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EUROPEAN SOCIAL CHARTER

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

submitted by

THE GOVERNMENT OF MONTENEGRO

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

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CYCLE 2024

Government of Montenegro

Ministry of Labour, Employment and Social Dialogue

**THIRTEENTH NATIONAL REPORT ON THE IMPLEMENTATION OF THE REVISED
EUROPEAN SOCIAL CHARTER
(Articles 2, 3, 4, 5, 6, 20)**

MONTENEGRO

CYCLE 2024

Article 2(1) – Reasonable daily and weekly working hours

a) Provide information about occupations, if any, where the weekly working hours may exceed 60 hours or more, as permitted by law, collective agreements, or other regulatory means, including:

- Information on the exact number of weekly hours that individuals in these occupations may work;
- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

Pursuant to Article 2 of the Labour Law of Montenegro (Official Gazette of Montenegro, Nos. 74/2019, 8/2021, 59/2021, 68/2021, 145/2021, 77/2024, 84/2024, and 86/2024), the scope of application of this law is defined. This law applies to employees working within the territory of Montenegro for domestic or foreign legal or natural persons, as well as to employees assigned to work abroad by an employer headquartered in Montenegro, unless otherwise stipulated by a special law. This law also applies to employees in state bodies, state administration authorities, local self-government units, and public services, unless otherwise provided by a special law. Furthermore, it applies to foreign employees working for an employer within the territory of Montenegro, unless a special law states otherwise. Additionally, the law extends to natural persons engaged in economic activities for profit, provided that such activities are not carried out on behalf of another entity.

The Labour Law of Montenegro regulates the rights and obligations of employees concerning working hours. Specifically, Articles 60, 61, 64, 67, 68, and 69 define the fundamental aspects of working time organisation, redistribution, and overtime work.

Article 60 – The notion of working hours

It is stipulated that working time refers to the time period during which an employee carries out jobs and tasks for which they have been employed, as well as the time at which the employee is at the disposal of the employer. On-call duty is considered working time, whereas standby time (when the employee is not at the workplace) is not deemed working time, except when the employee is required to perform duties upon request.

Article 61 – Full-time working hours

Full-time employment shall be 40 hours in a working week. A shorter full-time working arrangement may be stipulated by a collective agreement.

Article 64 – Overtime work

Overtime work shall be introduced in the event of a sudden increase in workload or force majeure. The employer must issue a written decision on overtime work prior to the beginning of

such work (or retrospectively within three days). The maximum average duration of overtime work must not exceed 48 hours per week over a four-month period.

Article 67 – Schedule of working hours

The employer determines the work schedule, including redistribution and reduction of working hours. The decision must be communicated to employees minimum seven days in advance, except in cases of urgent and pressing need for work.

Article 68 – Rescheduling of working hours

Redistribution allows for longer working hours in one period and shorter working hours in another, provided that the average duration remains in compliance with contractual norms. The redistribution period may range from one to six months (or up to one year if agreed through a collective agreement). The maximum weekly working time during redistribution is up to 48 hours (exceptionally, up to 60 hours for seasonal jobs, subject to the employee's consent).

Article 69 – Calculation of hours of work

In cases of rescheduling of working hours, the average working time must correspond to the agreed full-time or part-time work arrangement. If an employee's employment contract is terminated before the redistribution period ends, any excess hours worked shall be calculated as overtime work and recognised for pension entitlement purposes.

These provisions aim to ensure flexibility in work organisation while safeguarding employees' rights.

Therefore, according to Article 61 of the Labour Law of Montenegro, an employee's working hours under regular circumstances must not exceed 40 hours per week. However, overtime work and redistribution of working hours are permitted under specific conditions set out in Articles 64 and 68 of the Labour Law of Montenegro. Overtime work may extend to a maximum of 50 hours per week. However, in seasonal jobs, under collective agreements and with the employee's consent, working hours may be extended up to a maximum of 60 hours per week.

Redistribution of working hours is also allowed in the case of seasonal jobs or specific employer requirements, where employees may work beyond full-time hours in certain periods. However, this arrangement must not exceed four months, unless otherwise stipulated by a collective agreement, in which case the redistribution period may be extended to six months.

The Labour Law of Montenegro (Official Gazette of Montenegro, Nos. 74/2019, 8/2021, 59/2021, 68/2021, 145/2021, 77/2024, 84/2024 – second law, and 86/2024) explicitly prohibits overtime work that is introduced contrary to the provisions of Articles 64 and 65.

Furthermore, Article 65 of the Labour Law of Montenegro sets out exceptions regarding the regulation of working hours for employees in healthcare institutions, the Armed Forces of

Montenegro, and authorities responsible for the enforcement of criminal sanctions. For these sectors, the duration and scheduling of working hours may be regulated by a special law.

Article 82 of the Law on Health Care of Montenegro (Official Gazette of Montenegro, Nos. 3/16, 39/16, 2/17, 44/18, 24/19, 24/19, 82/20, 8/21, 3/23, 48/24, 77/24, and 84/24) regulates working hours and the organisation of work in healthcare institutions, which deviates from the Labour Law in terms of maximum weekly working hours. This article stipulates that, where required by operational needs, certain institutions, such as the Emergency Medical Services Institute and the Clinical Centre of Montenegro, may have a maximum weekly working time of up to 50 or 55 hours per week, including overtime work, provided that the employee has given written consent.

Article 136 of the Law on the Armed Forces of Montenegro (Official Gazette of Montenegro, Nos. 51/2017 and 34/2019) regulates the schedule, commencement, and conclusion of working hours, whether on a daily or extended period basis, depending on working conditions and the nature of the unit's duties. It also requires attendance records to be maintained as prescribed by the Ministry's regulations. In addition to the Law on the Armed Forces, working hours in the military are further governed by the Rulebook on Working Hours in the Armed Forces of Montenegro (Official Gazette of Montenegro, Nos. 30/2010 and 32/2017).

If an employee's working hours exceed the contractually agreed working time, the total duration of such work must not exceed 250 hours per year.

A branch collective agreement or an employer-level collective agreement may stipulate a different duration of overtime work, provided it remains in compliance with the law.

Article 209 of the Labour Law prescribes financial penalties ranging from €1,000 to €10,000 for legal entities that commit an offence by introducing overtime work contrary to Article 64, which governs the regulation of overtime work.

The Labour Inspectorate conducted continuous inspections from 1 October 2023 to 30 September 2024 to monitor compliance with the Labour Law regarding the duration of employees' working hours, with the aim of eliminating irregularities related to unlawfully introduced overtime work.

In order to determine whether the employer had organised overtime work contrary to Article 64 of the Labour Law, labour inspectors were required to review the written decisions on the allocation of employees' working hours and shift schedules (Article 67), as well as the decisions on the scheduling of weekly rest periods (Article 76).

During the specified period, the Labour Inspectorate conducted 3,386 inspections to monitor compliance with the aforementioned provisions.

During these inspections, 515 irregularities were identified, related to the absence of decisions on the allocation of employees' working hours and shift schedules (Article 67), as well as the decision on the scheduling of weekly rest periods (Article 76). For these violations, 575 fines were

issued in the total amount of €319,700, and 13 requests for the initiation of offence proceedings were submitted.

Regarding the unlawful introduction of overtime work, contrary to Article 64 of the Labour Law, 137 irregularities were identified. Consequently, 212 fines were issued, amounting to €119,700, along with 14 requests for the initiation of offence proceedings.

Since the beginning of 2023, the Labour Inspectorate has significantly focused its efforts on combatting unlawful overtime work, ensuring that these enforcement activities produce visible results in practice. This has been particularly evident in the retail sector, where continuous inspections have led to a reduction in working hours across the four largest supermarket chains dealing with food products.

b) Please provide information on the weekly working hours of seafarers.

Pursuant to Article 155 of the Maritime Navigation Safety Law ("Official Gazette of Montenegro" Nos. 62/13, 6/14, 47/15, 71/17, 34/19, and 77/20), the working hours of seafarers are regulated to ensure adequate rest periods and occupational safety. Seafarers are entitled to minimum rest periods, which must be strictly observed in accordance with the law. Accordingly, seafarers 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.

Furthermore, the same Article 155 of the Maritime Navigation Safety Law stipulates that work and rest schedules must be clearly displayed on board to ensure transparency and compliance with regulatory provisions. The shipowner is obligated to maintain records of seafarers' working and rest hours, while drills and training sessions on board must be organised in a manner that minimally disrupts the rest periods of crew members.

Working time includes all time periods during which an employee performs their duties or is at the employer's disposal. However, on-call readiness, when an employee is not physically at work but may be called in, is not considered working time, except in cases where the employee commences work upon being called.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

Working time, as prescribed by Article 60 of the Labour Law, refers to the time period during which an employee carries out the jobs and tasks associated with their employment, as well as the time during which the employee is at the disposal of the employer, whether at their designated place of work or another location designated by the employer (on-call duty).

According to the provisions of Article 60 of the Labour Law, on-call readiness—meaning a situation in which an employee 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 employee 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 employee's residence to the workplace.

In the General Collective Agreement ("Official Gazette of Montenegro", No. 150/22 of 30 December 2022), the provision of Article 16 stipulates that an employee's salary shall be increased by 10% of the hourly rate determined based on their basic salary for each hour spent in on-call readiness. On-call readiness is determined in cases prescribed by the employer's act or by an act of the Government of Montenegro for employees in the public sector. However, it may not exceed ten days per month unless otherwise determined by a branch collective agreement, an employer's collective agreement, or an act of the Government of Montenegro. The time spent at the workplace performing duties upon the employer's call by an employee assigned to on-call readiness shall be considered working time and shall be paid as overtime work.

Article 3 (1) – Health and safety and working environment

Please provide information on the content and implementation of national policies on psychosocial risks or new and emerging risks, including:

- in the gig economy or platform-based economy;
- as regards telework;
- in jobs requiring intense attention or high performance;
- in jobs related to stress or traumatic situations at work;
- in jobs affected by climate change risks.

The Law on Safety and Health at Work ("Official Gazette of Montenegro", No. 34/14 and 44/18) 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 ratified and published international agreements. This law applies to employees working within the territory of Montenegro, employed by legal entities and entrepreneurs across all industries, in state authorities, state administration bodies, and local government units. It also applies to employees assigned to work abroad, if the occupational health and safety measures prescribed by the host country are less favourable than those provided by this law, unless otherwise regulated by a special law.

The aforementioned law specifies that occupational safety and health entails ensuring working conditions that do not lead to workplace injuries, occupational diseases, or work-related illnesses, while also creating the necessary conditions for the full physical and psychological protection of employees.

The Law on Health Care stipulates that employers are obliged, in the course of planning and conducting their business activities, to develop and implement appropriate technologies that are not harmful to health and the environment and to introduce and enforce specific occupational health protection measures. The employer ensures specific health protection of employees within their rights and obligations, which includes preventive activities related to creating and maintaining a safe and healthy working environment that enables optimal physical and mental health at work, adapting the work process to the limits of human capabilities, and selecting employees based on their psychophysical, occupational, and professional abilities to ensure appropriate allocation within the work process.

