January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

MONTENEGRO

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts "conclusions"; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Montenegro on 3 March 2010. The time limit for submitting the 13th report on the application of this treaty to the Council of Europe was 31 December 2024 and Montenegro submitted it on 24 March 2025. On 9 July 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 3§1, 3§2, 3§3, 6§1 and 6§2 of the Charter. The Government submitted its reply on 24 October 2025

The present chapter on Montenegro concerns 10 situations and contains:

– 1 conclusion of conformity: Article 2§1

– 9 conclusions of non-conformity: Articles 3§1, 3§2, 3§3, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Montenegro will be due on 31 December 2026.

[1]*The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

The report states that, according to the Labour Law on Montenegro (Nos. 74/2019, 8/2021, 59/2021, 68/2021, 145/2021, 77/2024, 84/2024 and 86/2024), full-time employment shall be 40 hours per week. Overtime work shall be introduced in the event of a sudden increase in workload or *force majeure*. The maximum average weekly working time, including overtime, must not exceed 48 hours over a four-month reference period. Reference period between one and six months (up to one year if agreed by a collective agreement) is also possible, and during it maximum weekly working time should not exceed 48 hours, exceptionally 60 hours for seasonal jobs.

The report further states that Article 82 of the Law on Healthcare of Montenegro (Nos. 3/16, 39/16, 2/17, 44/18, 24/19, 82/20, 8/21, 3/23, 48/24, 77/24 and 84/24) regulates working hours and organisation of work in healthcare institutions. Where required by operational needs, certain institutions, such as Emergency Medical Services Institute and the Clinical Centre of Montenegro may have maximum weekly working time of up to 50 or 55 hours per week, including overtime, provided that the workers have given their written consent.

The report states that Article 136 of the Law on Armed Forces of Montenegro (Nos. 51/2017 and 34/2019) regulates the schedule, start and finish of the working hours. It also requires attendance records to be maintained.

The report states that Article 209 of the Labour Law prescribes financial penalties ranging from €1,000 to €10,000 for legal entities that introduce overtime work contrary to the Labour Law.

The report also states that the Labour inspectorate monitors the compliance with the Labour Law regarding the working hours. From 1 October 2023 to 30 September 2024, it conducted 3,386 inspections and identified 515 irregularities.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time).

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

In reply, the report states that, pursuant to Article 155 of the Maritime Navigation Safety Law (Nos. 62/13, 6/14, 47/15, 71/17, 34/19 and 77/20), maritime workers must be granted at least

14 hours of rest within a 24-hour period and a total of 77 hours of rest over a seven-day period. Work and rest schedules must be clearly displayed on board.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that working time refers to the time during which a worker carries out the jobs and tasks associated with their employment, as well as the time during which the worker is at the disposal of the employer, whether at their designated place or another location designated by the employer. On-call readiness, when a worker is not physically present at their workplace or at a location designated by the employer but is prepared to respond to a work-related call if necessary is not considered working time. However, if the worker responds to a call during on-call readiness and begins performing work-related duties, that time is counted as working time, including the time required to travel from the worker's residence to the workplace.

The report states that the General Collective Agreement (No. 150/22) states that a worker's salary shall be increased by 10% of the hourly rate determined based on their basic salary for each hour spent on on-call readiness. The time spent at the workplace performing duties upon the employer's call by a worker assigned to on-call readiness shall be considered working time and shall be paid as overtime work.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

Conclusion

The Committee concludes that the situation in Montenegro is in conformity with Article 2§1 of the Charter.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The report notes that the Law on Safety and Health at Work (Official Gazette of Montenegro, No. 34/14 and 44/18) applies to workers working within the territory of Montenegro, employed by legal entities and entrepreneurs across all industries, in state authorities and administration bodies, local government units, as well as workers assigned to work abroad in certain situations. This law stipulates that occupational safety and health shall be ensured and implemented through the application of modern technical/technological, organisational, health, social, and other protective measures and means, in accordance with this law, other regulations and international agreements. The law further specifies that occupational safety and health entails ensuring working conditions that do not result in workplace injuries, occupational diseases, or work-related illnesses, while also creating the necessary conditions for the full physical and psychological protection of workers.

The report also states that the Law on Health Care (Official Gazette of Montenegro, Nos. 3/2016, 39/2016, 2/2017, 44/2018, 24/2019, 82/2020, and 8/2021) requires employers to develop and implement appropriate technologies that are not harmful to health and the environment and to introduce and enforce specific measures for the protection of occupational health. This includes preventive activities related to creating and maintaining a safe and healthy working environment that enables optimal physical and mental health in the workplace.

