

## **Management of occupational safety and health In the Republic of Serbia**

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### ***Abstract***

*Despite the existence of appropriate legislation, in the Republic of Serbia in nineties of the last century occupational safety did not get the necessary attention. This legislation is not applied consistently, but only selectively or not at all. Occupational safety was on the margins of social activity and it was not in the center of activities of relevant ministries and inspection services. Publicly owned companies with a large number of employees were characterized by the existence of formally organized occupational safety activities, whose implementation had been charged a service where employers considered that by setting acts they fulfilled their legal obligations. In smaller companies, occupational safety was mostly carried out by persons who did not meet the legally prescribed requirements for these tasks, or companies' directors or owners. In the Republic of Serbia state of occupational safety and health is not currently at a level that it should be, given the lack of a developed awareness of the importance of the existence of conditions of work in which employees work in compliance with their psychological and physical abilities. It is necessary to economically recover the domestic economy and create conditions for the consistent application of legal provisions. By motivating employees for safe work, their education and developing awareness of the importance of occupational health and safety, as well as the economic recovery of the economy, the conditions are acquired for monitoring European and international trends in the area of occupational safety and health, and protection of working and living environment.*

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## **1. Introduction**

Rights, duties and responsibilities regarding occupational safety and health are established according to the Occupational Safety and Health Law, and are regulated by collective agreement or general act of the employer or employment contract. Occupational safety and health Law in more than 35 articles determines the obligations of employers. Occupational Safety and Health Law puts in the forefront the employers' responsibility, the principle of prevention, and the necessity of providing information and training, that is, cooperation between employers and employees and their representatives.

## **2. Rights, duties and responsibilities of employers**

The primary obligation of the employer is to provide for the employees to work at the workplace and working environment where occupational health and safety measures are implemented and to provide that implementation of these measures does not cause financial obligations for the employees.

The employer is obliged to ensure that the working process is adapted to physical and mental abilities of an employee, and that working environment, tools and resources and equipment for personal safety at work are arranged, or manufactured and provided so as not to compromise employee safety and health.

The employer is obliged to stop any kind of work that presents an imminent danger to life or health of employees.

The employer is obliged to provide employees with the instruments for work, resources and equipment for personal safety at work where the prescribed measures of occupational safety and health are applied and to ensure their use in accordance with the intended use.

The employer is obliged to conduct employee training for safe and healthy work when employing them or transferring them to other work position, while introducing new technology or new instruments of labor, as well as during changes in work processes which may cause changing measures for safe and healthy work.

The employer is obliged to carry out employees training both in theory and in practice.

The employer is obliged to inform employees about the applied measures of occupational safety and health and to give employees the instructions for safe and healthy work.

The employer is obliged to pass the act on risk assessment in writing for all work positions in the working environment and to identify ways and measures to eliminate risks.

The employer is obliged to provide medical examination for the employee in the work position with increased risk, before starting work and periodical medical examinations during work.

The employer is obliged to warn any persons, who are on any grounds in the working environment, to dangerous places or health hazards that occur in the technological process, that is, to safety measures that must be applied and to direct them to safe areas.

### **3. Occupational safety and health - the interest of employees**

Occupational safety and health implies meeting work conditions where specific measures and actions to protect lives and health of employees are undertaken.

The interest of society, of all subjects and all individuals is to achieve the highest level of occupational safety and health, to reduce unintended consequences such as injury, occupational diseases and illnesses related to work, and to achieve such working conditions where the employees would have a sense of satisfaction in performing their professional tasks, and be eligible for retirement.

The interest of employees, in addition to making money, is the right to fair, safe and healthy working conditions.

In order to achieve healthy and safe working conditions, the employees are interested in:

- Taking all measures to eliminate risks in order to prevent injuries, professional diseases and diseases related to work;
- Training for safe operation, maintaining work equipment in good state, meeting requirements of work environment and work equipment, providing means and equipment for personal protection;
- Being fully informed by the employer on risk assessment;
- Selecting employee representatives and the committee for occupational safety and health and the way they work;
- The necessary funding to provide preventive measures;
- Refusal of work procedures in case of imminent danger to life and health of the employees;
- Insurance and rehabilitation, especially for employees in work positions with the increased risk ;
- Participation and making proposals while reviewing implementation of measures for preventing and early disclosure of professional diseases, diseases related to work and preventing injuries;
- Making proposals for participation and applying for preventive medical examinations

- (control and targeted examinations) depending on gender, age and working conditions;
- Participation and proposing employees' representatives for managing modes of operation and employee vacations, as well as in the evaluation of new equipment and new technologies from the point of view of health and organization;
  - Participation and making proposals for establishing measures to improve health of employees who are exposed to health risks and other issues.

