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THE EMPLOYMENT STATUS OF JOURNALISTS IN THE REPUBLIC OF SERBIA

ABSTRACT: The paper examines the employment status of journalists in the Republic of Serbia, with a focus on individual and collective rights, as well as the mechanisms for their protection. Journalists carry out their profession under different legal arrangements – they may be permanently employed, freelancers, or engaged under contracts for specific tasks. The Law on Public Information and Media (2023) stipulates specific provisions regarding working hours, the right to disconnect, special protection against dismissal, and collective rights. An analysis of the application of the Law on Peaceful Settlement of Labor Disputes (2004) shows that journalists frequently use out-of-court methods to protect their rights, thanks to well-developed trade unions, professional associations, and a high level of awareness. Unlike other employees, who are often unaware of the opportunities offered by the Republic Agency for Peaceful Settlement of Labor Disputes – where procedures can be conducted quickly, efficiently, and free of charge – journalists are willing to use these procedures, thereby further ensuring the protection of their rights and contributing to the stability and professional development of the media sector.

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Keywords: *journalists, employment status, individual rights, collective rights, right to disconnect, trade unions, professional associations, peaceful settlement of labor disputes, Serbia.*

1. Introduction

Although defining the concept of a journalist may seem straightforward, it is fraught with numerous issues both in the Republic of Serbia and in any other country. Most notably, current legislation does not define the concept of a journalist, i.e. it does not prescribe which individual may be regarded as one. In view of this, the author considers a journalist to be any person engaged in journalistic work—whether professionally or occasionally—regardless of the form of their employment arrangements. “The answer to the question of what constitutes journalism is primarily addressed in specialized publications that systematize knowledge of the field (encyclopaedias, lexicons), and by the authors who traditionally begin their professional textbooks by defining the discipline itself. The answers have several common features emphasising that: (a) it is an activity of public importance; (b) it involves the dissemination of information to a large number of unknown users who are located at a considerable distance; (c) the information is transmitted through a medium in a form adapted to the characteristics of that medium; and (d) it concerns information collected and shaped by a professional individual”(Valić Nedeljković & Pralica, 2020, p. 11).

The employment status of journalists has been deteriorating, due in part to the declining share of standard employment contracts and the growing prevalence of employing journalists under temporary and occasional work contracts, author contracts, and service contracts, where one-fifth of journalists now work as freelancers (Krstić & Momčilović, 2021, p. 8). Both male and female journalists and other media workers are equally represented in atypical forms of employment, and their educational structure is almost identical to that of permanently employed journalists and media workers. Among freelancers, the majority are at the beginning of their careers, i.e., those having worked in the media for less than five years. Notably, compared to permanently employed journalists, freelancers predominantly work for online media – mostly private outlets and civil sector media (Milić, Kleut, Milinkov& Šovanec, 2021, p. 6). A number of journalists opt for working as freelancers for reasons mainly related to the freedom to select their topics, to determine how information is disseminated, and to organize their working

hours, but also to choose the audience for whom specific content will be made available (Urdarević, 2022, p. 1).

According to some studies, over the past several decades the media have been pursuing more flexible working arrangements for their employees in order to maximize profits and maintain competitiveness in the marketplace. In this respect, they act like any other employers even though their social role is more important than that of other employers (Banga, Mandal & Mitra, 2019).

In addition to employment-related issues, the job of journalists entails many other challenges, the most serious of which concern personal safety. Namely, when performing their work, journalists are considerably more exposed to security threats than other individuals (Gohdes & Carey, 2017, p. 158). In an effort to strengthen both the safety and overall position of journalists, the Committee of Ministers adopted Recommendation CM/Rec(2016)41 to member states on the protection of journalism and the safety of journalists and other media actors (Recommendation CM/Rec(2016)41).

Section II, paragraph 28 of the Appendix to this Recommendation, states that ensuring the safety and security of journalists and other media actors is a precondition for ensuring their ability to participate effectively in public debate. The persistence of intimidation, threats and violence against journalists and other media actors, coupled with the failure to bring to justice the perpetrators of such offences, engender fear and have a chilling effect on freedom of expression and on public debate. States are under a positive obligation to protect journalists and other media actors against intimidation, threats and violence irrespective of their source, whether governmental, judicial, religious, economic or criminal.

2. Individual rights of journalists

A separate law containing the provisions regulating the employment status of journalists in the Republic of Serbia is the Law on Public Information and Media (2023, Articles 56-66). This Law regulates the specifics regarding the employment status of journalists concerning the right to freely express their views and opinions, not to disclose their source of information, working hours, association, the position of editors, and special protection of journalists.

