

INTRODUCTION

The General Protocol on Protection of Children from Abuse and Neglect (hereinafter: General Protocol) envisages in part II, article 3, the possibility of adoption of special protocols, for the achievement of efficient intersectoral cooperation. To this end, the competent line ministers adopt special protocols through which they develop internal procedures for the protection of children within each separate system. Special protocols have components related to communication and intersectoral cooperation aimed to create active protection mechanisms, based on the existing areas of authority of each participating institution, as stipulated by law.

The implementation of this Protocol will provide insight into the situation in the field and contribute to a more efficient suppression of child labor, including its worst forms, and violation of child work rights, by learning from best international experiences that are in line with the highest child protection standards. Responsibility for identification and prevention of child labor, including its worst forms, and violation of child work rights lies primarily with the Labor Inspectorate. However, adequate protection of children starting with the moment of the identification and ending with rehabilitation, as well as the monitoring and analysis of child labor, represent a multisectoral task for state bodies, services and institution in order to provide effective, timely and complete protection of the rights and interests of the child exposed to child labor, including its worst forms, and violation of child work rights.

1. AIMS OF THE SPECIAL PROTOCOL

The purpose of this Special protocol is to regulate procedures and provide guidelines to the Labor Inspectorate for adequate prevention and timely response to child labor, including its worst forms, and violation of child work rights. Taking the basic principles and provisions of the General Protocol as a start point, this Special protocol focuses on the specific powers of labor inspectors in oversight procedures related to child labor, including its worst forms, and violation of child work rights.

In that sense, the objective of this Special protocol is for the labor inspectors to obtain the expertise on how to adequately react in cases when child work occurs in the legal entity which is subject to inspection.

Adequate reaction of the labor inspector implies:

- Ability to perceive child work;
- Recording of child work;
- Examining the circumstances under which child work occurs;
- Taking appropriate actions in cases of child labor;
- Adequate actions in situations when the labor inspector is not competent for child labor;
- Ability to include other relevant institutions and services in the process in order to protect the rights and interests of the exploited child;
- Exchange of information and coordination of activities with other relevant institutions and services.

Other objectives of this Special protocol are the following:

- To set the basis for an effective system where labor inspectors will be ready to efficiently respond to the challenges related to child labor, including its worst forms, and violation of child work rights;
- To regulate, in a detailed and precise manner, the mechanisms for protecting children from various forms of abuse (exploitation) in line with the international labor standards, the UN Convention on the Rights of the Child and the General Protocol;
- To develop the basis of inter-sectoral cooperation established by the General Protocol related to the scope of Labor Inspectorate operation;
- To clearly define the role of the competent state bodies in the system of the protection of children from child labor, including its worst forms, and violation of child work rights (Labor Inspectorate, police, Public prosecutor's office, Centers for social work, healthcare institutions, schools);
- To regulate mechanism for continuous exchange of information between the above-mentioned institutions, mutual consultations and joint and complementary action, in accordance with the law.

2. NOTION OF CHILD LABOR AND INSTITUTIONS COMPETENT TO TAKE CARE OF CHILDREN

2.1 Notion of child abuse

Child abuse or maltreatment include all forms of physical and/or emotional abuse, sexual abuse, neglect or careless act, and commercial or other exploitation, that results in actual or potential harm to the child's health, the child's life, development, or dignity, within a relationship that includes responsibility, trust or power.

2.1.1 Particularities of work engagement of children

Special statutory conditions related to work engagement of children pertain to:

- age limit for children being employed in accordance with the law;
- special conditions for employment (written consent of a parent, adoptive parent or guardian, competent healthcare authority finding stating that the minor is capable of performing the tasks of the job for which the minor is employed and that these tasks are not detrimental to his/her health);
- work engagement of children in learning through work.

The special statutory conditions for work of minors older than 15 pertain to:

- duration of full working time, which may not exceed 35 hours a week;
- prohibition of work longer than eight working hours per day and prohibition of overtime;
- prohibition of night work, except in cases envisaged by law;
- prohibition of rescheduling of work;
- prohibition to perform hazardous jobs, which may jeopardize the life and health of the minor;
- special working conditions in the learning through work system.

The Decree on Hazardous Child Labor includes jobs that are performed in hazardous circumstances or within certain business activities, as well as an overview of jobs that minors cannot perform, or may perform only under certain conditions or within specific limitations.

Risks related to work engagement of children are as follows:

- prevention of children from attending or completing school education;
- negative effects on child's physical and psychological development;
- work exploitation occurring as a result of child discrimination at work;
- child abuse for purposes of illegal activities (prostitution, pickpocketing, sale of narcotics and the like);
- child trafficking and putting children in a position similar to slavery;
- abuse of social, economic, financial, emotional or other dependence or circumstances of the child or the child's family.

2.2 Child labor, including its worst forms, and violation of child work rights

„Child labor is work that is mentally, psychologically, socially and morally dangerous and harmful for the child; and that affects the education of the child by preventing the child from attending school, obligating the child to abandon education or forcing the child to attend school under extremely difficult circumstances.”

The notion of “**child labor**“, in terms of this Special protocol pertains to work engagement of children younger than 15 years of age by an employer or on a farm, as well as in a family household, on inadequate jobs or under inadequate working conditions.

The notion of “**worst forms of child labor**“, in terms of this Special protocol may comprise the following:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

(Convention No. 182 on the Worst Forms of Child Labor (Official Gazette of the FRY – International Treaties No.2/2003) and the Recommendation 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor of the International Labor Organization)

The notion of “**child trafficking**“, in terms of the worst forms of child labor, refers to situations where, through use of force or threat, deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining of identity papers or giving or receiving of money or other benefits, a person under 18 years of age is being recruited, transported, transferred, sold, bought, hidden or kept for the purpose of his/her labor exploitation, forced labor, committing of criminal offenses, prostitution or other forms of sexual

exploitation, begging, pornography, slavery or similar status, removal of organs or body parts, or service in armed conflicts.

The notion of “**violation of child work rights**”, in terms of this Special protocol, refers to situations in which child's work rights guaranteed by law, general act and employment contract, as well as other regulations and general acts adopted in accordance with the law, are violated. The violation of child work rights relates both to a violation of the general employment rights, as well as to a violation of the specific employment rights and working conditions prescribed for child work.

2.3 The role of the Labor Inspectorate in child protection

According to Article 268 of the Labor Law, the Labor Inspectorate monitors the implementation of labor regulations. According to Article 68 of the Law on Occupational Safety and Health, labor inspectors perform inspections of the implementation of this Law, regulations adopted based on this Law, technical and other measures related to occupational safety and health, as well as the implementation of occupational safety and health measures determined by the risk assessment act, employer's general act, collective agreement or employment contract. Labor Inspectorate is the most relevant body when it comes to the identification of child labor since controlling of registered and unregistered employers is within its authority.