Having in mind the comprehensiveness of occupational health and safety system and a number of measures to prevent occupational injuries, occupational diseases and diseases related to work, all employees have an interest to get collective agreement that would regulate more favorable working conditions in relation to legal requirements, subordinate legislation in this area, technical regulations, standards and others.

### **3.1 Rights, duties and responsibilities of employees**

The role of employees in achieving safe working conditions and maintaining health is extremely important because the level of protection depends on personal behavior and immediate application of prescribed measures.

Rights, duties and responsibilities are regulated by Occupational Safety Law, but they are fully regulated by collective agreement, general act of the employer or the employment contract.

Employee's rights are regulated according to the Law, Article 8. Employer's duties, determined by this Law and regulations adopted pursuant to law and collective agreement, at the same time represent employee's rights to implement occupational safety and health measures. Moreover, the Law establishes specific rights and duties of the employee in taking preventive actions, as well as cases when they may refuse to work because of health and safety hazard.

Fundamental right and obligation of the employee is to become familiar with security measures and occupational health and safety measures beforehand for the activities or the position they are assigned to work, to train for their implementation, as well as to acquire knowledge at each change in working conditions.

The Law introduces a special right of the employee to make suggestions, comments and information on issues of occupational health and safety to the employer, as well as to control their health according to risks at work.

Employees who work in positions with high risk have the right and duty to do a medical examination instructed by the employer in order to determine their medical fitness to work in such positions.

Employees can contact inspection in each case they consider the prescribed measures have not been implemented, even after the warning was sent to the employer.

Employee may refuse to work when there are hazards or risks at the workplace and working environment that directly threaten health and safety at all times because they can cause adverse effects, injuries or damage or deterioration of health.

Circumstances when employees can refuse to work are determined by law:

- If immediate danger threatens their life or health, because the prescribed safety measures have not been implemented, until such measures are applied;
- If the employer does not provide the prescribed medical examination or medical examination has established that they do not meet health requirements for working on such position with increased risk;
- If they have not become familiar with all types of risk and measures for risk elimination during the ongoing training for safe operation;
- If overtime working hours, according to occupational health service could worsen their health condition;
- If security measures have not been applied to the instruments of labor.

It is estimated that defined conditions that convince the employee to have the right to refuse to work are not precisely defined in all cases. Employees decide based on their knowledge and personal assessment that their lives and health have been endangered directly, that security measures have not been implemented and that they have not been informed about all risks and safety measures during training.

Should it be subsequently determined that the employee had no need to refuse to work, that is, that they made wrong decision because they were not directly endangered, the employee is not liable nor can they suffer any repressive measures.

Employee assesses immediate danger and the applicability of security measures on the means of labor based on instructions for safe operation that they should receive in written form based on documentation on security measures applied on the means of labor.

Deficiencies in training could be determined based on training programme by evaluating whether the contents correspond to the specific characteristics of the job and whether the employees have been able to acquire necessary knowledge during the training.

Employee has a basic duty to implement prescribed measures for safe operation. Specific duties require designated use of the means of labor and hazardous materials, resources and equipment for personal occupational safety, safety inspection of workplace before starting the job and determining whether the place is safe before leaving work to avoid endangering themselves and other employees.

Employee has the right and duty to be trained for safe operation, to do medical examination instructed by the employer, but also to accept another position if it is determined that they are not medically fit to perform well in their workplace.

Employee has a duty to cooperate with the employer and the person in charge of occupational safety and health to implement measures and the right to contact The Labor Inspection if they consider that the employer has not implemented necessary measures to eliminate the identified deficiencies.

Particularly sensitive or vulnerable groups, from the standpoint of occupational safety and health, are employees, teenagers, women and disabled persons. Therefore, special rights and prescribed additional measures are established to ensure their protection from professional risk.

