IMPLEMENTATION OF THE EUROPEAN UNION DIRECTIVES ON PROFESSIONAL LABOR RELATIONS AT THE NATIONAL LEVEL

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Abstract
European Union represents a supranational creation based on respect for basic human rights, prohibition of all forms of discrimination and promotion of tolerance. Its main legislative institutions, the Council of Ministers, Parliament and Commission seek to harmonize Member State's legislation by adopting directives, the instruments which at the same time represent a guarantee of respect for a wide range of rights enjoyed by Union's citizens. Bearing in mind the fact that the Republic of Serbia is in the process of harmonization of its national legislation with acquis communautaire, as well as the importance of working and labor relations for the proper functioning of market and entire economy, this paper will explore the question of the impact of directives on domestic legislation and evaluations of achieved results. The paper defines the issues of temporary agency recruitment, working conditions, protection of workers on the job, collective dismissals, bankruptcy and transfers of enterprises. These are the areas in which the Republic of Serbia has largely adapted its national regulations to the provisions of European Union (EU) directives.

Key words: *Acquis communautaire, Republic of Serbia, Labor law, harmonization, employees, employers*

1. Introduction

At the same time as the beginning of the first enlargement in 1973 and the accession of United Kingdom, Denmark and Ireland to the then European Economic Community (EEC), the rules under which future enlargements must take place were developed. The process of accession to the

European Union is of long standing and depends on both sides, the candidate country and the current situation in which the Union is situated. Unfortunately, practice shows that accession process necessarily entails continued adoption of legal regulations, which implies that the states that are now intending to become full members are facing a far greater challenge than those who completed the same work in the 1980s or 1990s. The 1993 Copenhagen Summit set out the accession criteria that all candidate countries must meet in order to become part of the European Union. Economic criteria imply that the candidate country must have a market-oriented economy within which there is a free competition between economic entities. Political criteria relate to the protection of human rights and fundamental freedoms, loyalty to democratic values, as well as the existence of stable and independent institutions which are guarantee for ensuring justice and rightness. The next criteria are the work of the European Council, the most important institution of the European Union, and they can also be treated as a kind of protection of so far achieved development within the framework of European integration. They envisage the ability of the European Union to accept a particular country, but at the same time not to compromise its own development potential. Certainly, the most important criterion is the *acquis communautaire*, which, as the name indicates, refers to the legal acts on which the European Union is based, implying the state's ability to implement communitarian regulations into its own national legislation and duly fulfill the obligations that membership imposes. The requirements that the Union places on the countries which are in the process of negotiating for membership are very specific and related to the conditions which the latter must fulfill before accession, though European leaders are fully committed to preparing candidate countries for membership (Yeşilada, 2007, p. 4). During the accession negotiations, candidate countries must show by practical example that they have aligned their domestic legislation with communitarian law. The latter represents a consolidated set of laws, rules and regulations which are the result of work of European Parliament, European Commission and Council of Ministers, as the main legislative institutions of the European Union. Therefore, potential Member States must harmonize their national rules with European Union law, while removing from domestic law all regulations that are contrary to the latter. Also, after acquiring full membership, Member State cannot adopt legal acts that would challenge the effectiveness of communal regulations in its territory or seek to eliminate them. This ensures the uniform application of communal norms throughout the European Union, which is primarily aimed at facilitating the smooth flow of people, goods, capital and services. The European Union, through its legislative institutions, adopts acts affecting the laws of Member States, which may be of binding and non-binding force. Regulations, directives and decisions are binding, so Member

States must apply them, while non-binding acts include recommendations and opinions.[1]

