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# GENDER-BASED DISCRIMINATION AND LABOUR IN MONTENEGRO



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# **GENDER-BASED DISCRIMINATION AND LABOUR IN MONTENEGRO**

By Olivera Komar, Ana Šćepanović,  
Marija Glomazić and Darja Šuković

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Authors: Olivera Komar, Ana Šćepanović, Marija Glomazić, Darja Šuković,  
Associates: Maja Raičević, Marko Jusić

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We hope that the product of our work will contribute to a better understanding of gender-based discrimination at work in the region and consequently inspire and lead action of all relevant stakeholders in order to reduce it.



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# ACRONYMS AND ABBREVIATIONS

CSO	Civil society organization
WCSO	Women civil society organization
EU	European Union
Eurostat	European Union Statistical Office
GBD	Gender-based Discrimination
LGBTQIA+	Lesbian, gay, bisexual, trans*, queer/questioning, intersex, asexual
Monstat	National Statistical Office of Montenegro Monstat
OI	Ombudsperson Institution
UN	United Nations
WPN	Women's Political Network

# EXECUTIVE SUMMARY

Work-related gender-based discrimination is a current topic that many people claim to 'know about'. However, very little concrete evidence exists about specific gender-based discrimination cases. This report is a part of a regional Western Balkan initiative supported by the European Union (EU) and Sweden/Sida, which seeks to shed light on this issue from different perspectives, legal, behavioural and cultural.

First of all, the report contains analysis of the relevant legal framework which detects some legal deficiencies but also points out that the main problem might in fact be implementation of the existing regulation. Even though the report shows that there is room for improvement of the legal norms, the existing ones could be much more effective if properly and diligently implemented. This finding was corroborated from all the sides involved – institution representatives, relevant organisations such as CSOs that are active in the field of labour rights and people that had experienced work-related discrimination.

The literature review of the available reports, documents and surveys reveals that the data on the topic is incomplete and scarce and cannot help us understand magnitude and nature of gender-based discrimination at work. Moreover, it cannot help us monitor trends and consequently the effectiveness of different measures to prevent discrimination.

The online survey and follow-up interviews outlined the nature and the main features of discrimination that women face at work. Some of the most prominent examples include employers asking female employees inappropriate questions during the hiring process, sexual harassment and informal obstacles for promotions. The stories told to researchers offer unique testimonials of the gender-based discrimination that women face in Montenegro. The report shows that in many cases, institutions cannot assist because employers use fixed term contracts to manipulate workers' rights. Apparently, one of the most common forms of work-related GBD relates to pregnancy and maternity leave. If a woman's fixed term contract expires during her pregnancy, the employer simply can 'not renew it' without breaking any laws. In these situations, institutions cannot protect her because legally the employer is abiding by the law.

The testimonials and survey revealed that many incidents of discrimination are never reported because people are not aware of their rights or how to protect them. Moreover, they tend to be conflict averse and not to trust institutions, which is another important part of the problem to be tackled.

Although the survey was not representative and cannot indicate prevalence, it does provide gruesome evidence of gender-based discrimination in Montenegro. Since official statistics are lacking and incomprehensive, this research provides a valuable source of information. The report can inform the future work of relevant authorities and civil society organisations, including the Women's Rights Centre.

# INTRODUCTION

This report assesses gender-based discrimination at work in Montenegro, defined as discrimination that affects a person at her/his place of work because of her or his gender. Although it relates to both women and men, evidence suggests, that it tends to affect women more often than men, as will be shown in this report. Contrary to the common perceptions discrimination at work and in connection to work, based on gender, exists in both public and private sectors. Even though laws in Montenegro forbid any form of discrimination on any basis, including gender, many women and men are faced with discriminatory actions on their work place daily.

Even though the evidence about gender-based discrimination at work in Montenegro is rare, we can use information from the official statistics to shed some light on the context within which women and men participate in the labour force. If we look at the official employment statistics, we can see that 56% of Montenegrin labour force is constituted of men and 44% of women<sup>1</sup>. Among non-active population in the labour force, 59% were women and 41% were men. Out of the total employed persons, 56% were men and 44% were women. Among the unemployed, 53% are men and 47% are women. Also, the unemployment rate among women in the northern region is seven times higher than among women in the south and three times higher than in the central region. The wider problem was also highlighted by the Montenegro's 2016 European Union (EU) Progress Report<sup>2</sup> which specifically emphasized that active employment policies are (still) not sufficiently financed or supported. It recommended the Government to increase its commitment to active employment measures in the labour market directed at youth, women<sup>3</sup> and hard-to-employ people. Women were therefore recognized as one of the relevant categories that the state should target more aggressively with active employment measures. The same Report urged Montenegro to abolish legislative measures that discourage the participation of women in the labour market, such was the controversial 'Law about mothers'<sup>4</sup> that envisaged financial subsidies for women with three or more children in case they are not employed or they quit their jobs in exchange for the financial subsidy.

All these worrying figures indicate that men and women are not equally participating in the labour force even though they cannot tell us why. It is beyond the scope of this report to map all the reasons and factors that contribute to the gender disbalance in the different aspects of work, starting from generational inequality in education<sup>5</sup>, cultural norms and tradition, unequal opportunities for promotion, etc. However, the report will try to describe mechanisms and investigate causes of one of them that we especially lack evidence and empirical background - gender-based discrimination in the work-place.