The report refers to the Action Plan for the Implementation of the Strategy for the Improvement of Occupational Health and Safety in Montenegro (2022-2027) for 2023, which lists as one of its activities the provision of information to civil servants on matters within their competence regarding occupational health and safety. The topic of “Occupational Health and Safety”, which includes training on psychosocial risks and emerging risks, has been incorporated in the existing training programmes for new staff implemented by the Human Resources Administration. The objective of the training is to raise workers’ awareness of occupational health and safety measures, as well as preventive measures related to psychosocial risks and emerging risks.

In response to a request for additional information the report states that the Government has 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. It further notes that in addition to psychosocial risks, Montenegro is intensifying efforts to formulate policies addressing new and emerging risks in the evolving world of work.

The gig or platform economy

The report did not provide the requested information. Therefore, the Committee concludes that the situation in Montenegro is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Telework

The report did not provide the requested information.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

The Committee concludes that the situation in Montenegro is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to telework.

Jobs requiring intense attention or high performance

The report did not provide the requested information.

Therefore, the Committee concludes that the situation in Montenegro is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to jobs requiring intense attention or high performance.

Jobs related to stress or traumatic situations at work

In response to a request for additional information the report states that Activity 5.12 under Operational Objective 5 of the 2025 Action Plan, which focuses on the promotional framework, foresees the “Assessment and Prevention of Work-Related Stress.” This initiative is led by the Montenegrin Employers Federation in cooperation with the Ministry of Labour, Employment and Social Dialogue, and its aim is to evaluate the impact of occupational stress on workers and to develop targeted interventions.

Jobs affected by climate change risks

The report indicates that the Rulebook on Occupational Health and Safety Measures (Official Gazette of Montenegro, No. 104/20, dated 23 October 2020), Annex 1, Item 8, stipulates that outdoor work should not be performed in extreme temperatures, either below -15°C or above 36°C, except in cases of serious, immediate and unavoidable danger, where human lives or material assets of social significance are at risk.

The report further states that outdoor work in extreme temperatures should be carried out in compliance with the regulations, standards, risk assessment documents, specific safety instructions for the workplace and recommendations issued by the relevant state authority for labour affairs or the relevant state authority for health affairs. In this regard, the Ministry of Labour, in cooperation with the Institute of Public Health of Montenegro, annually publishes

the Recommendations for Working in Extremely Low and High Outdoor Temperatures on the official website of the Ministry of Labour, Employment and Social Dialogue.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee takes note of the information related to general policies on psychosocial and new and emerging risks. However, the report did not provide adequate information in relation to several targeted questions. Therefore, the Committee concludes that the situation in Montenegro is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning the following types of work:

- the gig or platform economy;
- telework;
- jobs requiring intense attention or high performance.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hour, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

Based on the report, it appears that Montenegro does not have any regulations on the right to disconnect. However, the Labour Law contains strict rules on working time, including overtime and rest periods, subject to supervision and control by the Labour Inspectorate.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report notes that occupational health and safety regulations apply to all workers without providing any information on the specific situation of self-employed workers. The Committee recalls that, under Article 3§2 of the Charter, all workers, including the self-employed, must be covered by occupational health and safety regulations, since employed and self-employed workers are normally exposed to the same risks (Conclusions 2003, Romania). The Committee therefore concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that self-employed workers are protected by occupational health and safety regulations.

Teleworkers

The report notes that occupational health and safety regulations apply to all workers. without providing any information on the specific situation of teleworkers.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises. States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during telework. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The Committee concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that teleworkers are protected by occupational health and safety regulations.

Domestic workers

The report notes that occupational health and safety regulations apply to all workers without providing any information on the specific situation of domestic workers. The Committee therefore concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that domestic workers are protected by occupational health and safety regulations.

Temporary workers

The report notes that occupational health and safety regulations apply to all workers without providing any information on the specific situation of temporary workers, interim workers and workers on fixed-term contracts. The Committee therefore concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that temporary workers, interim workers and workers on fixed-term contracts are protected by occupational health and safety regulations.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 3§2 of the Charter on the grounds that:

- workers do not have the right to disconnect;
- it has not been established that self-employed workers are protected by occupational health and safety regulations;
- it has not been established that workers performing telework are protected by occupational health and safety regulations;
- it has not been established that domestic workers are protected by occupational health and safety regulations;
- it has not been established that temporary workers, interim workers and workers on fixed-term contracts are protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2021), the Committee concluded that the situation in Montenegro was not in conformity with Article 3§3 of the Charter on the grounds that:

- it has not been established that accidents at work and occupational diseases are monitored effectively;
- it has not been established that the activities of the Labour Inspectorate are effective in practice.