2. European labor law – General characteristics and importance

The founding of the European Coal and Steel Community (ECSC) in the early 1950s was marked by the simultaneous creation of a new legal system, the communitarian law, now known as European Union law, following the outgrowth of the Community into Union in 1992 (Gasmi, 2010, p. 142). The Union has its own legal system that represents a very early doctrine established by the European Court of Justice, which already in the early 1960s, in the famous Costa vs ENEL case, found that, unlike ordinary international treaties, the Treaty on European Economic Community (EEC) had created its own legal system, which entered into force as an integral part of the Member States legal systems whose courts are obliged to apply it (Czuczai, 2012, p. 2). In 2016, the *acquis communautaire* is a very large corpus of legal acts, which actually testifies best to the independence of the legal order of European Union. Phelan notes that the European Union legal system has proven to be extremely efficient, intrusive and innovative comparing to other systems for dispute resolution that are based on contracts (Phelan, 2017, pp. 935-957). Given the fact that legislative acts at the Union level are adopted primarily for the sake of successful functioning of the Union, while always striving to allow Member States to preserve their national prerogatives to all possible extent, directives certainly represent the most effective way of aligning domestic rules with communal. Taken as a whole, the *acquis communautaire* reflects the best the application of the law itself, and also points to specific legislation, which obliges all Member States to comply with the provisions laid down in European acts, regardless of whether we are talking about treaties, directives, resolutions or conventions (Totić, 2016, pp. 111-128). Christopher Vajda, a judge at the European Court

[1]Individually observed, regulations have the strongest legal force, as they must be fully implemented by the Member States and in the prescribed manner, implying that the European Union by adopting them seeks to unify Member States legal systems. On the other hand, directives are also binding legal acts that set the objective to be achieved, but do not explicitly prescribe the way in which this has to be done. Therefore, Member States have the option of free choice. For just this reason, from the point of view of the Member States, directives are far more popular legal acts than regulations. Decisions are binding acts for those countries to which they are addressed and define target groups to which they apply, as well as those obliged to implement them. Recommendations and opinions are not binding legal acts. Recommendations are made when a party is called upon to act in an established manner, in accordance with the position of European Union institutions, which also adopt opinions, legal acts seeking to assess a particular situation or event at the level of a particular Member State. See more: Vukadinović, R. (2006), Introduction to the Institutions and Law of the European Union, Faculty of Law in Kragujevac, Kragujevac, p. 135.

of Justice, believes that the autonomy of European Union law can be divided into three parts:

> 1) Normative autonomy - This refers to the idea that European Union law is normatively independent of domestic and international law. It also requires a normative force that is independent of domestic legal order, while its validity has no origin in national legal systems.
> 2) Institutional autonomy - The Treaties on the European Union provide the allocation of defined responsibilities, such as the delimitation of respective areas of competence of the Union and Member States. The autonomy of the Union legal order implies that such distribution or balance must be respected.
> 3) Jurisdictional autonomy - This sense of autonomy is the principle that the European Court of Justice has exclusive jurisdiction over the definitive interpretation of European Union law. The corollary of this is that the European Court of Justice be in a position to exercise that exclusive jurisdiction, which means that the question of European Union law must fall within the jurisdiction of a national court which can request a preliminary ruling to the European Court of Justice under Article 267 TFEU (Vajda, 2010, p. 23).

Interestingly, the first laws passed in the late 1950s by the then-formed EEC had no application to employment. The primary objective of European officials in that time was to establish a common market where the then six Member States would cooperate as successfully as possible in the area of overall economy, not just in the coal and steel production sector. However, the process of the creation of a common market did not proceed smoothly and according to the ideas of its creators, the next decade was a period marked by social problems that occurred in the Community. The consequences were devastating for the Member States economies, while unemployment rates became extremely high. An adequate response followed with the European leaders Summit in Paris in 1972, when the European Commission was given a task to draw up a Social Action Program (SAP). The document, adopted by the Council of Ministers two years after the Summit, envisaged measures to improve living and working conditions, maximize employment and actively involve management and workforce in the decision-making process that had economic and social implications across the Community. The SAP quickly gave results, primarily in the field of equal rights between men and women in relation to work and employment including equal pay for men and women and their equal treatment in terms of access to employment, vocational training, promotion and working conditions. Currently, the European Employment Services (EURES) operates at the Union level, as a network that facilitates the free movement of workers within the European Union Member States and Switzerland, Iceland, Liechtenstein and Norway (Pojmovnik EU, 2018).

