# The Significance of the Law on Amicable Resolution of Labor Disputes and the Review of the Practice Thus Far

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**Abstract**

During the work process, numerous instances of dispute regarding the positions of the employees, or the interpersonal relations between them or between them and their employer may arise. In addition to the traditional judicial method of labor dispute resolution, it is necessary to develop independent and impartial negotiation mechanisms between the parties in the area of individual and collective labor disputes. In Serbia, these are certainly the arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes. There are many benefits to peaceful labor dispute settlement. The goal of supplementary procedures, i.e. procedures for peaceful labor dispute resolution, is to relieve the traditional judicial approach and direct it to the procedures where a judicial settlement of the dispute is truly necessary. Besides the concept, advantages and characteristics of the amicable labor dispute settlement procedures, certain types of these procedures such as mediation, conciliation and arbitration are also analyzed in the theoretical section of this paper, as well as the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes. In the research section of this paper, the practice of the Republic Agency for Peaceful Settlement of Labor Disputes in the procedures of amicable labor dispute settlement, both for the territory of the Republic of Serbia and the territory of the City of Novi Sad, is analyzed. The primary research data source was the official data of the Republic Agency for Peaceful Settlement of Labor Disputes. The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

*Keywords:* labor dispute, mediation, conciliation, arbitration, the Republic Agency for Peaceful Settlement of Labor Disputes, The Republic of Serbia.

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## Introduction

The right to work is a fundamental human right whose realization presents a challenge for every community (see more: Bjelajac, 2003). During the work process, numerous instances of dispute regarding the positions of the employees, or the interpersonal relations between them or between them and their employer may arise. Regardless of the cause of the dispute, conflict management in the workplace is an important element of preventing the potential judicial labor dispute settlement, that is, it is an integral part of peaceful labor dispute resolution process.

Amicable labor dispute resolution "is an effective out-of-court means for ensuring the exercise of those rights and leads to inclusive access to justice in a faster and more economical way" (Marković et al., 2022, p. 5).

Although judicial protection of employees' rights is a far more common form of protection, amicable labor dispute resolution "has been increasingly gaining importance in the last decades, primarily due to the quick dispute resolution and the insistence on negotiation and finding a compromise solution" (Kovačević-Perić & Boranijašević, 2017, p. 645). Observing the international and national standards and practices, it became clear years ago that the traditional judicial method of labor dispute resolution should be of a secondary nature. When a disagreement, that is, an individual or collective labor dispute occurs, the primary objective should be the prevention of court proceedings, and it is precisely through the procedure of peaceful labor dispute settlement that it should be done. Therefore, "dispute settlement, apart from traditional judicial methods, should also be directed upon negotiations between the parties or independent and impartial mechanisms such as arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective

labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes" (Lazović, 2018, pp. 8-9).

There are many benefits to peaceful labor dispute settlement. In addition to the wide range of labor disputes that can be resolved amicably, "the advantages of out-of-court methods of labor dispute settlement are numerous and are recognized by international instruments for the protection of social and economic rights. First of all, this procedure enables quick, economical and efficient resolution of disputed issues, and is therefore adapted to the circumstances of employment relations. On the other hand, the procedure contributes to fostering the culture of dialogue, reducing tensions and increasing the trust between the disputing parties. It also contributes to the faster normalization of the work process, especially in the case of successful resolution of collective labor disputes resulting from a strike" (Marković et al., 2022, pp. 5-6).

Amicable dispute resolution "refers to a range of diverse procedures that are carried out in a more or less informal manner, that is, by avoiding the initiation of court proceedings. The authors agree that conciliation, mediation and arbitration can be denoted as out-of-court mechanisms for labor dispute settlement. Some, however, go further, and identify additional mechanisms, such as preventive action of the labor inspection, the actions of some other specialized state bodies, as well as collective bargaining, which can be a factor in dispute resolution, but also a factor in dispute prevention" (Reljanović & Misailović, 2021, pp. 26-27).