2.1. Special protection of journalists

Article 56 of the Law on Public Information and Media stipulates that a journalist's employment may not be terminated, nor their salary or other

remuneration reduced, nor may they otherwise be put at a disadvantage, for having published a truthful statement or expressed an opinion in a media outlet, or for having expressed a personal opinion outside the media. A journalist's employment may not be terminated, nor their salary reduced or their position within the newsroom made worse for having refused to execute an order that would violate the legal and ethical rules of the journalistic profession.

The above provision affords journalists special protection against dismissal and placement at a disadvantage due to the performance of tasks related to their profession. With the exception of pregnant women, new mothers, and union representatives, who are guaranteed special protection against dismissal in Articles 187 and 188 of the Labor Law (2005), no other employee category enjoys special protection against dismissal in our legal system. Placing union representatives in an unfavourable position for pursuing trade union activity or on account of their trade union status is prohibited by Article 188 of the above law, and also certain special collective agreements, such as Special collective agreement for employees in primary and secondary schools and student homes (2015, Article 60). However, except for them and journalists, the law does not provide any special protection for other categories of employees. It follows that the legislature recognizes journalism as a profession of particular importance for the society and intends to afford it special protection, especially given the daily pressures that journalists are exposed to when doing their job.

Texts, articles, reports and other media content, other than press releases, third party statements and service information, must be signed with the name and surname, initials or pseudonym of the author or group of authors. Journalists' reports whose meaning has been altered during the editorial process may not be published under their name without their consent. In this way, the journalist's copyright as well as personal and professional integrity are protected.

Journalists are not obliged to disclose the source of the information, except for the data relating to a criminal offense or a perpetrator of a criminal offense punishable by imprisonment of at least five years, if such data cannot be obtained by other means. The protection of journalistic sources is prescribed in order to ensure the conditions necessary for pursuing a journalistic profession. Without the prescribed protection of journalistic sources, journalists would generally be unable to carry out their work, given the sensitivity of the data they often publish. The exception to the protection of journalistic sources is prescribed to protect the social interest, to ensure criminal liability for all

serious crimes, for the purposes of prevention and enforcement in the fight against crime.

2.2. Specific feature related to working hours

The Law on Public Information and Media has special provisions relating to the working hours of journalists. Employers are required to determine the working time schedule for all employees in a media organization, in accordance with the Labor Law (2005). The employer must submit a written notice of the working schedule to the employees no later than 48 hours in advance. In case of urgent need, the employer may change the schedule of working hours no later than during the working day for the following day if day if unforeseeable, unavoidable, or unpreventable circumstances arise, provided that the employee is granted the statutory daily rest period in accordance with the law governing employment. The employer may inform the employee verbally about the changes to the working schedule, and issue a written notice within 24 hours.

The Law on Public Information and Media regulates journalists' working hours in a manner distinct from the Labor Law. The differences stem from the specific nature of the work journalists perform. Namely, their work is difficult to plan and, based on such plan, to determine the schedule of working hours; hence the existence of specific provisions related to working hours is justified.

Moreover, due to the specific character of journalism, it is reasonable to consider that a journalist has completed a full working day when they have carried out the daily assignment set by their supervisor. Thus, introducing task-based working time arrangements for journalists are justified. The work of journalists often requires leaving the employer's premises, considerable time preparing and conducting research in order to cover a specific topic they are working on. Therefore, it is almost impossible for them to spend their working hours in the usual way that involves spending a fixed number of hours at the employer's premises. Since it is difficult to clearly distinguish between their working and non-working time (as they often prepare for their work at home), we believe that it is justified for the law to provide for calculating the journalists' working hours based on completed tasks.

Employers may introduce on-call duty in accordance with Article 50 of the *Labor Law*, which stipulates that the time an employee spends performing work during on-call duty is considered working time. On-call duty may not exceed four hours per day or twelve hours per week and cannot be assigned to

employees already performing overtime or working under redistributed hours regime. Compensation for each hour of on-call duty amounts to at least 10% of the employee's base hourly wage. A higher rate may be established by the employer's general act, a collective agreement, or the employment contract

If an employee is called upon to work during an on-call period, such work is considered working time. If this occurs after the regular working day when the employee has already worked full time, the journalist would be working overtime and be entitled to increased pay for overtime work.

2.3. The right to disconnect

Article 62 of the Law on Public Information and Media introduces the right to disconnect, which is a novelty in our legal system. Apart from journalists, this right is not recognized for other categories of employees.

