

FAILURE TO TAKE PROTECTION MEASURES AT WORK - RISKS AND CRIMINAL LIABILITY

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Abstract

The article deals with the problem of safety and health at work, the assessment of the risks involved in the realization of a fundamental human right (the right to work) in the territory of the Republic of Serbia, as well as determining the responsibility of those involved in work processes. The first part of the article presents the theoretical support for the research part of the work, which includes the analysis of risks and criminal liability that are entailed by illegal and illegal behaviors in the field of safety and health at work. The authors recognized this problem as currently and permanently relevant, and with their research they want to inform the professional and lay public about the seriousness of injuries and harm to the health of employees, which can occur as a result of neglecting the regulations in the research area. The legal regulations in the field of safety and health at work in the Republic of Serbia have changed after 18 years, and the authors want to present their critical opinion on the same, which is dealt with in the third part of the paper. Through a comparative analysis of the past five-year period (2018-2022), on the number of injuries at work according to the employer's activity, according to gender, age of the injured persons, work environment where the injury occurred, cause and type of injury, as well as the analysis of criminal and misdemeanor liability, conducted in the last part of the work, the authors want to indicate which areas of work carry the greatest risks and where the responsibility of the perpetrators of the omission must be increased.

Keywords: *safety at work, health at work, risk assessment, criminal responsibility, misdemeanor responsibility.*

Introduction

The right to life, health, and work isn't guaranteed only by the Constitution of the Republic of Serbia [3] but also by many international acts that the Republic of Serbia has ratified and implemented in its legal system. The right to protection and health at work has been elevated to the rank of a constitutional principle, which gives this work its importance and value.

Symbolically, on the International Day of Safety and Health at Work (April 28, 2023), the new Law on Safety and Health at Work was adopted.

New regulation in this area was necessary for the Republic of Serbia, because the labor market is constantly changing. Social, health, technological and technical circumstances in society are created, changed, modified, advanced and abolished every day, and regulation in this area must be "soft" and undergo constant adaptation to new circumstances. For example, the world faced the Covid-19 virus in the recent past [5],[6] which created a general upheaval in the now established way of functioning of all activities and processes, including work processes. However, with the appearance of that virus, the world encountered new problems that are closely related to safety and health at work, as well as the organization of work activities. Conventional ways of working were called into question and then the concepts of "remote work" and "work from home" were introduced. Those concepts have now finally been implemented in our legislation. The conditions for working from home or from a distance, or from the office or headquarters of the employer, as well as the risks that it (doesn't) bring with it, are issues that had to be resolved by the new legal text.

The dizzying expansion of construction, reconstruction and similar works in the Republic of Serbia required an urgent change in regulations in the part related to the safety and health of people engaged in the execution of these works. In this respect, the new Law brings one novelty, the obligation to prepare the Act on risk assessment according to a newer, different methodology, in the preparation of which employees must also be involved. This act is adopted in written form and includes a risk assessment for each workplace, where the existence of risk, the possibility of elimination, as well as its impact on the health of the employee must be established. In case it is discovered that there are risks to the employee's health, the employee must be informed about it, the employer must take all measures to eliminate that risk, and if this is still not possible for some reason, the person employed in those jobs must have all possible benefits that holds such a position. This act is prepared by professionals with a license or passed a professional exam with the participation of employees, who are organized in the form of the "Occupational Safety and Health Committee".

Theoretical framework

The Republic of Serbia has adopted a new Law on Occupational Safety and Health [11]. The Republic of Serbia adopted a new Law on Safety and Health at Work in May 2023. and thus the previous Law on Safety and Health at Work from 2005 ceased to be valid. After eighteen years, the Republic of Serbia has innovated its legislation in this area and harmonized it with the legislation of the European Union.

Given that practice has shown that the protection and health of workers are not in the first place in terms of importance for employers in the Republic of Serbia and that the only thing that is valued in the end is the realized profit, the tightening of conditions and regulations in this area was expected.

One of the novelties introduced by the Law on Occupational Safety and Health is that employers are required to issue a special permit for each individual job performed in a "non-standard place", a working environment that is not usual, such as, for example, working at height, depth and similar aggravating circumstances.

The introduction of mandatory preventive medical examinations, as well as more frequent medical examinations for persons performing tasks with increased risk, is also one of the novelties in the recently adopted Law.

Due to new life and social circumstances, we are witnessing that more and more people are doing their work remotely or from home, so it was necessary to include these concepts in the regulation. Introducing and clarifying, making a difference between the terms "work from home" and "remote work" greatly contributes to the resolution of everyday conflict situations in practice.

