



European
Social
Charter

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EUROPEAN SOCIAL CHARTER

Answers to additional questions related to

**13th National Report on the implementation of the European
Social Charter**

submitted by

THE GOVERNMENT OF MONTENEGRO

Articles 2, 3, 4, 5, 6, and 20

CYCLE 2024

MONTENEGRO

Article 3.1

Please provide information on the content and implementation of national policies (including any existing action plans/strategies) on psychosocial or new and emerging risks in relation to:

- the gig or platform economy;
- telework;
- jobs requiring intense attention or high performance;
- jobs related to stress or traumatic situation at work.

At its 85th session, the Government of Montenegro adopted the 2024 Implementation Report of the Action Plan under the Strategy for the Improvement of Occupational Safety and Health (2022–2027), along with the Action Plan for 2025.

Montenegro continues to prioritize the development and enhancement of social dialogue mechanisms. In line with this commitment, the government has allocated funding to support project-based activities of social partners through the 2025 Action Plan of the aforementioned Strategy.

Under Operational Objective 5, which focuses on the promotional framework, Activity 5.12—led by the Montenegrin Employers Federation in cooperation with the Ministry of Labour, Employment and Social Dialogue—centers on the “Assessment and Prevention of Work-Related Stress.” This initiative aims to evaluate the impact of occupational stress on employees and develop targeted interventions.

In addition to psychosocial risks, Montenegro is intensifying efforts to formulate policies addressing new and emerging risks in the evolving world of work. These initiatives reflect the country’s proactive approach to safeguarding employee well-being in dynamic labor environments.

Montenegro acknowledges the significance of these challenges within the framework of EU accession negotiations, particularly under Chapter 19: Social Policy and Employment. The country remains committed to advancing labor market reforms that encompass both traditional and emerging occupational health risks.

Article 3.2

Please provide information as to whether occupational health and safety regulations cover

- the self employed
- teleworkers
- domestic workers
- temporary workers

The provisions of the Law on Occupational Safety and Health apply to all workers in Montenegro who are engaged under any legal basis, including self-employed individuals, remote workers, and domestic workers.

Article 3.3

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations by the labour inspection or other competent authorities concerning the following categories of workers:

- domestic workers;
- digital platform workers;
- teleworkers;
- posted workers;
- workers employed through subcontracting;
- the self-employed;
- workers exposed to environmental-related risks such as climate change and pollution.

Article 8, paragraph 1, item 9 of the Law on Occupational Safety and Health ("Official Gazette of Montenegro", Nos. 34/14, 44/18, and 84/24) stipulates: The employee is a person who is working with the employer on the basis of the labour contract, including a person undergoing vocational training and a trainee, as well as any person carrying out work for the employer on any legal basis.

All individuals performing work for an employer under any legal basis are covered by the provisions of the Law on Occupational Safety and Health.

Inspection and oversight of the implementation of this law, regulations adopted pursuant to it, and technical and other measures related to occupational safety and health are carried out by the Occupational Safety and Health Inspectorate, unless the law stipulates that oversight in certain sectors is conducted by

other competent authorities.

Article 6.1

Please provide information on how the representation of social partners is ensured within the Social Council.

Please provide information on the frequency of Social Council meetings.

Please provide specific information on joint consultations conducted on the digital and ecological transition.

The Law on Social Council regulates the establishment, composition, scope of work, manner of work, financing and other issues of importance for the functioning of the Social Council. The Social Council of Montenegro consists of eight representatives of the Government, eight representatives of a representative trade union organisation of Montenegro, and eight representatives of a representative employers' association in Montenegro.

If there are multiple representative trade union organisations and representative employers' associations, the number of representatives is divided equally among them, ensuring equal representation. The representativeness of trade unions is determined on the basis of the Law on the Representativeness of Trade Union ("Official Gazette of Montenegro", Nos. 12/18 and 84/24), while the representativeness of employer's associations is regulated by the Labour Law ("Official Gazette of Montenegro", Nos. 74/2019, 8/2021, 59/2021, 68/2021, 145/2021, 77/2024, 84/2024, and 86/2024).

