

Fourth Study Commission Questionnaire 2024

1. Provide a brief description of the presence of the “gig” or “platform” economy in your country. If possible, base your answer on official public data or academic reports, although we recognize that in some cases data may not be available.

There is no official public data on the number of employees through digital platforms. This issue was dealt with by the non-governmental organization *Center for Public Policy Research* and according to data from December 2021, Serbia had 162 freelancers per 100,000 inhabitants. The work mainly relates to the areas of software development and IT technology, translation, foreign language teaching, sales and marketing, administrative services, creative industries and multimedia, information delivery and transportation.

Serbia also hosts a large number of “platform” workers.

2. How does this development affect the traditional employee/employer relationship? What is the status of platform or gig workers in your country: employees, independent contractors or a third category? Is there any jurisprudential divergence regarding the status of these workers? Cite relevant examples.

New forms of labour are not regulated by laws in Serbia, i.e. freelancers are currently not included in the area of application of labour legislation. During 2021, the professional service of the Union of Independent Trade Unions of Serbia drafted a proposal for amendments to the Labor Law, which was not adopted as an official negotiating platform.

Depending on the circumstances of the specific case, the provisions on work outside the employment relationship are applied (work contract, copyright contract), and a number of freelancers work without any type of employment contract.

This kind of work calls into question the exercise of rights arising from work (the right to sick leave, paid leave, pension and disability insurance, health and unemployment insurance, union restrictions, etc.).

Due to the lack of regulations that recognize their status, some freelancers decide to register their activity, in which case their status is governed by the rules that apply to entrepreneurs, that is, in accordance with the Companies Act of Serbia. Following this kind of registration, a freelancer can pay the minimum wage and, on that basis, exercise social security rights. There is a difference when it comes to case law, depending on the specific status of freelancers (whether they hold the status of an entrepreneur, or some form of work outside the employment relationship).

In Serbia, the first step was to regulate the tax treatment of these persons and they are now recognized in the tax system, but their labour law status has not yet been resolved.

3. What is the impact of artificial intelligence on the labour market of your country? If possible, base your answer on official public data or academic reports. Outline the positive and negative impacts.

Serbia is still in the early stages of applying AI in solving everyday work tasks. AI is mainly used in the IT sector and the creative industry, then, in aviation, related to the automation of flight control and schedule management, and also in the human resources departments of certain companies. The Institute for Artificial Intelligence of Serbia estimates that in the coming period, 86% of all employees will have to master new knowledge and skills, and that around 25% of current jobs and positions will be taken over by AI at some point.

4. Do you have any laws regulating and/or relevant judicial decisions about artificial intelligence on the labour market? What are the challenges for employers, such as privacy, transparency, secrecy, plagiarism, and the claim that artificial intelligence will be replacing workers? What are the concerns of employees?

The matter of AI in Serbia is still not regulated by law, however, in 2019, the Government of the Republic of Serbia adopted the Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the 2020-2025 period.

The Government of the Republic of Serbia also adopted the Conclusion on the Adoption of Ethical Guidelines for the Development, Application and Use of Reliable and Responsible Artificial Intelligence in March 2023, recommending the application of the said ethical principles to state administration bodies and holders of public authority (autonomous provinces, municipalities, cities, the City of Belgrade, public enterprises, institutions, public agencies and other organizations), as well as to all natural and legal persons who develop, apply, use or acquire systems that can be classified as artificial intelligence systems. According to the Conclusion, the application of the Ethical Guidelines can be limited or excluded if it concerns issues from the domain of defence and security of the Republic of Serbia.

Employees are concerned about the possibility of losing their jobs, as well as the misuse of data and other types of abuses in the application of artificial intelligence.