

08/07/2020

# Preventive measures that the employer is obliged to apply in order to prevent the occurrence and spread of infectious diseases

Employment

[Vuk Drašković & Miloš Andrejević](#)

Publisher: Bojović Drašković Popović & Partners

On 3 July 2020, the Rulebook on Preventive Measures for Safe and Healthy Work for the Prevention and Spread of Infectious Diseases (the "Rulebook") was adopted by the Ministry of Labor, Employment, Veterans and Social Affairs, regulating the activities of employers in cases when the relevant authority declares the infectious disease epidemic. The Rulebook is applicable for all work posts in the work environment in which the work is performed, except for field work and work from home.

The key obligation of employers is issuing a plan of implementation of measures for prevention of occurrence and spreading of the infectious disease pandemic (the "Plan of implementation of measures") which is an integral part of the Risk Assessment Act. Also, the employer is obliged to adjust the Plan of implementation of measures in accordance with decisions of the relevant authority.

The Plan of implementation of measures must contain:

- preventive measures and activities for prevention of occurrence of the infectious disease epidemic;
- responsibility for implementation and control of implementation of preventive measures; and
- measures and activities for action in case of occurrence of infectious disease epidemic.

The employer is obliged to ensure the implementation of the following measures in particular:

- before the beginning of the work to provide written instructions and guidelines concerning the measures and activities, with information regarding the symptoms of the infectious disease;
- in accordance with the possibilities, if work in shifts is not organized, to redistribute working hours, so that the number of employees present at the same time is decreased;
- to ensure enhanced hygiene and disinfection of work and auxiliary rooms;
- to ensure there is sufficient amount of soap, paper towels, running water and alcohol-based disinfectants for washing hands for employees;
- to ensure regular cleaning of all surfaces which are frequently touched in work place (toilets, door handles, landline telephones, computer equipment and other);
- to arrange the manner of keeping records of the disinfection of work and auxiliary rooms;
- to provide guidelines for safe and healthy work with contactors, suppliers, distributors and other outside associates;
- to organize and ensure the regular removal of garbage and trash.

In case the infectious disease occurs, the employer has the following obligations:

- the space which was used by the employee who is infected is regularly physically and chemically disinfected and ventilated;
- the procedures of entrance into and exit from the business premises of the employer are followed, the prescribed means and equipment for personal protection are used, as well as other safety measures during work process;
- the directions of movement of the employees through business premises are precisely defined;
- strict control of the movement of the employees from the organizational unit in which the infected employee was working is arranged;
- contacts of employees from the organizational unit in which the infected employee was working with other employees is decreased to the bare minimum, using prescribed measures of protection;
- all other recommendations given by the epidemiologists are applied.

The Rulebook also prescribes obligations for employees, to inter alia implement all preventive measures, to purposefully use the prescribed means and equipment for personal protection at work, to inform the employer if they suspect symptoms of a contagious disease with regards to themselves, other employees, or family members.

The Rulebook will enter into force on 11 July 2020, and within 30 days from the day of entry into force (i.e. until 10 August 2020), employers are obliged to adopt the Plan of implementation of measures and amend the Risk Assessment Act.

For non-compliance with the provisions of the Law on Safety and Health at Work, i.e. with the Rulebook adopted on the basis of this law, the following fines are envisaged for the misdemeanor:

- for legal entities - from RSD 800,000.00 to RSD 1,000,000.00;
- for the responsible person in the legal entity - from RSD 40,000.00 to RSD 50,000.00.

#### **Regulation on Measures for Prevention and Suppressing the Infectious Disease COVID-19**

Apart from the measures prescribed for employers in certain categories of business, the Regulation on Measures for Prevention and Suppressing the Infectious Disease COVID-19 (the "Regulation") inter alia prescribes special measures of the protection of people from infectious diseases in the territories of self-governing units in which the relevant authority declared the situation of emergency due to the occurrence of a natural disaster by the spread of an epidemic of the infectious disease COVID-19 caused by the SARS-CoV-2 virus.

Among other obligations, the Regulation prescribes that it is mandatory to wear protective masks and to respect physical distance of two meters in all indoor areas.