The law distinguishes them by predicting a special obligation of regulating their rights, duties and protective measures: by other regulations, collective agreements, general act or employment contract as well as the employer's duty to inform them in writing about the results of risk assessment at their workplace and the measures taken to eliminate risk.

Special protection of these employees, which includes working conditions, length of working hours, length of vacation, night work, overtime, medical examinations and other specific measures, is regulated by the Law.

#### **4. Role of employees' representatives/ committee**

The role of employees' representatives, or committee, is to represent employees in communication with the employer, to enable their participation in making decisions and taking certain actions in implementing measures and activities aimed at improving working conditions and employee safety.

Employees select one or more representatives for occupational Safety and Health.

At least three employee representatives form the Committee for Occupational Safety and Health. The Committee also includes employers' representatives, so the employers who employ 50 or more employees have at least one representative, but the number of employees' representatives must be larger than the number of employers' representatives.

The task of employees' representatives, or the Committee, is to monitor the state of occupational health and safety, to cooperate with employers in creating safe working conditions, to propose and participate in decision making and taking certain actions while acting on behalf of employees and fighting for their interests. In performing this function, employee representatives, or the Committee, can take action, and according to the Law they have the right to:

- Make proposals to the employer on all matters relating to occupational safety and health;

- Require the employer to take appropriate measures to eliminate or decrease risk;
- Require supervision by the Labor inspection, if they consider that the employer has failed to implement appropriate measures;
- To attend the inspection.

To perform these tasks, employee representatives have the right to:

- Access all documents relating to occupational safety and health;
- Participate in considering all matters relating to implementation of occupational safety and health;
- Receive information on all data related to occupational safety and health.

Issues of selecting and mode of operation of employees' representatives, or the Committee, the number of representatives with respect to the number of employees, and their relationship with the trade union organization, are regulated according to collective agreement on occupational safety and health.

#### **4.1 The role of persons in charge of occupational safety and health**

The employer is obliged to organize activities for occupational safety and health, ie to appoint a person for occupational safety and health by act in writing. Activities of occupational health and safety can be performed by a person who has passed the appropriate occupational exam in accordance with the Occupational Safety and Health Law. Person in charge of occupational safety and health is a person who performs activities in the area of occupational safety and Health, who has passed the appropriate occupational exam and who has been appointed by the employer to perform these tasks by act in writing.

Person in charge of occupational safety and health is a person who performs activities in accordance with the Occupational Safety and Health Law, and in particular: participates in preparing act on risk assessment, controls and gives advice to employer on planning, selection, use and maintenance of the means of labor, hazardous substances and resources and equipment for personal safety, participates in equipping and arranging work position in order to ensure safe and healthy working conditions; organizes preventive and periodic examination of working environment conditions; organizes preventive and periodic examinations and testing of work equipment; proposes measures for improving working conditions, and particularly at positions with increased risk; monitors and controls implementation of measures for occupational safety and health; monitors the situation regarding injuries and occupational diseases, and work-related diseases; participates in identifying their causes and prepares reports with proposals to eliminate them; prepares and trains employees for safe and healthy work, prepares instructions for safe

operation and controls their implementation; bans work or use of means for labor in case there is an immediate danger to life or employee's health; cooperates and coordinates with occupational health services in all matters of occupational safety and health and keeps records of occupational safety and health.

Person in charge of occupational safety and health is directly responsible to the employer and cannot suffer adverse consequences if their work is done in accordance with the Law, and the employer is obliged to enable them to do their job independently in accordance with the Law, and to provide them access to all necessary data and possibility for improving skills.

Person for occupational safety and health is obliged to send reports in writing to the employer and the employees' representative on the prohibition of work that was ordered, and if the employer instructs employees to continue working, in spite of the prohibitions imposed, the person for occupational health and safety is obliged to report immediately to relevant Labor inspection.

Person for occupational safety and health shall be punished by fine of 20,000 to 50,000 dinars if they do not perform duties in accordance with Article 40 of the Law.

The role of person for occupational safety and health in the new system must be changed radically. They are not expected to act as policemen, but as advisors and operational managers. Although what is good is usually taken for granted, and what is bad is usually pointed out, the person for occupational safety and health must notice what is good and point it out, but also they must emphasize the mistakes that need to be removed. Hazards or damage will not be solved by mere pointing out unless the solution is found. Therefore, the person for occupational safety must focus their activities on solving potential problems by defining precisely the correct way of removing dangers and hazards.