The communal labor law regulations from today's perspective, can be seen as providing a wide range of rights for the European Union citizens. Given the fact that there are over two hundred million workers in the territory of the Union, it is quite certain that European labor legislation is a system that ensures the social, political and any other stability of the Member States. In doing so, communitarian regulations regulate not only the rights and responsibilities of workers, but also employers, who are traditionally a more powerful party in employment relations. The importance of communitarian labor law regulations can best be seen by considering the model of functioning of the European Union market and the fact that its existence is based on togetherness, unity and prosperity. Member States economic integration implies the freedom of movement of workers and their right to work outside national borders throughout the Union. The term 'worker' is most commonly defined in European labor law as any person who is a national of a Member State and who is hired or may be hired for or under the control of another person (Charlesworth, Cullen, 2001, p. 246). Therefore, it is essentially determined by the criteria that shows whether a national of one Member State in the territory of another carries out actual and effective activity under the supervision of another person for remuneration (Etinski, Đajić et al, 2010, p.125). As the Union is based on market-oriented economy and free competition, its economic entities enjoy benefits of marketing goods and services to more than five hundred million consumers, which means that within the common market they have a far greater number of potential customers. Consequently, consumers, as the users of services, can choose the highest quality products at affordable prices, since the supply of goods is far higher due to increased competition. It should also be noted that European labor law should be distinguished from non-communitarian labor law contained in documents adopted by the Council of Europe, which includes the Convention on the Protection of Human Rights and Fundamental Freedoms from 1950, the European Social Charter from 1961 and revised European Social Charter from 1996, as well as the highly important European Convention on Social Security from 1972. On the other hand, European labor law is the result of the work of European Union institutions. The adopted acts encompass the legal norms governing individual and collective labor relations within the Union territory. Currently, the most important challenge that the European Union is facing in the regulation of employment is adjusting its own to the international labor standards prescribed by International Labor Organization (ILO), as the Union is economically more progressive than many countries which are members of the latter, since modern labor law in Europe is rooted in the liberal and capitalist traditions of industrialized countries (Weiss, 2010, p. 6).

Regarding the sources of European Union labor law, these logically use the same divisions as all acts adopted by Union institutions, primary and secondary sources. The primary sources are the founding treaties on which the former Communities were and the present-day Union is based. In addition,

two Charters should be mentioned as sources of law relevant to the field of labor relations and social security: The Community Charter of Fundamental Rights for Workers, adopted by the European Parliament in 1989 and the Charter of Fundamental Rights in the European Union, adopted in Nice in 2000 and signed by representatives of the European Parliament, Council and Commission (Obradović, Jevtić, 2008, p. 64). The latter includes provisions which are at the heart of labor law and industrial relations in Europe (Bercusson, 2008, p. 7). On the other hand, there are a number of secondary acts as a source of labor law, of which the most important are regulations and directives, which, as well as decisions, have binding legal force. However, in line with the structure of the sources of European Union law, recommendations and opinions in the field of labor and labor relations have non-binding legal force, and labor regulations of non-binding legal force at the communal level may also be made in the form of guidelines, resolutions, action plans. European labor law, since it represents only one segment of European Union law, derives its basic principles from the latter. The basic principles of European Union labor law are the principle of direct application and direct effect, the principle of free movement of workers, the principle of subsidiarity, the principle of superiority, the principle of prohibition of discrimination in the field of work, as well as the principle of tripartism[2]. These principles are defined in Council of Europe documents, in the founding treaties of the EU, but they were complemented by the creative interpretation of the European Court of Human Rights and the European Court of Justice (Jovanović, 2015, p. 119).

