

MEMBER-TO-MEMBER EXCHANGE 2022 Belgrade (Serbia), 6-8 July 2022

Date: from 6 to 8 July 2022

Place: Belgrade & Novi Pazar, Serbia

Format: in person

DAY 1 – An introduction:

The 2022 Study Visit (Member to member exchange) to Serbia was kicked off at IDC's premises, where the participants gathered on the first evening and had dinner together. On that occasion SOLIDAR's Serbian member IDC presented their work on social inclusion. **Miodrag Nedeljkovic**, Executive director of **IDC**, briefly presented the history of the organisation and how they coordinate with international partners and networks, including the SOLIDAR network. He then focused on the activities that IDC carries out on the ground and the groups targeted by these activities, such as Roma people, people affected by poverty and social exclusion. In particular, he described some of the activities that were presented in the following day such as the **social enterprise FRIGOIRIS**, created by IDC and its partners, and the poverty reduction initiatives carried out by the enterprise. Miodrag Nedeljkovic also explained how IDC widely collaborates with local institutions to co-design and implement activities aimed at improving social inclusion of marginalised groups in Serbia. In conclusion of his introduction, Miodrag presented the agenda of the Study Visit and explained the logistical details for the following days.



Day 2 – Field visit to Novi Pazar:

During the second day of the Study Visit the delegation of SOLIDAR members moved to the city of Novi Pazar to learn more about the work done by IDC in that municipality and meeting IDC's local partners.



Once arrived in Novi Pazar, the first activity consisted of an exchange with local authorities and other partners that collaborate with IDC in different capacities in one of the municipality's premises. More specifically, the following actors participated in the discussion:

- **Fevzija Muric**, Member of City Council (health and social policies)
- **Samir Kacapor**, Director of SEDA, the regional development agency of Sandžak
- **Igor Kojcic**, representing IDC in Novi Pazar
- **Ismet Suljovic**, director of the Muslim CSO Mehamet

After introducing SOLIDAR network, Miodrag gave the floor to **Fevzija Muric** responsible for health and social policy, point of contact for IDC. The member of the city council gave an overview of the demographic, social and administrative context of the city, mentioning themes such as the outward migration of young people towards Western Europe, multiculturalism and civic participation. On this last point Fevzija Muric pointed out that civic participation in Serbia is overall low and that citizens express their views almost only through the elections. In order to encourage more **civic participation** and to improve living conditions of people in vulnerable situations, the municipality of Novi Pazar has strengthened cooperation with civil society over the years. The councillor noticed that civil society and local authorities can create a symbiotic dynamic where they reinforce each other by for instance sharing knowledge and know-how, as well as resources. Muric also mentioned an example of a good practice of collaboration among local actors: the municipal government, IDC, SEDA and Mehamed, were granted for three years in a row the funding from GIZ, the German development agency, for a project to support the participation of marginalised young people in the labour market thanks to their successful cooperation.

Among the groups in vulnerable situations that the municipality works with, the member of the city council mentioned refugees from Croatia and Kosovo, returnees originating mainly from Middle East and returned from Germany to Serbia, Roma population and NEETs. Besides social objectives, Novi Pazar's municipality is also very active on the topics of **environmental sustainability** and **cultural initiatives**. In fact, 7% of its budget is dedicated to financing cultural initiatives, versus 3% at national level. In general, in order to improve the transparency and participatory management of the budget, the municipality gave the residents the possibility to select the projects and policy areas to fund and makes the budget available on their website.

After his intervention, Fevzija Muric answered some questions coming from SOLIDAR's members and Secretariat about ways to involve civil society in the policy-making processes at local level and on the ethnic composition of local councils. Regarding the first point, he mentioned the different financial instruments that the municipality offers to civil society to finance their activities and build their capacity. Concerning the second point, he explained that local councils always include some members that are of Serbian origin and some who are of Bosnian origin, in order to mirror the ethnic composition of the population.