Although in theory peaceful labor dispute settlement is often referred to as an 'alternative' way of resolving a labor dispute, some authors believe that this is not an acceptable term after all, "because peaceful dispute resolution is not an alternative to court proceedings. The term 'supplementary' labor dispute resolution is more appropriate, because it is exactly that - a supplementary, subsidiary mechanism for resolving disputes. The purpose of such methods is to reduce the courts' caseloads and to direct their operations to the cases where judicial intervention is truly needed" (Spencer & Hardy, 2014, p. 7).

## Mediation – conciliation – arbitration

In the most general sense, "mediation includes different types of procedures, in which a third party (who has no direct interest in the particular dispute) intervenes in different ways and with various kinds of authority, with the aim of helping the adverse parties end the dispute amicably" (Jagtenberg & De Roo, 2018, p. 187). Therefore, mediation is "a procedure in which a neutral third party helps the disputing parties to reach a settlement, but without the authority to make a binding decision on the dispute, which is its main difference compared to arbitration" (Uzelac, 2021).

According to Reljanović and Misailović (2021, p. 27), "mediation is similar to conciliation, but it presupposes a more active role of the mediator, who does not only relay information between the parties, but is also an active negotiator". The mediator's involvement "aims to resolve an ongoing dispute (and in that sense can propose non-binding solutions to the parties), but also to help reach an agreement by overcoming the disputing issues without declaring any party as responsible – that is the essential difference between mediation and arbitration" (Reljanović & Misailović, 2021, p. 27).

Unlike mediation, "conciliation is the mildest degree of external intervention in a dispute. The conciliator may subtly hint at a just resolution, but must not communicate their own opinion on the dispute and must not make recommendations on how to resolve it. In fact, the conciliator opens communication between the adverse parties and helps them reach a compromise solution, through mutual understanding, which is why exceptional diplomatic skills are required" (Jovanović, 2022, p. 335). Conciliation is "a non-confrontational method of labor dispute settlement, which is both efficient and economically profitable" (Počuča & Mirković, 2009, p. 110).

As Božović (2016, p. 57) states, "the mediator plays a more active role than the conciliator, investigates the relevant facts, and is authorized to present his proposal for the dispute resolution in the form of a legally non-binding recommendation. This recommendation has a

moral effect and its 'strength' depends on the quality of the arguments that justify it".

It is important to highlight that "conciliation and mediation can be used in all types of labor and social disputes, including disputes regarding the termination of employment contracts, but they are most often used in interest labor disputes. Due to the similarity between the conciliation and mediation processes, joint institutions are most often established for both dispute resolution mechanisms, under different names - services, committees, commissions, etc." (Božović, 2016, p. 57).

The Law on Amicable Resolution of Labor Disputes of the Republic of Serbia (Narodna skupština Republike Srbije, 2004) established the Republic Agency for Peaceful Settlement of Labor Disputes which performs "professional duties relating to amicable resolution of collective and individual disputes, selection of conciliators and arbiters, keeping the Directory of conciliators and arbiters, professional training of conciliators and arbiters, decisions on challenge of conciliators and arbiters, records on procedures of amicable labor dispute resolution procedures, as well as other statutory duties. The Republic Agency for Peaceful Settlement of Labor Disputes is a special organization".

Unlike conciliation and mediation, "arbitration is a way of engaging a third party who will act as an agent of dispute resolution on the basis of submitted evidence, that is, established facts. The arbiter's task is fundamentally different from the conciliators' and mediators' duties – the arbiter decides on which disputing party is at fault, not trying to reconcile their interests, but resolving the dispute in accordance with the interpretation of regulations and specific circumstances. As a rule, the arbitrator's decision is binding, and depending on how the arbitration is regulated, it can be final and enforceable" (Reljanović & Misailović, 2021, p. 27).

Legislative solutions in the area of peaceful labor dispute settlement are contained in the provisions of the Employment Act (Narodna skupština Republike Srbije, 2005), the Law on Amicable Resolution of Labor Disputes (Narodna skupština Republike Srbije,

2004), and the Rulebook on Procedure for Peaceful Settlement of Labour Dispute (Ministarstvo rada, zapošljavanja i socijalne politike, 2005).

