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► National Occupational Safety and Health Profile for Montenegro

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► Abbreviations

EC	European Commission
EU	European Union
EU OSHA	European Union information agency for occupational safety and health
IOSH	Institution of Occupational Safety and Health (UK)
ILO	International Labour Organization
ILS	international labour standards
SWAM	Safety at Work Association of Montenegro
OSH	Occupational safety and health
CTUM	Confederation of Trade Unions of Montenegro
UFTUM	Union of Free Trade Unions of Montenegro
MONSTAT	Statistical Office of Montenegro (competent body for the production of official statistics)

► 1. Introduction

The Decent Work Country Programme for Montenegro for the period 2019–2021 calls for the alignment of the national legal and institutional frameworks with international labour standards and the EU *acquis*. In particular, under the ongoing negotiation process on Chapter 19 in the context of Montenegro's accession to the EU, the Montenegro Government requested ILO support in the area of international labour standards related to occupational safety and health and labour inspection.

The development of a National Occupational Safety and Health Profile for Montenegro is one step towards bringing the national occupational safety and health system in line with international labour standards and EU Directives, and aims at further ratification of ILO Conventions, in particular the Occupational Health and Safety in Mines Convention No. 176, and confirmation of Protocol 2002 to the Occupational Safety and Health Convention No. 155.

The National OSH Profile provides an overview of and the most up-to-date information on the existing occupational safety and health situation in Montenegro. It will be used as a diagnostic document to assess gaps in the national system and identify priority areas for national action in occupational safety and health. From March 2020, the Covid-19 pandemic rapidly developed into an unprecedented health and economic crisis. This situation has increased the need to ensure good health and safety conditions at the workplace. Given the scale and impact of this emergency, a special section has been included that analyses the implications of Covid-19 for safety and health at work. This National OSH Profile for Montenegro report was prepared by Prof. Dr. Petar Bulat in accordance with the guidelines provided by the ILO. It was completed under the supervision of Kenichi Hirose, Senior Social Protection Specialist, ILO Budapest, Arsenio Fernandez, Labour Inspection and OSH specialist, ILO LABADMIN/OSH, ILO Geneva, and Radoslavova Tzvetomira, Labour Law and Compliance Officer, ILO Geneva. The representatives from the ILO office in Montenegro, Nina Krgović and Vesna Vukasović, provided valuable assistance in preparing the report. In preparation for this report, the author consulted representatives from the following institutions and social partners' organizations: the Ministry of Labour and Social Welfare, the Ministry of Education, the Ministry of Health, the Administration for Inspection Affairs, the Montenegro Institute of Public Health, the Institute for Development and Research in the Field of Occupational Safety and Health, the Confederation of Trade Unions of Montenegro, the Union of Free Trade Unions of Montenegro, the Montenegrin Employers Federation and the Safety at Work Association of Montenegro. Annex 2 features the list of persons contacted. Reorganization of the state administration, that is, the publication and entry into force of the Decree on the organization and manner of work of the state administration (*Official Gazette of Montenegro*, No. 118/20, 121/20, 001/21, 002/21, 029/21, 034 / 21), on 7 December 2020, and in the period of finalization of the draft version of the profile, part of the competences of the former Ministry of Labour and Social Welfare – which includes the competence for occupational health and safety – was taken over by the Ministry of Economic Development, while the other part was taken over by the Ministry of Finance and Social Welfare.

The National OSH Profile for Montenegro provides key information that will assist policymakers, government officials, workers, employers and occupational safety and health practitioners to follow up and monitor occupational safety and health developments and contributes to the new National OSH Programme for Montenegro.

► 2. Laws and regulations, collective agreements

Legislation on occupational safety and health

Occupational safety and health (OSH) in Montenegro is regulated mainly by the Law on Protection and Health at Work,¹ in conjunction with numerous implementing regulations.² The provisions of this Law apply to all employees working in the territory of Montenegro, for legal entities and entrepreneurs in all sectors, and for state and local administration. Also, this Law applies to employees who are sent to work abroad, if the regulations of the receiving country provide fewer occupational safety and health protection measures from those provided by this Law. This Law is based on the occupational safety and health regulatory approach underpinned by the European Framework Directive on Safety and Health at Work (Directive 89/391 EEC).³

Law on Protection and Health at Work provides general occupational safety and health rules, and more detailed regulations are provided in the Rulebooks, which can be divided into:

- » general rulebooks;
- » rulebooks related to risk assessment, education, and authorizations;
- » rulebooks regulating exposure to certain hazards (biological substances, chemical substances, carcinogenic and mutagenic substances, noise exposure, exposure to vibrations, video display units, explosive atmospheres, asbestos);
- » rulebooks regulating health aspects;
- » rulebooks related to various sectors (construction, metallurgy, agriculture, leather processing, railway, wood processing, forestry, quarries and brickyards).

Most of the rulebooks adopted after 2004, as well as the adoption of the Law on protection at work,⁴ are based on current regulations and standards applied in the EU. A significant number of the rulebooks has not been updated since the enactment of the Law on occupational safety and health.

Occupational Safety and Health Requirements in the Constitution

Montenegro dedicated several articles of the Constitution⁵ to the field of occupational safety and health and thus emphasized the great importance of this area for Montenegrin society and the state.

1 Law on protection and health at work (Official Gazette of Montenegro, No. 34/2014 and 44/2018).

2 For historical reasons, the term “protection and health at work” is used for “occupational safety and health” in Montenegrin law. To avoid misinterpretation we shall use “occupational safety and health” (abbreviated OSH) instead of “protection at work” and “protection and health at work”.

3 European Council Directive 89/391/EEC, as amended by Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting certain acts to which the procedure laid down in Article 251 of the Treaty applies; Council Decision 1999/468/EC relating to the regulatory procedure with scrutiny. Also, a part of Council Directive 92/57/EEC of 24 June 1992 on the application of minimum safety and health conditions to temporary or mobile construction sites has been incorporated into the Act.

4 Law on protection at work (Official Gazette of Republic of Montenegro, No. 79/04 and Official Gazette of Montenegro, No. 26/10).

5 Constitution of Montenegro (Official Gazette of Montenegro, No. 1/2007 and 38/2013 - Amendments I-XVI).

Article 62 of the Constitution establishes the rights to work, free choice of occupation and employment, fair and humane working conditions, and protection during unemployment. Article 64 of the Constitution defines the employees' rights to adequate salary, decent working hours and paid leave, protection at work, and special protection at work for young people, women and the disabled.

Article 65 of the Constitution stipulates that employees' social position should be harmonized in the Social Council. The Social Council is composed of representatives of trade unions, employers and the Government. Articles 67 and 68 of the Constitution emphasize that providing social insurance to employees is mandatory; that the State shall provide material security to persons incapable of working and lacking means of subsistence; and that special protection shall be guaranteed to persons with a disability. Article 69 establishes that everyone shall have the right to health protection and that children, pregnant women, the elderly and persons with disabilities shall have the right to health protection from public revenues, if they do not exercise that right on some other basis. Particularly important rights are derived from Articles 73 and 74 of the Constitution, which state that mother and child enjoy special protection and that the latter shall be guaranteed special protection from psychological, physical, economic and any other exploitation or abuse.

Major occupational safety and health laws

As already pointed out, the area of occupational health and safety in Montenegro is regulated primarily by the Law on Protection and Health at Work. This Law has the following chapters:

1. General provisions This chapter defines protection and health at work. It also emphasizes that education in the field of protection and health at work is an integral part of general and professional training; and that the costs of protection and health at work measures shall not be borne by the employees.
2. General conditions and protection measures The first part of this chapter (Article 9 with all sub-articles) focuses on the construction sector and precisely defines the responsibilities of the designer (architect), investor and coordinator for occupational safety and health. The next part defines the plan of measures for protection and health at work, previous and periodic inspections and tests of technological processes and means for work, deadlines for registration of the beginning of works and checking the fulfilment of measures for protection and health at work from the technical documentation.
3. Rights, obligations and responsibilities of the employer This chapter defines, extensively and precisely, the obligations of the employer in providing occupational safety and health measures:
 - a. implementation of measures (risk avoidance, risk assessment, elimination of risks at source, adaptation of work and workplace to employees, adaptation to technical progress, replacement of dangerous with harmless or less dangerous circumstances, development of comprehensive OSH policy, giving priority to collective occupational health and safety measures over individual protection measures, providing appropriate instructions and information to employees);

- b. risk assessment (the employer is obliged to adopt a document on risk assessment, to assess risks for all jobs, to determine the manner and measures for eliminating risks and to ensure their implementation);
 - c. health examinations (the employer is obliged to provide health examinations of employees who are assigned to jobs with special working conditions, that is, with increased risk, and in cases of an employee who has been absent from work for more than a year);
 - d. employee training and proficiency testing (the employer is obliged to train the employee when engaging or assigning that employee to another position, introducing new technology, introducing new or replacing work equipment, changing work processes and reassigning the employee to work after an absence that lasted for more than a year);
 - e. information of employees and their participation in discussions on issues related to safety and health at work;
 - f. cooperation and consultation with the employees, their representatives and the trade union;
 - g. first aid, fire protection and evacuation of employees (the employer is obliged to take the necessary measures and appoint employees to provide first aid, fire protection and evacuation of employees, depending on the type of job and activity, as well as the number of employees and the presence of others);
 - h. collective insurance (the employer is obliged to insure employees against injuries at work, occupational diseases, and work-related diseases⁶);
 - i. exemption from liability (if the employer experiences unusual and unpredictable circumstances beyond their control, or exceptional events whose consequences could not be avoided despite the implemented protection measures, they are released from liability).
4. *Rights, obligations and responsibilities of employees* This chapter defines in detail the rights, obligations and responsibilities of employees in the field of occupational safety and health:
- a. right to be acquainted with OSH measures;
 - b. right to be trained for their implementation;
 - c. right and obligation to perform a health examination that corresponds to the risk in the workplace;
 - d. right to refuse work in case of danger to life and health;
 - e. obligation to apply the prescribed measures of protection and health at work and to inform the employer about situations that could endanger the health of employees;
 - f. prohibition of the use of psychoactive substances and the obligation to check whether employees are under the influence of psychoactive substances In accordance with the relevant procedure;
 - g. employees shall be liable in case of non-compliance with the prescribed OSH measures and non-fulfilment of obligations determined by law and acts of the employer.

5. *Organizing occupational health and safety* This chapter defines the organization of OSH activities, in accordance with which the employer is obliged to organize expert work depending on the organization, nature and scope of the work process by appointing an expert from among its employees or by organizing a professional occupational safety and health service. If an employer does not have adequate staff, they are obliged to hire a legal entity or business which has the authority to perform occupational safety and health activities. This part of the Law defines the rights and obligations of professionals, and professional services, and lays down the examination-related requirements. The penultimate part of this segment requires legal entities or businesses to obtain authorization to perform professional activities and regulates the revocation of such authorization. It also defines the scope of activities that the authorized organization or professional services performs:
- a. drafting an act on risk assessment, with a proposal of measures for their elimination;
 - b. periodic inspections and tests of means of work, electrical and other installations and means and personal protective equipment at work;
 - c. examination of working environment;
 - d. revision of technical documentation from the standpoint of the application of OSH measures;
 - e. employee training and proficiency testing in the field of occupational safety and health.

The last part of this chapter defines authorized institutions for the health care of employees and their participation in occupational safety and health. According to Article 49, authorized health care institutions may perform the following tasks:

- » participate in risk assessment at the workplace;
- » inform employees about the health risks associated with their work and provide them with health education;
- » determine and examine the causes of occupational and work-related diseases;
- » evaluate and determine the specific health conditions that must be met by an employee to perform certain tasks in the workplace, in the work process or in the use or handling of certain work equipment;
- » carry out preemployment and periodic medical examinations;
- » organize first aid, rescue and evacuation in case of employee injury;
- » determine the causes of employee disability and suggest remedial action, participate in vocational rehabilitation and provide advice on the selection of another adequate job based on remaining working capacity;
- » propose to the employer measures to improve the health of employees;
- » advise employers on the selection and testing of new work equipment and personal protective equipment in terms of health protection of the personnel;
- » participate in the analysis of occupational accidents, occupational and work-related diseases;
- » cooperate and coordinate on issues of safety and health at work, with a qualified person or professional services.

6. Stages of project development and execution of works This chapter focuses on construction as an activity that is recognized as particularly dangerous. It defines occupational health and safety measures in the phase of project preparation and development, as well as execution of works. Also, it specifies the tasks of the coordinator in project preparation and development, as well as execution of works.
7. Records, reports, cooperation This chapter specifies, in Article 50, the records to be kept by the employer in relation to:
 - a. workplaces with special working conditions, that is, increased risk;
 - b. employees assigned to jobs, and especially employees assigned to jobs with special working conditions, that is, increased risk;
 - c. occupational injuries, occupational diseases and work-related diseases⁷;
 - d. employee education for safe work;
 - e. hazardous substances used during operations;
 - f. performed work-environment examination;
 - g. performed examinations and tests of means of work and means and equipment of personal protection at work;
 - h. report on protection and health at work of employees reviewed by the management;
 - i. previous and periodic health examinations;
 - j. technical documentation (main projects);
 - k. documentation on occupational health and safety (certificates, record of professional findings, instructions for handling and maintenance of work equipment, and so on).

Also, Article 51 determines the employer's obligation to prepare the Annual Report on the protection and health of employees at work, and to prepare the same report at the request of the Inspector. The employer is obliged to report in writing to the Labour Inspectorate, no later than 24 hours from the occurrence of any fatal, collective, severe and other injury at work that, which causes the absence of the employee from work for more than three working days, as well as a dangerous occupational safety and health issue.

Article 52 requires that the Health Insurance Fund, the Pension and Disability Insurance Fund of Montenegro, authorized health care institutions for health care of employees and other health care institutions provide information on injuries at work, occupational diseases, work-related diseases and disabled people, as well as cooperate with the state administration body responsible for labour affairs and, finally, provide such information on request and monthly, and for each calendar year, no later than 28 February of the following year.⁸

7 According to Article 50, the employer is obliged to keep records of work-related diseases; however, because of the secrecy of medical data, the employer does not have data on work-related diseases. In the event that the employer in any way obtains information about the employee's illness, only keeping records of work-related illnesses (high blood pressure, drug addiction, diabetes and other illnesses) would be inconsistent with Article 27 of the Law on Patients' Rights (Official Gazette of Montenegro, No. 40/2010 and 40/2011).

8 According to the available data, the Ministry of Economic Development receives data on occupational injuries from the Health Insurance Foundation.

8. Supervision This chapter lays down that supervision of the implementation of this law, regulations adopted on the basis of it, and technical and other measures related to occupational safety and health is carried out by the labour inspector for protection and health at work. In certain activities the implementation of these regulations is also performed by other bodies. Also, it provides that supervision of the professional work of authorized organizations is performed by the state administrative body in charge of labour affairs.
9. Criminal law provisions This chapter regulates the sanctioning of violations committed by legal entities, responsible persons and businesses (fines of up to 15,000 euros (€)); investors (fines of up to €15,000); coordinators in the project development phase and the project implementation phase (fines of up to €2000); minor misdemeanours perpetrated by a legal and responsible person (fines of up to €200) and employees (fines of up to €1000).

The Law on Protection and Health at Work of Montenegro, apart from Article 21 on jobs with special working conditions, is harmonized with modern developments in the field of occupational safety and health, as well as with EU regulations.

The Law on Protection and Health at Work contains the term “jobs with special working conditions” (Article 21). In the Law, these are defined as jobs to which only those employees can be assigned and may perform who, in addition to satisfying the general conditions of employment, meet special requirements in terms of gender, age, education, professional qualifications, health status and mental abilities. Basically, defining jobs with special working conditions is a good solution because the modern concept of jobs with increased risk does not include special requirements. At the same time, looking at the Rulebook on jobs with special working conditions and the conditions to be met by the relevant employees, there could be said to be an overlap between the concept of jobs with increased risk and that of jobs with special working conditions. It should also be noted that Article 21 of the Law might be found discriminatory because it contains restrictions on employment in workplaces with special working conditions related to gender, age, health status and mental abilities. However, the already mentioned rulebook on jobs with special working conditions regulates these restrictions in a modern way, without being discriminatory. Article 21 of the Law needs to be reviewed to ensure its alignment with international labour standards and EU Directives.

Major laws related to occupational safety and health

In addition to the Law on Protection and Health at Work, the following Laws regulate areas related to occupational safety and health.

The Law on Pension and Disability Insurance⁹ was enacted in 2003. Based on decisions of the Parliament of Montenegro and of the Constitutional Court of Montenegro, the Law has been amended several times. The last change was in 2020. The law has 15 chapters. The first chapter, “Basic provisions”, defines the forms of pension and disability insurance in Montenegro and the method of funding. The next chapter, “Insured persons”, defines different groups of insured persons and how the status of insured persons is acquired.

⁹ Official Gazette of Republic of Montenegro, No. 54/03, 39/04, 61/04, 79/04, 81/04, 29/05, 14/07 and 47/07 and Official Gazette of Montenegro, No. 12/07, 13/07 79/08, 14/10, 73/10 78/10, 34/11, 39/11, 40/11, 66/12, 36/13, 38/13, 61/13, 06/14, 60/14, 10/15, 44/15, 42/16, 55/16 and 80/20.

The chapter “Persons who are provided with rights in case of disability or injury” has only two articles and they define cases in which rights to disability pension insurance are granted to persons who are not insured or who perform activities for which they are not insured. Article 14 of the Law states that uninsured persons exercise their rights in the event of disability and bodily injury caused by an occupational injury or occupational disease, if: they are undergoing vocational training, additional training or retraining, or are pupils and students on compulsory industrial work practice or practical training; or are serving a prison sentence while working in a prison facility. Article 15 defines the rights of insured persons who perform activities for which they are not insured. The article states that, in the case of disability and bodily injury caused by an occupational injury, they may exercise the rights to disability pension insurance if the injury occurred during: rescue or defence action against natural disasters or accidents; military exercises or in the performance of other obligations in the field of defence of the country determined by law; or in other jobs and tasks that the law determines to be of general interest.

The chapter “Rights from pension and disability insurance” defines the criteria for obtaining a pension. It is granted to men of 66 years of age and women of 64 years of age and with at least 15 years of insurance contributions. It is also realized by the insured when they reach 40 years of insurance contributions and are at least 61 years of age.

This chapter defines disability and disability pensions. Disability exists when the insured person because of changes in their state of health that cannot be eliminated by treatment or medical rehabilitation, completely lose their ability to work. Disability is also deemed to exist in relation to insured persons with a partial loss of working capacity of at least 75 per cent.

Article 34 of the Law on Pension and Disability Insurance defines that:

Occupational injury is an injury of the insured that occurs in direct, causal, spatial and temporal connection with the performance of work on the basis of which he or she is insured, caused by immediate and short-term mechanical, physical or chemical effects, sudden changes in body position, sudden body load or other physiological changes in conditions of the organism.

An occupational injury is also considered an injury from which the insured person suffers while performing work to which they are not assigned, but which they perform in the interest of the employer when they are employed.

An occupational injury is also considered an injury that the insured person suffers on their regular journey from home to their place of work and vice versa, on a journey undertaken for the purpose of performing official duties, or on a journey undertaken for the purpose of entering work.

Occupational injury is also considered to be an illness of the insured person that occurred directly or as an exclusive consequence of an accident or force majeure during the performance of work or in connection with it.

Article 35 of the Law on Pension and Disability Insurance states that the following injuries caused in the manner provided for in Article 34 of this Law shall also be considered an injury at work:

- » injuries that an insured worker suffers in connection with the exercise of the right to health care;

- » during professional training, additional training or retraining, to which they have been sent by the Employment Service of Montenegro;
- » pupils and students when they are on compulsory production work, professional practice or practical classes;
- » persons serving a prison sentence while working in a prison institution (workshop, work site, etc.);
- » in the course of rescue or defence actions against natural disasters or accidents;
- » on a military exercise or in the performance of other duties in the field of defence of the country established by law;
- » on other jobs and tasks that are determined by law to be of general interest.

Article 36 of the Law on Pension and Disability Insurance lays down that occupational diseases, within the meaning of this law, shall be certain diseases that occur during the period of insurance coverage, caused by longer direct impact of the process and working conditions at the workplace, that is, jobs performed by the insured person. Diseases that are considered to be occupational diseases are defined by the 2004 Rulebook on the Determination of Occupational Diseases.¹⁰

According to the Law on Pension and Disability Insurance (Articles 30, 31 and 37), an insured person who incurs a complete loss of working capacity due to an occupational injury or an occupational disease acquires the right to a disability pension, regardless of the length of time during which they have made insurance contributions. Article 39 of the Law states that the disability pension in these cases is determined to be the amount of the pension they would have received for 40 years of pensionable service (full pension). Also, Article 42 of the Law prescribes that if an insured person dies due to an occupational injury or an occupational disease, their family shall acquire the right to a survivor's pension regardless of the length of time for which the victim has paid insurance contributions.

The chapter "Rights from pension and disability insurance" also defines the criteria for obtaining a survivor's pension, monetary compensation for bodily injury and the right to reimbursement of funeral expenses.

The fifth chapter of the Law defines the harmonization of the value of pensions in relation to the growth of consumer prices and the growth of wages. In the sixth chapter "Pensionable length of service", two types of lengths of service are defined for insurance purposes. The first is based on the effective duration of insurance payments. The second concerns insured persons who work in particularly difficult, dangerous and unhealthy workplaces, as well as insured persons whose jobs cannot be performed successfully after a certain age. For this purpose the insurance period is calculated at a multiple: the degree of increase in the calculated length of insurance depends on the arduousness, danger and harmfulness of the work, that is, the nature of the job, and can amount to up to 50 per cent.

The remaining chapters define the administrative procedures involved in exercising rights related to pension and disability insurance, the work of the Pension and Disability Insurance Fund, its records and its financing.

10 Official Gazette of the Republic of Montenegro, 66/2004

The Labour Code¹¹ of Montenegro, adopted in 2019, extensively regulates the relations between employees and employers. The Law has 15 chapters. The first chapter “Basic provisions” provides definitions of terms used in the Law and highlights the prohibition of discrimination, as well as of sexual harassment and bullying. This chapter defines the obligations of the employer and of employees. The obligations of employees also include an obligation to inform the employer about situations that, in the opinion of the employee, may pose a danger to life and health.

The second chapter, “Establishment of employment”, defines the conditions of employment. Within these conditions, it is emphasized that the employer cannot establish an employment relationship with persons under the age of 15. Also, in order to establish an employment relationship with a person under the age of 18, the written consent of their parents is necessary, provided that the work does not endanger their health, development, morals and education, that is, if such work is not prohibited by law. This part of the Law states that a person under the age of 18 may conclude an employment contract only if the competent health authority issues a certificate concerning their ability to perform the work for which they are concluding an employment contract. This chapter of the Law defines the content of the employment contract, the types of employment contracts and the obligation of the employer to register the employee for social insurance (health, pension and disability insurance, as well as unemployment insurance).

The third chapter, “Rights and obligations of employees”, defines working hours and points out that full-time work is 40 hours in a working week, with the possibility for the employer to determine that full-time work is shorter than 40 hours. Part-time work is defined for workplaces at which, with the application of safety and health measures, it is not possible to protect employees from harmful effects. At these workplaces, working hours can be shortened in proportion to the detrimental impact of working conditions on the health and working ability of the employee, up to 36 hours per working week. The conditions for performing overtime work, as well as the maximum length of overtime work are also prescribed. This chapter defines night work, as well as the employer’s obligations towards employees performing night or shift work. Also, in this chapter, the obligation to provide a break in work of at least 30 minutes is laid described. The Labour Code also lays down the minimum length of annual leave (20 days). This chapter defines the employer’s obligation to train employees for safe work.

The fourth chapter, “Protection of employees in the event of bankruptcy”, defines mechanisms for the protection of employees in the event of the employer’s bankruptcy. The fifth chapter, “Protection of employees”, emphasizes that employees have the right to safety and health at work and states that employees with disabilities, employees under 18 years of age and employed women have the right to special protection. In this part of the Law, special attention is paid to the protection of pregnant and breastfeeding women, as well as the protection of workers under 18 years of age. Numerous restrictions are mentioned, such as a ban on overtime work and a ban on working at night. This chapter also defines the rights of parents taking care of their children.

The chapters “Protection of employees’ rights” and “Employee responsibility” define the procedures for exercising employees’ rights, employee responsibility and violation of work obligations. The next chapter, “Termination of employment”, defines the cases in which employment

may be terminated, notice periods, severance pay and procedures for termination of employment contracts.

The ninth chapter, "Collective agreements", defines collective agreements, their contents, and participants in the negotiation and conclusion of collective agreements. The next chapter, "Employee and employers' organizations", defines employees' freedom of association in trade unions and that of employers in employers' associations. Most of this chapter regulates the work of unions, the provision of information by employers and protecting union representatives. The chapter "Special types of employment contracts" regulates specific employment contracts, such as: temporary and occasional jobs; employment in educational institutions; and additional work. The remaining chapters of the Labour Code define enforcement, penal provisions and transitional and final provisions.

The Law on Compulsory Health Insurance (Official Gazette of Montenegro No. 06/16, 02/17, 22/17 13/18 and 67/19) regulates the rights arising from obligatory health insurance and the realization of those rights, the financing of obligatory health insurance, the contracting of health care with the providers of health services, as well as other issues of importance for realizing health insurance rights.

The Law on Health Care (Official Gazette of Montenegro No. 3/2016, 39/2016, 2/2017, 44/2018, 24/2019 and 82/2020) regulates the organization, implementation and provision of health care, rights and duties of citizens in relation to health care, social care for the health of citizens, rights and obligations of health workers and health associates, quality of health care, and other issues relevant to health care.

Other major laws include the Law on Ionizing Radiation Protection and Radiation Safety (Official Gazette of Montenegro No. 56/09, 58/09, 40/11 and 55/16); the Law on Mining (Official Gazette of Montenegro No. 65/08 and 74/10); the Law on Safety, Organization and Efficiency of Railway Transport (Official Gazette of Montenegro No. 1/14); and the Law on Insurance (Official Gazette of the Republic of Montenegro No. 78/06 and 19/07 and Official Gazette of Montenegro No. 53/09, 73/10, 40/11, 45/12, 6/13 and 55/16).

Main occupational safety and health rulebooks and standards

To supplement the Law on Protection and Health at Work, there are 50 rulebooks laying out more detailed regulations. As already pointed out, most of the Regulations adopted after 2004 and the adoption of the Law on Protection and Health at Work are based on current EU regulations and modern standards applied in the EU. However, a significant number of regulations are still in force from the Socialist Federal Republic of Yugoslavia. Bearing in mind that many were adopted more than fifty years ago, their applicability in current conditions is questionable. In what follows, we describe the regulations according to area.

General rulebooks in the field of occupational safety and health

1. Rulebook on measures of protection and health at work in the working environment (Official Gazette of Montenegro No. 104/20). The Rulebook defines the employer's standards and obligations in the field of occupational safety and health, with a special focus on the protection of minors, pregnant women and nursing mothers.¹²
2. Rulebook on protection measures when using means of work (Official Gazette of Montenegro No. 27/15). This Rulebook prescribes minimum protection measures for employers and employees during all activities related to means of work, such as material handling, transportation, repair, changes that do not alter its purpose, maintenance, servicing and specific cleaning.¹³ This rulebook has entered into force, but it will be applied only on the day of Montenegro's accession to the European Union.
3. Rulebook on protection measures during manual handling of goods (Official Gazette of Montenegro No. 29/15). This Rulebook lays down the protection measures that the employer should provide during manual handling of goods when there is a risk of back injury to employees. The Rulebook especially protects pregnant women, mothers and nursing mothers. It has been pointed out that the work process should be adjusted to the age, gender, physical and mental abilities of employees.¹⁴
4. Rulebook on signs concerning protection and health at work (Official Gazette of Montenegro No. 24/15). This Rulebook prescribes places of work, as well as the means of work on which the employer is obliged to display messages, warnings and signs of protection and health at work.¹⁵
5. Rulebook on keeping records in the field of protection at work (Official Gazette of the Republic of Montenegro No. 67/05). This Rulebook prescribes in more detail the manner in which the records required in Article 40 of the Law on Protection and Health at Work shall be kept. The prescribed forms for keeping such records are attached to the Rulebook
6. Rulebook on the use of means and equipment of personal protection at work (Official Gazette of Montenegro No. 40/15). This rulebook prescribes the minimum requirements that the employer must meet in providing protection measures when using personal protective equipment at work. The rulebook contains an overview of hazards and risks that require the use of personal protective equipment at work, and it features an incomplete list of such equipment.¹⁶
7. Rulebook on occupational safety issues to be regulated by the employment contract (Official Gazette of the Republic of Montenegro No. 67/05). This rulebook prescribes in detail the occupational safety issues which should be agreed upon in an employment contract issued by an employer with fewer than 20 employees.