When performing their duties related to monitoring the implementation of labor regulations, a labor inspector may perform different activities that are important for protection of children from child labor, including its worst forms, as well as the violation of child work rights (see part 3.3. phase 2).

The inspector fulfills their duties by using the cooperation mechanisms aimed at prevention of child labor, including its worst forms, and violation of child work rights, as well as exploitation, neglect, and maltreatment of children, as established by this Protocol, and in accordance with the law.

3. MEASURES TO ESTABLISH MORE EFFICIENT ACTIONS OF LABOR INSPECTORS IN THE FIELD OF CHILD PROTECTION

3.1 Challenges of Labor Inspectorate activities in elimination of child labor, including its worst forms, and violation of child work rights

Within the existing regulatory framework, labor inspectors may encounter various challenges when performing inspection:

- Employer refuses to cooperate with the labor inspector and actively or passively prevents the inspector from conducting the inspection in full, or in relation to specific facilities in which the work process occurs;
- Employer hides and withdraws, in an organized or unorganized manner, the children who are included in the work process, immediately before inspection or at the beginning of the inspection;

- Employer is an unregistered entity and performs work in various places, periodically changing the location;
- Children who illegally participate in the work process are intimidated and hidden from authorities;
- Labor inspector is unable to conduct inspection of the work in a family household;
- Labor inspector is unable to conduct inspection in case of children working on the street;
- Labor inspector cannot conduct inspection over the work in agricultural households that are registered for ethno-tourism (except for safety and health at work issues).

The labor inspectors resolve the mentioned challenges, as well as other situations in which an inspection is complicated or cannot be conducted, in accordance with the law. In cases when the Labor Inspectorate is not competent, the labor inspectors initiate mechanisms of inter-sectoral cooperation by contacting other, competent bodies, services and institutions, in accordance with the Special protocol and other regulations.

3.2 Preventive action of labor inspection

The Labor Inspectorate, based on the Law on Inspection Oversight (Official Gazette of the RS, No. 36/2015), collects data, monitors and analyses situations within its authority during inspections.

In order to attain the objective of inspections, the labor inspection is obliged to act preventively.

The Labor Inspectorate may organize various forms of educational campaigns for employers, as part of preventive activities on preventing child labor, including its worst forms, and violation of child work rights. The Labor Inspectorate in cooperation with other relevant institutions, such as schools, social services, employers and social partners, as well as the Centre for the Protection of Victims of Trafficking in Human Beings may also organize preventive action related to these issues. Such campaigns may be focused on educating the teaching staff in schools, parents and children to identify child labor, including its worst forms, and violation of child work rights, and on addressing the competent bodies and institutions in the early phases of child engagement in such forms of labor, as well as trainings for teachers and parents on learning through work.

3.3 Types and forms of inspection in the field of child labor, including its worst forms, and violation of child work rights

The Law on Inspection Oversight prescribes that inspection can be regular, extraordinary, control and supplementary (Article 6).

Regular inspection is conducted according to the Inspection Plan.

During regular inspection, the labor inspector uses the Checklist for Inspection and Oversight Over Child Labor and, based on the detected irregularities and assessed risks related to child work, assesses whether child labor, including its worst forms, and violation of child work rights occurs with that particular employer.

The Labor Inspectorate can conduct **extraordinary inspection** in the field of **child work** on their **own initiative**, when there are indications of presence of child labor, including its worst forms, and violation of child work rights, or upon the **report of a third person** indicating occurrence of child labor, including its worst forms, and violation of child work rights by a particular employer. During the extraordinary inspection, the labor inspector may also use the Checklist for Inspection and Oversight over Child Labor if they notice irregularities with the children employed by the supervised entity.

The **control inspection** in the field of child work is conducted in order to confirm the execution of measures taken in order to eliminate the irregularities identified during regular or extraordinary inspection.

If, during the inspection, irregularities related to child labor, including its worst forms, and violation of child work rights are identified, the controlled employer must be subjected to the extraordinary inspection in the forthcoming period, the length of which shall depend on the assessed risk degree, and which will be calculated from the date of the conducted control inspection.

The **supplementary inspection** in the field of child work may be conducted in accordance with the general rules on the supplementary inspection, particularly in cases when the labor inspector estimates that, due to objective circumstances, they were not able to determine all the facts needed for assessing the risk of child labor, including its worst forms, and violation of child work rights (e.g. no children were detected in the work process but other circumstances and facts indicated that the report about child labor or violation of child work rights was grounded; the inspector detects that children who participated in the work process had been removed immediately before the inspection, etc.).

3.4 Means, techniques and methods for identifying child work and child labor, including worst forms of child labor, and violation of child work rights

During the inspection over the child work and identifying child labor, the labor inspectors use all general and particular authority determined by law, and all available means, methods and techniques of supervision to which they are authorized by procedural and material regulations within their authority.

Having in mind the particularities of the work engagement of children and associated risks, the labor inspectors must clearly identify each relevant fact related to form, nature and duration of a child's work for a specific employer, as well as the conditions under which the work is performed, in accordance with the law and the Checklist for the Inspection and Oversight over Child Labor.

Preliminary indicators of potential child labor which labor inspector can observe or check during the inspection, are as follows:

- child employee does not receive any compensation for his/her work;
- child is working on activities known for increased risk of trafficking;
- child has limited freedom of movement;
- child's contacts are controlled by another person;
- child is threatened or exposed to violence;

- child wears outfits characteristic for different types of exploitation;
- child is wearing clothing that can conceal physical injuries;
- child is living and working in the same place;
- child has injuries characteristic of force control measures;
- child states that he/she is forced to use psychoactive substances;
- child speaks in a manner and about things that can point to the experience of exploitation;
- child speaks in instructed and practiced manner in order to conceal facts of exploitation;
- child does not know the name of the town where he/she is located, the address where he/she lives and works, as well as other information about the community;
- child has forged identity documents;
- child has no control over his/her identity documents.

When it comes to identifying the specific circumstances related to work engagement of children and potential child labor, including its worst forms, and violation of child work rights, a labor inspector may interview the child, other employees and persons who can be assumed to have the necessary information on the child and the character of the child's work engagement. This is particularly the case when the employer refuses to disclose the identity of the child, claims that the child is not engaged in the work process, etc. The labor inspector has the right to talk to the child in an attempt to determine his/her identity and age, regardless of whether there is a suspicion that the child is under 18 or under 15 years of age. The inspector may conduct an interview with the child and make an official note in which they will describe the situation, child's opinions and the circumstances under which the child had been interviewed.