## **5. Methodology**

The problem of this research is deficiency of current knowledge on the status of persons responsible for occupational safety and health in companies in Serbia, in accordance with obligations under the Occupational Safety and Health Law.

The aim of the research is to determine current knowledge on the status of persons responsible for occupational safety and health in companies in Serbia.

Based on the identified problems and research objectives, the following research hypotheses are set: H1: In the majority of companies in Serbia, in accordance with the Law, the employer is obliged to appoint a person responsible for occupational safety and health. H2: Number of employees responsible for occupational safety and health depends on the number of employees, state of occupational health and safety and the level of danger at work in that company. H3: In all



companies that have introduced a system of managing occupational health and safety according to the international guideline OHSAS 18001, there is a significant improvement in occupational safety and health and activities of people responsible for occupational safety and health. H4: Persons responsible for occupational safety and health only work in the field of occupational health and safety and do not work in other areas of protection. H5: Among those responsible for occupational safety and health, the majority consists of people with expertise in the field of safety. H6: Persons responsible for occupational safety and health in companies evaluate their own work on all aspects with at least a very good mark (at least 3.5 on a scale rating from 1-5). H7: Persons responsible for occupational safety and health evaluate proposals for improving their own work on all aspects with at least a very good mark (at least 3.5 on a scale rating from 1-5).

As a research instrument we have used a questionnaire that contains 93 exam questions. For processing and presentation of the research, the following statistical methods have been used: frequency, percentage, summation, average, standard deviation, population variability coefficient, chi-square test, Pearson correlation coefficient, regression analysis, etc.

## **6. Results and Discussion**

It is important to note that the vast majority of companies employ persons responsible for occupational safety and health, even 67.16% of respondents. It also confirms that the employers have confidence to entrust complete management of occupational safety and health in the company to their own occupational safety expert. Confirmation of this confidence is the fact that the vast majority of persons responsible for occupational safety and health (71.07%) have an employment contract with indefinite duration. Moreover, majority of persons responsible for occupational safety and health (62.79%) is directly responsible to the management. This is also a ground for good and direct communication, occupational safety management at all business levels and organizational independence of persons responsible for occupational health and safety. On the other hand, it is an opportunity, and at the same time duty of the person responsible for occupational safety and health to prove their professional skills through practice and prove the importance and usefulness of their profession.

Most people responsible for occupational safety and health (52.28%) perform only activities in the area of occupational safety and health which do not require any special authorization, although a significant percentage (38.87%) of respondents performs activities which require special authorization.

It is significant that a large percentage (30.51%) of respondents perform only activities in occupational safety and health, and in all other cases, there is some form of integral safety and activities from several areas of safety, and other common business functions. This fact implies the

need and duty of professional education and training in wider areas of protection (occupational safety, fire protection, environmental protection, etc.), so that these persons can lead integral safety at satisfactory level at their companies.

It is encouraging that almost half of respondents (47.07%) are educated in the area of occupational safety, and more than a half has a university degree (56.09%), there is a certain number of respondents with even a higher degree. The point is that 60.84% of respondents have a professional qualification in the field of occupational safety, while most have some technical education, which confirms prevailing technical concept of occupational safety in business practice.

The weakest average marks in evaluating persons responsible for occupational health and safety and their cooperation with external participants in the occupational safety system are given to Evaluation of occupational safety as an economic factor by the entire economic system and Evaluation of perception and value of occupational safety as a social value by the public and society (3.44), Cooperation with professional associations (3.46), and Satisfaction with individual earnings of persons responsible for Occupational Safety and Health (3.47) and Financial working conditions for persons responsible for Occupational Safety and Health (3.54).

On the other hand, the best marks were given to Co-operation with bodies responsible for Labor inspection - occupational safety (4.17), the role of persons in Monitoring and analyzing data related to injuries and occupational diseases (4.15) and Professional help to the employers and authorized persons in implementing and improving occupational safety and Training employees for occupational health and safety (4.12), and Cooperation with competent institutions for occupational safety (4.11).

