies attach great importance to the area of prohibition of discrimination. Nearly two-thirds of the surveyed companies (64%) consider this area extremely important, while an additional one-third (31%) regard it as mostly important. Only a small percentage of

companies (3%) do not recognize the significance of this area. This high percentage of companies acknowledging the importance of the prohibition of discrimination indicates a positive trend in the business sector and significant potential for further development of anti-discrimination practices.

However, despite the high assessment of the development of the anti-discrimination framework, the research showed that just over half of the surveyed companies (58%) have a formally adopted document addressing anti-discrimination issues. Among them, only one-third of companies (36%) have a document exclusively dedicated to these issues, while the remaining two-thirds (64%) have a document that covers anti-discrimination together with other topics.

Additionally, the employers themselves expressed interest in mutual exchange of good practices and providing support in implementing various measures. This led the Commissioner to innovate the *Partnership for Equality* as a specific network of employers dedicated to these issues, who can and want to support each other. Therefore, we have improved the existing Partnership by enabling the formation of a network of employers who, with the support of the Commissioner but also mutually, will be able to enhance their anti-discrimination practices, establish mutual contacts, exchange examples of good practices as well as lessons learned, explore ways to overcome challenges, and participate in various trainings...

Even in the earlier signing this charter, numerous employers, entrepreneurs, as well as several international companies, expressed wholehearted support for efforts to prevent discrimination in the field of work and employment. The idea is to continue jointly developing this partnership. The signing of this charter, which is not legally binding but carries ceremonial and symbolic significance, represents our shared commitment to the universal principles of equality and tolerance that we strive to promote together.

Therefore, the revised guidelines before you primarily contain a specific questionnaire that provides an opportunity for self-assessment of the state of the anti-discrimination framework among employers, indicating the need for its revision, development, or supplementation. It also includes a brief overview of the relevant legal framework and the obligations arising for employers, a review of the basic concepts relevant to this field, methodological instructions for certain procedures within the process of drafting internal codes of anti-discrimination policy, as well as a model of the equality code itself. The publication also contains a number of practical examples of discrimination in the field of work and employment, how to most easily recognize them in

practice, a review of similarities and differences in relation to mobbing, and available mechanisms for protection against discrimination through an overview of the jurisdiction and procedure for protection against discrimination before the Commissioner. In this way, we aim to facilitate the entire process for employers as much as possible, in order to harmonize practices and achieve the greatest effects in their workplaces.

Advantages of Adopting the Code

- ✓ Fulfillment of obligations arising from anti-discrimination regulations for employers
- ✓ Development of business ethics and corporate social responsibility
- ✓ Improvement of knowledge and raising awareness about the harmful consequences of discrimination
- ✓ Reduction of social tensions and conflicts in the workplace
- ✓ Easier attraction of new employees
- ✓ Boosting team spirit
- ✓ Improvement of interpersonal relationships
- ✓ Strengthening the employer's reputation in the labor market
- ✓ Increasing efficiency and productivity
- ✓ Reducing risks (initiation of internal procedures, disciplinary actions, lawsuits)
- ✓ Growth of business income and profit

Long-term goal: Contributing to greater social change → improving equality and reducing discrimination in the workplace, which supports societal development.

LEGAL FRAMEWORK – PROTECTION AGAINST DISCRIMINATION IN THE FIELD OF WORK AND EMPLOYMENT

In order to develop anti-discrimination mechanisms within an employer's organization, it is essential to have knowledge of the legal framework that prohibits discrimination in the workplace, as well as the protection mechanisms available to both employers and employees.

Furthermore, the findings of the Commissioner's research on the current situation and the needs of employers indicate that the adoption of internal anti-discrimination documents by employers is most commonly motivated by the need to comply with legal provisions, or, in the case of international companies, by aligning their operations with globally developed policies. The key pieces of legislation identified by companies include:

- The Law on the Prohibition of Discrimination;
- The Law on Gender Equality;
- The Law on the Prevention of Discrimination against Persons with Disabilities.

However, in addition to the regulations identified by employers themselves, the legal framework concerning the prohibition of discrimination includes other provisions as well. The prohibition of discrimination is one of the universally recognized principles, guaranteed by numerous international and domestic legal sources. The Republic of Serbia is an example of a country that places great importance on combating discrimination and achieving equality, striving to incorporate the highest international standards in this area by adopting international human rights treaties and enacting relevant laws, including the establishment of legal mechanisms for the prevention of and protection against discrimination.

Given the importance of the legal framework and the obligation of employers to comply with it, the following section provides a brief overview of certain regulations relevant to this area, in order to highlight their key aspects and support the development and/or improvement of the anti-discrimination framework within companies.

International Sources

Universal Documents

Human rights standards, including those related to the prohibition of discrimination, are established through key United Nations instruments such as: the Universal Declaration of Human Rights (1948),¹ the

¹ The Universal Declaration of Human Rights, adopted on December 10, 1948

International Covenant on Economic, Social and Cultural Rights (1966),² the International Covenant on Civil and Political Rights (1966),³ the International Convention on the Elimination of All Forms of Racial Discrimination (1965),⁴ the Convention on the Elimination of All Forms of Discrimination Against Women (1979),⁵ and the Convention on the Rights of Persons with Disabilities (2006).⁶

The International Labor Organization deals with combating discrimination in employment and work. The Declaration on Fundamental Principles and Rights at Work (1998) emphasizes the importance of eliminating discrimination in this area, as stated in its preamble. Several key instruments have also been adopted concerning the prohibition of discrimination in employment and occupation. Convention No. 111 on Discrimination in Employment and Occupation (1958) defines the concept of discrimination and requires the implementation of national policies to promote equal opportunities and treatment in employment and occupation. Convention No. 100 on Equal Remuneration (1951) aims to reduce the wage gap between male and female workers and prohibits discrimination in this area. Convention No. 159 on Vocational Rehabilitation and Employment of Disabled Persons (1983) defines the obligation to adopt regulations governing this area, as well as programs and measures concerning the employment of persons with disabilities, providing them equal opportunities and encouraging their social independence. Convention No. 122 on Employment Policy (1964) requires enabling acquisition of qualifications without discrimination to increase the employability of job seekers. Finally, the Declaration on Social Justice for a Fair Globalization (2008) supports the Decent Work Agenda and its four pillars, including social protection and social dialogue with tripartism, pointing out that social protection must be viewed as an integral part of planning measures to increase employment among vulnerable groups.

European Documents

The instruments of the *Council of Europe* prohibit discrimination, especially of employees and job seekers. In addition to the European Social Charter (1961), and its revised version, the Revised European

² International Covenant on Economic, Social and Cultural Rights, "Official Gazette of the SFRY – International Treaties", No. 7/71

³ International Covenant on Economic, Social and Cultural Rights, "Official Gazette of the SFRY – International Treaties", No. 7/71

⁴ International Covenant on Civil and Political Rights, "Official Gazette of the SFRY – International Treaties", No. 7/71

⁵ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), "Official Gazette of the SFRY – International Treaties", No. 11/81

⁶ Convention on the Rights of Persons with Disabilities, "Official Gazette of the Republic of Serbia – International Treaties", No. 18/09

Social Charter (1996),⁷ also known as the Social Constitution of Europe, discrimination is prohibited by the European Convention on Human Rights and Fundamental Freedoms (1950),⁸ particularly Article 1 of Protocol No. 12, which introduced a general prohibition of discrimination.

The European Union, through a series of legal acts, influences the creation of conditions that contribute to the practical realization of the principle of equal treatment regardless of differences in personal characteristics, to the greatest extent possible in the field of work and employment. The prohibition of discrimination is prescribed by all founding treaties, as well as the Charter of Fundamental Rights of the EU, which explicitly prohibits any discrimination, including in the workplace. Important sources also include secondary legislation, namely Directive 2000/78/EC⁹ establishing a general framework for equal treatment in employment, Directive 2006/54/EC¹⁰ on the implementation of the principle of equality and equal opportunities for men and women in matters of employment and occupation, as well as Directive 2010/41/EU¹¹ on applying the principle of equal treatment between men and women engaged in an activity as self-employed persons.

We especially highlight one of the latest regulations adopted at the EU level — the **Directive on Due Diligence for Sustainable Business — Directive 2024/1760**¹² (which entered into force on July 25, 2024). The aim of this directive is to promote sustainable and responsible corporate conduct in companies' operations and throughout their global value chains.

The new rules will ensure that companies identify and address potential and actual negative impacts on human rights and the environment within their own operations, including subsidiaries, as well as — when related to their value chains — their business partners.

The obligation applies to large EU companies with more than 1,000 employees and a worldwide net turnover exceeding 450 million euros, as well as to large non-EU companies with a net turnover of over 450

⁷ The European Social Charter of the Council of Europe, "Official Gazette of the Republic of Serbia – International Treaties," No. 42/09

⁸ European Convention for the Protection of Human Rights and Fundamental Freedoms, "Official Gazette of Serbia and Montenegro – International Treaties," No. 9/03

⁹ Directive 2000/78/EC, November 27, 2000

¹⁰ Directive 2006/54/EC, July 5, 2006

¹¹ Directive 2010/41/EU, July 7, 2010

¹² EU Member States must incorporate the Directive into their national legislation, and the rules will begin to apply to the first group of companies, following a gradual approach (with full application by July 26, 2029).

million euros within the EU. Micro, small, and medium-sized enterprises are not subject to the rules, but the directive includes support and safeguard measures for SMEs that might be indirectly affected as business partners within value chains.

Although the full implementation of this directive will follow its incorporation into the national legislation of EU Member States, it is important to be promptly informed about its content and implications—both due to business dealings with companies required to comply with it and because of the anticipated impact these legal changes may have on our enterprises.

In addition to the aforementioned regulations, the *Act on Corporate Due Diligence in Supply Chains* (Lieferkettensorgfaltspflichtengesetz, LkSG)¹³ — which entered into force in the Federal Republic of Germany in 2023 — may also impact the operations of certain business entities in Serbia. As of January 2024, this law applies to all companies with more than 1,000 employees (including temporary workers employed for more than six months, all employees regardless of business segment, and employees temporarily assigned to work in another EU country).

The law applies to all commercial enterprises and other entities, such as banks, financial service providers, or accounting firms. It also applies to foreign companies that have a branch operating in Germany and, as a rule, employ more than 1,000 people.

The law applies to the entire supply and value chain of companies. The supply chain covers all stages necessary for the production of goods and the provision of services – from the extraction of raw materials to delivery to the end consumer.

The law indirectly produces legal effects and applies to companies in Serbia that are part of the supply chain of German companies!

In the case of indirect suppliers (the extended supply chain), companies are required to take measures — such as conducting a risk analysis — only when they have reason to believe that human rights violations or environmental harm have occurred.

In addition to the obligation to conduct a risk analysis, this law introduces an **internal complaints mechanism** within German companies, which must be accessible to all relevant stakeholders —

¹³ More about the Law can be found at: Frequently Asked Questions on the German Supply Chain Due Diligence Act (LkSG), http://www.industrijskisindikar.org/userfiles/file/Cesto_postavljenja_pitanja_o_nemackom_zakonu_o_duznoj_paznji_u_lancima_snabdevanja.pdf

employees within the company, employees of companies in the supply chain, as well as third parties or non-governmental organizations that have knowledge of a violation of a certain right occurring at any point in the supply chain.

According to the provisions of this law, companies are obliged to adhere to certain due diligence obligations related to the protection of human rights and the environment, namely to:

- establish a risk management system;
- designate who within the company will be responsible for overseeing that system;
- regularly conduct risk analyses;
- issue a statement on the company's principles relating to its human rights strategy;
- take measures to prevent and remedy abuses;
- establish a procedure through which whistleblowers can submit complaints; and
- record the company's compliance with its due diligence obligations and publish this compliance in the annual report.

This law applies to all human rights, with particular emphasis on those guaranteed by the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the ILO conventions known as the "Core Labor Standards," which define essential standards related to the protection of workers, such as the right to collective bargaining.