The Action Plan for the Implementation of the Strategy for the Improvement of Occupational Health and Safety in Montenegro for 2023 defines informing civil servants on matters within their competence regarding occupational health and safety as one of the activities contributing to the realisation of Operational Goal 1 – Enhancement of the Institutional Framework.

After considering the possibility of introducing the topic of "Occupational Health and Safety", which includes training on psychosocial risks as well as emerging risks, into existing training programmes piloted by the Human Resources Administration through the Training Programme for Newly Employed Staff, this topic has now been incorporated into the programme.

The objective of the training is to raise employees' awareness of occupational health and safety measures, as well as preventive measures related to psychosocial risks and emerging risks.

Link:

[Kalendar obuka za realizaciju Programa obuke za novozaposlene službenike i namještenike \(www.gov.me\)](http://www.gov.me)

When it comes to workplaces affected by climate change-related risks, the Rulebook on Occupational Health and Safety Measures ("Official Gazette of Montenegro", No. 104/20), 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.

Outdoor work in extreme temperature conditions should be conducted in compliance with 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 line with the above, 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.

Link:

Article 3(2) of the Revised Charter (Article 3(1) of the 1961 Charter) – Health and safety regulations

(a) Please provide information on:

- the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);

In Montenegro, full-time work is calculated on a weekly basis and amounts to 40 hours per week. The Labour Law allows the possibility for a collective agreement to establish working hours shorter than 40 hours per week. The Labour Law also provides for the possibility of working hours exceeding full-time work, i.e., overtime work. The reasons for introducing overtime work, as prescribed by Article 64 of the Labour Law, are a sudden increase in workload, force majeure, or other exceptional cases. Before the start of overtime work, the employer is obliged to issue a written decision, which must contain the reason for introducing overtime work, a list of employees engaged in work beyond full-time hours, and the start time of overtime work. In cases where overtime work is introduced due to urgent reasons, an exception is prescribed, allowing the employer to introduce overtime work by verbal notification. However, the employer is obliged to deliver a written decision to the employee within three days from the end of the circumstances that led to the introduction of overtime work. Urgent situations may include, for example, natural disasters, situations endangering public interest, epidemics or outbreaks of infectious diseases, breakdowns in plants or facilities, etc.

Also, the employer is also obliged to notify the Labour Inspectorate about the introduction of overtime work, and Article 208 of the Labour Law provides for a penalty in case of non-compliance with this obligation. This provision enables the Labour Inspectorate to determine whether the employer has introduced overtime work in accordance with the law, whether the duration of overtime work complies with legal requirements, and whether employees who have worked beyond full-time hours have received increased wages in accordance with the law and collective agreements.

Overtime work continues until the risks that led to its introduction are eliminated. In the event of the introduction of overtime work, the average working time of an employee over a four-month period cannot exceed 48 hours per week. Within this four-month reference period, working hours may be shorter in some periods and longer in others. However, the upper limit or the maximum duration of overtime work is restricted to 50 hours per week. In this regard, the Labour Law is aligned with Directive 2003/88/EC on certain aspects of the organisation of working time.

The Labour Inspectorate continuously monitors the implementation of the provisions of the Labour Law concerning the duration of employees' working hours, aiming to eliminate irregularities related to unlawfully introduced overtime work.

In the period from 01.10.2023 to 30.09.2024, the Labour Inspectorate conducted 3,386 inspections, identifying 515 irregularities related to the lack of decisions on the scheduling of employees' working hours and shift schedules (Article 67), as well as decisions on the scheduling of weekly rest periods (Article 76). For these violations, 575 fines were issued, amounting to a total of €319,700.00, and 13 requests for initiating offence proceedings were submitted.

Regarding the unlawful introduction of overtime work, contrary to Article 64 of the Labour Law, 137 irregularities were identified, for which 212 fines were issued, amounting to a total of €119,700.00, along with 14 requests for initiating offence proceedings.

- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The employer may terminate an employee's employment contract without conducting a disciplinary procedure if there is a justified reason for doing so. An employee's refusal to work beyond normal working hours is not considered a justified reason for dismissal without a disciplinary procedure, in accordance with Article 172 of the Labour Law. The Labour Law distinguishes between minor and serious breaches of work obligations. A breach of work obligations may arise either through an employee's actions or omissions and is determined by law, collective agreements, and the employment contract. Furthermore, the General Collective Agreement, in Articles 26 and 27, defines both minor and serious breaches of work obligations. Among these listed breaches, an employee's refusal to work beyond normal working hours or overtime is not included.

b) Please provide information on:

- the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;
- 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.

Article 4 of the Law on Safety and Health at Work ("Official Gazette of Montenegro", No. 34/14 and 44/18) stipulates that the provisions of this law apply to employees working in Montenegro for legal entities and entrepreneurs across all industries, state authorities, public administration bodies, and local government units. It also applies to employees assigned to work abroad if the occupational health and safety measures in the host country are less favourable than those prescribed by this law, unless otherwise provided by a special law.

The provisions of the law apply to all employees engaged under any legal basis.

Article 353 of Revised Charter (Article 352 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers, such as:

- Domestic workers;
- Digital platform workers;
- teleworkers;
- Posted workers;
- Workers employed through subcontracting;
- The Self-employed;
- Workers exposed to environmental risks such as climate change and pollution.

The Law on Safety and Health at Work applies to all persons who work for an employer under any legal basis.

Article 4(3) –Right of men and women to equal pay for work of equal value

a) Please indicate whether the concept of equal work and work of equal value is defined in domestic law or case law.

In the legal system of Montenegro, the concept of equal work and work of equal value is defined in the Labour Law. According to Article 99 of the Labour Law, employees 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.

This principle affirms the inalienable right of employees to remuneration, ensuring that if an employee performs work of equal value as their colleagues, they must receive the same remuneration. The criteria for work of equal value include the same level of qualification, responsibility, working conditions, and work results. This provision applies to all employees, regardless of gender or job position, meaning that salary comparisons can be made between any employees performing work of equal value, even if they hold different job positions or work in different organisations.

In the event of a violation of this right, the employee is entitled to compensation equal to the unpaid portion of their salary. Any employer decisions or agreements that contravene these provisions are null and void. Thus, in Montenegro, the concept of equal work and work of equal value is legally defined and protected, representing one of the fundamental principles of labour law.

The Labour Law also stipulates a prohibition on discrimination.

In accordance with Article 7 of the Labour Law, direct and indirect discrimination in the employment process and during the course of employment is strictly prohibited. The prohibition applies to all grounds established by law, including race, skin colour, national affiliation, social or ethnic origin, language, religion, political opinion, sex, gender identity, sexual orientation, health status, disability, age, marital status, pregnancy, and other personal characteristics. These provisions ensure equal treatment of all individuals at all stages of the employment process.

The definition of discrimination (Article 8) clearly distinguishes between two forms:

- Direct discrimination refers to any action, regulation, or practice that places or may place an individual in a less favourable position compared to others solely due to the characteristics listed in Article 7. An example would be refusing employment to a woman because of pregnancy or restricting career advancement based on ethnic origin.
- Indirect discrimination occurs when neutral criteria (e.g., working time requirements) de facto prevent access for certain groups unless those criteria are objectively justified and proportionate to the intended goal.

The practice of multiple discrimination (Article 9) is specifically regulated through the prohibition of discrimination in key aspects of the employment relationship:

- During recruitment, education, promotion, or dismissal;
- In determining working conditions and contractual rights;
- At all stages of professional development (training, advancement).

Any provision of an employment contract containing discriminatory elements is considered null and void ab initio, ensuring legal protection for victims and preventing misuse.

These provisions form the foundation of the fight against inequality, ensuring that the work environment respects the dignity and equality of all employees.

Article 209 of the Labour Law of Montenegro provides for financial sanctions against legal entities that fail to ensure the protection of employees' rights in accordance with the provisions on the prohibition of discrimination (Articles 7–9 and Articles 11–14), with fines ranging from EUR 1,000 to EUR 10,000. This provision directly contributes to addressing structural inequalities identified in the gender gap analysis, available at the following link:

<https://www.ilo.org/media/480796/download>.

b) Please provide information on the job classification and compensation systems that reflect the principle of equal pay, including in the private sector.

The Labour Law of Montenegro serves as the fundamental legal act regulating employment relations and establishing the principles of equal pay. Its key provisions include:

- The prohibition of direct and indirect discrimination in employment and in the workplace, including discrimination based on gender.
- The right of employees to fair remuneration in accordance with the law, collective agreements, and employment contracts.

The Labour Law stipulates that an employee is entitled to a salary determined in accordance with the law, collective agreements, and employment contracts. The salary earned by an employee for work performed and time spent at work, as well as salary compensation and other earnings determined by collective agreements and employment contracts, constitutes the gross salary under this law. The gross salary for work performed and time spent at work consists of the basic salary, special salary component, salary increases, and a performance-based salary component, if applicable. 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. The General Collective Agreement establishes basic job groups with coefficients for determining salaries based on the complexity of achieved learning outcomes. These range from 1.03 for qualifications obtained through the completion of part of primary education (at least the first cycle of primary education or a functional literacy program) to 4.12 for a Doctor of Science degree (300+180 CSPK (The Montenegrin Credit Transfer System) credits). 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 at a gross amount of 90 EUR. The special salary component includes compensation for meals during work and one-twelfth of the annual leave allowance, forming an integral part of the minimum wage. This component is determined by collective agreements and cannot be lower than 70% of the coefficient's calculation value at the national level. Performance-based pay is determined based on the quality and scope of work performed, as well as the employee's dedication and attitude towards work obligations. The criteria and standards for assessing work performance—where applicable—and incentives for achieving higher work results are established by the collective agreement at the employer level or by the employer's general act. The basic salary is increased according to the collective agreement and employment contract based on years of service (length of employment bonus), night work, work on state or religious holidays, and overtime work. This precisely defined salary calculation system ensures that there is no room for discrimination based on gender.

The application of the provisions of the Labour Law and the General Collective Agreement ensures the implementation of the principle of equal pay for all employees, both men and women. In practice, differences in salaries between men and women may arise due to variations in overtime hours, night work, temporary incapacity for work, and other factors. Additionally, the Labour Law explicitly guarantees equal pay for the same work or work of equal value. Work of

equal value is defined as work that requires the same level of education, professional qualifications, responsibility, skills, working conditions, and work results. Compared to previous legal provisions, this regulation ensures equal pay for the same or equivalent work for all employees, regardless of gender or any other characteristic. If an employee is not granted equal pay for work of equal value, they are entitled to compensation for the unpaid portion of their salary. Any employer decision or agreement with an employee that violates these provisions is considered null and void. Employees are entitled to a minimum salary for standard work performance and full-time work, or working hours equivalent to full-time, in accordance with the Labour Law, collective agreements, and employment contracts. As of October 2024, the minimum salary is set at 600 EUR for employees with a Level V qualification and 800 EUR for employees in positions requiring Level VI or higher qualifications.