3. Compliance of Republic of Serbia labor regulations with European labor standards

3.1. General view

The Republic of Serbia has been harmonizing its legislation with European Union *acquis communautaire* since 2004. It has had status of a candidate country for membership since 2012, while accession negotiations started in January 2014 (Culkin, Simmons, 2018, p. 32). For current and future negotiating states, an aggravating circumstance is that in the last decade European Union law has experienced the largest expansion in terms of adoption of legal regulations (Totić, 2018, pp. 21-39). However, in terms of

[2]Tripartism is a concept based on tripartite contracts between government of a country, employer's organizations and trade unions that suppose to act as a social partners in order to create economic policy through negotiation, compromise and cooperation. It became popular as a form of economic policy during the 1930s economic crisis. Also, the International Labour Organization (ILO) is the only United Nations agency that is based on tripartism.

labor law, from the very establishment of the EEC, regulations have been adopted to guarantee minimum protection for workers. Initially, regulations regulated the technical protection at work, while later secondary sources, the first directives governing social protection at work were enacted (Brković, 2005, pp. 26-42) In the Republic of Serbia, the Labor Law of 2005 that replaced the previous one of the same name adopted four years earlier, is currently in force in the field of labor regulation. The *ratio legis* of this Law is based on the need to find a productive balance between labor and capital, as well as to equally protect the reasonable interests of employees, business community and state (Bojović, Nikolić, 2019, p. 32). Since communitarian labor regulations have changed over time, new and more up-to-date regulations are also needed at national level. The changes were done primarily because European legislators wanted to adopt more modern legal solutions, while enacting regulations aimed at ensuring the fullest protection of rights of workers and unemployed persons. For this reason, the aforementioned Labor law of the Republic of Serbia had to undergo the necessary changes. In this way certain domestic regulations in the field of labor relations were largely harmonized with the communitarian ones. Changes were made in 2014, but the process itself was accompanied by extremely high resistance and controversy. While the critics saw these changes as a major step backwards, the advocates on the other side claimed that it was the first reform Law which prepares the ground for exit from crisis and represents a path towards more successful employment (Jašarević, 2014, pp. 153-169). From today's perspective, it can be seen that changes had good and bad consequences. However, the prevailing opinion is that the 2005 Republic of Serbia Labor Law enabled the adoption of certain solutions that have adapted the field of work and employment relations to the modern world of business, characterized by globalization and general computerization of society. Since the main promoters of globalization processes are multinational companies whose main interest is profit, protecting the rights of workers must be an important element of the law on a national level. It is just in this area that critics of the adopted 2014 legislative solutions find their arguments. No country, and not even the Republic of Serbia, in such a mix of international circumstances that imply a greater and more intense connection on the global plane, can be a *sui generis* case but it must adapt to developments on the world stage. Thus, it should be mentioned that particular attention must be paid on the fact that the mere copying of communal regulations is not a good solution, and that the experts in the field of labor and labor relations must be engaged in the development of new legal solutions.

4. Temporary agency work

The situation in the Republic of Serbia is particularly interesting regarding the regulation of employee engagement through temporary agencies, as a consequence of modern business flows characterized by tentative work. The Republic of Serbia for the first time since the Second