Article 198 of the Labour Law sets out the conditions for an employers' association to attain representativeness. In order for an employers' association to be considered representative—and thereby eligible to participate in collective bargaining and sign collective agreements—it must meet two key criteria: (1) its members must employ at least 25% of the workforce in Montenegro's economy, and (2) its members must contribute at least 25% to the country's Gross Domestic Product (GDP). More detailed criteria for determining the representativeness of employers' associations are prescribed by the Rulebook on the Manner and Procedure of Recording Employers' Associations and the Specific Criteria for Determining the Representativeness of Authorised Employers' Associations ("Official Gazette of Montenegro", No. 34/2005). According to Article 12 of this Rulebook, an employers' association is considered representative if:

- It is registered in the Book of Records in accordance with the provisions of the Rulebook;*
- Its members employ at least 25% of the workforce in Montenegro's economy and contribute at least 25% to the country's GDP;*
- It has signed a cooperation agreement with an authorised trade union organisation;*
- Its primary objective and activity are the facilitation of social dialogue and collective bargaining;*
- It is a member of an international employers' organisation engaged in social dialogue at an international or regional level (IOE or UNICE).*

If, during the process of determining representativeness, it is established that two or more employers' associations meet the criteria, the authorised employers' association for social dialogue and collective bargaining shall be the one whose members employ a larger percentage of the workforce in Montenegro's economy.

The Register of Employers Organisations, maintained by the Ministry of Labour, Employment, and Social Dialogue of Montenegro, currently lists three organisations. The Montenegrin Employers Federation is recognised as the representative organisation of employers.

A trade union at the national level in Montenegro shall be considered representative if, in addition to meeting the general conditions, it has at least five representative trade unions at the industry, group, or subgroup level affiliated with it and represents at least 10% of the total number of employees in Montenegro. General conditions for determining trade union representativeness are as follows:

- 1. it is registered in the Register, in accordance with this law;*
- 2. it is independent of state authorities, employers, and political parties; and*
- 3. it is financed through membership fees and other sources.*

In Montenegro, the two representative trade unions at the national level are the Union of Free Trade Unions of Montenegro (USSCG) and the Confederation of Trade Unions of Montenegro (SSCG). Both unions have four representatives each, who are members of the Social Council.

The members of the Council are appointed and dismissed by the Government, representative trade union organisations of Montenegro, and the representative employers' association in Montenegro, in accordance with their respective acts.

The Social Council deliberates and adopts views regarding the following issues: development and improvement of collective bargaining, influence of economic policy and measures for its implementation on social development and stability of the employment policy, wages and prices; competition and productivity; privatization and other issues of structural adjustment; protection of workplace environment, education and professional training; health and social protection and security; demographic trends and other issues of importance for the implementation and improvement of economic and social policy.

The Social Council works in sessions and in sections, in which it shall adopt views and opinions regarding the specific issues.

The views and opinions shall be adopted in the session of the Social Council, in accordance with the special act of the Council.

During the year, the Social Council holds an average of four meeting, while the Social Council presidency has an average of eight meetings for the same period. As we outlined in the submitted report, in 2023, the Social Council held four plenary sessions and nine sessions of the Presidency of the Social Council while in 2024, the Social Council held four plenary sessions and seven sessions of the Presidency of the Social Council.

Topics related to the ecological and digital transition were not part of the Social Council's agenda.

The Digital Transformation Strategy of Montenegro has been adopted for the period 2022–2026, accompanied by annual implementation action plans. This Strategy represents a key instrument for fulfilling the country's digital ambitions. It aims to enhance public services and user experience, strengthen digital skills across society, reduce the digital divide, and enable the nationwide implementation and effective management of digital transformation. The document was subject to public consultation, allowing interested stakeholders to review and submit proposals.

To ensure a fair transition from fossil fuels to sustainable energy sources, while fostering new economic activities, creating jobs, aligning the education system with the needs of the green economy, and empowering local communities, the Government of Montenegro adopted a Decision on the establishment of the Council for Just Transition.

This initiative marks a strategic step toward modernizing Montenegro's economy and strengthening societal resilience to the changes brought by energy and climate transformation. The Council serves as the central body for guiding and coordinating the transition process in line with national development goals, European standards, and the needs of local communities.

The Council is tasked with:

- Providing guidance for the planning and implementation of just transition policies;*
- Coordinating institutions and stakeholders;*
- Participating in the development and monitoring of the Just Transition Plan;*
- Proposing improvements to the legislative and institutional framework in this domain.*

*Additionally, the **Draft National Energy and Climate Plan of Montenegro** was recently subject to public consultation, which has now concluded.*

Article

6.2

Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent self-employed persons (showing similar features to workers) and (ii) self-employed workers

The foundation for trade union and other forms of association is established in the Constitution of Montenegro, which guarantees, under Article 53, the freedom of political, trade union, and other forms of association and activity—without prior approval and subject only to registration with the competent

authority.