Article 68 of the Law on Civil Servants and State Employees establishes that civil servants have the right to equal pay for equal work. Additional details on salary conditions in the public sector are regulated by the Law on Wages of Employees in the Public Sector, which defines the principles for determining salaries, different components of public sector wages, and potential salary supplements. This law also ensures pay equality in the public sector for employees performing the same or similar jobs, as well as those in positions requiring the same qualification level or sublevel.

Job classification

In the public sector, job positions are classified into groups and subgroups based on the level of education, job complexity, responsibility, and other relevant elements for job evaluation. The private sector has greater flexibility in job classification but must still comply with minimum legal standards.

As previously stated, an employee’s base salary is calculated by multiplying the coefficient value and the job complexity coefficient, unless otherwise specified by a special law. The coefficient value for an average of 174 working hours per month is set at 90.00 EUR (gross). According to the General Collective Agreement, the job complexity coefficient is determined based on the level of education, job complexity, working conditions, workload, job responsibility, and other factors relevant to job evaluation. This agreement defines basic job groups with complexity coefficients used to determine wages based on the complexity of achieved learning outcomes, as follows:

Levels	Complexity coefficients
First level (I)	
a) In sublevel one (I1):	3.30

- qualification obtained by completing part of the primary education programme (at least the first cycle of primary education or functional literacy program); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	
b) In sublevel two (I2): - qualification of completed primary education; - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	3.45
Second level (II)	
In level (II): - qualification of lower vocational education (120 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	3.50
Third level (III)	
In level three (III): - qualification of secondary vocational education (180 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	3.60
Fourth level (IV)	
a) In sublevel one (IV1): - qualification of secondary general and vocational education (240 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	3.7
b) In sublevel two (IV2): Master craftsman qualification (60 CSPK credits).	3.8
Fifth level (V)	
In level five (V): - qualification of higher vocational education (120 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	4.0
Sixth level (VI)	
In level six (VI): - qualification of higher education (180 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	4.4
Seventh level (VII)	
a) In sublevel one (VII1): - qualification of higher education (240, 180+60, 300, or 360 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	5.00
b) In sublevel two (VII2):	5.4

- qualification of higher education (180+120 or 240+60 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	
Eighth level (VIII)	
In level eight (VIII): - qualification of higher education (300+180 CSPK credits); - vocational qualification or part of a vocational qualification with a minimum of one CSPK credit.	7

We note that amendments and supplements to the Labour Law are currently underway to align it with the Directive of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, as well as the Directive of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, and the Framework Agreement on Telework from 2001. The primary objectives of these amendments are to establish a balance between the private and professional lives of employed parents and carers on one hand, and to ensure transparent and predictable working conditions on the other. Additionally, they aim to create more flexible labour relations in the labour market by organising work outside the employer's premises.

Furthermore, 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 employees in terms of pay equality. Additionally, it will contribute to the development of better and more transparent conditions in the hiring process itself.

(c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

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.

By transposing and implementing this Directive, Montenegro will establish improved working conditions for all employees, 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.

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 employee. In doing so, Montenegro will align itself with European standards and contribute to the creation of an equitable working environment for all employees.

According to data obtained from the Labour Force Survey conducted in 2023 (covering the period from January to December 2023), men accounted for 178.5 thousand or 56.0% of the total active population, while women constituted 140.3 thousand or 44.0%. In contrast, among the total population outside the labour force, women made up 108.9 thousand or 60.4%, whereas men accounted for 71.3 thousand or 39.6%. Of the total number of employed persons, 160.2 thousand or 57.2% were men, while 119.7 thousand or 42.8% were women. Among the total unemployed population, 20.5 thousand or 52.8% were women, and 18.3 thousand or 47.2% were men.

The National Strategy for Gender Equality 2021–2025 serves as the overarching policy framework for enhancing gender equality in Montenegro during this five-year period. Within this Strategy, Operational Objective 3 aims to increase the participation of women and individuals of diverse gender identities in areas that provide access to natural and social resources and allow them to benefit from their use. This strategy represents a significant step towards achieving equal rights and opportunities for all citizens of Montenegro, while also aligning with European gender equality standards.

Under Operational Objective 3, several measures have been defined to contribute to its realisation. Measure 3.1 focuses on empowering women and individuals of diverse gender identities to participate in political decision-making, thereby enabling them to have greater influence over decisions that affect their rights and interests.

Measure 3.2 aims to empower women, individuals of diverse gender identities, as well as marginalised and vulnerable persons and groups, to participate in the economy and economic decision-making. This will provide them with better access to economic resources and enable their more active involvement in economic processes.

Measure 3.3 focuses on strengthening the prevention of and protection against gender-based discrimination, sexual harassment and coercion, as well as gender-based violence and multiple discrimination in the workplace. This measure will contribute to creating a safer and more equitable working environment for all employees.

Measure 3.4 seeks to ensure more effective protection of women and individuals of diverse gender identities from economic violence, thereby enhancing their financial security and stability in economic activities.

Measure 3.5 promotes tripartite dialogue on legislative amendments that will facilitate greater participation of women in the labour market and improve the balance between work and private life. This will contribute to enhancing women's quality of life and their more active involvement in economic activities.

Measure 3.6 is focused on organising awareness campaigns to promote a more equal distribution of domestic work, childcare, eldercare, and care for persons with disabilities between men and women. Additionally, it includes regular monitoring of data on the participation of men and women in unpaid care work and household duties. This measure will help reduce the disproportionate burden often placed on women and promote gender equality in family roles.

Measure 3.7 aims to encourage and empower girls to enrol in undergraduate, master's, and doctoral studies in STEM fields (science, technology, engineering, and mathematics). This will provide them with better opportunities for professional development and greater participation in high-tech sectors.

Measure 3.8 focuses on assessing the impact of and implementing preventive measures to mitigate the negative effects of climate change and natural disasters on the health of women, men, individuals of diverse gender identities, as well as marginalised and particularly vulnerable persons and groups. This measure will contribute to the protection and empowerment of all affected groups in the event of natural disasters.

Overall, Operational Objective 3 of the National Strategy for Gender Equality represents a comprehensive approach to improving the position of women and individuals of diverse gender identities in Montenegro, ultimately leading to the achievement of equal rights and opportunities for all citizens.

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. These results demonstrate that the number of index points in these domains has already surpassed the targeted values. The target value for the Money domain in 2025 is set at 62, while for the Power domain, it is 37. However, the 2023 Gender Equality Index already indicates a Money domain value of 61.9 and a Power domain value of 44.1.

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.

In Montenegro, statistical trends in the gender pay gap (GPG) reveal persistent structural inequalities, despite the existence of a robust normative framework. According to data from the International Labour Organisation (ILO) for 2023, 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. However, when measured using the factor-weighted method—which accounts for differences in workforce composition (e.g., education, age groups)—the gap remained more stable, standing at 13.6% in 2021.

Key statistical trends:

Disparities based on wage distribution:

The gender pay gap (GPG) is most pronounced at the top of the wage distribution – in the highest-paid 10% of positions, women earn 25% less than men.

Minimum wages have narrowed the gap at the lower end of the distribution (10% difference in lower-paid positions), but have had no impact on high salaries.

Demographic variations:

Age groups: The largest gap (25–30%) is observed among women in their reproductive years (26–45 years old), highlighting the career interruptions women face due to maternity leave.

Education: Despite higher average educational attainment among women, the GPG increases with education level, reaching 27% among highly educated women.

Employment contracts: Women on temporary contracts earn 35% less than men within the same category.

Economic sectors and occupations:

The GPG is positive in 11 out of 13 sectors, particularly in construction (35%) and transport (28%). In female-dominated sectors such as education and healthcare, the gap is smaller (10–15%).

Structural causes:

Unexplained factors: 60–70% of the GPG cannot be attributed to objective factors such as education, experience, or sector, indicating discrimination and gender stereotypes.

Horizontal segregation: Women remain concentrated in lower-paying sectors, despite having the same qualifications as men.

Data taken from the publication: Gender pay gap in Montenegro: Updating the statistical approach and policy implications, Geneva, International Labour Organisation (ILO), 2023. Available at link: <https://www.ilo.org/media/480796/download>.

Article 5 – The right to organise

a) Please indicate what measures 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 Constitution of Montenegro, under Article 53, 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, employees have the right to establish their own organisations freely and to join them under the conditions set out in their statutes and regulations, without the need for prior authorisation. The freedom of association grants employees the right to organise within trade unions for the purpose of protecting their rights and interests.

However, 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.

In 2024, the Ministry of Labour and Social Welfare, now restructured as 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 at all levels. With the aim of improving trade union organisation, the planned activities include:

- To enhance trade union organisation, the planned activities include conducting informational campaigns to raise workers' awareness of their rights and the possibilities for trade union organisation
- Encourage dialogue between employers, workers, and trade unions to find common solutions for improving working conditions and protecting employees' rights.

These measures could contribute to strengthening unionisation in sectors with low trade union representation and in new forms of work in Montenegro.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining..

In accordance with the Labour Law, employees and employers have the right to freely establish their own organisations and to join them without prior approval, subject to the conditions set out in the statutes and internal regulations of those organisations. Therefore, the Labour Law does not prescribe specific conditions for joining employers' organisations; rather, the criteria for membership in such associations are determined by their internal acts, most commonly their statutes.

Membership in an employers' association is voluntary. Employees and employers are free to decide whether to join or leave a trade union or an employers' organisation. No individual may be placed at a disadvantage due to their membership, activities, or non-participation in such organisations. Any action contrary to this principle constitutes discrimination.

The operation of trade unions and employers' organisations cannot be temporarily prohibited, nor can such organisations be dissolved by a decision of the administrative authorities.

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

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

If, during the process of determining representativeness, it is established that two or more employers' associations meet the criteria, the authorised employers' association for social

dialogue and collective bargaining shall be the one whose members employ a larger percentage of the workforce in Montenegro's economy.

Furthermore, the Law on the Social Council ("Official Gazette of Montenegro", No. 044/18) regulates the establishment, composition, scope of work, functioning, financing, and other matters relevant to the operation of the Social Council. The Social Council is established to facilitate and develop social dialogue on issues of importance to the economic and social status of employees and employers, as well as their living and working conditions. It aims to promote a culture of dialogue, encourage the peaceful settlement of individual and collective labour disputes, and address other issues arising from international documents concerning the economic and social status of employees and employers. The Social Council of Montenegro consists of eight representatives of the Government, eight representatives of a representative trade union organisation of Montenegro, and eight representatives of a representative employers' association in Montenegro.

If there are multiple representative trade union organisations and representative employers' associations, the number of representatives is divided equally among them, ensuring equal representation.

