

## **RISK MANAGEMENT IN OCCUPATIONAL HEALTH AND SAFETY – INDICATORS AND NEW TRENDS IN REMOTE WORK**

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**Abstract:** This paper deals with an overview of occupational injuries in the Republic of Serbia for the period from 2013 to 2023, based on official reports from the competent Ministry. Additionally, it highlights the emerging trend of remote work and the responsibilities of employers and employees in this form of contracted work.

**Key words:** occupational injuries, remote work, employer, law

### **1. INTRODUCTION**

The concept of occupational injury is defined in two laws:

- Law on Health Insurance
- Law on Pension and Disability Insurance

Legal provisions stipulate the conditions under which an injury is considered occupational:

- It must occur at a location related to work performance (workplace or a site where specific work tasks are carried out).
- It must happen during working hours or in a time frame connected to work performance (e.g., during a business trip).

Additionally, the injury must be directly related to the performance of the job for which the worker is insured, meaning there must be a cause-and-effect relationship between the job and the injury.

### **2. OCCUPATIONAL INJURIES IN THE REPUBLIC OF SERBIA**

#### **2.1. Number and Types of Injuries for the Period 2013–2023 According to the Report of the Competent Inspectorate**

The Labor Inspectorate, a body within the Ministry of Labor, Employment, Veteran, and Social Affairs, plays a key role in the field of Occupational Health and Safety (OHS) in the Republic of Serbia. Table 1 presents the number of inspections conducted in cases of fatal workplace injuries, severe injuries resulting in death, collective injuries, severe injuries, and minor workplace injuries during the period from 2013 to 2017.

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*Table 1 - Number of Inspections Conducted in Cases of Fatal Workplace Injuries, Severe with Fatal Outcomes, Collective, Severe, and Minor Workplace Injuries [1]*

**Number of Inspections Conducted in Cases of Fatal Workplace Injuries, Severe with Fatal Outcomes, Collective Injuries, Severe Injuries, and Minor Workplace Injuries**	2013.	2014.	2015.	2016.	2017.
Fatal Workplace Injuries	24	21	24	29	23
Severe Injuries with Fatal Outcomes	14	17	14	13	16
Collective Injuries	11	19	18	20	14
Severe Injuries	849	904	780	774	817
Minor Injuries	248	139	111	64	49
Total	1146	1100	947	900	919

Since 2015, the reports of the Inspectorate have adopted a new format, providing systematized data on the number and types of injuries for the period 2015–2023. This overview is based on reports on workplace injuries and occupational diseases published by the Occupational Safety and Health Administration on its official website, as shown in Table 2.

*Table 2 - Number of Workplace Injuries from 2018 to 2023 [1]*

Types of Injuries/Number of Injuries by Year	2018.	2019.	2020.	2021.	2022.	2023.
Fatal Workplace Injuries	7	14	11	12	11	14
Severe Injuries	788	1233	1226	1289	1127	1308
Severe Injuries (During Commute to and from Work)	522	597	435	487	596	612
Minor Injuries	9087	11462	8623	9487	10958	11472
Total	10404	13306	10295	11275	12692	13406

Based on the reports from the period 2018 to 2023, Table 3 presents data on workplace injuries during this period, categorized by the primary activity of the employer. Injuries occurring during employees' commutes to and from work are excluded from this overview. The table focuses on injuries recorded in the highest numbers.

*Table 3: Overview of Workplace Injuries from 2018 to 2023 by Primary Activity of the Employer [2-7]*

Primary Activity of the Employer / Number of Injuries (%)	2018.	2019.	2020.	2021.	2022.	2023.
Manufacturing Industry	216 Injuries out of 795 (27.17%)	357/1247 (28,63%)	217/1237 (17,54%)	388/1237 (29,82%)	289/1227 (25,64%)	413/1322 (31,24%)
Construction	70 Injuries (8,8%)	76 (6,09%)	106 (8,57%)	107 (8,22%)	74 (6,57%)	91 (6,88%)
Transportation and Storage	65 Injuries (8,1%)	89 (7,14%)	94 (7,6%).	108 (8,3%)	100 (8,87%)	107 (8,09%)