In the following section, the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes shall be analyzed.

## Amicable labor dispute resolution according to the provisions of the Employment Act

Amicable labor dispute resolution as a possibility "was introduced in our legislation in 2004, while collective agreements were introduced into the labor legislation system as early as 1989" (Lazović, 2018a, pp. 103-104).

Although Article 13 establishes the employees' right to peaceful settlement of collective and individual labor disputes, the current Employment Act (Narodna skupština, 2005) does not contain any detailed provisions in this area. The provisions of Article 194 of the Employment Act (Narodna skupština, 2005) concerning the protection of the employees' individual rights provide for the possibility of amicable settlement of disputed issues between the employer and the employee, which is done before an arbiter. According to these provisions, "the arbiter shall be consensually selected by the disputing parties from the ranks of experts in the field under dispute. The time limit for initiating the proceedings before the arbiter is three days from the day the decision has been served to the employee. The arbiter is obligated to render a decision within 10 days from the day the request for amicable resolution of disputed issues has been filed. During the arbitration proceedings regarding the termination of the employment contract, the employment relationship is suspended. The arbiter's decision is final and binding for the employer and employee".

The provisions of paragraph 2 of Article 239 of the Employment Act (Narodna skupština, 2005) stipulate that "a trade union, or employers' association whose representativeness has been determined pursuant to the present Act, is entitled to, among other things, take

part in resolving collective labor disputes". Furthermore, Article 265 prescribes the resolution of disputes in such a way that "disputed issues in the implementation of collective agreements may be resolved by arbitration set up by the parties partaking in the collective agreement, within 15 days since the day the dispute has occurred. The arbitration decision on a disputed issue is binding to the parties. The composition and method of arbitration are regulated by the collective agreement".

According to Kulić (2007, p. 369), "the Employment Act, thus, prescribes dual rules for the resolution of disputed issues, namely the rules regarding the settlement of interest collective labor disputes and rules regarding the settlement of legal collective labor disputes".

## Peaceful labor dispute settlement according to the provisions of the Law on Amicable Resolution of Labor Disputes

In accordance with the provisions of paragraph 1 of Article 1, this law "stipulates method and procedure of amicable resolution of collective and individual labor disputes, selection, rights and duties of conciliators and arbiters and other issues relevant for amicable labor dispute resolution". The Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004) stipulates "the settlement of labor disputes shall be done according to a procedure that is significantly different from the procedure and method prescribed by the Employment Act" (Kulić, 2007, p. 370).

A collective labor dispute, in terms of the provisions of Article 2, "is a dispute regarding: the conclusion, amendments and/or supplements of a collective agreement; the implementation of the collective agreement as a whole or certain provisions thereof; the implementation of general rules that regulate the rights, obligations and responsibilities of employees, employers and trade unions; exercising the right of organization into trade unions and acting as such, and exercising the right to determine the representativeness of trade unions with employers; strike; exercising the rights of

information, consultation and the participation of employees in management, pursuant to the law; determining the minimal service, in accordance with the law" (Narodna skupština, 2004). A party in a collective dispute "is considered to be the employer, trade union, authorized employee representative, employees, strike committee, public companies' founder, for-profit corporations founded by a public company, for-profit corporations and public services founded by the Republic, autonomous province or local self-government unit" (Narodna skupština, 2004).

An individual labor dispute, in terms of the provisions of Article 3, "is a dispute regarding: the termination of employment contract; working hours; exercising the right to annual leave; payment of salaries/wages, reimbursement of salaries/wages and minimum wage in accordance with law; reimbursement of expenses for meals at work, reimbursement for expenses for commuting to and from work, payment of annual holiday allowance and reimbursement of other expenses in accordance with law; severance pay upon retirement, jubilee benefits and other incomes in accordance with the law; workplace discrimination and harassment" (Narodna skupština, 2004). A party in an individual dispute, "is considered to be the employee and the employer, except in the case of workplace discrimination and harassment, where the disputing parties are determined in accordance with law" (Narodna skupština, 2004).