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

The Register of Employers Organisations, maintained by the Ministry of Labour, Employment, and Social Dialogue of Montenegro, currently lists three organisations. The Montenegrin Employers Federation is recognised as the representative organisation of employers. Additionally, the Montenegro Business Alliance and the Montenegrin Employers Association are also registered in the official records.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Provide information on:

- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

The Constitution of Montenegro, under Article 53, guarantees the freedom of political, trade union, and other forms of association and activity, without prior approval and subject to registration with the competent authority.

The Labour Law, in Article 188, stipulates that employees and employers have the right to freely establish their organisations and join them without prior approval, under the conditions set out in the statutes and rules of those organisations. Therefore, the Labour Law does not define the conditions for joining employee organisations; rather, these conditions are determined by the internal acts of the respective organisation, most commonly through its statute. Additionally, the law does not prescribe a minimum number of members required to establish such organisations, leaving this matter to be regulated by their internal acts. Employees have the freedom to decide whether to join or leave a trade union. No individual may be placed in a disadvantaged position due to membership in an organisation, or due to their actions or inactions within its activities. Any conduct contrary to this provision constitutes discrimination. Furthermore, Article 190 stipulates that the activities of trade unions and employers' organisations cannot be temporarily banned, nor can an organisation be dissolved by a decision of the administrative authority.

Under the provisions of Article 7 of the Labour Law, direct and indirect discrimination against job seekers and employees is prohibited on the grounds of race, skin colour, national affiliation, social or ethnic origin, association with a national minority or minority national community, language, religion or belief, political or other opinion, gender, gender reassignment, gender identity, sexual orientation, health status, disability, age, financial status, marital or family status, pregnancy, membership in or presumed membership in a group, political party, trade union, or other organisation, or any other personal characteristic. Furthermore, Article 13 of the Labour Law explicitly prohibits discrimination in relation to membership in employee and employer organisations.

A trade union, within the meaning of the Law on the Representativeness of Trade Union ("Official Gazette of Montenegro", Nos. 12/18 and 84/24), is defined as:

1. a trade union organised at the employer level;
2. a trade union organised at the level of an industry, group, or sub-group of activities; and
3. a trade union organised at the national level.

A trade union acquires legal personality upon registration in the Register of Trade Union Organisations, maintained by the state administration body responsible for labour affairs. The Regulation on the Registration of Trade Union Organisations ("Official Gazette of Montenegro", No. 35/19) stipulates that, along with the registration application, a trade union organisation must submit:

1. the act on the establishment of the trade union organisation, adopted by the competent body of the trade union;
2. the decision on the election of the trade union representative, adopted by the competent body of the trade union;
3. authorisation for the trade union representative, issued by the competent body of the trade union; and
4. the statute or rules governing the organisation and functioning of the trade union organisation.

The state administration authority responsible for labour affairs is obliged to register the trade union organisation in the Register and issue a registration decision within 30 days of receiving the application and required documentation. Consequently, the state administration authority has a mandatory duty to register an interested trade union organisation and does not have grounds to reassess the legality of the submitted documentation.

A trade union that has been recognised as representative, in accordance with this law, is entitled to:

1. engage in collective bargaining and conclude collective agreements at the appropriate level;
2. participate in the resolution of collective labour disputes;
3. take part in the work of the Social Council and other tripartite and multipartite bodies at the relevant level;
4. participate in the management bodies of the Pension and Disability Insurance Fund of Montenegro, the Labour Fund, the Health Insurance Fund of Montenegro, the Employment Agency of Montenegro, and the Republic Agency for Peaceful Settlement of Labour Disputes.
5. participation in the work of the Council of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities; and
6. other rights prescribed by special laws and collective agreements.

If the bodies listed in points 4 and 5 provide for the participation of a smaller number of trade union representatives than the total number of representative trade unions at the relevant level, the principle of rotation shall apply, in accordance with a special agreement between those trade unions.

If there are two or more representative trade unions at the corresponding level, all such trade unions shall be entitled to the aforementioned rights, provided they have been recognised as representative in accordance with this law.

General conditions for determining trade union representativeness are:

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

If a trade union representative is a member of a political party's body or is included on an electoral list as a candidate of a political party, the requirement of independence from political parties is not met.

The fulfilment of these general conditions shall be assessed based on the following evidence:

1. a certificate of registration in the Register;
2. a statement by the trade union representative confirming that they are not a member of a political party's governing body and are not listed as a candidate on a political party's electoral list;
3. the statute or rules of the trade union organisation; and
4. a declaration by the trade union regarding its sources of financing.

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 employees 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 employees within that industry, group, or subgroup of activities. A trade union at the national level in Montenegro shall be considered representative if, in addition to meeting the general conditions, it has at least five representative trade unions at the industry, group, or subgroup level affiliated with it and represents at least 10% of the total number of employees in Montenegro.

Trade unions that do not meet the conditions of representativeness under this law may enter into an agreement on association with other trade unions to collectively fulfil the prescribed conditions.

Regarding the rights of trade unions and the obligations of employers towards trade union representatives or employee representatives (where no trade union exists), the Labour Law prescribes that the employer must provide the trade union with the necessary conditions for the effective performance of trade union activities, including:

- Workspace and meeting facilities – the employer must provide space within the business premises for the union to operate and hold meetings.
- Technical and administrative assistance – the employer must provide the necessary support for trade union activities, including access to telephones, fax machines, the internet, notice boards, computers, and photocopying services, provided that the employer has such resources available.
- Other resources and conditions for trade union operations – as stipulated by the collective agreement.

The exercise of these rights is further regulated by the collective agreement at the employer level.

The employer is required to inform the trade union or, where no trade union exists, the employee representatives at least once a year on the following matters:

1. Development plans – their impact on employees' status and planned changes in wage policies.
2. Business performance.

3. List of employees – including their employment status, working hours as per their employment contracts, and qualification structure.
4. Total calculated gross and net wages paid – including mandatory social security contributions and the average salary at the company.
5. Overtime work performed – a record of all overtime hours worked.
6. Workplace injuries – reported occupational injuries and measures taken to improve working conditions.
7. Other issues relevant to employees' material and social status – such as working conditions and employee welfare.
8. Other relevant information.

The employer is required to inform the trade union or, where no trade union exists, the employee representatives about:

1. The employer's general acts;
2. Occupational health and safety measures;
3. The introduction of new technologies and organisational changes;
4. Work schedule, night work, and overtime work;
5. Measures taken to provide for employees whose work may no longer be required in the event of collective redundancies; and
6. The time and method of salary payment.

The employer is obliged to notify the trade union at least eight days before the meetings of the employer's bodies and provide relevant documents so that the trade union may attend meetings where initiatives and proposals of the trade union are discussed.

The trade union representative, or where no trade union is organised, the employee representative, has 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 employer is required to seek and consider the opinion and proposals of the trade union before making decisions of significant importance for employees' professional and economic interests, collective redundancies, and job classification.

In that case, the employer is obliged to inform the trade union representative at the appropriate level in a timely manner, and no later than five days before the meeting, in order to attend the meetings of the employer's body where the submitted opinions and proposals are discussed and decisions of significant importance for the professional and economic interests of the employees are made.

The trade union at the employer has the right to initiate proceedings before the competent court for the protection of the rights of its members arising from or based on employment.

d) Specify whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

The basis for trade union and other associations is found in the Constitution of Montenegro, where Article 53 guarantees the freedom of political, trade union, and other associations and activities, without prior approval and with registration with the competent authority.

In accordance with the Labour Law, employees have the right, by free choice, without prior approval, to establish their own organisations and join them under the conditions set out in the statutes and rules of these organisations. Therefore, the Labour Law does not define the conditions for joining employee organisations; instead, the conditions under which someone can be a member of an employee association are defined by the internal acts of that association, most often the statute. The law also does not prescribe a minimum number of members for the establishment of these organisations, leaving it to their internal acts to regulate this issue as well.

The right to trade union organisation is guaranteed by the Constitution and the law to all employees under equal conditions, including members of the military and police. Below is an overview of the 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.

Register Number	NAME	REGISTRATION DATE
144	Trade Union Organisation of the Nikšić Garrison, Nikšić	30.10.1991
298	Trade Union Organisation of the Association of Reserve Military Officers of the Rožaje Municipality	14.02.1992
306	Trade Union Organisation of the Police Directorate - Security Centre Bijelo Polje	19.02.1992
358	Trade Union Organisation of the Ministry of the Interior of the Republic of Montenegro, Security Centre Bar	06.04.1992
402	Trade Union Organisation of the Ministry of the Interior of Montenegro, Security Centre Berane	22.05.1992
1199	Trade Union of the Defence Administration of the Republic of Montenegro	29.04.2004

1278	Trade Union of the Police Directorate of Montenegro	06.11.2006
1295	Trade Union of the Agency for National Security of Montenegro	25.12.2006
1296	Trade Union Organisation of the Police Academy Danilovgrad	26.12.2006
1316	Trade Union Organisation of the Administration for the Prevention of Money Laundering and Terrorist Financing	14.03.2007
1454	Trade Union Organisation of the Police Directorate of Montenegro, Podgorica Regional Unit	16.11.2009
1498	Trade Union of the Defence and the Armed Forces of Montenegro	24.01.2012
1511	Trade Union of the Armed Forces of Montenegro	17.12.2010
1550	Trade Union Organisation of the Border Police Branch in Podgorica	27.06.2011
1577	Trade Union Organisation of Veterans' and Disability Protection of Montenegro	24.12.2012
1595	Trade Union Organisation of the Police Branch in Rožaje	26.06.2012
1596	Association of Police Trade Unions of Podgorica	27.07.2012
1689	Trade Union of Security Institutions of Montenegro	19.09.2014
1767	Reformist Trade Union of the Police of Montenegro	14.06.2016
1778	Trade Union of Security	14.10.2016
1844	Trade Union of Employees in the Ministry of Defence and the Armed Forces of Montenegro	18.02.2019
1933	Independent Trade Union of the Police of Montenegro	20.09.2022

1938	Free Trade Union of the Police Directorate of Montenegro	19.10.2022
2024	Independent Trade Union of the Armed Forces of Montenegro	20.03.2024

Article 6(1): Joint consultations

a) Please state what measures are taken by the Government to promote joint consultation.

The Government of Montenegro 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. 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.

b) Please describe 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.

In 2022, the Social Council held five plenary sessions and five sessions of the Presidency of the Social Council.