The director of the local development agency SEDA, **Samir Kacapor**, briefly summarised the history of the agency, founded in 2002 as agency for the development of SMEs and then transformed into its current form in 2009, following an invitation from the European Union. Through collaboration with UNDP, now 16 regional development agencies exist in Serbia, almost one in each region. They try to cover all the



needs of the population and adapt their programs accordingly. The director mentioned that at the moment important projects are being implemented on sexual and reproductive health and fight against cancer. He also explained that SEDA has recently started collaborating with IDC and Novi Pazar municipality. The type of support that SEDA provides consists in **small grants to support SMEs** but also provision of training for SMEs. For instance, thanks to the support of GIZ, the Austrian Ministry of social affairs and the Austrian Chamber of Labour, SEDA provides SMEs with mentorship, which increases the financial sustainability of the agency's actions in the long run. Specifically, thanks to the **mentoring** they receive, SMEs become independent for what concerns applying to grants and can sustain their work in the long term.

Ismet Suljovic, the director of the Muslim CSO Merhamet, introduced the organisation, which was founded 33 years ago and since 1992 welcomes and accommodates a lot of refugees coming from Bosnia. Suljovic remembers that in that period they were opening offices all around the region on a daily basis. Over 76000 refugees passed through this region in the 90s. In 1993 Merhamet opened a pharmacy and in 1995 some kitchens thanks to support of Swedish authorities. In 1995 Croatian refugees and in 1999 migrants from Kosovo were also given. In those years, Oxfam and the World Health Organisation were among the actors they collaborated with. Later on, they transformed their activities into **humanitarian interventions** and **cooperation and development**. They also supported internal migrants coming from rural areas to cities, as well as Roma people. For these last, Merhamet carried out several projects aimed at achieving their participation in formal education. In 2017 Merhamet started cooperating with IDC, which became their strategic partner. Ismet Suljovic observed that IDC's role is the of a connection point between local authorities, SEDA and CSOs. He also added that SEDA is more involved in projects linked with economic rights and SMEs, while Merhamet has a leading role in psychosocial projects. To conclude, Suljovic mentioned the FRIGOIRIS social enterprise and the cold storage that has been built in the framework of a project aimed at reducing poverty through social and economic empowerment of small agricultural producers, including women, from rural areas. This project was presented to the delegation in the afternoon.



After the discussion, the entire group moved to the offices of SEDA and had lunch together, keeping exchanging informally on their respective work and experience.

Eventually, the participants visited the site of the **cold storage** realised in the context of a project financed by the Austrian Development Agency and implemented by IDC in cooperation with the city of Novi Pazar, the Regional Development Agency of Sandžak - SEDA and the Merhamet, with the support of ASB Austria. The cold storage will be employed by local producers linked to the social enterprise FRIGORIS to preserve the raspberries – an expanding and profitable agricultural business they have converted to in the framework of the project – before selling them. At least 120 small agricultural producers, of which 20 are women, from the territory of Novi Pazar will be economically empowered thanks to capacity building provided by the social enterprise, by the provision of the cold storage that they can use for free, and by the ecosystem of producers and stakeholders enabled by FRIGOIRIS. IDC and its partners explained the technical details on the functions of the cold storage, the way producers can access the storage and gave details on the reason why raspberries were picked. On this last point they explained that the demand for raspberries has been growing exponentially in the last years and that Serbia is among the first producers of raspberries in the world. However, the production of raspberries has for long been limited to a Serbian region and not widespread in the whole country. By providing local producers with seeds, agricultural techniques and the cold storage the objective is to respond to the growing demand for this fruit by supporting local producers to enter the market and increase their profits. National experts on raspberries cultivation have contributed to build the capacity of local producers, as one of the objectives of the project is to use innovative techniques to maximise the productivity of the area and make the business sustainable in the long term.

The first day ended with the trip back to Belgrade and a dinner in Belgrade.

Day 3 – Exchange of examples of good practices on amicable methods of labour disputes resolution

The Roundtable

The third day of the Study Visit started with a roundtable called "Exchange of examples of good practices on amicable methods of labour disputes resolution", taking place in the Palace of Serbia. This roundtable took place as the final event of the project "[Joint endeavours of social partners to increase the visibility of the Institute of Peaceful Settlement of Labour Disputes](#)", funded by SOLIDAR Swedish member Olof Palme International Center (OPIC), and coordinated by our host member in Serbia IDC.

Danilo Milic, representative of OPIC, explained that OPIC, organization founded by the Swedish Union movement, has its heart set to contribute to chapters 2 and 19 of accession negotiations between the EU and Serbia, by giving recommendations, monitoring or helping socio-economic councils establish. It is under this mandate that the initiative on promoting amicable labour disputes resolution falls.