However, in order to provide clear guidelines, the Law describes the following examples of human rights violations: child labor; forced labor; forms of slavery; failure to comply with workplace safety standards; violation of the right to freedom of association; **discrimination against employees**; denial of a decent wage; human rights violations related to environmental damage; unlawful displacement of persons; and violence by security forces.

The enforcement of the law is overseen by the German Federal Office for Economic Affairs and Export Control (BAFA), which can issue specific prohibitions to stop human rights violations, impose fines up to 50,000 euros, as well as fines for past violations of obligations calculated based on the severity of the violation and the company's gross revenue. If the fine exceeds 175,000 euros, the company is barred from participating in public procurement contracts for a period of three years.

Domestic Sources

The aforementioned international sources guaranteeing the prohibition of discrimination have largely been incorporated into domestic legislation or are directly applicable in accordance with the provision of Article 16, Paragraph 2 of the Constitution of the Republic of Serbia¹⁴, which stipulates that generally accepted rules of international law and ratified international treaties are an integral part of the legal system of the Republic of Serbia and are applied directly.

The Constitution, in Article 21, proclaims that all are equal before the Constitution and the law, and everyone has the right to equal legal protection without discrimination. Any discrimination, direct or indirect, on any grounds is prohibited, especially on the basis of race, gender, national origin, social background, birth, religion, political or other beliefs, property status, culture, language, age, and mental or physical disability. The Constitution also provides that special measures introduced by the Republic of Serbia to achieve full equality of individuals or groups who are substantively in an unequal position compared to other citizens shall not be considered discrimination.

Anti-discrimination Laws

The Law on the Prohibition of Discrimination¹⁵ represents a general anti-discrimination law that regulates discrimination in the field of employment as a special case and **prohibits the violation of equal opportunities for establishing employment relationships**. Considering that this is a systemic regulation regarding anti-discrimination, and that employers are obliged to comply with all provisions of this law, certain definitions are provided in the Glossary, which is an integral part of this publication.

On the other hand, considering that the Commissioner is the national institution for protection against discrimination and the promotion of equality, before which proceedings for protection against discrimination are conducted, after presenting the legal framework, a brief overview of the competences and procedure before this protection mechanism is provided for better understanding.

The Law on the Prevention of Discrimination against Persons with Disabilities¹⁶ prohibits discrimination against a person with a disability

¹⁴ "Official Gazette of RS," Nos. 98/06 and 115/21

¹⁵ "Official Gazette of RS," Nos. 22/09 and 52/21

¹⁶ "Official Gazette of RS," Nos. 33/06 and 13/16

who is seeking employment, i.e., a person who is duly registered with the National Employment Service.

The Law on the Protection of the Rights and Freedoms of National Minorities¹⁷ prohibits any form of discrimination based on national, ethnic, racial, linguistic, religious, or any other grounds against national minorities and persons belonging to national minorities. It also provides for the adoption of measures aimed at promoting their full and effective equality in employment.

The Labor Law¹⁸, in the provisions of Article 18, prescribes that direct and indirect discrimination against job seekers as well as employees is prohibited, based on gender, birth, language, race, skin color, age, pregnancy, health condition or disability, national affiliation, religion, marital status, family responsibilities, sexual orientation, political or other beliefs, social origin, property status, membership in political organizations, trade unions, or any other personal characteristic. Amendments to the Labor Law¹⁹ from 2014 introduced several important novelties regarding the prohibition of discrimination. Progress was made in protecting employed women by prescribing the rule that a pregnant employee and an employee breastfeeding a child cannot work overtime or at night if such work would be harmful to her health or the health of the child. The Law also grants the pregnant employee the right to paid leave during the day to attend medical examinations related to pregnancy, as prescribed by her chosen doctor in accordance with the law, about which she must timely inform the employer. Women work part-time much more often, and the legislator has prescribed that part-time work is performed under the same conditions, proportionally to the time spent working. Also, the Law recognizes special protection, besides persons under 18 years of age, to persons with disabilities, who establish employment under the conditions and in the manner prescribed by this Law, unless otherwise stipulated by a special law.

The 2014 amendments to the Labor Law also regulate special protection for persons with disabilities, which entails the employer's obligation to provide employment for a person with a disability or an employee with health impairments in accordance with their work capacity. If the employer cannot provide a suitable job to the employee,

¹⁷ "Official Gazette of the FRY", No. 11/02, "Official Gazette of Serbia and Montenegro", No. 1/03 – Constitutional Charter, "Official Gazette of RS", No. 72/09 – other law, 97/13 – Constitutional Court decision, and 47/18.

¹⁸ "Official Gazette of RS", Nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/2017 – Constitutional Court, 113/2017 and 95/2018 – authentic interpretation.

¹⁹ "Official Gazette of RS", No. 75/14

that employee is considered redundant, which leads to termination of the employment contract. However, in this case, the question arises whether this actually constitutes protection of persons with disabilities, considering that a significant number of individuals lose their jobs after their work capacity is assessed. Given that such situations are not rare, the Commissioner has conducted strategic litigation concerning discrimination of a woman who was dismissed due to her health condition, based on which a certain degree of disability was determined. Considering the large number of persons with disabilities who remain outside the labor market, it would be necessary to reconsider not only the aforementioned legal provision that allows declaring employees redundant when the employer fails to reasonably accommodate the workplace and/or tasks, but also the practice regarding the assessment of work capacity. Moreover, possibilities for reasonable accommodation of workplaces and tasks should be made easier and more accessible to employers.

Law on Employment and Insurance in Case of Unemployment²⁰ defines unemployed persons, their rights and obligations, employment services, as well as measures of active employment policy.

This law prescribes a whole range of incentive measures, which are implemented as affirmative actions when employing harder-to-employ persons, and the organization responsible for implementing these measures is the National Employment Service.

Employers can use these measures when hiring older persons, individuals without work experience, women, and other harder-to-employ groups!

The Law on Professional Rehabilitation and Employment of Persons with Disabilities²¹ introduces the obligation to employ persons with disabilities and various methods and possibilities for fulfilling this obligation. In order to enable the employment of persons with disabilities, this law regulates, among other things, incentives for employing persons with disabilities, which are implemented through public calls by the National Employment Service. The law stipulates that a person with a disability has the right to status determination and assessment of work capacity, to encouragement of employment and equal opportunities in the labor market, to employment under general and special conditions, to measures of active employment policy, and

²⁰ "Official Gazette of RS", Nos. 36/2009, 88/2010, 38/2015, 113/2017, 113/2017 – other law and 49/2021

²¹ "Official Gazette of RS", Nos. 36/09, 32/13 and 14/2022 – other law

to employment in specially organized forms of employment and work engagement.

This regulation provides a whole range of affirmative measures available for the employment of persons with disabilities, which employers can utilize by regularly following the public calls announced by the National Employment Service!

Moreover, the *Law on Safety and Health at Work*²², stipulates that the use of data collected from medical examinations of employees for the purpose of discriminating against employees is prohibited. The prohibition of discrimination and respect for equal opportunities without distinction for all are among the fundamental principles of the Law on Civil Servants,²³ and the Law on Employees in Autonomous Provinces and Local Government Units.²⁴

*The Law on Employment of Foreigners*²⁵, in the provisions of Article 4, stipulates that foreigners who are employed or temporarily employed in the Republic of Serbia have equal rights and obligations regarding work, employment, and self-employment as the citizens of the Republic of Serbia, provided that the conditions are met in accordance with the law. Furthermore, a foreigner is considered unemployed in accordance with the regulations on employment and unemployment insurance and is entitled to the same rights as citizens if the conditions prescribed by this law are fulfilled.

*The Law on Gender Equality*²⁶ prohibits discrimination in the field of employment based on sex/gender. Article 29 imposes an **obligation on the employer** to provide employees or other engaged workers, regardless of sex, gender, or family status, with equal opportunities in relation to establishing employment and exercising rights arising from employment and work, and to exercise due diligence in ensuring equality for persons from vulnerable social groups.

The prohibition of discrimination applies to:

1. conditions for employment and the selection of candidates for performing a specific job;
2. working conditions and all rights arising from the employment relationship;

²² "Official Gazette of RS", No. 35/23

²³ "Official Gazette of RS", Nos. 79/05, 81/05 – corr., 83/05 - corr., 64/07, 67/17 – corr., 116/08, 104/09, 99/14, 94/17, 95/18, 157/20 and 142/22

²⁴ "Official Gazette of RS", Nos. 21/16, 113/17, 113/17 – other law, 95/18, 114/21 and 92/23

²⁵ "Official Gazette of RS", No. 128/14

²⁶ "Official Gazette of RS", No. 52/21

3. professional training and further education, vocational training of trainees, professional guidance, advanced professional training, and retraining, including practical work experience;
4. promotion at work; and
5. termination of the employment contract.

In addition to the aforementioned, other regulations are also, among other things, aimed at realizing the principles of equal treatment and the prohibition of discrimination, such as the Whistleblower Protection Law²⁷, the Volunteering Law²⁸, the Law on Prevention of Workplace Harassment²⁹, the Law on Peaceful Resolution of Labor Disputes³⁰, the Strike Law³¹, the Law on Public Sector Employees' Salary System³², the Anti-Corruption Law³³, and the Law on Conditions for Posting Employees to Temporary Work Abroad and Their Protection³⁴.

It is particularly important to emphasize that numerous strategic documents have also been adopted in the field of labor and employment, which impact the implementation of the principle of non-discrimination and provide for various affirmative measures that may be used in certain cases, including by employers. In this regard, it is possible to consult some of the following documents: *the Employment Strategy of the Republic of Serbia for the period 2021–2026*³⁵, which devotes special attention to the issue of equal opportunities in the labor market; the *Gender Equality Strategy for the period 2021–2030*³⁶; the *National Youth Strategy for the period 2015–2025*³⁷; the *Strategy for the Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016–2025*³⁸; and the *Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia for the period 2020–2024*³⁹.

²⁷ "Official Gazette of RS", No. 128/14

²⁸ "Official Gazette of RS", No. 36/10

²⁹ "Official Gazette of RS", No. 36/10

³⁰ "Official Gazette of RS", Nos. 125/04, 104/09 and 50/18.

³¹ "Official Gazette of RS", Nos. 29/96-53, 101/05-28 other law and 103/12 - CC

³² "Official Gazette of RS", Nos. 18/16, 108/16, 113/17, 95/18, 86/19, 157/20 and 123/21

³³ "Official Gazette of RS", Nos. 35/19, 88/21 – auth. interpretation, 94/21, and 14/22

³⁴ "Official Gazette of RS", Nos. 91/15, 50/18, 31/19 and 62/23

³⁵ "Official Gazette of RS", Nos. 18/21 and 9/21 - corr.

³⁶ "Official Gazette of RS", No. 103/21

³⁷ "Official Gazette of RS", No. 22/15

³⁸ "Official Gazette of RS", No. 26/16

³⁹ "Official Gazette of RS", No. 44/20

Special (affirmative) measures

Measures introduced to achieve full equality, protection, and advancement of individuals or social groups that are in an unequal position *do not constitute discrimination* and are referred to as *special* or affirmative measures. The goal of these special measures is to reduce inequalities between individuals and groups (e.g., women, Roma, persons with disabilities).

Special measures are recognized in the Constitution of the Republic of Serbia, the Law on the Prohibition of Discrimination, and the Law on Gender Equality, while certain provisions related to these measures can also be found in the Law on Professional Rehabilitation and Employment of Persons with Disabilities.

The Law on the Prohibition of Discrimination emphasizes that special measures introduced to achieve full equality, protection, and advancement of individuals or groups in an unequal position are not considered discrimination.⁴⁰ These special measures are applied until the goal for which they were prescribed is achieved, unless otherwise stipulated by law. In the case of special measures, employers are particularly obliged to undertake appropriate actions when necessary, in order to ensure access, reasonably adjusted workspaces, participation, professional development, and career advancement for employees who are in a disadvantaged position compared to others—especially persons with disabilities, members of national minorities, women, men, persons of different sexual orientation, gender identity, elderly persons, and others, unless such measures would represent a disproportionate burden for the employer. Such measures are not considered a disproportionate burden on the employer if they are mitigated by adequate public policy measures in the field of labor and employment.