The topics discussed by the Council during the sessions were:

- Informing the Council about the implementation of the "Europe Now" programme - Tax Policy Reform;
- Analysis of retail price movements and their impact on citizens' living standards before and after the implementation of the "Europe Now" programme;
- Introduction to the Economic Recovery Platform 2022–2026;

- Introduction to the Youth Guarantee Programme and presentation of the results of the Impact Evaluation of the Programme for Vocational Training of Higher Education Graduates;
- Presentation by the Agency for the Peaceful Settlement of Labour Disputes, with special emphasis on the ban on workplace harassment (an activity carried out as part of the 2022 Action Plan for the Implementation of the Strategy for Improving the Quality of Life of LGBTI Persons in Montenegro for the period 2019–2023);
- Status of the supply chain and food reserves in Montenegro in the context of geopolitical developments;
- Initiative by the Employers' Union of Montenegro for amendments to the Law on Internal Trade, Article 35a (work on Sundays);
- Introduction to the Draft Law on the Budget of Montenegro for 2023;

The topics discussed by the Presidency, in addition to current issues related to the preparation of the Council sessions, were:

- Strengthening mechanisms for social dialogue and collective bargaining;
- Initiative to form working groups for amendments to: the Law on Wages of Employees in the Public Sector; the Labour Law Inspection; the Law on Inspection Supervision; and the Law on State and Other Holidays;
- Introduction to the activities of the Government of Montenegro aimed at implementing the "Youth Guarantee" program;
- Information on the preparatory activities of the Government of Montenegro for the ratification of ILO Convention No. 190;
- Information on the planned measures of the Government's demographic policy;
- Review and provision of an opinion on the proposal for a decision on determining the annual number of permits for temporary residence and work for foreigners for 2023;

In 2023, the Social Council held four plenary sessions and nine sessions of the Presidency of the Social Council.

The topics discussed by the Council during the sessions:

- The issue of the Law on Preventing Illegal Business ("Official Gazette of Montenegro", No. 29/13), specifically the draft law on amendments to the Law on Preventing Illegal Business.
- The issue of amendments and supplements to the Law on Pension and Disability Insurance ("Official Gazette of the Republic of Montenegro", No. 54/03, 39/04, 079/07, and "Official Gazette of Montenegro", No. 79/08, 14/10, 78/10, 34/11...145/21 and 56/22), specifically, a proposal was made to amend Article 17 regarding the age limit for qualifying for retirement for both women and men. The Council welcomed the Government's decision to increase the minimum pension to 450 EUR.

- At the initiative of the Employers' Union of Montenegro, the Council formed a working group that prepared a recommendation for amendments and supplements to the Law on Internal Trade, with the aim of allowing retail establishments to operate during the winter and summer tourist seasons. After the adoption of the recommendation, the Council forwarded it to the Ministry of Economic Development and Tourism.
- The Council gave approval for the number of permits for temporary residence and work for foreigners in Montenegro for 2024, with an initiative to analyse the causes behind the trend of increasing permits for foreign workers in recent years, considering the high number of unemployed Montenegrin citizens.

The topics discussed by the Presidency, in addition to current issues related to the preparation of the Council sessions:

- Strengthening mechanisms for social dialogue and collective bargaining;
- Monitoring the progress of the Working Group for preparing the draft amendments to the Law on Internal Trade;
- Appointing representatives of social partners who will participate in the preparation of the Draft Housing Policy of Montenegro for 2024-2034;
- Reviewing and providing opinions on the proposed decision and amendments to the Decision on determining the annual number of permits for temporary residence and work for foreigners for 2023;
- Current status caused by the Decision of the Constitutional Court of Montenegro regarding the annulment of Article 17 of the Law on Pension and Disability Insurance and agreement on further activities, as well as the preparation of the Council's session on this matter;
- Creating conditions for the operation of the Council due to the appointment of a new Government and staff changes;
- Reviewing and adopting the recommendation to the Council for providing an opinion on the proposed decision regarding the determination of the annual number of permits for temporary residence and work for foreigners for 2023.

In 2024, the Social Council held four plenary sessions and seven sessions of the Presidency of the Social Council.

The topics discussed by the Council during the sessions:

- Amendments and supplements to the Labour Law regarding the introduction of two minimum wages; harmonising the provisions of the Labour Law and the Law on Civil Servants and State Employees regarding the age limit for mandatory retirement, considering that the limit in the Labour Law is 66 years of age and 67 years of age in the Law on Civil Servants and State Employees; further harmonization of the Labour Law with the EU legal acquis.

- Initiative of the Employers' Union of Montenegro for amendments to the Law on Public Holidays and Other Holidays.
- Initiative for opening a social dialogue to determine the calculation value of the coefficient for the real sector.
- The issue of the status of public officials representing social partners and the NGO sector in bodies appointed by the Government of Montenegro.
- Recommendation for amendments to the Law on Internal Trade – Article 35a.
- Initiative for amendments to the Law on the Employment Fund.
- Issues related to a more appropriate regulation of the reimbursement of wage compensation during maternity and parental leave, and prescribing a shorter period for the reimbursement of wage compensation (to employers) during temporary work incapacity.
- The Council gave approval for the number of permits for temporary residence and work for foreigners in Montenegro for 2025, with an initiative to analyse the causes of the trend of increasing permits for foreign workers in recent years, taking into account the high number of unemployed Montenegrin citizens.

In addition to the consultations held within the scope of the Social Council's activities, collective bargaining was actively conducted at the general and sectoral levels.

The Labour Law stipulates that a collective agreement can be concluded as: a general, sectoral, or employer-specific collective agreement.

The general collective agreement is concluded for the territory of Montenegro and applies to all employees and employers.

Sectoral collective agreements are concluded for sectors, groups, or subgroups of activities and apply to employees and employers in the sector, group, or subgroup.

The employer-specific collective agreement applies to employees at that specific employer.

It is important to note that collective agreements concluded at a certain level of negotiation are valid for all employees and employers at that level, regardless of whether they are members of the representative organisations that concluded them.

The General Collective Agreement was concluded on 30 December 2022. The legal basis for concluding this collective agreement stems from the provisions of the Labour Law, which stipulates that it may establish broader rights and more favourable working conditions than those stipulated by law.

The scope of application of the collective agreement refers to employees working within the territory of Montenegro, whether at domestic or foreign legal entities, as well as those employed abroad by an employer based in Montenegro, employees in state bodies, government bodies, local self-government units, and public services. Namely, in relation to the provisions of the

applicable collective agreement, the provisions of the General Collective Agreement apply to foreign employees working within the territory of Montenegro as well as to entrepreneurs.

Considering the changes in financial regulations, as well as the implementation of new tax policies concerning wage calculations, the coefficients for salary calculations established by the general collective agreement have been increased, ranging from 3.30 for the first level to 7 for the eighth level, i.e., for a doctor of science. In the previous General Collective Agreement, the coefficients ranged from 1.03 to 4.12.

The calculation value of the coefficient, as one of the elements for calculating the salary, is determined by a special agreement. However, the contracting parties are committed to reviewing the calculation value by December 31 of the current year, taking into account the general wage level in the country, the inflation rate, changes in the cost of living and its components, economic factors, including the requirements of economic development. It is important to note that if the parties do not agree on the amount of the calculation value, the previously agreed value will apply.

Additionally, regarding the grounds for increasing wages, it should be noted that, besides the previously valid grounds for increasing wages for night work, work on national or religious holidays, overtime work, the grounds have been expanded to include work on Sundays, with an increase of at least 80% per hour, and for two-shift work, with a minimum of 10% per hour.

This is specifically regulated because Sunday, according to the provisions of the Labour Law, is a non-working day. However, if the employer cannot provide the employee with this day as a non-working day, they are obligated to ensure the employee has another day off during the week. Given the social significance and the needs of employees, the issue of wage increases for Sunday work has been regulated through social dialogue. However, since the nature of work in certain industries requires Sunday work, exceptions have been made for employees working in shifts, as well as those working in hospitality and public transportation. A new provision prescribed by this collective agreement is that the wage increase for night work and holiday work does not count towards the calculation of the minimum wage but is added to the minimum wage. This measure was introduced to avoid discrimination against employees who worked at night or during holidays, who would otherwise receive the same wage as those employees who did not work on these days, which is the minimum wage guaranteed by the Labour Law, currently 450 EUR.

Additionally, on-call duty has been introduced as a basis for wage increases, which was not previously stipulated by this collective agreement. The wage for on-call duty is increased by 10% for each hour spent on-call, based on the hourly rate determined according to the employee's basic salary. On-call duty will be regulated by the employer's act or, in the case of public sector employees, by an act of the Government, with the duration of on-call duty limited to 10 days per month, unless otherwise stipulated by the relevant branch, collective agreement, or act of the Government of Montenegro.

The implementation of the General Collective Agreement is monitored by the contracting parties. They establish a Monitoring, Implementation, and Interpretation Committee for this collective agreement. The Committee consists of six members, one of whom is appointed by the unions signing the agreement, and two each are appointed by the Union of Employers of Montenegro and the Government of Montenegro. The Committee provides expert interpretations and opinions regarding the implementation of this collective agreement. Since the General Collective Agreement came into force, up until November 1, 2024, the Monitoring, Implementation, and Interpretation Committee has issued 155 opinions regarding the application of this agreement, with 98% of them reached in consensus among the social partners.

Additionally, since the end of 2022, a significant number of branch collective agreements have been concluded, mainly due to the need for increasing the coefficients for salary calculation based on education levels and the complexity of job positions.

The branch collective agreement for the public administration and judiciary sector came into force on February 15, 2023. The new agreement regulated the salary coefficients for all employees in the expert-managerial, expert, and executive staff categories. At the same time, the coefficients were increased by about 25%, and salaries were harmonised across the administration, courts, and prosecution offices for employees working on the same or similar jobs and positions requiring the same level or sublevel of qualifications. This signed agreement, for the first time, includes provisions for resolving housing issues for civil servants and employees, while the percentage for overtime and night work was increased from 40% to 50%. Additionally, for the first time, it was provided that civil servants could receive a salary increase based on a master's degree in science, which was obtained before 2017, as well as for doctors of science. This is the first increase in coefficients for civil servants and employees since 2016, when the Law on Wages of Employees in the Public Sector was adopted, and it applies to salary increases for about 12,000 employees.

The branch collective agreement for the healthcare sector was first amended in December 2022 in accordance with social dialogue with representative healthcare unions. These amendments increased salaries for healthcare system employees starting from January 1, 2022, by 30-40% for medical staff and by 13-26% for non-medical staff. Furthermore, salaries for non-medical staff were further increased with the new amendments to the branch collective agreement for the healthcare sector, which came into force on December 1, 2022.

The branch collective agreement for the education sector was amended on December 30, 2022. With the amendments to this collective agreement, starting from January 1, 2023, all job complexity coefficients for salary calculation were increased by 20%. It is also foreseen that these coefficients will increase by an additional 10% starting from January 1, 2024, and 2025. Another integral part of this branch collective agreement is the provision for mandatory anniversary awards, an increase in the coefficient for cleaning staff by 45%, and an increase of 25% for positions such as janitors, firemen, drivers, and warehouse workers – Level III, as well as a 25% increase for food preparation jobs (chefs) – Level III, with a 20% increase for Level IV. The branch

collective agreement for amending and supplementing the collective agreement for the education sector was concluded on May 9, 2024. Among other things, this agreement foresees a cumulative salary increase in the net amount of 17% (including a 10% increase in the gross amount starting from July 1, 2024). On September 23, 2024, another branch collective agreement for the amendment and supplementation of the collective agreement for the education sector was concluded, which increased job complexity coefficients for salary calculation, thereby resulting in a proportional salary increase for employees in this sector.