The inspector may take a statement from the child in the presence of his/her parent or a legal guardian, who on that occasion identify themselves by presenting an ID to the labor inspector. The child and the parent/legal guardian both sign a statement given for the record.

In cases of informal work, in addition to the child's identity, the child's exact age must also be identified. After identifying the child's age, the labor inspector shall take all the measures to which they are authorized by law, in accordance with the assessed risk and existence of a misdemeanor or a criminal offence.

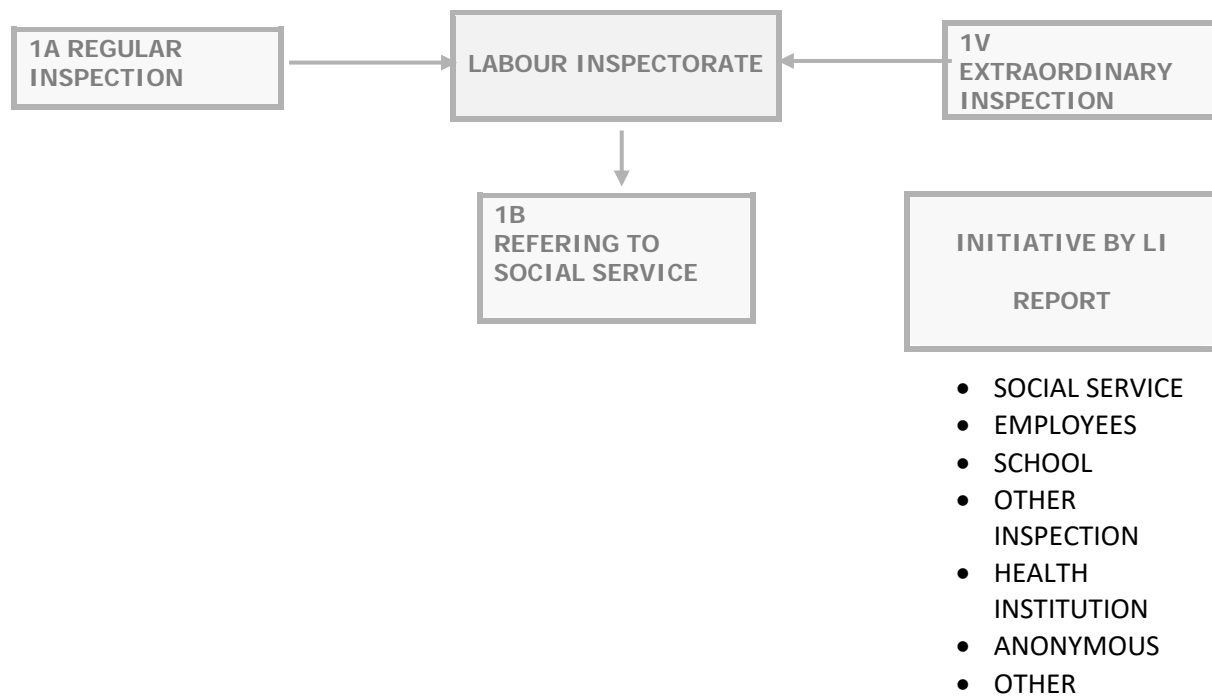
In cases of the learning through work, the labor inspector will determine whether the employer meets the requirements for organizing this form of education, and whether the child is engaged in learning through work in accordance with legal requirements and restrictions.

The labor inspector shall request the assistance of a police officer in order to determine the identity of the child if it is not possible to determine the child's identity in any other manner (identity check will be conducted on the basis of a justified request of the state administration official, natural persons or legal entities as proscribed in Article 75 paragraph 11 of the Law on Police (Official Gazette of the RS, no. 6/2016); justified request according to paragraph 1 point 11 of this Article is any request which shows that these data are necessary for further legal actions of the officials, or that a right of the natural person has been violated), and if the child does not understand the language or refuses to talk to the labor inspector (in this case, assistance is provided by Center for social work). The labor inspector informs social services on such circumstances, without delay.

4. ACTIONS OF LABOR INSPECTORATE AND COOPERATION WITH OTHER INSTITUTIONS

The actions of labor inspectors are carried out in four phases: the initiating of inspection, the implementation of inspection, identification of the actual situation and the proposing of measures, and the initiating and implementation of intersectoral cooperation.

Phase 1 – Initiating of inspection by Labor Inspectorate



Phase 1A – Initiating of Regular inspection

Regular inspection is performed according to annual Inspection Plans.

The regular inspection in the field of protection of children from child labor, including its worst forms, and violation of child work rights, is conducted according to Inspection Plans that have been adopted in the areas of labor relations and occupational safety and health. If employer has children engaged in the work process, the labor inspectors will use special Checklist for Inspection and Oversight over Child Labor during the inspection visit. When developing strategic and annual plans, the Labor Inspectorate shall particularly take account of activities in which child labor most often occurs (food industry, crafts, agriculture and similar), and the characteristics of activities that are considered hazardous for children.

Annual and other short-term plans shall be modified in relation to those companies where the occurrence of child labor has been recorded, and particularly in relation to the companies where

irregularities in work engagement of children have been identified, regardless of the degree of the identified risk.

Phase 1B – Informing the Center for Social Work when dismissing a report due to lack of legal authority

If the Labor Inspectorate receives a report concerning child labor, including its worst forms, in a family household, namely, in cases that not fall under the authority of the Labor Inspectorate, the Inspectorate shall dismiss the report due to lack of authority, but shall refer the report to the Center for Social Work without delay.

In the case that the report stated that the child involved in child labor was younger than 15, the labor inspector should without delay inform the competent public prosecutor.

When receiving an oral report, as well as in cases when the report that has been filed is not anonymous, the labor inspector will try to gather following data:

1. Personal information of the child (name and surname, age, address of residence, mother tongue),
2. Information on the parents and household members,
3. Reasons for contacting the Labor Inspectorate, description of the issue and circumstances in which the child has been working,
4. Other data the labor inspector considers to be relevant regarding the circumstances in question (the existence of documentation that would back up claims presented in the report, child's health status, whether the child attends school, etc.).

Pursuant to the Rulebook on Organization, Norms and Standards of Work in Centers for Social Work (Official Gazette of the RS, No. 59/2008, 37/2010, 39/2011 – other rulebook and 1/2012 – other rulebook), the report may be submitted orally or in writing. The oral report may be filed personally or by phone. A written application may also be filed by e-mail.