Conciliation, in terms of the Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004), is "a procedure in which a conciliator assists the parties in a collective dispute with the aim to conclude an agreement on dispute resolution, or in which a conciliator gives the parties in a collective dispute a recommendation on the method of dispute settlement, and arbitration is a procedure in which an arbiter decides on the matter of an individual dispute".

It is important to note that the two basic principles which the legal text is based upon are "the principle of voluntary participation – according to which the participants in the conclusion of a collective agreement are free to decide voluntarily on the participation of a conciliator in collective bargaining" (Narodna skupština, 2004, Article

5) and "the principle of independence and impartiality – according to which the conciliator, or the arbiter works independently and is obligated to act impartially in the procedure of amicable labor dispute settlement" (Narodna skupština, 2004, Article 6).

According to Marković et al. (2022, p. 8), "the latest amendments to the Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004) made in 2018 have contributed to significant changes in this area, all with the aim of clarifying the disputed provisions and improving the normative framework. One of the most important changes is definitely the expansion of jurisdiction. In terms of collective labor disputes, jurisdiction extends to labor disputes concerning the exercise of the right to determine the representativeness of the trade union with the employer, as well as the implementation of the collective agreement as whole or certain provisions thereof. In addition, it also includes collective labor disputes over determining the minimal service, in accordance with the law".

The amendments to the law enabled "the prioritization of an amicable resolution of individual labor disputes and the expansion of the jurisdiction for labor disputes regarding all the employment financial claims, termination of employment contracts and working hours, as well as the introduction of the possibility of hiring an expert, the possibility that cases of harassment can be amicably resolved and that employed persons can be parties in a dispute before the Agency in the event of workplace discrimination and harassment , the possibility to extend the deadline for ending the procedure for the peaceful settlement of collective labor disputes, a closer and more complete determination of the 'preventive' role of the conciliator in the process of collective bargaining, etc." (Marković et al., 2022, pp. 8-9).

Lazović (2018a, p. 105) points out that "the peaceful labor dispute settlement procedure is initiated by filing the Motion for the Initiation of the Procedure to the Republic Agency for Peaceful Settlement of Labor Disputes. The basic elements of the Motion are: name, surname and address, or name and head office of the disputing parties, as well as the subject of the dispute. In the addition to the Motion, the disputing parties are obligated to submit the available

documentation related to the subject of the dispute. The disputing parties may jointly file the Motion, but if that is not the case, the procedure continues with the Agency submitting the Motion and the accompanying documentation to the other party, which is required to declare within 3 days whether it accepts the peaceful dispute settlement. The disputing parties agree on the arbiter, or conciliator within 3 days after accepting the individual proposal, or they consensually appoint one when filing a joint Motion. If the disputing parties cannot agree on an arbiter/conciliator, the Agency Director shall appoint one".

## Reseach methodology and sources

The Republic Agency for Peaceful Settlement of Labor Disputes (hereinafter: the Agency) "has existed since 2005. It is responsible for the resolution of individual and collective labor disputes through arbitration and conciliation" (Lazović, 2018, p. 25).

The Agency has been based "on the model of conciliation and mediation public services, especially the British ACAS and the American FMCS, while the Law on Amicable Resolution of Labor Disputes was passed with the aim of affirming the methods of peaceful settlement of collective labor disputes and reducing strike frequency, among other things" (Lubarda, 2012, p. 968). According to Kulić (2017, p. 333), "with the founding of the Republic Agency for Peaceful Settlement of Labor Disputes, institutional prerequisites of the further affirmation of peaceful labor dispute settlement methods were created for the first time in the Republic of Serbia".

In the research section of this paper, the practice of the Agency in the procedures of amicable labor dispute settlement shall be analyzed.

The primary research data source shall be the official data of the Republic Agency for Peaceful Settlement of Labor Disputes.

The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of

legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

## Research results and discussion

According to research of the relevant issues regarding the Agency's operations and the peaceful labor dispute settlement procedures that have been initiated, the data obtained in the Agency's operations so far should be presented.