In addition to the mentioned agreements, other branch collective agreements have been concluded, which foresee provisions for increasing salary calculation coefficients. These agreements include: the branch collective agreements for the housing and communal services sector, the culture sector, the social services sector, the student and pupil welfare institutions, and the branch collective agreement for seafarers on ships in international navigation.

In 2024, as of November 1, a total of 31 collective agreements were registered. Of these, 6 were branch agreements and 23 were agreements at the employer level. The branch agreements include: the Branch Collective Agreement for maritime transport, port-handling services, and nautical tourism ports, the Branch Collective Agreement for tourism and hospitality activities, the Branch Collective Agreement for amendments and supplements to the collective agreement for student and pupil welfare institutions, the Branch Collective Agreement for amendments and supplements to the collective agreement for education, the Branch Collective Agreement for amendments and supplements to the Branch Collective Agreement for construction and the construction materials industry, and the Branch Collective Agreement for amendments to the Branch Collective Agreement for telecommunications.

As with the General Collective Agreement, branch collective agreements also foresee the establishment of Committees and Commissions that provide interpretations and monitor the application of the specific collective agreement.

(c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

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.

The Government, in cooperation with social partners, is exploring ways to adjust labour legislation and policies to support these transitions.

These consultations help create a sustainable environment for workers and employers in Montenegro, enabling them to adequately address the challenges and opportunities presented by the digital and green transitions.

The Decent Work Programme 2024-2027 as the strategic mid-term planning framework governing the work of the International Labour Organisation (ILO) in the country, in line with the priorities and objectives agreed upon with tripartite constituents, sets the first priority as “Promotion of inclusive and productive employment.” Under this priority, Outcome 1.1 focuses on Improved support programs for businesses, with a particular emphasis on creating quality jobs. The expected impact will include improving productivity in working conditions and greener work and production processes. Planned activities involve ILO working with the government and social partners to design new support services for small and medium enterprises to improve resource efficiency and adopt cleaner production methods and circular economy principles. These support services aim to help businesses increase productivity and improve working conditions in selected sectors, leading to enhanced competitiveness and income, as well as progress toward a greener economy.

Additionally, there is an ongoing project called “Promoting Social Dialogue on Just Transition Issues in North Macedonia and Montenegro”, which will be implemented from December 15, 2024, to December 14, 2025. The project aims to strengthen social dialogue in these countries by improving existing mechanisms and incorporating fair transition issues into their agendas. The focus of the project is on addressing key challenges in social dialogue and integrating fair transition issues, with special emphasis on inclusive and gender-sensitive measures.

The project also includes strengthening the capacities of social council members to improve policy development and advocacy. In Montenegro, the Social Council functions relatively well, but additional training for its members could improve the quality of discussions and decision-making.

Currently, issues related to a just transition are not part of the agendas of socio-economic councils in any country. Nationally determined contributions (NDCs) within climate action are not integrated into the work of these bodies, and the debate on a just transition is often focused exclusively on environmental aspects. The social aspects of the transition are mostly limited to local discussions about the closure of coal mines and the impact on male workers, while broader socio-economic challenges remain neglected.

The project aims to contribute to the establishment of a more comprehensive approach to a just transition by educating and raising awareness among key actors, balancing ecological needs with the rights and needs of communities. The activities of the project are expected to improve the capacity of social partners to engage in informed dialogue and develop policies that address the challenges of transitioning to sustainable development.

Article 6(2): Collective bargaining

a) Provide information on how collective bargaining is coordinated between and across different levels, including information on:

- The impact of factors such as "erga omnes" clauses and other mechanisms for the extension of collective agreements;
- The impact of the principle of favourability and to what extent local/workplace agreements can deviate from legislation or collective agreements made at a higher level.

According to the Labour Law, the provision of Article 6 stipulates that a collective agreement and an employment contract cannot contain provisions that grant the employee fewer rights or establish less favourable working conditions than those provided by this law. A collective agreement and an employment contract may, however, establish a broader scope of rights and more favourable working conditions than those provided by this law. If certain provisions of a collective agreement provide a lesser scope of rights or less favourable working conditions than those established by law, the provisions of the law shall apply. If certain provisions of an employment contract provide a lesser scope of rights or less favourable working conditions than those established by law or the collective agreement, those provisions shall be null and void. If a collective agreement is not concluded at the employer level, the relevant sectoral collective agreement shall directly apply, and if there is no sectoral collective agreement, the general collective agreement shall apply.

This provision regulates the relationship between the law, collective agreements, and the individual employment contract. The hierarchy established in this way places the law at the top, followed by the collective agreement and, lastly, the individual employment contract. This means that neither the employment contract nor the collective agreement may provide for a lesser scope of rights or less favourable working conditions than the law, and they must be in accordance with the law.

If a collective agreement contains provisions that provide a lesser scope of rights or less favourable working conditions, the law will apply. On the other hand, in accordance with Article 145 of the Constitution of Montenegro, laws must be in accordance with the Constitution and ratified international agreements, and other regulations must be in compliance with both the Constitution and the law. The Constitutional Court ensures the protection of the principles of legality and constitutionality and decides on the conformity of lower legal acts with the Constitution and laws.

Regarding the employment contract, it must be aligned with the collective agreement at the employer level, the sectoral collective agreement, the general collective agreement, and the law. If an employment contract is not in line with the law and the collective agreement, it is considered null and void.

When it comes to the relationship between collective agreements concluded at different levels of collective bargaining, it is based on the principle of *in favorem laboratoris*, i.e., the principle of the greatest benefit for employees. Therefore, a collective agreement concluded at a lower level of collective bargaining can only contain provisions that are more favourable compared to the collective agreement concluded at a higher level of collective bargaining. In the case of

differing provisions in collective agreements concluded at different levels of collective bargaining, the provisions from the collective agreement that are more favourable to the employee will apply to the specific legal matter.

In terms of the scope of application, the General Collective Agreement applies to all employees working in the territory of Montenegro, whether employed by domestic or foreign legal or physical entities, as well as to employees sent to work abroad by an employer based in Montenegro, unless specified otherwise by a special law; employees in state authorities, state administration bodies, local government units, and public services, unless specified otherwise by a special law; foreign employees working for an employer in the territory of Montenegro, unless specified otherwise by a special law; and natural persons engaged in economic activities for profit, provided they do not perform such activities for someone else. Sectoral collective agreements apply to all employees within a specific sector. Therefore, all employees, regardless of whether they are members of the unions that are signatories to the collective agreements, or even members of any union at all, enjoy the rights guaranteed by collective agreements.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

In accordance with the Labour Law, employees and employers have the right to freely establish their organisations and join them, without prior approval, under the conditions set out in the statutes and rules of those organisations. Therefore, the Labour Law does not define the conditions for joining employer or trade union organisations; instead, the conditions under which someone can become a member of an employer association are defined by the internal act of that association, most commonly its statute.

Membership in employers' and employees' associations is voluntary. Employees or employers freely decide whether to join a trade union or an employers' organisation and to withdraw from these organisations. No one can be placed in a disadvantageous position because of their membership in an organisation or their actions or inactions within the organisation's activities. Acting contrary to this constitutes discrimination.

The activities of trade unions and employers' organisations cannot be temporarily banned, nor can an organisation be dissolved by a decision of the administrative authorities.

The right to collective bargaining at the national level belongs to the representative employers' associations and representative trade unions.

Article 198 of the Labour Law sets out the conditions for the representativeness of employers' associations. Specifically, for an employers' association to be considered representative, and thereby participate in collective bargaining and sign collective agreements, two conditions must be met: 1) the members of the association must employ at least 25% of the employees in Montenegro's economy, and 2) the members of the association must contribute at least 25% to

Montenegro's Gross Domestic Product. Detailed criteria for determining the representativeness of employers' associations are prescribed by the Rulebook on the Manner and Procedure of Recording Employers' Associations and the Specific Criteria for Determining the Representativeness of Authorised Employers' Associations, which is also explained in the answer to question b) concerning Article 5.

If the procedure reveals that two or more employers' associations meet the representativeness criteria, the employers' association considered authorised for social dialogue and collective bargaining is the one whose members employ the higher percentage of workers in Montenegro's economy.

Regarding trade union organisations, the right to collective bargaining and the conclusion of collective agreements at the appropriate level is granted to the trade union that has been recognised as representative in accordance with the Law on Representativeness of Trade Unions, as previously mentioned in the answer to question c) concerning Article 5.

The Social Council Law ("Official Gazette of Montenegro", no. 044/18) regulates the establishment, composition, scope of work, financing, and other issues of importance for the functioning of the Social Council. The Social Council is established to promote and develop social dialogue on matters of importance for improving the economic and social status of employees and employers, their working and living conditions, the development of a dialogue culture, encouraging peaceful settlement of individual and collective labour disputes, and other issues arising from international documents related to the economic and social status of employees and employers. The Social Council of Montenegro consists of: eight representatives of the Government, eight representatives of the representative trade union organisation of Montenegro, and eight representatives of the representative employers' association in Montenegro.

If there are multiple representative trade union organisations and representative employers' associations in Montenegro, the number of representatives is divided among them equally, ensuring that both groups have the same number of representatives.

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

c) Provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

Although representative trade unions are primarily authorised for collective bargaining and participating in important decision-making at the enterprise or sector level, minority trade unions can also play a role, especially in representing the specific interests of their members.

In practice, minority trade unions in Montenegro can:

- Represent their members in matters of individual labour rights, such as complaints and disciplinary procedures, but they do not necessarily have the right to participate in broader negotiations affecting the entire workforce.
- Participate in social dialogue, but with limited authority compared to representative trade unions. They can provide opinions or recommendations but do not have the right to be the main participants in decision-making processes.

In addition to trade unions, the law in Montenegro also recognises elected worker representatives in companies. These representatives function as an alternative structure for representing workers, especially in cases where there is no union in the company or where unions lack representativeness.

Currently, there is no specific law that clearly regulates the representativeness of employers' associations, which creates a legal vacuum and makes participation in collective bargaining more difficult. The existing provisions in the Labour Law and the Law on the Representativeness of Trade Unions ("Official Gazette of Montenegro", no. 12/18 from 23.02.2018) are insufficient and do not cover employers' organisations.

Provisions that need to be amended:

- Add criteria and procedures for determining the representativeness of employers' associations.
- Clarify the responsibilities of the body conducting the procedure.

The adoption of the law, or amendments to the current law, will define the criteria, procedures, and bodies responsible for determining the representativeness of trade unions and employers' associations. The aim is to ensure fair participation of all parties in social dialogue and collective bargaining. The expected impact is greater legal certainty, more efficient dialogue, and improved relations between social partners. The draft law on amendments to the Law on the Representativeness of Trade Unions is expected to be determined in the third and fourth quarters of 2025.

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

The basis for trade union and other associations is provided in the Constitution of Montenegro, where Article 53 guarantees the freedom of political, trade union, and other associations and activities, without prior approval and with registration with the relevant authority.