Employees are entitled, in accordance with the employer's working time schedule and annual leave schedule, not to respond to any communication from the employer – regardless of the means used (telephone calls, electronic messages, etc.) – unless extraordinary circumstances arise in the country that directly concern their professional coverage area (such as emergencies, state of emergency, public health crisis, etc.). No disciplinary action or any other adverse consequence may be imposed on an employee for exercising the right to disconnect.

Modern means of communication often blur the boundary between working time and personal time. Due to the widespread availability of mobile and other internet-connected devices, employees are effectively available to their employers at all times. Such availability is a major source of employee stress, which, if constant, can lead to psychosomatic illnesses and declining productivity over time (Von Bergen, Bressler & Proctor, 2019). The right to disconnect, as granted to journalists, represents a measure that should reduce employee stress caused by new working conditions arising from the use of modern communication technologies in the work process.

The importance of the right to disconnect has also been recognized by the European Parliament, which has taken the position that employee health must be protected and that states whose legal systems do not yet recognize this right must regulate it through collective agreements (Rajić-Čalić, 2023, p. 313).

“In the absence of specific EU regulations requiring the establishment of an explicit right to disconnect, legislation in this area at national level has nonetheless evolved in recent years. This reflects the growing relevance to the

policy debate of concerns over the impact of constant connection, and means that any reporting on relevant national provisions inevitably involves shooting at a moving target.”... “In June 2023, nine Member States had legislation providing a right to disconnect (Belgium, Croatia, France, Greece, Italy, Luxembourg, Portugal, Slovakia and Spain). In addition, Ireland adopted a code of practice in 2021; although it has no formal status in law, the courts can use it when deciding on the merits of a case. Four Member States (Belgium, France, Italy and Spain) had implemented some relevant provisions prior to the COVID-19 pandemic. Greece, Portugal and Slovakia adopted legislation containing the right to disconnect in 2021, largely as a result of the increase in telework triggered by the pandemic. New legislation in Croatia was passed in 2022 and in Luxembourg in 2023. In both countries, the provisions entered into force in 2023. The legislation in Luxembourg had been under discussion for some time and is therefore included in this report” (European Foundation for the Improvement of Living and Working Condition [Eurofound], 2023, p. 7).

De lege ferenda, it is the authors’ opinion that the right to disconnect should be extended to all employees in our legal system, to the same extent as it is currently provided for journalists, during the next amendment to the Labor Law.

2.4. Position of editor

Every media outlet must have an editor-in-chief, with the capacity of the editor responsible for that outlet. Editors responsible for a specific edition, section or programme unit are accountable to the editor-in-chief for the content under their supervision. Under Article 16 of the Law on Public Information and Media, the editor-in-chief of a national or provincial public service broadcaster, or a media outlet founded by a public institution established by the Republic of Serbia for the purpose of enabling the exercising of the right to public information in the territory of the Autonomous Province of Kosovo and Metohija, or by an institution, company, or foundation for the purpose of enabling members of national minorities to exercise their right to public information in their own language, is appointed and dismissed by the managing body for a term of four years based on a public competition. Article 17 further stipulates that, when selecting an editor-in-chief in a media outlet founded by a national minority council, the opinion of the editorial staff must be obtained by secret ballot.

An editor's employment may not be terminated, their salary reduced, or removed from their position for refusing to execute an order that would violate legal or ethical standards of the journalistic profession. The editor-in-chief may not be a person enjoying immunity from liability and must have permanent residence in the Republic of Serbia.

Editors, like all journalists, enjoy special protection under the labour law. Due to the significance of their role, this protection is twofold: first, as journalists, and second, as editors.

The enhanced protection of editors derives from their responsibility. In addition to subjective liability, editors may also bear objective liability¹. For example, Article 112 of the Law on Public Information and Media stipulates that if the publication of information or record violates the presumption of innocence, the prohibition of hate speech, the rights and interests of minors, the prohibition on pornographic content, or rights to dignity, authenticity, or privacy, a lawsuit may be filed requesting: 1) a finding that the publication of information or record violated a right or interest; 2) non-publication of information or record and banning republishing of information or record; 3) surrendering, removing or destroying the published record (deletion of video and audio recording, destroying a negative, removal from publications, etc.). Pursuant to Article 114, such a lawsuit is filed against the editor-in-chief of the media outlet in which the information or record was published.