Namely, "according to the data obtained from the Agency, the peaceful labor dispute settlement procedure is most often initiated by employees, but employers also file joint motions with the employees, while they rarely initiate the procedure by themselves. Then, in terms of its frequency in different territories, the amicable labor dispute resolution is most common in Novi Sad, Kragujevac, Belgrade and Niš. One of the reasons is the fact that there are numerous labor disputes in public companies in these cities" (Marković et al., 2022, p. 11).

Regarding the type of the company, "public utility companies are the most numerous and their disputes are mostly those regarding the payment of employment financial claims on various grounds. Entrepreneurs and limited liability companies are present in smaller numbers. Then, when it comes to the individual labor disputes whose subject is workplace harassment (mobbing), according to the Agency's data, a total of 574 procedures were initiated from 2010 to 2021. Out of these, 15% were resolved amicably, in 31% it was determined that harassment had taken place, and in 54% it wasn't determined that harassment had taken place" (Marković et al., 2022, p. 11).

As Marković et al. (2022, p. 11) further point out, "in terms of monitoring the enforcement of the arbiter's decision, the Agency is not legally authorized to monitor its enforcement. In practice, after the decision has been made and the deadline for voluntary compliance has passed, a party in the dispute might approach the Agency with a request to secure the decision with an enforceability clause, and these are the cases when the Agency receives information whether the decision has been enforced."

Finally, "as a rule, the conciliation procedure is most common in the public sector, in public interest activities, i.e. where it is stipulated that social partners are legally obligated to first try to resolve the collective dispute before the Agency, while it is less common in the private sector" (Marković et al., 2022, p. 11).

According to the Agency's official data, "from 2005 (i.e. since the establishment of the Agency) to December 2018, 16,032 motions for the peaceful labor dispute settlement were filed, of which 6,086 disputes were resolved satisfactorily, and the rest were settled in administrative proceedings, bearing in mind the basic principle of voluntary participation. Out of the total number of the initiated proceedings, there were 15,730 individual and 302 collective labor disputes" (Lazović, 2018, p. 26).

The number of initiated procedures for 2017 "amounted to a total of 1073 resolved labor disputes, of which 1045 individual and 28 collective procedures. In 2016, 956 labor disputes were amicably settled, in 2015, 322 labor disputes were settled, and in 2014, 199 labor disputes were settled, which was the annual average from 2010 to 2014" (Lazović, 2018, p. 26).

Table 1 demonstrates an overview of the number of labor disputes resolved before the Agency in the period 2005–2018.

Regarding the research of the practice of peaceful labor dispute settlement for the City of Novi Sad, the following can be pointed out.

The survey on the peaceful labor dispute settlement, "conducted in Novi Sad by TUC NEZAVISNOST and the Confederation of Autonomous Trade Unions of Serbia, included 104 respondents, trade union members and those who are not unionized, namely: 54 respondents in the food industry, tobacco industry, agriculture and water management; 30 respondents in civil engineering and construction materials industry, and 20 respondents in the field of chemistry and non-metals. The survey was conducted on a voluntary basis and was anonymous" (Vujasinović Dučić et al., 2013, p. 49). Furthermore, "out of a total of 104 respondents, the majority is from private-owned companies (63 respondents), and 26 respondents are employed in state-owned companies. Most respondents are unionized

(75 respondents), while only 29 respondents are not union members" (Vujasinović Dučić et al., 2013, p. 52).

The key results of the survey indicate the following – "86 respondents stated that they were familiar with the existence of the concepts and mechanisms for peaceful labor dispute settlement, while 18 stated that they were not familiar with the matter. The employees which are unionized (75 respondents), were informed through the trade union about the existence of peaceful labor dispute settlement (67 respondents). Unfortunately, out of the total number of participants (104 respondents), 95 did not utilize the procedure of peaceful labor dispute settlement, which shows that this legal concept is not sufficiently affirmed and that despite a large percentage of respondents who answered that they were aware of the existence of the concept of peaceful labor dispute settlement, they do not really know the advantages of this manner of resolving employment disputes" (Vujasinović Dučić et al., 2013, p. 54).