The Law on Gender Equality defines special measures for achieving and promoting gender equality as activities, measures, criteria, and practices in accordance with the principle of equal opportunities, which ensure equal participation and representation of women and men—especially members of vulnerable social groups—in all spheres of social life, as well as equal opportunities for exercising rights and freedoms.⁴¹ The law further stipulates that special measures are determined and implemented by public authorities and employers.

⁴⁰ Article 14 of the Law on the Prohibition of Discrimination

⁴¹ Article 10 of the Law on Gender Equality

Special measures in fact give certain vulnerable social groups an advantage in order to bring them to the same "starting position" as other citizens. In this way, conditions are created for members of these groups to enjoy all rights on an equal basis with other members of society.

Special measures are introduced and implemented by the state. In the field of labor and employment, this is done through the National Employment Service, whose programs employers can join and thereby gain multiple benefits.

There are several types of affirmative measures in this field:

- measures aimed at eliminating the causes of unfavorable treatment of certain groups of people;
- policies that increase the participation of underrepresented groups in employment (e.g. minimum „quotas“ for hiring);
- programs designed to attract candidates from underrepresented groups;
- measures that introduce preferential treatment for certain categories;
- efforts to make hiring criteria and professional development more objective (e.g. linking them more directly to job performance), thereby reducing the possibility of subjective evaluation and thus discrimination.

Examples of affirmative measures are most commonly associated with the protection of persons with disabilities, women in the process of employment, during employment, or during maternity leave, childcare leave, or special childcare leave. Affirmative measures may also relate to special rights of parents, adoptive parents, guardians, and foster parents, as well as to persons living with HIV/AIDS, LGBTI persons, and others.

For example, given the insufficient representation of women in the National Assembly, a rule was introduced requiring that every third position on electoral lists for the National Assembly be reserved for women. This special measure has resulted in greater presence and better representation of women in the legislative branch.

The rule of a minimum quota for the underrepresented gender when appointing members to company boards or to managerial positions in enterprises is a good example of introducing affirmative measures.
--

In the context of work and employment, the specific purpose of reasonable accommodation is particularly important. It refers to the necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden, where needed in a particular case, in order to ensure that persons with disabilities can enjoy or exercise all human rights and fundamental freedoms on an equal basis with others. Reasonable accommodation may relate to working hours, adjustments to employment contracts, as well as significant spatial modifications in the workplace to ensure full accessibility for persons with disabilities. *Good examples of such accommodation include designated parking spaces for persons with disabilities, an accessible work environment free of architectural barriers, adapted toilets, ramps, and elevators.*

In addition to being in an unequal position, persons with disabilities represent an underutilized potential for the economy and society. As a result, many of them receive social assistance, which further and unnecessarily burdens the economy. Through the Law on Professional Rehabilitation of Persons with Disabilities, the state has introduced affirmative employment measures for this category of individuals. All employers in the Republic of Serbia with more than 20 employees are required to employ at least one person with a disability. This number increases in proportion to the total number of employees.

Special measures help achieve equality of opportunity, enabling individuals who are in an unequal position to work, learn, and develop their talents and skills. In this way, they become socially included and equal members of society, while society as a whole gains the opportunity to utilize its full potential for development.

The implementation of special measures in employment through equal opportunity policies is envisaged by the *Employment Strategy of the Republic of Serbia for the period 2021–2026*. The strategy outlines a vision of a developed labor market that ensures equal access to employment for all. This is to be achieved, among other things, by creating conditions for equal opportunities in access to or return to the labor market, as well as by improving the situation of hard-to-employ categories. An Action Plan for the period 2024–2026 has also been adopted for the implementation of the Strategy.⁴² One of the planned measures includes training for the labor market, aimed at acquiring knowledge and skills in line with the needs of the labor market and employers, with the goal of improving the employability of unemployed persons—primarily those who are hard to employ and without qualifications or with low-level qualifications.

⁴² "Official Gazette of RS", No. 22/24.

The Action Plan provides for employment subsidies for unemployed persons from hard-to-employ categories, which involve a one-time financial incentive granted to private sector employers for hiring such individuals. These categories include:

1. Youth in residential care, foster families, or under guardianship;
2. Persons without completed secondary education and those who have completed functional primary adult education;
3. Persons over the age of 50;
4. Roma men and women;
5. Persons with disabilities;
6. Beneficiaries of financial social assistance;
7. Persons registered as unemployed for more than 12 months, particularly those registered for over 24 months;
8. Victims of domestic violence.

Based on the *Law on Employment and Unemployment Insurance*, the Rulebook on the Criteria, Method, and Other Matters of Importance for the Implementation of Active Employment Policy Measures was adopted.⁴³ The active employment policy measures, as further regulated by this Rulebook and implemented by the National Employment Service, include the following: job placement services for individuals seeking employment; career guidance and counselling; employment subsidies; support for self-employment; additional education and training; incentives for recipients of unemployment benefits; public works programs; active employment policy measures for persons with disabilities and other measures aimed at increasing employment or maintaining employability.

“A true leader/manager/executive must possess emotional EQ, which involves two things: first, you are not hiring a computer program, but a living person; second, it’s not only important to know how to lead your team, but also to be a good member of that team.” (Daniel Goleman)

⁴³ "Official Gazette of RS", Nos. 102/15, 5/17, and 9/18. It was adopted based on the authority granted by the Law on Employment and Unemployment Insurance ("Official Gazette of RS", No. 36/2009), and remains in force until the entry into force of regulations adopted under the new law, unless contrary to the provisions of that law.

Mechanisms for protection against discrimination

Mechanisms for protection against discrimination at work include those that exist within the employer's organization, whether it is a single person responsible for resolving conflicts or a team assigned to these tasks, which primarily depends on the size of the employer. Protection mechanisms outside the employer — external mechanisms — involve protection that can be exercised before inspection and judicial bodies, as well as before the Commissioner. Considering that the Commissioner for the Protection of Equality is a specialized, independent institution with primary jurisdiction related to protection against discrimination, a brief overview of the competencies and functioning of this body is provided below.

Commissioner for the Protection of Equality

The Commissioner is an independent, autonomous, and specialized state body established on the basis of the Law on the Prohibition of Discrimination.

The role of the Commissioner is to prevent all forms, types, and instances of discrimination, to protect the equality of natural and legal persons in all areas of social relations, to oversee the application of anti-discrimination regulations, and to promote the realization and protection of equality. The Commissioner does not have directive or coercive powers and does not decide on the rights and obligations of legal entities, but carries out its legal role by issuing recommendations, warnings, notices, reports, legislative initiatives, and other measures.

The Commissioner for the Protection of Equality is **authorized** to:

Conduct proceedings based on complaints in cases of discrimination against individuals or groups of persons sharing the same personal characteristic. The Commissioner is authorized to receive and review complaints of discrimination, issue opinions and recommendations in specific cases of discrimination, and impose legally prescribed measures. In addition, the Commissioner is obliged to provide the complainant with information about their rights and the possibility of initiating court or other protection proceedings, including mediation. With the consent of the discriminated person, the Commissioner may also file lawsuits for protection against discrimination. Examples from the Commissioner's practice are provided throughout the text, primarily for educational purposes—to highlight possible situations and ways to address them.

The Commissioner is authorized to initiate so-called **strategic litigation** for protection against discrimination in the public interest. These are cases that the Commissioner initiates and conducts with the aim of contributing to the consistent application of anti-discrimination legislation and the improvement of legal practice, as well as encouraging and empowering victims of discrimination to initiate anti-discrimination proceedings themselves. Additionally, such litigation serves to legally educate and sensitize the public to the issue of discrimination. The Commissioner also aims, through procedural activity, to secure favorable court judgments that not only provide legal protection to discriminated individuals but also send a clear message to the public that discrimination is prohibited and effectively sanctioned. The purpose of strategic litigation is also to ensure the proper interpretation or application of anti-discrimination regulations, and through case law, to clarify the meaning of a specific regulation or highlight the need for its amendment, supplementation, or improvement.

Example: During 2023, the Commissioner obtained a strategic litigation decision from the Supreme Court due to discrimination based on sex and victimization, thereby sending an important message that it is prohibited to dismiss a woman while she is on maternity leave and to condition her with prior signing of a blank agreement on termination of employment and payment of contributions for mandatory social insurance.

The Commissioner is authorized to:

- file both misdemeanor and criminal charges
- submit motions for the assessment of constitutionality and legality

By exercising its statutory powers, and with the aim of promoting equality in the field of work and employment, the Commissioner has also submitted motions for the assessment of constitutionality of certain legal provisions.

Example: Acting upon the motion for the assessment of constitutionality and legality submitted by the Commissioner (along with the initiative of the association “Mothers Are the Law” and several members of parliament), the Constitutional Court rendered decision IUz-299/2018 on February 1, 2023, stating that the provision of Article 17, paragraph 4 of the Law on Financial Support to Families with

Children is not in compliance with the Constitution.⁴⁴ This provision introduced a difference in the duration of the right to compensation on the grounds of childbirth and childcare, and special childcare, in cases of the birth of a third and each subsequent child, depending on whether the woman is employed by an employer or is self-employed or working outside an employment relationship, prescribing a shorter duration of this right (one year instead of two) for the latter category.

Part of the Commissioner's competences relates to monitoring the situation in the field of equality protection.

The Commissioner is also authorized to:

- alert the public to the most frequent, typical, and severe cases of discrimination;
- monitor the implementation of laws and other regulations, initiate the adoption or amendment of regulations for the purpose of enforcing and improving protection against discrimination, and give opinions on provisions of draft laws and other regulations concerning the prohibition of discrimination;
- issue recommendations of measures to public authorities and other entities aimed at achieving equality.

A recommendation was addressed to the National Employment Service to respect the prohibition of discrimination based on gender when advertising job vacancies, and to explicitly state in job advertisements that positions are open to both men and women, except in cases where making a distinction, exclusion, or giving preference to one gender over a particular job is permitted because the nature of the work or the conditions under which it is performed make gender a genuine and determining occupational requirement, and the objective sought thereby is legitimate.

- cooperates with various stakeholders, within which the Commissioner conducts numerous trainings, seminars, and

⁴⁴ See: <http://www.ustavni.sud.rs/page/view/149-102933/saopstenje-sa-16-sednice-ustavnog-suda-odrzane-22-decembra-2022-godine-kojom-je-predsedavala-snezana-markovic-predsednica-ustavnog-suda>.

workshops related to recognizing the concept and forms of discrimination, as well as the mechanisms of protection;

Specialized trainings organized by the Commissioner were held for all labor inspectors in the Republic of Serbia, for employees of the National Employment Service, numerous judges, employees in local self-government units, civil servants, and others.

- Conducts surveys, publishes various publications, guides, manuals, collections, reports, etc.

Examples of publications by the Commissioner include: *Recognize and Report Discrimination*; *Manual for Situational Testing of Discrimination*; *Manual for the Implementation of Anti-Discrimination Regulations – How to Recognize Cases of Discrimination before Public Authorities*; *Manual on Complaint Mechanisms*; *Discrimination against LGBTI Persons in the Labor Market*; *Guidelines for Strategic Litigation*, etc.



All publications of the Commissioner are available in electronic format at:

<https://ravnopravnost.gov.rs/izvestaji-i-publikacije/publikacije/>

The Commissioner submits a regular annual report on their work to the National Assembly of the Republic of Serbia, which also includes an assessment of the state of equality protection. If there are particularly important reasons, the Commissioner may, either on their own initiative or at the request of the National Assembly, submit special reports as well. Each report contains recommendations for measures aimed at overcoming identified weaknesses or at more effectively preventing and combating discrimination.

In 2019, the Commissioner prepared and submitted to the National Assembly a *Special Report on Discrimination in the Field of Labor and Employment*, while in 2024, preparation started of a *Special Report on the Status of Persons with Disabilities*, with a particular emphasis on their position in the labor market and the need for reasonable accommodation in the workplace.