Almost all marks for proposals for improving activities of people responsible for occupational safety and health are in range from 3.64 to 3.95, except for the proposal to increase the number of employees in the area of occupational safety and health (3.40). Out of all specific proposals, the best marked were the proposal for Increase of Salary and other benefits to the person responsible for safety due to adjustment with other employer services (3.92), and Stimulation of salary and other benefits to the person responsible for safety, depending on the results of improving occupational safety situation in the company (3.89), but also Additional education and professional development in the area of occupational safety for persons responsible for occupational safety and health (3.87).

Out of general proposals, the best marked were Obligation of continuous professional development in the area of occupational safety for persons responsible for occupational Safety and Health, Obligation of professional development in management skills (planning,

organization, leadership, control, etc.) for persons responsible for Occupational Safety and Health, Improving information-sharing between persons responsible for occupational health and safety and external participants from occupational health and safety system using the Internet (3.95), as well as Legal advantage to persons responsible for occupational safety and health with professional background in the areas of safety when employing persons responsible for occupational safety and Health (3.94).

In general, respondents are advocating for improving their work, continuous education, and better financial conditions and compensation for their work.

## **7. Conclusions**

By this empirical research on work issues for persons responsible for occupational safety and health, with fulfilling set tasks and confirming suitability of selected scientific research methods, the set aim of the research has been achieved. Current facts on work issues for persons responsible for occupational safety and health in companies are established, and based on result analysis of the conducted research; they are reflected in acceptance or rejection of the set research hypotheses.

**H1:** *In majority of companies in Serbia, in accordance with the Law, the employer is obliged to have a person responsible for occupational Safety and Health.*

### **The hypothesis is accepted.**

In vast majority (58.51%) companies implement legal obligation to employ a person for occupational health and safety. Out of these, 3.91% of companies employ two, and 4.74% employ three or more of these individuals. Total number of companies that employ persons responsible for occupational safety and health is 67.16%. Around a fifth (21.79%) of companies, in general, do not employ persons responsible for occupational safety and health at all, but fulfill their legal obligation by establishing joint service with another employer or engage persons from other companies or the Ministry has allowed them to perform occupational safety activities on their own or to make a contract with the person authorized to do occupational safety activities. In line with this, it can be concluded that the need and possibility for employing persons responsible for occupational safety and health is reasonable and the persons will successfully perform occupational safety and health activities with their own expertise and constant engagement in their company.

**H2:** *The number of employees responsible for occupational safety and health depends on the number of employees, state of occupational health and safety and the level of hazards in that company.*

### **The hypothesis is partially accepted**

Model of multiple linear regression analysis, based on the results of survey research, shows that the number of people responsible for occupational safety and health in the company statistically depends on two or three independent variables: number of employees and level of risk at work in the company. The correlation is positive, so the number of employed persons is bigger in larger companies with more employees and higher level of risk at work. Number of employed persons does not depend significantly on the state of safety in a company.

Bearing that in mind, there is evident need to develop methods for assessing safety situation in a company, particularly in terms of efficiency and achieved results of occupational safety, including the economic factor of occupational safety, so it could be wholly and correctly valued and have an impact on business decisions.

**H3:** *In all companies who have implemented occupational safety and health management system according to an international guideline OHSAS 18001, occupational safety and health situation is essentially improved as well as activities of persons responsible for occupational safety and health.*

### **The hypothesis is rejected**

Occupational health and safety management system has been introduced and certified, according to researchers, in 13.67% of companies according to international standard OHSAS 18001.

Among companies that introduced OHSAS 18001 standard, vast majorities (78.23%) has significantly improved occupational safety situation and activities performed by persons responsible for occupational safety and health, while a positive mark is lacking in 21.77% of respondents. According to this, it is evident that it is necessary to engage more people responsible for occupational safety and health in these companies and to implement standards consistently in order to achieve positive effects. Additionally, there is an extremely significant interest (43.26%) of persons responsible for occupational safety and health that are planning to introduce this standard in the company where they work.

**H4:** *People responsible for occupational safety and health only work in the field of occupational safety and health and do not work in other areas of safety.*

### **The hypothesis is rejected**

At only 30.51% of companies, which is statistically a large minority, persons responsible for occupational safety and health perform activities only in the field of occupational safety.

On the other hand, combined with activities from other areas of safety, most people (46.51%), beside activities in occupational safety, perform activities in the field of fire protection and environmental protection, and 16.37% combines them with other activities.

