

Labor Code (Official Gazette of the Republic of Serbia No 24/05, 61/05 and 54/09)

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Article 18

Both direct and indirect discriminations are prohibited against persons seeking employment and employees in respect to their sex, origin, language, race, color of skin, age, pregnancy, health status or disability, nationality, religion, marital status, familial commitments, sexual orientation, political or other belief, social background, financial status, membership in political organizations, trade unions or any other personal quality.

Article 19

Direct discrimination, pursuant to this law, shall be any action caused by some of the grounds referred to in Article 18 of this law that puts a person seeking employment or employee in a less favorable situation than other persons in the same or similar situation.

Indirect discrimination, pursuant to this law, shall be recognized, in case an apparently neutral provision, criterion or practice puts or would put a person seeking employment or employee in a less favorable situation than other persons, due to a certain quality, status, belief or position of such person referred to in Article 18 of this law.

Article 20

Discrimination referred to in Article 18 of this law shall be prohibited in relation to:

- 1) employment conditions and selection of candidates for a certain job;
- 2) working conditions and all rights resulting from the labor relationship;
- 3) education, training and advanced training;
- 4) promotion at work;
- 5) termination of the labor contract.

Provisions of the labor contract establishing discrimination pursuant to some of the grounds referred to in Article 18 of this law shall be null and void.

Article 21

Harassment and sexual harassment are prohibited.

Harassment, pursuant to this law, is any unwanted behavior resulting from some of the grounds referred to in Article 18 of this law aimed at or representing violation of dignity of a person seeking employment or employee, causing fear or breeding adverse, humiliating or insulting environment.

Sexual harassment, pursuant to this law, is any verbal, non-verbal or physical behavior aimed at or representing violation of dignity of a person seeking employment or employee in the area of sexual life, causing fear or breeding adverse, humiliating or insulting environment.

Article 22

Differentiation, exclusion or prioritization for a certain job shall not be considered discriminating when the nature of the work is such or the work is done under such circumstances that qualities relating to some of the grounds referred to in Article 18 of this law represent the true and decisive requirement for performance of such job, and that the purpose aimed at is justified. Provisions of this law, general document and the labor contract relating to special protection and assistance to certain categories of employees, particularly those relating to protection of disabled persons, women on maternity leave and absence from work for childcare, special childcare and provisions relating to special rights of parents, adoptive parents, guardians and foster parents – shall not be interpreted as discrimination.

Article 23

In cases of discrimination pursuant to provisions of Articles 18 - 21 of this law person seeking employment or employee may file for compensation of damages before the competent court, pursuant to the law.