12 Transposing Council Directive 89/654/EEC of 30 November 1989 on the minimum safety and health requirements for workplace, Council Directive 94/33/EEC of 22 June 1994 on the protection of young people, Council Directive 92/85/EEC of 19 October 1992 introducing measures to improve the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding at work.

13 Transposing Directive of the European Parliament and of the Council 2009/104/EC of 16 September 2009 on the minimum safety and health requirements for the use of work equipment.

14 Transposing Council Directive 90/269/EEC of 29 May 1990 on the minimum safety and health requirements for the manual handling of goods has been transposed into this Regulation.

15 Transposing Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of signs for the protection and health of workers at work.

16 Council Directive 89/656/EEC of 30 November 1989 on the minimum requirements for the use of personal protective equipment at work.

General occupational safety and health regulations originating from the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Montenegro that are still in use

1. Rulebook on measures and norms of safety at work with regard to work tools (Official Gazette of the Socialist Federal Republics of Yugoslavia No. 18/91). This Rulebook will be in force until Montenegro's accession to the European Union.
2. Rulebook on safety at work during loading and unloading of cargo (Official Gazette of the Socialist Republic of Montenegro No. 13/88).
3. Rulebook on the provision of funds, food and transportation of workers from their place of residence to the place of work, and back (Official Gazette of the Socialist Republic of Montenegro No. 5/86)/
4. Rulebook on general measures of protection at work against the dangerous effects of electricity in facilities intended for work in work premises and on work sites (Official Gazette of the Socialist Republic of Montenegro No. 6/86 and 16/86).

Rulebooks related to risk assessment, education, and authorizations

1. Rulebook on the manner and procedures of risk assessment in the workplace (Official Gazette of the Republic of Montenegro No. 43/07).

This Rulebook prescribes the manner and procedure of risk assessment in the workplace with measures to prevent, eliminate or reduce the risk to a minimum. Within the Rulebook, special attention is paid to the protection of pregnant and breastfeeding women, and the Rulebook contains a special form for workplace risk assessment of these categories, as well as a list of factors and working conditions for which the assignment of pregnant and breastfeeding women is not allowed.

2. Rulebook on jobs with special working conditions and conditions to be fulfilled by employees (Official Gazette of Montenegro No. 70/16).

This Rulebook prescribes jobs with special working conditions, as well as special conditions that need to be met by employees to perform these jobs.

3. Rulebook on the manner and procedure of training for employees on work safety (Official Gazette of the Republic of Montenegro No. 57/06).
4. Rulebook on professional exams for persons engaged in occupational safety (Official Gazette of the Republic of Montenegro No. 67/05).

This Rulebook determines the conditions, manner and programme for taking the professional exam dealing with occupational safety, as well as the reimbursement of the exam's costs.

5. Rulebook on the procedure and deadlines for performing periodic inspections and testing of means for work, personal protective equipment at work and working environment conditions (Official Gazette of the Republic of Montenegro No. 71/05).
6. Rulebook on the conditions that must be met by a legal or physical person to perform occupational safety and health activities and on the procedure that determines the fulfilment of those conditions (Official Gazette of the Republic of Montenegro No. 67/05).

7. Rulebook on the registration and removal from registration of authorized organizations to provide occupational safety and health services (Official Gazette of Montenegro No. 70/15). It also requires that the Ministry of Labour keep a register in writing, in the form of a hard-cover book whose leaves are numbered. The Rulebook stipulates that, in addition to the written form, the register may also be kept in electronic form.
8. Rulebook on conditions, programme and manner of taking the professional exam on performing the duties of coordinator for protection and health at work in the phase of project development and coordinator in the phase of execution of works (Official Gazette of Montenegro No. 67/18).

Rulebooks regulating exposure to certain hazards

1. Rulebook on measures for protection and health at work from the risk of exposure to carcinogenic and mutagenic substances (Official Gazette of Montenegro No. 60/16, 11/17, 43/18, 20/19 and 21/20).

This Rulebook prescribes the minimum requirements that the employer must meet in providing safety and health measures at work, including limit values, in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related diseases caused by carcinogenic or mutagenic substances.¹⁷

2. Rulebook on measures for protection and health at work from the risk of noise exposure (Official Gazette of Montenegro No. 37/16).

This Rulebook prescribes the measures of protection and health at work that the employer should take in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related diseases when exposed to noise.¹⁸

3. Rulebook on measures for protection and health at work from the risk of exposure to vibrations (Official Gazette of Montenegro No. 24/16).

This Rulebook prescribes the measures of protection and health at work that the employer should take in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related diseases that occur during work when the employee is exposed to mechanical vibrations.¹⁹

4. Rulebook on measures for protection and health at work when using equipment with screens (Official Gazette of Montenegro No. 16/16).

This Rulebook prescribes measures for protection and health at work when using equipment with screens.²⁰

17 Directive 1999/130 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work and Directive 2015/983 of the European Parliament and of the Council amending Directive 2004/37 have been transposed into this Regulation.

18 Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum requirements for the protection and health of workers from the risks related to exposure to physical agents (noise) has been transposed into this Regulation.

19 Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum requirements for the protection and health of workers from the risks related to exposure to physical agents (vibration) has been transposed into this Regulation.

20 Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for the use of display equipment has been transposed into this Regulation.

5. Rulebook on measures for protection at work from the risk of exposure to biological substances (Official Gazette of Montenegro No. 62/17).

This Rulebook prescribes the minimum requirements that the employer must meet in providing safety and health measures at work, in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related diseases caused by biological substances.²¹

6. Rulebook on measures for protection at work from the risk of exposure to chemical substances (Official Gazette of Montenegro No. 81/16).

This Rulebook prescribes the minimum requirements that the employer must meet in providing safety and health measures at work, including limit values, in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related disease caused by chemical substances.²²

7. Rulebook on measures for protection against the risk of exposure to explosive atmospheres (Official Gazette of Montenegro No. 027/17).

This Rulebook prescribes the minimum requirements that the employer must meet in implementing measures of protection and health at work, in order to eliminate or reduce the risk of injuries in workplaces where employees are exposed or may be exposed to the risk of explosive atmospheres, including jobs that use vehicles intended for use in potentially explosive atmospheres.²³

8. Rulebook on measures for protection at work from the risk of exposure to asbestos (Official Gazette of Montenegro No. 014/17).

This Rulebook prescribes the minimum requirements that the employer must meet in providing safety and health measures at work, including limit values, in order to eliminate or reduce the risk of injuries at work, occupational diseases and work-related diseases that are caused by asbestos.²⁴

Rulebooks regulating health aspects

1. Rulebook on detailed conditions to be fulfilled by a legal entity for providing employees with health care (Official Gazette of Montenegro, No. 59/17).

This Rulebook prescribes more detailed conditions in terms of personnel, organization, technical and other conditions that must be met by a legal entity to obtain authorization to provide health care for employees.

21 Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from the risks related to exposure to biological agents at work has been transposed into this Regulation.

22 Directive 1998/24/EC of 7 April 1998 on the protection and health of workers from the risks related to exposure to chemicals at work was transposed into this Regulation; Commission Directive 91/322/EEC of 29 May 1991 establishing indicative limit values concerning the application of Council Directive 80/1107/EEC on the protection of workers from the risks related to chemical, physical and biological hazards at work, Commission Directive 2000/39/EC of 8 June 2000 establishing the first list of indicative limit values, Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative limit values concerning the application of Council Directive 98/24/EC on the protection and health of workers from the risks related to exposure to chemical hazards at work 98/24/EC amending Directive 91/322/EEC and Directive 2000/39/EC, Commission Directive 2009/161/EC of 17 December 2009 establishing the third list of indicative limit values concerning the application of Council Directive 98/24/EC and amending Directive 2000/39/EC.

23 Directive 1999/92/EC of 16 December 1999 on the minimum requirements for improving the safety and health of workers potentially at risk of explosive atmospheres has been transposed into this Regulation.

24 This Directive transposes Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work.

2. Rulebook on the type, scope, manner, and deadlines for performing health examinations of employees at workplaces with special working conditions or increased risk (Official Gazette of Montenegro, No. 43/17).

This Rulebook prescribes the type, manner, scope and deadlines for performing health examinations of employees in workplaces with special working conditions or with increased risk, as well as in cases of re-employment of an employee who has been absent from work in that position for more than a year.

3. Rulebook on equipment and procedure for providing first aid and organizing rescue services in case of accidents at work (Official Gazette of Socialist Federal Republic of Yugoslavia No. 21/71).

This Rulebook prescribes the procedure for providing first aid and organizing the rescue service, materials or equipment, as well as the expertise that persons performing these tasks should have.

4. Rulebook on the content and manner in which reports on occupational injuries should be issued (Official Gazette of the Republic of Montenegro No. 18/93).
5. Rulebook on Occupational Diseases Recognition (Official Gazette of the Republic of Montenegro No. 66/04).

This Rulebook sets out the criteria for occupational diseases recognition, jobs where these diseases occur and the conditions under which they are considered to be occupational diseases.

Rulebooks related to the construction sector

1. Rulebook on safety measures at work on temporary and mobile construction sites (Official Gazette of Montenegro No. 20/19).

This Rulebook prescribes the minimum requirements that the employer must meet in implementing measures of protection and health at work when performing work on temporary or mobile construction sites.²⁵

2. Rulebook on the plan of measures for protection and health at work (Official Gazette of Montenegro No. 38/19). This rulebook prescribes the content of the plan of measures for protection and health at work, which is made during the construction, reconstruction, or demolition of buildings.²⁶
3. Rulebook on the form and content of an application for the commencement of works on construction, reconstruction or demolition of a building (Official Gazette of Montenegro, No. 18/21).
4. Rulebook on conditions, programme and manner of taking the professional exam for performing the duties of coordinator for protection and health at work in the phases of project development and execution of works (Official Gazette of Montenegro No. 67/18). Besides the above, this Rulebook determines the costs of taking these exams.

25 Council Directive 92/57/EEC of 24 June 1992 on the application of minimum safety and health conditions to temporary or mobile construction sites has been transposed into this Rulebook (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

26 Council Directive 92/57/EEC of 24 June 1992 on the application of minimum safety and health conditions on temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) has been transposed into this Regulation.

Rulebooks related to different sectors originating in the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Montenegro that are still in use

1. Rulebook on special measures concerning safety at work regarding technical measures for developers of acetylene and acetylene stations (Official Gazette of Socialist Federal Republic of Yugoslavia No. 6/67, 29/67, 27/69 and 52/90).
2. Rulebook on special safety measures at work on the railways (Official Gazette of the Socialist Republic of Montenegro, No. 11/88).
3. Rulebook on special safety measures at work during mechanical processing and treatment of wood and similar materials (Official Gazette of the Socialist Republic of Montenegro, No. 9/88).
4. Rulebook on special safety measures at work in ferrous metallurgy (Official Gazette of the Socialist Republic of Montenegro, No. 16/87).
5. Rulebook on special measures of protection at work during the production and processing of non-ferrous metals (Official Gazette of the Socialist Republic of Montenegro, No. 31/86).
6. Rulebook on special measures for protection at work in forestry (Official Gazette of the Socialist Republic of Montenegro, No. 16/86).
7. Rulebook on protective measures for the handling of explosives and blasting in mining (Official Gazette of Socialist Federal Republic of Yugoslavia No. 9/67, 35/67 and 35/72).
8. Rulebook on special measures of protection at work during processing and treatment of leather, fur and leather waste (Official Gazette of Socialist Federal Republic of Yugoslavia No. 17/70).
9. Rulebook on special safety measures at work during the production of explosives and gunpowder and handling of explosives and gunpowder (Official Gazette of Socialist Federal Republic of Yugoslavia No. 55/69).
10. Rulebook on special measures of protection at work in agriculture (Official Gazette of Socialist Federal Republic of Yugoslavia No. 34/68).
11. Rulebook on special safety measures at work during thermal treatment of light metal alloys in bathrooms with nitrate salts (Official Gazette of Socialist Federal Republic of Yugoslavia No. 48/65).
12. Rulebook on hygienic and technical protective measures during diving work (Official Gazette of Federal People's Republic of Yugoslavia No. 36/58).
13. Rulebook on technical and health-technical protective measures for works in chemical-technological processes (Official Gazette of Federal People's Republic of Yugoslavia No. 55/50, Annex No. 9).
14. Rulebook on hygienic and technical protective measures when working in hemp shops (Official Gazette of Federal People's Republic of Yugoslavia No. 56/47 and 36/50).
15. Rulebook on hygienic and technical protective measures when working in quarries and brickyards, as well as in the extraction of clay, sand and gravel (Official Gazette of Federal People's Republic of Yugoslavia No. 69/48).
16. Rulebook on hygienic and technical protective measures at work in graphic companies (Official Gazette of Federal People's Republic of Yugoslavia No. 56/47).
17. Order prohibiting the use of motor gasoline for degreasing, washing and cleaning metal parts of objects made of other materials (Official Gazette of Socialist Federal Republic of Yugoslavia No. 23/67).

Ratified ILO Conventions

In July 2006, Montenegro became a member State of the International Labour Organization and thus began to take over, through succession, 68 conventions to which the State Union of Serbia and Montenegro was a signatory. After that, Montenegro also ratified the Maternity Protection Convention No. 183, the Convention on Safety and Health in Construction No. 167, the Convention on the Promotional Framework for Safety and Health at Work No. 187 and the Seafarers' Labour Convention of 2006. The table shows the status of ratification of ILO conventions related to occupational health and safety (Table 4.1).

Table 1.1 Status of ratification of ILO conventions related to the functioning of occupational health and safety²⁷

Convention number:	Ratified
013 White Lead (Painting) Convention, 1921	2006
045 Underground Work (Women) Convention, 1935	2006
81 Labour Inspection Convention, 1947	2006
115 Radiation Protection Convention, 1960	No
119- Guarding of Machinery Convention, 1963	2006
129 Labour Inspection (Agriculture) Convention, 1969	2006
136 Benzene Convention, 1971	2006
139 Occupational Cancer Convention, 1974	2006
148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977	2006
155 Occupational Safety and Health Convention, 1981	2006
161 Occupational Health Services Convention, 1985	2006
162 Asbestos Convention, 1986	2006
167 Safety and Health in Construction Convention, 1988	2015
170 Chemicals Convention, 1990	No
174 Prevention of Major Industrial Accidents Convention, 1993	No
176 Safety and Health in Mines Convention, 1995	No
183 Maternity Protection Convention, 2000	2012
184 Safety and Health in Agriculture Convention, 2001	No
185 Seafarers' Identity Documents Convention (Revised), 2003	2017
MLC 2006 Maritime Labour Convention, 2006	2015
187 Promotional Framework for Occupational Safety and Health Convention, 2006	2015
188 Work in Fishing Convention, 2007	No
189 Domestic Workers Convention, 2011	No
190 Violence and Harassment Convention, 2019	No

► 3. Authority responsible for occupational safety and health

National OSH supervision and administration

According to the Regulation on the Organization and Manner of Work of the State Administration (Official Gazette of Montenegro, No. 118/20 121/20 001/21, 002/21, 029/21, 034/21) and Article 11, the Ministry of Economic Development is responsible for protection and health at work. According to the mentioned article, the Ministry, among other things, performs administrative tasks related to: preparation of regulations in the field of labour relations, protection and health at work; the labour and employment market; salaries and other incomes from work and on the basis of work, and protection of Montenegrin citizens working abroad. The tasks of this ministry also include: issuing authorizations for performing activities in the field of protection and health at work and keeping a register of issued authorizations.

Within the Ministry of Economic Development, there is a Directorate for Labour and Employment, which is responsible for occupational safety and health. This directorate consists of the Section for Labour Relations, the Section for Protection and Health at Work and the Section for the Labour Market. The tasks of the Section for Protection and Health Work are as follows:

- » preparation of draft laws and rulebooks in the field of protection and health at work;
- » monitoring and implementation of ratified conventions and EU directives in the field of protection and health at work;
- » direct cooperation with the ILO and other international organizations and institutions in order to synchronize and dynamize the reform processes in this area with EU standards and guidelines;
- » monitoring, studying and encouraging the development of protection and health at work;
- » monitoring and assessment of the state of protection and health at work and preparation of positions for the uniform regulation of measures of protection and health at work;
- » collection and analysis of data on occupational injuries, occupational diseases and work-related diseases;
- » giving opinions regarding the application of laws and bylaws;
- » giving opinions on initiatives for assessing the constitutionality and legality of laws and other regulations in the field of protection and health at work;
- » organizing and taking professional exams for acquiring the title of professional person for performing protection and health at work activities and keeping the register;
- » organizing and taking the professional exam for performing the tasks of the coordinator for protection and health at work in the phase of project development and the coordinator for protection and health at work in the phase of performing work;
- » processing of applications and preparation of work permits for authorized organizations for protection and health at work that perform their activities with the approval of this ministry;
- » keeping registers of authorized organizations in the field of protection and health at work that perform activities with the approval of this ministry and supervising their work;

- » preparation of analyses, reports and information in the field of protection and health at work;
- » second-instance administrative procedure in accordance with the regulations governing the field of protection and health at work.

National Tripartite OSH Committee

In Montenegro, within the Social Council,²⁸ there is a working group for Occupational Safety and Health that operates on the basis of tripartism. This working group was established on 28.09.2011. Unfortunately, according to one report,²⁹ this working body has not been functioning in the past few years.

Roles of other ministries in coordination and cooperation on occupational safety and health

The Ministry of Economic Development is in charge of occupational safety and health policy in Montenegro. Other ministries regulate occupational health and safety issues in their domains (the Law on Maritime Safety is proposed by the Ministry of Capital Investments, the Law on the Army is proposed by the Ministry of Defence, and so on). Before submission to the Secretariat for Legislation and the Parliament of Montenegro, the draft Law is sent to the state authorities for their opinion and possible harmonization. Only after obtaining a positive opinion does the draft law go further along in the procedure, to the Secretariat for Legislation, the Social Council, the Committees in the Parliament of Montenegro and for adoption in the Parliament.

Rulebooks in the area of occupational safety and health are adopted by the Ministry of Economic Development at the proposal of the Directorate for Labour, Section for Protection and Health at Work. Depending on the area regulated by the bylaw, the Section for Protection and Health at Work forms a working group in which, in addition to representatives of the Ministry of Economic Development, representatives of other ministries participate, as well in drafting the regulations. For example:

- the Ministry of the Interior in relation to regulations governing explosive environments;
- the Ministry of Ecology, Spatial Planning and Urbanism in relation to temporary and mobile construction sites, chemical substances, asbestos and so on).

Representatives of the Directorate for Inspection Affairs, other institutions (for example, the Institute for Development and Research in the Field of Occupational Safety; the Centre for Ecotoxicological Research; Institute of Public Health for Biological Substances) and the NGO sector (Association of Occupational Safety of Montenegro) participated in all working groups drafting regulations. Also, the NGO Association of Young People with Disabilities of Montenegro and the NGO Roditelji.me participated in the preparation of the Rulebook on the workplace – disabled persons, pregnant women, nursing mothers and mothers.

²⁸ Tripartite body established on the basis of the Law on the Social Council (Official Gazette of Montenegro, No. 44/2018) for the purpose of establishing and developing social dialogue on issues of importance for achieving the economic and social position of employees and employers and their living and working conditions, developing a culture of dialogue, encouraging peaceful settlement of individual and collective labour disputes and other issues arising from international documents that affect the economic and social position of employees and employers. The Social Council consists of 8 representatives of Government, 8 representatives of trade unions and 8 representatives of employers' organizations.

²⁹ Zoran Stefanovski, Kiril Ristovski. Report on the organizational and institutional capacities of the National Councils for Occupational Safety and Health in IPA countries. EU funded project.

► 4. Mechanisms for ensuring compliance, including inspection

National level OSH supervision and inspection systems

Until 1 June 2012 labour inspection was part of the Ministry of Labour and Social Welfare and was divided into occupational safety inspection and labour relations inspection. The work of these two groups has been coordinated by the Head of Labour inspection and supervised by the Ministry of Labour. In the process of joining the EU, the inspection services were reorganized, and transferred from different ministries to the Administration for Inspection affairs from 1 June 2012. The formation of this administration has enabled greater flexibility and created an opportunity for better cooperation between inspection services. After the reorganization, the Labour Inspectorate became part of the Administration for Inspection Affairs, whose organizational structure includes four departments and several sectors³⁰:

(I) Department for the Protection of Market and Economy, Games of Chance and Public Procurement:

- Sector for Market Inspection
- Sector for the Inspection of Electronic Communication, Postal Activity and Information Society Services
- Sector for Metrological Inspection
- Sector for Labour Inspection
- Sector for the Inspection of Social and Child Protection
- Sector for Tourism Inspection
- Sector for Electro-energetic Inspection
- Sector for Thermo-energetic Inspection
- Sector for Games of Chance Inspection
- Sector for Public Procurement Inspection

(II) Department for the Protection and Safety of Human, Animal, Plant and Forest Health

- Sector for Health and Sanitary Inspection
- Sector for the Inspection of Forestry, Wildlife and Protection of Plants

(III) Department of Environmental and Spatial Protection

- Sector for Inspection of Spatial Protection
- Sector for Urbanism Inspection
- Sector for Construction Inspection
- Sector for Housing Inspection
- Sector for Environmental Inspection
- Sector for Water Inspection
- Sector for Mining, Geology and Hydrocarbon Inspection

(IV) Department for the Protection of Public Interest Activities

- Sector for Education and Sports Inspection
- Sector for the Inspection of Cultural Property and Cultural Heritage Protection
- Sector for the Inspection of Archival Activities

Integration of labour inspection into the Administration for Inspection Affairs did not change their traditional division between occupational safety and health inspection and labour relations inspection. On the website of the Administration for Inspection Affairs activities of occupational safety and health inspection and of labour relations inspection are presented separately.

The **Sector for Labour Inspection** performs activities related to: inspection supervision over the implementation of laws, rulebooks and other regulations in the field of labour relations, occupational safety and health; undertaking and executing administrative and other measures and actions in order to eliminate identified irregularities and harmonizing operations with regulations; issuing misdemeanour warrants, filing requests for initiating misdemeanour proceedings, filing criminal and other appropriate charges (initiating proceedings in front of the competent authorities); launching initiatives for amending laws as well as other regulations and general acts; proposing measures to improve the situation in the area of labour inspection; preparing analyses, reports and information within the scope of work of labour inspection; establishing cooperation with other administrative bodies, institutions and economic entities; as well as other tasks within the competence of the Sector for Labour Inspection.

The activities of the **inspectors in the field of labour relations and employment** include: inspection of compliance with laws and other regulations and general acts in the field of labour relations and employment, and taking administrative and other measures and actions in order to identify irregularities, eliminate and ensure proper application of regulations; issuing misdemeanour warrants, filing requests for initiating misdemeanour proceedings, filing criminal and other appropriate charges (initiating proceedings before the competent authorities); preparing analyses, reports and information within the scope of work of the inspectors in the field of labour relations and employment, as well as other tasks within their competences.

The activities of **inspectors in the field of occupational safety and health** include: inspection of compliance with laws and other regulations and General acts in the field of occupational safety and health and the taking of administrative and other measures and actions in order to address irregularities and ensure proper implementation of regulations; investigation of serious, collective and fatal injuries at work; issuing misdemeanour warrants, filing requests for initiating misdemeanour proceedings, filing criminal and other appropriate charges (initiating proceedings before the competent authorities); preparing analyses, reports and information within the scope of work of the of the inspectors in the field of occupational safety and health, as well as other tasks within their competences.

Number of inspectors, inspection visits and results

According to data of the Administration for Inspection Affairs of Montenegro's Report on the work of the Administration for Inspection Affairs for 2019,³¹ the number of systematized jobs for labour inspectors is 53 (37 for the field of labour relations, including the chief inspector, and 16 for the field of occupational health and safety). Out of 53 planned positions only 43 inspectors are currently employed, however. The personnel structure of the labour inspection is dominated by 32 inspectors holding a university degree in law who are engaged in labour relations and employment. In the field of occupational health and safety, 11 engineers from various technical fields have been hired.

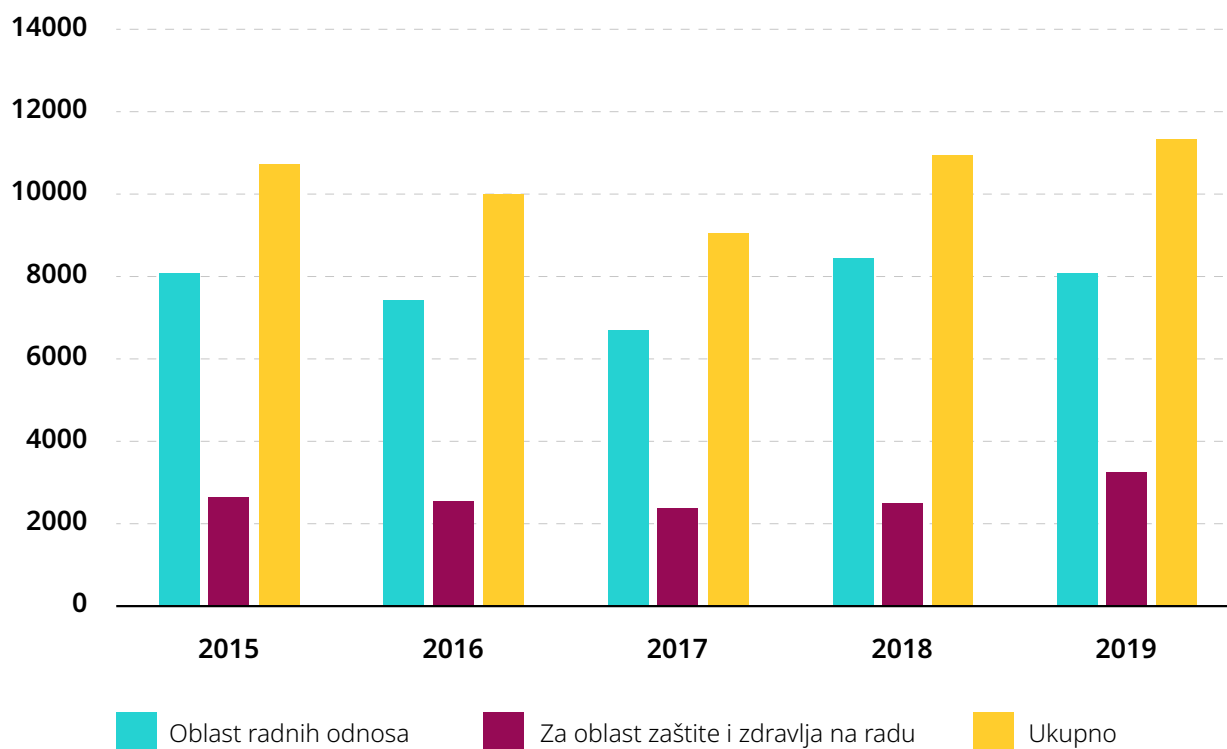
According to Article 65 of the Law on Civil Servants and State Employees,³² the Chief Labour Inspector is appointed, with the consent of the Government, by the director of the Directorate for Inspection Affairs, for a period of five years. The coordinator inspector and the inspectors are appointed by the director of the Directorate for Inspection Affairs, for a period of five years. It should be noted that the appointment of inspectors for a certain period is not in accordance with Article 6 of the ILO Labour Inspection Convention No. 81.

The results of the analysis of the ratio between the number of labour inspectors and the number of employees, based on ILO³³ data on the total number of labour inspectors, indicate that the situation in Montenegro is somewhat more favourable than in other European countries. In Montenegro there are 23.33 inspectors per 100,000 employees, which is more than in Hungary (17.85 inspectors per 100,000 employees), Northern Macedonia (17 inspectors per 100,000 employees), Lithuania (14.07 inspectors per 100,000 employees), Latvia (12.40 inspectors per 100,000 employees), Croatia (13.03 inspectors per 100,000 employees) and Portugal (5.21 inspectors per 100,000 employees).

Out of the total number of employed labour inspectors, 12 have their place of work in Podgorica (chief labour inspector, eight labour inspectors for labour relations and employment and two labour inspectors for occupational safety and health), while the rest are deployed in other cities.

According to the data of the Administration for Inspection Affairs of Montenegro and the Reports on the work of the Administration for Inspection Affairs for the period 2015–2019, the Labour Inspection carried out over 10,000 inspection years every year, except in 2017. The lowest number of inspections was 9,130 in 2017 and the highest in 2019, at 11,430 inspections (Figure 4.1 Total number of inspections).

