



- BOOKLET -

**(Produzido no âmbito do Projeto/ Produced within Project:
UPPER LEVEL -
JOINT SOCIAL COMMITMENT
As the Key to I&C and Participation and Their Challenges)**

➤ Sérvia / Serbia

Este trabalho é da responsabilidade do autor e a Comissão não é responsável por qualquer uso que possa ser feito da informação aqui contida.

Sole responsibility lies with the author and the Commission is not responsible for any use that may be made of the information contained herein.



**Este projeto é co-financiado pela União Europeia /
This project is co-funded by the European Union**

O projeto «Upper Level – Joint Social Commitment – as the Key to I&C and Participation and their Challenges» resulta de um desafio lançado pelo promotor - SIMA - a todos os parceiros envolvidos para sejam capazes de ir ainda mais além e abordar um conjunto de questões relacionadas com a Informação e Consulta dos Trabalhadores trazendo-as níveis superiores.

Envolveu, desde o primeiro momento, muitos parceiros, de diferentes setores, parceiros sociais, diferentes ambientes e países que têm sido fatores-chave dentro do projeto, juntamente com os especialistas do projeto.

Este projeto vem potenciar aquilo que o promotor sempre apresentou, que a Informação e Consulta é o elemento-chave para o desenvolvimento das empresas, promovendo o envolvimento de todos, na procura de novas abordagens e novos caminhos. Tendo isso em mente e a partir de trabalhos anteriores realizados pelo promotor, concluiu-se que a informação e a consulta desempenham um papel decisivo (antecipar, ultrapassar crises e preparar as empresas, a longo e médio prazo, para enfrentar os desafios através do envolvimento dos colaboradores). Dentro de todo este contexto, a melhor forma de chegar às pessoas e incentivar o seu uso correto é através de uma abordagem prática, dando a palavra aos principais intervenientes no processo e explicando a sua experiência e promovendo a troca de experiências.

Este projeto reuniu empregadores e sindicatos de Estados membros da UE e países candidatos à UE, que, de forma voluntária, adotaram, desenvolveram mecanismos para a implementação real da I&C dos trabalhadores através da adoção de mecanismos de eficiência para a implementação real do que está previsto nas Diretivas e no seu cumprimento em caso de incumprimento. Os principais objetivos incidiram na adoção dos meios que permitissem a eficácia da I&C prevista nas Diretivas sobre esta questão; a introdução do direito de participação dos trabalhadores como elemento estimulador da eficiência da I&C; a participação financeira dos trabalhadores como um mecanismo que pode abrir caminho para a introdução do direito de participação dos trabalhadores, como outras ferramentas de diálogo social (SSDC, acordos transnacionais).

Todos estes temas e assuntos, todos interligados, foram abordados e analisados em profundidade, não só pelos especialistas do projeto, como também pelos parceiros

envolvidos e os resultados dos trabalhos conduziram à celebração de acordos conjuntos por parte de alguns dos parceiros, como por outro, abriu o caminho para declarações unilaterais das organizações enfatizando a importância dos diferentes assuntos e como medidas e desenvolvimentos concretos podem ser alcançados.

O promotor teve a honra de poder contar com o envolvimento sério e profundo de todos os que participaram neste, mesmo quando, durante a execução do projeto, o mundo enfrentou uma Pandemia COVID 19, e agora, mais do que nunca, num difícil contexto socioeconómico, ressaltamos a importância do trabalho perante o qual tivemos a oportunidade de aplicar os conhecimentos e os resultados do projeto, em concreto o que foi acordado pelos parceiros sociais a nível nacional, sublinhando a pertinência do trabalho e seus resultados.

Sem dúvida, pensamos que este projeto trouxe a consciência de que se, por um lado, I&C significam algo que pode ser útil, interessante e importante, por outro lado, na prática, tal é realmente importante se usado de forma adequada e com o respeito pelos procedimentos e disposições e que estes possam assumir uma perspetiva diferente uma vez aplicada na prática, alertando todos os envolvidos para o facto de esta realidade ser mais do que apenas um mero conceito.

Temos agora, país a país, a perceção dos parceiros sobre o assunto, sobre as dificuldades que enfrentam e os novos objetivos que se colocam reativos à I&C. Isso só foi possível por meio do trabalho realizado por este projeto.