Realizing that jobs on construction sites are very risky, the state introduced the new term "worksite" in the new law as "an outdoor space where work is carried out in accordance with the elaborations on the arrangement and execution of the works, which must be submitted to the inspection authorities together with the report on starting works".

The new law emphasizes the education of personnel who will deal with the implementation of this law, and introduces new types of training for persons engaged in the maintenance of occupational health and safety. Such persons should have the appropriate professional education as well as pass professional exams and fulfill all obligations to obtain the License necessary to perform these jobs.

According to the currently valid Criminal Code of the Republic of Serbia [7] there are three criminal acts, which, according to the reports on the work of the Administration for Safety and Health at Work within the Ministry of Labour, Employment, Veterans and Social Affairs, bring the greatest danger to health and safety at work. As part of criminal offenses against rights based on work, in Article 169 of the CC of the RS, there is failure to take protective measures at work. According to the old legal solution, this criminal offense threatened the perpetrators with a fine or a prison sentence of up to one year, but the Legislator made this punishment tougher with recent amendments to the law. At the time of writing this work, the threatened punishment for this criminal offense is a prison sentence of up to three years. A criminal offense can make a person "responsible for undertaking safety measures at work who knowingly does not comply with the law or other regulations or general acts on safety measures at work, as a result of which there may be a danger to the life or health of employees"[8]. On the basis of this text, we conclude that these norms are of a blanket nature, and that the CC of the RS in this segment fully relies on the norms of other legal acts that regulate the field of work. Furthermore, the Criminal Code of RS foresees that it is possible to impose a suspended sentence for this crime with the obligation "to the perpetrator to comply with the regulations on safety measures at work within a certain period of time."

A criminal offense can be committed both by doing and not doing, and the perpetrator can only be a person who is responsible (appointed) for occupational safety and health [9]. On the subjective level, there must be intent on the part of the executor, which will include conscious non-compliance with regulations in this area. As a consequence of the act, there is an abstract, that is, a possible danger to the health and safety of employees [2].

Article 280 of the Criminal Code of RS in the area dealing with Criminal Offenses against the general safety of people and property also defines the criminal offense of causing danger by not providing safety measures at work. According to the Code, this offense will be committed by a person who "damages or removes protective devices in mines, factories, workshops, construction sites or other workplaces and thus causes danger to life or body of people or to property of a larger scale". For such persons, a prison sentence of six months to five years is threatened. With the same penalty, it is

determined that "a responsible person in a mine, factory, workshop, construction site or other place of work who does not install protective devices or does not maintain them in proper condition or does not put them into action when necessary or does not at all acts according to regulations or technical rules on safety measures at work and thus causes danger to the life or body of people or to property of a larger scale". The legislator has foreseen that this act can also be committed negligently, for which a prison sentence of up to three years has been determined. In the event that the court opts for a suspended sentence, the Legislator also determined the obligation for the perpetrator of this criminal offense "to ensure the installation, maintenance or use of protective devices within a certain period of time".

The stated criminal offense aims to protect the general safety of people and property. At first glance, it would seem that these two previously explained criminal offenses have almost the same content, however, there is a big difference. In the case of the criminal offense under Article 169 of the CC of the RS, it is an abstract danger, and in the case of the criminal offense under Article 280 of the CC of the RS, the danger is concrete. In the first case, it is about the protection of employed persons, while in the second case, it is about the protection of life and body of people and property of a larger scale.

As the executor of this act, as in the first case, the person who is appointed and responsible for the implementation of measures at work appears.

"Irregular and improper execution of construction works" appears as the third, most dominant criminal offense, when it comes to criminal offenses that pose a risk to people's safety and health. This criminal offense is defined in Article 281 of the Criminal Code of RS, where it is prescribed that it is committed by any person who is responsible for the design, management or execution of construction or construction works, who does not act according to regulations or generally recognized technical rules during the execution of those works and thus causes danger for the life or body of people or for property of a larger scale". Such omissions are punishable by a prison sentence of three months to five years. In the event that the act is committed negligently, the legislator has provided for a milder punishment - a fine or imprisonment for three years.

We can note that the provisions of this article are blanket in nature [7] and that to specify the punishable offense they rely on regulations in the field of construction, primarily the Law on Planning and Construction [3]. A person who is responsible for the design, management or execution of construction works can act as an executor, and the work can be carried out both intentionally and negligently.