Figure 4.1 Total number of inspections

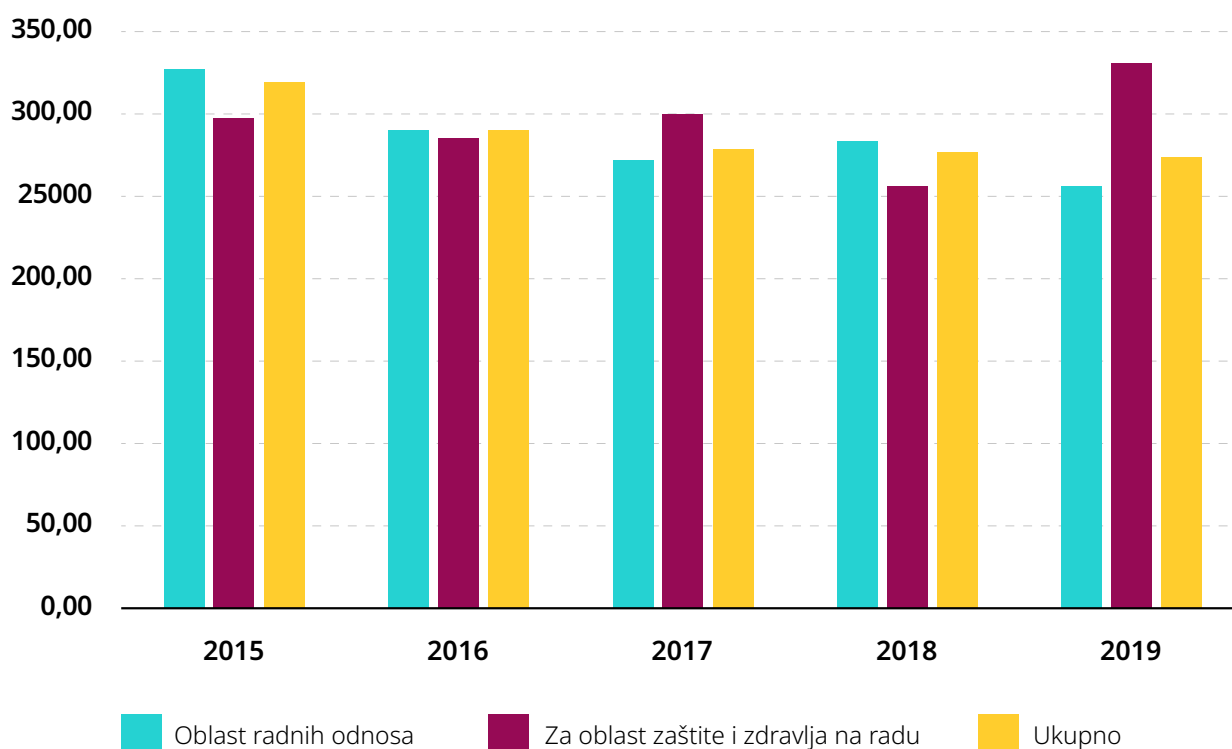


32 Law on Civil Servants and State Employees (Official Gazette of the Republic of Montenegro, No. 2/2018, 34/2019 and 8/2021).

33 Figures and Statistics on Labour Inspection Systems http://www.oit.org/labadmin/info/WCMS_141079/lang--en/index.htm

During the period analysed (2015–2019), inspectors performed an average of 250 to 330 inspections per year (Figure 4.2 Average number of inspections). This is significantly more than in Poland (62.99), the Netherlands (77.3), Ireland (126.06), France (131.5) and Switzerland (142.02), but fewer than Spain (605.45) and the Dominican Republic (427.67), according to ILO³⁴ data.

Figure 4.2 Average number of inspections



During inspections in the period 2015–2019, between 5,000 and 6,700 irregularities were identified each year. The largest number of irregularities was determined in 2015 (6,695 irregularities, of which 4,073 were in the field of labour relations). It can be observed that in the period 2016–2019, the number of irregularities in the field of labour relations was equal to the number of irregularities in the field of occupational safety and health. Analysing Figure 4.3, the number of identified irregularities clearly shows a rising tendency as regards irregularities in occupational safety and health. Comparing the number of inspections performed and the number of irregularities identified in the field of labour, it may be noted that this ratio is significantly lower than in the field of protection and health at work (Figure 4.4 Percentage of identified Irregularities per inspection).

Figure 4.3 Number of irregularities identified

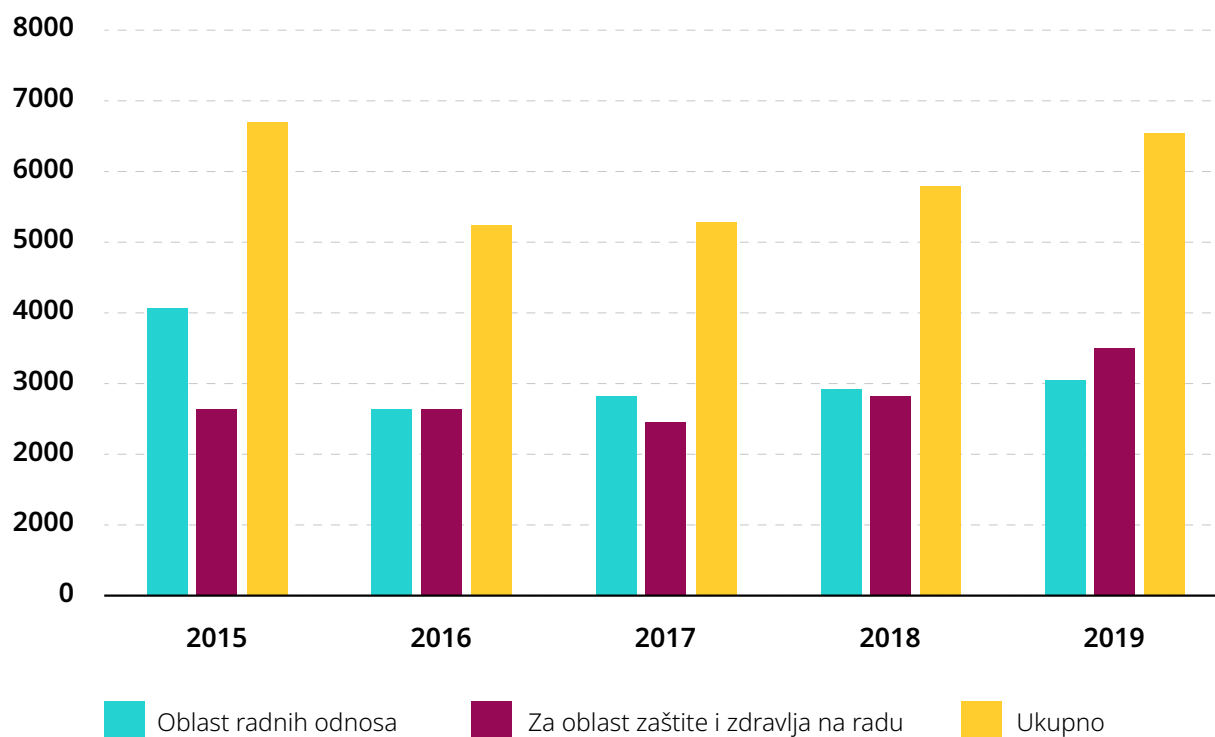
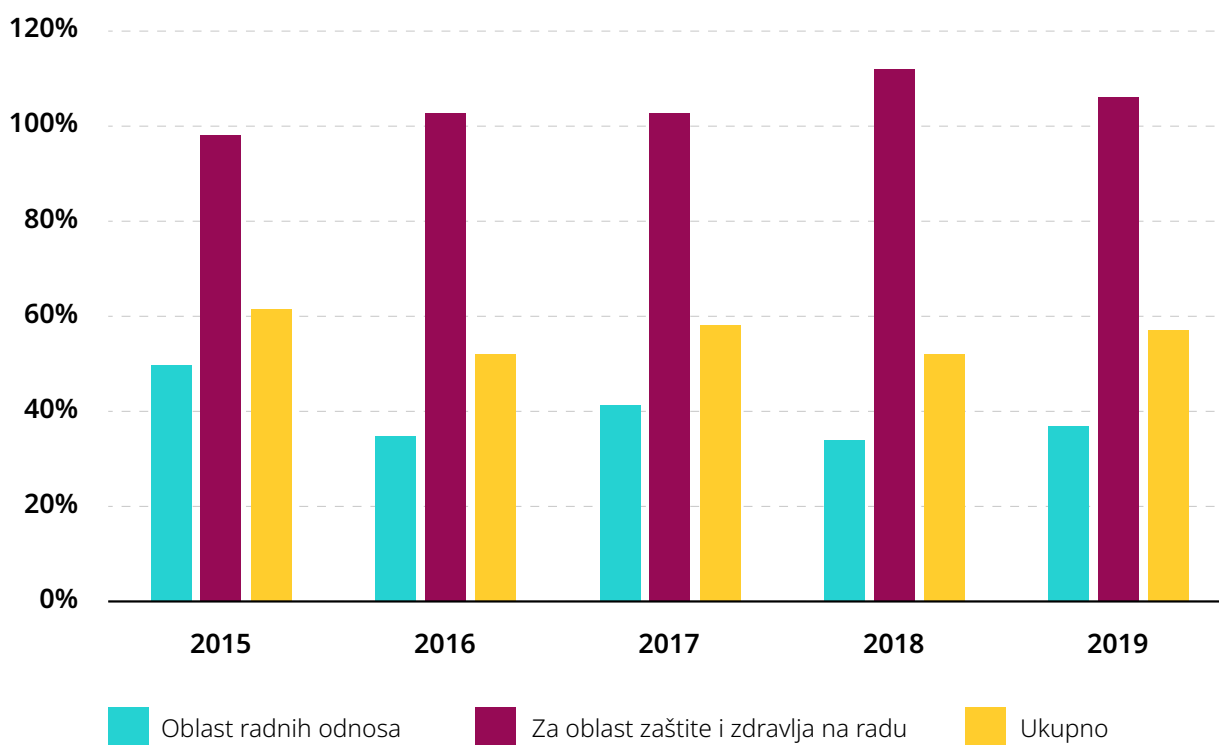


Figure 4.4 Percentage of Irregularities identified per inspection



The most common irregularities identified in the field of labour relations and employment are:

- » hiring people to perform certain jobs without an employment contract and not registering them for compulsory social insurance;
- » employment of foreigners without a previously obtained residence and work permit;
- » delay in payment of salaries and payment of contributions for compulsory social insurance;
- » employment of children (aged 15 to 18) in informal work, mainly during the holiday season in coastal resorts.

The most common irregularities identified in the field of occupational safety and health are:

- » failure to provide employees with adequate tools for work with an OSH certificate;
- » not providing personal protective equipment;
- » employees working without a certificate of competence for safe work;
- » employees working without medical certificates confirming their medical fitness for work with increased risk;
- » failure to keep records in the field of occupational health and safety;
- » failure to designate employees for first aid, fire protection and evacuation of employees;
- » failure to conduct a risk assessment for all jobs.

In the field of labour relations, on average, every second or third inspection results in the establishment of an irregularity, in contrast to the field of occupational health and safety, in which, on average, each inspection results in the identification of at least one irregularity. However, the level of fines imposed by misdemeanour warrants does not correlate with the stated data. The total amount of fines imposed by misdemeanour orders is many times lower for the area of occupational health and safety than for the area of labour relations (Figure 4.5 Value of fines imposed by misdemeanour warrants (EUR)). The average misdemeanour fine for observed irregularities in the field of labour relations ranged from €250 in 2015 to €452 in 2019. In the field of occupational health and safety, the average misdemeanour fine for observed irregularities in 2015 was €101, which fell to €81 or €82 (Figure 4.6 Average amount of fines imposed by misdemeanour warrants (EUR) per irregularity).

Figure 4.5 Value of fines imposed by misdemeanour warrants (EUR)

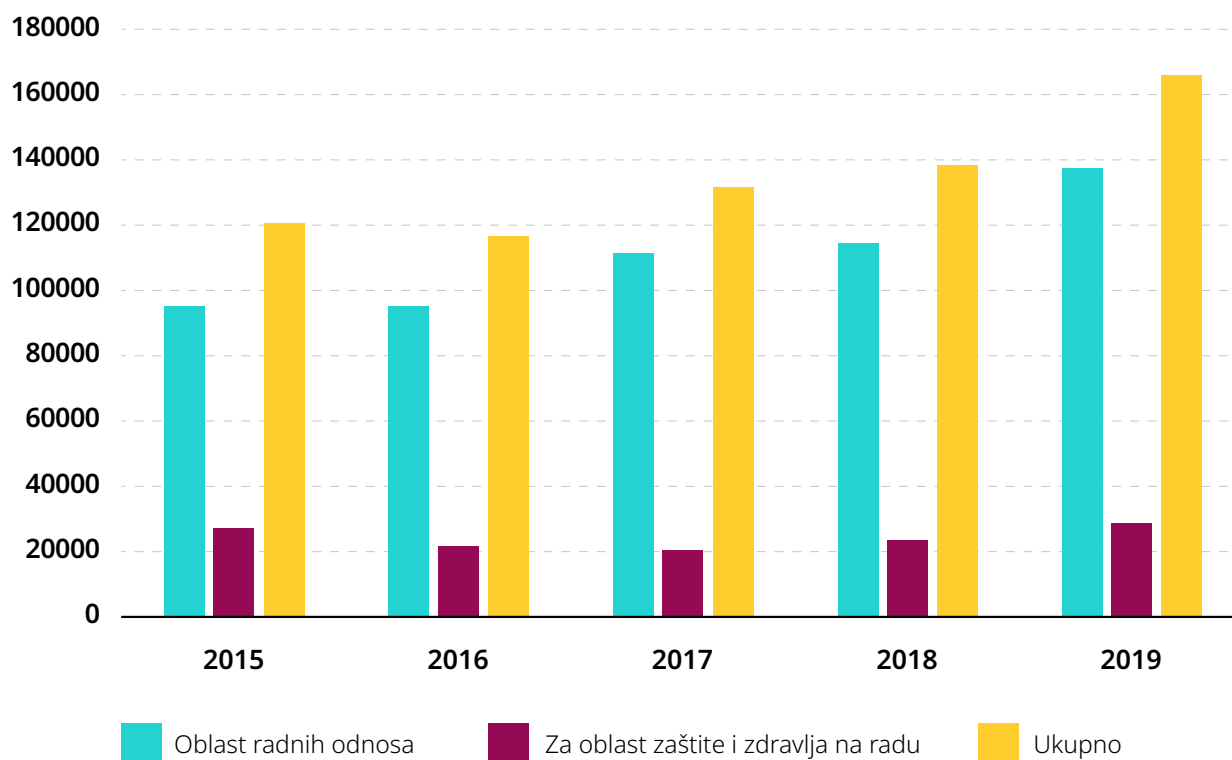
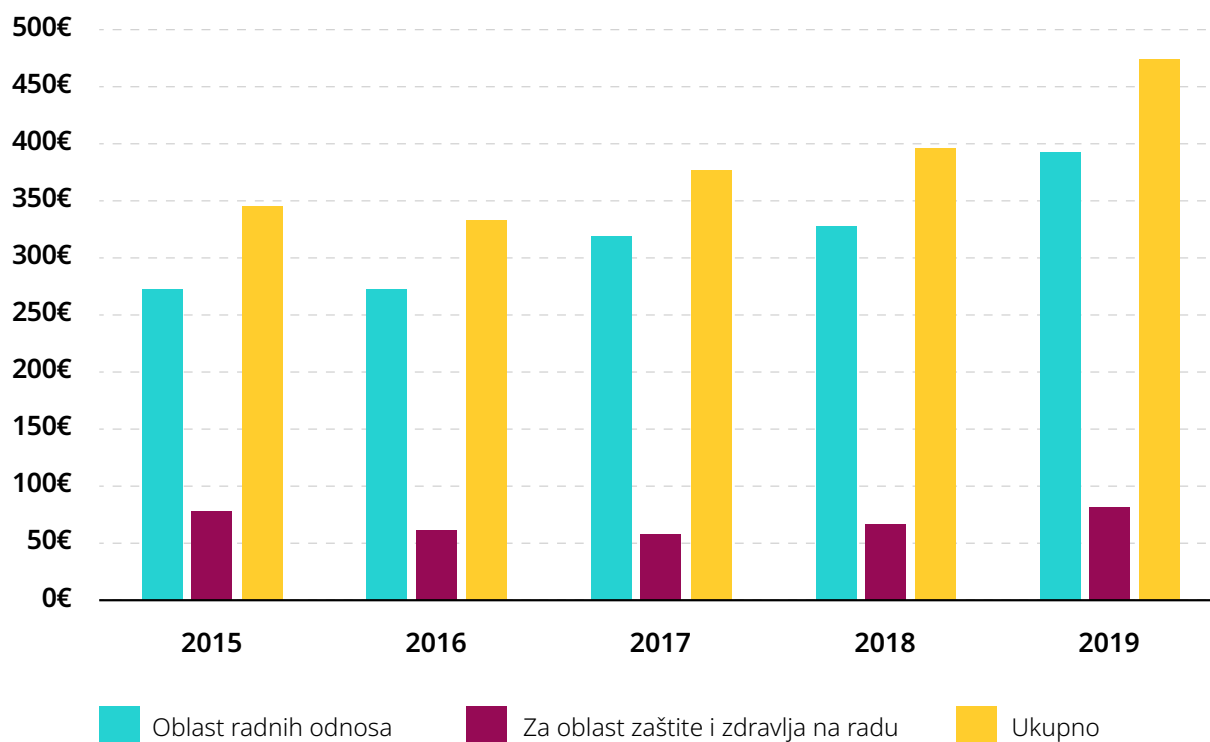


Figure 4.6 Average amount of fines imposed by misdemeanour warrants (EUR) per irregularity



► 5. Arrangements to promote cooperation between management, workers and their representatives

Number of OSH committees by size of undertaking

Occupational safety and health law used to provide an option to form an OSH Committee. According to information received from the Coordinator for occupational safety and health at work of the Administration for Inspection Affairs of the Government of Montenegro, the possibility to form an OSH Committee was not realised in practice. The current text of the Law on Occupational Safety and Health does not stipulate an obligation to form an OSH Committee irrespective of the size of the company/number of employees, although during the work on the draft law the Union of Free Trade Unions requested the inclusion of a provision that employers should have an obligation to appoint an employee OSH representative or OSH Committee.

Other arrangements in occupational safety and health at the level of the undertaking

Article 26 of the current Law on Occupational Safety and Health prescribes: "Employees shall have the right to elect one or more employees' representatives. The selection procedure, manner of work and the number of employee representatives at the workplace, as well as their relationship with the trade union are regulated by a collective agreement. The employer is obliged to provide at least one employee representative with appropriate leave of absence of at least five hours of work per month, with compensation of salary, and to provide all necessary funds for performing work related to safety and health at work."

Also, Article 25 stipulates the employer's obligation to provide the employees' OSH representative with the appropriate training during working hours. Article 24 defines cooperation and consultation in the field of occupational safety and health among employees, employees' OSH representative and trade union(s).

► 6. National tripartite advisory body addressing occupational safety and health issues

Montenegro does not have a legal framework for establishing a National Occupational Safety and Health Council. It should be noted that within the Social Council³⁵ there is an OSH section but according to one report³⁶ it has not been active in the past few years.

35 Tripartite body established by the Social Council Act (Official Gazette of Montenegro, No. 44/2018) for the purpose of establishing and developing social dialogue on issues of importance for improving the economic and social position of employees and employers and their living and working conditions, developing a culture of dialogue, encouraging peaceful settlement of individual and collective labour disputes and other issues arising from international documents that affect the economic and social position of employees and employers.

36 Zoran Stefanovski, Kiril Ristovski. Organizational and Institutional Capacity Assessment Report of National OSH Councils in IPA Countries. EU funded project.

► 7. Information and advisory services on occupational safety and health

Dissemination of occupational safety and health information

In Montenegro, dissemination of information on occupational safety and health has generally been ineffective. This may be related to the relative failure to mainstream occupational safety and health at all levels of education, as a consequence of which there is a lack of interest in information in this field. At the state level, in Montenegro, information and counselling in occupational safety and health is the task of the Directorate of Labour and Employment, Section for Protection and Health at Work. Among other services, the tasks of the Section for Protection and Health at Work include: preparation of analyses, reports and information in the field of occupational health and safety; monitoring, studying and encouraging the development of occupational health and safety; collecting and analysing data on occupational injuries, occupational and work-related diseases; giving opinions regarding the application of laws and bylaws; giving opinions on initiatives for assessing the constitutionality and legality of laws and other regulations in the field of occupational health and safety and keeping registers of authorized organizations for occupational health and safety that perform activities with the approval of this ministry, and supervising their work. On the website of the Ministry of Labour and Social Welfare, which was responsible for occupational safety and health, and the Ministry of Economic Development in the part related to the activities of the Directorate of Labour and Employment, there is barely any accessible content on regulations in the field of occupational safety and health, or data required for the exam and authorized OSH organizations. However, the Report of the Ministry of Labour and Social Welfare for 2017–2019 shows that the Section for Protection and Health at Work was very active in giving opinions, advising and encouraging the visibility of occupational safety and health.

Information on occupational safety and health can also be found on the website of the Institute for Development and Research in the field of protection at work (www.institutrz.com). This website features information about the services provided by the Institute.

Most information on occupational safety and health can be found on the website of the Safety at Work Association of Montenegro (SWAM; www.uznr.me). This page offers up-to-date content such as the complete list of all laws and regulations governing occupational safety and health, with links. It also features occupational safety and health guidelines (for example, the Manual on Prevention and Treatment of COVID-19 Infections). In addition, it provides information related to the activity of this Association.

Available OSH advisory or consultancy services

The Directorate of Labour and Employment, Section for Protection and Health at Work is tasked with providing advice on occupational safety and health, for example, on the application of OSH regulations. Requests for expert opinions and the answers of the Section for Safety and Health at Work are not publicly available on the website of the Ministry.

Counselling services in this area are also provided by OSH staff or OSH services, as well as a relatively large number of authorized organizations and businesses for occupational safety and health. It should be noted that provision of OSH information has increased since 2004, in the wake of the adoption of modern laws in the field of occupational protection (2004, 2010)³⁷ and the Law on Protection and Health at Work (2014 and 2018).³⁸ These laws and rulebooks precisely define the roles of the employer in the field of employee health protection and have thus created opportunities for the wider involvement of experts. There are currently 43 authorized organizations for occupational health and safety in Montenegro and 15 organizations that provide services in occupational testing.

Occupational health and safety activities are regulated by the Law on Protection and Health at Work. Article 38 stipulates that the employer is required to organize and perform professional work in occupational safety and health, depending on the organization, nature and scope of work processes, the number of employees, the number of work shifts, risks and the number of physically separate units. This article also stipulates that, in order to perform these tasks, the employer may:

- » designate an OSH expert from among the employees;
- » organize a professional service for protection and health at work in the employers' organization; and
- » hire a legal entity or business with the authority to perform professional activities in the field of occupational safety and health.

Article 39 of this Law establishes that, before being assigned to these jobs, an OSH expert needs to pass a professional exam. It also stipulates that experts with at least five years' experience in occupational health do not have to take an exam if they meet one of the following conditions:

- » they have graduated from the Faculty of Protection at Work;
- » they have an MA or a doctorate in technical sciences;
- » they specialize in occupational medicine;
- » as inspectors, they have supervised occupational safety;
- » they have at least five years' work experience in drafting regulations in the field of occupational safety and health.

Article 40 of the Law extensively defines the tasks performed by an OSH expert or professional service for protection and health at work within an employers' organization:

- » advise the employer in planning, selecting and maintaining the means of work, as well as means and equipment for personal protection at work;
- » advise the employer in equipping and arranging the workplace, taking into account the nature of the working environment;
- » participate in developing risk management protocols;
- » organize preliminary and periodic tests of the working environment (chemical, physical and biological substances, explosive atmosphere, asbestos, microclimate and lighting);

37 Official Gazette of the Republic of Montenegro, No. 79/04 and Official Gazette of Montenegro, No. 26/10.

38 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

- » organize periodic inspections and tests of work equipment, electrical and other installations;
- » propose measures to improve working conditions, especially in jobs with special working conditions or increased risks;
- » in all jobs with the employer, monitor the application of measures for protection and health at work and the maintenance of means of work, as well as means and equipment for personal protection at work in good condition;
- » provide instructions for safe and healthy work, and control their application;
- » monitor the situation regarding injuries at work and occupational diseases, diseases related to work, participate in determining their causes and prepare reports with proposed measures for the employer;
- » prepare and participate in employee training;
- » propose a work stoppage at the workplace or prohibit the use of means of work in case of an imminent danger to the life or health of employees, and immediately inform the employer and employee representatives;
- » directly cooperate, consult and coordinate on all issues in the field of health and safety at work with the authorized institution for health care of employees;
- » keep and take care of records on occupational safety and health;
- » other jobs assigned by the employer.

The risk assessment can be performed only by a professional service or organization. Employers are not entitled to perform risk assessments on their own. Their employees may participate in the process. The Rulebook defines that the authorized organization for drafting the risk management protocol must have at least five professionals with different higher education degrees in the appropriate technical and other field, with at least three years' work experience and who have passed the professional exam.³⁹ This approach certainly increases the quality of risk assessment, but also shifts the risk assessment process outside the work organization, which can make it an "imposed" document.

Traditionally in Montenegro, services in the field of occupational safety and the testing of working conditions are performed by organizations that are not formally related to occupational medicine. The Strategy for the Development of Occupational Medicine, at the level of planned activities in the field of occupational health, envisages risk assessment at workplaces and education of employees about risks at the workplace. The text itself does not foresee cooperation with other disciplines on risk assessment, and the part related to employee education states that it should be done in cooperation with the employers. It should be noted that the Health Centre Podgorica is the only health care institution already providing services:

- » drafting a risk assessment protocol, with proposed measures for their elimination;
- » training and proficiency testing for safe working.

39 Article 6 of the Rulebook that must be fulfilled by a legal entity or business performing professional activities in the field of occupational safety and on the procedure for determining the fulfilment of these conditions (Official Gazette of the Republic of Montenegro, No. 79/2004).

List of authorized organizations for occupational safety and health

1. Institut za razvoj i istraživanja u oblasti zaštite na radu
2. Institut za crnu metalurgiju A.D.
3. Centar za ekotoksikološka ispitivanja-CETI
4. Elektroprivreda Crne Gore AD
5. Inginspekt D.O.O.
6. Tehno - Control D.O.O.
7. Montinspekt D.O.O.
8. MMK Control D.O.O.
9. Institut sigurnost D.O.O.
10. JU Srednja elektrotehnička škola "Vaso Aligrudić"
11. JU Srednja stručna škola Rožaje
12. Lučić VM D.O.O.
13. VU-TI Inženjering D.O.O.
14. ING Promicom D.O.O.
15. Rajrad D.O.O.
16. Spinel D.O.O.
17. Elektrocentar Lekić D.O.O.
18. Komunalne usluge D.O.O.
19. Lars fire D.O.O.
20. Pro Inspect D.O.O.
21. JZU Dom zdravlja Podgorica
22. Simes inženjering D.O.O.
23. Liming projekt D.O.O.
24. NCG Inženjering D.O.O.
25. INZA Institut za upravljanje rizicima i naučnoistraživački rad D.O.O.
26. Fimal D.O.O.
27. Bastion D.O.O.
28. Decom Montenegro D.O.O.
29. 3Z Inženjering D.O.O.
30. D&D Ing D.O.O.
31. Hotels Group Montenegro Stras D.O.O.
32. Crnogorski elektrodistributivni sistem - CEDIS Podgorica
33. Montecontrol D.O.O.
34. POP Projekt D.O.O.
35. Bezbjednost D.O.O.
36. ZOPT D.O.O.
37. PAVONIK ENERGY DOO
38. KVADRAT D.O.O.
39. IVKON D.O.O.
40. VOIP
41. MAM-ZAŠTITA NA RADU D.O.O.
42. PORTONOVİ RESORT MENAGEMENT COMPANY D.O.O.
43. CORDINATOR D.O.O.

Occupational hygiene services

As already pointed out, there has been limited cooperation in Montenegro between institutions that carry out testing of working conditions and periodic inspections, as well as testing of work equipment, means and equipment of personal protection at work, and also periodic inspections and testing of electrical and other installations. With the adoption of modern regulations in the field of safety and health at work in Montenegro, a large number of organizations have been established to provide such services. The Law on Protection and Health at Work implies that these organizations should have authorization for the services for which they meet the prescribed conditions for a period of three years, and that after the expiration of that period, the fulfilment of the conditions should be re-checked. (Article 41 of the Law). The law also foresees the possibility of revoking the authorization in the event that the organization ceases to meet the prescribed conditions (Article 42 of the Law).

Examination of the working environment is performed by organizations that meet the conditions defined in Article 9 of the Rulebook. They must be legal entities or businesses performing professional work in the field of occupational safety and familiar with the procedure for determining the fulfilment of these conditions.⁴⁰ Article 9 states that for the periodic examination

of the working environment (physical, chemical, biological hazards, illumination, and microclimate), the organization must have at least four professionals who have different degrees in appropriate technical and other disciplines, with at least three years' work experience and who have passed the professional exam. Also, that article of the Rulebook defines an extensive list of technical and measuring equipment that the organization must own or lease. As the list of technical-measuring equipment dates back to 2004, there are grounds to update it in the near future.