According to Article 17, paragraph 2 of the Labour Law ("Official Gazette of Montenegro", Nos. 74/19, 8/21, 59/21, 68/21, 145/21, 77/24, 84/24, 86/24), employees have the right to trade union organization, collective bargaining, and participation in the resolution of labor disputes, in accordance with the law and collective agreements.

Article 197, paragraph 1 of the same law stipulates that employers are obliged to ensure employees can freely exercise their trade union rights.

The representativeness and review of established representativeness of trade union organizations are governed by the Law on Trade Union Representativeness ("Official Gazette of Montenegro", Nos. 12/18, 84/24). Under Article 1, paragraph 2 of this law, employees may organize into trade unions based on free choice.

In accordance with Article 2 of the Law on Trade Union Representativeness, a trade union—within the meaning of the law—may be organized at the level of an employer, at the level of a sector of activity, at the level of a group or subgroup of activities or at the national level.

An employer, within the meaning of this law, is a domestic or foreign legal entity, or a branch of a foreign legal entity with its registered office in Montenegro, or a natural person residing in Montenegro.

A self-employed natural person (sole proprietor), pursuant to Article 61, paragraph 1 of the Law on Business Organizations ("Official Gazette of Montenegro", Nos. 65/20, 146/21, 4/24), is a natural person engaged in economic activity, who does not perform that activity on behalf of another.

It is important to note that the conditions for registering a trade union organization in the Register are highly liberalized.

Registration is carried out based on a submission that includes:

- The founding act of the trade union organization issued by its competent body;
- The decision on the election of the trade union representative issued by the competent body;
- The authorization for the trade union representative issued by the competent body;
- The statute or rules governing the organization and functioning of the trade union.

The Ministry is obliged to complete the registration and issue a decision within 30 days from the date of receipt of the application and the required documentation.

In accordance with the Labour Law of Montenegro, employees have the right to freely establish and join their own organizations without prior approval, under the conditions defined by the statutes and rules of those organizations.

The Labour Law does not prescribe conditions for joining employee organizations; rather, the criteria for membership in a trade union are determined by the internal acts of the association, most commonly its statute. The law also does not stipulate a minimum number of members required to establish such organizations, leaving this matter to be regulated by their internal documents. The right to trade union organization is guaranteed by both the Constitution and the law, equally for all employees.

Any trade union that submits the required documentation shall be registered in the Register of Trade Union Organizations, thereby acquiring legal personality. However, the right to engage in collective bargaining and conclude collective agreements at the appropriate level is reserved for trade unions that have obtained representativeness status in accordance with the Law on Determining Trade Union Representativeness.

A trade union may attain representativeness at the level of an employer, a sector, a group or subgroup of activities, or at the national level. If a trade union does not meet the criteria for representativeness at a specific level, it may affiliate with a representative trade union at the sectoral or national level, in accordance with the statutes of those unions. In doing so, it participates indirectly in collective bargaining and the conclusion of collective agreements.

For the purpose of clarifying the situation in practice, an example may be given of the trade union organization and collective bargaining of taxi drivers in Montenegro, who fall under the category of self-employed natural person. The Register of Trade Union Organizations, maintained by the Ministry responsible for labor affairs, includes the following registered unions: the Trade Union Organization of Taxi Drivers of Podgorica, the Trade Union Organization of Taxi Drivers of Bar, the Trade Union

Organization of Taxi Drivers of Ulcinj, the Trade Union Organization of Independent Taxi Drivers of Nikšić, and the Professional Trade Union of Taxi Drivers of Montenegro.

These unions cannot be recognized as representative at the employer level, as they consist of taxi drivers who operate independently and perform their activity on their own behalf. However, in accordance with their statutes, these unions are members of a representative trade union at the national level. Through this affiliation, they participate in collective bargaining at the national level, given that the nationally representative trade union advocates for the interests of its members.

Recognizing that collective bargaining represents a fundamental form of social dialogue and a mechanism for the consensual resolution of labor disputes, the Ministry of Labour, Employment and Social Dialogue is working to improve the regulatory framework in this area.

To that end, a Working Group has been established to draft the Law on the Representativeness of Trade Unions and Employers' Associations, comprising representatives of both trade unions and employers. The draft law has been developed with expert and technical support from the International Labour Organization (ILO).