2.5. Representatives and correspondents of foreign media

Representatives of foreign media (editors, journalists, photographers, cameramen and other associates) and foreign correspondence offices have the same rights and duties in performing their activities as their domestic counterparts. To facilitate their journalistic work, such foreign media representatives and correspondence offices may register in the Register of Foreign Media Representatives and Correspondents maintained by the ministry responsible for public information and be issued appropriate identification card based on such registration. A foreign correspondence office, as an organized representative office of a foreign media outlet, acquires legal personality upon registration.

¹ This position was also adopted in the Judgment of the Court of Appeal in Belgrade, Gž3 610/24 of 11 December 2024. In its reasoning, the court stated that the fact that the information published in the disputed article was accurately reproduced from another media outlet, with the source being cited and the plaintiff's initials used instead of his full name and surname, is not sufficient to release the first defendant, as the publisher, from liability for publishing untrue information. In such a case, the editor-in-chief and the publisher are obliged to verify the accuracy and completeness of the information.

The Rulebook on the Procedure for Registration of Representatives and Correspondence Offices of Foreign Media (2024) further specifies the registration process and the issuance of credentials for conducting media activities within Serbia. For the purposes of the Rulebook, foreign media refers to daily newspapers, periodicals, news agency services, radio or television programmes, and electronic editions thereof, as well as independent electronic publications (editorially curated websites) established outside the Republic of Serbia. A foreign media representative is a person who performs media activities (as editor, journalist, photographer, cameraman, or other associate) in Serbia. Representatives residing in Serbia over 90 days receive a press card valid for up to one year, while those residing under 90 days are issued a temporary press card valid for up to 90 days.

3. Collective rights of journalists

Article 64 of the Law on Public Information and Media essentially reaffirms journalists' right to freedom of professional association. Journalists may freely establish their own associations, in accordance with the Law on Associations (2009). Collective labour rights are exercised through trade unions, although professional associations also play an important role in protecting journalists' employment status. Article 65 stipulates that a journalists' association has a legal interest in intervening in a labour dispute involving one of its members, provided the member does not object.

4. Protection of Individual and Collective Rights Through Amicable Means

Although journalists enjoy judicial protection of their individual and collective labour rights, they may also resolve such disputes amicably under the Law on Amicable Resolution of Labor Disputes (2005, 2009, 2018), which is relatively frequently used in practice. The law allows for the protection of individual labour rights through arbitration, and collective labour rights through conciliation before the Republic Agency for Peaceful Settlement of Labor Disputes. Arbitration is a procedure in which a third independent party, an arbitrator, decides on the merits of the dispute after the parties consent to the process, and makes a final and enforceable decision on the matter in dispute within a short period of time. Conciliation, by contrast, is a process in which the conciliator assists the parties in reaching a mutual agreement on how to overcome all disputes.

According to the records of the Republic Agency for Peaceful Settlement of Labour disputes, journalists relatively often use these mechanisms.² Since the adoption of the Law on Public Information and Media in 2013, 25 collective labour disputes have been resolved – nine concerning strikes, six on the application and six on amendment of collective agreements, three on the conclusion of collective agreements, and one concerning union representativeness. In the same period, 510 individual labour disputes were resolved, the vast majority (over 95%) related to salary payments, while others involved workplace harassment, termination of employment, or reimbursement of travel expenses.

In collective disputes related to strikes, the main demands concerned salary increases. Three disputes were resolved through conciliator recommendation, four by mutual agreement. The procedure in the remaining two disputes was discontinued— one due to refusal by the opposing party to participate, and the other due to withdrawal by the initiator. Agreements reached often included the adjustment of job coefficients, appropriate and realistic job descriptions in Rulebooks on internal organisation and job classification, implementation timelines, and the obligation to continue social dialogue in a spirit of mutual understanding.

The conciliator recommendations, issued at the request of one of the parties, involved the payment of increased salaries previously agreed upon in special collective agreements with the employers. There was also relevant case law in these cases, but the parties did not reach agreement on the amount, payment schedules and the entitlement to such payments, so the unions asked for recommendations from conciliators.

Such agreements frequently triggered subsequent individual claims of employees for the payment of increased wages under collective agreements, which explains the relatively high number of individual wage payment disputes. A similar situation was noted in other financial disputes, while in workplace harassment cases, most were resolved by agreement; in only one instance, the parties failed to reach an agreement so they proceeded to court.