Procedure for the protection of Rights before the Commissioner

One of the primary responsibilities of the Commissioner is to act upon complaints of discrimination. In proceedings concerning complaints, the Commissioner for the Protection of Equality issues an opinion on whether there has been a violation of the provisions of the Law on the Prohibition of Discrimination, provides recommendations on how to remedy the violation of rights, and imposes legally prescribed measures in cases where the discriminator does not comply with the Commissioner's recommendations.

The procedure for complaints is completely free of charge.

The Commissioner acts on a complaint if court proceedings regarding the same matter have not been initiated or have not been finally concluded. The Commissioner does not act on a complaint if it is obvious that there has been no violation of the right indicated by the complainant, if the Commissioner has already acted on the same matter and no new evidence has been offered, or if it is determined that due to the passage of time since the violation of the right, the purpose of the proceedings cannot be achieved.⁴⁵ The Commissioner provides the complainant with information about their rights and the possibility of initiating judicial or other protection procedures, i.e., about ways to protect their rights, and is authorized to recommend mediation if it is assessed that the case is suitable for mediation.

A complaint should contain the following information:

- who was discriminated against
- by whom the discrimination was committed
- the ground of discrimination • a description of the discriminatory act
- evidence of the discriminatory act suffered (documents, witnesses, etc.)

The complaint must be signed. The Commissioner does not act on anonymous complaints.

The complaint must be submitted in *written form*. It may also be submitted by email with a scanned submission bearing the complainant's signature, in electronic form with the complainant's

⁴⁵ Article 36 of the Law on the Prohibition of Discrimination.

electronic signature, or orally for the record, without the payment of any fee or other charge.

A complaint of discrimination may be submitted by:

- any natural or legal person or group of persons who believes they have been subjected to discrimination;
- organizations dealing with the protection of human rights or another person, on behalf of and with the consent of the person who believes they have been subjected to discrimination;
- in cases of discrimination against a group of persons, an organization dealing with the protection of human rights may submit a complaint in its own name, without the consent of the persons who believe they have been subjected to discrimination;
- an inspection body, in accordance with the law regulating inspection supervision, may also submit a complaint on behalf of and with the consent of the person whose right has been violated.



To facilitate the submission of complaints, a complaint form has been created in 14 languages and scripts, as well as a complaint form adapted for children. All complaint forms are available in electronic format at:

<https://ravnopravnost.gov.rs/diskriminacija/prituzba-zbog-diskriminacije/>

The Commissioner first examines whether the complaint can be acted upon in accordance with the Law on the Prohibition of Discrimination.

- If it is determined that there are no obstacles to proceeding further, the Commissioner forwards the complaint to the person against whom it was filed within 15 days. That person may

respond to the allegations in the complaint within 15 days, but the Commissioner will proceed even if they do not respond.

- In order to establish the facts, the Commissioner may take statements from other individuals (e.g., witnesses). The Commissioner may also propose mediation proceedings if the legal conditions for it are met.
- After analyzing the case and determining the facts, the Commissioner issues an opinion on whether discrimination occurred, within 90 days from the date the complaint was submitted, and informs both the complainant and the person against whom the complaint was filed. If the Commissioner finds that there was a violation of legal provisions, they recommend a way for the person to rectify the violation.
- If the discriminator fails to act on the recommendation within 30 days (and is obligated to inform the Commissioner about the measures taken), a warning is issued and a new deadline for compliance is set. If the discriminator still fails to comply after the warning, the Commissioner may inform the public about the case.



Over the course of many years of continuous work, more than one-third of complaints have related to discrimination in the field of labor and employment, particularly on the grounds of gender, marital and family status, disability, age, and other personal characteristics. The increase in the number of complaints year after year shows that citizens are

increasingly encouraged to report discrimination and that trust in the institution is growing, along with its authority.

The "lessons learned" from the Commissioner's extensive practice in resolving specific cases of discrimination in the field of labor and employment should pave the way for preventive action. Employers who choose to "learn from the experiences of others" can effectively prepare their staff to face all the challenges of discrimination in the work environment.

Example: A recommendation of measures was addressed to an internet portal, as a transmitter of job advertisements, to undertake actions that will prevent the violation of equal employment opportunities and any form of discrimination against job seekers based on any of their personal characteristics, including gender, age, and physical appearance.

Example: A recommendation has been addressed to the National Employment Service to conduct an assessment of the status of the registry concerning formerly convicted unemployed persons and the measures taken so far to encourage their employment, as well as to intensify the inclusion of formerly convicted persons, as more difficult-to-employ individuals, in the measures of active employment policy with the aim of realizing the right to work and thereby achieving greater effects on their resocialization and reintegration into society.

The National Employment Service and internet portals that facilitate employment by advertising job offers represent a crucial link in the partnership between employers and the Commissioner for the Prevention of Discrimination in the recruitment process, and they must be included in the consultation process and activities aimed at creating an equitable working environment.

The Commissioner is not authorized to sanction discriminators if they do not comply with recommendations, but can persuade them to do so by the authority of the institution they represent, through the strength of arguments and public pressure (by publishing on the internet presentation, notifying in daily newspapers with national circulation, within reports, and by other appropriate means).

The average compliance rate with recommendations over the past five years has ranged between 85% and 90%.

IMPLEMENTATION OF ANTIDISCRIMINATION POLICIES IN BUSINESS – GUIDELINES AND METHODOLOGIES

Integration of antidiscrimination standards into company policies

In the desire to continue work on the prevention of discrimination, alongside enhanced employer knowledge about the prohibition of discrimination and greater responsibility and understanding for respecting diversity as an imperative of an equitable working environment, the Commissioner proposes to employers opportunities that can bring multiple benefits to all stakeholders — employers, employees, as well as users of their services/customers of products and business partners. The available opportunities include:

- *Partnership for Equality* — by signing this charter, a commitment is expressed to the universal principles of equality and tolerance, as well as readiness to cooperate with the Commissioner and other companies through a specific network of employers dedicated to these issues, who can and want to provide mutual support;
- Incorporation of antidiscrimination provisions and the anticipation of various activities to improve equality in the workplace within different documents of the employer;
- Development of an antidiscrimination policy code, as an example of good business practice and an effective way to establish an internal mechanism for identifying and preventing discrimination. Although there is no legally prescribed obligation for employers in the Republic of Serbia to adopt such an act, the establishment of such a mechanism emphasizes the commitment and dedication to creating a working environment based on the principles of equality and tolerance, as fundamental human rights principles guaranteed by international and domestic law.

The option chosen by employers will depend on a number of factors, including the size of the employer, the type of activity they engage in, staffing and financial capabilities, and other factors.

In any case, the commitment to comply with legal norms and socially responsible business conduct is demonstrated by entering into the *Partnership for Equality*, based on which employers, with the support of the Commissioner but also mutually, will be able to improve their antidiscrimination practices, establish mutual contacts, exchange

examples of good practice as well as lessons learned, explore ways to overcome challenges, and participate in various trainings.

An analysis of the research results conducted by the Commissioner to assess the needs of employers has shown that they recognize the broader impact of adopting the Equality Code on the business culture within companies. Employers perceive the Code not only as a tool for achieving legal compliance but also as an instrument for improving the overall organizational climate. This includes enhancing interpersonal relationships, increasing employee satisfaction, and contributing to the long-term sustainability of the company.

Companies also emphasize the practical value of the Code as a resource. Considering that many companies do not have internal experts in the field of antidiscrimination, they recognize the Code as a valuable source of expertise and guidance, which is especially important for smaller companies or those just beginning to develop their antidiscrimination practices.

In order to objectively, easily, and quickly assess the initial state before deciding on an option, the Commissioner has developed a questionnaire — *Self-Assessment of the Development of Antidiscrimination Practices*. This questionnaire can help employers, regardless of their differences, to identify their current position so they can take appropriate further steps.

Self-assessment of the development of antidiscrimination practices among employers

After answering the following questions, you will be able to quickly assess whether and to what extent additional efforts are needed in creating, implementing, or improving inclusive and/or antidiscrimination policies in your company.

QUESTIONNAIRE:

- Is the prohibition of discrimination regulated within your company?

☐ YES

☐ NO

- Is the prohibition of discrimination regulated by a specific document?

☐ YES

☐ NO

- Does the document contain only general provisions prohibiting discrimination?

☐ YES

☐ NO

- Does the antidiscrimination policy also include specific protection mechanisms within the company?

☐ YES

☐ NO

- Are all employees familiar with the company's antidiscrimination policy?

☐ YES

☐ NO

- Are trainings organized on the concept, forms, and methods of protection against discrimination?

☐ YES

☐ NO

- Are printed and/or electronic materials related to protection against discrimination available?

☐ YES

☐ NO

- Do you monitor the implementation of antidiscrimination policies in your company?

☐ YES

☐ NO

- Is there a person or unit responsible for implementing the tasks related to antidiscrimination policy in your company?

☐ YES

☐ NO

- Have you established and/or implemented specific, time-bound measures and goals in the field of equality promotion within your company?

☐ YES

☐ NO

- Do you apply inclusive policies during employment (job candidates are not rejected based on appearance, age, health condition, or any other personal characteristic)?

☐ YES

☐ NO

- Do you apply inclusive policies during work (gender equality, increasing the number of women in leadership positions, employment of persons with disabilities, etc.)?

☐ YES

☐ NO

- Do your inclusive policies cover:

a) women

☐ YES

☐ NO

b) persons with disabilities

☐ YES

☐ NO

c) youth

☐ YES

☐ NO

d) older workers

☐ YES

☐ NO

e) Other groups of workers (LGBTI, Roma, national minorities, migrants, etc.)

☐ YES

☐ NO

- Do you have a document (act) that regulates inclusive policy within your company?

☐

YES

☐

NO

If you provided a greater number of “NO” answers in the previous questionnaire:

Try to independently assess which challenges have been the most significant in your company’s practice when it comes to implementing inclusive and antidiscrimination policies, in order to be able to overcome them. Examples of challenges that may have hindered the consistent implementation of workplace equality policies include: specific practical problems involving certain groups on the labor market, the existence of stereotypes and prejudices, lack of human or material resources, lack of examples of good practices from other companies, need for external support, training, education, guidelines/manuals, and similar.

In this case, the following section — *Steps toward advancing workplace equality* — can be of significant assistance in helping you design and begin implementing antidiscrimination policies in your company.

Steps toward advancing workplace equality

The approach that offers companies support in developing or improving various models of internal equality codes (employer antidiscrimination policies) includes the following steps:

- ✓ Designating one or more individuals/departments responsible for addressing issues related to equality and conflict resolution;
- ✓ Assessing the current situation and collecting relevant data on equality (number of employees disaggregated by gender and other personal characteristics where possible, measures undertaken, previous experiences, etc.);

- ✓ Identifying future staffing needs and considering measures that can be implemented to promote the employment of persons at higher risk of discrimination;
- ✓ Establishing a clear, anonymous, and accessible mechanism for protection against discrimination;
- ✓ Organizing regular training sessions on the legal framework and mechanisms for protection against discrimination in the country (possibly with the support of the Commissioner), as well as within the company itself, involving both employees and individuals in managerial or decision-making positions;
- ✓ Joining the Commissioner's *Partnership for Equality*;
- ✓ Exchanging experiences with other companies and promoting socially responsible business practices;
- ✓ Reviewing examples of good practices and identifying opportunities for creating or enhancing antidiscrimination policies by using the Equality Code;
- ✓ Developing a specific antidiscrimination document – an *Equality Code* tailored to the specific conditions within the company;
- ✓ Regularly reviewing the current situation and identifying opportunities to improve equality, introduce new measures, provide support, and similar actions.

If you provided a greater number of “YES” answers:

It is a fact that your company has already undertaken considerable efforts in implementing inclusive and antidiscrimination policies. However, be aware that these policies can always be improved through new activities or specific measures. Moreover, it is essential to monitor the rapid changes in the legal framework, which may introduce new obligations for employers. In this regard, the previously presented text – *Steps towards advancing workplace equality* – may be of assistance to you.