In accordance with the Labour Law of Montenegro, employees have the right to freely establish their organisations and join them, without prior approval, under the conditions defined by the statutes and rules of those organisations. Therefore, the Labour Law does not define the conditions for joining employees' organisations, but the conditions under which someone can become a member of an employers' association are defined by the internal act of that association, most often the statute. The law also does not stipulate a minimum number of members for the establishment of these organisations, leaving this matter to be regulated by their internal acts.

The right to trade union organisation is guaranteed by the Constitution and the law for all employees under equal conditions.

Article 6(4) – Collective action

a) Please indicate:

- sectors where the right to strike is prohibited;
- sectors where there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

The Law on Strike ("Official Gazette of Montenegro", No. 11/15), adopted in 2015, defines a strike as the cessation of work organised by employees to protect their professional, economic, and social interests arising from employment. Employees in the Montenegrin Army, the police, state authorities, and public services can organise a strike in a manner that does not jeopardise national security, the safety of individuals and property, the general public interest, or the functioning of state authorities, in accordance with the law. In this regard, the state authority responsible for national security, in accordance with Article 18, assesses whether the organisation of a strike by these employees jeopardises national security, the safety of individuals and property, the general public interest, or the functioning of state authorities. Employees in the Montenegrin Army, the police, state authorities, public services, public interest sectors, and in mid- and higher education or special technological processes can organise a strike if a minimum service requirement is first established. Public interest activities, in accordance with Article 18 of the Law on Strike, are those where the interruption of work due to the nature of the job could endanger the life and health of people or the general public interest. These include:

1. Production and distribution of basic food products (flour, milk, oil, sugar, and baby food);
2. Production, transmission, distribution, and supply of electricity;
3. Passenger transport in traffic (road, railway, and air transport);
4. Postal services (universal postal services);
5. Public electronic communications, in accordance with the law;
6. Information programmes of the public broadcasting service;
7. Public utility services (water production and supply, waste collection, production, distribution, and supply of heat, funeral services, etc.);
8. Production, distribution, and supply of oil, coal, and gas;
9. Fire protection;
10. Health and veterinary protection;
11. Preschool and primary education;
12. Social and child protection;
13. Fulfilment of obligations under ratified international agreements.

The Act on the Minimum Service shall be agreed upon by the competent authority of the state administration, the representative employers' association, and the representative trade union within 90 days from the entry into force of this law. If the minimum service is not determined within the specified period, the competent state administration authority is obliged to immediately notify the Agency for the Peaceful Settlement of Labour Disputes. The Director of the Agency must establish the Arbitration Council within 15 days of receiving the notification. The Arbitration Council consists of one representative from each party in the dispute and one member from among experts in the field for which the minimum service is being established. The parties in the dispute appoint their representatives as members of the Arbitration Council, while the expert member is proposed by the competent state administration authority from the field for which the minimum service is being established. The decision on the formation of the Arbitration Council is made by the Director of the Agency, based on the proposal of the Agency's governing board. The working procedures and decision-making process of the Arbitration Council are regulated by the Agency's act. The Arbitration Council must make a decision on the minimum service within 30 days from its establishment. Therefore, when it comes to the Act on the Minimum Service, employees are involved in the process either as representatives of the trade union or as members of the Arbitration Council.

Considering the above, the Agency for the Peaceful Settlement of Labour Disputes has initiated three procedures for adopting the Act on the Minimum Service for strike organisation under special conditions over the last 12 months.

When it comes to the right to strike, which is the cessation of work organised by employees to protect their professional, economic, and social interests arising from their work, where work stoppage is defined as the organised and continuous refusal of employees to perform their tasks, certain restrictions exist. In addition to the general conditions for organising a strike in these activities, special conditions must be fulfilled in order for the strike to be legally organised. In this sense, according to Article 66, Paragraph 2 of the Constitution of Montenegro, the right to strike

may be restricted for employees in the army, police, state authorities, and public services in order to protect the public interest. In this regard, Article 18 of the Law on Strike stipulates that employees in the Montenegrin Army, the police, state authorities, and public services may organise a strike in a way that does not endanger national security, the safety of individuals and property, the general public interest, or the functioning of state authorities, in accordance with the law. Therefore, based on the provisions of the Constitution and the Law, it can be concluded that the right to strike for employees in the Montenegrin Army, the police, state authorities, and public services, in order to protect the public interest, is not denied but is rather restricted.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

According to the Law on Strike, Article 7, it is stipulated that a work stoppage not organised in accordance with the provisions of this law is considered an illegal strike. Additionally, Article 31 provides that the procedure for determining the illegality of a strike or illegal dismissal from work can be initiated by the employer, the representative employers' association, the representative trade union, or the strike committee.

The competent court shall decide on the request for determining the illegality of a strike or illegal dismissal from work within five days from the submission of the request. This provision applies to any organised strike, regardless of the type and manner of organisation or the field of activity in which the strike is organised.

In the last 12 months, a case has been conducted before the Basic Court in Podgorica to determine the illegality of a strike. The case was initiated on 19.02.2024 under the case number P.br. 901/24 by the lawsuit filed by the Government of Montenegro – Ministry of Education, Science, and Innovation, as the plaintiff, against the Education Trade Union of Montenegro, as the defendant. In this case, the first-instance judgment was issued by the presiding judge on 17.04.2024, and the judgment upheld the plaintiff's claim, determining that the branch strike organised by the Education Trade Union of Montenegro, based on the Decision to enter into a branch strike No. 62/1 dated 22.01.2024, was illegal. During the appeal procedure, the first-instance judgment of the Basic Court in Podgorica was upheld by the High Court in Podgorica in its decision with the case number Gž.br. 2443/24 dated 14.06.2024. Since a revision was filed in the mentioned case, the case has been forwarded to the Supreme Court of Montenegro for decision, and it is still under consideration at the Supreme Court under case number: 503/24.

Article 20 The right to equal opportunities between women and men

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide 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.

Legislative measures and strategic framework:

The Law on Gender Equality 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 (Law on Gender Equality and the Law on Amendments and Supplements to the Law on Gender Equality "Official Gazette of RCG", Nos. 46/2007, 40/2011 - second law, and 35/2015).

The Ministry of Labour, Employment, and Social Dialogue, in order to create labour market policies and policies for achieving a balance between the professional and private lives of parents and carers, strives to achieve gender equality, which will result in a higher participation of women in the labour market and a more equitable distribution of responsibilities between men and women.

Starting from the fact that Montenegro is a traditional society where there is an unequal division of household tasks as well as tasks related to the care of children and other family members, which reduces women's access to the labour market and hinders career advancement and professional development, the Ministry of Labour, Employment, and Social Dialogue is striving, through amendments to labour legislation, to establish a balance between the private and professional lives of parents and carers.

In this regard, we are dedicated to preparing a Proposal for Amendments to the Labour Law, which has been harmonised with social partners and submitted for feedback to the European Commission.

The main reason for adopting these amendments is to align the Labour Law with EU Directive 2019/1158 on work-life balance for parents and carers and EU Directive 2019/1152 on transparent and predictable working conditions, as well as defining provisions to regulate remote work in line with the European Framework Agreement on Telework.

The Directive on work-life balance for parents and carers sets minimum requirements regarding paternity leave, parental leave, and caregiver leave, as well as minimum requirements for flexible working conditions for employees who are parents or carers. By aligning the work-life balance of such parents and carers with this Directive, the goals related to achieving equality between women and men are supported, especially regarding their opportunities in the labour market, equal treatment in the workplace, and promoting greater involvement of women in the labour market.

Specifically, to encourage a more equitable distribution of childcare responsibilities between women and men and to facilitate early emotional bonding between children and fathers, amendments to the Labour Law will provide for paternity leave of 10 working days for fathers following the birth of a child.

Also, considering that the majority of fathers do not use their parental leave rights and that only 331 fathers used this right during 2023, the amendments to the Labour Law will establish a

minimum parental leave period of two months, which cannot be transferred from one parent to the other. The goal of this measure is to encourage fathers to use parental leave for a minimum period of two months, as it cannot be transferred to the mother. On the other hand, this measure also facilitates the reintegration of mothers into the labour market after maternity and parental leave.

Additionally, to encourage parents and carers to remain in the labour market, they will be allowed to adjust their work schedules to meet their needs, granting them the right to request flexible working hours, reduced working hours, or the option to work from home.

Mentioned amendments to the Labour Law will enable the establishment of a balance between the professional and private lives of employees, on one hand, and contribute to fulfilling the closing benchmarks under Chapter 19 – Social Policy and Employment.

The National Strategy for Gender Equality 2021-2025 outlines specific goals and activities aimed at reducing gender segregation, with a focus on increasing the participation of women in areas where they have traditionally been underrepresented. The strategy addresses the enhancement of qualifications and skills in STEM professions, which contributes to reducing horizontal segregation. Through Operational Goal 3 (Increase the participation of women and individuals with diverse gender identities in areas that enable access to resources and the benefits derived from using these resources), measures are being implemented to empower women and individuals with diverse gender identities to engage in economic life. This includes activities to encourage female entrepreneurship and increase the participation of women in the labour market. Measure 3.6 specifically focuses on increasing women's participation in STEM fields.

The Strategy for the Development of Female Entrepreneurship in Montenegro for the period 2021-2024 is focused on the economic empowerment of women, strengthening the competitiveness of female entrepreneurship, and promoting an effective public policy that supports and encourages female entrepreneurship. This strategy is part of broader strategic frameworks aimed at advancing gender equality in the country.

Support programs and training:

As part of the implementation of the *Gender Equality Action Plan*, training and requalification programs for women have been carried out, with a special focus on women from rural areas, to ensure their integration into the labour market. The goal of these programs is to reduce horizontal segregation by providing new opportunities for women in various sectors.

Support programs for female entrepreneurship include grants and favourable loans for women entrepreneurs, aiming to increase the participation of women in the business sector, particularly in areas where they have traditionally been underrepresented.

The Decent Work Programme for 2024-2027 includes measures to improve working conditions for women, with the aim of reducing the gender gap and providing equal opportunities for employment and career advancement for women in the labour market.

Results and statistical data:

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 index rose to 59.3, which represents an improvement of 4.3 index points compared to 2019. However, a significant gender gap remains in the areas of work and employment.

Statistical data from the publication "Women and Men in Montenegro 2024" shows that the employment rate for women in 2023 reached 56.9%. While this represents an increase compared to previous years, there is still a notable difference compared to the male employment rate, which stands at 67.3%.

Despite progress, there is still a pronounced horizontal segregation in the labour market. Women are still concentrated in traditionally "female" sectors and lower-paid jobs. However, there is a slight increase in women's participation in sectors such as information and communication technologies, where women make up 39.3% of employees.

It is important to note that, although progress has been made, Montenegro still lags behind the EU average in gender equality in the labour market. The Gender Equality Index for Montenegro is 9.3 index points lower than the EU-27 average, which highlights the need for further efforts to reduce gender inequality and segregation in the labour market.

b) 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.