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report notes that all persons performing work for an employer under any legal basis are covered by the provisions of the Law on Occupational Safety and Health.

In response to a request for additional information, the report states that the inspection and oversight of the implementation of the Law on Occupational Safety and Health, the regulations adopted pursuant to it, and technical and other measures related to occupational safety and health are the responsibility of the Occupational Safety and Health Inspectorate, unless the law stipulates that oversight in certain sectors is to be conducted by other competent authorities.

However, the Committee notes that the report provides no information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning domestic workers, digital platform workers, teleworkers, posted workers, workers employed through subcontracting, self-employed workers and workers exposed to environment-related risks such as climate change and pollution. The Committee concludes therefore that the situation in Montenegro is not in conformity with Article 3§3 of the Charter on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning the above-mentioned categories of workers.

Teleworkers

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer’s premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer’s premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation,

stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

The report does not provide the requested information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning teleworkers.

Workers exposed to environment-related risks such as climate change and pollution

The Committee takes note of the information in respect of the regulations covering workers exposed to environment-related risks such as climate change (see report on Article 3§1 of the Charter). However, the report does not provide information on the supervision of the implementation of regulations in respect of this category of workers, namely by labour inspectorates or other competent authorities.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 3§3 of the Charter on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning the following categories of workers:

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

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

According to the report, the concept of equal work and work of equal value is defined in the Labour Law. According to Article 99, workers are guaranteed equal pay for the same work or work of equal value. Work of equal value is understood as work requiring the same level of education, professional qualifications, responsibility, skills, working conditions, and work results.

The report states that this principle affirms the inalienable right of workers to remuneration, ensuring that if a worker performs work of equal value as their colleagues, they must receive the same remuneration. This provision applies to all workers, regardless of gender or job position, meaning that salary comparisons can be made between any workers performing work of equal value, even if they hold different job positions or work in different organisations.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the Labour Law the basic salary is the remuneration earned for full-time work, or work deemed equivalent to full-time, with a standard level of work performance under prescribed working conditions. It is calculated by multiplying the coefficient value by the complexity coefficient of the job, unless otherwise specified by a special law. Additionally, the Agreement on the Calculation Value of the Coefficient, concluded by social partners, and the General Collective Agreement set the coefficient's calculation value.

As regards job classifications, the report states that within the framework of Montenegro's EU accession process, efforts are being made to transpose Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023, which strengthens the application of the principle of equal pay for men and women for equal work or work of equal value through pay transparency and enforcement mechanisms, by amending the Labour Law. By transposing and subsequently implementing this Directive, Montenegro will ensure more favourable working conditions for all workers in terms of pay equality. Additionally, it will contribute to the development of better and more transparent conditions in the hiring process itself.

The Committee observes that amendments are foreseen which will help transpose the Directive 2023/970. However, before these amendments are enacted, it has not been established there are job classification and remuneration systems in place in public and private sectors which would guarantee the existence of a transparent and gender neutral pay system.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report Montenegro is in the process of aligning its Labour Law with Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023. The objective of this Directive is to strengthen the application of the principle of equal pay for men and women performing the same work or work of equal value, through increased pay transparency and more effective enforcement mechanisms.

The report states that by transposing and implementing this Directive, Montenegro will establish improved working conditions for all workers, with a particular focus on pay equality. Furthermore, this process will contribute to the development of more transparent and fairer employment conditions, ultimately leading to an overall improvement in the working environment. Through these reforms, Montenegro will reaffirm its commitment to the principles of equality and fairness in the labour market, which will have a positive impact on the country's economic and social development.

According to the report, in the context of these changes, it is essential to ensure that job evaluation and classification systems are based on gender-neutral criteria to prevent any form of discrimination based on gender. This approach will enable work to be valued according to its actual worth rather than the gender of the worker. In doing so, Montenegro will align itself with European standards and contribute to the creation of an equitable working environment for all workers.

The Committee notes that the National Strategy for Gender Equality of Montenegro for the period 2021–2025 is a key document for advancing the position of women and achieving gender equality. Its implementation has been significantly influenced by political, social, economic, and security factors, most of which could not have been foreseen during the drafting of the National Strategy for Gender Equality. The results of the Gender Equality Index in the domains of Money and Power serve as key indicators for Operational Objective 3.

A new National Strategy for Gender Equality for the period 2025–2029 is currently in preparation. This strategy will build upon the achievements and address the challenges identified during the implementation of the current strategy. Its primary objective will be to further advance gender equality in Montenegro while ensuring alignment with European standards and international obligations. The forthcoming strategy is expected to introduce new operational objectives and measures, focusing on current challenges and needs in the field of gender equality, as well as on the further empowerment of women and individuals of diverse gender identities across all aspects of life.