Gostaríamos de expressar aqui nossa gratidão a todos que continuaram, apesar das restrições, a trabalhar, a empenharem-se na ação, apesar das adversidades causadas pelo impacto da pandemia COVID 19 e por nos permitirem trazer para este projeto a prova clara que o elemento voluntário associado aos elementos-chave é essencial.

Aqui está o que foi possível alcançar, por país e / ou parceiro:

Project «Upper Level – Joint Social Commitment -as the key to I&C and Participation and their Challenges» results from a challenge launched by the promotor SIMA to all the partners involved to go even further by approaching a set of matters related to Employees' Information and Consultation and bring those to Upper levels.

It involved since the very first moment many partners, from different sectors, social partners, different environments and countries that have been key players within the project, together with the project's experts.

This project enhanced what the promoter has always presented, that Information and Consultation is the key element for the development of the companies, promoting the involvement of all, looking for new approaches and new ways. Having that in mind and from previous works carried out by the promoter it has been concluded that information and consultation play a decisive role (anticipating, overcoming crisis and preparing companies, in a long and medium term, to face challenges through the employee's involvement). Within this whole context the best way to reach people and to encourage the correct use of it, is through a practical approach by giving the floor to the main interveners in the process and let them explain their experience and promoting exchange of such experiences.

This project gathered employers and trade unions from EU member states and EU applicant countries, that on a voluntary basis and adopted, developed mechanisms towards the real implementation of employees' I&C through the adoption of efficiency mechanisms to the real implementation of what is foreseen in the Directives and in its' accomplishment in case of non-respect. The main goals focused on the adoption of the means allowing the efficiency of the I&C foreseen in the I&C Directives; the introduction of employees' participation right as a stimulating element for the efficiency of I&C; employees' financial participation as a mechanism than can lead the way to the introduction of employees' participation right, as other social dialogue tools (SSDC, transnational agreements).

All these themes and matters, all linked, were approached and were deeply analyzed not only by the project's experts as well by the involved and participating partners and stakeholders involved and the results of the work led to the conclusion of joint

agreements by some of the project's partners as for other it led the way to unilateral statements of the organizations enhancing the importance of the different matters and how concrete measure and developments can be achieved.

The promoter had the honor of being able to with the serious and deep involvement of all the ones involved even when, during the project's execution, the world faced a COVID 19 Pandemic, and now, more than ever in a difficult, harsh socio-economic moment, we stress the importance of the work when facing a situation such this one and saw the opportunity of applying the knowledge and the outcomes of the project, in concrete what has been agreed by the social partners at national level, stressing the pertinence of the work and the results of it.

Undoubtedly, we think that this project brought an awareness that if, on the one hand, information and consultation mean something that may be useful, interesting, and important, on the other hand, in practice, such is indeed important if used properly and with the respect for procedures and provisions and that such can assume a different perspective once applied in practice., alerting all the ones involved to the fact that this reality in more something than just a concept.

We have, now country by country, the perception of the partners on the subject, on the difficulties that they face and the new aims for them and of all the ones involved in information and consultation. This has only been possible through the work carried out by this project.

We would like to express here our gratitude to everyone who continued, despite the restrictions, to work, to be involved and engaged in the action despite the adversities caused by the impact of COVID 19 pandemic and by allowing us to bring into this project a clear proof that the voluntary element associated with key elements is essential.

Here is what it was possible to achieve, by country and/or partner:



САМОСТАЛНИ СИНДИКАТ МЕТАЛАЦА СРБИЈЕ
ЧЛАН СВОТОВЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

11000 Београд, Дечанска 14, Тел/факс (011) 3931-641, 3340-792, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



Samostalni sindikat metalaca Srbije, u projektu «Viši nivo zajedničke socijalne posvećenosti – kao ključ informisanja & konsultovanja, učešće i njihovi izazovi»,

Uzimajući u obzir važnost uloge koju igraju mehanizmi informisanja i konsultovanja zaposlenih na nacionalnom nivou;

Uzimajući u obzir važeća prava zaposlenih na informisanje i konsultovanje, predviđena nacionalnim zakonom koji ima za cilj da obezbedi efikasnost prava zaposlenih na informisanje i konsultovanje,