World War, in the 2003 Law on Employment and Insurance in Case of Unemployment, regulated the establishment of private employment agencies, prescribing who can be the founder, what kind of jobs agencies can be granted, how to obtain a working permission and its validity and revocation, as well as taking exams for work in jobs employment and cooperation between National Employment Service and private employment agencies (Brković, 2015, pp. 1392-1397). The business of temporary employment agencies is regulated through the European Union on a communitarian basis. The International Labor Organization (ILO) regulated this specific area in the Convention on Private Employment Agencies, No. 181 in 1997, while the same matter in the territory of the European Union is treated by Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work. The issue of temporary employment agencies became relevant precisely during the amendments to the Labor Law of the Republic of Serbia in 2005, since the practice had been shown to have both good and bad sides. Proponents of the negative sides of agency recruitment were particularly loud, arguing that such hiring is extremely negative, because it puts workers at a disadvantage in terms of unsteady working arrangements or performing difficult jobs without adequate financial reward. Such an argument can be accepted on the one hand, but it must be borne in mind that certain countries, such as the Netherlands, have a decades-long tradition of temporary agency recruitment. Of course, there is a need in the Republic of Serbia for a clear and precise definition of the involvement of workers through these employment agencies. Such a definition is presented as an obligation in the 2008 Directive, and which is therefore incorporated into the legislation of all Member States. Directive defines the term ‘’temporary employment agency’’ as any natural or legal person who, in accordance with national law, concludes an employment contract or employment relationship with workers employed by a temporary employment company for the purpose of assigning it to a beneficiary company for a limited period of time under its supervision and leadership. The Directive also defines the term "assignment" as the period of time during which a worker employed by a temporary employment company is assigned to a company for a fixed-term work under its supervision and direction. Republic of Serbia has already fulfilled one of its commitments in this specific field, having ratified the Convention on Private Employment Agencies. In 2019, the Serbian government adopted the Draft Law on Agency Employment. It allows employers to hire workers through agencies if the workers are employed at the agency for an indefinite period of time. Also, if adopted, the future Agency Employment Law will provide the worker’s right to be subcontracted to an employer through a temporary employment agency, if they have a fixed-term or permanent contract with the agency.

5. Other harmonized areas

Modern technologies have inevitably led to the modification of employment understood in the traditional way, in the sense that the 21st century has introduced new, atypical forms of employment. Working outside the employer's premises certainly does not represent a novelty[3], but the 2005 legal solution introduced certain innovations in the field of its regulation. Amendments to the Labor law which were implemented in 2014, defined distance work, while the legislature found inspiration in the Framework Agreement on Telework, adopted in 2001. This provides that distant employees enjoy the same type of protection guaranteed to all employees. The main intention was to define a general framework for the use of telecommunications in a way that meets the interests of employers and workers. Thus, the Agreement identifies key areas requiring adaptation or special attention in the case of work outside the premises of the employer, such as data protection, privacy, health and safety, work organization, and training course.[4] Distance work is specific because it represents the engagement of a special type of workers, external, because these workers have a high degree of independence when performing their work tasks, which is best manifested by the free choice of working hours and place. Therefore, the present amended Article 42 of the Labor Law stipulates that employment may be based on carrying out work outside the premises of the employer, which includes work from home and distance work, as well as the content of employment contract concluded on that occasion. Such a contract must include the followings:

1) working hours according to the norms of work;
2) way of supervising the job and quality of employee's work;
3) employer's obligation to provide, install and maintain the means of labor for carrying out the tasks;
4) use and utilization of work funds by an employee and compensation for their use;
5) compensation of other labor costs and method of their determination. (Labor Law of the Republic of Serbia, 2018)

[3]Working outside the premises of the employer is directly related to the terms of flexibility and flexicurity of the labor market. The International Labor Organization (ILO) envisaged this type of employee engagement in 1996 by adopting Convention no. 177 and Recommendation no. 184 on work at home, which Republic of Serbia (then as part of the Federal Republic of Yugoslavia) did not accept.

[4]Implementation of the European Framework Agreement on Telework, Report by the European Social Partners, Adopted by the Social Dialogue Committee, UNICE, September 2006.