Basic procedures – guidelines for the development of an equality code

For employers and companies that have not yet developed any model of internal document, an antidiscrimination policy code (either as a

document dealing exclusively with these issues or one that includes equality topics among others), or for those seeking to improve their antidiscrimination business practices, the following text outlines the basic procedures and steps which can be categorized as follows:

- 1) Depending on the size and capacity of the employer, appointing a person or establishing a Team for drafting the Equality Code (hereinafter: the Team);
- 2) Training the designated person or Team members and raising their awareness of discrimination issues;
- 3) Reviewing existing practices, identifying problems, and possible solutions for improving the current state;
- 4) Support from a mentor/the Commissioner;
- 5) Drafting the Equality Code within the company and publishing it;
- 6) Informing all employees about the provisions of the Equality Code and educating them on mechanisms for protection against discrimination;
- 7) Actively participating in a network of companies that implement inclusive workplace policies, exchanging information, knowledge, lessons learned, and good practices to continuously improve internal policies.

I. Team for drafting the code at the employer

It is preferable that the process of drafting the document is conducted within a Team established by the employer, although in the case of smaller employers, this task may also be carried out by an individual.

The recommended profile for candidates to be members of the Team includes:

- basic knowledge or prior understanding of discrimination and human rights;
- motivation to participate in the process of drafting the Code;
- willingness to work in a team;
- respectful and flexible communication style, sensitivity and focus on the topic, non-confrontational behavior, and similar traits.

Who should be represented in the Team?

- a representative of the highest management level;
- a representative of the organizational unit responsible for human resources;
- a representative of each organizational/business unit within the employer (if there are multiple units);
- a representative of organized employee associations – trade unions (if they exist, or inclusion of all representative trade union representatives within the employer);

Procedure for appointing Team members:

- based on the recommended candidate profile and the company's organizational structure, the employer formally appoints the Team members;
- among the selected members, the employer appoints a Team leader who will oversee the execution of tasks and be responsible for the Team's work.

II. Training of Team members and their sensitization on discrimination issues

If it turns out that the responsible person or the Team members do not have sufficient knowledge about discrimination in general, its illegality, and the harm it causes in the work environment, it is possible to contact the Commissioner for the organization of training sessions or workshops where various necessary support can be provided

The analysis of the research results conducted by the Commissioner to assess the needs of employers in this area pointed to the importance of working with employees to improve their understanding of equality and the prohibition of discrimination. As a good practice, companies emphasized the need to first carry out various measures to raise employees' awareness, and only then to take concrete steps related to the prohibition of discrimination and inclusion. Within focus groups held with employers, aimed at better addressing the real needs of the business sector, a clear need was identified for tailored, concise, and practical resources for education and implementation of anti-discrimination practices.

To facilitate the work, increase the level of knowledge, and serve as a reminder of basic concepts important for the implementation of the employer's anti-discrimination policies within the Team, a Glossary has been compiled. This Glossary can provide support to the Team members and is included at the end of this publication as an integral part of it.

GLOSSARY – Overview of basic terms relevant to the development and/or improvement of the Equality Code

This section of the publication provides an overview of the key terms in the field of protection against discrimination that employers need to become familiar with in order to facilitate the development or improvement of various models of internal anti-discrimination policies within companies. These terms are particularly important for the drafting of the Equality Code.

What is discrimination?

The principle of equality and prohibition of discrimination is one of the fundamental principles of human rights. It implies that all people are equal before the law and deserve equal respect. Everyone is obligated to uphold this principle. Furthermore, there is a duty to refrain from engaging in discriminatory behavior, which applies to both legal entities and natural persons.

The word discrimination means differentiation, but it is used to denote prohibited differentiation. The terms *discrimination* and *discriminatory conduct* refer to any unjustified distinction or unequal treatment, or failure to act (resulting in exclusion, restriction, or giving preferential treatment) — whether openly or covertly — toward individuals or groups, as well as their family members or closely connected persons, and which is based on personal characteristics.

Personal characteristic as the ground for discrimination

For unequal treatment to be considered discrimination, it must be based on a specific personal characteristic.

A personal characteristic on which discrimination is based is referred to as the *ground for discrimination*.

The personal characteristics that constitute grounds for discrimination and are explicitly listed in the Law on the Prohibition of Discrimination include:

- race, skin color, ancestry, citizenship, national or ethnic origin, language, religious or political beliefs, sex, gender, gender identity, sexual orientation, sex characteristics, level of income, property status, birth, genetic features, health status, disability, marital and family status, criminal record, age, appearance, membership in political, trade union, or other organizations, and other actual or presumed personal characteristics...

The legislator has left the list of protected personal characteristics open-ended, meaning that in practice, in addition to those explicitly listed, other personal characteristics may also emerge as important grounds for discrimination and must be protected. However, the openness of this list does not mean that any characteristic associated with an individual automatically constitutes a ground for discrimination. For a particular characteristic—one that is not explicitly recognized in the legal framework—to be considered a personal characteristic in the context of anti-discrimination, it must be defined as such either through the amendment and adoption of a new law, or through the practice of bodies authorized to handle discrimination cases.⁴⁶

For example, a person is treated unequally solely because they have a certain citizenship, national affiliation, or ethnic origin. It is irrelevant whether the personal characteristic actually exists or is merely assumed by the discriminator.

For instance, an employee does not wear a wedding ring, and based on that, the employer concludes that she is unmarried — this constitutes a personal characteristic related to her marital status.

↑ **Intention to Discriminate**

Intention is not a relevant element of discrimination, so certain behavior can be classified as discriminatory regardless of whether the person who committed the discrimination intended to do so or whether it was

⁴⁶ The most important roles are played by the Commissioner for the Protection of Equality, the Constitutional Court, and the regular courts that decide in proceedings concerning protection against discrimination. At the international level, the greatest influence in shaping norms and setting standards for human rights and the prohibition of discrimination lies with the European Court of Human Rights, headquartered in Strasbourg (France).

their goal. In Serbia, it often happens that employers are unaware that some regulations they enact, or behavior towards an employee, is prohibited by anti-discrimination legislation.

Example: Requiring excellent knowledge of the Serbian language as a condition for employment in a job such as a carpenter can be qualified as indirect discrimination against workers based on citizenship.

↑ **Direct Discrimination**

Discrimination can manifest as direct discrimination, which exists when a person or group of persons, due to their personal characteristic(s), is placed or could be placed in a less favorable position in the same or similar situation, by any act, action, or omission.

Example: An employer publishes a job advertisement stating that a female worker is needed for a position in a restaurant, thereby directly discriminating against men who might apply.

Example: A director fires an employee because the employee organized the establishment of a trade union within the company.

↑ **Indirect Discrimination**

Indirect discrimination exists when a person or group of persons is placed in a less favorable position due to a personal characteristic, by an act, action, or omission that appears to be based on the principle of equality and non-discrimination, unless this is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. In cases of indirect discrimination, it is not just the conduct that is discriminatory, but also the consequences, which disproportionately affect a particular group or individuals belonging to that group.⁴⁷

Example: An employer does not explicitly state in internal regulations or job postings that Roma people will not be hired, but has never employed anyone of Roma ethnicity despite having had applicants for the position.

⁴⁷ The Law on the Prohibition of Discrimination ("Official Gazette of the RS", Nos. 22/09 and 52/2021), in Article 7, defines indirect discrimination as a situation where an apparently neutral provision, criterion, or practice places or could place a person or group of persons, due to their personal characteristic, in a less favorable position compared to other persons in the same or a similar situation, unless it is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Example: An employer enforces a strict dress code policy that could exclude members of certain religious groups or impose a greater burden on women than on men.

Indirect discrimination may be permissible when it pursues a legitimate aim and the means of achieving that aim are proportionate to the objective being pursued. Legitimate aims may include: the protection of health, safety and well-being of individuals, efficient service delivery, the pursuit of profit, etc. Proportionality means that the means used to achieve the aim must be appropriate and necessary — that is, there must be no other way to achieve the aim.

Example: All candidates applying for a job in the fire service are required to pass a series of physical fitness tests. This could constitute indirect discrimination on the basis of age, as older applicants are less likely to pass the tests compared to younger ones. However, the fire service requires a high level of physical ability, and the tests are intended to ensure that candidates are capable of performing the job and maintaining the proper functioning of the fire service.

↑ **Forms of Discrimination (which may occur in the field of labor and employment)**

▪ Association for the Purpose of Discrimination

Association for the purpose of discrimination is prohibited, as the activity of organizations or groups aimed at violating freedoms and rights guaranteed by the Constitution, international law, and legislation, or at inciting national, racial, religious, or other hatred, discord, or intolerance.

Example: Groups of people who commit acts of violence, spread and incite hatred against, for instance, Roma, Albanians, and other national minorities, or members of the LGBT+ population, etc. It is not necessary for these groups to be officially registered, it is sufficient that individuals associate and, through their actions, incite racial, religious, or other forms of hatred, discord, or intolerance.

▪ Victimization

Victimization occurs when an individual or group of individuals is treated worse than others are, or would be, treated in a comparable situation, solely or mainly because they have sought, or intend to seek, protection against discrimination, or because they have offered or intend to offer evidence of discriminatory conduct.

This provision serves to prevent negative consequences for persons who report discrimination, seek protection, testify, or intend to testify in support of a discrimination victim. In practice, it is common for individuals who express an intention to seek protection from discrimination to face various forms of retaliation or be treated worse than others.

Thus, the prohibition of victimization protects not only the victim of discrimination but also third parties who have helped, or are willing to help, the victim obtain legal protection from discrimination.

Example: A young man living with HIV initiated proceedings for protection against discrimination because he was constantly subjected to harassment at work. Other employees avoided contact with him, frequently made negative remarks, and often insulted him. The management treated him similarly. After he initiated the discrimination proceedings, the director transferred him to a separate office where he now works alone.

- Harassing and degrading conduct

Harassing and degrading conduct constitutes a violation of the dignity of a person, or a group of persons based on their personal characteristic, particularly when such conduct creates fear or a hostile, humiliating, and offensive environment. Harassment and degrading behavior may take various forms—verbal (e.g., using offensive language), non-verbal (e.g., through gestures), or by performing certain actions (e.g., sexual harassment).

Example: A male colleague told a female colleague that a valuable pen had been stolen from his office: “It must have been that Gypsy from the first floor—you know how they are!” The negative context of the entire statement, in which all Roma are accused of being thieves, along with the use of the derogatory term “Gypsy,” constitutes a violation of the dignity of members of the Roma national minority and creates a degrading and offensive environment.

- Sexual and gender-based harassment

A special form of harassment is **SEXUAL AND GENDER-BASED HARASSMENT**. It occurs in any instance of verbal, non-verbal, or physical unwanted behavior that leads to the same consequence—namely, the creation of an offensive environment—based on a person’s sex or gender.

Example: During a job interview, the employer makes inappropriate comments about the female candidate's appearance, calls her "sweetheart," or touches her inappropriately.

- Hate speech

Hate speech refers to the expression of ideas, information, and opinions that incite discrimination, hatred, or violence against an individual or group based on one of their personal characteristics. It can occur through public media and other publications, at public gatherings and in places accessible to the public, by displaying or writing messages or symbols, and in other ways.

In other words, hate speech is the public communication of messages of hatred or intolerance toward any social group or its members. The most severe forms of hate speech constitute a criminal offense.

Example: At a trade union meeting, the president tells members—employees of the company—that he will make sure no migrants or refugees are ever hired because they are "dirty, lazy, and pose a security threat to others."

- Instruction to discriminate

This form of discrimination occurs when an individual or group is prompted to engage in discriminatory conduct by being given instructions or guidance on how to act in a discriminatory manner, or by being incited to discriminate in another similar way. It was introduced as a distinct form of discrimination in 2021 and is particularly important because it does not absolve from liability the person who issues the instructions or guidance to carry out a discriminatory act.

Example: A company director forbids the HR department from hiring Roma individuals or women over the age of 50, or demands that only young women be recruited.

The prohibition is not violated if the instruction, despite having negative effects, is not connected to discrimination.

Example: A company director instructs a department head to deny a particular employee a promotion. This does not constitute an instruction to discriminate if the denial is based on objective, job-related reasons rather than the individual's personal characteristic.

↑ **Discrimination in the field of work and employment**

Discrimination in the field of work and employment is explicitly prohibited.