Uzimajući u obzir potrebu da se poboljšaju važeće definicije informisanja i konsultovanja zaposlenih kako bi se prilagodile potrebama kako zaposlenih tako i kompanija,

Uzimajući u obzir potencijal učešća zaposlenih u izvršnom upravljanju kao izvoru dodatnih informacija i konsultacija radi donošenja najboljih mogućih odluka u kompaniji i radi uspostavljanja saradnje za kontinuirani dijalog,

Uzimajući u obzir potrebu da se radi ka tom cilju i da se koristi kolektivno pregovaranje kao važan način postizanja cilja ,

Partner se slaže o sledećem:

- **Pravo na informisanje i konsultovanje**

Definicije

Partner se slaže o potrebi da se dođe do preciznije definicije koncepta kako bi se ona prilagodila evropskom zakonu, ali i zbog toga što se oni slažu da kako bi se takav mehanizam bolje primenio, potrebno je da uključi:

- Informisanje: označava prenos podataka od poslodavca do predstavnika zaposlenih kako bi se oni upoznali sa datom temom i ispitali je; informacije treba da budu pružene u pravo vreme, na takav način i sa takvim sadržajem da omogućavaju predstavnicima zaposlenih da urade detaljnu procenu mogućeg uticaja i, gde je to prikladno, da se pripreme za konsultacije sa nadležnim organom preduzeća ili grupom preduzeća;



- **Консултације:** означава успостављање дијалога и размену мишљења представника запослених и централног менаџмента или nekog другог адекватног нивоа менаџмента, у право време, на такав начин и са таквим садржајем, што омогућава представницима запослених да изразе своје мишљење на основу понуђених информација о предлођеним мерима на које се консултација односи, без негативних последица по обавезе менаџмента, и у разумном року, што се може узети у обзир у оквиру предузећа или групе предузећа;

Поред питања покривених колективним преговарањем, представници синдиката на нивоу компаније (пoverеник) или синдикални званичник имају право на информисање и консутовање о следећим темама :

Информисање и консутовање покрива:

- (a) информисање о најновијем и могућем развоју или активности предузећа и економској ситуацији ;
- (b) информисање и консутовање о ситуацији, структури и могућем развоју запошљавања у оквиру предузећа и о припремним мерима, нарочито када постоји претња по запошљавање;
- (c) информисање и консутовање о одлукaма за које постоји вероватноћа да могу довести до значајних промена у организацији рада или у уговорним односима;
- (d) информисање и консутовање о потребaма компаније у вези са обуком радника у компанији;
- (e) информисање и консутовање о потреби компаније да користи нове облике рада, као што је рад на платформи.

Информације се пружају у право време, на такав начин и са таквим садржајем да омогућавају представницима запослених да спроведу адекватну студију и тамо, где је то неопходно, да се припреме за консултације.

Консултације се одвијају:

- (a) тако да време, начин и садржај буду прикладни;
- (b) на релевантном нивоу менаџмента и заступања, у зависности од теме која је предмет дискусије;
- (c) на основу добијених информација од послодавца и мишљења које представници запослених треба да формулишу;
- (d) на такав начин да обезбеђују представницима запослених да се састану са послодавцем и добију одговор, и разлоге за тај одговор, на било које мишљење које би они могли да формулишу;



(e) sa ciljem postizanja sporazuma o odluci.

Procedura:

Predstavnik sindikata zahteva pisanim putem, prvo od menadžmenta kompanije, informacije koje se tiču pitanja obuhvaćenih pravom na informisanje.

Informacija se dobija u pisanoj formi, u roku od osam dana, ili 15 dana ako kompleksnost situacije to opravdava.

U slučaju konsultacija, poslodavac zahteva mišljenje predstavnika sindikata napismeno, što mora biti poslato u roku od 10 dana od prijema zahteva, ili u dužem roku koji je odobren imajući u vidu kompleksnost teme.

Ako predstavnik sindikata traži relevantne informacije o temi konsultacija, period koji je spomenut u prethodnom paragrafu počinje od trenutka dobijanja informacije u pisanoj formi ili na sastanku na kome se odvija konsultacija.

Kada se radi o odluci poslodavca da primeni ovlašćenja menadžmenta i organizacije iz ugovora o radu, proceduru informisanja i konsultovanja moraju sprovesti obe strane kako bi postigle konsenzus, kad god je to moguće.