According to the report, statistical trends in the gender pay gap reveal persistent structural inequalities, despite the existence of a robust normative framework. According to data from the International Labour Organisation (ILO) for 2023 (Gender Pay Gap in Montenegro), the average GPG stood at 21.6% in 2021, meaning that women earned 78.4 cents for every euro

earned by men. This gap has widened compared to 2014, when it was 12.5% based on median earnings.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it (University Women of Europe (UWE) v. Ireland, Complaint No. 132/2016, decision on the merits of 5 December 2019, § 186). The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee observes that the report does not provide statistical trends for the reference period on the gender pay gap. It considers therefore that no measurable progress has been demonstrated in reducing the hourly gender pay gap in the reference period. Therefore, the situation is not in conformity with on this point.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 4§3 of the Charter on the grounds that:

- it has not been established that job classification and remuneration systems are applied in practice;
- It has not been established that there has been a measurable progress in reducing the hourly gender pay gap in the reference period.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Montenegro, as well the comments submitted by the European Trade Union Confederation (ETUC).

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The report indicates that the Constitution guarantees the freedom of political, trade union, and other forms of association and activity without requiring prior approval and subject only to registration with the competent authority. In accordance with the provisions of the Labour Law, workers have the right to establish their own organisations freely and to join them under the conditions set out in their statutes and regulations.

According to the report, in 2024, the Ministry of Labour, Employment, and Social Dialogue established a dedicated organisational unit, the Directorate for Social Dialogue and Collective Bargaining, with the aim of strengthening social dialogue and improving trade union organisation at all levels. The planned activities include conducting information campaigns to raise workers' awareness of their rights and encouraging dialogue between employers, workers, and trade unions to find common solutions for improving working conditions and protecting workers' rights.

However, the report also indicates that in sectors with traditionally low unionisation rates, such as hospitality, retail, and construction, as well as in emerging sectors, such as the gig economy, challenges remain in the full exercise of this right. To date, no specific measures have been implemented to promote unionisation in these sectors. The Union of Free Trade Unions of Montenegro has highlighted the need to regulate the rights of workers in the gig economy. However, no concrete legislative initiatives or amendments have been undertaken so far.

The Committee therefore concludes that the situation is not in conformity with Article 5 on the ground that measures have not been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that, in accordance with the Labour Law, workers and employers have the right to freely establish their own organisations and to join them without prior approval. Therefore, the Labour Law does not prescribe specific conditions for the establishment of employers' organisations. Instead, the criteria for membership of such associations are determined by their internal acts, most commonly their statutes.

According to the report, 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).

The report indicates that more detailed criteria for determining the representativeness of employers' associations are prescribed in the Rulebook on the Manner and Procedure of Recording Employers' Associations and the Specific Criteria for Determining the Representativeness of Authorised Employers' Associations. According to 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, now Business Europe).

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 will be the one whose members employ a larger percentage of the workforce in Montenegro's economy.

The Committee recalls that in its 2024 Observations (adopted in 2024, published 113rd ILC session (2025) - Right to Organise and Collective Bargaining Convention) (referred to by ETUC), the Committee of Experts on the Application of Conventions and Recommendations (CEACR) of ILO considered that the requirement of employing at least 25% of the workforce in Montenegro's economy in addition to contributing at least 25% to the country's GDP, hampers the promotion and development of free and voluntary collective bargaining within the meaning of the Convention.

As to the additional requirement that the employers' organisation be a member of an international employers' organisation engaged in social dialogue at an international or regional level, the CEACR considered that for an employers' association to be able to negotiate a collective agreement, it should be sufficient to establish that it is sufficiently representative at the appropriate level, regardless of its international or regional affiliation or non-affiliation.

Referring to the above CEACR observations, the Committee considers that the cumulative effect of these requirements, namely, employing at least 25% of the national workforce, contributing at least 25% to the country's GDP, and being affiliated with an international or regional employers' organisation, may unduly restrict the ability of employers' organisations to be recognised as representative for the purposes of social dialogue and collective bargaining.

The Committee therefore concludes that the situation is not in conformity with Article 5 on the ground that the requirements for the recognition of employers' organisations for the purposes of social dialogue and collective bargaining are excessive.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

According to the report, the law does not prescribe a minimum number of members required to establish trade unions, leaving this matter to be regulated by their internal acts. Workers have the freedom to decide whether to join or leave a trade union.