The competent Center for Social Work is the one covering the territory where the child was found, that is, the territory where the child works. The Center for Social Work in the territory where the child resides shall also be under the obligation to receive the report.

The report is filed to a reception worker. When filing the report, the labor inspector provides all information they have obtained about the child, especially the following:

1. Personal information of the child (name and surname, age, address of residence, mother tongue),
2. Information on the parents and household members,
3. Reasons for addressing the Center for Social Work,
4. Circumstances under which the inspector has located the child, as well as
5. Other information the inspector has obtained during inspection (conversation with the employer, conversation with the child, inspection of relevant documents, and the like) and
6. Other data that may be important for further actions (child's health status, whether the child attends school, and the like).

The labor inspector makes an official record on referring the case to the Center for Social Work, including information to which Center for Social Work the report was filed, name, surname and phone number of the social worker to whom the information was communicated, the contents of the information communicated, the date and time of the report.

If suspecting child trafficking, according to indicators presented in this Special Protocol, the labor inspector will report that suspicion to the Centre for the Protection of Victims of Trafficking in Human Beings. The report may be made orally (by telephone or direct address) as well as via e-mail. Labor inspector has to report the same circumstances to the competent public prosecutor.

Phase 1V – Implementing extraordinary inspection

Extraordinary inspection in the field of child labor, including its worst forms, and violation of child work rights, is conducted when it is necessary to take urgent measures in order to prevent or eliminate immediate threat to life or health of people, to property, rights and interests of employed and work engaged children; when it is assessed, after the adoption of the annual Inspection Plan, that the risk is high or critical or if circumstances change; when such inspection visit is requested by the controlled entity; when acting upon the report of a legal entity or a natural person.

The extraordinary inspection may be initiated by the labor inspector, when, based on available information and risk assessment, they discover that there is a reasonable suspicion that child labor, including its worst forms, and violation of child work rights occur in an enterprise. Any information on child work can be indicative to perform the extraordinary inspection if employer did not report any child work during previous inspections, or there was no inspection in that enterprise. If the information on detected child work is accompanied by the information on suspicious behavior of children, employees or the employer, as well as by any other indication that this could be a case of child labor, the labor inspector must accordingly assess such information when deciding whether an extraordinary inspection will be conducted in that company. The labor inspector may also act based on information obtained from other services and institutions, which are not in the form of an official report. The inspector may also act taking into account the previous experience with the controlled entity, namely, the findings of previously performed inspections.

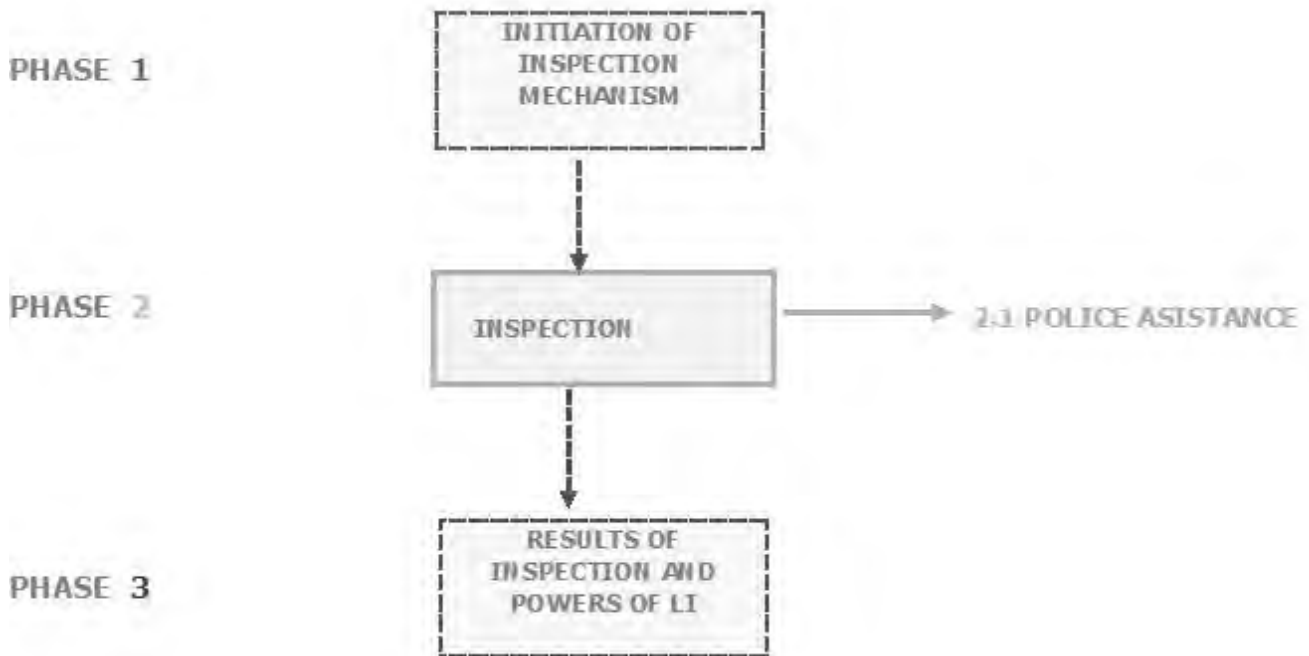
Extraordinary inspection is initiated *ex officio* by the labor inspector on the initiative of the person who submits the report on child labor, including its worst forms, and violation of child work rights. This can be another employee, a parent or guardian of the child who is being engaged, an educational institution attended by the child, a health care institution to which the child (or parent, or guardian) has turned for provide assistance, social services, another inspectorate, and any other natural person or legal entity. The labor inspector is obliged to initiate the procedure of extraordinary inspection if the initiative contains relevant information indicating a well-founded suspicion on existence of any form of child labor.

The Labor Inspectorate is under the obligation to consider anonymous reports. In case an anonymous report being directly submitted to the labor inspector (in person, by telephone, by e-mail) the labor inspector will warn the person submitting the report that if they wish to remain

anonymous, they will not be able to receive information on the status of the report and the activities undertaken on the basis of it.

The extraordinary inspection at the request of the controlled entity could be a “fact finding” inspection, which is performed when it is necessary to determine the fulfillment of the prescribed conditions. If these are met the controlled entity acquires the right to start work or perform activities in accordance with the relevant law, or it could be a validating extraordinary inspection which is conducted when the controlled entity requests confirmation of legality and safety in exercise of certain rights or obligations, or in their business operation. If the labor inspector conducts these types of extraordinary inspection, the inspector may also use the Checklist for Inspection and Oversight over Child Labor.