Under criminal responsibility, we can not only consider criminal responsibility, but also misdemeanor responsibility [4]. This type of responsibility is provided for in the Law on Safety and Health at Work, in seven articles, from Article 100 to Article 107. Article 100 of the aforementioned Law provides for a fine of 1,500,000 to 2,000,000 RSD, for a violation by employers with as a legal entity, while a fine of 400,000 to 500,000 RSD is provided for employers who are entrepreneurs, and a fine of 50,000 to 150,000 RSD is provided for offenses of this type for persons who are directors or responsible persons in a legal entity or natural persons who appear as an employer. These penalties are intended for the mentioned persons if (Article 100) for example: "if he does not provide and does not implement preventive measures of safety and health at work determined by the law and the regulations adopted on the basis of this law", "if he orders the employee to perform tasks at the workplace and in working environment where occupational safety and health measures have not been implemented", "if he does not adopt a program and does not train the employee for safe and healthy work",...."if in the activities of construction, agriculture, forestry and fishing, mining, processing industry, supply of electricity, gas, steam and air conditioning (except trade in electricity and gaseous fuels via the gas pipeline network), water supply, waste water management, control of waste removal processes, wholesale trade, transport and storage and similar activities, as well as in health and of social protection does not appoint an advisor for safety and health at work who meets the requirements prescribed by this law",.... "if he does not provide an employee who works at night, in accordance with the law, with a preliminary and periodic medical examination",..."if he does not provide an employee who has suffered an injury, i.e. who has been diagnosed with an occupational disease, to the organization responsible for health insurance and the Management, a report on injuries at work and occupational diseases that occur at the workplace"....".

In Article 103 of the mentioned Law, it is also prescribed that for violations in this area, the health institution that performs the activity of occupational medicine will be fined in the event that it does not submit reports on the medical examination of the employee, with a fine of RSD 300,000, while the responsible person in that institution shall be fined RSD 40,000. Articles 105, 106 and 107 of the aforementioned Law provide for misdemeanor liability for persons in charge of safety and health at work, as well as advisers for these tasks, as well as employees¹.

Empirical research

In this part of the work, the authors focused their research on discovering the most dominant behaviors contrary to the legal acts that regulate the field of safety and health at work, as well as finding the "most risky points" of the application of these regulations in the Republic of Serbia in the past five-year period. So let's go in order. Using the method of data analysis, but also the method of systematization and classification, the authors based on the Bulletin of the Republic Institute of Statistics [3] processed data related to the number of reported, accused and convicted adults (in the period from 2018 to 2022) for three criminal offenses that were discussed in the theoretical part of the paper.

When we look at the criminal offense of failure to take safety measures at work in 2018, four persons were reported for this criminal offense, three of which were known, and one reported person was treated as an "unknown perpetrator". Criminal charges were dismissed for two persons for the reason that there are no grounds for suspicion or that criminal prosecution is ineffective. After the investigation, an indictment was brought against one person, which ended, at least statistically, this year without a single verdict for this criminal offense. The following year, in 2019, there were six registered adults, five

¹ According to this Law: "An employee will be fined 20,000 dinars for a misdemeanor if he does not take care of his own safety and health at work, as well as the safety and health of other persons who may be affected by his work in accordance with the training for safe and healthy work and the instructions for safe and healthy work received from the employer, does not apply the prescribed measures for safe and healthy work, uses work tools, chemicals and other substances for the wrong purpose, does not use personal protective equipment and does not handle it carefully and does not put it back properly which is intended for its safekeeping, if he arbitrarily switches off, changes or removes the safety devices on the work equipment and if, in accordance with his knowledge, he does not immediately inform the employer, i.e. the immediate manager of irregularities, dangers, harms or other deficiencies in the implementation of measures safety and health at work that could endanger his safety and health or the safety and health of other employees and other persons at the workplace.

of whom were known. As many (five), we also have dismissed criminal charges. Some for the reason that the criminal prosecution was postponed due to the fulfillment of certain obligations, some because the reported offense was not a criminal offense, some - because there are no grounds for suspicion and the like. No indictment or judgment was made/delivered for this criminal offense during 2019. In 2020. three persons were reported for this crime, one of whom was unknown. All criminal charges were dismissed because there were no grounds for suspicion. This year too, no indictment or verdict has entered into legal force. Five filed and five dismissed criminal charges are typical for 2021, but in that year, one conviction was also handed down, in which a fine of 10,000 to 100,000 RSD was imposed. In the last year of the observed period, in 2022, criminal charges were filed against six persons, of which five criminal charges were dismissed. One indictment entered into legal force and one guilty verdict was passed, which imposed a prison sentence of 6 to 12 months.