Potrebno je napraviti telo, na sektorskom nivou, koje će se baviti informisanjem i konsultovanjem zaposlenih sa ciljem da kontroliše i proverava proces poštovanja zakonodavstva, prikuplja kritike, predloge i žalbe kako od zaposlenih, predstavnika zaposlenih tako i od kompanija i da dela nepristrasno, kao posrednik, u slučaju konflikta, nudeći pravni savet da bi se pronašlo rešenje.

Ovo telo ima za cilj da dela kao nadzorno telo i prva pomoć u slučaju potrebe da se poverljivost informacije dovede u pitanje ili odbijanja da se pruži informacija ili konsultacije. Ovo bi trebalo da bude hitna procedura koja bi obezbedila koristan efekat odluke. Ovo telo ima zadatak da reši postojeće ili buduće sukobe.

Pravo učešća zaposlenih

Partner se slaže o važnosti prava na učešće predstavnika radnika u rešavanju sukoba ili izbegavanju sukoba. Takođe, kada se zaposlenima



ponudi mogućnost da učestvuju u donošenju odluka, to dovodi do boljih rezultata u poslu, menadžmentu i ljudskim resursima.

Partner se slaže da je važno uspostaviti saradnju za kontinuirani dijalog, a kada ovo imaju kao bazu, oni se dogovaraju o stvaranju tima za izvršni menadžment na nivou kolektivnog pregovaranja (na nivou kompanije/ili sektora).

Na ovaj način će se obezbediti kanal za davanje povratne informacije zaposlenima, što će svima koristiti.

Ovo neće ograničiti mogućnost i prava poslodavca da donosi odluke.

Zaposleni koji su deo procesa učešća imaju obavezu poštovanja poverljivosti.

Imajući ovo u vidu, partner se slaže da zaposleni imaju pravo da učestvuju u procesu donošenja odluka. U tu svrhu partner se dogovara o formiranju tima izvršnog menadžmenta.

Ovaj tim ima pravo da učestvuje, na svaka tri meseca, na sastanku menadžmenta.

U tu svrhu tim izvršnog menadžmenta ima pravo da:

- a) predstavi informacije i konsultacije o pitanjima kojima će se baviti na sastanku, naime u vezi sa planovima za restrukturiranje ili projektima;
- b) predstavi predloge, žalbe ili kritike upućene organima, nadležnim telima kompanije
- c) se sastane sa telima zaduženim za pripremni rad u restrukturiranju;

Tim izvršnog menadžmenta biće imenovan/izabran (zavisi od sistema koji sindikat koristi) od strane predstavnika sindikata/zaposlenih i predstavljace jednu trećinu menadžmenta u kompaniji.

Procedura nominovanja predstavnika zaposlenih će se izvršiti putem kolektivnog pregovaranja.

Finansijsko učešće zaposlenih

Partner vidi finansijsko učešće zaposlenih kao važan metod postizanja ciljeva učešća zaposlenih i bitan alat za poboljšanje i razvoj učešća socijalnih partnera i socijalnog dijaloga na nivou kompanije.



Имајући у виду тренутну пандемију у којој је свет, партнер се слаже да је увођење овог учеšћа начин да се боље расподели богатство међу запосленима и компанијама и начин да се побољша учеšће имајући за циљ да се превaziду разлике, да се промовише развој компанија, да се задржи радна снага и одржи ниво запошљавања.

Партнер указује да је увођење шема WFP, као што је «Bonus» (шема делjenja profita) начин да се постигне циљ.

Ово је нарочито релевантно у оквиру малих и средњих предузећа, где запослени и кампање треба заједно да раде у обоstrану корист.

У ту сврху партнер се слаже да је најбоље водити дебате и увести ово питање у оквиру колективног pregovaranja jer на тај начин то питање може бити под uticajem uslova у свакој компанији и/или грани.

Нови облици рада

Имајући у виду потребу да се гарантује једнакост свих радника на нестандартним пословима и радника на platformama,

Партнер се слаже о употреби нових облика рада, као што је рад на platformama, ако се он спроводи уз пуно поштовање свих међународних и европских instrumenata о људским, синдикалним, социјалним правима и правима на BZR.