Phase 2 – Conducting inspection by the Labor Inspectorate



The labor inspector conducts inspection over child labor in accordance with the general and special rules of inspection and the authorities of the labor inspector.

When exercising their authority related to the implementation of labor legislation, the labor inspector may carry out various activities relevant for child protection:

- identifying work engagement of minors and checking their age;
- checking the labor status of engaged minors and fulfillment of conditions for performing jobs they are engaged on;
- checking the voluntariness of work engagement;
- controlling the exercise of rights stemming from the employment relationship or work engagement of minors;

- controlling the fulfillment of working conditions identified by the regulations on learning through work;
- controlling the occupational health and safety regulations.

When performing the mentioned activities, the labor inspector has the following authorities bestowed by the law:

- to inspect general and individual acts, records and documents in order to identify the relevant facts;
- to determine the identity of persons and takes statements from the employer, the responsible persons, employees and other persons who are found working in the enterprise;
- to control whether the employees were registered in the social security system, based on the data from the Central registry of mandatory social insurance;
- to inspect business premises, objects, facilities, machines etc.;
- to order preventive and other measures which they are legally authorized to issue by the law in order to prevent the legal violations.

After discovering instances of child labor, including its worst forms, or violation of child work rights, or of other forms of child abuse and/or exploitation, the labor inspector is obliged to inform the competent authorities of that findings, with the aim of:

- terminating the legal violation;
- removing children from the work environment in which they are being exploited;
- taking care of children and protecting their rights and interests;
- preventing the continuation of the violation, namely, the repeated exploitation of children;
- initiating the procedure for determining the responsibility of persons committing criminal activities.

If the labor inspectors conduct regular inspection, they shall assess the risk during the said inspection by using the Checklist for Inspection and Oversight over Child Labor.

Step 2.1 – Police assistance

If there is a reasonable expectation of resistance during the inspection, the police will provide assistance to the labor inspector (after receiving a written request) in order to facilitate the safe conduct of the inspection visit. The written request must be submitted to the relevant local organizational unit of the police, at least five working days before the date set for the inspection. The request for assistance shall specify the reasons for which the labor inspector needs the help of the police, and it will be accompanied by a copy of the act to be enforced, with the confirmation of enforceability, proof of the attempted enforcement without police assistance and proof of engagement of ancillary services that are necessary for the enforcement (Article 54 of the Law on Police).

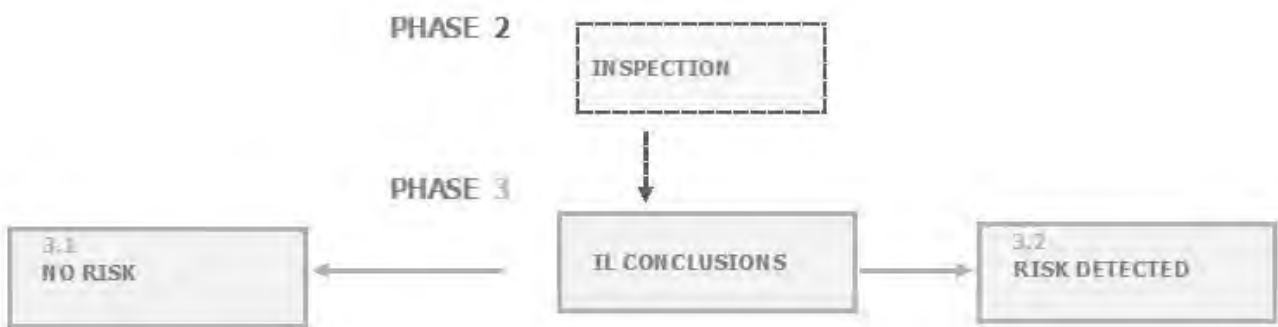
The labor inspector makes a formal note on the assistance/support requested, containing the information on the police administrative unit/station from which the assistance was requested; the name, surname and the telephone number of the police official to whom the information was communicated; the content of the information communicated; and the date and time when assistance was requested.

Action in urgent cases

In urgent cases, a request may be submitted verbally followed by a written request submitted within the next 48 hours (Article 54 of the Law on Police).

The labor inspectors may request police assistance by telephone if they discover that the public order will be violated (e.g. verbal or physical attack by persons present at the premises where inspection is being conducted, or other forms of threats to safety of labor inspector or preventing the labor inspector to conduct the inspection).

Phase 3 – Determining the actual situation and proposing measures

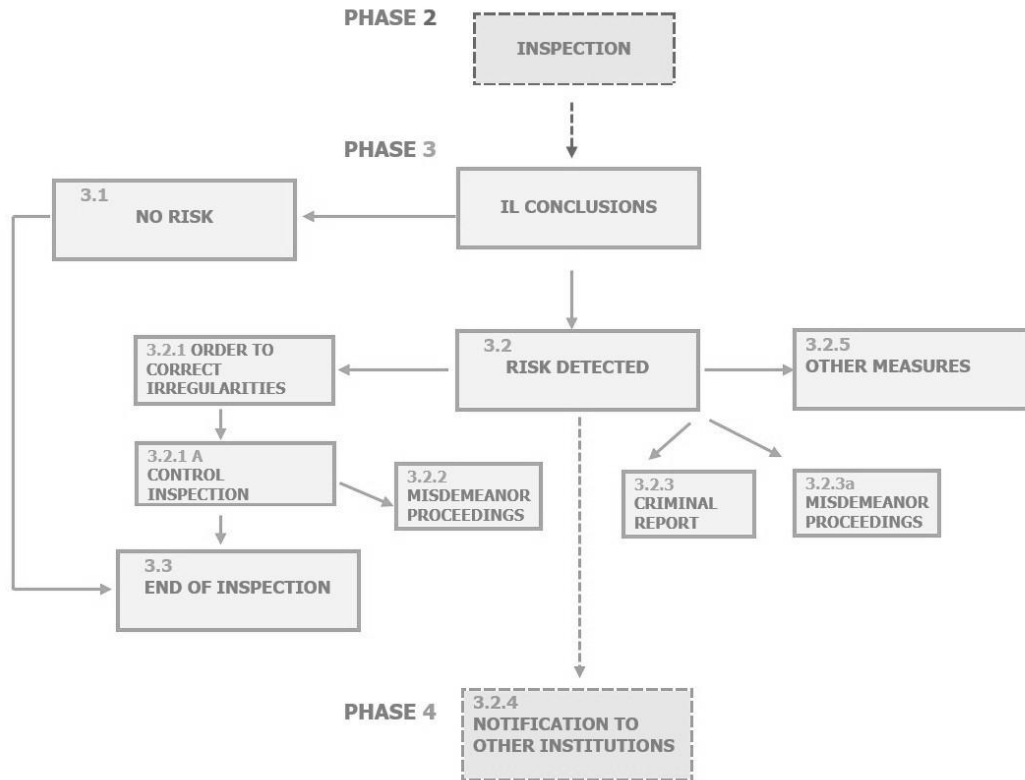


When conducting the inspection, the labor inspector may reach the following conclusions on child labor:

- Child work was not identified in a given enterprise, namely, no children participate in the work process (step 3.1).
- Child work was identified in a given enterprise, and it is performed in accordance with the law (step 3.1).
- Child labor was identified in a given enterprise.
- Some of the worst forms of child labor were identified in a given enterprise.
- A violation of a child's work rights was identified in a given enterprise.

