

## Information on the new Law on professional rehabilitation and employment of the persons with invalidity

The Law on professional rehabilitation and employment of the persons with invalidity came into effect on May 23<sup>rd</sup>, 2009. („RS Official Gazette“, No. 36/2009) – hereinafter referred to as the: “Law”.

Under this Law the obligation of employment of the persons with invalidity was introduced into the legal system of the Republic of Serbia, and implementation of the Law should ensure that the persons with invalidity, subject to their professional skills, be included, under equal conditions, in the labor market and compete for a job position with the others.

### I Definition of persons with invalidity

The person with invalidity, in terms of this Law, shall be deemed any person with permanent consequences of bodily, sensor, mental or spiritual damage or illness which cannot be eliminated by medical treatment or rehabilitation, with social and other limitations having effect on the person’s working ability and employment opportunities and who has no possibility or has reduced possibility to work under equal conditions and/or to compete for a job position together with the others.

An unemployed person with invalidity is a person between 15 to 65 years of age, who is not employed nor has in any other way exercised his/her right to employment, who is willing to work or accepts professional rehabilitation for the purpose of being employed, who actively seeks employment and is on the records of

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the organization in charge with employment issues, as unemployed.

The following persons shall have the status of the person with invalidity:

- war military invalids;
- persons who have become military invalids during peace;
- war invalids - civilians;
- persons categorized as invalids and other persons declared invalids in compliance with the appropriate laws;
- persons, categorized as invalids in compliance with the regulations governing pension and invalidity insurance, for whom the category of invalidity, i.e. the remaining working ability has been established;
- persons whose working ability has been assessed in compliance with the Law, subject to which assessment the persons can be employed or can maintain the employment or engagement.

## **II Employing the persons with invalidity**

The persons with invalidity may be employed under general conditions (without adjustments made to the job position or working environment) or under special conditions (with certain adjustments made to the job position or working environment). Work environment adjustment shall include technical and technological adjustments made to the work environment and equipment.

The employer engaging a person with invalidity under special conditions, may be *refunded for the actual costs of the work environment adjustments*.

Also, the Law provides the right for 12 months **salary subvention** in the amount of the minimum salary subject to the labor regulations, to the employer who employs a person with invalidity, without any work experience, under unlimited period.

## **III Obligation of employment**

Each employer with at least 20 employees shall employ a certain number of the persons with invalidity, as follows:

- employer with 20 to 49 employees - one person with invalidity;

- employer with 50 and more employees - at least two employees with invalidity and for each next 50 one employee with invalidity.

***Note:***

The provisions of the Law governing the obligation of employing certain number of persons with invalidity and the obligation of payment of the penalties in case of failure to as specified in the Law, shall become applicable as of **May 23<sup>rd</sup>, 2010**.

The newly incorporated employer shall not be obliged to employ persons with invalidity during 24 months after the incorporation date.

#### **IV Financing of salaries**

The employer participating in financing of the salaries of the persons with invalidity in the company for professional rehabilitation and employment of the persons with invalidity or in the social company or organization, shall be relieved from the obligation of employing the number of the persons with invalidity in proportion with the number of the persons with invalidity financed by that employer (the participation in financing of the salary of a person with invalidity shall not be below 50% of the average salary in the economy of the Republic of Serbia, subject to the latest data published by the republic statistic bureau).

Also, the employer who, within the public tender procedure or other procedure, settles the financial commitments under the agreement on business and technical cooperation executed with the company for professional rehabilitation and employment of the persons with invalidity, and under the agreement on purchase of the products or services of that company – in the value of 20 average salaries in the economy of the Republic of Serbia, subject to the latest data published by the republic statistic bureau at the moment of execution of the agreement, shall be relieved from employing one person with invalidity during the 12 month period following settlement of the commitment. Stated release cannot be implemented on commitments arising from implementation of the wholesale agreement.

## V Obligation of paying penalties

The employer who fails to employ the persons with invalidity, in compliance with the provisions of the Law, shall pay penalties for each person with invalidity such employer failed to employ, which penalties shall be in the amount of *triple amount of the minimum salary* established in compliance with the labor regulations.

## VI Offense provisions

The employer who fails to employ the persons with invalidity or declares that he has employed the person with invalidity, but such person is not deemed the person with invalidity shall be deemed to have committed an offense and shall be fined as follows:

- RSD 200.000,00 to RSD 1.000.000,00 – for the legal entity and
- RSD 10.000,00 to RSD 50.000,00 for the person in charge in the legal entity.

Please feel free to contact us for all further information.

Respectfully,

Maja Rancev

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