The data shows that journalists protect their labour rights relatively effectively, due to several key factors. First, journalists benefit from well-organized trade unions and strong professional associations that provide them with access to relevant information, legal assistance and coordination in

² Republička agencija za mirno rešavanje radnih sporova [Republic Agency for the Peaceful Settlement of Labour Disputes]. *Prikaz radnih sporova* [Overview of Labour Disputes]. Downloaded 2025, September 28 from <https://www.ramrrs.gov.rs/sr-cyr/dokumenta>

collective actions. Such institutional support contributes to journalists being better informed about the mechanisms to protect their rights, and willing to actively use them.

The second important factor is journalists possess a higher level of awareness regarding non-judicial mechanisms for labour dispute resolution. Unlike other workers who are often unfamiliar with conciliation and arbitration procedures, journalists are aware that proceedings before the Republic Agency for Peaceful Settlement of Labor Disputes are efficient, completely cost-free, and typically completed within one to two months. This combination of institutional support and knowledge about legal instruments allows journalists to resolve disputes without resorting to lengthy and expensive court proceedings, thereby encouraging the use of amicable conflict resolution methods.

In view of these facts, the high rate of extra-judicial dispute resolution among journalists stems not only from legal protections but also from their developed union and profession framework, as well as proactive awareness of their rights and available mechanisms for settling disputes. These factors collectively enable journalists to exercise greater control over the protection of their labour rights, resulting in more efficient resolution of individual and collective disputes within the media sector.

The predominance of wage-related disputes reflects economic insecurity in the media labor market, while journalists' high level of awareness likely stems both from trade union organization and from the very nature of the profession, which entails familiarity with legal rights and public policies.

5. Conclusion

Journalists practice their profession under various legal arrangements: as freelancers, contractual workers not entering an employment relationship, or employees. This paper provides a detailed analysis of the employment-related rights of journalists in standard employment relationships.

The status of journalists has certain specificities compared to other employees, arising from provisions of the Law on Public Information and Media. Compared to other workers, journalists have distinct regulations governing working hours, the right to disconnect, special protection against dismissal, and collective rights.

The right to disconnect is recognized, within the Serbian legal system, exclusively for journalists. Given its protective nature, the authors believe this right should be extended to all employees in the same manner as it is currently recognized for journalists, and this through amendments to the Labor Law.

Furthermore, analysis of the Law on the Amicable Resolution of Labor Disputes shows that journalists relatively frequently protect their both their individual and collective rights owing to well developed unions, professional associations, and a high level of awareness of extra-judicial mechanisms. The high level of awareness among journalists regarding their rights and the methods of out-of-court resolution of labor disputes is also a product of the specific characteristics associated with their profession. Unlike other workers, who are often unaware of the opportunities provided by the Republic Agency for Peaceful Settlement of Labor Disputes — where the procedures can be quick, efficient, and cost-free — journalists are willing to use these mechanisms, thereby ensuring better protection of their rights and contributing to the stability and professional development of the media sector

Conflict of Interest

The authors declare no conflict of interest.

Author Contributions

Conceptualization, A.A.; methodology, I.L.; formal analysis, A.A. and I.L.; writing – original draft preparation, A.A. and I.L.; writing – review and editing, I.L. All authors have read and agreed to the published version of the manuscript.

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RADNOPRAVNI POLOŽAJ NOVINARA U REPUBLICI SRBIJI

APSTRAKT: Rad istražuje radnopravni položaj novinara u Republici Srbiji, sa posebnim osvrtom na individualna i kolektivna prava, kao i mehanizme njihove zaštite. Novinari obavljaju svoju profesiju po različitim pravnim osnovama – mogu biti stalno zaposleni, frilenseri ili angažovani po ugovorima o delu. Zakon o javnom informisanju i medijima (2023) predviđa specifičnosti u pogledu radnog vremena, prava na isključivanje, posebne zaštite od otkaza i kolektivnih prava. Analiza primene Zakona o mirnom rešavanju radnih sporova (2004) pokazuje da novinari često koriste vansudske metode zaštite svojih prava, zahvaljujući dobro razvijenim sindikatima, profesionalnim udruženjima i visokom nivou informisanosti. Za razliku od drugih radnika, koji često nisu upoznati sa mogućnostima koje nudi Republička agencija za mirno rešavanje radnih sporova, gde se postupak može sprovesti brzo, efikasno i besplatno, novinari su spremni da koriste ove procedure, čime dodatno obezbeđuju zaštitu svojih prava i doprinose stabilnosti i profesionalnom razvoju medijskog sektora.

Ključne reči: novinari, radnopravni položaj, individualna prava, kolektivna prava, pravo na isključivanje, sindikati, profesionalna udruženja, mirno rešavanje radnih sporova, Srbija.

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