Table 2 presents the advantages of the peaceful labor dispute settlement that the survey respondents stated.

This section can be summed up as follows. "48 respondents agree with the assumption that is a fast procedure, and 47 respondents believe that the peaceful labor dispute settlement procedure is free of charge. A reduced risk of adverse effects on the relationship with the employer, as an advantage of the peaceful labor dispute settlement, was mentioned by 33 respondents (Vujasinović Dučić et al., 2013, p. 55). However, "although the respondents are familiar with the advantages of the peaceful labor dispute settlement procedure, out of a total of 104 respondents, 95 respondents did not utilize this procedure." It is interesting to note that employees recognized the benefit of peaceful labor dispute settlement in terms of reduced risk of negative consequences, but despite the procedure being fast and free of charge, they did not decide to resolve their employment disputes in this way. Given the fact that only 9 respondents utilized the peaceful labor dispute settlement procedure, namely 8 respondents once, and one respondent two to five times, the question still arises as to why

employees in Serbia do not use this alternative way of resolving employment disputes" (Vujasinović Dučić et al., 2013, p. 55).

## Conclusion

In addition to the traditional judicial method of labor dispute resolution, it is necessary to develop independent and impartial negotiation mechanisms between the parties in the area of individual and collective labor disputes. In Serbia, these are certainly the arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes.

As stated at the beginning of the paper, there are many benefits to peaceful labor dispute settlement. Expediency and procedures that are more economical and even free of charge are the characteristic and advantage of this type of labor dispute resolution. Also, flexibility, informality and decision-making based on agreement and compromise between the parties can certainly be highlighted as fundamental advantages.

The goal of supplementary procedures, i.e. procedures for peaceful labor dispute resolution, is to relieve the traditional judicial approach and direct it to the procedures where a judicial settlement of the dispute is truly necessary.

It should be emphasized that the origin of the authority of the one who makes the decision is also a characteristic of peaceful labor dispute settlement procedures. Namely, the person who decides on these proceedings does not base their authority on state sovereignty, but solely on the will of the parties participating in the proceedings.

Besides the concept, advantages and characteristics of the amicable labor dispute settlement procedures, certain types of these procedures such as mediation, conciliation and arbitration are also analyzed in the theoretical section of this paper, as well as the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes. In the research section of this paper, the

practice of the Republic Agency for Peaceful Settlement of Labor Disputes in the procedures of amicable labor dispute settlement, both for the territory of the Republic of Serbia and the territory of the City of Novi Sad, is analyzed. The primary research data source was the official data of the Republic Agency for Peaceful Settlement of Labor Disputes.

The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

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## Appendix

### Table 1

An overview of the number of labor disputes resolved before the Republic Agency for Peaceful Settlement of Labor Disputes in the period of 2005–2018.

| | |
|---|---|
| **The year 2005** | |
| **Collective labor disputes**<br>initiated 10<br>satisfactorily resolved 5 | **Individual labor disputes**<br>initiated 857<br>satisfactorily resolved 269 |
| **The year 2006** | |
| **Collective labor disputes**<br>initiated 17<br>satisfactorily resolved 11 | Individual labor disputes<br>initiated 4.977<br>satisfactorily resolved 1.659 |
| **The year 2007** | |
| **Collective labor disputes**<br>initiated 16<br>satisfactorily resolved 9 | **Individual labor disputes**<br>initiated 3.410<br>satisfactorily resolved 1.110 |
| **The year 2008** | |
| **Collective labor disputes**<br>initiated 12<br>satisfactorily resolved 7 | **Individual labor disputes**<br>initiated 958<br>satisfactorily resolved 305 |
| **The year 2009** | |
| **Collective labor disputes**<br>initiated 12<br>satisfactorily resolved 8 | **Individual labor disputes**<br>initiated 789<br>satisfactorily resolved 266 |

**The year 2010**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 25 | initiated 249 |
| satisfactorily resolved 10 | satisfactorily resolved 77 |

