

Marina Pantelić (University of Belgrade, Faculty of Political Sciences)

April 2024

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*porodiljsko odsustvo*) (responsibility of the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Family Welfare and Demography)

Length of leave (before and after birth)

- Four months: 28 calendar days before the birth and 3 months after the birth.
- It is obligatory to take 28 calendar days before the expected date of delivery.
- After Maternity leave, mothers can access a supplemental leave (*odsustvo sa rada radi nege deteta*, 'child care leave') of 8.2 months per family for the first- and second-born child (see 'variation in leave' section below for multiple births and third or higher-order births); this leave starts immediately after the end of Maternity leave and lasts until the expiration of 365 calendar days from the day the Maternity leave has started. Maternity leave and Child care leave must be taken one after the other, continuously.

Payment and funding

- One hundred per cent of average earnings for employees, calculated based on the average earnings on which compulsory social security contributions were paid during the 18 months prior to the leave, with the upper limit set at five average salaries in the Republic of Serbia, according to the last data published by the Statistical Office of the Republic of Serbia on the day of the beginning of exercising the right to Maternity benefit.

⁴⁸⁰ Please cite as: Pantelić, M. (2023) 'Serbia country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., and Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- Mothers cannot receive Maternity leave benefit lower than the national minimum wage (on average, RSD47,334.67 [€404.47]⁴⁸¹ net per month), though there is no minimum for the supplemental leave period.
- Maternity benefit for 'other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) is calculated based on a different basis: by dividing the gross base of earnings in the previous 18 months by 1.5. This provision has created discriminatory practice between 'standard' employees and 'other' categories of employees who previously had the same salary as the latter will receive lower Maternity benefit due to the difference in the calculation of the benefit.
- There are no leave benefits for unemployed or inactive mothers.
- Pension rights: 'standard' employees, that is, mothers in 'standard' employment having either permanent or fixed-term contract maintain their pension insurance during Maternity leave, with contributions being paid by the state on the level of Maternity benefit. 'Other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) have to pay contributions and taxes for themselves; otherwise, they will not maintain their pension insurance.
- Payments are made to the parent by the Ministry of Labour, Employment, Veteran and Social Affairs.
- Payments are taxed.
- Funded from general taxation.

Flexibility in use

- The father of the child may exercise the right to Maternity or supplemental 'child care leave' if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g., serving a prison sentence, serious illness). The child's father has the right to Maternity leave also when the mother is not employed.
- The supplemental 'child care leave' is defined as the primary right of the mother, but can be fully transferred to the father with her consent.
- For children of different birth orders, both parents cannot use their entitlements for leave at the same time.

Eligibility (e.g., related to employment or family circumstances)

- All employed and self-employed mothers, as well as mothers in casual employment, farmers and owners of agricultural farmsteads paying social contributions are eligible.
- Same-sex couples are not eligible.

⁴⁸¹ Conversion of currency undertaken for 16 July 2024, using: <https://www.xe.com/> .

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to a person other than the mother

- In exceptional circumstances, based on a medical assessment, Maternity leave can start 45 days before the expected date of delivery. In other cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk (referred to as 'sick leave due to illness or complications related to pregnancy'), in addition to Maternity leave. The pregnant woman is entitled to a compensation of 100 per cent of average earnings on which compulsory social security contributions were paid during the last 12 months before the month the sick leave began, with a floor set at the national minimum wage for the month when the payment is made.
- Supplemental 'child care leave': 20.2 months per family in the case of multiple births and the third and every subsequent child for all categories of employees (e.g., 'standard' employees, self-employed, occasional employees and farmers).
- If the parent taking leave dies or is unable to exercise the right for any other justified reason, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

- After the expiration of Maternity and supplemental 'child care leave', one of the parents of a child in need of special care due to a serious degree of developmental difficulties has the right not to work or work part-time (half of the full working hours) until the child turns 5 years of age (referred to as 'leave for special care of a child', i.e., '*odsustvo sa rada radi posebne nege deteta*'). During this period, the employed parent is entitled to wage compensation, which is calculated in the same way as Maternity benefit. If an employed parent decides to reduce working hours and work part-time, he/she is entitled to a salary for the time spent at work and for wage compensation for the hours not working.
- For children of different birth orders, parents can be entitled to Maternity/'Child care leave' and 'Leave for special care of a child' simultaneously.
- One of the parents (including adoptive or foster parents), i.e., legal guardians, has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding their

employment are suspended, and the right to compulsory health insurance is maintained. This period of leave is unpaid, so contributions for pension insurance are not paid during that period, but the employer has an obligation to pay healthcare contributions for the employee.

e. Other types of leave and flexible working

Adoption leave and pay

- Employed/self-employed foster and adoptive parents have the right not to work for eight months continuously from the day the child is placed in a foster or adoptive family, and for a maximum until the child turns 5 years of age (that is, foster and adoptive parents are not entitled to any leave for an older child). If the placement in a foster or adoptive family occurred before the child reached 3 months, the foster or adoptive parent of the child has the right not to work until the child reaches 11 months of age.
- Foster and adoptive parents are entitled to wage compensation during the exemption from work due to childcare, which is calculated in the same way as for Maternity leave. They have the same benefit as employed or self-employed parents, depending on their employment status.