Healthcare and Social Protection	70 Injuries (8,8%)	131 (10,51%)	162 (13,1 %)	113 (8,69%)	84 (7,4 %)	108 (8,17 %)
Activity Specific to the Observed Year	Information and Communications 62 Injuries (7,7%)	No Data Available	Trade, Repair of Motor Vehicles and Motorcycles 120 (9,7 %)	Trade, Repair of Motor Vehicles and Motorcycles 99 (7,65%)	Agriculture, Forestry, and Fishing 92 (8,16 %)	Trade, Repair of Motor Vehicles and Motorcycles 117 (8,85 %)

For the displayed years, the number of injuries shown represents more than 5% of the total workplace injuries.

### 3. GUIDELINES FOR FURTHER IMPROVEMENT OF THE OVERALL OCCUPATIONAL HEALTH AND SAFETY SYSTEM IN THE REPUBLIC OF SERBIA FOR THE PERIOD 2024–2027

The Occupational Health and Safety Strategy in the Republic of Serbia for the period 2024–2027, accompanied by an Action Plan for its implementation, represents a continuation of the previous Occupational Health and Safety Strategy in the Republic of Serbia up to 2022. It is based on activities, objectives, and directions aimed at further improving this field.

The general objective of the Strategy is to enhance workplace safety and preserve the health of the working population. During its implementation, the Strategy aims to reduce workplace injuries in the Republic of Serbia by 5% compared to the total number of injuries recorded in the previous five-year Strategy period, according to data maintained by the Labor Inspectorate. [8]

The Strategy also envisions achieving three specific objectives:

- Improvement of the regulatory framework in the field of occupational health and safety, including the promotion of the importance of a culture of prevention in this domain (raising awareness and informing the public).

- Enhancement of working conditions to prevent workplace injuries, occupational diseases, and work-related illnesses.

- Improvement of records on workplace injuries and licensing processes.

- The proposal for the new Strategy provides clearer and more precise definitions of the measures and activities outlined in the previous Strategy, with an emphasis on a specific goal:

- Promotion of the importance of a culture of prevention in occupational health and safety (raising awareness and informing the public).

A key innovation is the implementation of measures related to monitoring the impact of climate change (a report on the impact of climate change on occupational health and safety has been prepared) and the digitalization process (introduction of a unified Register of issued, renewed, and revoked licenses in accordance with the new Law). These initiatives align with the updates to the legal provisions on licensing.

It is projected that the number of inspections conducted on the work of legal entities and entrepreneurs holding licenses in the field of occupational health and safety will increase by 75%. [8]

### 4. NEW CHALLENGES – REMOTE WORK

Work can be performed in an office, on a construction site, or from home, which is an option increasingly provided by employers. This is a form of work conducted outside the traditional workplace.

Serbian laws see that workplace injuries can also occur in such home-based work settings while employees perform their tasks.

During the pandemic in 2020, remote work became a common practice, and this trend has continued to gain popularity. An increasing number of employers now offer the possibility of working from home or telecommuting. During the pandemic, the primary goal was to protect employees' health and safety, as employers could not guarantee a safe working environment on-site. Later, this trend was adopted more broadly and is frequently offered to employees in fields where it is feasible. [9]

In the following period, amendments to legislative frameworks related to labor law were introduced globally, including in the Republic of Serbia, to address this growing trend.

#### 4.1. Legal Regulation of Remote Work in the Republic of Serbia

The **Labor Law** of 2018 (“Official Gazette of the RS”, Nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Constitutional Court Decision, 113/2017, and 95/2018) establishes the possibility of remote work through:

- **Article 42**, which allows for the conclusion of contracts for performing work outside the employer's premises (remote work and work from home).
- **Article 50**, which stipulates that employees generally perform their duties on the employer's premises. However, it provides the option for employees and employers to agree that part of the working hours within the contracted working time can be performed from home.