Based on this, there is a real need for establishing integral safety as a set of activities for persons responsible for occupational safety and health, where they are real professionals in a company. This fact is supported by a very good mark (3.75) that persons responsible for occupational safety and health have given to the specific proposal for improving the work by way of integrating persons responsible for occupational safety and health in the service of integral safety in a company, as well as a very good mark to the proposal for legal definition of integral safety services (unique service for multiple areas of safety) in the company (3.78).

**H5:** *Among persons responsible for occupational safety and health, majority are persons with professional qualification the field of safety.*

**The hypothesis is accepted**

Experts with professional qualification in the field of safety make as 60.84% of all persons responsible for occupational safety and health in the companies. This is certainly a consequence of the existence of educational institution specializing in education and scientific activity in this area - Faculty of Occupational Safety.

**H6:** *Persons responsible for occupational safety and health in companies evaluate their own work, in all aspects with at least a very good mark (minimum of 3.5 on a scale from 1 to 5).*

**The hypothesis is partially accepted**

The average mark (mean) of all individual evaluations by persons responsible for occupational safety and health is 3.82 (scale 1-5), which is a very good mark. The average mark that includes only evaluation of performance of persons responsible for occupational safety and health in a company is a very good mark 3.84, and the average mark that includes only evaluation of performance and collaboration with external participants from the occupational safety system is 3.76, also a very good mark.

The highest average mark between all the marks evaluating performance of persons responsible for occupational safety and health (4.15) has the mark which evaluates the role of these persons in the monitoring and analyzing data related to work-related injuries and occupational diseases. The lowest individual average mark (3.47) - the only one below 3.5 (a good mark) is the one evaluating satisfaction with earnings and valuating occupational safety as a social value by the public and society.

The highest average mark among the individual marks evaluating co-operation of persons responsible for occupational safety and health (4.17) has cooperation with the bodies responsible

for Labor inspection - occupational safety. The lowest individual average marks (3.44) – belong to Evaluation of occupational safety as an economic factor by the entire economic system and Evaluation of perception and value of occupational safety as a social value by the public and society, which beside Cooperation with professional associations (3.46) are the only marks in the area of good mark.

Therefore, the four marks are in the area good marks.

On the basis of all stated above, we can give a very good mark to people responsible for occupational safety and health in the company, as well as to their co-operation with external participants in occupational safety system, but the existence of four grades that are below a very good mark show the need for further improvement of persons responsible for occupational safety and health.

**H7:** *People responsible for occupational safety and health assess proposals for improving their own work in all aspects with at least a very good mark (minimum 3.5 on a scale from 1 to 5).*

#### **The hypothesis is partially accepted**

The average mark (mean) of all individual evaluations of proposals for performance improvement of people responsible for occupational safety and health is 3.81 (scale 1-5), which is a very good mark. Thereby, the average mark that includes only specific proposals for improving performance of persons responsible for occupational safety and health in companies is 3.76, which is a very good mark, and the average mark that includes only general proposals for improving performance of these individuals is 3.86 - also a very good mark.

The highest individual average mark of specific proposals (3.92) has a mark of proposal for the increase of salary and other benefits for persons responsible for occupational safety and health, in order to adjust them with the other employer services. The lowest individual average mark (3.40) is given to the proposal for increasing the number of people responsible for occupational safety and health. This is the only mark which evaluated the proposal with a lower average mark than the lower limit of a very good mark (3.50).

Out of general proposals, the best marked (3.95) were Obligation of continuous professional development in the area of occupational safety for persons responsible for occupational Safety and Health, Obligation of professional development in management skills (planning, organization, leadership, control, etc.) for persons responsible for Occupational Safety and Health, Improving information-sharing between persons responsible for occupational health and safety and external participants from occupational health and safety system using the Internet (3.95). The lowest (3.74), but also a very good mark was given to the proposal of Compulsory

Chamber organizing of people responsible for occupational safety and health as a single class in the system of a unique chamber for occupational safety and health.

Based on such results of marking proposals for performance improvement of people responsible for occupational health and safety, and which were given by the persons themselves, it can be concluded that they are aware that increase in the number of employed persons responsible for occupational safety and health is not the main condition for improving their performance and safety condition in the company. They are aware that what is needed primarily is professional training, acquiring knowledge in the area of occupational safety management and increasing IT support, with adequate financial compensation for their work.

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