The Strategy for the Development of Occupational Medicine, at the level of planned activities of the Institute for Occupational Medicine of Montenegro, mentions the monitoring of working conditions (in the sense of industrial hygiene measurements). However, at this point it is not clear how this monitoring shall take place. Maybe it would be based on the results provided by other organizations providing industrial hygiene services to employers. On the other hand, according to the Rulebook containing detailed conditions that must be met by a legal entity seeking to provide health care for employees,⁴¹ health institutions providing health care services for employees do not have to have equipment for hygienic measurements. However, considering the conditions defined in Article 9 of the Ordinance that must be met by a legal or natural person to perform professional work in the field of occupational safety and in light of the procedure for determining the fulfilment of these conditions, it is clear that the Ministry of Economic Development intends to entrust examination of the working environment to specialized institutions and not to the occupational health institutions.

List of organizations that provide services in the field of work environment testing in Montenegro

1. Institut za razvoj i istraživanja u oblasti zaštite na radu
2. Institut za crnu metalurgiju A.D. Nikšić
3. Centar za ekotoksikološka ispitivanja CETI
4. Inginspekt D.O.O.
5. Tehno-control D.O.O.
6. Montinspekt D.O.O.
7. MMK Control D.O.O.
8. Institut Sigurnost D.O.O.
9. NCG Inžinjering D.O.O.
10. INZA - Institut za upravljanje rizicima i naučnoistraživački rad D.O.O.
11. Crnogorski elektrodistributivni sistem - CEDIS
12. Montecontrol D.O.O.
13. ZOPT D.O.O.
14. D&D ING D.O.O.
15. COORDINATOR D.O.O.

41 Official Gazette of the Republic of Montenegro, No. 59/2017.

► 8. Provision of occupational safety and health training

List of state-level OSH training systems

According to the available data and the statement of the representative of the Ministry of Education, in Montenegro, there are no specific OSH courses at the level of primary and secondary schools. Within the framework of secondary vocational education, for which this area is especially important, there is no special subject related to occupational safety and health. The situation is same at the university level; Montenegrin universities do not offer specific programmes that furnish knowledge and qualifications in occupational safety. As a result, almost all occupational safety professionals were educated in regional university centres.

Education of employees for safe work

Education of employees for safe work is regulated by the Law on Protection and Health at Work and the Rulebook on the Manner and Procedure of Training of Employees for Safe Work. According to the Law, the employer is required to train the employee in establishing an employment relationship, reassignment to another job, introducing new technology, introducing new or replacing means of work, changing the work process and reassigning to work after an absence lasting more than a year. Also, the employer is obliged to adopt an Employee Training Programme. The law stipulates that the training of employees shall be carried out during working hours and that the costs of training shall be covered by the employer. During training, the employee should be informed about all the risks in the jobs and workplaces in which he will be engaged, as well as about the specific measures of protection and health at work that are necessary to eliminate the risk to life, and/or damage to health. The law lays down that an employer who engage workers from another employer, or subcontracting company, is also obliged to give them appropriate instructions on possible risks at the workplace to life and health, as well as to acquaint them with measures of protection and health at work during the performance of the work for which they were hired.

According to the Law, employee training is the duty of the employer. Training can be provided by the employer themselves or by persons hired by the employer. The frequency of checking employees' theoretical and practical qualifications is determined by the employer in the Employee Training Programme.

According to the Rulebook on the manner and procedure of training employees for safe work, the Employee Training Programme contains the following elements:

- » training goals;
- » workplaces with risk assessment, prescribed protection measures, instructions for safe work;
- » working conditions, means of work, means and equipment for personal protection at work, hazardous substances, and workplaces with special working conditions;
- » duration of training (separate for theoretical and practical parts);

- » manner and procedure of conducting theoretical and practical training (course, seminar, self-education, lectures, lectures and conversation, lectures using audio-visual means, demonstrations, practical work);
- » method of checking competences for safe working.

The Rulebook lays down that the verification of competences for safe working on the theoretical side is usually accomplished by a written test. Checking competences for safe working on the practical side takes place at the place of work, where the employee is obliged to show appropriate ability and skill in the safe performance of the jobs for which they have been trained.

The Rulebook (Article 2) points out that the employer, regardless of the number of employees, may entrust training for safe working to a professional in occupational safety or an authorized legal entity or an authorized individual expert in occupational safety.

Number of training courses by theme and region

As there are no higher education institutions in Montenegro that offer a specific programme of education in occupational safety and health, continuous professional development of experts in the field takes place through courses, meetings and education organized by SWAM. Also, some experts improve their knowledge by attending regional and international courses and workshops. As most experts in occupational safety and health have access only to training organized by SWAM, they are the only ones presented in the text below.

Continuous professional development of experts in occupational safety and health organized by SWAM

SWAM is a leading provider of continuous professional development of Montenegro experts in occupational safety and health. They organize it through local professional meetings to discuss OSH topics. Apart from such meetings, they organize regional OSH meetings in order to further develop local and regional OSH expertise. In cooperation with regional OSH associations SWAM has organized:

- » The second cross-sectoral meeting to identify issues in occupational safety and health in Montenegro from professionals' and OSH company representatives' point of view, as well as the role of the media in creating a preventative culture (Podgorica, 14 March 2017).
- » The third cross-sectoral meeting to identify issues in occupational safety and health in Montenegro from public institutions', OSH professionals' and civil society organization representatives' point of view (Podgorica, 15 March 2017).
- » The 3rd Conference for Regional OSH Cooperation (Bečići-Montenegro, 26–28 October 2017), entitled "Building OSH for the 21st century". About 200 OSH professionals from Macedonia, Serbia, Kosovo, Bulgaria, Albania, Croatia, Slovenia, Bosnia and Herzegovina, and Montenegro, as well as representatives of the ILO participated in the conference. The themes included:
 - case study in OSH – lessons learned;
 - occupational medicine – the other side of the medal;

- safety and health in construction;
- continuous professional development;
- OSH and working culture;
- online interactive risk assessment – our future or our fiasco;
- different aspects of OSH (legal, sociological, technical, ergonomic, economic and so on).

SWAM, with the support of the Ministry of Labour and Social Welfare of Montenegro, organized a number of seminars:

- » Seminar and a round table “Safety Rules for a Healthy Future” (Podgorica, 26 September; Podgorica, 31 October 2019).
- » Workshop on OSH legislation and the OSH situation in Montenegro for employers (Podgorica, 5 and 6 December 2019).
- » Two-day educational workshop on OSH legislation and the OSH situation in Montenegro for employees (Podgorica, 13 and 14 February 2020).
- » Online conference on the occasion of the World Day for Safety and Health at Work on 28 April 2020, with the participation of 47 experts from the entire region. The aim of the conference was for all participants to present their views on occupational safety and health during the Covid-19 pandemic.
- » Online seminar on 16 July 2020 on the topic of OSH coordinators at construction sites, in the design phase and the construction phase. The aim of the seminar was for the participants to receive essential information and experiences from the region on the topic of OSH coordinators at construction sites.
- » Webinar – Safe return to work in cooperation with the ILO, held on 21 July 2020. The aim of the webinar was to present partners from the Western Balkans the available guidelines and tools for a safe and healthy return to work.

► 9. Occupational health

Occupational medicine has a long tradition in Montenegro. In the 1950s, it was organized through what was then the most modern approach, the unity of prevention and cure. The basis of this approach was that occupational physicians were tasked with taking care of the health of employees and their family members by providing them with both preventive and curative (therapeutic) services. Over the years, in keeping with the development of medicine and of society, including an increase in demand for health services, occupational medicine specialists have increasingly engaged in therapy, pushing prevention into the background. Changes in the organization of society and the state, privatization of the economy and changes in the law on health care and health insurance have also led to significant changes in the organization of work and the scope of services provided by occupational medicine institutions. Preventive activities related to occupational medicine have become the exclusive obligation of employers, while curative activities are still financed by the Health Insurance Fund of Montenegro. This has resulted in a significant number of Montenegrin occupational medicine specialists opting for the provision of curative services, making the transition to family medicine, which provides them with stable funding. Out of the total number of occupational medicine specialists employed in public health institutions (34 occupational medicine specialists), 22 decided to provide only family medical services. During the transition from occupational to family medicine, there was a shortage of occupational medicine staff, so 12 occupational medicine specialists who had become family doctors decided to continue providing occupational medicine services. In addition to the abovementioned 34 occupational medicine specialists employed in public health institutions in Montenegro, there are eight other occupational medicine specialists: four are retired but still working (one at the Public Health Centre and three at private occupational medicine institutions) and four are not involved in health care provision, but working in other institutions (two at the Pension and Disability Insurance Fund, one at the Health Insurance Fund and one at the Ministry of Health). The age structure of occupational medicine specialists in Montenegro is quite unfavourable, with an average age of those employed in health centres above 55 years of age. In the next five years, three specialists in occupational medicine will meet the conditions for retirement, and in the next seven years an additional 12. A more favourable circumstance is the fact that six doctors are currently specializing in occupational medicine and that in 2021 three will complete their training.

Currently, the scope of services of an occupational medicine specialist in Montenegro includes predominantly the assessment of work ability and participation in the development of health conditions that allow employees with limited ability to perform certain tasks in the workplace. Occupational medicine specialists have the authority to perform examinations for the purpose of issuing medical certificates for drivers, and for the possession and carrying of firearms. Article 49 of the Law on Health Protection at Work⁴² defines a significantly wider range of services of the Authorized Institution for Health Protection of Employees. It may:

1. participate in risk assessment at work and in the work environment when compiling a risk assessment protocol;
2. introduce employees to the health risks associated with their work and perform health education for employees;

42 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

3. identify and examine the causes of occupational and work-related diseases;
4. evaluate and determine special health conditions that must be met by employees to perform certain tasks at the workplace, in the process of work or for use, or handling of certain means of work;
5. perform preliminary and periodic health examinations of employees in accordance with the regulations on protection and health at work;
6. issue a report on the health examination on the fulfilment of health conditions at work in workplaces with increased risks;
7. provide health care for employees suffering from occupational diseases;
8. organize first aid, rescue and evacuation in case of injuries to employees or accidents;
9. determine the causes of disability of employees at work and propose measures for their elimination, participate in the process of professional rehabilitation and give advice on choosing another suitable job for employees in accordance with their remaining capacities;
10. propose to the employer measures to improve the health of employees, especially those who are exposed to increased risks of occupational injuries or other health damage;
11. advise the employer in the selection and testing of new means of work and means and equipment for personal protection at work from the standpoint of health protection;
12. participate in the analysis of occupational injuries, occupational diseases and work-related diseases and keep appropriate records;
13. directly cooperate and coordinate on issues of protection and health at work with a professional person, i.e. professional service;
14. Other jobs.

Currently, occupational medicine specialists predominantly deal with preliminary and periodic examinations, examinations for the purpose of issuing medical certificates for drivers, and for the possession and carrying of firearms, and in coastal places examinations of seafarers and boat leaders. Also, a number of occupational medicine specialists are engaged in the development of special health conditions for performing certain tasks In accordance with Article 49 of the Law on Health Protection at Work. Unfortunately, in the period of work on the National OSH Profile of Montenegro, data on the number of annual occupational medicine services, as well as on their structure were not available. According to occupational medicine specialists, they spend almost all their time in their surgeries, which indirectly indicates that they do not visit workplaces and that their participation in workplace risk assessment is marginal.

Legislation in occupational medicine

As the services of occupational medicine specialists affect a large number of different areas, their work in Montenegro is regulated by the following laws:

- » Law on Health Protection at Work (Official Gazette of Montenegro No. 34/2014 and 44/2018)
- » Law on Health Care (Official Gazette of Montenegro No. 3/2016, 39/2016, 2/2017, 44/2018, 24/2019 and 82/2020).

- » Law on Compulsory Health Insurance (Official Gazette of Montenegro No. 6/2016, 2/2017, 22/2017, 13/2018 and 67/2019)
- » Labour Law (Official Gazette of Montenegro, No. 74/2019)
- » Law on Pension and Disability Insurance (Official Gazette of Montenegro, No. 54/2003, 39/2004, 61/2004, 79/2004, 81/2004, 29/2005, 12/2007, 13/2007, 14/2007 - Decision of the US RCG, 47/2007 and "Official Gazette of Montenegro", No. 79/2008, 7/2010 - Decision of the US Montenegro, 14/2010, 78/2010, 34/2011, 40/2011, 66/2012, 36 / 2013, 38/2013, 61/2013, 6/2014 - correction, 60/2014-I, 60/2014-II, 10/2015, 44/2015 - Decision of the Constitutional Court, 42/2016, 55/2016 and 80 / 2020 See: Constitutional Court Montenegro Decision - 11/2019)
- » Law on Road Traffic Safety (Official Gazette of Montenegro, No. 33/2012, 58/2014, 14/2017 - Constitutional Court decision and 66/2019)
- » Law on Prohibition of Harassment at Work (Official Gazette of Montenegro, No. 30/2012 and 54/2016).
- » Law on Labour Inspection (Official Gazette of Montenegro, No. 79/2008)
- » Law on Waste Management (Official Gazette of Montenegro, No. 64/2011 and 39/2016)
- » Environmental Law. (Official Gazette of Montenegro, No. 52/2016, 73/2019)

In addition to the abovementioned laws, the work of occupational medicine specialists is regulated by numerous rulebooks. It should be noted that one of the most frequently used Rulebooks – the Rulebook on the type, scope, manner, and deadlines for performing health examinations of employees at workplaces with special working conditions or increased risk (Official Gazette of Montenegro, No. 43/17) – was recently updated. The Rulebook on detailed conditions to be met by legal entities for the health care of employees (Official Gazette of Montenegro, No. 060/2016), which defines the necessary staff and equipment for employee health care, shows the intention of the Ministry to make occupational medicine multidisciplinary and to promote teamwork.

Strategy for improving occupational medicine in Montenegro for the period 2015–2020

In order to improve the situation in occupational medicine, the Government of Montenegro has developed a Strategy for the Improvement of Occupational Medicine in Montenegro for the period 2015–2020. It identifies the following main challenges:

1. the lack of adequate connections in terms of horizontal and vertical communication, among providers of occupational medicine services;
2. the lack of multidisciplinary cooperation between key partners in the implementation of activities to protect the health of employees and occupational safety, primarily between occupational medicine specialists, occupational safety engineers, occupational safety inspectors, employers and trade unions;
3. the lack of a reference national institution that could play a leading role in research activities and projects, conducting education and training to strengthen national capacities, generating relevant data and performing an advisory function in occupational medicine, as well as coordinating overall activities to improve health and protection at work, including the quality management system;

4. the lack of an appropriate system of control over the application of existing legislation for protection and health at work, especially by employers in small and medium-sized enterprises, the informal sector and the self-employed;
5. underdevelopment of the information system concerning occupational medicine services;
6. the lack of an adequate model for financing occupational medicine services;
7. the lack and/or incomplete harmonization of rulebooks required for full implementation of the requirements laid down by the relevant EU directives.

The Strategy for the Improvement of Occupational Medicine in Montenegro for the period 2015–2020 emphasizes the strategic goal: improving and preserving the health of all employees through the development and implementation of an innovative organizational model, focused on strengthening staff capacity, introduction of new technologies, management systems and methods for improving working conditions in order to reduce and prevent occupational injuries and occupational diseases and related economic and social losses.

The priority goals of the Strategy are:

1. strengthening employee health and safety policies, including integrating employee health and safety into other sectoral policies and finding new synergies;
2. implementation of relevant regulations;
3. ensuring a healthy working environment;
4. development of healthy ways of working and promotion of health at work;
5. paying special attention to vulnerable categories (pregnant women, young people, the elderly, migrants) in order to find adequate solutions, which are socially and culturally acceptable, in order to improve their health and safety at work;
6. improving occupational medicine services;
7. organization of occupational medicine in accordance with BOHS (Basic Occupational Health Services);
8. providing support in the provision of occupational medicine services, including the establishment of the Institute of Occupational Medicine of Montenegro;
9. development of standards in protecting the health of employees based on modern professional and scientific risk assessment;
10. development of human resources required for the provision of occupational medicine services;
11. promoting a multidisciplinary approach in order to improve employee health and safety at work;
12. establishment of a system for data collection and processing, with the development of new information systems;
13. improving research activity;
14. developing awareness of the importance of employee health and safety at work through public information channels.

One part of the activities laid down in the Strategy has already been implemented. Probably the most important thing is that during 2019⁴³ the Ministry of Health completed the study on the establishment of the Institute of Occupational Medicine of Montenegro. On 15 July 2020, the Ministry of Health, recognizing the importance of occupational medicine, formed a Working Group for the development of the Programme for the Development of Occupational Medicine 2021–2023 with the Action Plan for 2021–2022.

List of institutions providing occupational medicine services

According to the data obtained from the Ministry of Health of Montenegro, the following institutions provide occupational medicine services:

Public health care institutions:

1. Dom zdravlja Bar
2. Dom zdravlja Berane
3. Dom zdravlja Bijelo Polje
4. Dom zdravlja Budva
5. Dom zdravlja Cetinje
6. Dom zdravlja Danilovgrad
7. Dom zdravlja Herceg Novi
8. Dom zdravlja Kolašin
9. Dom zdravlja Kotor
10. Dom zdravlja Mojkovac
11. Dom zdravlja Nikšić
12. Dom zdravlja Plav
13. Dom zdravlja Pljevlja
14. Dom zdravlja Podgorica
15. Dom zdravlja Rožaje
16. Dom zdravlja Tivat
17. Dom zdravlja Ulcinj

Private health care institutions:

1. PZU "Bona Mente" – Podgorica
2. PZU "Codra" – Podgorica
3. PZU "Dijagnostič" – Podgorica
4. PZU "Dr Vuksanović" – Bar
5. PZU "Nova medicina rada" – Podgorica
6. PZU Poliklinika "Feniks Medika" – Podgorica
7. PZU "Stojović" – Herceg Novi
8. PZU "Trim Medical" – Nikšić
9. PZU "MOJ DOKTOR" – Nikšić
10. PZU „Naša medicina“ – Podgorica

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Report of the Ministry of Health on work performed and the situation in the administrative areas for 2019; a study on the establishment of the Institute of Occupational Medicine of Montenegro has been completed.

► 10. Research in occupational safety and health

Institutions conducting research in occupational safety and health

The Institute for Development and Research in the Field of Occupational Safety is the only institute that deals with this field in Montenegro. It was founded in 1969 as the Department of Energy, which operated as a unit within the Technical Faculty in Titograd (Podgorica). After several organizational changes, in 2000 it was formed under the current name by the University of Montenegro and the Government of the Republic of Montenegro. The following activities are listed on the Institute's website (www.institutrz.com):

- » preparation of analyses of the impact of facilities on the living and working environment;
- » testing and attestation of devices, equipment and plants from the point of view of safety at work;
- » testing and attestation of devices, appliances and equipment for household and work premises;
- » periodic inspections and testing of machines, tools and devices for work, electrical installations and fluid installations;
- » periodic inspections and testing of means of internal transport;
- » periodic inspections and tests of pressure vessels and related equipment (valves, etc.);
- » electrical testing of facilities, installations and devices;
- » assessment of applied explosion protection measures in electrical and lightning protection installations;
- » inspection and testing of lightning protection installations;
- » electrical measurements;
- » adjustment of relay protections;
- » measurement and testing of working and living conditions;
- » development of fire protection programmes;
- » testing of the hydrant network in fire protection;
- » preparation of analyses of danger zones;
- » preparation of analyses of the assessment of hazards and harm at work;
- » development of bases for determining jobs under special working conditions;
- » development of bases for determining length of service with increased duration;
- » control of projects from the point of view of applied prescribed safety measures at work;

- » notification of technical documentation and devices for the import of machines, tools and equipment;
- » thermo-technical consulting and engineering;
- » preparation of environmental impact assessments;
- » development of environmental protection programmes;
- » development of a programme for the remediation of devastated spaces in the environment;
- » examination of the impact of technical-technological capacities on the environment;
- » design, control of technical documentation, supervision of construction of facilities, supervision of installation of equipment and installations;
- » technical inspections of facilities;
- » engineering, project management and other technical activities;
- » training of employees who perform professional work in occupational safety;
- » training and education of employees for safe work (before the first assignment to work, when assigning to other jobs, periodically in order to improve knowledge);
- » development of plans and programmes for training employees for safe work;
- » performing operational tasks for companies that do not have an organized occupational safety service;
- » publishing books, magazines and other publications that promote disciplines covered by the activities of the Institute.

This list of activities indicates that this institution is more focused on applied activities in occupational safety and health than on scientific research.

► 11. Mechanism for the collection and analysis of data on occupational injuries and occupational diseases and their causes

The Rulebook on the content and manner of issuing reports on occupational injuries⁴⁴ regulates the process of issuing reports on injuries at work. Article 2 states the content of the Report on Occupational Injury; Article 3 states that the Report shall be issued in four copies. Article 3 lays down that the Health Insurance Fund shall retain two copies and that the other copies shall be delivered to the company in question, which will in turn pass on a copy to the injured employee or their family. According to the available data, one copy of the report on occupational injury is archived at the Health Insurance Fund, which uses it for administrative purposes related to the exercise of rights in the field of health insurance. The second copy of the report on occupational injury is sent to the Ministry of Economic Development.

The Ministry of Labour and Social Welfare of Montenegro, within the organizational unit of the Directorate of Labour, formed the Section for Protection and Health at Work in 2013. Among the many tasks of the Section for Protection and Health at Work⁴⁵ it is supposed to collect and analyse data on occupational injuries.

One challenge in the process of analysing data on occupational injuries is the form of the Report. Its current form is based on the entry of free text, for the most part, without the use of codebooks, which makes analysis difficult.⁴⁶ The richness of the language, numerous synonyms, and the use of foreign words and expressions in the Report prevent unambiguous subsequent coding. Also, in practice, incomplete and illegible Reports are encountered. These challenges make the subsequent entry of data on occupational injuries extremely complicated. If at some point funding is provided for a retrospective analysis of occupational injuries, it could provide only limited information on occupational injuries in Montenegro.

Article 36 of the Law on Pension and Disability Insurance lays down that occupational diseases, within the meaning of this law, shall include diseases that occurred during the period of insurance, caused by a longer direct impact of the process and working conditions at workplaces, that is, in jobs performed by the insured persons.⁴⁷ This definition of occupational diseases was also found in previous versions of the Law on Pension and Disability Insurance of Montenegro. Occupational diseases defined in this way imply the so-called “closed list of occupational diseases” in which only those diseases that are on the list of occupational diseases are recog-

44 Rulebook on the content and manner of issuing reports on occupational injuries (Official Gazette of the Republic of Montenegro, 18/1993).

45 <https://mrs.gov.me/organizacija/direktoratarad/>

46 Perhaps the best illustration of the problem of free text entry in the Report is an example of an injury qualification field filled out by a physician. Binary entry of light or severe injury is expected in this field. However, there are often such entries as: very light, medium, very heavy, etc.

47 Law on Pension and Disability Insurance of Montenegro (Official Gazette of Montenegro, No. 54/2003, 39/2004, 61/2004 - decision US, 79/2004, 81/2004 - amended, 29/2005 - other law, 14/2007 - decision Constitutional Court and 47/2007 and “Official Gazette of Montenegro”, No. 12/2007 - other law, 13/2007 - other law, 79/2008, 14/2010, 78/2010, 34/2011, 40/2011 - other law, 66/2012, 39/2011 - other law, 36/2013 - other law, 38/2013, 61/2013, 6/2014 - amended, 60/2014, 10/2015, 44/2015 - US decision, 42/2016, 55/2016 and 80/2020).

nized as such. In Montenegro, the Rulebook on Occupational Disease Recognition from 2004⁴⁸ establishes a list of 56 diseases that are considered occupational diseases. In addition to the disease, the rulebook also defines the jobs and workplaces at which disease occurs, as well as the conditions for recognizing the disease as occupational. The conditions for recognizing diseases as occupational are given quite generally, and as many as 10 occupational diseases have identical conditions for recognition. The Rulebook, but also other regulations, do not state the procedure for determining an occupational disease; in other words, it does not set out who has the right to determine an occupational disease, such as a doctor specialising in occupational medicine; this right may be given only to certain institutions. Also, the regulations governing the field of occupational diseases do not state the Occupational Disease Report form nor do they state to whom the occupational disease shall be reported. All this has resulted in a lack of data on occupational diseases, which makes it impossible for the Section for Protection and Health at Work to collect and analyse data on such diseases.

► 12. Social security benefits covering occupational injuries and diseases

Mechanism of collaboration

Montenegro has very well-regulated social security systems for employees. According to the Labour Code (Article 29),⁴⁹ the employer is obliged to conclude an employment contract with the employee. Furthermore, under the Labour Code (Article 33), the employer is obliged to register the employee for compulsory social insurance on the first day of work. According to Article 33 of the Code, the following are considered as social insurance:

- » health insurance;
- » pension and disability insurance;
- » unemployment insurance.

In case of occupational injury or occupational disease, employees exercise their rights based mainly on the Law on Health Insurance and the Law on Pension and Disability Insurance, because in Montenegro there is no special insurance in case of occupational injury or occupational disease as in some EU countries.

Article 34 of the Law on Pension and Disability Insurance⁵⁰ defines that: an occupational injury is an injury to an insured person that occurs in direct, causal, spatial and temporal connection with the performance of work on the basis of which he or she is insured, resulting from immediate and short-term mechanical, physical or chemical cause, sudden changes in body position, sudden weighing down of the body or other changes of the physiological condition of the organism.

Also considered an occupational injury is an injury that the insured person suffers while performing work to which he or she is not assigned, but which he or she performs in the interest of the employer.

Also coming into the category of occupational injury is an injury that the insured person suffers on their regular journey from their home to the place of work and vice versa, as well as on a journey undertaken for the purpose of performing official duties or on an journey undertaken to commence work.

Furthermore, also considered an occupational injury is an illness of the insured person that occurred directly or as an exclusive consequence of an accident or force majeure during the performance of work or in connection with it.

Article 35 of the Law on Pension and Disability Insurance states that the following injuries caused in the manner provided for in Article 34 of this Law shall also be considered an injury at work:

- » injuries that the insured worker suffers in connection with the exercise of the right to health care;

49 Official Gazette of Montenegro, No. 74/2019.

50 Official Gazette of Montenegro, No. 54/2003, 39/2004, 61/2004 - decision 79/2004, 81/2004 - corr., 29/2005 - Law, 14/2007 - decision and 47/2007 and Official Gazette of Montenegro, No. 12/2007 - law, 13/2007 - law, 79/2008, 14/2010, 78/2010, 34/2011, 40/2011 - law, 66/2012, 39/2011 - law, 36/2013 - law, 38/2013, 61/2013, 6/2014 - corrigendum, 60/2014, 10/2015, 44/2015 - US decision, 42/2016, 55/2016 and 80/2020.

- » during professional training, additional training or retraining, to which the worker was referred by the Employment Service of Montenegro;
- » pupils and students when they are engaged in compulsory manufacturing work, specialist practical training or practical instruction;
- » persons serving a prison sentence, while working in a prison institution (workshop, work site, etc.);
- » in rescue or defence actions against natural disasters or accidents;
- » on a military exercise or in the performance of other duties in the national defence area established by law;
- » on other jobs and tasks that are determined by law to be of general interest.

Article 36 of the Law on Pension and Disability Insurance lays down that occupational diseases, within the meaning of this law, are diseases that occur during the period of insurance coverage, caused by a longer direct impact of working processes and conditions in the workplace, that is as a result of jobs performed by the insured person. Diseases that are considered occupational diseases are defined by the 2004 Rulebook on the Determination of Occupational Diseases.⁵¹

According to the Law on Pension and Disability Insurance (Articles 30, 31 and 37), an insured person who completely loses their work capacity due to an occupational injury or an occupational disease acquires the right to a disability pension, regardless of the length of insurance. Article 39 of the Law states that the disability pension in these cases corresponds to the pension that the insured person would have received for 40 years of pensionable service (full pension). Also, Article 42 of the Law prescribes that if an insured person dies due to an occupational injury or an occupational disease, their family acquires the right to a survivor's pension regardless of the length of insurance of the victim.

The Law on Compulsory Health Insurance⁵² provides several benefits to employees in the event of an occupational injury or an occupational disease.

- » In Montenegro, pursuant to Article 14 of the Law, the right to compulsory health insurance services is acquired after at least two months of uninterrupted insurance or four months with interruptions in the last 12 months before the start of exercising this right. However, according to a special provision of Article 14 these restrictions do not apply in the case of an occupational injury.
- » Article 16, para 21 of the Law lays down that compulsory health care includes: examinations, diagnostics, treatment and rehabilitation in relation to occupational injuries, occupational diseases and work-related diseases.
- » Article 40 of the Law establishes that wage compensation during temporary incapacity for work due to occupational disease and occupational injury, except for consequences arising from occupational disease and injury at work, shall amount to 100% of the compensation basis.