When it comes to the criminal offense of causing danger by not providing safety measures at work in 2018. 27 persons were reported, and criminal charges were dismissed for 14 persons. Seventeen persons have been indicted. This year, eight people were sentenced (two to a prison sentence of 6 to 12 months, five to a suspended sentence and one person was sentenced to house arrest. During 2019. we have 22 adults reported for this criminal offense and 20 accused persons. A total of 18 In 2020, 14 persons were sentenced for this crime, of which 2 were sentenced to 6 to 12 months in prison, and 4 were sentenced to house arrest Seven persons were sentenced. The structure of the sentences is as follows: one fine in the amount of RSD 10,000 to 100,000, three suspended sentences and three house arrests. The following year, in 2021, 23 adult persons were reported for this criminal offense, of which 14 persons acquired the status of an accused person. During this year, eight persons were sentenced, of which three persons were sentenced to prison terms of 6 to 12 months and 3 to 6 months, one to a fine in the amount of RSD 10,000 to 100,000, three were sentenced to probation and one was sentenced to house arrest. In the last year of the observed period, 2022, 45 persons were registered. Ten persons were charged, of which eight were convicted. Three persons were sentenced to imprisonment for the duration of 6 to 12 months - two persons and

from 3 to 6 months - one person. Two suspended sentences and three house arrest sentences were handed down during the year 2022 for the crime in question.

In 2018, 12 adults were reported for the criminal offense of improperly and improperly performing construction works, of which eight criminal charges were dismissed. An indictment was brought against two adults and a guilty verdict (suspended sentence) was handed down. Seven persons were reported for this criminal offense in 2019, while three persons were charged with this offense. All three persons were sentenced for this criminal offense, one to a prison sentence of two to three years, and two persons were sentenced to a suspended sentence. In 2020, 12 persons were reported for the observed criminal act. Four persons have been charged. One person was sentenced to a suspended sentence.

The following year, in 2021, eight criminal charges were filed for this crime, of which five persons were charged. Three people were sentenced, two to a suspended sentence, and one to house arrest. In the last year of the observed period, 27 adults were reported, and only seven were accused. All seven persons were convicted. The structure of criminal sanctions for the observed criminal offense is: three suspended sentences and four house arrest sentences.

After the presented research on criminal offenses and criminal liability, the authors wanted to investigate which areas of work are the most risky and to obtain data on whether there is, and what is, the misdemeanor liability of persons who take care of safety and health at work, persons who deal with assessment the risks that different workplaces carry with them, as well as what is the role and responsibility of employers, employees and the state in this matter.

By analyzing the annual reports of the Administration for Occupational Safety and Health [1] we wanted to obtain data that will be indicators of the occupations that carry the greatest risk, where the most injuries at work occur, what types of injuries they are, what age or gender are the persons who more often suffer injuries at work, and the like.

The collected data, for the previous five years, will allow us to establish trends and tendencies in this area, create a profile of the most risky occupations and workers who perform these occupations, as well as propose some preventive measures.

In 2018 were registered 10.404 injuries at work, of which seven fatal injuries at work, 788 serious injuries at work and 522 serious injuries that occurred when leaving and coming to work. The other injuries were minor in nature. The activities in which the most frequent injuries occurred were wholesale and retail trade, motor vehicle repairs, transport and storage, health and social care, and the manufacturing industry. The most common cause of injury is improper, slippery and clogged surfaces on which the work is performed. In 60% of cases, the injury results in a broken arm. The days on which the most injuries occur are Monday and Tuesday, and the age group that is most injured is between 30 and 49 years old, and they are predominantly male.

Since 2019, the register of work-related injuries has been maintained according to a new methodology that enables a comparative analysis of work-related injuries in the Republic of Serbia and the countries of the European Union. During 2019, 13,300 work-related injuries were recorded, of which 14 fatal work-related injuries, 1,233 serious work-related injuries, 597 serious injuries during arrival and departure from work, while other injuries are considered minor. The activities in which the most injuries occurred, as well as the gender that suffers more injuries at work, remained the same as in the previous year. The age of injured workers has increased, so injuries at work mostly occurred between the ages of 46-55. In 2019. the majority of injuries occurred on construction sites due to slipping, tripping, and falling on one's face, where upper extremity fractures most often occurred.