The report explains that a trade union, within the meaning of the Law on the Representativeness of Trade Union, is defined as a trade union organised at the employer level; at the level of an industry, group, or sub-group of activities and at the national level. A trade union acquires legal personality upon registration in the Register of Trade Union Organisations.

The conditions for determining trade union representativeness are: a listing in the Register; being independent of state authorities, employers and political parties; and being financed through membership fees and other sources.

Moreover, a specific condition for determining the representativeness of a trade union at the employer level is that the union must comprise at least 20% of the total number of workers at that employer. A trade union at the level of an industry, group, or subgroup of activities shall be considered representative if, in addition to meeting the general conditions prescribed by this law, it represents at least 15% of the total number of workers within that industry, group, or subgroup of activities. A trade union at the national level in Montenegro is 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 workers in Montenegro.

The trade unions that do not meet the conditions of representativeness may enter into an association agreement with other trade unions to collectively fulfil the prescribed conditions.

Worker representatives have the right to participate in discussions before the employer's competent bodies when general acts of the employer and occupational health and safety measures are being considered.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

The report indicates that the right to trade union organisation is guaranteed by the Constitution and the law to all workers under equal conditions, including members of the military and police. The report provides a list of trade union organisations of police officers and armed forces members that are registered in the Register of Trade Union Organisations, maintained by the Ministry of Labour, Employment, and Social Dialogue.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 5 of the Charter on the ground that:

- measures have not been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.
- the requirements for the recognition of employers' organisations for the purposes of social dialogue and collective bargaining are excessive.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusions (Conclusions 2022) the Committee deferred its conclusion on this Article pending receipt of information on consultation rights and obligations at the enterprise level.

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that the government promotes joint consultations through the Social Council, which includes representatives of trade unions, employers, and the Government. The Social Council considers and takes positions on issues such as the development and improvement of collective bargaining, the impact of economic policy and measures for its implementation on social development and employment stability, wages and prices; competition and productivity; privatisation and other issues related to structural adjustment; protection of the work and living environment, education and vocational training; healthcare and social protection and security; demographic trends, and other matters significant for the implementation and improvement of economic and social policy. Through this Council, initiatives have been launched to improve working conditions, reform labour legislation, and adapt the labour market to contemporary needs.

In response to a request for additional information, the report specifies that the Social Council consists of eight representatives each of the Government, of a representative trade union organisation, and of a representative employers' association. If there are multiple representative trade union organisations and representative employers' associations, the number of representatives is divided equally among them to ensure equal representation. Currently, the Montenegrin Employers Federation is recognised as the representative organization of employers. The two representative trade unions recognised at the national level are the Union of Free Trade Unions of Montenegro (ISSCG) and the Confederation of Trade Unions of Montenegro (SSCG). Each union has four representatives sitting on the Social Council.

During the year, the Social Council holds an average of four meetings, while the Presidency of the Social Council holds an average of eight meetings over the same period. In 2023, the Social Council held four plenary sessions and nine Presidency sessions, and in 2024, it held four plenary sessions and seven Presidency sessions.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The report states that over the past five years, key topics of joint consultations have included the increase of the minimum wage, the reform of the Labour Law, and the improvement of working conditions in sectors with low unionization rates. The outcomes of these consultations

have led to certain legal changes, including an increase in the minimum wage and strengthening measures to protect workers' rights.

More specifically, during the years 2022–2024, the Social Council held regular sessions to discuss a range of social, economic, and labour-related topics. The report contains a comprehensive list of issues discussed, including the implementation of the "Europe Now" tax policy reform programme, the Economic Recovery Platform 2022–2026, youth employment initiatives, and amendments to labour laws concerning pensions, retirement age, minimum wages, trade regulations and amendments to the Law on preventing illegal business and the law on State and Other Holidays. The Council also reviewed and prepared opinions on the annual allocation of permits for temporary residence and work for foreign nationals.

The Presidency of the Social Council focused on preparing for Council sessions and strengthening mechanisms of social dialogue and collective bargaining mechanisms. It oversaw the establishment of working groups tasked with proposing amendments to labour and internal trade legislation and monitored government activities related to international conventions and demographic policies.

To oversee the implementation of the collective agreement, a Monitoring, Implementation, and Interpretation Committee was established, which is constituted of representatives of the social partners and has successfully provided consensus-based guidance on the agreement’s application.

Since late 2022, several branch collective agreements have been concluded or amended to adjust salary coefficients and harmonize wages within specific sectors within the public administration and judiciary sectors, the healthcare sector, and the education sector.

Other sectors, including housing and communal services, culture, social services, student welfare institutions, and maritime navigation, also concluded branch collective agreements with provisions for salary coefficient increases.