Запослени, покривени новим облицима рада, морају имати приступ редовном informisanju и konsultovanju, исто као и радници који су физички присутни на svom random mestu. Ако је ово случај, и како би се ispoštovale bezbednosne mere usled KOVIDA-19, то се може десити коришćenjem dostupnih digitalnih alata, naime digitalnih platformi.

Оčekivani scenariji

Партнер се слаже да механизми informisanja и konsultovanja играју важну ulogu у očekivanju scenarija и pronalaženju rešenja за izazove тако што će unapred raditi на njима.

У ту сврху партнер се такође слаже да obuka игра важну ulogu, uz anticipiranje budućih potreba, као што су потребе за obukom, prekvalifikacijom и dokvalifikacijom.



Pandemija – KOVID-19

Svet se suočava sa nezapamćenom sanitarnom krizom zbog KOVIDA-19. Partner se slaže o potrebi da se preduzmu mere koje osiguravaju bezbednost pojedinca i privrede. Sa takvim ciljem na umu partner se slaže o važnosti privilegovanja kvaliteta socijalnog dijaloga, kao načina da se obezbedi kontinuitet rada i održi zaposlenost. Neophodne mere treba doneti u okviru kolektivnog pregovaranja.

U tu svrhu partner se slaže o važnoj ulozi koju igraju mehanizmi informisanja i konsultovanja zaposlenih.

Socijalni partneri moraju da igraju važnu ulogu u merama koje treba doneti, ne samo da bi se sprečile socijalne i ekonomske posledice, već i da bi se promovisao oporavak kompanija, obezbeđivanjem zapošljavanja i stvaranjem bezbednih radnih mesta gde su uslovi rada takođe bezbedni, i stvaranjem bezbedne i zdrave sredine.

Imajući ovo u vidu, partner se slaže o poboljšanju uloge informisanja i konsultovanja, ne samo da bi se pronašla rešenja za probleme nastale usled pandemije jer je to jako važan alat za naslućivanje mera/potreba, već i da bi se pripremili za rad u budućnosti. Situacija u kojoj živimo je pokazala da nismo pripremljeni i da je bilo potrebno da se suočimo sa aktuelnom situacijom kako bismo postali svesni mana sistema. Da je postojao funkcionalni mehanizam, ne bismo ni saznali da nešto ne valja.

Mesto: *Beograd, Srbija*

Vreme: *7. decembar 2020*

Samostalni sindikat
metalaca Srbije
Predsednik


Zoran Marković





САМОСТАЛНИ СИНДИКАТ МЕТАЛЦИ СРБИЈЕ
ЧЛАН СВЕТОКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901
11000 Београд, Дечанска 14, Тел/факс (011) 3231-641, 3340-722, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



Autonomous Metal Workers' Union of Serbia, under the project «Upper Level – Joint Social Commitment – as the Key to I&C and Participation and Their Challenges»,

Having into consideration the importance of the role played by the employees' mechanisms of Information and Consultation at National level;

Having into consideration the existing rights of employees' I&C, foreseen by the national law and aiming to better assure the efficiency of the employees' rights on information and consultation,

Having into consideration the need to improve the actual existing definitions of Employees' Information and Consultation to better comply with the needs of both employees and companies,

Having into consideration the positive potential of employee participation in the executive management as a source of additional information and consultation for the best possible decision making in company and as in establishing a cooperation for a continuous and ongoing dialogue,

Having into consideration the need to work towards that aim and use the collective bargaining as an important way to achieve this goal,

The partner agrees on the following:

- **Information and Consultation rights**

Definitions

The partner agrees on the need to have a more precise definition of the concepts so that it complies with the European law but also because they agree that such mechanism, in order to better be applied, should include:

- Information: means transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate,



САМОСТАЛНИ СИНДИКАТ МЕТАЛЦИ СРБИЈЕ
ЧЛАН СВЕТОКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901

11000 Београд, Дечанска 14, Тел/факс (011) 3231-641, 3340-722, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscentbg@eunet.rs



- prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings;
- Consultation: means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content as enables employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings;

Trade union representatives, at company level (shop steward) or the trade union official, has the right to information and consultation, besides the matters included by collective bargaining, on the following matters:

Information and consultation shall cover:

- (a) information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- (b) information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- (c) information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations;
- (d) information and consultation on the needs of the company with regard to training with a view to determining the training needs of the company's workers;
- (e) information and consultation on the need of the company in making use of new work forms, such as platform work.