During the historical development of labor and labor relations, questions of productivity and humanization of labor had been continually asked. It seems that much has been done in the field of humanizing the working process, especially considering the categories of persons that receive special protection at work, regulation of working time in relation to other stages of social development, and the issues of vacations, earnings. However, it must be added that currently the fact that labor productivity and multiplication of capital are a very strong personal interest of the employer and may be the basic motive for establishing working relations with employees. Accordingly, as soon as there is no expected productivity, the employer has a legitimate right to change the relationship and combination of factors of production (Jovanović, 2009, pp. 47-57), which often leads to redundancies. At European Union level the European Globalization Adjustment Fund (EGF) represents a financial support for unemployed persons. Unemployment is most often manifested as a consequence of global economic crises. The Fund is a very effective financial support for workers who have lost their jobs due to the devastating effects of globalization flows. Also, unemployed persons have the possibility of re-employment within a very short period of time after being declared redundant by their previous employers, due to the termination of the existence of a certain multinational company in which they worked or in the case of relocation to a non-EU country. For the period 2014-2020, an annual amount of around 150 million euros is foreseen, which is and will be invested in programs for the retraining of workers or for the purpose of seeking new employment. Also, the issue of redundancies is governed by Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies, which was in fact a response to the decision of AKZO, a Dutch-German multinational company, to declare redundant five thousand workers as a result of implementing a restructuring program. The company calculated the cost of fired workers in states where it had branches and decided to release workers in the state where the costs were the highest (Bernard, 2006, p. 672). The future activities of the European Union main legislative institutions seem to be going in the direction of preventing similar cases. Consequently, the Republic of Serbia has made changes to its labor legislation requiring an employer's to adopt a program for dealing with redundancies. In accordance with the Law, an employer may declare employees redundant in the event of technological, economic or organizational changes, but is obliged to take appropriate measures for new employment of redundant employees prior to the adoption of that program in cooperation with the representative trade union and republican organization responsible for employment. Also, the employer is obliged to submit the proposal of program to the union and republican organization competent for employment, within eight days from the date of establishment of the program proposal. The union is obliged to submit an opinion on the program proposal within 15 days from the date of its submission, while the republican organization responsible for employment is

obliged to submit to the employer a proposal of measures aimed at preventing or minimizing the number of terminations of employment contracts. If necessary, the latter is obliged to provide conditions for re-qualification, additional qualification, self-employment and other indispensable measures for new employment of workers who have been declared redundant.

Since its inception, the European Union has continuously encouraged respect for democratic principles and prohibition of all forms of discrimination, which has had an impact on protection within labor and employment. The amendments to the Labor Law of 2014 are the result of adoption of Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. From a historical point of view, the very aim of forming the European Communities was the respect of the principles of freedom, democracy and fundamental human rights, while guaranteeing the rule of law. First of all, it is the principle of equality, reflected in the equal status of men and women, which was particularly emphasized in Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. For example, the principle that men and women must have the same pay was enshrined in the Treaty establishing the European Economic Community (Kalamatiev, 2009, pp. 123-139). Specifically, Articles 18-23 of the Labor Law of the Republic of Serbia regulate the issue of prohibition of discrimination, which may arise in relation to employment conditions and in selection of candidates for certain jobs, working conditions, education, training or promotion at work, as well as in the event of termination of a contract. Indirect and direct discrimination, as well as any form of harassment are expressly prohibited. Article 23 of the Law provides that if, during the proceedings, the prosecutor makes it probable that discrimination has been committed, the burden of proof is on defendant, who must prove that there was no conduct which constitutes discrimination. Also, the prosecutor has the possibility of initiating proceedings for compensation of damage, although European practice shows that it is very difficult to prove the allegations of discrimination in court, which can be attributed to the fear of other employees from employer’s retaliation in case of confirmation of prosecutor's allegations in the proceedings.