Article 60 of the Law on Compulsory Health Insurance defines the compensation payable by the Health Insurance Fund for damage incurred due to occupational illness, injury or death

51 Official Gazette of the Republic of Montenegro, 66/2004.

52 Official Gazette of Montenegro, No. 6/2016, 2/2017, 22/2017, 13/2018 and 67/2019.

of the insured. The employer is liable for damage caused by the employee at work or in connection with work when the employee was working at the time of causing the damage; and if the employee intentionally caused the damage, the Fund is entitled to compensation directly from the employee. Also, the Fund has the right to compensation directly from the insurance company when such a person is insured against liability for damage caused to third parties, in accordance with the regulations on insurance. Articles 61 and 62 of the Law define the conditions under which the Fund is entitled to compensation:

- » If the illness, injury, or death of the insured person occurred as a result of a failure to implement measures for protection and health at work or other measures for the protection of citizens.
- » The Fund has the right to claim compensation from the employer even when the damage occurred as a result of the fact that the employee started working without a prescribed prior medical examination, but was later determined by a medical examination to be unfit to work in a particular job.
- » If the damage was caused by the fact that no data were provided or that incorrect data were given on the facts on which the acquisition or determination of rights depends.
- » If the payment was made based on incorrect data in the employee's application for employment, or because no changes affecting the loss or scope of rights were reported, or if such a report was made after the prescribed deadline.

Current regulations in Montenegro in the case of occupational injury and occupational disease do not provide for any other benefits than the abovementioned. However, the Law on Protection and Health at Work⁵³ stipulates in Article 30 the employer's obligation to insure employees against occupational injuries, occupational diseases and work-related diseases. This article also states that insurance premiums are to be borne by the employer and are determined depending on the level of risk of occupational injuries, occupational diseases and work-related disease. This insurance should also cover other types of damage resulting from an injury at work or an occupational disease. For example, in the event of death, compensation to family members; that is, compensation for non-material damage (loss of parents, spouse). Also, in cases of occupational injury and occupational disease, the insurance should compensate for non-material damage such as pain and fear suffered by others. However, in addition to the insurance obligation specified in Article 30 of the Law on Occupational Safety and Health, rule-books do not prescribe the amounts for which employees should be insured; they are often referred to a settlement with the employer or to litigation, which is mentioned in Article 112 of the Labour Code (para 1, item 4).

Number of occupational injuries and diseases covered by social security schemes

The statistics on occupational injuries and occupational diseases are presented in Chapter 19, Statistics of occupational injuries and occupational diseases.

53 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

► 13. Support mechanisms for disadvantaged groups of workers

With the exception of the Rulebook on protection at work, issues to be regulated by the employment contract,⁵⁴ regulations governing labour and labour relations, as well as occupational health and safety in Montenegro, no special attention is paid to employees in micro, small and medium-sized enterprises, the self-employed, or migrants. The legal regulations apply to all entities equally and no special support is provided for these groups.

The Rulebook on protection at work issues to be regulated by the employment contract defines in more detail the occupational safety and health issues to be regulated by a contract with an employer with fewer than 20 employees. This Rulebook obliges an employer with fewer than 20 employees to include occupational safety measures in the employment contract. It also regulates the manner of implementing professional occupational safety activities, the manner of determining and checking the health status of an employee working at a workplace with increased risk or in special working conditions, the manner of training and checking competence for safe work, and the use of means of work and personal protective equipment.

► 14. Support mechanisms for women workers

Special arrangements for reproductive health and maternity care

In Montenegro, great attention is paid to the protection of reproductive health, motherhood and offspring, and Article 69 of the Constitution of Montenegro⁵⁵ states that children, pregnant women, the elderly, and persons with disabilities have the right to health care from public revenues.

Article 17 of the Labour Code⁵⁶ emphasizes that an employed woman has the right to special protection during pregnancy and childbirth. Article 50 states that a pregnant woman, an employee who has a child under five years of age and a single parent who has a child under seven years of age, an employed parent, adoptive parent or foster parent, or a guardian who has a child with disabilities and an employed person with a disability, may not be assigned to work in a place other than their place of residence without their written consent. Article 121 prevents discrimination and stipulates that an employer may not refuse to conclude an employment contract with a woman due to pregnancy, nor may it suggest to her an amendment to the employment contract due to unfavourable conditions due to pregnancy, birth or breastfeeding. The same article states that the employer cannot condition the establishment of employment – that is, conclusion of an employment contract – by proof of pregnancy, unless it is for a job where there is a significant risk to the health of women and children determined by the competent health authority. According to Article 122, pregnant women are entitled to one day off from work during the month to undergo prenatal examinations. Article 123 stipulates that an employer may not terminate an employment contract with a pregnant employee while exercising the right to maternity and parental leave. Article 124 should be emphasized, as it prescribes the employer's obligation to offer reassignment to another job to pregnant or breastfeeding women if their jobs may endanger their own life or the health of the child or unborn child. If the employer is not able to provide her with another suitable job, the employed woman has the right to a leave of absence and remuneration equal to the salary that she would have earned if she had still been at her workplace. Article 125 prohibits night and overtime work for pregnant women, an employee who has recently given birth and an employee who is breastfeeding, as well as women who have a child under the age of three. Article 129 prescribes a break for breastfeeding a child for two hours a day, until the child reaches the age of one.

Article 14 of the Law on Protection and Health at Work⁵⁷ obliges the employer to provide special protection and health at work for employed women during pregnancy. More detailed protection mechanisms are given in the Rulebook on measures for protection and health in the work environment.⁵⁸ Article 8 of the Rulebook stipulates that the employer, in addition to the measures for protection and health at work laid down in Articles 3 to 6, are supposed to ensure that pregnant women, mothers and nursing mothers are not exposed to dangerous and harmful substances, work procedures and working conditions, if the risk assessment shows an

55 Official Gazette of Montenegro, No. 1/2007 and 38/2013 - Amendments I-XVI.

56 Official Gazette of Montenegro, No. 74/2019.

57 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

58 Official Gazette of Montenegro, No. 104/20.

unacceptable risk to her health and the health of the child. Articles 8 and 9 provide an extensive list of physical, chemical and biological risks, as well as working conditions that may adversely affect the health of pregnant women, mothers, nursing mothers and children. The appendix to the Rulebook contains an obligation on the part of the employer to provide pregnant women, mothers and nursing mothers with an opportunity to lie down and rest in appropriate conditions. This Rulebook implements Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

The Rulebook on the manner and procedure of the workplace risk assessment⁵⁹ pays special attention to the protection of pregnant and breastfeeding women, and contains a special form for workplace risk assessment of these categories, as well as a list of factors and working conditions under which pregnant and breastfeeding women may not be assigned to work.

Special arrangements for other special needs of women workers, including transportation for night workers, or adjustment needs due to body size differences

As already pointed out, in the regulations in the field of labour and labour relations in Montenegro, special attention is paid to the protection of women, reproductive health, motherhood and offspring. With a view to adjusting load weights to the physical strength of this population, Article 5 of the Rulebook on protection measures during manual handling of goods⁶⁰ stipulates that the cumulative weight of loads lifted and carried by women may not exceed 4,000 kg during eight hours of work. Also, this article instructs the employer to organize the work so that pregnant women, mothers and nursing mothers do not carry weight manually. Also, Appendix No. 2, item 2 contains a table which sets out the maximum permissible mass for manual handling of goods for women workers in relation to their age. This Directive incorporates Council Directive 90/269/EEC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

59 Official Gazette of the Republic of Montenegro, No. 43/07 I 14/14.

60 Official Gazette of Montenegro,, No. 29/15.

► 15. Coordination and collaboration mechanisms at the national level

According to the Regulation on the Organization and Manner of Work of the State Administration (Official Gazette of Montenegro, No. 118/20 121/20 001/21, 002/21, 029/21, 034/21), Article 11, the Ministry of Economic Development is responsible for protection and health at work. According to the mentioned article, the Ministry, among other things, performs administrative tasks related to the following: preparation of regulations in the field of labour relations, protection and health at work; labour and employment market; salaries and other incomes from work and on the basis of work; and protection of Montenegrin citizens at work abroad. As the area of protection and health at work is related to a large number of other areas and in order to develop protection and health at work in a coordinated manner in other areas of interest, the Government of Montenegro adopted the Strategy for Improving Protection and Health at Work in Montenegro 2016–2020 with the Implementation Action Plan. The document was developed by a working group consisting of representatives of all stakeholders, as well as experts in this field. The strategy defines the main challenges and key strategic goals. This document is the starting point for the adoption of regulations in all areas that, among other things, regulate the field of protection and health at work. The Ministry of Economic Development, as the key implementing agency of occupational safety and health policy in Montenegro, participates in the adoption of regulations from other areas by giving its approval (or otherwise). The process of giving consent implies the harmonization of regulations within the competence of another ministry with the current OSH regulations, as well as with the Strategy for Improving Protection and Health at Work in Montenegro. The process itself is often time consuming because solutions are reached through multiple iterations. However, this process is important in many ways. Its importance is reflected in the creation of regulations that are in accordance with existing and planned regulations, but also in the promotion of a culture of protection and health at work. After obtaining consent, in the case of a law, the draft law is sent to the Secretariat for Legislation, which once again checks the compliance of the proposed law with the regulations in force. After harmonization of the proposal with the Secretariat for Legislation, the draft law is sent to the Social Council, committees in the Parliament of Montenegro and then to the Parliament to consider its adoption.

Occupational safety and health rulebooks are adopted by the Ministry of Economic Development at the proposal of the Directorate for Labour, Section for Protection and Health at Work. Depending on the area regulated by the bylaw, the Section for Protection and Health at Work forms a working group in which, in addition to representatives of the Ministry of Economic Development, representatives of other ministries participate. They also help to draft regulations. For example, the Ministry of the Interior deals with regulations governing explosive environments, while the Ministry of Ecology, Spatial Planning and Urbanism deals with temporary and mobile construction sites, chemical substances, asbestos and so on. Representatives of the Directorate for Inspection Affairs, other institutions (such as the Institute for Development and Research in the Field of Occupational Safety; the Centre for Ecotoxicological Research and the Institute of Public Health for Biological Substances) and the NGO sector (Association of Occupational Safety of Montenegro) participated in all working groups drafting regulations. Also,

the NGO Association of Young People with Disabilities of Montenegro and the NGO Roditelji. me participated in the preparation of the Rulebook on the workplace, disabled persons, pregnant women, nursing mothers and mothers.

Coordination and collaboration mechanisms at enterprise level

Montenegrin legislation does not define specific mechanisms for coordination and cooperation at the enterprise level. As already pointed out, in Montenegro there is no obligation on the part of the employer to establish a Committee for Occupational Safety and Health to coordinate activities in this area at the company level. The current Law on Protection and Health at Work⁶¹ in Article 26 prescribes: "Employees of the employer have the right to elect one or more employee representatives. The selection procedure, the manner of work and the number of employee representatives at the company, as well as their relationship with the trade union are regulated by a collective agreement." Article 24 of the Law states that "Employer, employees, employee representatives and trade unions are obliged to cooperate in the process of determining their rights, obligations and responsibilities related to protection and health at work".

61 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

► 16. Technical standards, codes of practice and guidelines on occupational safety and health

Technical standards, codes of practice and guidelines for protection and health at work in Montenegro are governed by regulations. Rulebooks regulating occupational safety and health are issued by the Minister of Economic Development. In the drafting of the OSH rulebooks, special attention is paid to the involvement of all interested parties, so automatically one place in the working group is allotted to SWAM. Depending on the area regulated by the rulebook, the working group includes representatives of other ministries, experts in the area regulated and representatives of non-governmental organizations. As Montenegro pays special attention to EU integration, when drafting the rulebook, the starting point is the standards applied in the EU for the regulated area. Almost all regulations adopted after 2014 are transposing EU standards. Some of the regulations created before 2014 have built-in EU norms but are not fully harmonized with EU directives. However, a significant number of regulations that were created more than 50 years ago are still in force and they should be updated in the foreseeable future.

Table 16.1 Overview of transposed EU directives in occupational safety and health

EU Directive	Fully transposed	Partially transposed	Intended to be transposed soon
Directive 89/391 – OSH “Framework Directive”	Law on Protection and Health at Work (Official Gazette of Montenegro No. 34/2014 and 44/2018)		
Directive 2009/104/EC – use of work equipment	Rulebook on protection measures when using means of work (Official Gazette of Montenegro No. 27/15)		
Directive 99/92/EC – risks from explosive atmospheres	Rulebook on protective measures against the risk of exposure to explosive atmospheres (Official Gazette of Montenegro No. 27/17)		
Directive 92/58/EEC – safety and/or health signs	Rulebook on signs for protection and health at work (Official Gazette of Montenegro No. 24/15)		
Directive 89/656/EEC – use of personal protective equipment	Rulebook on the use of personal protective equipment at work (Official Gazette of Montenegro No. 40/15)		
Directive 89/654/EEC – workplace requirements	Rulebook on protection and health at the workplace (Official Gazette of Montenegro No. 40/15)		

EU Directive	Fully transposed	Partially transposed	Intended to be transposed soon
Directive 91/322/EEC; 2000/39/EC; 2006/15/EC; 2009/161/EU; 2017/164/EU ;2019/1831 - indicative occupational exposure limit values			
Directive 2009/148/EC – exposure to asbestos at work	Rulebook on occupational safety measures against the risk of exposure to chemical substances (Official Gazette of Montenegro No. 81/16)		
Directive 2004/37/EC – carcinogens or mutagens at work	Rulebook on occupational safety measures against the risk of exposure to asbestos (Official Gazette of Montenegro No. 14/17)		
Directive 98/24/EC – risks related to chemical agents at work	Rulebook on measures for protection and health at work from the risk of exposure to carcinogenic or mutagenic substances (Official Gazette of Montenegro No. 060/16, 11/17, 43/18, 20/19)		
Regulation (EC) No. 1272/2008 – classification, labelling and packaging of substances and mixtures (CLP)		Regulation (EC) 1272/2008 (CLP) with accompanying amendments (ATP) has been transposed through: Law on Chemicals (Official Gazette of Montenegro No. 51/17), Rulebook on the manner of classification, packaging and labelling of chemicals in accordance with the global harmonized UN system (Official Gazette of Montenegro No. 85/17) and the Rulebook on the List of Classified Substances (Official Gazette of Montenegro No. 11/18, 63/20).	

EU Directive	Fully transposed	Partially transposed	Intended to be transposed soon
Regulation (EC) No 1907/2006 – Registration, Evaluation, Authorization and Restriction of Chemicals (REACH)		National legislation is partially in line with Regulation (EC) 1907/2006 (REACH). A higher degree of compliance with the provisions of REACH and the annexes that are subject to harmonization was achieved by adoption of the Law on Chemicals (Official Gazette of Montenegro No. 51/17) and the accompanying rulebooks. Provisions regarding the preparation and content of the Safety Data Sheet (Annex II, REACH with amendments) have been transposed into national legislation by the Rulebook on the content of the Safety Data Sheet for chemicals (Official Gazette of Montenegro, No. 81 / 17,21 / 19). EC decisions on substances subject to the authorization procedure (Annex XIV, REACH) have been transposed in the form of the Rulebook on the list of substances of very high concern (Official Gazette of Montenegro No. 65/17).	
Directive 2003/10/EC – noise	Rulebook on measures for protection and health at work from the risk of noise exposure (Official Gazette of Montenegro, No. 37-16)		
Directive 2002/44/EC – vibration	Rulebook on measures for protection and health at work from the risk of exposure to vibrations (Official Gazette of Montenegro, No. 24-16)		
Directive 90/270/EEC – display screen equipment	Rulebook on measures for protection and health at work when using equipment with screens (Official Gazette of Montenegro, No. 16-16)		
Directive 90/269/EEC – manual handling of loads	Rulebook on protection measures during manual transfer of cargo (Official Gazette of Montenegro, No. 29/15)		

EU Directive	Fully transposed	Partially transposed	Intended to be transposed soon
Directive 2000/54/EC – biological agents at work	Rulebook on occupational safety measures against the risk of exposure to biological substances* (Official Gazette of Montenegro, No. 62/2017)		
Directive 2003/88/EC – working time	Labour Code (Official Gazette of Montenegro, No. 74/19)		
Directive 94/33/EC – young workers	Rulebook on protection and health at the workplace (Official Gazette of Montenegro, No. 40/15) and the Labour Code (Official Gazette of Montenegro, No. 74/19)		
Directive 92/85/EEC – pregnant workers	Labour Code (Official Gazette of Montenegro, No. 74/19); Law on Protection and Health at Work (Official Gazette of Montenegro, No. 34/2014 and 44/2018); Rulebook on measures for protection and health at work in the working environment (Official Gazette of Montenegro, No. 104/20); Rulebook on the manner and procedure of risk assessment at the workplace (Official Gazette of the Republic of Montenegro, No. 43/07)		
Directive 92/57/EEC – temporary or mobile construction sites	Rulebook on planned measures for protection and health at work (Official Gazette of Montenegro, No. 38/19); Rulebook on safety measures at work on temporary and mobile construction sites (Official Gazette of Montenegro, No. 20/19)		
Directive 96/71/EC concerning the posting of workers			It will be transposed through the Law on Aliens (by the end of 2021)

EU Directive	Fully transposed	Partially transposed	Intended to be transposed soon
Directive 2002/14/EC – informing and consulting employees	Not transposed		
Directive 2009/38/EC – European Works Council	Not transposed		
Directive 2008/104/EC – temporary agency work	Labour Code (Official Gazette of Montenegro, No. 74/19)		
Directive 2006/54/EC – equal opportunities	The part under the jurisdiction of the Ministry of Labour and Social Welfare has been transposed through the Labour Code (Official Gazette of Montenegro, No. 74/19)		The part under the jurisdiction of the Ministry of Human and Minority Rights will be transposed through amendments to the Law on Prohibition of Discrimination
Directive 2000/78/EC – equal treatment	Law on Employment Negotiation and Unemployment Rights (Official Gazette of Montenegro, No. 24/2019)		

► 17. Educational and awareness-raising arrangements to enhance preventive safety and health culture, including promotional initiatives

National Safety Day activities

The Safety at Work Association of Montenegro, which has 160 members, is highly active in all aspects of raising awareness of the importance of preventive activities in the field of occupational safety. The association has repeatedly proposed that the Ministry of Labour and Social Welfare and the Government of Montenegro declare a National Day of Occupational Safety and Health in Montenegro, but to date no suitable day has been chosen.

As part of its activities aimed at spreading the culture of occupational safety and health, this Association, in cooperation with the Ministry of Labour and Social Welfare and the ILO, traditionally organizes the celebration of the World Day for Safety and Health every 28 April, starting in 2015. On that first occasion in 2015, the Association, with the help of authorized member organizations, organized free control of electrical installations and lightning protection installations in kindergartens, primary and secondary schools in Montenegro (48 facilities). In the following years, the World Day for Safety and Health at Work has been observed by organizing seminars and conferences at which, in addition to members of the Association, representatives of the Ministry of Labour and Social Welfare of Montenegro, the Directorate for Inspection Affairs, the EU-OSHA, the ILO, the employers' association and trade Unions also participated. Representatives of the Association point to the gathering organized on 28 April 2018 under the title "Safety and health at work for all actors in the work process" as an illustration of the celebration of the World Day for Safety and Health at Work (Photo 17.1). World Day for Safety and Health at Work 2020, in line with the epidemiological situation, was organized online, as a regional conference attended by 47 participants from all Balkan countries, as well as representatives of the ILO and the World Health Organization.

Photo 17.1 Celebration of the World Day for Safety and Health at Work on 28 April 2018, Podgorica



In addition to the World Day for Safety and Health at Work, the Association also celebrates the EU Week for Safety and Health at Work every year during the last week of October. The EU Week is celebrated by seminars and conferences, but also by guest appearances on television programmes. Representatives of the Association emphasize the celebration of the EU Week for Safety and Health at Work on 27–30 October 2017, when they organized a large international conference “Building protection for the XXI century”. According to the representatives of the Association, it was the largest conference in the field of Safety and Health at Work ever organized in Montenegro. According to their information, over 150 experts from Montenegro, Serbia, Slovenia, Great Britain, Croatia, Bulgaria, Albania, Macedonia and Kosovo participated in the conference. Representatives of EU OSHA from Bilbao and IOSH from Great Britain also participated.

National safety awards

The Safety at Work Association of Montenegro has been planning to launch a national award for exceptional achievements in occupational safety and health for many years, but because of the Association’s limited financial resources, it wasn’t possible to do it until this year. The plan is to announce a call in December 2020 to nominate companies and individuals who have achieved exceptional results in occupational health and safety. According to the plan, based on the decision of the commission, on 28 April 2021, three awards were to be given to the companies and individuals who have made the greatest contributions to protection and health at work.

OSH education in secondary schools/vocational schools/universities

Based on information obtained from Mirza Gargović, an independent advisor at the Ministry of Education of Montenegro, there are currently no separate OSH subjects in the programmes of secondary schools. In secondary schools, occupational safety is taught in part through vocational subjects. In the case of students who receive practical instruction in companies, the employer is obliged to familiarize them with occupational safety and health measures before introducing them to the work process itself. Considering the importance of this area, but also the Strategy for Improving Occupational Safety and Health in Montenegro 2016–2020,⁶² Gargović expects that occupational safety and health will soon be even more deeply embedded in high school education programmes.

List of state-level OSH training systems

Montenegro has a well developed system of university education and teaching takes place at four accredited universities and four faculties:

- » University of Montenegro, state institution of higher education (www.ucg.ac.me)
- » University of the Mediterranean, private institution of higher education (www.unimed-iteran.net)

⁶² Strategy for the improvement of occupational safety and health in Montenegro 2016–2020 with Action Plan for implementation in point 7.1.3 envisages “Raising awareness of the importance and gradual introduction of OSH in the education system of Montenegro.”

- » University of Donja Gorica, private institution of higher education (www.udg.edu.me)
- » Adriatik University, private institution of higher education (www.univerzitetadriatik.com)
- » Faculty of Montenegrin Language and Literature, state independent institution of higher education (www.fcjk.me)
- » Faculty of Administrative and European Studies, private independent institution of higher education (www.fdes.me)
- » Faculty of Business Management, private independent higher education institution (www.fpm.me)
- » Faculty of International Management in Tourism and Hospitality Management, private independent higher education institution (www.hecmontenegro.com)

In Montenegro's higher education system, within the framework of technical education, there are almost no separate courses dealing with occupational safety and health. The exception is the Faculty of Civil Engineering of the University of Montenegro, which offers Occupational Safety in the undergraduate "Management in Civil Engineering" course. In its master's course in Civil Engineering the same faculty has "Occupational safety in the realization of construction facilities". At other technical faculties, this area has been incorporated into other subjects, so the number of classes dedicated to occupational safety and health cannot be significant. It should be noted that teaching in the field of occupational health and safety takes place at the Medical Faculty of the University of Montenegro within the subject "Hygiene and Occupational Medicine", which is studied in integrated academic studies of medicine. Also, at the Medical Faculty of the University of Montenegro, within the College of Medicine, "Hygiene with epidemiology" is studied, and one of the twelve learning outcomes of that subject is "Knows the basic measures of safety at work".

Bearing in mind the lack of specialized OSH programmes, training courses in this field are very important in the education of professionals in these profiles. The Safety at Work Association of Montenegro is especially active in the organization of these courses.

► 18. Specialized technical, medical and scientific institutions with linkages to various aspects of occupational safety and health, including research institutes and laboratories

Montenegro does not have specially developed technical, medical and scientific institutions related to various aspects of occupational safety and health. Concerning technical institutions dealing with occupational safety and health, the authorized institutions for the provision of OSH services should be mentioned; concerning laboratories, a number of authorized institutions provide services in the area of work environment testing.

List of authorized organizations for occupational safety and health

1. Institut za razvoj i istraživanja u oblasti zaštite na radu
2. Institut za crnu metalurgiju A.D.
3. Centar za ekotoksikološka ispitivanja-CETI
4. Elektroprivreda Crne Gore AD
5. Inginspekt D.O.O.
6. Tehno - Control D.O.O.
7. Montinspekt D.O.O.
8. MMK Control D.O.O.
9. Institut sigurnost D.O.O.
10. JU Srednja elektrotehnička škola "Vaso Aligrudić"
11. JU Srednja stručna škola Rožaje
12. Lučić VM D.O.O.
13. VU-TI Inženjering D.O.O.
14. ING Promicom D.O.O.
15. Rajrad D.O.O.
16. Spinel D.O.O.
17. Elektrocentar Lekić D.O.O.
18. Komunalne usluge D.O.O.
19. Lars fire D.O.O.
20. Pro Inspect++ D.O.O.
21. JZU Dom zdravlja Podgorica
22. Simes inženjering D.O.O.
23. Liming projekt D.O.O.
24. NCG Inženjering D.O.O.
25. INZA Institut za upravljanje rizicima i naučnoistraživački rad D.O.O.
26. Fimal D.O.O.
27. Bastion D.O.O.
28. Decom Montenegro D.O.O.

29. 3Z Inženjering D.O.O.
30. D&D Ing D.O.O.
31. Hotels Group Montenegro Stras D.O.O.
32. Crnogorski elektrodistributivni sistem - CEDIS Podgorica
33. Montecontrol D.O.O.
34. POP Projekt D.O.O.
35. Bezbjednost D.O.O.
36. ZOPT D.O.O.
37. PAVONIK ENERGY DOO
38. KVADRAT D.O.O.
39. IVKON D.O.O.
40. VOIP
41. MAM-ZAŠTITA NA RADU D.O.O.
42. PORTONOVİ RESORT MANAGEMENT COMPANY D.O.O.
43. COORDINATOR D.O.O.

List of organizations that provide services in the field of work environment testing in Montenegro

1. Institut za razvoj i istraživanja u oblasti zaštite na radu
2. Institut za crnu metalurgiju A.D. Nikšić
3. Centar za ekotoksikološka ispitivanja CETI
4. Inginspekt D.O.O.
5. Tehno-control D.O.O.
6. Montinspekt D.O.O.
7. MMK Control D.O.O.
8. Institut Sigurnost D.O.O.
9. NCG Inženjering D.O.O.
10. INZA - Institut za upravljanje rizicima i naučnoistraživački rad D.O.O.
11. Crnogorski elektrodistributivni sistem - CEDIS
12. Montecontrol D.O.O.
13. ZOPT D.O.O.
14. D&D ING D.O.O.
15. COORDINATOR D.O.O.

List of academic institutions related to occupational safety and health

As already pointed out in the chapter on education in Montenegro, there are no university programmes that lead to a degree in occupational safety and health. The only institution that has a clear academic affiliation is the Institute for Development and Research in the Field of Protection at Work. It is the only institute that deals with this area in Montenegro. It was founded in 1969 as the Department of Energy, which operated as a unit within the Technical Faculty in Titograd (later renamed Podgorica). After several organizational changes, in 2000 it was formed under the current name by the University of Montenegro and the Government of the

Republic of Montenegro. The Institute's activities are focused mainly on providing occupational safety and health services to employers. The Institute's website (www.institutrz.com) does not mention participation in scientific research projects or in the educational process within the University of Montenegro.

Non-governmental OSH organization

The Safety at Work Association of Montenegro, which has 160 members (www.uznr.me), is very active in occupational safety and health. They have requested official recognition of their advisory role in decisions taken by the Ministry of Labour in the area of occupational safety and health. It should be noted that the Association is active not only in Montenegro but also in the region of Southeast Europe. As almost all the most eminent experts in occupational safety and health are members of the association, it has a great impact on the development of occupational safety and health in Montenegro.

In addition to SWAM, other non-governmental organizations are occasionally active in this area, for which occupational safety and health is not the only focus. In 2019, the Ministry of Labour and Social Welfare allocated €120,000 for occupational health and safety projects, which it distributed to relevant projects, submitted by seven NGOs. According to the Ministry of Labour and Social Welfare within their project "Building protection and health at work for the XXI century", during the course in 2020 €199,935 was spent on 11 NGO projects:

1. Multimedijal Montenegro – Bijelo Polje project – "Building without injuries"
2. Centar kreativnih vještina – Berane project – "Safety at work – benefits for all"
3. Udruženje zaštite na radu Crne Gore – Podgorica project – "Build knowledge – protect yourself"
4. Građanska inicijativa mladih – Rožaje project – "Everyone has the right to a healthy job"
5. Za ljudska prava i jednakost – Podgorica project – "Protecting health at work"
6. Preventivno-edukativni centar – Podgorica project – "Build and protect health first"
7. Centar za istraživačko novinarstvo Crne Gore (CIN-CG) – Podgorica project – "How safe are workers on our construction sites?"
8. Razvojni centar – Bijelo Polje project – "For dignified and safe work in construction"
9. Asocijacija za demokratski prosperitet, ZID – Podgorica project – "Building a healthy environment for builders"
10. Siguran put – Podgorica project – "Youth of the XXI century build protection and health at work"
11. Ženska alijansa za razvoj – Nikšić project – "Safety and security for all employees and at all times".

► 19. Company personnel involved in occupational safety and health

As already mentioned, in Montenegro there is no obligation on employers to establish a Committee for Occupational Safety and Health to coordinate activities in this area at the company level. Article 38 of the current Law on Protection and Health at Work⁶³ prescribes that employers, within the framework of occupational safety and health, are obliged to:

- designate an expert;
- organize a professional service for protection and health at work;
- hire a legal entity or business with the authority to perform professional OSH activities

In addition, Article 26 of the Law on Protection and Health at Work stipulates that company employees have the right to elect one or more employee representatives for occupational safety and health.