Information shall be given at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.

Consultation shall take place:

- (a) while ensuring that the timing, method and content thereof are appropriate;



САМОСТАЛНИ СИНДИКАТ МЕТАЛЦИ СРБИЈЕ

ЧЛАН СВЕТСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901

11000 Београд, Дечанска 14, Тел/факс (011) 3231-641, 3340-722, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



- (b) at the relevant level of management and representation, depending on the subject under discussion;
- (c) on the basis of information supplied by the employer and of the opinion which the employees' representatives are entitled to formulate;
- (d) in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;
- (e) with a view to reaching an agreement on decisions.

Procedure:

The trade union representative requests in writing, respectively, to the management body of the company or establishment the information elements regarding the matters covered by the right to information.

The information is provided in writing, within eight days, or 15 days if its complexity justifies it.

In the case of consultation, the employer requests in writing the opinion of the trade union representative (s), which must be issued within 10 days of receipt of the request, or within a longer period that is granted given the extent or complexity of the matter.

If the trade union representative asks for pertinent information on the matter of the consultation, the period referred to in the preceding paragraph starts from the provision of the information, in writing or at a meeting in which this occurs.

When the employer's decision to exercise management and organizational powers arising from the employment contract is involved, the information and consultation procedure must be conducted by both parties in order to reach, whenever possible, consensus.

The creation of a body, at sectoral level, focused on Employees' Information and Consultation, aiming to monitor and check the process compliance with the legislation, to collect critics, suggestions and claims from both employees, employees' representatives and companies and to act, impartially, as a mediator in the face of conflicts, offering legal advice in order to find solutions for conflicts.



САМОСТАЛНИ СИНДИКАТ МЕТАЛУРГА СРБИЈЕ
ЧЛАН СВЕТОСКЕ МЕТАЛУРГСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛУРГСКЕ ФЕДЕРАЦИЈЕ

1901

11000 Београд, Дечанска 14, Тел/факс (011) 3231-641, 3340-729, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



This body aims to act as a supervisory body and as a first resource in the event of the need to challenge the confidentiality of information or the refusal to provide it or consultations. It should be an urgent nature procedure in order to secure the useful effect of the decision. This body will perform the function of settling existing or future conflicts.

• **Employees' Participation Right**

The partner agrees on the importance of the workers representatives' participation right in solving conflicts or avoiding conflicts. In addition when employees are offered the possibility to participate in the decision making will lead to better results in business, management and human resources.

The partner agrees that it is important to establish a cooperation for a continuous and ongoing dialogue and having this as a basis they agree on the creation of an executive management team within the collective bargaining level (at company and/or sectoral level).

This will allow to provide a feedback channel towards the employees that will benefit everyone.

This will not restrict the ability and rights of the employer to make decisions.

The employees that are part of the participation process are bound by confidentiality.

Having this mind, the partner agrees that employees have the right to participate in the decision taking procedure. For such purpose the partner agrees on the creation of an executive management team.

This team has the right to participate, every three months, in a company's management's meeting.

For such purpose the executive management team has the right to:

- a) Prior information and consultation on issues to be approached in the meeting, namely on the formulation of restructuring plans or projects;
- b) Present suggestions, complaints or criticisms to Organs competent bodies of the company



САМОСТАЛНИ СИНДИКАТ МЕТАЛЦИ СРБИЈЕ
ЧЛАН СВЕТОКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901
11000 Београд, Дечанска 14, Тел/факс (011) 3231-641, 3340-799, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



c) Meet with the bodies in charge of preparatory restructuring work;

The executive management team will be pointed out by the trade unions/employees' representatives and will represent one third of the company's management body do the company.

Procedure and nomination of the Employees' representatives should be made via collective bargaining.

- **Employees' Financial Participation**

Partner sees the introduction of Employees' Financial Participation as an important way to achieve the goals of employees' involvement and a useful tool for improving and developing the engagement of social partners and social dialogue at company level.

Having in mind the present pandemic situation the world is living, the partner agrees that the introduction of such is a way to better redistribute wealth amongst employees and companies and a way to improve the engagement having as a goal overcoming the difficulties and to promote the development of the companies and to maintain the workforce and employment.

The partner points out that introduction of WFP schemes, such as the «Bonus» (profit sharing schemes) as a way to achieve this goal.