In the first two cases, the labor inspector shall complete the inspection procedure (step 3.3).

Based on the identified facts and risk assessment provided in the Labor Inspectorate Checklist for child labor, the labor inspector shall define the risk level and take appropriate actions.



If the labor inspector detects the existence of child labor, they may take certain measures within their authority. **In that sense, it is possible to identify the following illegal situations:**

- All forms of slavery or practices similar to slavery, such as child trafficking and smuggling, debt bondage and serfdom and forced or mandatory labor of children younger than 18 years of age.

If the inspector identifies that the child is a victim of human trafficking, that his/her movement is restricted, that he/she does not have personal documents, that he/she is in employer's premises against his or her will, that he/she does not speak Serbian, or is not a Serbian citizen, then the labor inspector shall inform the police and the Centre for Social Work, as well as the Centre for the Protection of Victims of Trafficking in Human Beings (step 3.2.4); the labor inspector may also submit a request to initiate misdemeanor proceedings for a misdemeanor within their jurisdiction (step 3.2.3a) as well as file a criminal complaint to the competent Public Prosecutor's Office if they consider that a criminal offense had been committed (step 3.2.3).

If the labor inspector gets a confirmation, based on the child's statement or the statements of other employees, or based on the circumstances at the workplace, that the child is forced to work at a given company, namely, that the child does not participate in the work process by his/her own will for any reason, including difficult financial position of the child's family, the labor inspector shall file a request to initiate misdemeanor proceedings or file a criminal complaint to the competent misdemeanor court or the public prosecutor (step 3.2.3a or step 3.2.3), as well as inform the police and Centre for Social Work (step 3.2.4).

- Use, procuring or offering of a child younger than 18 years of age for prostitution, for the production of pornography or for pornographic performances

The listed activities represent the worst forms of child labor and, if, during the inspection, the labor inspector identifies them, the labor inspector shall inform the police, Centre for Social Work, Centre for the Protection of Victims of Trafficking in Human Beings and, if needed, a health care institution (step 3.2.4); the labor inspector may also submit a request to initiate misdemeanor proceedings for a misdemeanor within their jurisdiction (step 3.2.3a) as well as file a criminal complaint to the competent Public Prosecutor's Office if they consider that a criminal offense had been committed (step 3.2.3).

The labor inspector shall also file a criminal complaint and inform the police if, during the inspection, they discover that the employer is engaged in one of the listed criminal activities, if the abused children are not in the premises where the inspection is being conducted, and if it is found out that the employer distributes, uses or owns pornographic material that includes children.

- Use, procuring or offering a child younger than 18 years of age for illicit activities.

If the jobs that children are engaged in are expressly prohibited by law, the labor inspector shall file a request to initiate misdemeanor proceedings or file a criminal complaint to the competent misdemeanor court or the public prosecutor (step 3.2.3a or step 3.2.3) and inform the police and Centre for Social Work (step 3.2.4).

- Work engagement of children younger than 15 years of age.

The labor inspector shall determine the identity and the exact age of all persons participating in the work process, by inspecting the documents and talking to these or other persons, as well as to the employer. If it is discovered that the children engaged in work process are younger than 15 years of age, the labor inspector shall inform the police, Centre for Social Work and Centre for the Protection of Victims of Trafficking in Human Beings (step 3.2.4).

- Work engagement of children younger than 18 years of age on inadequate jobs that are, due to their nature or circumstances under which they are performed, likely to be harmful to health, safety and morals of children.

Labor inspector shall determine the identity and exact age of these persons, by inspecting documents and interviewing these and other persons and the employer.

If it is discovered that minors older than 15 years of age are engaged in work without legal grounds, the labor inspector must order the employer to provide them with contracts in line with the rules on work engagement of minors, provided that the prerequisites for their engagement envisaged by the Labor Law are met (step 3.2.1); as well as to submit an application for compulsory social insurance. The labor inspector shall also file a request to initiate misdemeanor proceedings to the competent misdemeanor court (step 3.2.3a) and inform the social services of their findings (step 3.2.4) if they consider that the rights and interests of the child are particularly jeopardized. The labor inspector shall also note the critical risk and shall plan for another extraordinary inspection in the same enterprise.

If the employer claims that no children participate in the work process but there are indications that children are hiding or have left the employer's premises immediately before the inspection has commenced, the labor inspector shall conduct the inspection that will include the actions they are authorized to take, and in accordance with the findings thereof, the inspector shall take one of the following steps, but also plan for another extraordinary inspection in the same enterprise.

If the jobs performed by children older than 15 years of age are hazardous jobs expressly prohibited for children, the labor inspector shall order the employer to assign the children with the jobs that are in line with their limited work capacity (step 3.2.1). If the jobs performed by children may be considered the worst forms of child labor, the labor inspector shall file a request to initiate misdemeanor proceedings or a criminal complaint to the competent misdemeanor court or the public prosecutor (step 3.2.3a or step 3.2.3) and inform the police and the social services (step 3.2.4).

- Employment and work engagement of children aged 15 to 18 under inadequate working conditions, abuse of the children at work and discrimination based on age, or based on work experience.

If children being employed have employment contracts or other contracts on work engagement that are not aligned with the labor Law, collective agreement and employer's general acts, the inspector shall order the employer to harmonize the contracts with these regulations (step 3.2.1). The labor inspector may conclude that minors perform jobs which are not hazardous but that working conditions under which they are performed are inadequate. In that case, the labor inspector shall order the employer to ensure the working conditions are in accordance with the limited work capacity of children (step 3.2.1). If the jobs performed by children may be considered the worst forms of child labor, the labor inspector shall file a request to initiate misdemeanor proceedings or a criminal complaint to the competent misdemeanor court or the public prosecutor (step 3.2.3a or step 3.2.3) and inform the police and the Center for Social Work (step 3.2.4).