The data for 2020 regarding the investigated phenomenon would be as follows: 10,295 injuries at work were registered (fatal injuries - 11, serious injuries - 1,226, serious injuries during departure and arrival - 435, and 8,623 - minor injuries). The largest number of injuries was registered in the processing industry. Observed in terms of age and gender - the male gender is more often injured, namely those aged 46-55 years, with a four-year education.

The largest number of work-related injuries occurred on buildings or construction sites, during slips, trips and falls, with bone fractures - upper extremities - occurring most often.

In 2021 the Occupational Safety and Health Administration reported that there were a total of 11,275 occupational injuries. Fatal injuries at work -12, serious injuries at

work - 1,289, serious injuries when leaving and coming to work - 487. Most injuries were suffered by men aged 46-55, employed in the processing industry. The largest number of injuries occurred due to slipping, tripping and falling on the face, which resulted in broken bones, mostly in the upper extremities.

In the last year of the analyzed period, 12,692 injuries at work were recorded, of which 11 had the epithet of fatal injuries. There were 1,127 serious injuries at work, while the number 596 is related to injuries at work of a serious nature that occurred when leaving and coming to work. And in 2022. most injuries occurred to men aged 46-55, with a four-year level of education. Injuries at work most often occurred from falls, slips and trips and resulted in fractures of the upper extremities.

In the previous part of the article, we explained criminal responsibility, and in this part of the paper, we aim to look at the practice of misdemeanor courts in the Republic of Serbia regarding the subject of the research in the previous five-year period.

According to the records of the Ministry of Justice, including all misdemeanor courts in the territory of the entire Republic of Serbia, in 2018. were submitted 904 requests for the determination of misdemeanor liability, of which 212 fines were imposed in the amount of up to RSD 100,000, 138 fines in the amount of 100,000 to 1,000 .000 RSD and six fines in the amount of more than one million dinars. Most requests were submitted in Subotica.

Analyzing the practice of misdemeanor courts in 2019. we conclude that the number of submitted requests is 1,054, of which 253 were resolved with a fine of 10,000 to 100,000 RSD, 163 with a fine in the amount of 100,000 to one million RSD, and two with a fine of more than one million dinars. Most requests were submitted in Belgrade.

A total of 815 submissions for determining misdemeanor liability, of which 307 ended with a fine of 10,000 to 100,000 RSD, 226 with a fine of 100,000 to 1,000,000 RSD and five fines exceeding one million RSD, are typical for 2020.

Also, in the course of 2020. the most requests for misdemeanor liability in the territory of the entire Republic of Serbia were submitted in Novi Sad

In the course of 2021, there were only 940 requests from the field of occupational safety and health before the misdemeanor courts on the territory of the Republic of Serbia. Out of that number, six requests were concluded with the determination of a fine

exceeding one million RSD, 248 requests with a fine of 10,000 to 100,000 RSD and 182 cases with a fine of 100,000 to 1,000,000 RSD. And in the course of 2021. the Belgrade misdemeanor courts had the most submissions

Data on misdemeanor proceedings are not available for the year 2022., the only thing we were able to find out is that the number of requests submitted this year was 912.

Analysis and discussion

The theoretical-legal analysis of our research subject allowed us to become more familiar with all the characteristics of observed phenomena in the previous five-year period. When we look at the criminal liability for three criminal acts (failure to take safety measures at work, causing danger by not providing safety measures at work and improperly and improperly performing construction works), we conclude that in the past five-year period for:

- The criminal offense of failure to take safety measures at work established criminal responsibility for two persons in the form of a fine in the amount of RSD 10,000 to 100,000 and a prison sentence of 6 to 12 months, and the punishment threatened by law is a prison sentence of up to three years;
- Criminal offense of causing danger by not providing safety measures at work, criminal responsibility was established for a total of 49 persons (on average about 10 persons per year), mostly suspended sentences (51%).
- The criminal act of illegal and improper execution of construction works established criminal responsibility for a total of 16 adult persons (on average about 3 persons per year), mostly in the form of a suspended sentence (63%).

It is concluded that the most dominant crime in the research period is the crime of causing general danger by not providing safety measures at work, as well as that the courts are predominantly determined to impose conditional sentences. We believe that this is not the best solution considering the nature and seriousness of the criminal acts. Nevertheless, the fact that the sentence of house arrest is more and more prevalent is encouraging.