This is particularly relevant within the SME's companies, where employees and companies should work together for their own benefit.

For such purpose the partner agrees that the best way to debate and to introduce this is within collective bargaining once this can be influenced by the individual conditions of each company and /or branch.

- **New work forms**

Having into consideration the need to guarantee the equality of all non-standard workers and workers in platform companies,

Partner agrees on the use of new work forms, such as platform work, if it is carried out in full compliance with international and European instruments on human, trade union, social rights and occupational safety and health.



САМОСТАЛНИ СИНДИКАТ МЕТАЛНИЦА СРБИЈЕ
ЧЛАН СВЕТОСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901
11000 Београд, Дечанска 14, Тел/факс (011) 3931-641, 3340-799, 333 5 943
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



Employees covered by the new work forms must have access to information and consultation, on a regular basis and within what is established for the workers working in person in their workplace. If it is the case, and to comply with the safety measures in place due to COVID 19, such can take place using the digital tools available, namely digital platforms.

- **Anticipation scenarios**

Partner agrees that employees' information and consultation mechanisms play an important role in anticipating scenarios and in finding out solutions for the challenges ahead by working on it in advance.

For such purpose the partner also agrees that training, in a way to anticipate future needs) play an important role, such as training needs, reskilling, upgrading skills.

- **Pandemic situation – COVID 19**

The world is facing a severe an unprecedented sanitary crisis due to COVID-19. The partner agrees on the need to take measures to secure individuals and economies. With such goal in mind the partner agrees on the importance of privileging a quality social dialogue as the way to secure continuity of the operations and keep the employment. Necessary measure should be taken within the scope of the collective bargaining.

For such purpose the partner agrees on the important role played by the employees' information and consultation mechanisms.

Social partners must play an important role in the measures to be taken not only in order to prevent social and economic consequences, as well to promote the recovery of the companies, securing employment and creating safe workplaces with the necessary safety conditions, creating a secure and healthy environment.

Having this in mind the partner agrees on enhancing the role of employees' information and consultation not only to find solutions for the problems raised by the pandemic situation as it is a very important tool to anticipate measures/needs and to prepare the work in the future. The actual situation we are living in has shown that it has not been well prepare and it was



САМОСТАЛНИ СИНДИКАТ МЕТАЛЦИ СРБИЈЕ

ЧЛАН СВЕТСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ
ЧЛАН ЕВРОПСКЕ МЕТАЛСКЕ ФЕДЕРАЦИЈЕ

1901

11000 Београд, Дечанска 14, Тел/факс (011) 3331-641, 3340-799, 333 5 243
<http://www.sms.org.rs>, E-mail: sms@sindikat.rs, smscntbg@eunet.rs



necessary to face the actual situation to gain awareness of such. If the mechanisms were in place and functioning it was not need to wait to see that it was not the case.

Done at *Belgrade, Serbia*

Date: *7 December 2020*

Autonomous Metalworkers'

Union of Serbia

President


Zoran Marković





11.12. 2020 год.
Београд - Стевана Марковића 8

SERBIAN ASSOCIATION OF EMPLOYERS under the project «*Upper Level – Joint Social Commitment – as the Key to I&C and Participation and Their Challenges*»,

Having into consideration the importance of the role played by the employees' mechanisms of Information and Consultation at National level;

Having into consideration the existing rights of employees' I&C, foreseen by the national law and aiming to better assure the efficiency of the employees' rights on information and consultation,

Having into consideration the need to improve the actual existing definitions of Employees' Information and Consultation to better comply with the needs of both employees and companies,

Having into consideration the need to work towards that aim and use the collective bargaining as an important way to achieve this goal,

The partners agree on the following:

- **Information and Consultation rights**

Definitons

The partners agree on the need to have a more precise definition of the concepts so that it complies with the European law but also because they agree that such mechanism, in order to better be applied, should include:

- Information: means transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings;
- Consultation: means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content as enables employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings.

Trade union representatives, at company level (shop steward) or the trade union official, has the right to information and consultation, besides the matters included by collective bargaining, on the following matters:

Information and consultation shall cover:

- (a) information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- (b) information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- (c) information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations;
- (d) information and consultation on the needs of the company with regard to training with a view to determining the training needs of the company's workers;
- (e) information and consultation on the need of the company in making use of new work forms, such as platform work.