Violation of equal opportunities for establishing employment or enjoying all rights under equal conditions in the field of work — such as the right to work, free choice of employment, promotion, professional training and rehabilitation, equal pay for work of equal value, fair and satisfactory working conditions, rest, education, union membership, as well as protection against unemployment — constitutes discrimination (Article 16, paragraph 1 of the Law on the Prohibition of Discrimination).

Protection against discrimination in the field of work and employment is not only enjoyed by employees under employment contracts but also by those performing temporary and occasional jobs or jobs under contracts for specific work (or other contracts), those working part-time, holders of public functions, members of the military, job seekers, students and pupils undergoing internships, persons undergoing professional training and development without establishing an employment relationship, volunteers, and any other persons participating in work on any basis (Article 16, paragraph 2 of the Law on the Prohibition of Discrimination).

What is not considered discrimination at work

Not every distinction constitutes discrimination. Sometimes in life, a person may be treated unfairly, but that is not discrimination because it is not based on a personal characteristic (e.g., *level of education or occupation are not personal characteristics*). Moreover, not every distinction based on a personal characteristic is necessarily discrimination. An employer may treat employees differently in exceptional cases where it is lawful and justified by a legitimate aim, and the means used are proportionate to the aim sought to be achieved.

The law provides that making a distinction, exclusion, or giving preference will NOT⁴⁸ be considered discrimination:

1. When there is a *particularity of a certain job* for which the personal characteristic of the person represents a *genuine and decisive occupational requirement*, if the purpose sought to be achieved is justified;
2. *Taking protective measures towards certain categories of persons* (women, pregnant women, mothers, parents, minors, persons with disabilities, and others). These measures are explained in more detail in the section on Affirmative measures.

⁴⁸ Article 16, paragraph 3 of the Law on the Prohibition of Discrimination

Example: For the position of a company manager, at least ten years of experience and a university degree from the Faculty of Economics or Law are required.

Example: The female gender may be established as a specific requirement for employment as an actress, ballerina, or opera singer; the male gender may be established as a specific requirement for employment as a guard in a penal institution where the inmates are male.

↑ **Special obligations of employers**

- Employment of a certain number of persons with disabilities – see the Law on Professional Rehabilitation and Employment of Persons with Disabilities;
- Ensuring balanced gender representation, taking appropriate measures, and reporting⁴⁹ – see the Law on Gender Equality⁵⁰.

↑ **Mobbing and Discrimination – Similarities and Differences**

Given that mobbing and discrimination are often confused, below are the main similarities and differences.

Harassment at work (mobbing) and discrimination in the workplace may take similar forms, but they are usually motivated by different reasons, have different consequences, involve different actors, and are resolved through different procedures and before different state authorities.

To determine more easily whether the issue involves discrimination, workplace harassment, or a violation of some other right, it is important to note that discrimination constitutes a violation of only one right – the right to equality. In addition to unequal treatment based on a personal characteristic as the basic element of discrimination, the most important feature of workplace discrimination is that the discriminator is usually either the employer themselves or another employee who, by the employer's authorization or by virtue of their position, is in a role to make decisions regarding hiring, termination, professional development and promotion, as well as other employment-related rights. In other words, in the case of discrimination, the discriminator treats an individual or group unequally exclusively because of a personal characteristic (such

⁴⁹ Using the forms prescribed by the Rulebook on Keeping Records and Reporting on the Achievement of Gender Equality, "Official Gazette of RS", No. 67/22 (Forms 1 and 3).

⁵⁰ For more information, see: "Guidelines for the Implementation of the Law on Gender Equality: Report on the Achievement of Gender Equality – Obligation of Public Authorities and Employers, Trade Union Organizations and Political Parties, as well as Gender Equality Bodies at All Levels of Decision-Making", GIZ, Belgrade 2023, available at: <https://minijmpdd.gov.rs/wp-content/uploads/2024/04/Smernice-za-primenu-Zakona-o-rodnoj-ravnopravnosti.pdf>

as gender, appearance, national affiliation, sexual orientation, disability, etc.).

Example: The employer pays lower wages to female employees exclusively because they are women (a personal characteristic), even though they perform the same jobs, under identical working conditions, and with the same results.

Example: The employer reassigns female employees to lower and less paid positions after they return from maternity leave.

Workplace harassment, or mobbing, in accordance with the *Law on the Prevention of Harassment at Work*,⁵¹ refers to any active or passive behavior towards an employee or group of employees by the employer that is repeated, and whose goal is or results in the violation of the employee's dignity, reputation, personal and professional integrity, health, or position. It also includes behavior that causes fear or creates a hostile, degrading or offensive environment, worsens working conditions, or leads to the employee being isolated or pressured to terminate their employment contract or any other form of contractual engagement on their own initiative.⁵²

In practice, there are a number of actions that may at first glance appear to be workplace harassment, but nevertheless are not.

For example, the following are not considered workplace harassment:

- a single act of the employer (a decision, an offer of an annex to the employment contract, etc.) which contains a decision regarding certain rights, obligations, and responsibilities of the employee arising from the employment relationship;
- denial of a right established by law, a general act, or an employment contract (e.g. non-payment of salary or other earnings, assignment of overtime contrary to the law, denial of the right to daily, weekly, or annual leave);
- work discipline measures intended to improve work organization (e.g. prohibiting internet access during working hours if not needed for the job);
- activities justified by the need to protect health and safety at work (e.g. prohibition of alcohol use or mandatory wearing of helmets at a construction site);

⁵¹ Law on the Prevention of Harassment at Work, "Official Gazette of RS", No. 36/10

⁵² The circle of protected persons in cases of workplace harassment is quite narrow, as under the provisions of the Law on the Prevention of Harassment at Work, protection is granted only to employed and professionally engaged individuals, but not to job seekers.

- discrimination, i.e., unjustified differential treatment of employees based on their personal characteristics; behavior that could be characterized as workplace harassment but is not repeated;
- differences of opinion and conflicts arising in connection with work.

A generally accepted criterion for distinguishing between workplace discrimination and workplace harassment is the *motive of the perpetrator*. The motive behind workplace harassment is typically personal animosity toward the victim (e.g. anger, jealousy...). Another distinguishing criterion is the requirement of *repeated conduct* as a necessary condition for the existence of workplace harassment. A single isolated act, regardless of its intensity, cannot be classified as harassment at work. Furthermore, a necessary element for harassment to exist is its *effect*, while this is not required in cases of workplace discrimination. The purpose of mobbing is to create fear, discomfort, and humiliation, and if such actions do not produce the intended effect, i.e. if the potential victim is not even aware of the actions, then workplace harassment cannot be said to exist in that particular case. In contrast, discrimination exists regardless of whether the victim is aware of it. Finally, *intent* is a necessary element of mobbing, whereas discrimination may occur regardless of the perpetrator's intent.

Example: A supervisor punishes an employee on a daily basis because they want to replace them with their relative. The employee is reassigned to a lower-ranking position with a reduced salary and is no longer delegated tasks included in their job description. Considering that the supervisor's behavior is not based on any personal characteristic of the employee (such as gender, ethnicity, appearance, age, etc.), that it persists over a period of time and is repeated, this constitutes mobbing, not discrimination.

KEY DIFFERENCES	MOBBING	WORKPLACE DISCRIMINATION
Scope of protected persons	<ul style="list-style-type: none"> Narrower scope of protected persons <p>✗ (does not include job applicants)</p>	<ul style="list-style-type: none"> Broader scope of protected persons <p>✓ (includes the hiring process)</p>
Range of potential perpetrators	<ul style="list-style-type: none"> Employer as a natural person Responsible person within a legal entity Employee or group of employees 	<ul style="list-style-type: none"> Anyone <p>(most commonly the employer or employees authorized to influence recruitment, promotion, training)</p>
Perpetrator's motive	Personal animosity toward the victim (anger, jealousy, etc.) or the possibility of gaining economic interest	Personal characteristic of the victim (gender, ethnicity, age, appearance, etc.)
Repetition of the act	<p>✓</p> <p><i>A single act, regardless of its intensity, <u>cannot</u> be classified as mobbing</i></p>	<p>✗</p> <p><i>It may be committed through a single act; repetition is not require</i></p>
Consequence / purpose of the act	<p>✓ creation of fear, discomfort, humiliation</p> <p><i>Does not exist if the actions did not produce the intended effect or if the potential victim is unaware of them</i></p>	<p>✗</p> <p><i>Exists regardless of whether the victim is aware of the discrimination</i></p>
Perpetrator's Intent	<p>✓ Must be present</p>	<p>✗ Not legally relevant</p>
Dispute Resolution	<ul style="list-style-type: none"> Mediation Court proceedings Arbitration 	<ul style="list-style-type: none"> Proceedings before the Commissioner for the Protection of Equality Court Proceedings
Deadline for Submitting a Claim for Protection	6 months	No statute of limitations

Type of Court Proceedings	<ul style="list-style-type: none">▪ Labor disputes	<ul style="list-style-type: none">▪ Special litigation procedure according to the rules prescribed by the Law on Prohibition of Discrimination
----------------------------------	--	--

III. The process of drafting the code

The process of drafting the Equality Code should consist of two phases: an analytical phase that precedes the drafting of the Code, and the phase of drafting the Equality Code itself.

1) THE ANALYTICAL PHASE

- **Reviewing past practices, identifying problems and potential solutions for improving the situation**

This phase includes an overview of all relevant elements from practice — for example, whether there have previously been specific issues such as internal complaints, complaints submitted to the Commissioner or court disputes related to the realization of equality; whether there are conflicts among employees related to their personal characteristics; how such conflicts were previously resolved (by a supervisor, committee, HR staff, etc.); how many employees they employ in relation to gender, disability, youth, older workers, and other individuals who belong to groups at higher risk of discrimination, that is, whether they have a balanced number of employees of both sexes and whether they employ the legally required number of persons with disabilities, and so on...

- **Stakeholders – assessing existing/potential partnerships**

Stakeholders are divided into three main groups:

- Key internal partners – employees,
- Key external partners – business partners and other natural or legal persons,
- **End users** – those who are direct users of the company's services or products.

The key partner for the employer is, above all, every employee, bearing in mind that the business policy is implemented primarily by them.

In addition to employees, the Team should compile a list of other partners, which may include companies that have already adopted similar Codes. Communication should be established with these companies in order to exchange experiences related to the adoption process and implementation of the Code.

This list can also be created among existing or future business partners, but partners may also be sought among other entities – for example: companies for professional rehabilitation and employment of persons with disabilities, civil society organizations working to improve the position of specific social groups, experts and other individuals

(including direct users of the company's services or products) who may not have developed an Equality Code but can contribute to improving the employer's inclusive policies. These entities should help to better understand standpoints and expectations in relation to the drafting of the Code, which is why they are considered stakeholders.

By joining the *Partnership for Equality*, companies become part of a network of businesses that develop and actively implement internal policies for the prevention of discrimination and human rights violations. This provides the opportunity to exchange experiences, share good practices, and lessons learned.

▪ **Collecting data on the needs of stakeholders**

Given that employees of the employer (especially in the case of larger employers with more employees, organizational and/or business units) are key partners in this process, the Team responsible for drafting the Code should collect data from them that is relevant for creating the Code.

Data collection can be conducted in various ways (interviews and surveys—oral, by telephone, online, etc.) depending on numerous factors specific to the employer (such as size and capacity). The Team makes this assessment in accordance with the principles of efficiency and cost-effectiveness.

One practical method for collecting data is the creation of special, structured questionnaires that should include all questions related to employees' experiences with discrimination, as well as their needs and expectations regarding the achievement of equality in the workplace. The questions should be formulated in a clear and simple manner.

Filling out the questionnaire should always be anonymous in order to obtain more accurate and comprehensive data!

Example employee questionnaire:

To ensure better understanding, we recommend including a simplified definition of discrimination at the beginning of the questionnaire.

"In this questionnaire, discrimination refers to unequal treatment of employees/partners/customers/clients based on one of their personal characteristics—for example, gender, age, disability, nationality, or other personal traits."