Depending on the size of the organization, the qualification structure of the employees, but also the managers' OSH culture, the employer should opt for one of the mentioned possibilities.

63 Official Gazette of Montenegro, No. 34/2014 and 44/2018

► 20. Occupational injury and disease statistics

Occupational injury statistics

In the event of occupational accidents, the employer is obliged immediately, and not later than 24 hours from the occurrence, to report in writing to the Labour Inspectorate any fatal, collective, severe and other occupational injury, which causes an employee's absence from work for more than three working days, as well as anything dangerous that could endanger the protection and health of employees, pursuant to Article 51 para 3 of the Law on Protection and Health at Work.⁶⁴ Also, according to the same article, the employer is obliged to issue a report on the occupational injury to the injured employee and the health institution where the employee was examined, by the deadline and on the form prescribed by the relevant act issued by the state administrative body responsible for health.

The Rulebook on the content and manner of issuing reports on occupational injuries regulates the process in relation to injuries at work. Article 2 states the content of the Report on Occupational Injury and Article 3 states that the Report is issued in four copies. Article 3 states that the Health Insurance Fund retains two copies and that the other copies are delivered to the company, which delivers one copy to the employee or the family of the injured employee. According to the available data, one copy of the report on occupational injury is archived in the Health Insurance Fund, which uses it for administrative purposes related to the exercise of health insurance rights. The second copy of the report on occupational injury is sent to the Ministry of Economic Development.

The Ministry of Labour and Social Welfare of Montenegro, within the Directorate of Labour, formed the Section for Protection and Health at Work in 2013. Among the many tasks of the Section for Protection and Health at Work, one is to collect and analyse data on occupational injuries.

The current form of the Report is based on the entry of free text for the most part without the use of codebooks, which complicates the analysis. In three fields, a code is required (cause of injury, source of injury and external cause of injury), but it is not stated which codebook is used. Because of these challenges Montenegro does not have data on the causes and other determinants of occupational injuries, which greatly limits the planning of activities to prevent occupational injuries.

According to the Section for Protection and Health at Work during 2018 the number of reported occupational injuries was 1,199; during 2019 there were 1,034 occupational injuries; and according to incomplete data, in 2020 there were 706 occupational injuries.

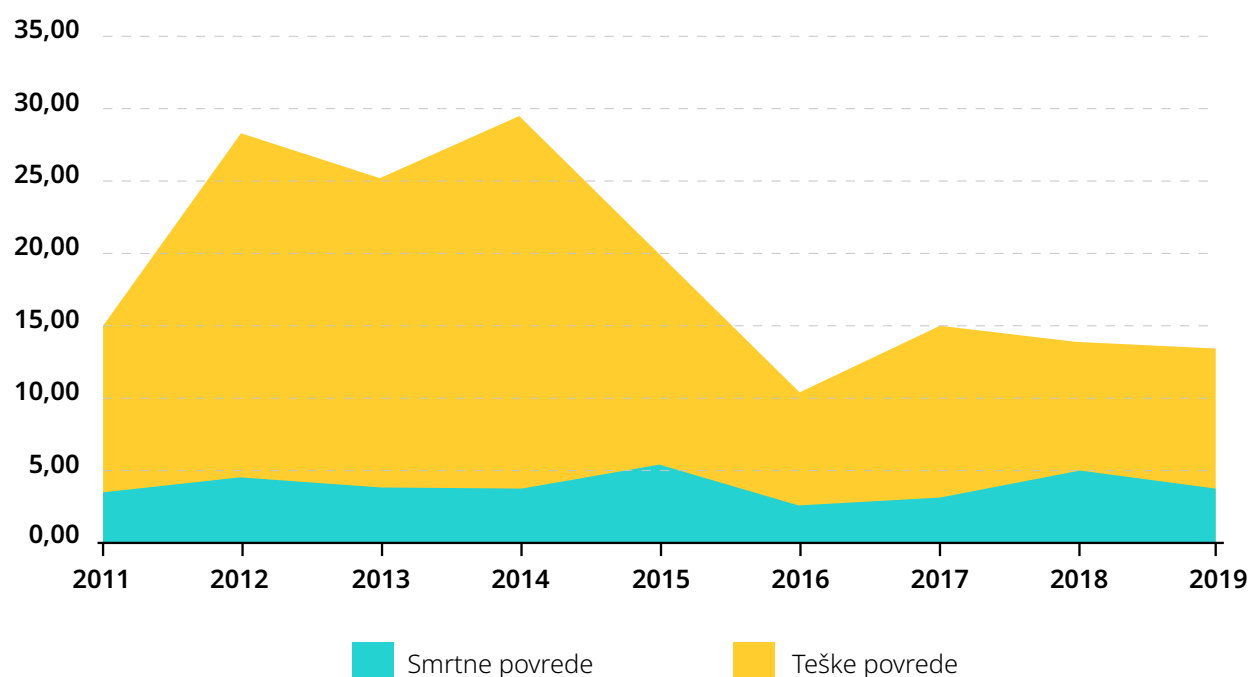
The Labour Inspectorate, which receives only reports of fatal, collective, and severe occupational injuries, also collects data on occupational injuries. Table 20.1 presents data on the number of fatal, severe, and collective occupational injuries in the period 2011–2019, and Figure 20.1 shows the number of fatal and serious occupational injuries per 100,000 employees for the period 2011–2019.

Table 20.1 Number of fatal, severe, and collective occupational injuries in the period 2011–2019.

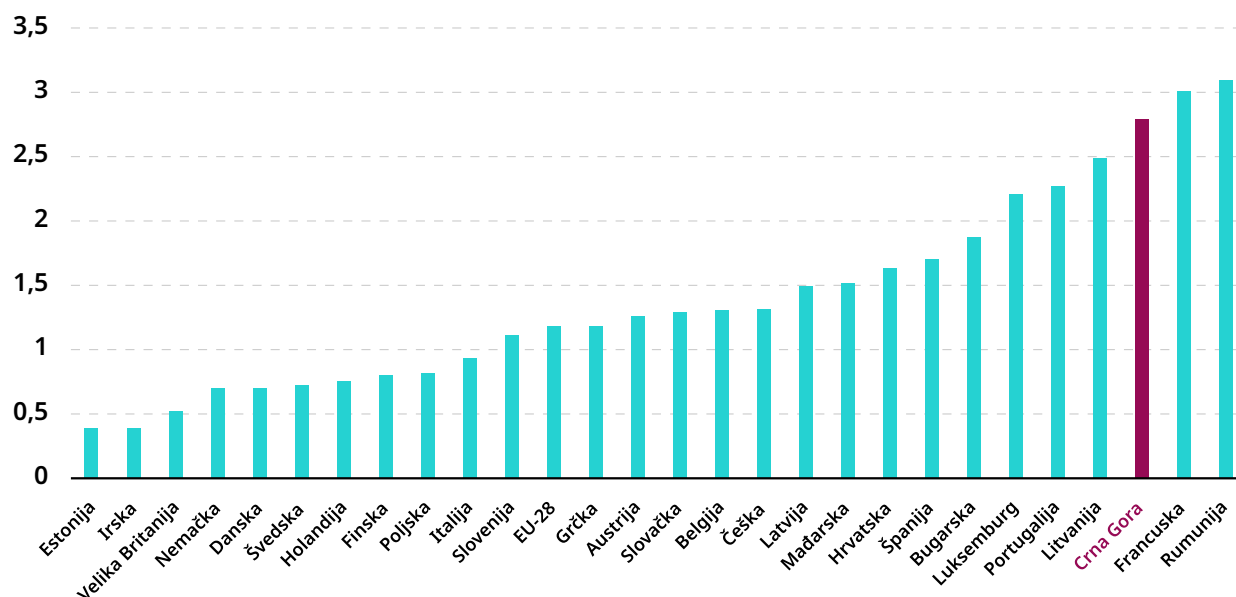
	2011	2012	2013	2014	2015	2016	2017	2018	2019
Fatal injuries	5	7	6	6	9	4	5	9	7
Severe Injuries	19	40	37	45	26	14	22	17	20
Collective injuries	1	2	1	2	1	3	0	2	0

Bearing in mind the limits arising from different legislation in the field of occupational injuries, comparison between the incidences of fatal occupational injuries in the European Union and Montenegro for 2017 shows that Montenegro has a fairly high incidence (Figure 20.2 Incidence of fatal occupational injuries expressed per 100,000 employees (2017) EU + Montenegro). In this comparison, it should be borne in mind that in 2016 and 2017, the lowest incidence of occupational injuries was registered in Montenegro.

Based on limited data on fatal injuries, it can be concluded that their incidence is quite high compared with other European Union countries.⁶⁵ If we start from the assumption that there is a correlation between the total number of occupational injuries and the number of fatal injuries, it can be concluded that there is a lot of room for prevention of occupational injuries in Montenegro.

Figure 20.1 Incidence of fatal and severe occupational injuries per 100,000 employees (2011–2019)

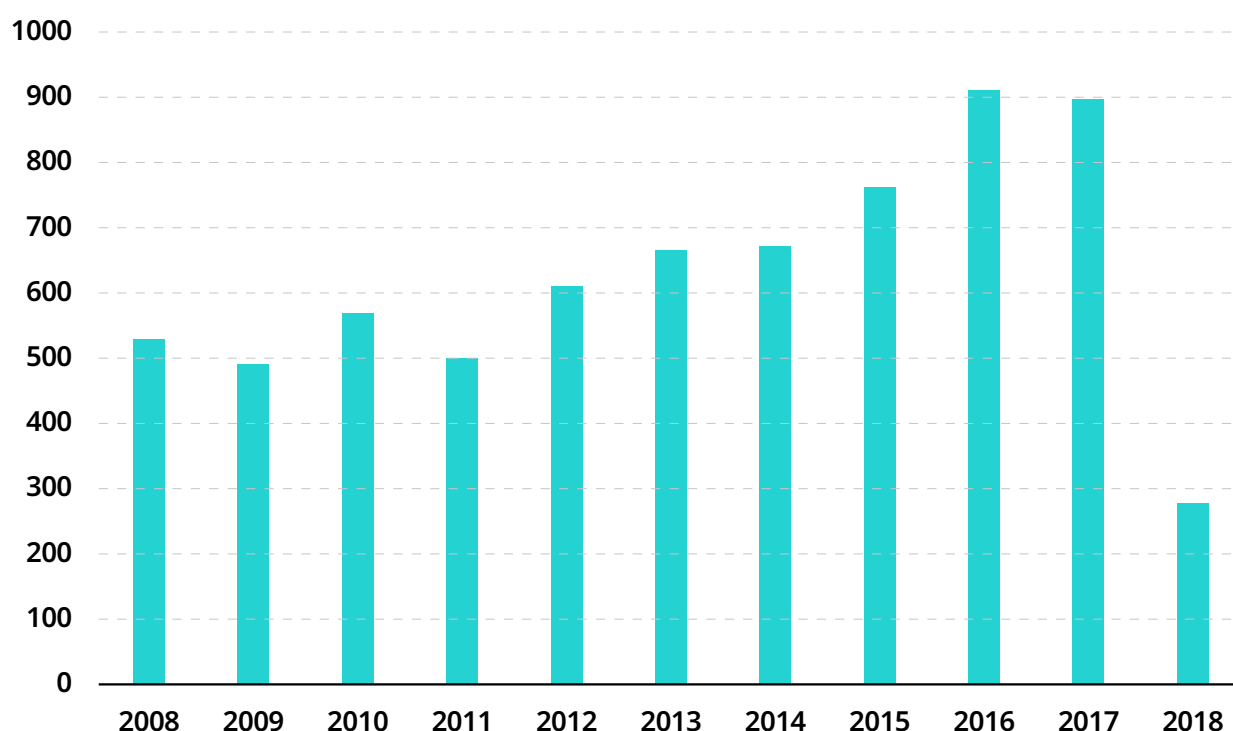
65 <https://www.hse.gov.uk/statistics/european/>

Figure 20.2 Incidence of fatal occupational injuries per 100,000 employees (2017), EU + Montenegro

The causes of occupational injuries can be analysed by using the data in the work report of the Labour Inspection, which states that in 2019 the most common causes of fatal, severe and collective occupational injuries were:

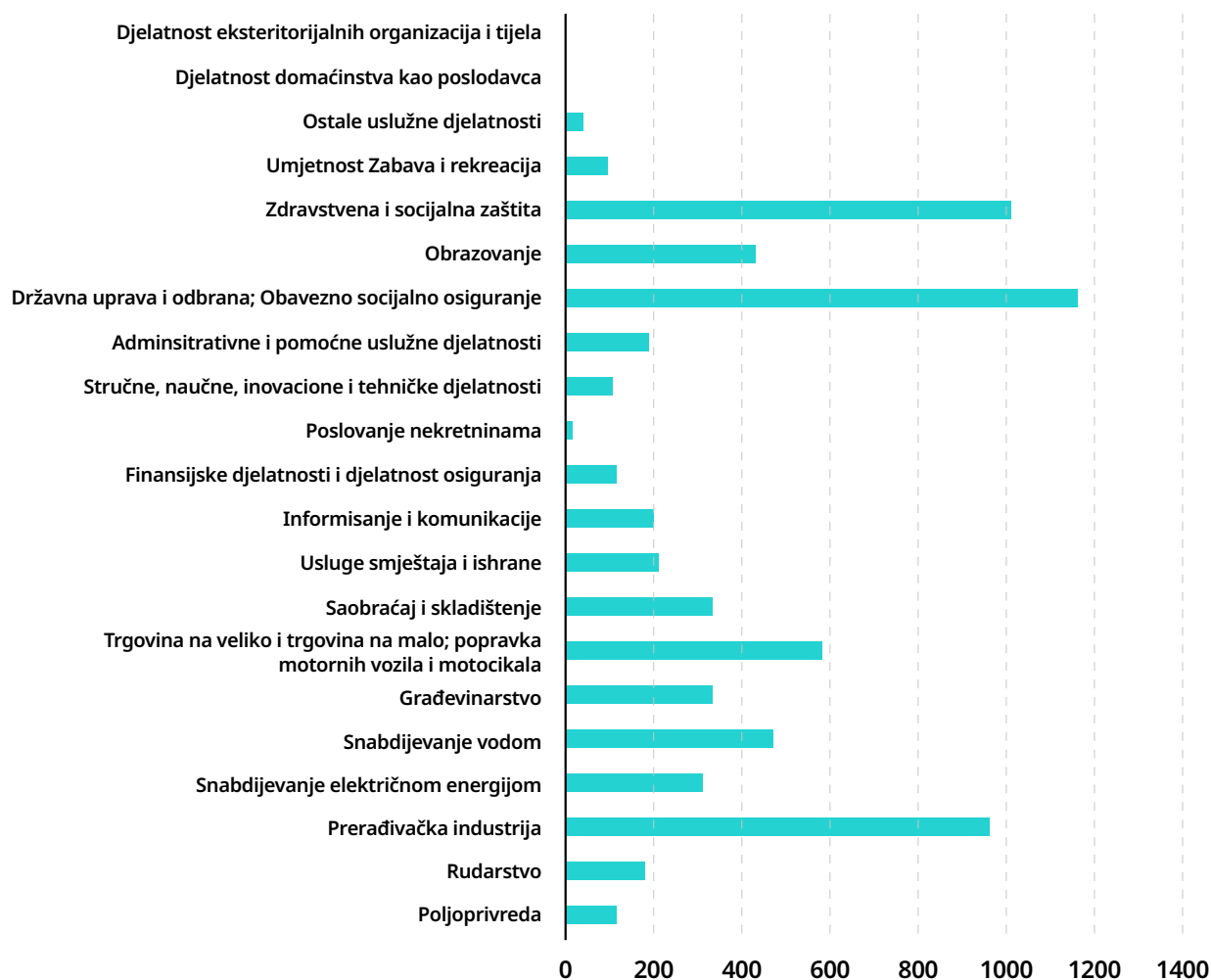
- non-application of safety and health measures at work (fall from height or depth, electric shock, impact / crushing by a tree);
- the employment of people not trained to work safely in the jobs they perform;
- the employment of people not previously tested for medical fitness;
- dilapidation of means of work.

Unofficial statistics from the specialist thesis of Dr Lejla Refka Dervišević, who collected data from the Health Insurance Fund on the number of injuries that caused absence from work for more than 15 days for the period from 2008 to 2018, can also be used to assess the situation with regard to occupational injuries. In the relevant period, according to the data of the Health Insurance Fund, there were 6,896 cases (on average 626 per year) with a strange decrease in the number of occupational injuries in 2018 (Number of occupational injuries 2008–2018).

Figure 20.3 Number of occupational injuries, 2008–2018

According to the Strategy for the improvement of occupational health and safety in Montenegro 2016– 2020 with an action plan for implementation in Montenegro there were 766 occupational injuries in 2011; 907 occupational injuries in 2012.; 815 occupational injuries in 2013; and 897 occupational injuries in 2014.

Based on unofficial statistics from the specialist work of Dr Lejla Refka Dervišević, which shows the number of occupational injuries in the period 2008–2018 according to the sector in which the injured are employed, it turns out that the largest number of occupational injuries was registered among employees in public administration, closely followed by health care. Paradoxically, although the construction industry has been extremely active in Montenegro in the past 10 years, the number of occupational injuries is lower than in the education sector (Figure 20.4 Number of occupational injuries 2008–2018 by sector).

Figure 20.4 Number of occupational injuries 2008–2018 by sector

Statistics on occupational diseases

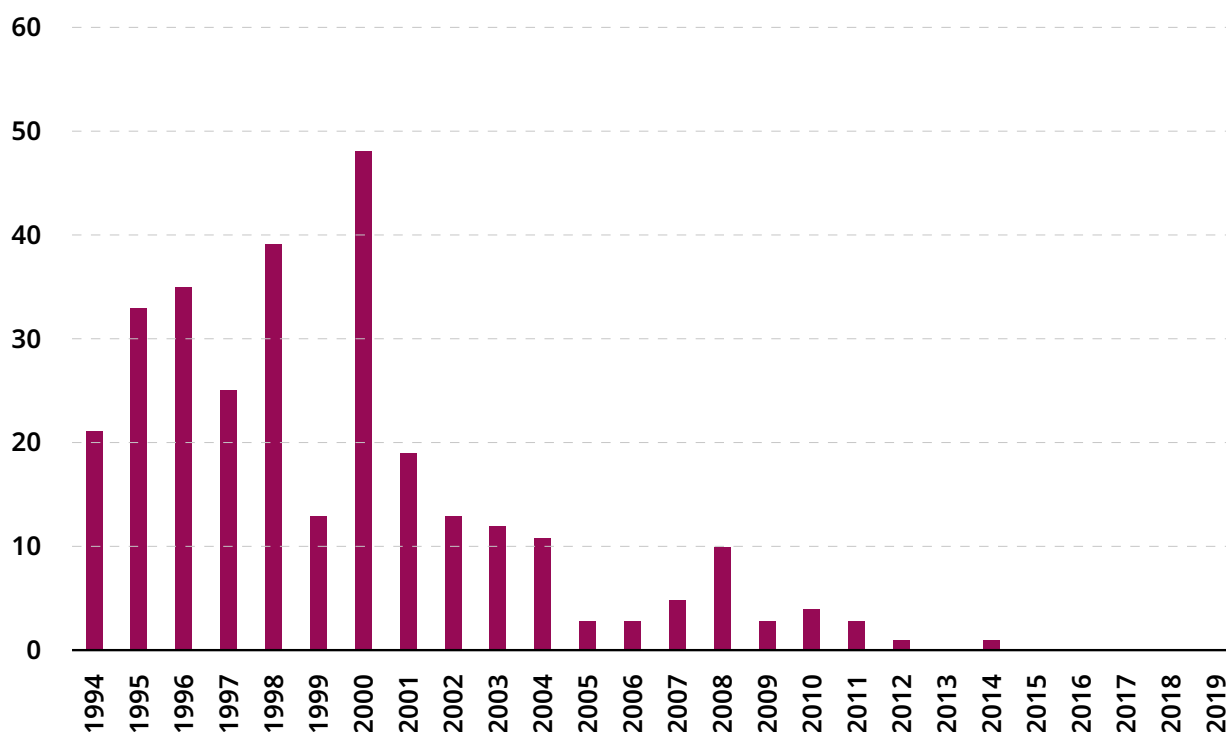
Article 36 of the Law on Pension and Disability Insurance establishes that occupational diseases are diseases that happen to employees with health insurance, caused by a longer direct impact of work processes and working conditions at workplaces, that is, jobs performed by the insured employees. Diseases that are considered to be occupational are defined by the 2004 Rulebook on the Determination of Occupational Diseases.⁶⁶ In addition to 56 diseases, the Rulebook also defines the jobs and workplaces at which disease occurs, as well as the conditions for recognizing a disease as occupational. The rulebook, but also other regulations, do not specify the procedure for determining an occupational disease; that is, the institutions that determine an occupational disease are not mentioned. There is also no form for reporting an occupational disease in the Rulebook. The Rulebook on keeping records in the field of occupational safety (Official Gazette of the Republic of Montenegro, 79/2004), Article 4, paragraph 2, states that employers shall keep records on occupational diseases by using the form 4 in the Rulebook. It should be noted that this rulebook refers only to the records kept by the employer and that form 4 does not apply to reporting of an occupational disease.

According to the available information, the determination of occupational diseases has been unofficially assigned to the Serbian Institute of Occupational Health, and confirmation in case of loss of working capacity has been performed by the Sector for Medical Expertise in Pension and Disability Insurance of the Pension and Disability Insurance Fund of Montenegro. According to the database of the Serbian Institute of Occupational Health on verified occupational diseases in patients from Montenegro in the period 1994–2019, a total of 302 cases of occupational disease were identified. The occupational diseases identified most often were as follows:

- » occupational vibration – 150 cases;
- » occupational bronchial asthma – 61 cases;
- » chronic intoxication with aluminium and fluorine – 29 cases;
- » occupational hearing loss – 23 cases;
- » occupational contact dermatitis – 15 cases.

In the period after 2012, there was a drastic drop in the number of notified occupational diseases at the Serbian Institute of Occupational Health, resulting in a negligible number of occupational diseases established in patients from Montenegro (Figure 20.5 Number of occupational diseases 1994–2019).

Figure 20.5 Number of occupational diseases, 1994–2019



Underreporting – root causes and estimated extent

The problem of underreporting of occupational diseases and occupational injuries in Montenegro cannot be considered or assessed for the following reasons:

- » There are no data on causes and other determinants, except for fatal, severe and collective injuries.
- » There is no register of occupational diseases, so it is impossible to determine their incidence and thus determine whether there is a problem of underreporting.
- » There is no defined procedure for determining an occupational disease.
- » The form of reports on occupational disease is not defined.

► 21. Industry-specific policies and programmes for hazardous occupations

Construction

As there are no precise data on occupational injuries and diseases in Montenegro according to sector of economic activities, there are no special specific programmes to protect employees. Because the construction sector is acknowledged as dangerous in most developed countries, as well as because of obligations in the EU accession process, the Ministry of Labour and Social Welfare, when amending the Law on Occupational Health and Safety, paid special attention to this sector. Also, during 2018 and 2019, rulebooks were adopted to further regulate this area.

Article 9 of the Law on Protection and Health at Work⁶⁷ points out that, during the construction, reconstruction or demolition of buildings, contractors must prepare a plan of protection measures, that is, a study on the organization of the construction site in accordance with a special law. Also, Article 22 stipulates that when two or more employers perform works on the same or joint construction site at the same time, each of them is obliged to organize the performance of works so that employees of one employer do not endanger the protection and health of employees of other employers. This article obliges all employers who perform work on the joint work site to conclude a special agreement on the organization and implementation of protection measures, as well as on mutual rights, obligations, and responsibilities before the start of work.

*Rulebook on safety measures at work on temporary and mobile construction sites*⁶⁸

This Rulebook prescribes the minimum requirements that employers must meet in taking measures of protection and health at work when performing work on temporary or mobile construction sites. The Rulebook defines protection measures and standards that shall be applied during the execution of various types of construction works.

*Rulebook on the plan of protection and health measures at work*⁶⁹

This rulebook prescribes the content of the plan of protection and health measures at work, which is drawn up during the construction, reconstruction, or demolition of buildings. The Rulebook includes general, textual and graphic parts (a situational plan is also drawn up, depending on the size of the construction site, at a scale of 1:100 to 1:1000 and, if necessary, may contain additional drawings or sketches).

*Rulebook on the conditions, programme, and manner of taking the professional exam for performing the duties of coordinator of protection and health at work in the phase of project development and of coordinator in the phase of carrying out work*⁷⁰

This Rulebook determines the conditions, programme and manner of taking the professional

67 Official Gazette of Montenegro, No. 34/2014 and 44/2018.

68 Official Gazette of Montenegro, No. 20/19 (This Rulebook implements Council Directive 92/57/EEC of 24 June 1992 on the application of minimum safety and health conditions on temporary or mobile construction sites).

69 Official Gazette of Montenegro, No. 38/19.

70 Official Gazette of Montenegro, No. 67/18.

exam for performing the duties of coordinator for protection and health at work in the project development phase and coordinator for protection and health at work in the phase of carrying out work, as well as the costs of taking these exams.

Agriculture

In international research, the agricultural sector is also recognized as a sector in which occupational injuries frequently occur, often with fatal outcomes, but apart from the Rulebook on special measures of protection at work in agriculture⁷¹ from 1968, there have been no new regulations. This rulebook, adopted more than fifty years ago, was created for the purpose of regulating occupational safety in large agricultural systems that generally no longer exist in Montenegro. In the current situation, dominated by individual farmers or small agricultural organizations, it has limited application.

► 22. Mechanisms to prevent industrial disaster, protect environment and promote public safety

The prevention of industrial disasters is regulated by the Law on the Environment.⁷² According to Article 39 of the Law, the operator of a Seveso plant – that is, a complex in which activities are performed in which one or more hazardous substances are present or may be present – is obliged to take all necessary measures to prevent a chemical accident and to limit the impact of such accidents on human life and health, as well as on the environment in order to create conditions for risk management. The operator of the Seveso plant is obliged to submit a notification to the Agency for Nature and Environmental Protection and prepare an Accident Prevention Plan. Depending on the quantities of hazardous substances – that is, the degree of accident risk – they must also prepare a Safety Report and Accident Protection Plan. Article 40 defines the content of the Accident Prevention Plan and Article 41 defines the content of the Safety Report and the Accident Protection Plan. Also, according to Article 41 of the Law, approval of the Safety Report and the Accident Protection Plan is given by the Agency for Nature and Environmental Protection. Pursuant to Article 41 of the Law, a Rulebook on the detailed content of the prevention plan and accident protection plan⁷³ was adopted, in which the detailed content of these plans is stated. Article 42 of the Law defines protection zones. According to the Article, in the immediate vicinity of industrial plants that have a negative impact on human health and the environment, planning documents determine protection zones in which the construction of residential buildings, schools and hospitals, as well as agricultural production are not allowed.

71 Official Gazette of Socialist Federative Republic of Yugoslavia, No. 34/68.

72 Official Gazette of Montenegro, No. 52/16.

73 Official Gazette of Montenegro, No. 67/16.

► 23. OSH policies and programmes of employers' and workers' organizations

OSH policies, programmes and activities of employers' organizations/companies

Recognizing the importance of occupational safety and health, the Union of Employers of Montenegro participated in the development of Montenegro's Law on Occupational Safety and Health. They made a significant contribution to ensure a high quality legal framework that reflects the importance of employee safety, EU directives and international standards in this area, as well as the interests of employers.

The Union of Employers of Montenegro has a history of cooperation and has participated in a number of activities with SWAM. It agreed a Memorandum of Understanding. Cooperation primarily involves exchanges of expert opinions regarding the application of regulations in the field of occupational safety and health; providing professional assistance to employers; encouraging and improving education and developing a work culture in the field of occupational safety and health; and education of employers and employees. Through joint activities such as public events, training and conferences, they have also raised public awareness in Montenegro.

It should be mentioned that the Service for Legal Affairs and Social Dialogue in the Union of Employers of Montenegro continuously informs its members about OSH issues, while providing legal advice to employers to enable them to apply the legal norms of the OSH Law properly and adequately and thus to protect employers and employees.

On the website of the Union of Employers of Montenegro there is a lot of material related to occupational safety and health, especially on doing business under the conditions of the Covid-19 pandemic. Publications that could be classified under occupational safety and health include:

- » Guide for employers on managing the working environment in the context of the Covid-19 pandemic (2020).
- » Guide for employers: working from home in response to the Covid-19 pandemic (2020).
- » Plan for maintaining business continuity in small and medium-sized enterprises in the conditions of the Covid-19 pandemic (2020).
- » Stronger social dialogue in the Western Balkans – focus on protection, safety and health at work (2016).
- » Promotion of equality and prevention of discrimination at work – Guide for employers (2014).
- » Inspection – Handbook for Employers (2011 in cooperation with the ILO).
- » Professional rehabilitation and employment of persons with disabilities according to international standards and regulations in Montenegro (2011).
- » Guide to the Labour Code – Employers' Obligations (2010 in cooperation with the ILO).