In 2024, a total of 31 collective agreements were registered in Montenegro, comprising six branch-level and 23 employer-specific agreements. The branch agreements cover the areas of maritime transport, port-handling services, and nautical tourism ports; tourism and hospitality activities; student and pupil welfare institutions; education; construction and the construction materials industry, and telecommunications.

The Committee reiterates that Article 6 §1 requires joint consultations to take place at the national, regional/sectoral and enterprise level (Conclusions 2010, Ukraine). As Montenegro has not yet accepted Article 21 of the Charter, the matter of consultations at enterprise falls to be examined under Article 6§1 of the Charter. The Committee has previously asked questions regarding consultation at the enterprise level (Conclusions 2014, 2018, 2022) without receiving satisfactory replies. The Committee notes that according to the report, 23 employer-specific agreements have been registered in Montenegro in 2024, indicating that consultations have taken place to a certain extent at enterprise level.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

According to the report, although the issues of digital and green transition are relatively new, Montenegro recognizes their importance. Through social dialogue, consultations will be initiated on how the digital transition will impact the labour market, the need for new skills, and how sustainable (green) transition can contribute to preserving jobs and creating new ones.

In response to a request for additional information, the report states that topics related to the digital and the green transition were not part of the Social Council’s agenda. The Government, in cooperation with social partners, is exploring ways to adjust labour legislation and policies to support these transitions.

The Decent Work Programme 2024-2027, developed by the government, social partners, and the ILO, aims to help enterprises adopt greener practices and improve working conditions for a more sustainable economy. A related project, which will be implemented from December 2024 to December 2025, aims at strengthening social dialogue by improving existing mechanisms and incorporating just transition issues into their agendas. Montenegro has also set up a Council for Just Transition to coordinate the shift to sustainable energy, create jobs, and align with national and European goals. In addition, Public consultations were held on the Draft National Energy and Climate Plan and on the Digital Transformation Strategy.

The Committee recalls that joint consultation within the meaning of Article 6§1, is consultation between workers and employers or the organisations that represent them (Conclusions I (1969), Statement of Interpretation on Article 6§1.) The Committee notes that Montenegro has recently launched several projects which aim at strengthening social dialogue in the areas of the green transition and the digital transition. However, it has not been established that joint consultations on these issues have already been carried out.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that joint consultations have been held on issues relating to the digital and the green transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

Regarding *erga omnes* clauses and other extension mechanisms, the report states that the General Collective Agreement applies to all workers, unless specified otherwise by a special law. Sectoral collective agreements apply to all workers within a specific sector. Accordingly, all workers, regardless of whether they are members of unions that are signatories to the collective agreements, or members of any union, enjoy the rights guaranteed by collective agreements.

Regarding the favourability principle, the report states that collective agreements cannot grant workers fewer rights or less favourable working conditions than those established by law. Collective agreements and employment contracts may, however, provide broader rights or more favourable working conditions. If provisions of a collective agreement or employment contract are less favourable than the law, the provisions of the law shall apply. In cases where no employer-level collective agreement exists, sectoral or general collective agreements apply instead. The hierarchy of legal provisions places the law above collective agreements, and collective agreements must adhere to this structure.

The Committee notes that that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report notes that the statutory criteria of representativeness in respect of employers' organisations are not sufficiently comprehensive, which creates a legal vacuum and makes participation in collective bargaining more difficult. In particular, the existing provisions in the Labour Law and the Law on the Representativeness of Trade Unions are insufficient and do not cover employers' organisations.

Regarding the measures taken or planned to address the obstacles to collective bargaining, the report lists the introduction of additional criteria and procedures for determining the representativeness of employers' associations, as well as the clarification of the competencies of the authority responsible for conducting these procedures. Work is underway on draft amendments to the Law on the Representativeness of Trade Unions that would ensure fair participation of all parties in social dialogue and collective bargaining, greater legal certainty, more efficient dialogue and improved relations between social partners.

The Committee notes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has recently expressed a range of concerns in relation to the implementation of Convention no. 98 in Montenegro (International Labour Organization. (2025). Direct Request (CEACR) and Observation (CEACR) – adopted 2024, published 113th ILC session (2025). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Montenegro (Ratification: 2006). NORMLEX.). Notably, these refer to the participation of public authorities in the negotiation of general collective agreements on terms and conditions of employment, restrictive representativeness requirements for employers' federations, insufficient procedural safeguards in the determination of trade union representativeness for engaging in enterprise-level collective bargaining, and the failure to submit updated information in this respect.