In his keynote speech, the State Secretary of labour in Serbia explained that PLDR is a feature of social dialogue that makes it possible to solve disputes without going through very long, exhausting and costly



judicial procedures. This is why the government is working on strengthening a normative framework to normalize PLDR.

In the first panel, speakers explored different case studies and perspectives on peace settlement of labour disputes. Mr. Ivica Lazovic, Director of Republic Agency for Peaceful settlement of labour disputes (the Agency), recounted the history and the competences of the institute, the first of its kind, and explained direct dialogue is central to the process. Not all outcomes from a peaceful settlement are binding, so for an efficient process it is essential that all parties come in good faith and willingness to comply with the resolution. The institute is only competent for arbitration and conciliation, not mediation, which could however be a welcome addition.

Mr. Zoran Ilic, Vice President of TUC Nezavisnost reiterated the idea that PLDR is essential to social dialogue and protection workers' interests, to avoid them the costs, stress and waste of time of going to court. He contended that another crucial element of social dialogue are collective agreements, more important than the law for Trade Unions.

A Representative of The Confederation of Autonomous Trade Unions in Serbia: voiced support for PLDR and its **institutionalisation**, noting that there are 3 times more cases in courts than in PLDR in Serbia. He made the case that peaceful resolution is closely linked to strikes, alerting that the right to strike is undermined by some companies' no-negotiation policies, as well as governmental announcements that they will pay for strike costs, effectively cancelling workers' bargaining power.

The panel finished with the intervention of Vesna Kovacevic Stankovic, Vice President of Trayal Corporation, representative of Serbian Association of Employers. She pointed out legal limitations to social dialogue are real: sometimes TUs are not representative. She also argued that not all disputes can be solved peacefully, as with cases of redundancy schemes in context of technological surplus of workers, that almost inevitably end up in front of courts.

Comments from the audience have raised some of the following issues:

- **The merit of introducing mediation in Serbia, as in a lot of cases, parties are ready to reconcile**
- **The need to write good law and not just solve things with collective agreements.**
- **There was a debate on the need to reaffirm the voluntary character of social dialogue and PLDR, where both parties should have the choice to engage or not.**
- **The need to reinforce cooperation between labour inspection and the Agency.**
- **The urgency of reforming the strike law in Serbia.**





In the second panel, **Milena Sosic, IDC** presented the results of the project. All Trade unions that have collaborated in the project, have recognised the benefits of peaceful settlement of labour dispute. Amongst other deliverables, they have produced a research, a comparison with the Swedish two-partite model of social dialogue, a course on initiating a PLDR procedure in Serbia, and several workshops. **The main recommendation stemming from the research is to monitor PLDR proceedings and to keep in mind that the majority of labour disputes concern money and wages, so mediation should be implemented.** In 2013, since the arbitration procedure is a court decision and therefore enforceable, it foresees the option to be rebutted, but the practice shows that even if one of the parties does not engage, it is possible to enforce the decision, which is in contrast with the principle of voluntariness. **The law on arbitration is not well defined and needs improving.**

Moving to showing examples from the membership of SOLIDAR, in the framework of the EaSI programme. Representatives working in the field of social rights.

Eneida Mjeshtri, General manager, Centre for Labour Rights, Albania:

There are many similarities between Serbia and Albania in terms of legal framework and labour standards, but also differences. In the Albanian systems there are 3 methods for amicable settlement: mediation, reconciliation and, last, arbitration. Eneida herself was one of the first mediators in Albania. Another difference with the Serbia system is that only collective labour disputes can be solved by PLDR in Albania, while individual ones have to be dealt in front of the labour authority or the court.

Trade Unions have an important role in initiating amicable processes. Mediation can lead to signing an enforceable collective agreement, or fail and lead to conciliation. In Albania, it is illegal for Trade Unions to strike without initiating a mediation process before. The **court of arbitration** comes third, after the two previous authorities. Eneida ended her speech by underlining that the role of Trade Unions is very weak in Albania, and though the labour disputes settlement model is certainly very modern and decentralised, very few labour disputes are recorded.