The area of employee’s rights in the event of a change of employer has been modernized through compliance primarily with Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employee’s rights in the event of transfers of undertakings, businesses or parts of businesses. The reason for adopting this Directive was to protect the rights of workers in the case of a transfer of undertaking, business or part of undertaking to another employer, which is the result of a legal transfer or merger, while the main objective of its adoption was the harmonization of the laws of Member States by covering the issue of transfer of undertakings. Directive was a very effective solution for

the continued employment of workers at a new employer, whereby employees will not be disadvantaged in the event of a company transfer. Just over two decades later, two new Directives were adopted (in 1998 and 2001). The former was adopted in order to codify the case law of the European Court of Justice in this specific area, while the latter was adopted in the interest of clarifying the matter, however, time has shown that it has not substantially altered the text and interpretation of the 1977 Directive. Labor law articles 147-154 regulate the case of an employer change, or a status change, where the successor employer takes over from the predecessor employer the general act and all employment contracts in force on the day of the employer shift. The law explicitly prescribes the obligation of the employer predecessor to notify in writing the employee whose employment contract is being transferred on transferring it to the successor employer. If the employee refuses to transfer the employment contract or fails to state within a specified period (5 working days) from the date of notification, the employer may terminate his / her employment contract. The law imposes a strict obligation on the employer predecessor and successor who are obliged, at least 15 days before the change of employer, to inform the representative trade union[5], *inter alia*, about the reasons that led to the change of employer, the legal, economic and social consequences of such change and its impact on the position of employees.

6. Conclusion

The Republic of Serbia adopted the last Labor Law in 2005, however, life circumstances impose a need for continuous harmonization of legal norms with labor standards that are generally accepted in the European Union. Notwithstanding the lengthy process of aligning national legislation with the *acquis communautaire* and the date of obtaining the status of full member, all candidate countries have an obligation to harmonize domestic regulations. Considering the fact that globalization flows have completely changed the traditional understanding of almost all spheres of society, new ideas of employment relations have also been established. These new ideas are being worked out in the context of working hours, working places or other characteristics that, due to the general computerization of society, have imposed new forms of work, whose existence necessarily requires normative

[5] As for the trade unions, in most European countries they are not authorized to, or simply do not, represent specific categories of workers (who are not employees). However, in most European countries specific categories of workers, such as freelancers, certain categories of self-employed persons and economically dependent workers are only represented to a minimum extent, if at all. See more: Regulating the employment relationship in Europe: A guide to Recommendation No. 198, International Labor Office, European Labour Law Network (ELLN), Geneva, March 2013, p. 9.

action, both at national, or at a wider, regional or international level. Given that the Republic of Serbia is in the process of accession to the European Union, the adoption of communitarian regulations is a necessity, as the current Members States have gone the same way. Among the majority of experts dealing with labor law issues, the prevailing view is that the adoption of communal regulations is a good practice, since the normative activities of European Union institutions are always geared towards reconciling with social circumstances in which Europe is at that moment or towards which it strives.

The amendments to the Republic of Serbia Labor Law, which were implemented in 2014, represent a step forward towards European integration. Of course, the legislation can always be objected to as having certain shortcomings, but currently, when the globalization flows are on the rise, there is no way for one country to remain completely isolated if it wants to prosper economically and in any other aspect. However, it should be emphasized that the issue of harmonization of regulations must be treated thoroughly and with full respect for existing national characteristics, whenever possible. It is just in this area that directives, as binding legal acts resulting primarily from the work of the European Commission, Parliament and Council of Ministers, come to the fore, since their adoption seeks to harmonize regulations in a way that is far more favorable regarding the way of incorporation into the Member States national legislations. On its path towards European integration, the Republic of Serbia can use the examples of other countries that are now full members of the European Union. These countries can teach some good lessons, in the area of labor law harmonization, as well as in other areas. Undoubtedly, the steps that have been taken so far are not sufficient, because in certain circumstances they are an expression of political will or of other, special interests. The protection of worker's rights in the Republic of Serbia remains an open question, as it unfortunately represents a field in which we are far behind the developed countries of Western Europe. The regulation of work in the private sector, protection of maternity workers or the protection of employees in construction industry are just some of the burning issues that have not been resolved for almost three decades. There are certainly useful examples from both European and world practice, but it is necessary to find the right way to apply effective models at the national level.

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