When we look at misdemeanor responsibility related to safety and health at work, we can conclude that the most submissions were brought before the misdemeanor courts

in the city of Belgrade, that on average, in the previous five-year period, about 925 submissions were submitted annually, which mostly ended with the imposition of a fine in the amount from 10,000 to 100,000 RSD. We believe that the court's decision in this case is also mild, because in 59% of cases the court decides on the least threatened punishment.

According to the official data of the Occupational Safety and Health Administration, a total of 57,966 occupational injuries [1] were registered in the analyzed period (an average of 11,593 per year). Of all those injuries, 55 injuries were characterized as "fatal" (on average, around 11 people are injured at work each year), 5,663 were declared as "severe injuries at work" (on average, around 1,133 people suffer serious injuries each year at work that leave lasting consequences for health), and 2,637 people are seriously injured when coming and going from work (an average of about 527 people per year).

Based on the sublimated data, the profile of the employed person and the manner of injury would look like: a male person, aged between 46 and 55 years, with a four-year professional degree who is employed in construction jobs and who sustained injuries in the form of a fracture of the upper extremity (arm, hand or fingers) by falling, slipping or tripping.

What causes us great concern is that the data for 2023 are not encouraging either. According to the reports for this year, we can see that the trend of increasing injuries at work is increasing, and that in 2023. were reported 13,406 injuries - more than in one year of the observed period.

Although the average number of fatal injuries at work is 11, in 2023 as many as 14 injuries of this nature were reported. The average number of serious injuries at work is 1,133, while in 2023. it was 1,308. Injuries when coming to and going to work are also on the rise compared to the average - 612 (and the average is 527). All other monitored parameters in terms of education, type of injury, method of injury, gender and age - remained the same in 2023.

In terms of criminal responsibility, there is only one verdict for the criminal offense of causing danger by not providing safety measures at work, and that is a suspended sentence.

Regarding misdemeanor liability, the parameters related to penalties remain the same, except that Belgrade is not mentioned as the city with the most submissions for determining misdemeanor liability than Pirot.

In addition to the above, the data at the disposal of the Republic Health Fund, which do not match the data of the Occupational Safety and Health Administration, are also worrisome. In the period from 2018 to 2022, they recorded 219 fatal injuries, which is an annual average of about 44 people (and according to the data of the Occupational Safety and Health Administration, that number is four times lower). We are of the opinion that the record of the number of injuries at work should be centralized so that such duplicate data does not occur. Following the world and foreign literature in this area, we noticed that more developed countries deal with this topic far more, and that they develop strategies and adopt measures to protect employees from noise, introduce a safe climate in their organizations, conduct much more research in this area compared to our country [10].

Conclusion

We believe that the adoption of a new legal solution in this area is a big step forward for the Republic of Serbia and its labor market. By introducing new terms such as "work from home", "remote work", "workplace", we have shown that we are ready to move "in step with the times" and in step with other more developed countries.

Although the new Law on Safety and Health at Work brings very significant changes, its full implementation, as well as the results of measuring the success of its application, will be measured only in the time ahead. Now we all have a lot of duties and rights, but also obligations. Employees have the obligation to comply with the provisions of the Law, but also to report irregularities to the competent bodies, employers have the obligation to implement the new regulation, but also to cooperate unconditionally with the inspection bodies, while the state has the obligation to monitor the implementation of the regulation, as well as to provide advisory services to employers and employees, as we would all contribute to achieving a higher degree of safety and health at work, which is our common goal.

Finally, we must note that regulations and practice in our country differ greatly. Positive legal regulations promote the full protection of workers and their life and body, as well as health. By daily insight into practice, we notice that the situation "on the ground" is not quite like that. This also applies to businesses whose employer is the state, but also to businesses where the owners are natural persons. For example, on the streets of the capital, but also in other cities where construction expansion is noticeable (for example, Zlatibor), with a simple look at the construction site, we can notice many workers on the construction site who are not adequately protected, who do not have adequate equipment. Furthermore, every day we meet the trucks of the Public Utility Company, which are engaged in the maintenance of the cleanliness of the capital city, where the persons engaged in these tasks are practically "hanging" from the trucks, without helmets, protective equipment, completely left at the mercy of the attention of other road users. Their safety depends on the strength of their hands with which they hold onto the bars during transport, stand on open platforms and when there are unfavorable weather conditions (strong sun, winter, snow, rain...). Whether this is the failure of the workers (that they have equipment they do not want to wear), or whether it is the failure of the employer (that he did not bring them possibly adequate equipment), it should be sanctioned and changed in the shortest possible period. The authors express the hope that this paper will contribute to the further development of regulations and to the opening of some new perspectives on the topic under investigation.

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