1. Have you ever been discriminated against in the workplace?

☐ Yes

☐ No

2. Did you feel uncomfortable during the job interview because of any of your personal characteristics?

☐ Yes

☐ No

3. In your opinion, has the employer done everything possible to prevent workplace discrimination?

☐ Yes

☐ Partially

☐ No

4. Do you think the employer could do more to prevent discrimination? If yes, please specify:

5. Do you believe this kind of approach to analyzing employee opinions can help improve equality in the company?

☐ Yes

☐ Partially

☐ No

In addition to employees, the Team may, as needed and based on the members' assessment, collect appropriate data from other partners as well. The data that can be collected relates to past practices, regardless of whether they are positive or negative examples, since such examples can provide specific experiences that contribute to a more detailed understanding of the situation

In this phase, data can also be collected regarding possibilities for future cooperation aimed at improving inclusivity in the workplace, primarily from those partners who already have experience in addressing specific issues. For example, through collaboration with companies specializing in professional rehabilitation and employment of persons with disabilities, data can be gathered related to the socialization of persons with disabilities, possibilities for making reasonable accommodations in jobs and/or the workplace, and similar matters.

In this case as well, it is possible to use appropriate questionnaires, online or telephone forms, but direct communication is most desirable, as it most often results in the most effective cooperation.

IMPORTANT: Simultaneously with the collection of data from the stakeholders, it is necessary to also consider the development perspective of the employer itself – expansion of production, broadening the circle of business partners, needs for increasing the number of employees, profiles (knowledge and experience) of future workers, possibilities for meeting these needs, and so on.

Analysis of the needs of stakeholders

After collecting data from all stakeholders, the next step is to analyze the obtained data. Again, for the sake of efficiency and easier review, but depending on the characteristics of the employer itself, the number of partners, and other factors, the collected data can be presented in a tabular form as the basic needs of the stakeholders, without neglecting the needs and perspectives of the employer itself.

STAKEHOLDER	NEEDS	POSSIBLE ACTIVITIES
employer		
employees		
employer's partners outside the company		

service/product users		

The ultimate goal of the conducted analysis is to define the parameters of the Equality Code by which the employer will properly respond both to their own needs and to the needs of all stakeholders.

The collected data are also used when selecting an appropriate mechanism for protection against discrimination within the employer's organization. This protection mechanism may vary depending on the needs and circumstances of the employer. For example, if the employer has multiple business units in different locations, it is impossible—and contrary to the need for quick response—to form a single commission/body or appoint one individual to handle these issues. On the other hand, if the employer is smaller, meaning they employ a smaller number of workers who perform their work at the same location, it is efficient to appoint one person responsible for resolving potential conflicts.

IMPORTANT: When determining the protection mechanism within the employer's organization, it is essential to ensure that the person(s) assigned are impartial, that no prior complaints have been filed against them, and it is also recommended that they are not individuals who have the authority to make decisions regarding the employment status of employees (management staff). This recommendation stems from the possibility of potential abuse of their position.

2) THE CODE CREATION PHASE

Choosing the document format

The Commissioner's research on the current situation and the assessment of needs for improving the Partnership for Equality with employers revealed a very wide range of formats within which companies prescribe measures prohibiting discrimination, such as: Rulebooks on the prohibition of discrimination and sexual harassment, Codes of Conduct, Plans and Programs for achieving gender equality, business codes based on the principles of the UN Global Compact, company ethical codes, human rights policies, diversity, equity and inclusion policies, house rules, and others.

In brief, differences in the process of developing anti-discrimination policies in companies can be divided into:

- Internally developed policies: Most companies develop policies internally, usually through the human resources department.
- Adopted policies: Some companies, especially those that are part of international groups, adopt policies developed at the global level without adjustments.
- Adapted policies: Certain companies adapt global policies to the local context.

This indicates that the majority of companies integrate anti-discrimination provisions into broader documents relating to human rights, ethics, or general employee conduct regulations. Although this can help normalize anti-discrimination principles as part of everyday business culture, the question arises how detailed and specific anti-discrimination issues can be addressed within broader documents. Also, in the case of companies that are part of international groups, while adopting global-level policies can introduce good practices, there is a risk of misalignment with local legislation or cultural context.

IMPORTANT: The form does not affect the content!

An individual document titled **Code of Equality** is the **recommended form** because this way the employer's will is clearly and unequivocally expressed, and a clear message is given to all stakeholders about the commitment to achieving equality, inclusiveness in business policy, and the social responsibility of that employer.

Regardless of the form of the document, for easier understanding, in the following text as well as so far, the content will be referred to as the Code of Equality.

Document style

When drafting the document itself, it is necessary to use simple and precise language.

There is no need to include legal definitions, as these are already provided by law! The Code should specify the manner in which the employer's obligations arising from relevant regulations are implemented.

Introductory part of the Equality Code

The introductory part of the Code states the principles and values of business conduct to which the employer is committed.

This section of the Code may include a statement of the employer's explicit commitment to establishing and nurturing equality in all aspects of business and towards all stakeholders — both towards current and future employees, as well as business partners and other stakeholders, and also towards the broader social community.

In this part, the employer expresses their position that discrimination in the workplace cannot be tolerated as an illegal and negative social phenomenon, and that they will act in all areas to promote equality.

It is also recommended to include a provision on gender-neutral language in the introductory part. This provision contributes to the formation of affirmative social attitudes regarding equal treatment of women and men.

EXAMPLES:

1. Excerpt from “Promoted Principles of Business Conduct – Hewlett-Packard Company”⁵³

"Since its founding, Hewlett-Packard has demonstrated a continuous commitment to people and fair employment practices. As HP has grown and expanded across the globe, its workforce has become highly diverse. HP believes that a diverse workforce helps the company achieve its full potential. Recognizing and developing the talents of each individual brings new ideas to HP. The company greatly benefits from the creativity and innovation that arise from the blending of different experiences, perspectives, and cultures. That is what drives inventiveness and top-level performance at HP. We believe that a diverse workforce, supported by strong management,

⁵³ More about this at: <http://www.hp.com/hpinfo/abouthp/diversity/nondisc.html>

broadens HP's base of knowledge, skills, and cross-cultural understanding, allowing us to better understand and respond to the needs of customers of various backgrounds and needs around the world, connecting them with the power of technology. Our commitment is reflected in our diversity and inclusion philosophy."

- *A diverse and capable workforce is a sustainable competitive advantage that distinguishes HP. It is essential to succeed in the marketplace, in workplaces, and in communities around the world;*
- *An inclusive, flexible, and diverse work environment that values differences motivates employees to perform at their tasks at the highest level;*
- *To offer the best to our customers, we must attract, develop, promote, and retain a diverse workforce;*
- *Trust and mutual respect are fundamental principles of our conduct and behavior;*
- *Accountability for goals such as diversity and inclusion is the foundation of our success.*

2. Excerpt from “Promoted Principles of Business Conduct – IBM Company”⁵⁴

Non-Discrimination and Harassment

"IBM will not discriminate in employment, promotion, training, employee compensation, or employment practices on the basis of race, skin color, religion, age, nationality, ethnic origin, sexual orientation, sex, gender identity or expression, marital status, pregnancy, political affiliation, trade union membership, genetic traits, disability, or veteran status.

IBM will create a work environment free of discrimination and harassment based on these standards. Employees will be provided with appropriate space for religious practices. In addition, workers or potential workers must not be subjected to medical testing or physical examinations that could be used for discriminatory purposes."

⁵⁴ More about this at: https://www.ibm.com/ibm/responsibility/ibm_policies.html

The content of the Equality Code

The content of the Equality Code reflects the employer's priorities in their work. These priorities are effectively identified during the preparatory phase of the Code, through the collection and analysis of data from all stakeholders.

The provisions of the Equality Code should offer practical responses to the identified needs of all stakeholders, in accordance with the employer's capabilities. In order to ensure clarity and transparency, the methods for meeting the expressed needs of the stakeholders should be listed individually—starting with the needs and capabilities of the employer and the employees.

When drafting this section of the Equality Code concerning the needs and capacities of the employer and employees, the provisions should cover all phases of the work process:

- ✓ The selection process and the establishment of employment;
- ✓ Compensation, career advancement, or changes in workplace/working conditions;
- ✓ Possibility of providing flexibility in working hours, work location (e.g., from home, online), and types of work arrangements;
- ✓ Use of maternity leave, access to childcare, and the position upon return from maternity or any other extended leave;
- ✓ Methods and opportunities to ensure gender balance and fulfill obligations related to the employment of persons with disabilities;
- ✓ Training and education for all employees (including managerial staff);
- ✓ Cooperation with business partners and associates;
- ✓ Forms and methods of communication with clients or consumers;
- ✓ Activities within the wider community, etc.

EXAMPLE: *Protection from discrimination in the hiring process*

In English-speaking countries (such as the USA, Canada, and the United Kingdom), anonymous job applications — that is, applications without personal data or photographs — have long been the standard. Several European countries, including Sweden, France, Belgium, and Switzerland, also have experience with anonymous job applications.

Anonymous (depersonalized) job applications do not provide absolute protection from discrimination, but they can significantly reduce it by removing unnecessary details from the application, such as race, nationality, gender, and age.

A study conducted by the ILO⁵⁵ shows that discrimination is at its highest at the stage when the decision is made whether or not to invite a candidate for an interview. In the case of anonymous applications, all candidates have an equal opportunity to be invited to a job interview based solely on their professional qualifications and work experience, regardless of personal characteristics. This procedure allows the employer to hire the most competent workers, which often does not happen, as some candidates are excluded based on personal traits — appearance, name, sex, age, gender or sexual orientation, and origin should not be relevant in job applications.

Some companies are going a step further — job interviews are now being conducted by artificial intelligence. One company advocating the use of this technology is Predictive Hire, which promotes the idea of "accessing a broader talent pool and giving everyone a fair and equal chance to succeed through a fast and simple chat-based interview." Such a platform also allows candidates greater control over the time and place of the interview, as the system enables them to complete a video interview anywhere, anytime, and on any device.

New methods for assessing the knowledge and skills of job candidates are also being developed today. For example, the concept of game completion as part of the recruitment process is becoming increasingly popular. Candidates are asked to anonymously complete a puzzle or game level, providing insights into their skills without requiring any identifying information. This approach is especially important in traditionally male-dominated STEM industries.

This process is designed to offer equal opportunities to groups such as Roma people, migrants, and older candidates — as well as to young women, who often fear being denied an interview based on the assumption that they plan to start a family.

IMPORTANT: A mandatory element of this section of the Equality Code is the establishment and/or functioning of an internal mechanism for protection against discrimination!

IMPORTANT: In order for the entire process to produce the desired outcomes, it is **ESSENTIAL** to provide for continuous training on

⁵⁵ Discrimination in access to employment on grounds of foreign origin in France-E. Cediey and F. Foroni

discrimination and protection mechanisms, as well as on the Equality Code itself and the obligation of its implementation!

IMPORTANT: The Code must include positive (affirmative) measures, as described in the Glossary, aimed at improving the position of socially vulnerable groups — regardless of whether it concerns employment opportunities and integration into the employer's work environment, activities with partners, or actions within the broader community.⁵⁶

In the following, outline the methods for meeting the identified needs and improving the current state, as well as the forms and means of cooperation with other relevant stakeholders: the employer's partners outside the company, other legal and natural persons, and the users of services/products (as stated in earlier chapters).

In the part of the Code that addresses meeting the needs and improving cooperation with external partners of the employer, as well as with other partners, it is necessary to specifically cover:

- ✓ improving methods and forms of cooperation,
- ✓ exchanging information and examples of good practice,
- ✓ various joint activities,
- ✓ ways to improve communication with users/consumers,
- ✓ participation in activities within the broader community,
- ✓ cooperation with government authorities and local self-government...

Depending on the size and capacity of the employer, the Code may also include provisions relating to principles of conduct and relations with international organizations and associations, as well as regional cooperation.

Validity of the Code

It is possible—and also advisable—to state within the Equality Code that it shall apply from the date of its adoption, and that it applies to all activities and procedures carried out within the scope of the employer's various business processes. Additionally, it should be specified that the principles of conduct apply to all stakeholders—employees, business

⁵⁶ Examples of affirmative measures at the employer level are provided in the Model Equality Code included as an annex to this publication.

partners, other legal and natural persons, and users of services or consumers.

