

# SUPPORTING BUSINESS

EACH CLIENT HAS ITS OWN PREFERENCES, NEEDS AND EXPECTATIONS. WE ARE HERE TO ADJUST TO THEM AND SUPPORT THE CLIENT'S BUSINESS.

## INFO-LETAK br. 04/2017

### Po mišljenju ministarstva nadležnog za poslove rada poslodavac može ponovo da uvede preraspodelu radnog vremena u toku jedne kalendarske godine

U skladu sa članom 57. Zakona o radu („Zakon“) Poslodavac može da izvrši preraspodelu radnog vremena kada to (1) zahteva priroda delatnosti, (2) organizacija rada, (3) bolje korišćenje sredstava rada, (4) racionalnije korišćenje radnog vremena i (4) izvršenje određenog posla u utvrđenim rokovima.

Pritom, u skladu sa Zakonom preraspodela radnog vremena vrši se tako da ukupno radno vreme zaposlenog *u periodu od šest meseci u toku kalendarske godine u proseku ne bude duže od ugovorenog radnog vremena zaposlenog.*

Jedno od osnovnih pitanja koje se u praksi postavlja u vezi sa preraspodelom radnog vremena jeste pitanje mogućnosti uvođenja nove preraspodele radnog vremena u slučaju kada je poslodavac već imao preraspodelu radnog vremena u prvih šest meseci u jednoj kalendarskoj godini, a iz razloga nejasnosti same formulacije ove odredbe Zakona (šest meseci u toku kalendarske godine).

U tom pogledu Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja, Sektor za rad („Ministarstvo“) je u svom službenom mišljenju br. 011-00-20/2015-02 zauzelo stav da, ukoliko su ispunjeni uslovi za preraspodelu radnog vremena, nema smetnji da poslodavac koji je uveo preraspodelu radnog vremena za prvih šest meseci u toku kalendarske godine ponovo uvede preraspodelu radnog vremena u narednih šest meseci.

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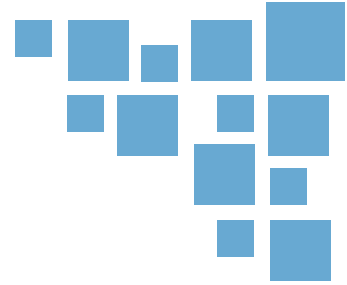
### In accordance with the opinion of the ministry responsible for the labour affairs employer may reintroduce the redistribution of working hours during one calendar year

In accordance with the Article 57 of the Labour Law (“Law”) the employer may reschedule the working hours of the employees if so required by the (1) nature of the activity, (2) organization of work, (2) better utilization of means of work, (3) more rationalized use of working hours, and (4) execution of a specific job within the set time limits.

Thereby, in accordance with the Law the redistribution of working hours shall be done in a manner ensuring that total working hours of an employee *in a period of six months during one calendar year does not exceed the average contracted working hours of the employee.*

One of main questions that appears in practice concerning the redistribution of working hours is the possibility of introducing a new redistribution of working hours in case where the employer has already had a redistribution of working hours in the first six months of a calendar year, for the reasons of unclarity of this provision of the Law (six months during a calendar year).

In that regard, the Ministry of Labour, Employment, Veteran and Social Affairs, the Department of Labor (“Ministry”) issued an official opinion no. 011-00-20/2015-02 in which it takes stance that, if the conditions for the redistribution of working hours are fulfilled, there are no barriers to the employer, who introduced the redistribution of working hours for the first six months during a calendar year, to reintroduce the redistribution of working hours in the next six months.



Na ovaj način Ministarstvo je otklonilo nedoumice u vezi sa tumačenjem člana 57. stav 2. Zakona, iako mišljenja Ministarstva nisu obavezujuća za sud u slučaju spora.

In this way, Ministry removed the doubt about the interpretation of the Article 57, paragraph 2 of the Law, although the opinions of the Ministry are not binding for the court in case of court dispute.

**Za više informacija o ovome kontaktirati**



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