The Website of the Chamber of Commerce of Montenegro does not pay particular attention to occupational safety and health in the context of the Covid-19 pandemic. It should be noted that the Board of the Association of Construction and Construction Materials Industry, at its

session on 26 November 2019, discussed the Law on Protection and Health at Work and advocated raising protection to a higher level. Also, the Chamber of Commerce of Montenegro organized a seminar “Controlling stress in the workplace” at the beginning of February 2020.

OSH policies, programmes and activities of employees’ organizations

Two trade unions are especially active in occupational safety and health, the Confederation of Trade Unions of Montenegro and the Union of Free Trade Unions of Montenegro. Both organizations participated in the process of adopting the Law on Protection and Health at Work. In the process of passing the Law, as a special achievement, both trade unions point out that they fought to introduce an obligation on the part of employers to recognize an employee representative for protection and health at work, elected by the workers. Also, both unions are concerned about employees’ exposure to stress. CTUM points out that new forms of employment are giving rise to concerns that workers have to be available at any time and in any place because new technologies blur or erase traditional boundaries of working time and space. In their opinion, such “work without borders” is likely to produce stress even to the point of job burnout. They are particularly concerned about the possibility that the employer’s traditional responsibility for occupational safety and health will be shifted to the workers. The UFTUM also deals with the problems of stress at work, and they insisted that stress, or job burnout syndrome, should be included in the list of occupational diseases.

Independent activities of the Confederation of Trade Unions of Montenegro

According to a statement by CTUM, in addition to the mentioned activities, occupational safety and health was not given appropriate priority by the union until 2018. Since 2018, however, it has been at the top of the agenda. One of the first tasks was to work on raising awareness and practical education of members. CTUM points out that they have two permanent members in the network of the International Trade Union Confederation-Pan European Regional Council based in Sarajevo. In cooperation with them, through the Project “UNION to UNION” and with the help of Swedish unions, the first in a series of seminars on OSH topics was held. A seminar entitled “OSH knowledge as a basis for safe work” was held in December 2019, dedicated to general topics in this area.

Representatives of CTUM point out that, as part of the intensification of their activities in occupational safety and health, a memorandum of cooperation was signed with SWAM.

Independent activities of the Union of Free Trade Unions of Montenegro

In addition to the UFTUM activities already mentioned, this organization is struggling to cope with the lack of statistics on occupational injuries and diseases. Without this data, in UFTUM’s opinion, it is impossible to properly estimate the extent of problems in the field of occupational injuries and diseases.

UFTUM points out that they strongly favour updating the Ordinance on the identification of occupational diseases. The current ordinance originates from 2004 and basically defines a closed list of occupational diseases that prevents easy updating. They therefore propose the introduction of open or semi-open lists of occupational diseases. To date, however, they have not been given support for this proposal from the competent authorities.

This union also sees a problem in the inadequately resolved issue of occupational medicine in Montenegro. According to them, although strategic documents require the establishment of an Institute for Occupational Medicine, the Institute has not been established.

UFTUM, like CTUM, pays special attention to the education of employees in occupational safety and health.

► **24. Regular or ongoing activities related to occupational safety and health, including international collaboration**

Within the EU accession process, Montenegro is focused on the implementation of EU standards in all areas, including occupational safety and health. Full implementation of the Labour Code and the Law on Protection and Health at Work is one of the conditions for closing the negotiating Chapter 19 on Social Policy and Employment. Synchronized with this activity at the national level, the Strategy for the Improvement of Protection and Health at Work in Montenegro 2016–2020 is being implemented through an appropriate action plan.

This year, because of the Covid-19 pandemic, many of the planned educational activities have been redirected to online platforms. Paradoxically, also because of the pandemic, occupational safety and health has come to the forefront of public interest and the number of online OSH seminars and workshops was substantially higher in 2020 than in previous years.

Within the framework of the international cooperation of the Ministry of Economic Development, regular activities are carried out with international organizations such as EU-OSHA, the ILO and ESAP (Platform for Employment and Social Affairs funded by the European Commission and implemented by the ILO).

In addition, SWAM maintains regional cooperation with relevant associations within the BalcanOSH project.

► **25. Financial and budgetary resources related to occupational safety and health (central and local levels)**

Based on the available data, it was not possible to obtain a full overview of the financial resources available for occupational safety and health at the national and local community levels. The only reliable information is that the Ministry of Labour and Social Welfare, for 2019, allocated €120,000 for occupational safety and health programmes for seven NGOs, and for 2020 allocated funds in the amount of €199,935 for the project “Building protection and health at work for the XXI century!”, which financed 11 OSH promotion programmes conducted through NGO projects.

► 26. Analysis of gaps in existing national OSH systems and recommendations regarding action areas to be included in the National OSH Programme

Regulations

The legislative framework of Montenegro's OSH laws, the Law on Protection and Health at Work, the Labour Code and most OSH rulebooks is based on ILO Conventions, International Labour Standards, EU directives and the needs of Montenegro in this area. However, because OSH legislation is not yet completely harmonized with EU directives, there is room for further improvement. For example the regulation of jobs with special working conditions should be reconsidered (Article 21 Law on Protection and Health at Work). In the Law, these jobs are defined as jobs that can be given only to employees who, in addition to meeting general job requirements, also fulfil special requirements in terms of gender, age, education, professional qualifications, health status and mental abilities. Basically, defining jobs with special working conditions is a good solution because the modern concept of jobs with increased risk does not include special requirements. Given the Rulebook on jobs with special working conditions and the conditions that employees have to meet to perform them, one gets the impression that there is an overlap in the regulations between jobs with increased risk and jobs with special working conditions. It should also be noted that Article 21 of the Law might be found discriminatory because it contains restrictions on employment in workplaces with special working conditions related to gender, age, health status and mental abilities. However, the already mentioned rulebook on jobs with special working conditions regulates these restrictions in a non-discriminatory way. With a little modification, Article 21 of the Law could be made much more in line with ILO and EU standards.

Rulebooks adopted after 2014 are also in line with EU standards. However, there are 17 current rulebooks that originate from the former Yugoslavia, and are up to 70 years old, whose implementation is questionable (the list is provided in the first chapter of the Profile "Rulebooks relating to different sectors originating in the Socialist Federal Republic of Yugoslavia and Socialist Republic of Montenegro that are still in use"). Also, further application and modernization of the following three ordinances should be considered:

1. Rulebook on safety at work during loading and unloading of cargo (Official Gazette of the Socialist Republic of Montenegro, No. 13/88);
2. Rulebook on the provision of funds and food for workers and their transportation from the place of residence to the place of work and back (Official Gazette of the Socialist Republic of Montenegro, No. 5/86);
3. Rulebook on general measures of protection at work against the dangerous effects of electricity in facilities intended for work, in work premises and on work sites (Official Gazette of the Socialist Republic of Montenegro, No. 6/86).

In the group of rulebooks that need modernization are the following, which regulate the part related to occupational medicine:

1. Rulebook on equipment and procedure for providing first aid and organizing rescue services in case of accidents at work (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 21/71).
2. Rulebook on the content and manner of issuing reports on occupational injuries (Official Gazette of the Republic of Montenegro, No. 18/93).
3. Rulebook on determining occupational diseases (Official Gazette of the Republic of Montenegro, No. 66/04).

The Rulebook on the content and manner of issuing reports on occupational injuries should be harmonized with the recommendations of the European Statistics on Accidents at Work and the report should be designed in a way that enables statistical analysis of occupational injuries. The Rulebook on the identification of occupational diseases should be thoroughly revised. At present, the Rulebook, apart from the list of occupational diseases, does not specify the procedure for recognizing occupational diseases, nor is this procedure regulated elsewhere. It does not determine who has the right to determine and confirm an occupational disease, or the procedure for reporting an occupational disease. The Rulebook does not allow grieving parties to lodge a complaint. Also, the list of occupational diseases is a closed list and the EU recommendation⁷⁴ is that it is necessary to enable the identification of occupational diseases and diseases that are not on the list through the so-called "open part of the list".

National OSH Tripartite Advisory Committee

As there is no National Council for Protection and Health at Work in Montenegro as a separate body, it is necessary to consider the possibility of forming such a body. This body is recommended to be based on the principles of tripartism with the involvement of OSH experts. Such a body could significantly influence the improvement of occupational safety and health in Montenegro.

Information and advisory services on occupational safety and health

In Montenegro, information on occupational safety and health has not been shared widely. At the state level, information and counselling in this area is the task of the Directorate of Labour and the employment section for Protection and Health at Work. On the website of the Ministry of Labour and Social Welfare, as well as the Ministry for Economic Development, in the part related to the activities of the Directorate there are data section activities but only a limited amount of information on OSH practice.

Education

The education of employees in occupational safety and health is well defined in the regulations of Montenegro. However, the Montenegrin education system lacks education in this area at all levels. In secondary vocational schools, not enough attention is paid to OSH education. At universities, there is no specific programme that would lead to a degree in occupational safety and health. Introduction of a separate OSH subject in secondary vocational schools is proposed. Bearing in mind the need for highly trained staff in occupational safety and health, the

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Recommendation of the Commission of 22/05/1990 concerning the adoption of a European schedule of occupational diseases.

launch of specialist academic programmes should be considered.

Occupational medicine

Analysis of the situation in the field of occupational medicine revealed a problem with some occupational medicine specialists who work as family doctors during one part of the day, and for the rest of the day work as occupational medicine specialists. The scope of work of occupational medicine specialists in Montenegro is quite narrow compared with their counterparts in the EU. In Montenegro, an occupational medicine doctor hardly visits workplaces. They spend most of their working time in the office. Apart from the examination of employees, other aspects of preventive activities have been neglected. One part of the regulations in accordance with which the work of occupational medicine specialists is performed is outdated. The planned establishment of the Institute of Occupational Medicine of Montenegro has been delayed so that there is no expert body that would be competent to work on improving the activities of occupational medicine specialists, defining modern regulations that could improve the work of occupational medicine specialists in Montenegro. Also, the current age structure of occupational medicine specialists is undesirable and requires urgent action to bring younger specialists in.

Research

There are no special funds in Montenegro to encourage research work in occupational safety and health. In the absence of funding for scientific research activities, the Institute for Development and Research in the Field of Occupational Safety has redirected its activities to providing commercial services to employers. It would be desirable for the Ministry of Economic Development to plan at least minimal resources in its budget to launch scientific research in this area.

Mechanism for the collection and analysis of data on occupational injuries and occupational diseases

Perhaps the weakest part of the OSH system in Montenegro is the collection and analysis of data on occupational injuries and diseases. Data collection is based on outdated regulations. There is no defined institution that is supposed to identify and confirm occupational diseases in Montenegro. Also, a form for reporting occupational diseases is lacking. Regulation of this area is a priority in the process of Montenegro's accession to the EU.

Support mechanisms for disadvantaged groups of workers

In the coming period, support for employers and employees in micro, small and medium enterprises, as well as for the self-employed should be considered in order to provide them with safer and healthier working conditions. This support does not have to be material; for a start, it would be sufficient to publish instructions and information in order to raise OSH awareness.

Educational and awareness-raising arrangements to enhance preventive safety and health culture, including promotional initiatives

Bearing in mind the insufficient representation of OSH topics in the media, the introduction of the National Day of Occupational Safety and Health, as well as the launch of a national award for outstanding results in the field of occupational health and safety would greatly contribute to the visibility of this discipline. After the establishment of the system of registration of occu-

pational injuries at Montenegro, the possibility of informing the media daily about the number of occupational injuries the previous day should be considered in order to draw further attention to the importance of prevention in occupational safety and health.

Conclusion on priorities

Based on the abovementioned shortcomings, the most urgent thing to do is to regulate the reporting and registration of, and statistics on occupational injuries and diseases. The regulation of this area is also connected with the regulation of occupational medicine; without the improvement and modernization of occupational medicine services, it will not be possible to regulate the area of occupational diseases. Priorities should certainly include the introduction of education in occupational safety and health in secondary vocational schools, because this process requires a lot of time.

► 27. Special section on Covid-19

Concise summary of the situation

Montenegro started the fight against Covid-19 at the beginning of the pandemic. The National Coordination Body for Infectious Diseases was formed, which started by applying radical measures. The borders of Montenegro were closed, movement between cities was restricted and a number of measures were taken to prevent the spread of infection. As a result of these measures, the pandemic that started with two registered cases on 17 March 2020, had been halted by the end of April. No new cases were registered between late April and mid-June. However, with the gradual opening up of Montenegro for the tourist season, and the easing of measures during July and August, there was a moderate increase in the number of infected and sick people, and by mid-September there had been a sharp increase in the number of those infected, which lasted until mid-December. By 13 December 2020, 41,426 patients and 582 deaths had been registered.

Figures 27.1–27.3 show the trend of the incidence of Covid-19 cases, the number of patients and the number of deaths in Montenegro.

Figure 27.1 Trends in the incidence of Covid-19 cases in Montenegro

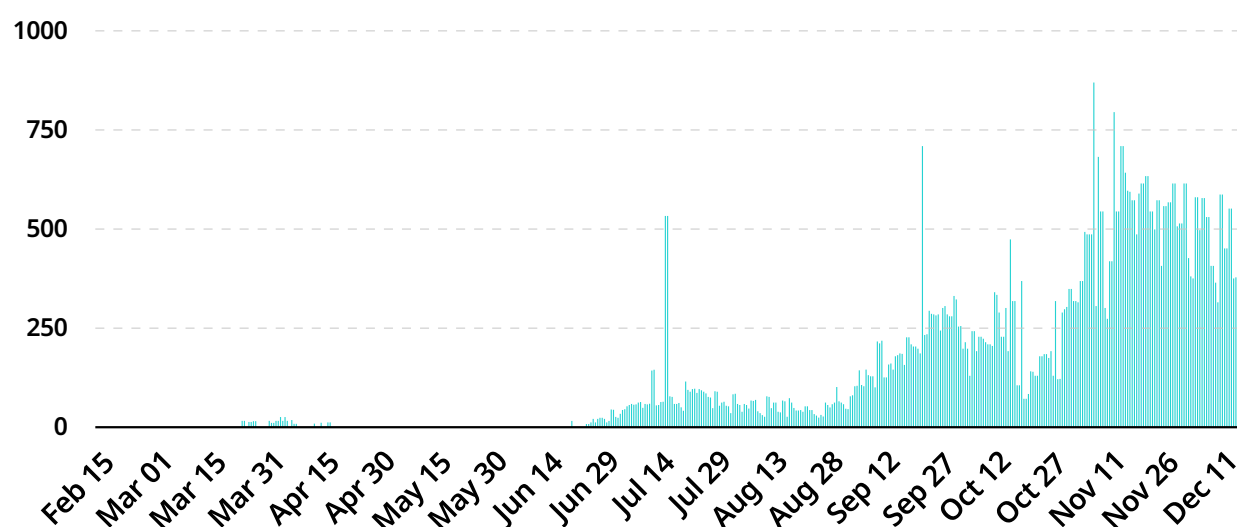


Figure 27.2 Trends in the number of Covid-19 patients in Montenegro

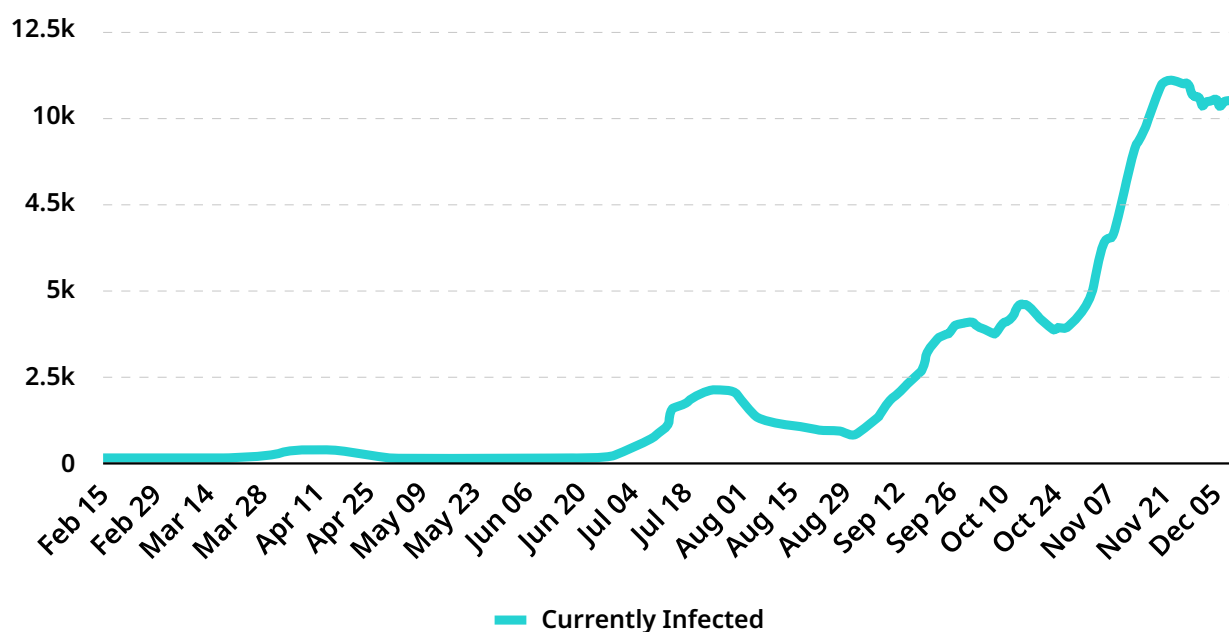
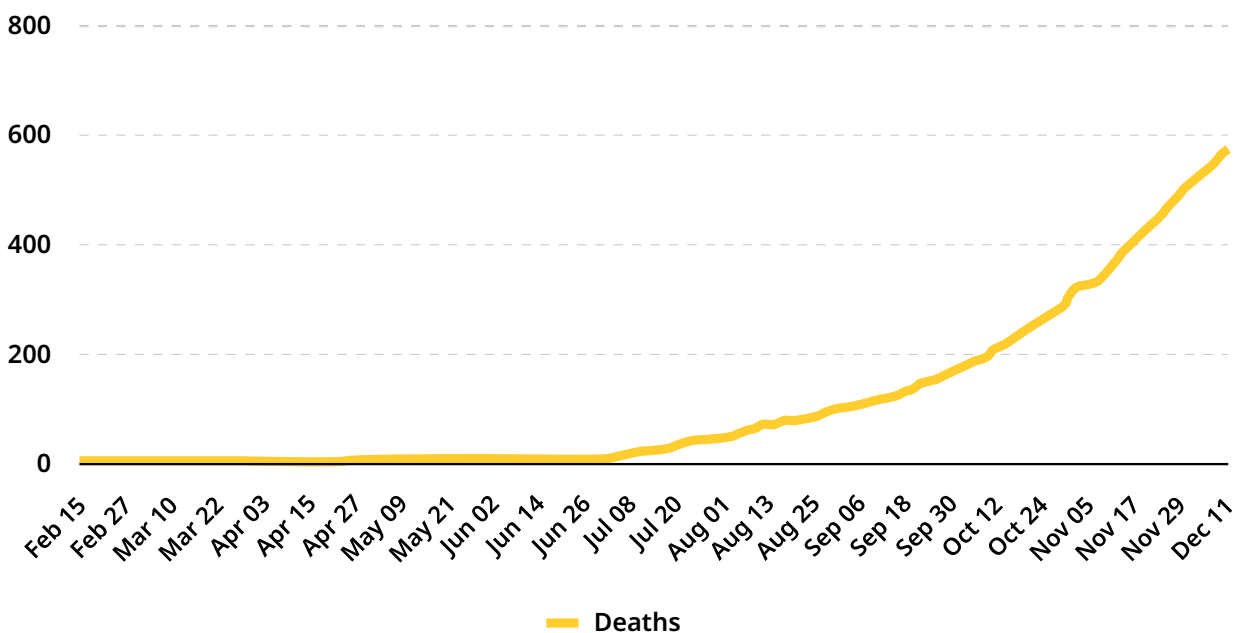


Figure 27.3 Trends in the number of deaths from Covid-19 in Montenegro



Health measures taken (lockdown, work arrangements, social distancing), arrangements for suspected and confirmed Covid-19 cases

As already pointed out in the summary, the National Coordination Body for Infectious Diseases, in cooperation with the Government of Montenegro, has taken a number of measures to prevent Covid-19. Montenegro's borders have been closed, movement between cities has been restricted, restaurants' and coffee shops' working hours have been restricted (in some cities they were closed for two weeks) and a curfew was imposed. The curfew was in effect on weekdays from 7 pm, later moved to 11 pm, until 5 am in the morning. At weekends, it ran from Friday 7 pm to Monday 5 am. During the first wave of Covid-19, special measures were introduced for Montenegrin citizens coming from abroad, depending on the country they come from and the state of Covid-19 in that country. Measures ranged from a negative PCR test and home isolation to a 15-day quarantine. In parallel with these measures, the obligation to wear masks was introduced, first indoors and in the last wave also outdoors. Various restrictions have been introduced on celebrations and other family events, including limits on attendance at funerals.

In the case of confirmed Covid-19 cases, depending on the clinical picture, patients were either hospitalized or ordered to self-isolate under supervision. Isolation initially lasted 28 days, but as information on Covid-19 increased, this period was shortened and/or associated with negative tests for Covid-19.

In case of suspicion of the existence of Covid-19 (sick family member, contact with the sick and other similar situations), self-isolation measures were ordered. It should be noted that the epidemiological service was very active in monitoring the contacts of patients and imposing self-isolation measures. Persons ordered to self-isolate were monitored.

Companies introduced working from home wherever possible. In order to prevent the infection of employees and to preserve the functioning of vital systems, the National Coordination Body prescribed preventive measures. In cooperation with the Employers Federation and SWAM, several instructions were issued for the application of preventive measures among employers. The measures include the following:

- » keeping a distance of at least 2 metres;
- » wearing masks;
- » installation of disinfectant at entrances;
- » hand disinfection upon entry;
- » ventilation of rooms before and after work;
- » disinfection of work surfaces;
- » disinfection of handles and other elements of furniture;
- » installation of partitions (where possible);
- » contactless payment wherever possible.

A maximum density of customers (1 customer per 10 m²) was introduced in stores, a mandatory physical distance of at least 2 metres, the obligation to have disinfectant available at the entrance to facilities and to disinfect hands when entering a store.

Restrictions were introduced on city traffic. In addition to disinfection when entering the vehicle and the obligation to wear masks, only seated passengers can be transported, and partition screens are required to isolate the driver from passengers. Also, all parts touched by passengers must be regularly disinfected.

Prevention and mitigation measures for different types of workers, including health workers and essential workers

Health care workers, especially those engaged in the treatment of patients with Covid-19, are specially protected. In addition to isolation gowns, gloves and masks they are required to wear face shields. It should be noted that the same measures have been applied to workers who might come into contact with Covid-19 patients (drivers, cleaners, foremen).

Risk communication

The National Coordination Body has paid great attention to communication with the public, including timely and transparent information. The website of the Institute of Public Health of Montenegro contains a lot of material on prevention measures, the number of patients and deaths, as well as procedures in case of suspicion and/or contraction of Covid-19.

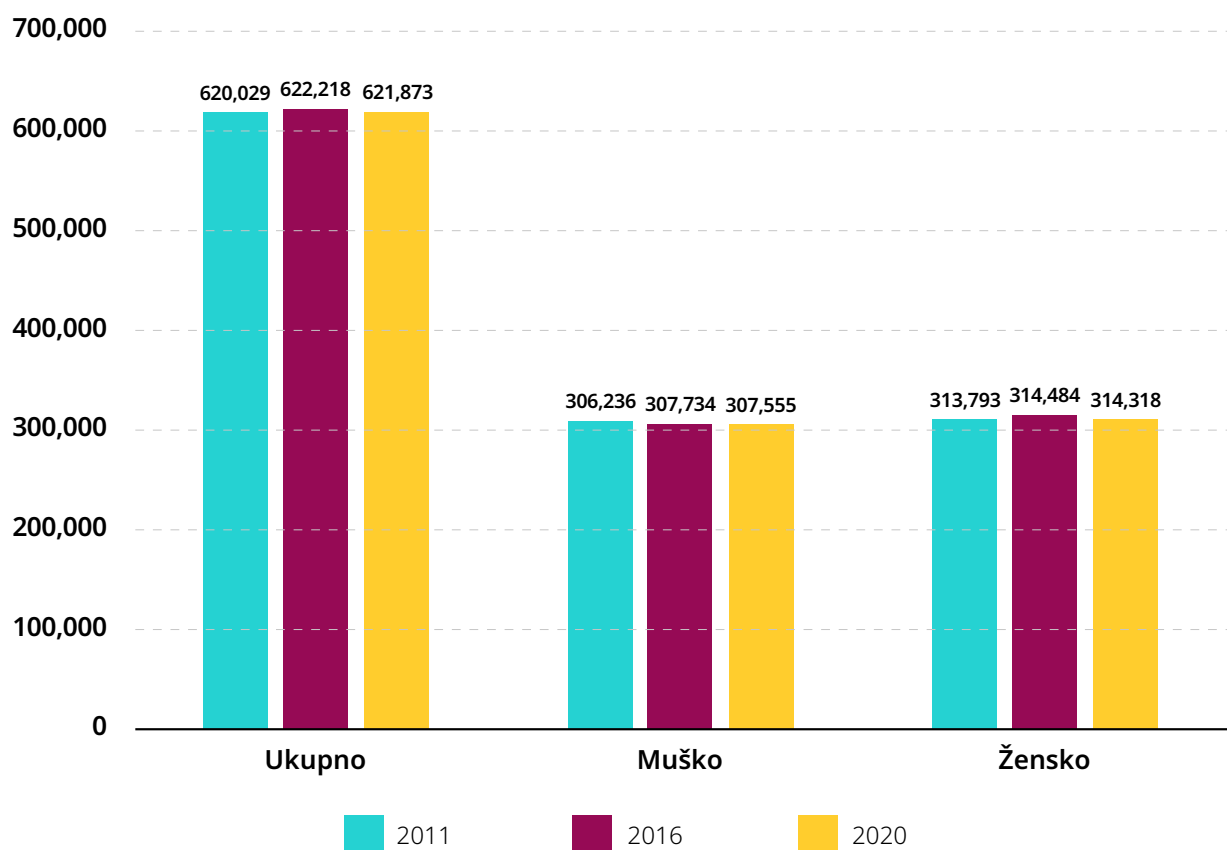
It should be noted that other institutions, companies and NGOs have displayed instructions for the prevention of Covid-19 in prominent places and on their websites.

► 28. Annex 1: Statistics on demographics, the economy and employment

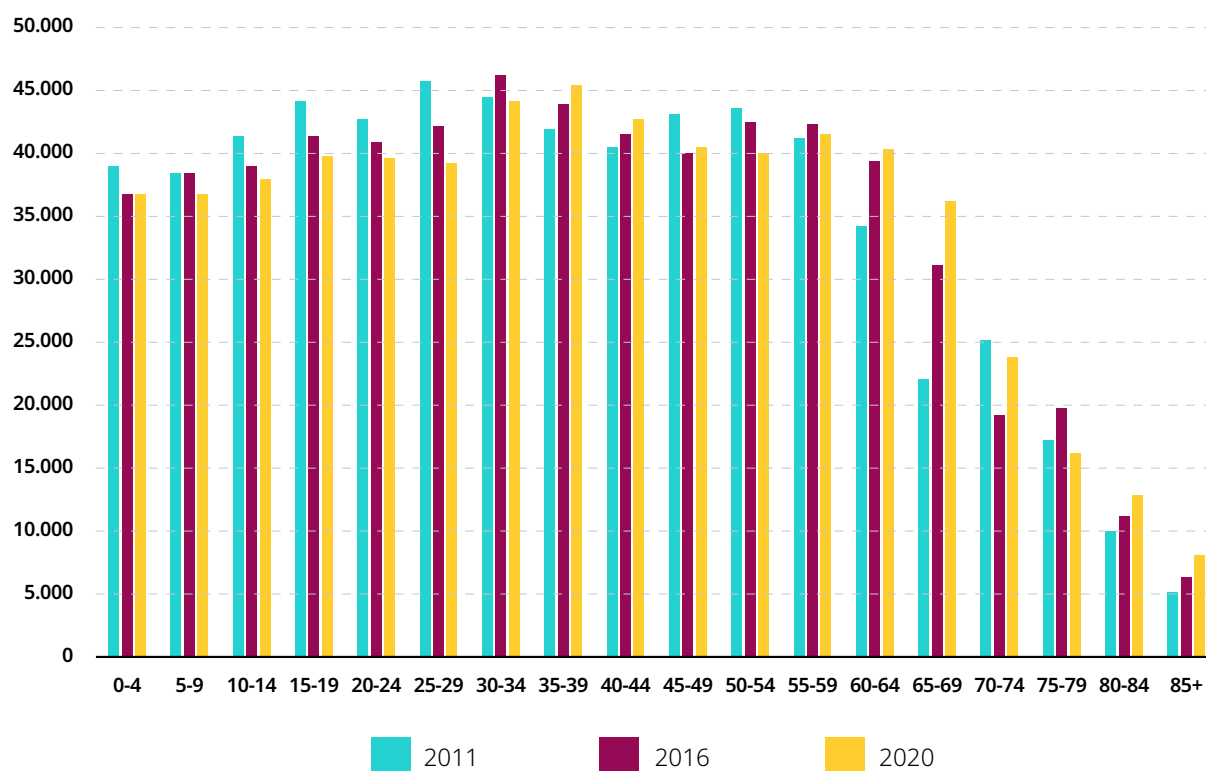
Montenegro is located in the centre of Southeast Europe, surrounded by the countries of the former Yugoslavia. It is bordered to the southeast by Albania and across the Adriatic Sea by Italy. The capital and the largest city is Podgorica, while Cetinje has the status of the old royal capital. The territory of Montenegro covers approximately 13,812 km².