Information shall be given at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.

Consultation shall take place:

- (a) while ensuring that the timing, method and content thereof are appropriate;
- (b) at the relevant level of management and representation, depending on the subject under discussion;
- (c) on the basis of information supplied by the employer and of the opinion which the employees' representatives are entitled to formulate;
- (d) in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;
- (e) with a view to reaching an agreement on decisions.

Procedure:

The trade union representative requests in writing, respectively, to the management body of the company or establishment the information elements regarding the matters covered by the right to information.

The information is provided in writing, within eight days, or 15 days if its complexity justifies it.

In the case of consultation, the employer requests in writing the opinion of the trade union representative (s), which must be issued within 10 days of receipt of the request, or within a longer period that is granted given the extent or complexity of the matter.

If the trade union representative asks for pertinent information on the matter of the consultation, the period referred to in the preceding paragraph starts from the provision of the information, in writing or at a meeting in which this occurs.

When the employer's decision to exercise management and organizational powers arising from the employment contract is involved, the information and consultation procedure must be conducted by both parties in order to reach, whenever possible, consensus.

The creation of a body, at sectoral level, focused on Employees' Information and Consultation, aiming to monitor and check the process compliance with the legislation, to collect critics, suggestions and claims from both employees, employees' representatives and companies and to act, impartially, as a mediator in the face of conflicts, offering legal advice in order to find solutions for conflicts.

This body aims to act as a supervisory body and as a first resource in the event of the need to challenge the confidentiality of information or the refusal to provide it or consultations. It should be an urgent nature procedure in order to secure the useful effect of the decision. This body will perform the function of settling existing or future conflicts.

- **Employees' Participation Right**

The partners agree on the importance of the workers representatives' participation right in solving conflicts or avoiding conflicts. In addition when employees are offered the possibility to participate in the decision making will lead to better results in business, management and human resources.

The partners agree that it is important to establish a cooperation for a continuous and ongoing dialogue and having this as a basis they agree on the creation of an executive management team within the collective bargaining level (at company and/or sectoral level).

This will allow to provide a feedback channel towards the employees that will benefit everyone. This will not restrict the ability and rights of the employer to make decisions.

The employees that are part of the participation process are bound by confidentiality.

- **New work forms**

Having into consideration the need to guarantee the equality of all non-standard workers and workers in platform companies.

Partners agree on the use of new work forms, such as platform work, if it is carried out in full compliance with international and European instruments on human, trade union, social rights and occupational safety and health.

Employees covered by the new work forms must have access to information and consultation, on a regular basis and within what is established for the workers working in person in their workplace. If it is the case, and to comply with the safety measures in place due to COVID 19, such can take place using the digital tools available, namely digital platforms.

- **Anticipation scenarios**

Partners agree that employees' information and consultation mechanisms play an important role in anticipating scenarios and in finding out solutions for the challenges ahead by working on it in advance.

Serbian Association of Employers

For such purpose the partners also agree that training, in a way to anticipate future needs) play an important role, such as training needs, reskilling, upgrading skills.

- **Pandemic situation – COVID 19**

The world is facing a severe an unprecedented sanitary crisis due to COVID-19. The partners agree on the need to take measures to secure individuals and economies. With such goal in mind the partners agree on the importance of privileging a quality social dialogue as the way to secure continuity of the operations and keep the employment. Necessary measure should be taken within the scope of the collective bargaining.

For such purpose the partners agree on the important role played by the employees' information and consultation mechanisms.

Social partners must play an important role in the measures to be taken not only in order to prevent social and economic consequences, as well to promote the recovery of the companies, securing employment and creating safe workplaces with the necessary safety conditions, creating a secure and healthy environment.

Having this in mind the partners agree on enhancing the role of employees' information and consultation not only to find solutions for the problems raised by the pandemic situation as it is a very important tool to anticipate measures/needs and to prepare the work in the future. The actual situation we are living in has shown that it has not been well prepare and it was necessary to face the actual situation to gain awareness of such. If the mechanisms were in place and functioning it was not need to wait to see that it was not the case.

Belgrade,
December 11, 2020

SERBIAN ASSOCIATION OF EMPLOYERS

Srdjan Drobnjaković, Director