The model Equality Code, that is, a proposal of its format and content, is provided in the annex of this publication!

3) PUBLISHING THE CODE

After the Equality Code has been drafted and adopted by the competent body/person, it is necessary to take measures to publish it in various formats so that all employees, as well as other stakeholders, are informed about its existence and provisions, and in order to raise awareness about the content and the proclaimed principles of the Code.

In some cases, depending on the employer's capabilities, the Code Drafting Team may define special communication policies for its promotion, which may include the production of communication materials (flyers, posters, brochures...), launching larger campaigns, creating internet or intranet pages, etc.

What the employer can do without engaging additional resources is to post the Code on the notice board, publish it on the company's website, and hand it out to each new employee upon starting employment.

IV. Continuity in the implementation of inclusive employment policies

The adoption or improvement of the Equality Code by an employer does not mark the end of efforts to implement internal policies for the prevention of discrimination and the violation of human rights in the field of work and employment.

Our shared goal must be an inclusive labor market and an inclusive hiring process, where the principle of equal opportunity and the principle of equality apply without exception—regardless of the employee's sex or gender, marital or family status, sexual orientation, age, skin color, national origin, or any other personal characteristic. Personal attributes of employees must be regarded as a private matter that has no bearing on work performance, and profit-making must not serve as an excuse for unconstitutional or unlawful behavior by any employer.

In order to achieve this goal, we must ensure continuity and continuous progress in the implementation of inclusive employment policies.

It is especially significant that employers themselves recognize the need for ongoing improvement of knowledge and practices in the field of anti-discrimination, as well as for practical support in implementing anti-discrimination measures—something confirmed by the Commissioner's survey. Among other things, several key topics have emerged as expectations that companies have regarding continued cooperation with this institution:

- Professional support and expertise: Companies expect expert assistance in interpreting and applying anti-discrimination regulations, as well as in developing internal policies. As a special area, companies also mention support in urgent situations;
- Practical application: There is a clear need for support in translating theoretical concepts into practical measures that can be implemented in everyday business operations;
- Exchange of experiences and best practices: Companies are interested in learning from examples of good practices of other organizations;
- Continuous information: Regular updates are expected regarding developments in anti-discrimination and relevant legal changes;
- Tailored support: Some companies emphasize the need for support adapted to their specific industry or organization size.

One of the recommended steps through signing the *Partnership for Equality* with the Commissioner involves the company's active participation in a network of companies that implement inclusive work policies in their operations, exchanging information, knowledge, lessons learned, and examples of good practice to improve and continuously enhance internal policies.

Companies are especially advised to foster mutual cooperation with other economic entities in order to gain new perspectives and enhance diversity, contribute to building more inclusive business communities, and serve as inspiration for other companies.

Additionally, focus groups held with employers highlighted an interesting mechanism for improving the internal legal framework in smaller companies — the adoption of policies and standards through the supply chain. This illustrates the important role that larger

companies can play in promoting anti-discrimination practices among their suppliers and business partners.

An example of good practice can be the #Zalzbeglice Network established by the Office of the UN Refugee Agency (UNHCR) in Serbia, through which companies and business associations have the opportunity to support refugees by providing employment, internships, training and education, and other activities.

Furthermore, cooperation with various professional associations, such as the Association of Companies for the Professional Rehabilitation and Employment of Persons with Disabilities, contributes to the potential recruitment of personnel and fuller work and social integration of workers with disabilities. This also represents socially responsible business practices and support for these companies by purchasing products or procuring services labeled as FER products.

Cooperation with the Association of Businesswomen of Serbia encourages the advancement of gender equality, the breaking down of prejudices, and the improvement of the business climate.

Collaboration with this or other similar associations, as well as fostering networking at the local, regional, and international levels, connecting with social enterprises, and similar activities, demonstrate a commitment to social responsibility, equality, and inclusion.

At every stage of developing the Equality Code, as well as in the implementation of inclusive workplace policies, the employer can seek support from the Commissioner for the Protection of Equality.

COMMISSIONER FOR THE PROTECTION OF EQUALITY

Bulevar Kralja Aleksandra No. 84, 11000 Belgrade

Phone: 011 243 64 64

www.ravnopravnost.gov.rs

e-mail: poverenik@ravnopravnost.gov.rs

MODEL EQUALITY CODE

Confident in the far-reaching importance of preventing discrimination and promoting equality in the work/business environment, the collective

(name of the employer, hereinafter referred to as the Employer) adopts this:

Equality Code

1. Principles of Action

In the firm belief that promoting equality in all aspects of business contributes to the recognition and development of the talents of each individual, the collective, and the community, _____ (the Employer) commits to establishing and nurturing inclusiveness in all aspects of business, while fully supporting workforce, management, partners, and end users diversity.

We believe that the combination of diverse experiences and approaches, ensuring employee well-being, and the sensible use of technology drives inventiveness and innovation. This way of operating enables us to expand knowledge, capacities, and market approaches, understand and respond to the needs of clients with diverse characteristics, and serve as an example of responsibility towards the community and the environment.

Our business is based on the principles of:

- respect for human rights;
- tolerance and prohibition of discrimination;
- gender equality;
- respect for dignity and integrity;
- appreciation of diversity;
- social responsibility.

All terms used in this document in the masculine grammatical gender include both masculine and feminine genders of the persons to whom they refer, and vice versa.

2. Mechanisms of Implementation

The provisions of this Code shall apply to all aspects of the work and business operations of _____ (the Employer), with respect to:

- Employees: during recruitment, exercising of employment-related rights, career advancement, care for the well-being of the employee and their family members, as well as former employees;
- Business partners, collaborators, and other legal and natural persons;
- Clients, service users, consumers, buyers of products, i.e., end users;
- The broader community.

Mechanisms of Action Toward Employees

Recognizing the conditions and trends in the labor market, we undertake various measures to ensure and develop a partnership-based relationship with employees, to retain workers, and to fully develop their capacities as a prerequisite for the development of _____ (the Employer), while respecting mutual interests.

In every case where there is a need to hire new employees, we shall not be guided by stereotypes and prejudices. We will hire new workers solely based on their knowledge and experience, eliminating personal characteristics that are not relevant to our needs (such as age, physical appearance, national affiliation, sex, etc.).

In order to achieve diversity in the workplace, we will undertake measures to ensure gender equality—that is, to establish a gender balance in terms of the equitable employment of men and women, as well as the proportional inclusion of persons with disabilities in all work processes.

It is also possible to introduce measures to encourage the employment of other groups, such as: young people without experience, by organizing appropriate internships or mentorship

programs; migrants or refugees, by providing language learning and information on their rights; Roma or members of other national minorities present in the area where the employer operates; persons of different sexual orientations or gender identities, which helps to break down stereotypes; formerly convicted individuals, to support their professional reintegration, and the like.

In order to achieve equality in the workplace for all employees, to foster collegial relationships and mutual respect, as well as to prevent potential conflicts, all employees—including management and all supervisors—will be regularly and continuously included in various appropriate training programs.

Appropriate training entails: enhancing knowledge about discrimination, its forms and the areas in which it manifests; dismantling stereotypes and prejudices toward social groups at greater risk of discrimination; fostering an open approach to the diversity of needs and ways of addressing them; understanding and supporting affirmative measures; preventing conflicts and learning methods of conflict resolution; as well as other forms of education in accordance with identified needs.

The acquired knowledge and principles of conduct shall be consistently applied to all employees, especially in the following areas:

- Determining equal salaries, compensation, and other employment-related benefits for work of equal value;
- Assigning employees to appropriate positions in accordance with the employer's needs and capacities, while also respecting the employee's justified preferences;
- Undertaking measures and activities for reasonable accommodation of workspaces and/or job tasks;
- Harmonizing private and professional obligations;
- Ensuring fair and equitable career advancement for employees based on their knowledge, experience, and potential, without hindering promotion due to justified absence or personal opinions of managerial staff;
- Applying objective criteria during promotions, avoiding the creation of gender pay gaps and hierarchical disparities;

- Conducting objective, non-discriminatory performance evaluations, valuing only the capacities and contributions of employees;
- Caring for the well-being of the employee, their immediate family members, and former employees, including those who have retired from _____ (the Employer).

To ensure conduct in line with the principles of this Code, appropriate measures will be introduced to help ensure equal treatment of all employees⁵⁷.

EXAMPLES of measures that can be introduced:

- 1) Flexible working hours, redistribution of working time, changes in workplace location relative to employees' residence, part-time work, remote work, etc.;
- 2) Provision of daycare for preschool children of employed parents, adaptation of premises, and provision of common areas for rest and recreation;
- 3) Provision of transportation to and from work, regular medical check-ups as disease prevention, supplementary health insurance, financial or other support in the case of illness of a close family member, etc.

As an internal and easily accessible mechanism for protection against discrimination, we will establish a Commission for the Protection Against Discrimination⁵⁸. This Commission should operate in two ways: preventively and protectively, through accessible and straightforward channels of communication. The members of the Commission and its responsibilities will be defined in a separate act, which will be made available to all employees.

Mechanisms of Engagement with Business Partners, Associates, and Clients

In order to improve cooperation with business partners, _____ (the Employer) will establish regular lines of communication through which it will exchange relevant information with its partners regarding business activities, products, undertaken initiatives, as well as the adoption of this Code—as an internal rulebook

⁵⁷ These measures may be elaborated in a separate act.

⁵⁸ A commission is recommended to ensure objectivity in proceedings; for small employers, a single designated person is sufficient.

and a business policy based on the principles of respect for human rights.

In order to expand the circle of collaborators, we will establish cooperation with enterprises for professional rehabilitation and employment of persons with disabilities, through which—whenever possible—we will procure products and services from these enterprises, implement trainings, education programs, and other measures aimed at encouraging the more intensive inclusion of persons with disabilities in work processes, consult on activities related to reasonable accommodation, and more⁵⁹.

We will also establish cooperation and communication with other business entities, civil society organizations, public authorities, local governments, consumers, and other stakeholders with the aim of building relationships based on mutual trust, flexibility in service delivery, encouragement of innovation, creativity and efficiency, as well as promotion of the principles on which this Code is based.

One of the tools for implementing these activities is the *Partnership for Equality*, which we are joining, along with establishing cooperation with the Commissioner for the Protection of Equality on other related matters.

We will respect the same principles of conduct in our relations with other domestic or international associations and organizations, as well as when engaging in regional cooperation.

To safeguard the interests of clients/consumers, we will open an online communication channel and assign a staff member who will respond to submitted inquiries in the shortest possible time⁶⁰.

In providing services, we will apply the principle of flexibility in order to accommodate the diverse needs of clients and service users. We will involve representatives of clients/consumers in certain socially beneficial activities undertaken within the community. In our community (municipality, city), we will undertake activities that demonstrate our commitment to the fundamental principles of this Code.

EXAMPLES: participation in reforestation of certain areas, providing scholarships for economically disadvantaged students, supporting schools, universities, civil society organizations, etc.

⁵⁹ Only some examples are listed here; other activities may also be included.

⁶⁰ Likewise, only a few specific examples are provided.

3. Final Provisions

Managers are responsible for ensuring that all employees are directly informed about the provisions of this Code, and they shall organize meetings with all employees in their organizational units as soon as possible.

The Code shall be accessible to all employees at all times via the internet/intranet page, as well as in printed form at the Human Resources Department. The Human Resources Department is responsible for introducing this Code to all newly hired employees at the time of establishing an employment relationship.

_____ (The Employer] shall inform its business partners and other interested parties of the provisions of this Code.

To monitor the implementation of this Code, _____ shall be appointed. (The monitoring may also be carried out by the Commission for Protection against Discrimination, depending on the employer's internal assessment.)⁶¹.

This Code enters into force on the date of its adoption.

Place and date of adoption of the Code

Signature of the responsible person

⁶¹ A person may be assigned this responsibility by a separate act, or the Commission may be entrusted with it by an act of appointment.