

## — Montenegro and the European Social Charter —

### Ratifications

Montenegro ratified the Revised European Social Charter on 03 March 2010, accepting 66 of its 98 paragraphs.

It has not signed the Additional Protocol Providing for a System of Collective Complaints.

### Table of Accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1*	27.2	27.3	28	29	30	31.1
31.2	31.3										

Grey = accepted provisions

\* only subparagraph (a) of Article 27.1 was accepted.

### The Charter in domestic law

Automatic incorporation into domestic law.

### Reports \*

Between 2010 and 2013, Montenegro has submitted 5 reports on the application of the Revised Charter.

The 3rd report, submitted on 19 December 2013, covers the accepted provisions relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

The conclusions in respect of these provisions were published in January 2015.

The 4th report, submitted on 05/12/2014, concerns the accepted provisions relating to Thematic Group 4 "Children, family, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

In addition, the report concerns the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions with respect to these provisions will be published in January 2016.

\* Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis.

## Situation of Montenegro with respect to the application of the Charter

### Examples of progress achieved in the implementation of social rights under the Social Charter<sup>1</sup>

#### Employment

► Section 155 of the Labour Law (Official Journal of Montenegro, Nos. 49/2008, 26/2009 and 59/ 2011 and 66/2012) provides that employees are guaranteed the freedom of trade unions to organise and take action, without prior approval.

► Section 12 of the Labour Law (Official Journal of Montenegro, Nos. 49/2008, 26/2009 and 59/ 2011 and 66/2012) provides that employees, directly or through their representatives, have *inter alia* the right to take part in negotiations for the conclusion of collective agreements.

#### Harassment

► The Law on prohibition of harassment at work (Official Journal No. 30/12), adopted in June 2012, sets the obligation for the employer to inform the employees in writing of the rights, obligations and responsibilities related to harassment in the workplace in order to identify and prevent harassment, including sexual harassment.

### Cases of non-compliance

#### Thematic Group 1 "Employment, training and equal opportunities"

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(Conclusions 2012)

#### Thematic Group 2 "Health, social security and social protection"

► *Article 12§1 – Right to social security – Existence of a social security system*

The duration of the unemployment benefit is too short.

(Conclusions 2013)

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*

The level of social assistance is manifestly inadequate.

(Conclusions 2013)

► *Article 13§4 – Right to social and medical assistance - Specific emergency assistance for non-residents*

it has not been established that non-resident foreign nationals, whether legally present or in an irregular situation, are all entitled to emergency social and medical assistance.

(Conclusions 2013)

► *Article 23 – Right of elderly persons to social protection*

The minimum level of old-age pension is inadequate.

(Conclusions 2013)

#### Thematic Group 3 "Labour rights"

There were no conclusions of non-conformity during the 2014 cycle (Conclusions 2014).

#### Thematic Group 4 "Children, families, migrants"

Not yet examined

**The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Slovakian Government to provide more information in the next report:**

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<sup>1</sup> « 1. The [European Committee of Social Rights] rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Article 1§1-Conclusions 2012
- ▶ Article 1§2-Conclusions 2012
- ▶ Article 1§3-Conclusions 2012
- ▶ Article 1§4-Conclusions 2012
- ▶ Article 9-Conclusions 2012
- ▶ Article 10§1-Conclusions 2012
- ▶ Article 10§2-Conclusions 2012
- ▶ Article 10§3-Conclusions 2012
- ▶ Article 10§4-Conclusions 2012
- ▶ Article 15§-Conclusions 2012
- ▶ Article 15§2-Conclusions 2012
- ▶ Article 15§3-Conclusions 2012
- ▶ Article 18§1-Conclusions 2012
- ▶ Article 18§2-Conclusions 2012
- ▶ Article 18§3-Conclusions 2012
- ▶ Article 18§4-Conclusions 2012
- ▶ Article 20-Conclusions 2012
- ▶ Article 24-Conclusions 2012
- ▶ Article 25-Conclusions 2012

### **Thematic Group 2 "Health, social security and social protection"**

- ▶ Article 3§1-Conclusions 2013
- ▶ Article 3§2-Conclusions 2013
- ▶ Article 3§3-Conclusions 2013
- ▶ Article 3§4-Conclusions 2013
- ▶ Article 11§1-Conclusions 2013
- ▶ Article 11§2-Conclusions 2013
- ▶ Article 11§3-Conclusions 2013
- ▶ Article 12§2-Conclusions 2013
- ▶ Article 12§3-Conclusions 2013
- ▶ Article 12§4-Conclusions 2013
- ▶ Article 13§3-Conclusions 2013
- ▶ Article 14§1-Conclusions 2013
- ▶ Article 14§2-Conclusions 2013

### **Thematic Group 3 "Labour rights"**

- ▶ Article 2§2 - Conclusions 2014
- ▶ Article 4§2 - Conclusions 2014
- ▶ Article 4§3 - Conclusions 2014
- ▶ Article 4§5 - Conclusions 2014
- ▶ Article 5 - Conclusions 2014
- ▶ Article 6§1 - Conclusions 2014
- ▶ Article 6§2 - Conclusions 2014
- ▶ Article 6§3 - Conclusions 2014
- ▶ Article 6§4 - Conclusions 2014
- ▶ Article 28 - Conclusions 2014

### **Thematic Group 4 "Children, families, migrants"**

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