

Serbia¹

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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)

- 28 days before the expected date of birth, then until the child turns three months of age. It is obligatory for mothers to take 28 days before the expected date of birth, without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 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 days from the day the Maternity leave has started.

Payment and funding

- 100 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 ceiling being set at five average salaries in the Republic of Serbia, according to the last

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data published by the Statistical Office of the Republic of Serbia on the day of the beginning of exercising the right to Maternity benefit.

- Mothers cannot receive Maternity leave benefit lower than the national minimum wage (on average, RSD34,878.13 [€297.02]² 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 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.

² Conversion of currency undertaken for 24 June 2022, 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; lone parent); or delegation of leave to a person other than the mother

- Maternity leave: in 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, but only for 'standard' employees, i.e. self-employed, occasional employees and farmers do not have the right to extended leave in these cases.
- 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 five 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 employment-related measures

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 five 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 the age of three 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 seven 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 seven 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 five 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.

Flexible working

- See 'leave for special care of a child' (see 1.d.).
- 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 three years of age, a single parent with a child up to seven years of age or a parent with a child with severe developmental difficulties can work overtime or at night only with his written consent.

Specific provision for (breast) feeding

- The employed woman, who returns to work before the child turns one, has the right to one 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 six 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.

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 first and second-born child or 23.2 months for the third 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 a ceiling of five average salaries. It is obligatory for children to attend a preparatory preschool programme (PPP) from 5.5 years old (four 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 four and a half years between the end of well-paid leave and entitlement to ECEC.

Serbia is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database.

National statistics report that in the school year 2021/2022 24.1 per cent of children aged six months to three years attended ECEC, and 75.9 per cent of children over three years, with near-universal attendance for PPP (97.8 per cent)³.

3. Changes in policy since April 2021 (including proposals currently under discussion)

In June and December 2021, Amendments to the Law on Financial Support for Families with Children were adopted.

With the Amendments adopted in June 2021, changes were made in three key segments:

- The minimum amount of Maternity leave benefit: Maternity leave benefit cannot be lower than the national minimum wage regardless of the previous insurance period (this provision does not apply to the supplemental leave period). Previously, the right to a minimum Maternity leave benefit was

³ RZS (2022) Saopštenje – Statistika obrazovanja SRB083 DD20200422. Republika Srbija: Republički zavod za statistiku.

conditional on a six-month uninterrupted insurance period before the leave began.

- The upper ceiling on Maternity leave benefit: The upper ceiling on Maternity leave benefit (including supplemental leave benefit) has been increased from three to five average salaries in the Republic of Serbia.
- Improvements in eligibility criteria: The position of farmers and owners of agricultural farmsteads has improved. Similar to all 'other' categories of employees, farmers and owners of agricultural farmsteads are entitled to Maternity leave benefit calculated on the basis of contributions paid in the last 18 months, instead of, as previously prescribed, 24 months.

Amendments to the Law adopted in December 2021 were related to the pronatalist policy measures. These changes included the increase of the parental allowance – a one-off payment for the first child – from the previous RSD100,000 [€851.54] to RSD300,000 [€2,554.72]. The parental allowance amount for the second and each subsequent child remained the same, with the novelty concerning the introduction of one-off financial assistance for the birth of the second and third child in the amount of RSD 100,000 [€851.54]. In addition, a new right to funds for the construction or participation in the purchase of a family-residential building or apartment following the birth of a child has been introduced. This right can be exercised by every mother for a child born on 1 January 2022 or later, provided that she is a citizen of the Republic of Serbia, has a permanent residence in the Republic of Serbia and acquires a family building or apartment in Serbia for the first time. Subsidies for the construction of a family-residential building amount from 20 to 50 per cent of construction costs, depending on the level of development of the specific local self-government unit. In the case of the purchase of a family-residential building or apartment, subsidies amount to 20 per cent of the value of the real estate, and a maximum of 20 per cent of the purchase price determined by the real property pre-sale agreement. The right can also be exercised by a mother who is a foreign citizen and has the status of a foreigner with permanent residence, if the child was born in the territory of the Republic of Serbia and/or is a citizen of the Republic of Serbia. Exceptionally, in the event of the death of the child's mother, the child's father may exercise the right.

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 Labour, Employment, Veteran and Social Affairs, in 2019, only 213 fathers have used supplemental 'child care' benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.