If the labor inspector identifies the possibility of existence of abuse at the workplace or of discrimination at work, the labor inspector shall point out the irregularities and order the proper application of regulations. In each of the above-mentioned cases, the labor inspector shall instruct the minor on his/ her rights and on the possibility to contact other state bodies regarding their right to claim protection against illegal behavior. Depending on the form and gravity of abuse, the labor inspector shall file a request to initiate misdemeanor proceedings or a criminal report to the competent misdemeanor court or public prosecutor (step 3.2.3a or step 3.2.3) and request the engagement of a health care institution in providing help to the child, as well as inform the Center for Social Work, the Public Prosecutor's Office and the police (step 3.2.4).

If suspecting child trafficking, the labor inspector will report it to the Centre for the Protection of Victims of Trafficking in Human Beings.

In each of the above-mentioned cases, the labor inspector shall plan for another extraordinary inspection in the same enterprise.

- Learning through work in inadequate working conditions or without a valid legal basis

During the inspection, the labor inspector checks that all the conditions for the work engagement of a child in the process of dual education, i.e. learning through work are met. The limitations that must be kept in mind when examining if the all conditions for performing of learning through work process are met, include: the status of the employer (existence of a certificate for providing learning through work services issued by the Serbian Chamber of Commerce); regulated contractual relations regarding learning through work (existence of cooperation contract between school and employer and learning through work contract between the child's parents or the child itself and the employer); presence of a licensed instructor; the nature of the child's work and respect of the child's statutory working conditions; the implemented occupational safety and health measures.

If the labor inspector discovers that there are irregularities in the conditions for the implementation of learning through work programs, they shall notify the Education Inspectorate and the Chamber of Commerce of the Republic of Serbia accordingly.

When determines the existence of a risk, the labor inspector will take some of the above-mentioned actions and issue a formal order to the employer to eliminate the irregularities within a certain period of time (step 3.2.1). The employer is obliged to take the ordered actions and eliminate the identified risks within the deadline determined by the labor inspector. After the expiration of the deadline for elimination of the identified breach in the field of labor relations, and no later than 15 days after the expiration of the deadline, as well as after the expiration of the deadline for the implementation of the ordered actions in the field of occupational safety and health , and no later than eight days from the expiration of the deadline, the employer is obliged to inform the labor inspector about the execution of the formal order, i.e. the imposed obligation. The labor inspector shall conduct a control inspection (step 3.2.1A) in order to confirm that the deficiencies have been eliminated. After that, the labor inspector ends the inspection cycle in that enterprise (step 3.3).

If, during the inspection over child labor, the labor inspector identifies other types of irregularities, they may also apply other measures within their authorities (e.g. measures related to the health and safety of employees, measures related to the identified irregularities related to adult employees etc. – step 3.2.5).

In each of the above-mentioned cases, the labor inspector shall assess whether it is necessary to include other services and institutions, based on the given circumstances and the identified facts. If the labor inspector is not sure whether reporting to other institutions is necessary in given situation, they shall communicate with contact persons in those services in order to make a joint assessment and decide on possible further actions. The inspectors shall assess on their own whether the employer or another employee have committed a misdemeanor or a criminal offence related to child labor.

In each case when the child labor, including its worst forms, and the violation of child work rights are identified, the labor inspector is obliged to inform the Center for Social Work.

In each case when child trafficking is identified, the labor inspector is obliged to inform the Centre for the Protection of Victims of Trafficking in Human Beings.

In accordance with Article 179 of the Misdemeanor Law (Official Gazette of the RS, number 65/2013 and 13/2016), the labor inspector is the person authorized to initiate misdemeanor proceedings, for misdemeanors that are within the remit of the inspection the labor inspector performs.

The labor inspector shall always inform the competent health care institution if the child's health is violated or threatened. The labor inspector shall always inform the Center for Social Work if they consider that any rights or interests of the child are violated or jeopardized.

The labor inspector shall also inform the contact person in charge of child labor, including its worst forms, and violation of child work rights from the Labor Inspectorate unit in the district

in which they act, on the findings of the inspection and actions and measures taken related to child labor, including worst forms of child labor, and violation of child work rights.

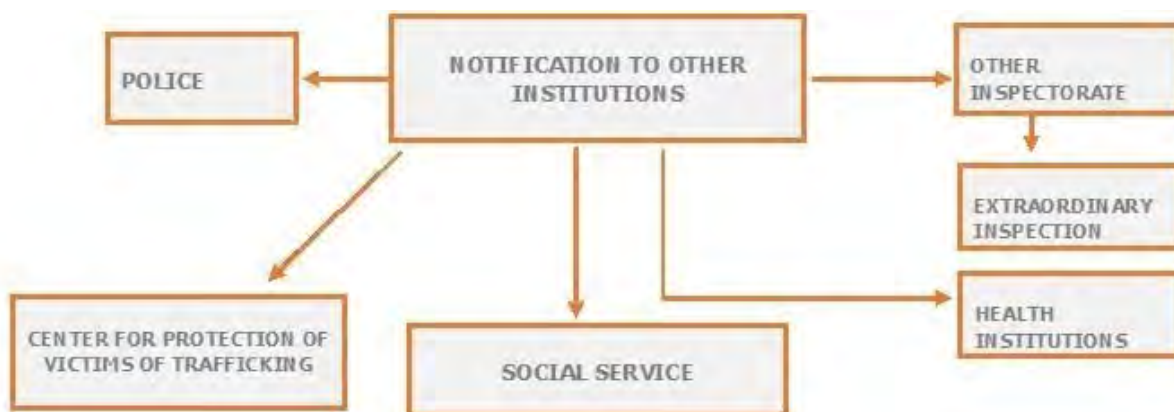
Communication with contact persons for child labor, including its worst forms, and violation of child work rights in the Labor Inspectorate

Intersectoral cooperation is implemented through the exchange of information between Labor Inspectorate, Centers for Social Work and police.

Every office of the Labor Inspectorate at the administrative district level, as well as in the City of Belgrade, employs a contact person who has completed the training on inter-sectoral cooperation and identification of child labor, including its worst forms, and violation of child work rights, and whose task is to collect information on cases of child labor, including its worst forms, and violation of child work rights, on the territory of the Labor Inspectorate's office, and to electronically archive in one place all records regarding the completed inspections in the field of protection of children from child labor, including its worst forms, and violation of child work rights.