The Committee considers that the report lacks adequate information on the operation of collective bargaining in practice, which would enable an assessment of the situation in Montenegro with regard to Article 6§2. This concerns, *inter alia*, the extent and subject matter of bargaining taking place at enterprise and sectoral level respectively; the number of workers covered by such agreements; the application of the legal provisions on the articulation of collective bargaining taking place at different levels mentioned above; or the measures taken or planned to promote collective bargaining. The Committee further refers to its corresponding assessment under Article 5 of the Charter regarding the situation in Montenegro leading to a conclusion of non-conformity on the ground that the requirements for the recognition of employers' organisations for the purposes of social dialogue and collective bargaining are excessive. The Committee therefore concludes that the situation in Montenegro is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the promotion of collective bargaining is sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report does not provide the requested information.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of

workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee therefore concludes that the situation in Montenegro is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that:

- the promotion of collective bargaining is sufficient;
- the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Montenegro was not in conformity with Article 6§4 of the Charter on the ground that the range of sectors in which the right to strike may be restricted is too extensive and it has not been established that the restrictions on the right to strike fall within the limits set by Article G of the Charter. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to the report, there is no absolute prohibition on the right to strike in any sector.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where there are restrictions on the right to strike and where there is a requirement of a minimum service to be upheld, as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to the report under the Law on Strike workers in the army, police, state authorities and public services have a right to strike provided that the strike does not jeopardise national security, safety of the individuals and property, public interest or the functioning of the state authorities based on the assessment carried out by the state authority responsible for national security and provided that the minimum service requirement is upheld. According to Article 18 of Law on Strike public interest services are those where the interruption of work due to the nature of the job could endanger the life and health of population or public interest. These include: production and distribution of basic food products (flour, milk, oil, sugar and baby food), electricity supply, road, railway and air transport, postal services, public electronic communications, news programmes of the public broadcasting services, public utility services (water supply, waste management, heat supply and funeral services), production, distribution and supply of oil, coal and gas, fire safety, health and veterinary protection, preschool and primary education, and social and child services.

The report further states that the Minimum Service Act shall be agreed upon by the competent state authority, the representative employers' association and the representative trade union within 90 days from the entry into force of the Law on Strike. In the case of failing to do so, the Arbitration Council (composed of the representatives of the parties in dispute and the expert member) established by the Director of the Agency for the Peaceful Settlement of Labour Disputes will decide on the minimum service within 30 days.

Pursuant to the report, the Agency for Peaceful Settlement of Labour Disputes has initiated three procedures for adopting the Minimum Service Act in the past 12 months.

The Committee recalls that restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedoms of others or to the public interest, national security and/or public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21

March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4). Even in essential sectors, however, particularly when they are extensively defined, such as "*energy*", "*health*" or "*law enforcement*", a comprehensive ban on strikes is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114).

Simply prohibiting workers of these sectors from striking, without distinguishing between their particular functions, cannot be considered proportionate to the aim of protecting the rights and freedoms of others or for the protection of public interest, national security, public health, or morals, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic). The imposition of an absolute prohibition of strikes to categories of public servants, such as police officers, prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic). While restrictions to the right to strike of certain categories of civil servants, whose duties and functions, given their nature or level of responsibility, directly affect the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45), a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4). Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

The Committee recalls that in its previous conclusions it found that the situation in Montenegro was not in conformity with Article 6§4 on the grounds that the sectors in which the right to strike could be restricted were overly extensive and that it had not been established that the restrictions fell within the limits permitted by Article G of the Charter (Conclusions 2018 and Conclusions 2022).

The Committee notes that there has been no change in the situation since its last conclusions: there are still many sectors in which the right to strike may be restricted. For these reasons, the Committee concludes that the sectors in which the right to strike may be restricted are overly extensive and that it has not been established that the restrictions fall within the limits permitted by Article G of the Charter.

Prohibition of the strike by seeking injunctive or other relief

The Committee has asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

The report states that under Article 7 of Law on Strike a work stoppage is considered as an illegal strike when not organised in accordance with the provisions of law. Additionally, under Article 31 of Law on Strike the procedure for determining the illegality of a strike or illegal dismissal from work may be initiated by the employer, the representative employers' association, the representative trade union or the strike committee. The court shall decide within five days from the submission of the request.