Legislative measures and strategies

The Law on Gender Equality mandates the obligation to ensure the representation of both sexes in the decision-making process within the public sector, including administrative boards, commissions, and other decision-making bodies.

The National Strategy for Gender Equality 2021-2025 has set a goal to achieve a minimum of 40% representation of women in decision-making positions by 2025, in accordance with international standards and recommendations from the Council of Europe. The strategy includes measures such as educational workshops for women with leadership potential and mentorship for women in both the public and private sectors (The National Strategy for Gender Equality 2021-2025).

In mid-2021, the Government of Montenegro adopted the Women's Entrepreneurship Development Strategy in Montenegro for the period 2021-2024. This is the second strategy in a row, with the first one covering the period from 2015 to 2020.

One of the key acts in this field, the Law on Companies, currently undergoing amendments, envisages the introduction of quotas for the representation of the underrepresented gender in the governance structures of public joint-stock companies. Specifically, the Draft Law proposes 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.

This provision will also have an implementation mechanism — if neither of these two conditions is met, the relevant registration authority will refuse to register any members of the board of directors or supervisory board. These legal amendments represent a significant step towards alignment with the EU Directive on Women on Corporate Boards from 2022, which sets similar quotas for EU member states. This shows Montenegro's proactive approach to improving gender equality in the business sector, in line with its aspirations for EU membership.

Thanks to the efforts of the Government and the dedication of the Ministry of Economic Development, Montenegro has been recognised by the Organisation for Economic Co-operation and Development (OECD) as a leader in the Western Balkans when it comes to planning and implementing policies to empower female entrepreneurship. This is confirmed by the latest OECD report, "SME Policy Index: Western Balkans and Turkey 2022", which provides a comprehensive overview of the implementation of the Small Business Act for Europe (SBA) principles in the EU enlargement region and tracks progress since 2019. According to this report, Montenegro ranked high in second place (after Turkey) in implementing women's entrepreneurship policies.

In June 2024, the Government adopted the Report on the Implementation of the Strategy for 2023, according to which the percentage of implementation of activities planned by this action plan is 93%.

The measures and activities implemented in the previous strategy have contributed to significant progress in the development of female entrepreneurship in Montenegro in recent years.

Currently, according to the Revenue and Customs Administration, 25.14% of companies are owned by women, which was unimaginable about a decade ago. In 2011, there were only 3,021 companies with majority female ownership (16% of all SMEs), while in December 2023, this number reached 10,557 companies (25.14%). These companies employed 11,359 employees in 2011, while in December 2023, they employed 25,337 people. Additionally, 8,141 entrepreneurs

operate in Montenegro (employing 2,897 people), of which 2,571 are women entrepreneurs (31.58%), who employ 906 people.

We can confidently say that these figures represent the result of the implementation of women's entrepreneurship policies and specific programme support in the past period. However, as significant as these increases are, these indicators still do not reflect the full entrepreneurial potential of women and the expected level of development of women entrepreneurship in Montenegro.

For the last 6 years, the Ministry of Economic Development has been implementing the Programme for Improving the Competitiveness of the Economy, which consists of several programme lines, some of which relate to financial support, while others focus on non-financial support. Listening to the needs of small and medium-sized enterprises, the number of programme lines changes year by year. Through the financial support programme lines, SMEs receive non-refundable funds or grants.

As additional support for female entrepreneurship, the Ministry of Economic Development has introduced specific measures for women entrepreneurs since 2020. Through the Programme for Improving the Competitiveness of the Economy, companies with at least 50% female participation in their founding structure are eligible for increased support, which can cover up to 80% of eligible expenses excluding VAT.

The number of supported companies with majority female ownership has been increasing year by year. In 2020, 25.21% of the total approved funds were allocated to companies with majority female ownership. This percentage grew in the following two years, reaching 32.83% in 2021 and 36.11% in 2022. In 2023, out of 331 approved applications, 147 were awarded to companies with majority female ownership, or 44.41%. (The total amount awarded to companies with majority female ownership was €848,111.17). Considering that in 2023, the Ministry of Economic Development financially supported 379 SMEs with a total amount of €2,384,397.84, the fact that 34.86% of the supported companies were in majority female ownership is highly significant.

This indicates that gender-targeted measures for female entrepreneurship provide better access to finance.

The implementation of these measures is carried out through specific training and mentoring programs, supported by both state institutions and non-governmental organisations. In cooperation with the Ministry for Human and Minority Rights, leadership seminars for women were organised, which contributed to strengthening women's capacities to take on leadership roles.

Measures designed to promote effective parity in the representation of women and men in decision-making positions in the public and private sectors:

Montenegro recognizes the importance of gender equality and improving the representation of women in decision-making positions in both the public and private sectors. The National Strategy

for Gender Equality 2021–2025 has set key objectives to enhance the representation of women through several crucial directions. The strategy aims to increase women's participation in political and economic decision-making, reduce the gender pay gap, and improve working conditions for women. It further encourages activities that will empower women in the labour market, particularly in sustainable development sectors and green jobs.

One of the key measures from April 2024 is the adoption of a document titled "Joint Position on the Comprehensive Reform of Electoral Legislation," which the Ministry of Human and Minority Rights and the Women's Rights Centre submitted to the Parliament of Montenegro. This document proposes the introduction of a 40% quota for women on electoral lists as well as stricter sanctions for non-compliance with quotas and gender equality in the composition of the Government. The "Joint Position" builds on binding recommendations from the UN Committee on the Elimination of Discrimination against Women, which highlighted the need to revise the 30% quota in the electoral law, suggesting that political parties include at least one woman for every three candidates.

Additionally, amendments to the Rules of Procedure of Parliament have been adopted, stipulating that at least one vice-president must be elected from the less represented gender. Furthermore, women now chair four out of a total of fourteen standing committees. As a support mechanism for efforts towards gender equality, a Women's Club has been established as an informal parliamentary body, while amendments to the Law on Companies include the introduction of quotas for the boards of directors of companies.

The implementation of measures

The implementation of the aforementioned measures still faces challenges, including the lack of financial support for institutions responsible for implementing gender equality policies. The European Commission has been highlighting for years the insufficient representation of women in leadership structures and among local leaders, confirming the need to strengthen the capacity and resources. The National Strategy for Gender Equality 2021–2025 also foresees increased funding and support for institutions responsible for improving women's rights in order to accelerate the implementation of measures and achieve the set goals.

Results of the Extraordinary Parliamentary Elections in June 2023 confirmed the insufficient gender equality, as only 21% of the MPs were women at that time. Later, the number of women MPs rose to 27% after male MPs took up executive positions, which opened up space for the introduction of women into parliament.

Progress achieved in ensuring effective parity in the representation of women and men in decision-making positions in the public and private sectors

Concluding observations of the CEDAW Committee from June 2024 identified key priorities for improving gender equality, including the creation of inclusive employment policies and the promotion of economic opportunities for women in developing sectors such as renewable energy

and green jobs. These priorities are also part of the goals of the National Strategy for Gender Equality, which aims to achieve sustainable equality at the long-term level by empowering economic opportunities and eliminating gender discrimination.

As part of the *Decent Work Programme for 2024-2027*, concluded by the Ministry of Labour, Employment, and Social Dialogue with social partners and the International Labour Organisation (ILO), activities are planned to strengthen the capacities of women in leadership positions, especially in the private sector, through partnerships with business associations and international organisations.

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.

According to the Gender Equality Index publication, the POWER (decision-making power) domain measures gender equality in decision-making positions in political, economic, and social spheres, and its value is 44.1. The political power subdomain assesses the representation of women and men in national parliaments, governments, and local assemblies, with a value of 53.2.

In the private sector, particularly in large companies, initiatives have been carried out to ensure equal representation of women in boards of directors. The economic power subdomain of the Gender Equality Index measures gender balance in economic decision-making, specifically the proportion of women and men in the boards of directors of the largest national registered companies listed on the stock exchanges and national central banks. The value of this subdomain, measured on a scale from 1 to 100, is 34.7, indicating a positive trend toward achieving parity. (Gender Equality Index, 2023).

Challenges in the implementation

Although legislative and strategic frameworks have been established, there are challenges in the practical application of these measures. These include resistance within the business community and deeply rooted stereotypes regarding the role of women in business and leadership. As a result, while progress is visible, additional measures are needed, such as increased enforcement of laws and further support for women through mentorship networks and professional assistance.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

Private sector

According to the Top Women Business Montenegro initiative, launched in 2022, which focuses on monitoring trends in the number and structure of women-owned businesses, as well as evaluating their performance based on official financial reports, in 2024, women make up 23% of the members of the boards of directors of the 10 largest Montenegrin companies.

In order to take significant steps towards improving gender equality in corporate governance, a Proposal for Amendments to the Law on Companies has been prepared. This proposal includes the introduction of quotas for the representation of the underrepresented gender in the governing structures of public joint-stock companies. Specifically, the draft law stipulates that public joint-stock companies must ensure through their statutes or other general acts that the underrepresented gender makes up:

- At least 40% of non-executive directors in the board of directors, or at least 40% of the members of the supervisory board, or
- At least one-third of the total number of all director positions, including both executive and non-executive directors.

This provision also includes an enforcement mechanism – if neither of the two conditions is met, the competent registration authority will refuse to register all members of the board of directors or supervisory board. Such legal amendments represent a significant step towards alignment with the EU Directive on Women on Corporate Boards from 2022, which sets similar quotas for EU member states. This shows that Montenegro is taking a proactive approach to improving gender equality in the business sector, in line with its aspirations for EU membership.

According to data from December 31, 2023, the representation of women in the Government of Montenegro is still low. Of the total of 17 ministers, only 4 are women (23.5%), while 13 are men (76.5%).

The increase in the number of women in the boards of the largest companies can be partially attributed to the implementation of affirmative measures and the promotion of mentorship programs through initiatives such as *the National Strategy for Gender Equality 2021-2025*, which, among other things, aims to improve women's leadership in the private sector.

State institutions

The Law on Gender Equality and the *Action Plan for Gender Equality* require state institutions to promote equal opportunities in leadership positions and ensure that gender disparities gradually diminish.

By the end of 2023, 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 the highest legislative body of the country, out of 81 members, only 22 are women, representing just over 27% of the total composition. Men continue to dominate the leading positions, with the President of the Assembly and the General Secretary both being men. However, progress can be observed – one of the two vice-presidents of the Assembly is a woman, and both deputies of the General Secretary are women. A particular area of concern is the lack of women heading parliamentary clubs; out of 13 club presidents, only one is a woman. Women chair 4 out of 14 committees, and make up less than a third of the total membership in working bodies.

When it comes to diplomatic and consular representations, according to data from the 2024 Women and Men in Montenegro report, of the total of 85 employees in these institutions, 47 are women (55.3%), and 38 are men (44.7%). Women make up 50% of ambassadors, 80% of ministers-counsellors, 71.4% of first counsellors, 30% of first secretaries, 68.4% of second secretaries, 50% of general consuls, 50% of consuls, and 100% of vice-consuls.