Each labor inspector that records child labor, including its worst forms, and violation of child work rights during the inspection, delivers that information to the contact person at their Labor Inspectorate's office. All information collected in the Checklist for Inspection and Oversight over Child Labor or Form for Extraordinary Inspection has to be delivered, together with the Report on Conducted Inspection. If the labor inspector has subsequently informed other institutions which have then initiated specific proceedings regarding child labor, including its worst forms, and violation of child work rights, or other forms of child abuse, the labor inspector will also deliver official note containing that information. The labor inspector is obliged to update the contact person on any additional information and circumstances they learn, especially regarding intersectoral cooperation and their involvement in special proceedings initiated in front of other institutions.

Phase 4 – Intersectoral cooperation



If the labor inspector discovers circumstances and facts that require the involvement of other bodies, in line with the situations regulated by the Protocol, the labor inspector shall inform the police, the Center for Social Work, the health care institution, other inspectorates and other bodies and institutions for protection of rights and interests of the child, whose intervention is required by the specific circumstances.

In cases when there is a need for an urgent response, the labor inspector shall immediately inform the Center for Social Work and point out the need for urgent action in communication with the social worker responding to the call.

The labor inspector reports to the Center for Social Work regarding a child who needs protection in case of worst forms of child labor. That report may be written or oral, including the one submitted by telephone. If the report is submitted verbally/by telephone, the inspector shall, within seven days from the day of application, submit it in writing. The social worker responding to the call will try to gather as much information as possible about circumstances in which the child was found.

The social worker who responded to the call documents the oral report of the labor inspector in the form of an official note containing:

- date and time of the report;
- identification data of the child;
- information about the perpetrator;
- description of the situation - the circumstances observed.

Afterwards, the social worker who responded to the call checks whether the said child, or his/her family, have other records in Center for Social Work. Reception and the records check should last no longer than one working day and may have the following outcomes:

- Opening of the case by the social services;
- Rejecting of the report /referral to other services;
- Implementation of urgent measures (Center for Social Work by itself or in cooperation with the police).

The Center for Social Work provides feedback to the labor inspector within seven days from the date of the report submission, in which it informs them about measures taken and decisions made.

In certain cases, the further cooperation and communication between the Center for Social Work, police, Labor Inspectorate and other services (e.g. Centre for the Protection of Victims of Trafficking in Human Beings, health services, etc.) will be necessary after submission of the report.

Phase 4A – Informing the Misdemeanor Court, Public Prosecutor’s Office or the police

If, during the inspection, the labor inspector determines that a misdemeanor or a criminal offence had been committed by the employer or another person within the authority of the Labor Inspectorate, they will submit a request for initiating a misdemeanor procedure or file a criminal complaint. If the labor inspector discovers that a misdemeanor or criminal offense

outside of the Labor Inspectorate authority had been committed by the employer or another person, they will inform the competent misdemeanor court or the Public Prosecutor's Office, as well as the police.

If, during the inspection, the labor inspector suspects that a criminal offence is being committed and that life, health or safety of a child are endangered, the labor inspector shall immediately inform the police, in the manner they consider the most efficient (e.g. by phone). When communicating with the police officer, the labor inspector shall describe the circumstances which lead them to suspect that a criminal offence which is prosecuted ex officio is being committed.

The labor inspector may call the number 192, submit request in written form, or go to police premises and request an interview with a police officer who has completed training and gained special knowledge in the field of child rights and juvenile criminal law (contact person) in order to inform them on child labor related issue, obtain and exchange all relevant information.

Phase 4B – Informing the Centers for Social Work

In all cases when the Labor Inspectorate identifies child labor, including its worst forms, the inspector shall inform the competent Center for Social Work.

If the labor inspector assesses that a child's rights and interests are endangered or violated in a manner that does not fall under the authority of the Labor Inspectorate and the ongoing inspection, the labor inspector must inform the competent Center for Social Work. The competent Center for Social Work is the one in the territory where the child is found, that is, in the territory where the child works. The Center for Social Work in the territory where child resides is also under the obligation to receive the report.

The labor inspector shall inform the competent Center for Social Work of the existence of report even in cases when the labor inspector is unable to perform the inspection due to lack of authority (step 1B).

Labor inspector shall file the report in the manner described under phase 1B.

Making a decision on opening the case is followed by the assignment of the case to a specific social worker in the role of a case manager.

During the procedure initiated by the report submitted by the labor inspector, the labor inspector may participate in the procedure in the manner determined by the case manager. The labor inspector shall answer to the summoning of the case manager and shall subsequently provide all the information relevant for the procedures of the Center for Social Work. The labor inspector may also address the contact person for child labor, including its worst forms, in order to obtain and exchange all relevant information.

The labor inspector shall answer the summoning of the case manager to attend and actively participate in the case conference for planning services and measures for protection of minors from abuse and neglect. The case conference is scheduled and organized in accordance with the provisions of the General protocol. Experts from other institutions (health care, education, child

welfare, police, public prosecutor's office, and others) and persons who know the child or the family well are invited to the case conference, together with parents, the child and other children from the family, if appropriate; as well as experts who will work with the child in the future. The outcome of the case conference should provide: a developed plan for child protection (who does what and when), the appointment of experts responsible for implementing and coordinating the child protection plan; identification of further needs for assessment; a time limit (date) of the review meeting; a backup plan, if the agreed protection measures cannot be implemented.

Phase 4B1 – Informing the Centre for the Protection of Victims of Trafficking in Human Beings

In the case when the labor inspector suspects that child labor, including its worst forms, and violation of child work rights, is the result, or one of the forms, of trafficking of children, they shall promptly notify the Centre for the Protection of Victims of Trafficking in Human Beings in order to perform an expert assessment of whether this is really a case of human trafficking and undertake other appropriate steps to protect the child.

Phase 4V – Informing another Inspectorate

If, during the inspection, the labor inspector discovers irregularities that fall under the authority of another Inspectorate, the labor inspector shall immediately inform the competent Inspectorate, in accordance with the Law on Inspection Oversight.

In the case of irregularities in the learning-through-work process, the labor inspector will notify the Education Inspectorate.

Upon receiving the labor inspector's report, the other Inspectorate shall conduct an extraordinary inspection in a given enterprise, in accordance with special rules (step 4B1).

Phase 4G – Informing a healthcare institution

The labor inspector shall initiate an intervention by a healthcare institution, in order for the child to be provided adequate medical assistance if they assess that the child needs such help. This help is not restricted only to the cases of work injuries, but covers the assessment of the entire physical and psychological condition of the child (e.g. the child is malnourished, weak, feverish, old injuries have been detected, the child is anxious etc.).

Involvement of the healthcare institution is a measure complementary to the involvement of the Center for Social Work. If the labor inspector considers it necessary, they may inform the police as well. The labor inspector shall always act this way when the obtained information leads to a conclusion that the employer has committed a criminal offence.