When discussing workplace injuries outside the traditional workplace, two situations can arise:

- **Injury while working from home**, and
- **Injury during a break**. [9]

In the case of workplace injuries, the primary issue is that the employer cannot guarantee safe working conditions for home-based work (the employer does not have access to the employee's home to ensure the necessary working conditions).

The employer's obligation is to ensure the safety and functionality of the work equipment and tools used by the employee when working from home. For example, the employer provides the employee with a computer, internet connection, company mobile phone, and similar resources. In such cases, the employer is responsible for the functionality of these devices and equipment and is liable for any harm the employee suffers due to their malfunction while working from home.

In January 2021, the Ministry of Labor, Employment, Veteran, and Social Affairs, through the Occupational Safety and Health Administration, issued a Guide for Safe and Healthy Remote Work. This guide is primarily intended for employees who work from home using information and communication technologies (desktop computers, laptops, smartphones, and tablets). [10]

The guide recommends that employers define the rights and obligations of employees working from home through their general acts (collective agreements or workplace regulations) or employment

contracts, given that the Law on Occupational Safety and Health prescribes only minimal safety and health standards.

Some of the guidelines and recommendations for employees working from home, as outlined in the Ministry's guide, include:

- In order to prevent stumbling and falling, the workspace should be clean, free of obstacles, and debris.
- Electrical installations must be arranged in a way that does not pose a risk of fire or explosion, ensuring protection from hazardous effects of electricity (direct or indirect contact with live installations and equipment).
- Regular checks of outlets and the use of functional outlets and extension cords.

The guidelines in the Guide for Safe and Healthy Remote Work emphasize potential workplace injuries and how to prevent them. Employees are required to fully cooperate with employers and inform them of potential hazards or equipment malfunctions to prevent injuries. [10]

It is recommended that, in addition to the mandatory elements prescribed by law, employment contracts for work performed outside the employer's premises should also include:

- Duration of working hours in accordance with work norms,
- Method of supervision over the employee's work and the quality of task performance,
- Work equipment that the employer is obliged to provide, install, and maintain,
- Use of the employee's own work equipment and compensation for its use,
- Reimbursement of other work-related expenses and the method for determining them.

With the adoption of the new Labor Law, these elements transitioned from being merely recommendations in the Guide to becoming legally mandated requirements.

The Labor Law adopted in 2023, specifically Article 44 defines general obligations for employers regarding remote and home-based work. The article states that:

*"The employer is required to establish conditions for safe and healthy work, ensure the proper functioning of work equipment provided by the employer, define the work process related to the tasks assigned to the employee, and prescribe preventive measures for safe and healthy work."* [11]

Additionally, **Article 45** of the 2023 Labor Law states:

*"The employer may issue a Risk Assessment Act for remote and home-based work in written form with the participation of the employee. The employee is obligated to inform the employer about the fulfillment of conditions necessary for safe and healthy work in accordance with the Risk Assessment Act and to promptly notify the employer of any subsequent changes in those conditions."* [11]

The majority of issues related to remote work involve workplace injuries and proving compensatory damages in cases in which an employee has suffered an injury while working from home.

As a preventive measure, employers are encouraged to regularly provide employees with **information, instructions, and training** related to occupational safety and health. Employees, in turn,

are expected to implement these measures, protect themselves from injuries during work, and report any work-related injury to the employer.

Employers typically choose this form of work for the employees who are not engaged in high-risk jobs (e.g., construction workers, miners, mechanics, factory workers, and so on). They do this after determining whether the job can be performed safely and effectively from home. This includes ensuring that employees have all necessary conditions for safe and healthy work at home.

In practice, remote work is most commonly associated with jobs that involve the use of **computers and information technology equipment**.

## 5. CONCLUSION

Remote work is a relatively new phenomenon, and it has been embraced and quickly adjusted by employers and employees in certain fields. To prevent workplace injuries among their employees, employers should provide guidance and instructions on how to take care of themselves and how to create a safe and healthy working environment within their homes. The best way to achieve this is by adopting **company-specific by-laws** addressing remote work, clearly defining the necessary conditions for safe working environments, and thereby creating the prerequisites for safe work practices.

## 6. LITERATURE

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