**The year 2011**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 18 | initiated 837 |
| satisfactorily resolved 8 | satisfactorily resolved 279 |

**The year 2012**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 20 | initiated 239 |
| satisfactorily resolved | satisfactorily resolved 114 |

**The year 2013**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 28 | initiated 251 |
| satisfactorily resolved 10 | satisfactorily resolved 64 |

**The year 2014**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 26 | initiated 173 |
| satisfactorily resolved 16 | satisfactorily resolved 168 |

**The year 2015**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 30 | initiated 292 |
| satisfactorily resolved 21 | satisfactorily resolved 83 |

**The year 2016**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 28 | initiated 928 |
| satisfactorily resolved 15 | satisfactorily resolved 708 |

**The year 2017**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 28 | initiated 1.046 |
| satisfactorily resolved 16 | satisfactorily resolved 393 |

**The year 2018**

| **Collective labor disputes** | **Individual labor disputes** |
|---|---|
| initiated 32 | initiated 724 |
| satisfactorily resolved 10 | satisfactorily resolved 436 |

| **Total collective labor disputes** | **Total individual labor disputes** |
|---|---|
| initiated 302 | initiated 15.730 |
| satisfactorily resolved 155 | satisfactorily resolved 5.931 |

**IN TOTAL**
INITIATED 16.032
SATISFACTORILY RESOLVED 6.086

(Lazović, 2018, pp. 28-30)

**Table 2**

The advantages of peaceful labor dispute resolution according to the Survey on the peaceful labor dispute settlement for the City of Novi Sad (104 respondents in total).

| Advantages | Respondent number | Percentage |
|---|---|---|
| **Procedure free of charge** | 47 respondents | 36% |
| **Reduced risk of adverse effects** | 33 respondents | 25% |
| **Fast labor dispute resolution** | 48 respondents | 37% |
| **Other** | 2 respondents | 2% |

(Vujasinović Dučić et al, 2013, p. 55)

# Značaj Zakona o mirnom rešavanju radnih sporova i osvrt na dosadašnju praksu

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## Sažetak

U procesu rada mogu nastati brojne sporne situacije koje se mogu ticati pozicija ili međuljudskih odnosa između zaposlenih ili zaposlenih i poslodavca. Pored tradicionalnog sudskog metoda rešavanja radnih sporova neophodno je razvijati nezavisne i nepristrasne mehanizme pregovaranja između strana u okviru individualnih i kolektivnih radnih sporova. U Srbiji su to svakako arbitražno rešavanje individualnih i kolektivnih radnih sporova, i mirenje kao metod rešavanja kolektivnih radnih sporova u okviru i posredstvom Republičke agencije za mirno rešavanje radnih sporova. Brojne su prednosti mirnog rešavanja radnih sporova. Cilj dopunskih postupaka, odnosno postupaka mirnog rešavanja radnih sporova jeste da se tradicionalan sudski pristup rastereti i usmeri na postupke gde je sudsko rešavanje spora zaista neophodno. U teorijskom delu rada su pored pojma, prednosti i karakteristika postupaka za mirno rešavanje radnih sporova analizirani medijacija, mirenje i arbitraža kao vrste ovih postupaka, kao i najznačajnije odredbe Zakona o radu i Zakona o mirnom rešavanju radnih sporova. U istraživačkom delu rada analizirana je praksa Republičke agencije za mirno rešavanje radnih sporova u postupcima mirnog rešavanja radnih sporova, kako za teritoriju Republike Srbije, tako i za teritoriju Grada Novog Sada. Primarni izvor istraživačkih

podataka bili su zvanični podaci Republičke agencije za mirno rešavanje radnih sporova. Rad je metodološki zasnovan na teorijskoj analizi relevantnih savremenih stavova u teoriji, normativnoj analizi legislativnih izvora, te kvantitativnoj analizi statističkih pokazatelja u domenu predmeta istraživanja.

*Ključne reči:* radni spor, medijacija, mirenje, arbitraža, Republička agencija za mirno rešavanje radnih sporova, Republika Srbija.