In the past 12 months, there has been only one case in front of the Basic Court in Podgorica. The case No. P-901/24 was initiated on 19.02.2024. by the Government of Montenegro – Ministry of Education, Science, and Innovation against the Education Trade Union of Montenegro. The first and the second instance courts upheld the Government's claim founding that the strike was illegal. The procedure in front of the Supreme Court of Montenegro is still pending.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that the range of sectors in which the right to strike may be restricted is too extensive and it has not been established for the full range of sectors that the restrictions on the right to strike fall within the limits permitted by Article G of the Charter.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Montenegro.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market and to reduce gender segregation the report refers to Law on Gender Equality (Official Gazette of RCG", Nos. 46/2007, 40/2011 - second law, and 35/2015) that provides measures that promote equality between women and men in the labour market, including the prohibition of discrimination based on gender and the application of affirmative measures to increase the participation of women in the labour market.

The Ministry of Labour, Employment, and Social Dialogue is working to amend labour legislation to improve the work life balance of parents and carers. A proposal for changes to the Labour Law has been prepared in coordination with social partners and submitted to the European Commission for feedback. The main aim is to align national law with EU Directive 2019/1158 on work-life balance for parents and carers, EU Directive 2019/1152 on transparent and predictable working conditions, and to include provisions regulating remote work in line with the European Framework Agreement on Telework. The proposed Law will provide for 10 working days of paternity leave, minimum parental leave of two months, reduced working hours, or the option to work from home.

Furthermore, the report refers to the National Strategy for Gender Equality 2021-2025 and Strategy for the Development of Female Entrepreneurship in Montenegro (2021–2024). Both strategies outline specific goals and activities aiming to reduce gender segregation. Focus is given on women's participation in traditionally male-dominated fields, especially in STEM professions. In addition, the involvement of women and individuals with diverse gender identities in areas that provide access to resources and benefits, such as the labour market and entrepreneurship is promoted.

The report refers to provisions that focus on empowering women economically, enhancing the competitiveness of female entrepreneurship, and fostering supportive public policies. Both strategies form part of broader efforts to promote gender equality in Montenegro.

As regards support programs and training, the report refers to programs with a special focus on women from rural areas and grants and loans with special conditions for increasing women's participation in the business sector and entrepreneurship.

According to the report, Montenegro has made some progress in improving women's participation in the labour market. The female employment rate reached 56.9% in 2023, and the gender employment gap is at around 10%. According to the latest data from the Gender Equality Index for Montenegro for 2023, there has been some progress in increasing women's participation in the labour market.

The Committee considers that the female employment rate is low and no measurable progress has been demonstrated in this area. Therefore, Montenegro is not in conformity with Article 20 of the Charter on this point.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee observes that Montenegro has taken steps to promote effective parity in the representation of women and men in decision making positions in both the public and the private sector.

The report refers to the National Strategy for Gender Equality 2021-2025 that has set a goal to achieve a minimum of 40% representation of women in decision making positions by 2025.

The “Decent Work Programme for 2024-2027” plans activities to strengthen the capacities of women in leadership positions through partnerships with business associations and international organisations.

Moreover, the report refers to proposed measures submitted to the Parliament in April 2024, by the Ministry of Human and Minority Rights and the Women’s Rights Centre. “Joint Position on the Comprehensive Reform of Electoral Legislation” contains key measures to enhance gender equality in political representation, including the introduction of a 40% quota for women on electoral lists, an increase from the current 30%, as well as stricter sanctions for political parties that fail to comply with these quotas. It also advocates for gender-balanced representation in the composition of the Government. These reforms are based on binding recommendations from the UN Committee on the Elimination of Discrimination against Women, which emphasized the need for political parties to include at least one woman for every three candidates on their lists. The Rules of Procedure of the Parliament have changed and provide for the election of at least one vice-president from the less represented gender.

According to the report, women remain underrepresented in the Government of Montenegro. Out of a total of 17 ministers, only 4 are women (23.5%). According to the report the Montenegrin Parliament still reflects significant gender imbalance in its ranks. Although women make up more than a quarter of the parliamentarians, their presence in key positions remains limited.

In light of the above, the Committee considers that the measurable progress in achieving effective parity in decision-making positions remains insufficient.

Women’s representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report, a draft law has been proposed that provides that public joint-stock companies must ensure through their statutes or other general acts that the underrepresented gender constitutes at least 40% of non-executive directors on the board of directors, or at least 40% of members of the supervisory board, or at least one-third of all director positions, including both executive and non-executive directors. An enforcement mechanism is also provided.

According to available data, women represent 30% of leadership positions in the public sector. Specifically, out of 233 members of the boards of directors of public companies, 70 are women. In the private sector, particularly in large companies, initiatives have been carried out to ensure equal representation of women in boards of directors.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 20 of the Charter on the grounds that:

• the female employment rate is low and no measurable progress has been made in reducing the gender employment gap;

• insufficient measurable progress has been made in promoting effective parity in decision-making positions