Lorenzo Fassina, Legal Affairs Office Coordinator, CGIL, Italy highlighted that the Italian constitution provides a solid legal basis for labour rights on which an equally solid legal system was built. The law



Statuto dei lavoratori (Statute of workers), from 1970, features a **provision that forbids any anti-trade union behaviour by the employer**. In the Italian system, there is traditionally a strong tendency to regulate disputes through judicial proceedings, due to the strength of the law, but this has been less so the case recently:

- **The number of court cases has decreased**, moving the disputes resolution to the conciliation level. TUs have a role either as conciliator or participant in the conciliation organ. Unfortunately, lately non-representative TUs have proliferated and caused a downward trend in workers' rights, by accepting agreements or settlements that are detrimental to working conditions.
- **Despite strong Trade Union opposition, a measure will be introduced according to which mediation and reconciliation are assisted exclusively by lawyers**. Lorenzo warns that **the TUs are being marginalized in these processes**.

At the end of the day, **CGIL and the other main TUs confederation believe that judicial resolution remains the best way to solve controversies**. Amicable procedures can be explored, but they need to be clearly defined.

Carlos Roldán, replacing Susana Bravo, Barrister, ISCOD-UGT:

Susana Bravo wanted to mention that back in the 1990s, social partners in Spain, where there is double representation, had to solve their disputes through judicial procedures. Then, amicable resolution was initiated, in 5 regions first (amongst which Catalonia, Andalusia, Canarias) and then applied at national level. The dispute is hard to solve in front of a judge, this is why arbitration and mediation are needed.

Mediators and arbitrators are selected by the social partners from official lists. **In Spain the vast majority of cases are solved through mediation rather than arbitration**, with 99.3% of the 424 cases in 2020 being mediation. Mediation consists in 1-2 mediators chosen by the parties, who propose a solution that can be freely accepted or rejected.

The conclusions to this conference were the following:

- **Change of the law and institutionalisation** of the PLDR in Serbia seems to be the way to go, albeit not an easy way. The lack of capacity of the Agency can be a problem.
- Social dialogue is composed also by the amicable dispute resolution, but while in the Serbian context everyone seemed to agree on the need to strengthen it, a divergent opinion came from the Italian Trade Union CGIL, that believes a judicial procedure is the best way to protect workers' interests.
- Everyone agreed that the right to strike must be protected and enforced.

Exchange with officials

In the afternoon of 8th July, the SOLIDAR delegation had the opportunity to exchange with two representatives from the Ministry of Welfare and Social Inclusion in Serbia.





Mesna Mirošević, in charge of normative regulation for social welfare, and Ana Vocirović, chief of inspectorate department for social protection, explained the functioning of the welfare system, that is divided in two levels: the national, and the local. At national level, the State provides services guaranteed by the Constitution, typically social benefits, to people unable to work and with no other means of income, the unemployed, the disabled in need of personal assistance, and assistance provided to children with disabilities or asylum-seekers. Rights are exercised within welfare if it's not possible to exercise them through other frameworks, such as the pensions one. Local governments' operations are funded by the State, in the field of assessment and planning, daily services (care centers, shelters), support for autonomy, social housing, and personal assistance.

The officials mentioned a new strategy on social protection is in the pipeline, together with a law on de-institutionalization of long-term care approved recently, based on good results with orphans and disabled children.

The Q&A session focused on the **involvement of civil society** in the design, implementation and monitoring of social and welfare policies, inter-ministerial coordination, or **inclusion of people with disabilities**. That latter topic was the occasion of a comparison between the different countries represented in the meeting. Finally, to the question of whether there are specific schemes for the inclusion of Roma, ethnic minorities, or migrants, or whether they are treated in the mainstream welfare system, the answer was the latter. Only for unaccompanied minors there are separate programmes. The Ministry representatives observed that in any case most migrants in Serbia are only transiting, not staying. They concluded the exchange by highlighting Roma people are entitled to the same rights as the other citizens, therefore it would be discrimination to treat them in a separate framework.

Evaluation

Finally, to conclude the Study Visit, the SOLIDAR delegation had a moment to evaluate the activity. The main takeaways were the following:





- The topic of social enterprises is very interesting for MPDL, they themselves have some similar projects, in Melilla with women sewing.
- For CGIL, it was good to see the Trade Unions have the same problems in different countries, and SOLIDAR is a useful platform to discuss this and cooperate.
- For IDC - the hosts, too, they could really see SOLIDAR's added value in the context of the conference, which what was supposed to be just between Serbian partners and with a Serbian focus, and SOLIDAR was able to bring an international perspective.
- For all, it was nice to see the cooperation of IDC also with the institutions at various levels.