According to the 2011 census, Montenegro had 620,029 inhabitants (313,793 females and 306,236 males). According to Monstat estimates for 2016 and 2020, the number of inhabitants had increased slightly. The ratio of the female and male population did not change (Figure 28.1).

Figure 28.1 Total number of inhabitants, gender distribution in 2011, 2016, and 2020



Analysing the age distribution of the population in 2011, 2016 and 2020, a slight increase in the participation of older categories of the population can be noted. The number of children (0 to 17 years of age) in Montenegro in mid-2019 was 135,533 or 21.8 per cent of the total population. The working age population or the population aged 15 to 64 made up 66.7 per cent of the total population, namely 414,768 people in mid-2019. The population aged 65 and over, making up 15.4 per cent of the total population, was 95,643 in mid-2019 (Figure 28.2).

Figure 28.2 Population age distribution

Based on MONSTAT data, the basic demographic characteristics of the population indicate that there has been a slight decline in birth rates, an increase in mortality and a consequent decline in natural population increase. Although there was a slight increase in infant deaths in 2019, there is generally a downward trend, also in relation to the under-fives mortality rate. Life expectancy is 76.7 years and, as in most populations, the life expectancy of women is longer than that of men (Table 28.1). There has also been an unfavourable increase in the number of divorces.

According to the 2011 census, 8,149 (1.4 per cent) inhabitants of Montenegro are illiterate. The largest proportion of illiterate people (4,385) are above 70 years of age. Data on education from the 2011 census indicate that 11,324 inhabitants above 15 years of age have not attended school; if we add to that the 36,783 inhabitants who have not completed primary school, we may conclude that a total of 48,107 inhabitants have not completed primary school. The bulk of the population (260,277), however, has completed secondary school – and almost 12 per cent of the population over the age of 15 have a university degree. It should be noted that there is no gender disproportion among the population with a university degree. That contrasts strongly with the group of those who have not completed primary school: out of the 48,107 people in question, 35,993 are female (Table 28.2).

According to the MONSTAT labour force survey in 2020, there was a drastic drop in the number of people who had not finished primary school compared with the 2011 census. In 2020, there were 18,700 people in this category, compared with over 48,000 in 2011. Also, the number of persons with at least some higher education increased and in 2020 over 88,000 (18 per cent) inhabitants of Montenegro had this level of education, compared with 59,773 (12 per cent) in

2011. It should be noted that, according to MONSTAT data for 2020, there are more women than men with this level of education (Table 28.3).

Table 28.1 Basic demographic characteristics of the population, 2014–2019

	2014	2015	2016	2017	2018	2019
Rate						
<i>Nativity</i>	12.1	11.9	12.2	11.9	11.7	11.6
<i>Mortality</i>	9.7	10.2	10.4	10.5	10.5	10.6
<i>Natural increase</i>	2.4	1.7	1.8	1.4	1.2	1.0
<i>Divorces</i>	0.9	0.9	1.1	1.2	1.4	1.4
Infant deaths per 1000 live births	4.9	2.2	3.4	1.3	1.7	2.4
Under five mortality rate	5.7	3.1	3.8	2.7	2.9	3.6
Vital Index of live births per 100 deaths	125.2	116.7	117.1	113.9	111.7	109.5
Life expectancy						
<i>Total</i>	76.4	76.5	76.6	76.7	77.0	76.7
<i>Males</i>	73.9	74.7	74.2	74.1	75.3	74.0
<i>Females</i>	78.9	78.6	79.0	79.4	80.6	79.5
Total fertility rate	1.8	1.7	1.8	1.8	1.8	1.8

Table 28.2 Population above 15 years of age according to education level and sex (Census data 2011)

Sex		Total	Male	Female
Total		501,278	244,470	256,808
Without response		2,536	1,329	1,207
Without education		11,324	2,171	9,153
Elementary school	Incomplete	36,783	9,943	26,840
	Completed	104,415	46,973	57,442
Secondary school		260,277	139,389	120,888
Higher education according to old educational system	Applied studies	26,170	15,035	11,135
	Academic studies	49,469	24,748	24,721
	Postgraduate studies	3,000	1,571	1,429
	Doctoral degree	964	710	254
Higher education according to new educational system-Bologna declaration	First degree academic studies	2,756	1,174	1,582
	First degree applied studies	1,343	649	694
	Postgraduate specialist studies	1,528	504	1,024
	Master's degree	713	274	439

Table 28.3 Population above 15 years of age according to education level and sex, 2020

	Total (in thousands)	Male (in thousands)	Female (in thousands)
	500.9	246.2	254.6
Less than primary education	18.7	4.6	14.2
Primary education	88.2	37.9	50.3
Vocational education after primary school	62.6	39.1	23.5
Secondary general education	39.2	15.6	23.6
Secondary vocational education	187.4	102.4	85.0
Tertiary education	104.7	46.6	58.1
of which			
First stage of tertiary education	16.1	(6.9)	9.1
Second stage of tertiary education, bachelors', masters, or doctors' degree	88.7	39.7	49.0

The largest number of employees in Montenegro work in the trade sector, followed by public administration and tourism. Comparing the representation of the sexes in different sectors, in addition to the expected dominance of the male sex in the construction and mining sectors, it should be noted that professional, scientific and technical activities are dominated by females. Table 30.4 presents the distribution of employees in Montenegro by sector of activity and gender (MONSTAT data for 2020). Unemployment has been a significant problem in Montenegro for many years. Montenegro's independence and progress in EU integration have led to a significant drop in unemployment, however. In 2005, the unemployment rate was 30.3 per cent, but by 2018, 2019 and 2020 it had dropped to 15.1–15.2 per cent. It should be noted that the rate of unemployed women in 2005 was significantly higher than the rate of unemployed men. By 2018 and 2020, the unemployment rates for men and women had been equalized (Table 30.5).

Table 28.4 Persons in employment by sectors of activity and sex, Montenegro, 2nd quarter 2020

	1000		
	Total	Men	Women
Total	226.6	125.2	101.4
Agriculture	18.8	12.0	(6.8)
Industry	40.1	33.2	6.9
<i>Mining</i>	(1.7)	(1.7)	.
Manufacturing	13.0	8.6	4.5
Electricity, gas, steam and air conditioning	2.5	2.0	.
Water supply, wastewater management	4.5	4.1	.
Construction	18.3	(16.8)	.
Services	167.7	80.0	87.7

Wholesale, retail; certain repair	43.3	19.8	23.4
Transport, storage and communication	12.5	9.8	2.7
Accommodation and food services	16.5	9.0	7.5
Information and communication	5,1	2.4	2.7
Financial and insurance activities	3.7	(1.8)	(1.9)
Real estate, leasing and business activities	.	.	.
Professional, scientific and technical activities	13.8	4.0	(9.8)
Administrative and support service activities	10.9	7.9	(3.0)
Public administration and defense	19.9	11.5	8.4
Education	14.3	3.6	10.7
Health and social work	13.0	(4.0)	9.0
Arts, entertainment and recreation	6.2	3.2	3.0
Other social and personal services ⁷⁵	7.3	3.0	4.3

Table 28.5 Number of unemployed and unemployment rate, 2005–2020

Year, quarter	Unemployed persons			Unemployment rate		
	Total	Men	Women	Total	Men	Women
	in thousands 1 000			%		
2005	77.8	37.4	40.3	30.3	26.2	35.5
2006	74.8	41.2	33.6	29.6	29.1	30.1
2007	51.1	27.0	24.0	19.4	18.1	20.9
2008	44.8	24.0	20.8	16.8	15.9	17.9
2009	50.4	26.9	23.5	19.1	18.0	20.4
2010	51.3	27.8	23.5	19.7	18.9	20.7
2011	48.1	26.5	21.6	19.7	19.5	20.0
2012	49.4	26.8	22.6	19.7	19.3	20.3
2013	48.9	27.8	21.1	19.5	20.0	18.8
2014	47.5	25.9	21.6	18.0	17.8	18.2
2015	47.2	26.0	21.1	17.6	17.7	17.3
2016	48.3	27.5	20.8	17.7	18.2	17.1
2017	43.9	23.4	20.6	16.1	15.4	17.0
2018	42.5	23.9	18.5	15.2	15.2	15.1
2019	43.4	23.5	20.0	15.1	14.7	15.7
I quarter 2020	46.2	24.1	22.2	16.3	15.6	17.3
II quarter 2020	40.7	22.4	18.4	15.2	15.2	15.4

As already pointed out concerning unemployment, Montenegro's independence and progress in EU integration have led to a significant increase in economic activity and this has resulted in

almost continuous GDP growth. Consequently, with the exception of the period of the world financial and economic crisis in 2008 and 2009, Montenegro has recorded almost continuous GDP growth (Figure 28.3). GDP growth follows GDP growth per capita (Figure 28.4).

Figure 28.3 Gross domestic product (million EUR)

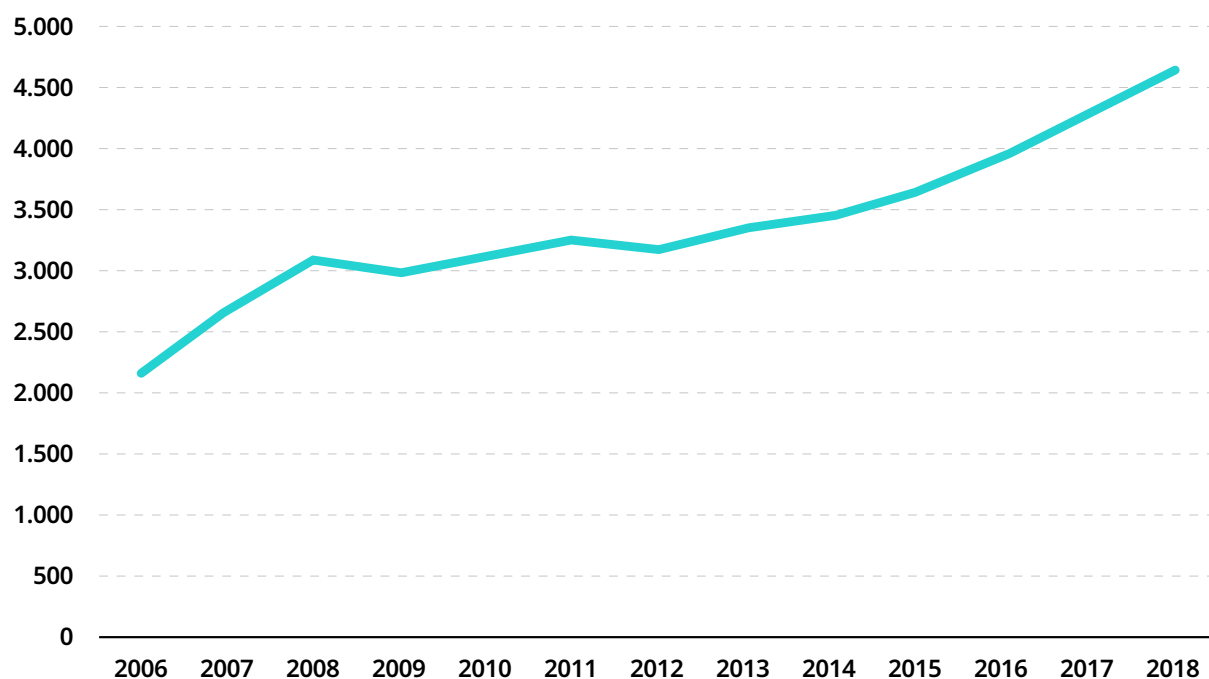


Figure 28.5 shows real GDP growth in percentage terms and indicates that Montenegro, except during the global financial and economic crisis and in 2012, has achieved impressive economic results every year. In some years, real GDP growth exceeded 7 per cent.

Figure 28.4 Gross domestic product per capita (EUR)

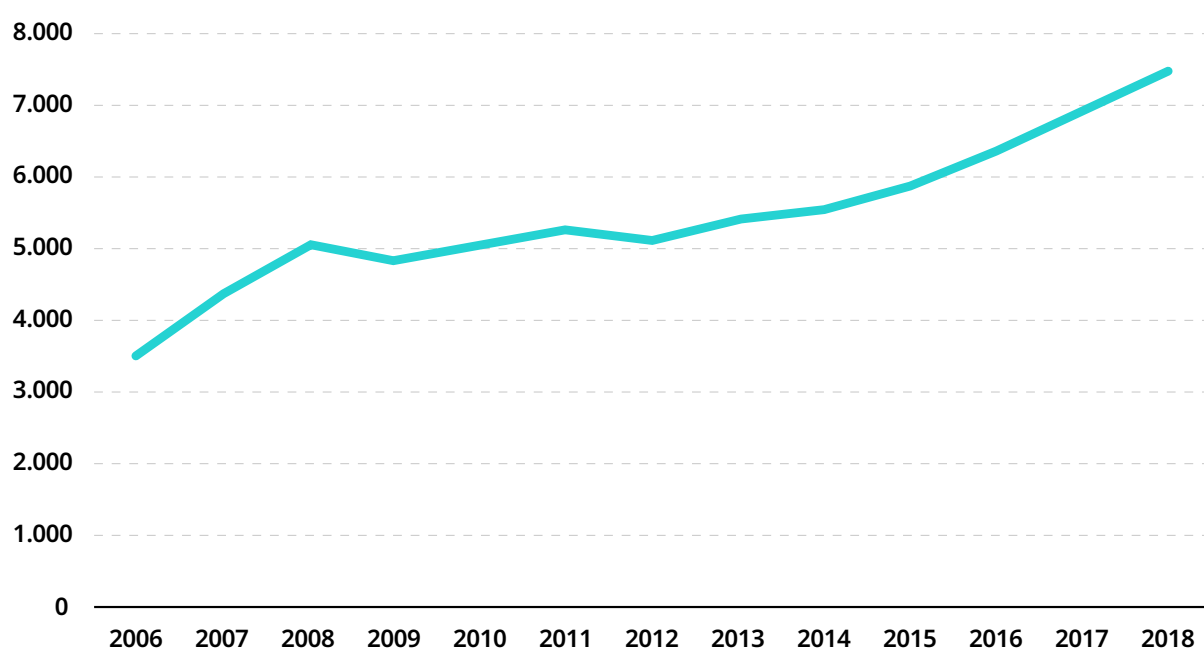


Figure 28.5 Real gross domestic product growth (%)

It follows from the analysis of the structure of gross added value for the period 2006–2018 that there was a continuous decline in the share of agriculture, fisheries and forestry, as well as the ore and stone extraction sectors. In contrast to this is the growth trend of the share of the accommodation and food sector, which reached 7.5 per cent (2017) and 7.3 per cent (2018) up from only 3 per cent in 2006. Growth was also recorded in the trade and services sector (Tables 28.6 and 28.7).

Table 28.6 Structure of gross added value, 2006–2012 (%)

NC	Economic sector	2006	2007	2008	2009	2010	2011	2012
A	Agriculture, forestry and fishing	8.2	7.2	7.4	8.3	7.7	8.1	7.5
B	Mining and quarrying	1.3	1.2	1.2	0.7	1.2	1.1	1.1
C	Manufacturing	7.8	5.1	5.1	4.5	4.6	5.0	4.1
D	Electricity, gas, steam and air conditioning supply	3.6	3.7	3.2	4.9	4.6	2.0	2.9
E	Water supply, sewerage, waste management and remediation activities	1.5	1.2	1.8	1.7	1.8	2.1	2.2
F	Construction	3.5	5.8	6.4	5.5	4.9	4.9	4.6
G	Wholesale and retail trade; repair of motor vehicles and motorcycles	10.8	13.1	12.2	11.9	11.2	12.0	12.2
H	Transportation and storage	4.6	4.2	4.0	4.5	4.6	4.6	4.1
I	Accommodation and food service activities	3.0	4.4	4.3	5.1	5.1	6.6	6.8
J	Information and communication	5.8	5.3	5.8	5.4	5.7	5.1	4.9
K	Financial and insurance activities	3.0	3.8	3.8	3.9	4.4	4.4	4.1
L	Real estate activities	9.2	7.2	6.1	6.5	5.8	6.2	6.9

► 29. Annex 2: List of persons consulted

Ministry of Labour and Social Welfare

- Mr Zoran Ratković, Director General, Labour Directorate
- Ms Maja Mijović, Independent Advisor, Labour Directorate, Section for Protection and Health at Work

Ministry of Education

- Mr Mirza Gargović, Independent Advisor

Ministry of Health

- Ms Nataša Žugić, Independent Advisor

Administration for Inspection Affairs

- Mr Zlatko Popović, Labour Inspector and Group Coordinator for Inspection of Protection and Health at Work

Institute of Public Health

- Dr Boban Mugoša, Director

Institute for Development and Research in the Protection at Work

- Ms Slavica Grgurević, OSH Expert

Union of Free Trade Unions of Montenegro

- Ms Ivana Mihajlović, Deputy Secretary General

Confederation of Trade Unions of Montenegro

- Mr Vladimir Krsmanovic, International Department Officer

Montenegrin Employers Federation

- Mr Filip Lazović, Adviser for Legal Affairs and Social Dialogue

Safety at Work Association of Montenegro

- Ms Đina Janković, Coordinator

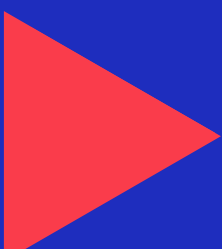
► References

1. Law on Protection and Health at Work (Official Gazette of Montenegro, No. 34/2014 and 44/2018).
2. Law on Protection at Work (Official Gazette of Republic of Montenegro, No. 79/04 and Official Gazette of Montenegro, No. 26/10).
3. Constitution of Montenegro (Official Gazette of Montenegro No. 1/2007 and 38/2013 – Amendments I–XVI).
4. Law on Pension and Disability Insurance, Official Gazette of Republic of Montenegro, No. 54/03, 39/04, 61/04, 79/04, 81/04, 29/05, 14/07 and 47/07 and Official Gazette of Montenegro, No. 12/07, 13/07 79/08, 14/10, 73/10 78/10, 34/11, 39/11, 40/11, 66/12, 36/13, 38/13, 61/13, 06/14, 60/14, 10/15, 44/15, 42/16, 55/16 and 80/20.
5. Labour Code, Official Gazette of Montenegro, No. 74/2019.
6. Law on Health Care (Official Gazette of Montenegro, No. 3/2016, 39/2016, 2/2017, 44/2018, 24/2019 and 82/2020).
7. Law on Compulsory Health Insurance (Official Gazette of Montenegro, No. 06/16, 02/17, 22/17 13/18 and 67/19).
8. Law on Ionizing Radiation Protection and Radiation Safety (Official Gazette of Montenegro, No. 56/09, 58/09, 40/11 and 55/16).
9. Law on Safety, Organization and Efficiency of Railway Transport (Official Gazette of Montenegro, No. 1/14).
10. Law on Insurance (Official Gazette of the Republic of Montenegro, No. 78/06 and 19/07 and Official Gazette of Montenegro, No. 53/09, 73/10, 40/11, 45/12, 6/13 and 55/16).
11. Law on Road Traffic Safety (Official Gazette of Montenegro, No. 33/2012, 58/2014, 14/2017 – Constitutional Court decision and 66/2019).
12. Law on Prohibition of Harassment at Work (Official Gazette of Montenegro, No. 30/2012 and 54/2016).
13. Law on Labour Inspection (Official Gazette of Montenegro, No. 79/2008).
14. Law on Waste Management (Official Gazette of Montenegro, No. 64/2011 and 39/2016).
15. Law on Mining (Official Gazette of Montenegro, No. 65/08 and 74/10).
16. Environmental Law (Official Gazette of Montenegro, No. 52/2016, 73/2019).
17. Rulebook on measures of protection and health at work in the working environment (Official Gazette of Montenegro, No. 104/20).
18. Rulebook on protection measures when using means of work (Official Gazette of Montenegro, No. 27/15).
19. Rulebook on protection measures during manual handling of goods (Official Gazette of Montenegro, No. 29/15).
20. Rulebook on signs for protection and health at work (Official Gazette of Montenegro, No. 24/15).
21. Rulebook on keeping records in the field of protection at work (Official Gazette of the Republic of Montenegro, No. 67/05).

22. Rulebook on the use of means and equipment of personal protection at work (Official Gazette of Montenegro, No. 40/15).
23. Rulebook on occupational safety issues to be regulated by the employment contract (Official Gazette of the Republic of Montenegro, No. 67/05).
24. Rulebook on measures and norms of safety at work on work tools (Official Gazette of the Socialist Federal Republics of Yugoslavia, No. 18/91).
25. Rulebook on safety at work during loading and unloading of cargo (Official Gazette of the Socialist Republic of Montenegro, No. 13/88).
26. Rulebook on the provision of funds and food for workers and their transportation from the place of residence to the place of work and back (Official Gazette of the Socialist Republic of Montenegro, No. 5/86).
27. Rulebook on general measures of protection at work against the dangerous effects of electricity in facilities intended for work, in work premises and on work sites (Official Gazette of the Socialist Republic of Montenegro, No. 6/86).
28. Rulebook on the manner and procedure of risk assessment at the workplace (Official Gazette of the Republic of Montenegro, No. 43/07).
29. Rulebook on jobs with special working conditions and conditions to be fulfilled by employees for work on those jobs (Official Gazette of Montenegro, No. 70/16).
30. Rulebook on the manner and procedure of training employees for safe work (Official Gazette of the Republic of Montenegro, No. 57/06).
31. Rulebook on taking the professional exam for persons engaged in occupational safety (Official Gazette of the Republic of Montenegro, No. 67/05).
32. Rulebook on the procedure and deadlines for performing periodic inspections and testing of means for work, means and equipment for personal protection at work and working environment conditions (Official Gazette of the Republic of Montenegro, No. 71/05).
33. Rulebook on the conditions that must be met by a legal or lay person for performing professional activities in protection at work and on the procedure for determining the fulfilment of those conditions (Official Gazette of the Republic of Montenegro, No. 67/05).
34. Rulebook on the manner of entry and deletion from the register of authorized organizations for providing the protection and health at work services (Official Gazette of Montenegro, No. 70/15).
35. Rulebook on measures for protection and health at work from the risk of exposure to carcinogenic and mutagenic substances (Official Gazette of Montenegro, No. 60/16).
36. Rulebook on measures for protection and health at work from the risk of noise exposure (Official Gazette of Montenegro, No. 37/16).
37. Rulebook on measures for protection and health at work from the risk of exposure to vibrations (Official Gazette of Montenegro, No. 24/16).
38. Rulebook on measures for protection and health at work when using equipment with screens (Official Gazette of Montenegro, No. 16/16).
39. Rulebook on measures for protection at work from the risk of exposure to biological substances (Official Gazette of Montenegro, No. 62/17).
40. Rulebook on measures for protection at work from the risk of exposure to chemical substances (Official Gazette of Montenegro, No. 81/16).

41. Rulebook on measures for protection against the risk of exposure to explosive atmospheres (Official Gazette of Montenegro, No. 027/17).
42. Rulebook on measures for protection at work from the risk of exposure to asbestos (Official Gazette of Montenegro, No. 014/17).
43. Rulebook on detailed conditions to be fulfilled by a legal entity for providing health care for employees (Official Gazette of Montenegro, No. 59/17).
44. Rulebook on the manner and procedure of prior and periodic specialist medical examinations of workers (Official Gazette of the Socialist Republic of Montenegro, No. 25/80 and 1/81).
45. Rulebook on equipment and procedure for providing first aid and organizing rescue services in case of accidents at work (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 21/71).
46. Rulebook on the content and manner of issuing reports on occupational injuries (Official Gazette of the Republic of Montenegro, No. 18/93).
47. Rulebook on occupational diseases recognition (Official Gazette of the Republic of Montenegro, No. 66/04).
48. Rulebook on safety measures at work on temporary and mobile construction sites (Official Gazette of Montenegro, No. 20/19).
49. Rulebook on the plan of measures for protection and health at work (Official Gazette of Montenegro, No. 38/19).
50. Rulebook on conditions, programme and manner of taking the professional exam for performing the duties of coordinator for protection and health at work in the phase of project development and coordinator in the phase of execution of works (Official Gazette of Montenegro, No. 67/18).
51. Rulebook on special measures of safety at work on technical measures for developers of acetylene and acetylene stations (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 6/67, 29/67, 27/69 and 52/90).
52. Rulebook on special safety measures at work on railways (Official Gazette of the Socialist Republic of Montenegro, No. 11/88).
53. Rulebook on special safety measures at work during mechanical processing and treatment of wood and similar materials (Official Gazette of the Socialist Republic of Montenegro, No. 9/88).
54. Rulebook on special safety measures at work in ferrous metallurgy (Official Gazette of the Socialist Republic of Montenegro, No. 16/87).
55. Rulebook on special measures of protection at work during the production and processing of non-ferrous metals (Official Gazette of the Socialist Republic of Montenegro, No. 31/86).
56. Rulebook on special measures for protection at work in forestry (Official Gazette of the Socialist Republic of Montenegro, No. 16/86).
57. Rulebook on protective measures for the handling of explosives and blasting in mining (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 9/67, 35/67 and 35/72).
58. Rulebook on special measures of protection at work during processing and treatment of leather, fur and leather waste (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 17/70).

59. Rulebook on special safety measures at work during the production of explosives and gunpowder and handling of explosives and gunpowder (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 55/69).
60. Rulebook on special measures of protection at work in agriculture (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 34/68).
61. Rulebook on special safety measures at work during thermal treatment of light metal alloys in bathrooms with nitrate salts (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 48/65).
62. Rulebook on hygienic and technical protective measures during diving works (Official Gazette of Federal People's Republic of Yugoslavia, No. 36/58).
63. Rulebook on technical and health-technical protective measures for works in chemical-technological processes (Official Gazette of Federal People's Republic of Yugoslavia, No. 55/50, Annex No. 9).
64. Rulebook on hygienic and technical protective measures when working in hemp shops (Official Gazette of Federal People's Republic of Yugoslavia, No. 56/47 and 36/50).
65. Rulebook on hygienic and technical protective measures when working in quarries and brickyards, as well as in the extraction of clay, sand and gravel (Official Gazette of Federal People's Republic of Yugoslavia, No. 69/48).
66. Rulebook on hygienic and technical protective measures at work in graphic companies (Official Gazette of Federal People's Republic of Yugoslavia, No. 56/47).
67. Rulebook on the detailed content of the prevention plan and accident protection plan (Official Gazette of Montenegro, No. 67/16).
68. Order prohibiting the use of motor gasoline for degreasing, washing and cleaning metal parts of objects made of other materials (Official Gazette of Socialist Federal Republic of Yugoslavia, No. 23/67).
69. Decree on the organization and manner of work of the State Administration (Official Gazette of Montenegro, No. 118/2020 121/2020 001/2021, 002/21, 029/2021, 034/2021).
70. Zoran Stefanovski, Kiril Ristovski. Report on the organizational and institutional capacities of the National Councils for Occupational Safety and Health in IPA countries. EU funded project.
71. Strategy for the improvement of OSH in Montenegro, 2016–2020 with the action plan for implementation; http://www.uznr.me/images/2018/regulativa/Strategija_ZZNR.pdf
72. Recommendation of the Commission of 22/05/1990 concerning the adoption of a European schedule of occupational diseases; <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31990H0326>
73. Administration for Inspection Affairs; <https://uip.gov.me/uprava?alphabet=lat>
74. Figures and Statistics on Labour Inspection Systems; http://www.oit.org/labadmin/info/WCMS_141079/lang--en/index.htm
75. Performance of labour inspection systems, selected countries; http://www.oit.org/labadmin/info/WCMS_160321/lang--en/index.htm
76. Ministry of Labour and Social Affairs Organization; <https://mrs.gov.me/organizacija/direktoratzarad/>
77. European Comparisons; <https://www.hse.gov.uk/statistics/european/>
78. Administration for Inspection Affairs of Montenegro, Report on the work of the Administration for Inspection Affairs for 2019–March 2020.



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