Time off for the care of dependants

- There is an entitlement to leave to care for a sick or injured immediate family member, with the length depending on the age of family member: for the care of a sick or injured family member younger than 7 years of age or a family member older than seven years with severe developmental difficulties up to 15 days per illness episode, which may be extended up to a maximum of 30 days for justified reasons; for the care of sick or injured family member older than 7 years of age up to seven days per illness episode with the possibility of extension for up to 14 days; in the case of a family member with severe health conditions (severe damage to brain structures, malignant diseases or other severe deterioration of the health condition) up to 18 years of age. The leave is paid at the level of 100 per cent of the average earnings, calculated based on the average earnings on which health care contributions were paid during the 12 months before the month when the leave started.
- A worker has the right to 5 working days of fully paid leave per year for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

Specific provision for (breast) feeding

- The employed woman, who returns to work before the child is 1 year old, has the right to 1 or more daily breaks for breastfeeding in a total duration of 90 minutes per day, or the right to shorten the daily working hours for 90 minutes due to breastfeeding - if the working hours of an employed woman are 6 hours or more. The time used for daily breaks or shortening the working

hours due to breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

Flexible working

- See 'leave for special care of a child' (1d).
- A pregnant worker and a breastfeeding worker cannot work overtime and at night if such work would be harmful to her health and the child's health.
- One of the parents with a child up to 3 years of age, a single parent with a child up to 7 years of age or a parent with a child with severe developmental difficulties can work overtime or at night only with his written consent.
- A parent or legal guardian, i.e., a person who takes care of the person suffering from cerebral palsy, polio, some kind of plegia or muscular dystrophy or other serious illnesses, may, upon their request, work part-time, but not less than half of the full working hours. If an employed parent or legal guardian decides to work part-time, they are receiving only their salary for hours worked, i.e., a salary that is commensurate with the time spent at work.
- Regardless of parental status (i.e., in the case of all employees), an employee and employer can agree that the employee works from home for part of the contracted working hours. Also, if the nature of work and the organization of work permit it, the beginning and the end of the working hours may be determined, i.e., contracted in a special time interval (flexible working hours). Flexible working arrangements are not common practice.

Pre-natal examinations

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is 11.2 months (including 'Child care leave'), for the 1st and 2nd-born child or 23.2 months for the 3rd and every subsequent child as well as for multiple births. This is well-paid leave, paid at 100 per cent of previous average earnings up to an upper limit of 5 average salaries. It is obligatory for children to attend a preparatory preschool programme (PPP) from 5½ years old (4 hours per day for at least 9 months); before that, there is no entitlement to Early Childhood Education and Care (ECEC). There is, therefore, a gap of more than 4½ years between the end of well-paid leave and entitlement to ECEC.

National statistics report that in the school year 2023/2024 25.9 per cent of children aged six months to three years attended ECEC, and 74.1 per cent of

children over three years, with near-universal attendance for PPP (97.2 per cent).⁴⁸²

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

With the Amendments to the Law on Financial Support for Families with Children in August 2023, 'other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads and occasional employees) gained the right to extended supplemental 'child care leave' of 20.2 months per family in the case of the third and every subsequent child.

4. Uptake of leave

a. Maternity leave

Maternity leave is the exclusive right of the employed mother in Serbia, except in exceptional cases, i.e., the father of the child can exercise the right to Maternity leave if the mother leaves the child, dies, or is prevented from using that right for other justified reasons. There is no official information on uptake rates. Fathers can also use Maternity leave if the mother is not in employment; however, that is not a widespread practice. According to the latest available data from the Ministry of Labour, Employment, Veteran and Social Affairs, in 2019, 14 fathers have used the right to Maternity benefit.

The supplemental 'child care leave' is defined as the primary right of the mother, but can be fully transferred to the father with her consent. The father of the child may exercise the right to supplemental 'child care leave' also if the mother leaves the child, dies or is prevented from using that right for other justified reasons. The child's father has the right to 'child care leave' also when the mother is not employed. There is no official information on uptake rates, although according to the latest available data from the Ministry of Family Welfare and Demography, in 2022, only 373 fathers used supplemental 'child care' benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

⁴⁸² RZS (2024) Saopštenje – Predškolsko vaspitanje i obrazovanje, 2024. Saopštenje broj: 104, oznaka: DD20. Republika Srbija: Republički zavod za statistiku.