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posledice za poslodavce i organe javne vlasti**

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Implications for Employers and Public Bodies**

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Constitutional Court Examines Gender Equality Act: Implications for Employers and Public Bodies

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Dana 27.06.2024. godine, Ustavni sud Srbije doneo je Rešenje kojim se pokreće postupak za utvrđivanje neustavnosti Zakona o rodnoj ravnopravnosti. Navedena odluka Ustavnog suda podrazumeva da su sve aktivnosti koje su preduzimaju po osnovu navedenog zakonu, uključujući izvršenje pojedinačnih akata i radnji, suspendovane do donošenja konačne odluke o njegovoj ustavnosti.

On 27 June 2024, the Constitutional Court of Serbia issued a Decision initiating proceedings to assess the constitutionality of the Gender Equality Act. This decision implies that all activities undertaken based on the said Act, including executing individual acts and actions, are suspended until a final decision on its constitutionality is rendered.

S obzirom na to da Ustavni sud još uvek nije doneo odluku povodom pokrenutog postupka za utvrđivanje neustavnosti Zakona o rodnoj ravnopravnosti, Ministarstvo za ljudska i manjinska prava i društveni dijalog organizovalo je vebinar na temu primene Zakona o rodnoj ravnopravnosti nakon donošenja Rešenja Ustavnog suda.

Ključna informacija izneta od strane Ministarstva na vebinaru bila je da su, usled obustave aktivnosti zasnovanih na ovom zakonu, poslodavci i organi javne vlasti oslobođeni obaveze donošenja pojedinačnih akata propisanih Zakonom o rodnoj ravnopravnosti i njegovim podzakonskim aktima. S obzirom na to da ne donošenje pojedinačnih akata u skladu sa Zakonom trenutno nije sankcionisano,

Ministarstvo je učesnike vebinara obavestilo da će, do donošenja konačne odluke Ustavnog suda, postojati isključivo preporuka upućena poslodavcima i organima javne vlasti za njihovo donošenje, u svrhu ažuriranja podataka o ostvarivanju rodne ravnopravnosti na teritoriji Republike Srbije.

Since the Constitutional Court has yet to issue a ruling in the initiated proceedings, the Ministry for Human and Minority Rights and Social Dialogue organized a webinar on the application of the Gender Equality Act following the issuance of the Constitutional Court's Decision.

A key piece of information presented by the Ministry during the webinar was that, due to the suspension of activities based on this Act, employers and public authorities are relieved of the obligation to adopt individual acts prescribed by the Gender Equality Act and its subordinate regulations. Given that the non-adoption of individual acts in accordance with the Act is currently not subject to sanctions, the

Ministry informed webinar participants that, until the Constitutional Court issues its final decision, there will only be a recommendation directed to employers and public authorities to adopt these acts to update data on the implementation of gender equality across the Republic of Serbia.

Organi javne vlasti i poslodavci koji se ipak odluče za dostavljanje pojedinačnih akata, iste dostavljaju isključivo za period od 1. januara do 26. juna 2024. godine.

Ministarstvo je na webinaru naglasilo da će kao novina od 01.01.2025. godine biti otvorena aplikacija dostupna na sajtu Ministarstva preko koje će poslodavci i organi javne vlasti vršiti elektronsko dostavljanje podataka i dokumentacije. Stoga, dostavljanje godišnjih izveštaja i drugih dokumenata Ministarstvu će se od sada isključivo dostavljati elektronski putem, i neće više postojati potreba za njihovim dostavljanjem putem pošte.

Na navedenoj aplikaciji će poslodavci i organi javne vlasti moći da evidentiraju podatke o ostvarivanju rodne ravnopravnosti putem „Obrasc-a 1“, s mogućnošću naknadnog ažuriranja unetih podataka.

S obzirom da se očekuju tehničke poteškoće u početnoj fazi korišćenja aplikacije, Ministarstvo je donelo odluku da se rok za dostavljanje godišnjih izveštaja produži do 30. januara 2025. godine.

Public authorities and employers who choose to submit individual acts will only do so for the period from 1 January 1 to 26 June 2024.

The Ministry emphasized during the webinar that, as of 1 January 2025, a new application will be launched on the Ministry's website, enabling employers and public authorities to electronically submit data and documentation. Consequently, the submission of annual reports and other documents to the Ministry will be exclusively conducted electronically, eliminating the need for postal submissions.

Through this application, employers and public authorities will be able to record data on gender equality implementation via "Form 1," with the option to update the entered data subsequently.

Considering the potential technical challenges during the initial phase of using the application, the Ministry has decided to extend the deadline for submitting annual reports to 30 January 2025.

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