The literature review conducted at the outset of this research suggested that minimal empirical evidence existed of gender-based discrimination related to work and employment. Most evidence was anecdotal or 'hear-say' and most surveys and research projects that focus

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<sup>1</sup> According to the special report on gender Women and Men in Montenegro in 2016, published by the National Statistical Office of Montenegro there are four times more women with no education than men (19% men and 81% women). There is however a positive trend when it comes to achieving balance in education since Monstat reports that more women have completed higher education according to the new so-called 'Bologna' system which was implemented since 2003 than men. Source: Zavod za statistiku Monstat, Labour Force Survey, Podgorica: 2017

<sup>2</sup> European Commission, Progress report for Montenegro, Brussels, 2016

<sup>3</sup> Italic by the authors.

<sup>4</sup> Contraversial changes of the Law on children's and social protection which was colloquially named Law about mothers.

<sup>5</sup> Zavod za statistiku Monstat, Women and Men in Montenegro in 2016, Podgorica: 2017

on discrimination, do not focus on gender-based work-related discrimination. They most often mention this type of discrimination as a subsidiary topic.

Also, while official statistics related to gender-based discrimination at work exists, the data is not regularly collected or published. Moreover, the available survey data most often refers to perceptions and not prevalence of discrimination. The data that can be found is not in open format so it cannot be used for further analysis by the researchers.

In the rare instances when governmental strategic plans include measurable indicators, they do not provide follow-up reports in which one could see measurable progress in achieving set goals.

This report aimed to address this gap and to serve as a baseline study that could inform future advocacy and outreach efforts towards decreasing the prevalence of gender-based discrimination at work. Following this goal this research aimed to answer the following research questions:

- To what extent is the legal framework complete?
- How many work-related discrimination cases have been reported to different types of institutions from 2008-2017?
- For what reasons have few discrimination cases been reported and/or filed?
- How have relevant institutions treated discrimination cases to date?

## **Methodology**

The comprehensive research was conducted for Women's Rights Centre from March to December 2018, to address the previously enlisted research questions. The research involved mixed research methods. It was jointly designed by six partner organisations involved in an EU-funded regional action to address gender-based discrimination in labour, led by the Kosovo Women's Network. First, a legal analysis was conducted to examine and assess current anti-discrimination legislation in place in Montenegro, including any shortcomings in aligning national legislation with the *Acquis Communautaire*, with a specific focus on gender equality related legislation. This analysis examined international laws, treaties and conventions; the Constitution of Montenegro; Montenegro's relevant national laws and secondary bylaws. The legal analysis also served to identify relevant institutions, their roles and responsibilities. These institutions later were targeted for interviews.

Second, the existing literature and available data on discrimination was reviewed. The literature review included studying available reports<sup>6</sup>, manuals<sup>7</sup> and strategic documents<sup>8</sup> concerning gender-based discrimination at work. The review focused on reports, especially empirically-based ones. However, since manuals and strategic documents sometimes contain situation analyses and interesting data, they were included as well. All reviewed reports were published between 2008 and 2018. Each report was analysed with regards to its topic, time of data collection, target groups and methods employed.

Third, existing data related to discrimination cases, disaggregated by gender, was requested and collected from institutions that have a legal responsibility related to addressing discrimination.

Fourth, 42 representatives of these institutions (selected using variation sampling) were interviewed using a semi-structured interview guide to measure their knowledge, awareness and experiences with gender-based discrimination and labour. Interviews took place in basic courts in Bar, Bijelo Polje, Berane, Cetinje, Danilovgrad, Kotor, Nikšić, Podgorica, Plav and Pljevalja. Also, project team interviewed representatives of the Labour Inspection, the Tourism Inspection, Police Department, Ombudsperson Institution, Lawyers' Association, Chamber of Commerce, the Primary Prosecutor's Office, the Parliamentary Board for Gender Equality and the Agency for Peaceful Resolution of Work-related Disputes. Finally, CSO representatives from the Alliance of Labour Unions in Montenegro, the Association of Free Labour Unions, the Centre for Civic Education CGO, Civic Alliance, Institute Alternative, Juventas, Centre for Development of NGOs and Human Rights Action were interviewed, too.

Fifth, an anonymous online survey using Lime Survey was launched with the aim of collecting input from diverse women and men regarding their knowledge of anti-discrimination legislation, personal experiences with discrimination, whether such cases were reported and the reasons as to why they did not report discrimination when it occurred. The survey was promoted broadly, also targeting under-represented groups, including through media, email and Facebook boosting. In total, 627 people (91% women and 9% men), completed the survey, while an additional 995 people completed part of the survey. Considering that the number of respondents to each question differed, the precise number of respondents is presented in the findings ('n'). Considering the small sample size and the fact that it was not a random sample, few analyses were performed regarding the relationship between responses

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<sup>6</sup> UNDP, Closing the gap: an overview of UNDP results in gender equality in Europe and the CIS, 2015; Građanska alijansa, Diskriminacija prilikom zapošljavanja u Crnoj Gori, Građanska alijansa, Podgorica, 2016; Fondacija za razvoj ekonomske nauke, Gender pay gap in the Western Balkan countries: evidence from Serbia, Montenegro and Macedonia, Belgrade, 2013; Građanska alijansa, Istraživanje diskriminacije po osnovu pola i starosti prilikom zapošljavanja, Podgorica, 2015; UNDP, Nacionalni izvještaj o razvoju po mjeri čovjeka – Neformalni rad od izazova do rješenja, Podgorica, 2016; Evropski pokret u Crnoj Gori, Rodna ravnopravnost i lična primanja i prihodi i javne politike, Podgorica, 2011; Zavod za statistiku Crne Gore (MONSTAT), Žene i muškarci u Crnoj Gori, Podgorica, 2016; Unija poslodavaca Crne Gore, Žene u menadžmentu u Crnoj Gori, Podgorica, 2017;

<sup>7</sup> Ministarstvo za ljudska i manjinska prava, Diskriminacija žena na radnom mjestu – priručnik za potrebe inspekcije rada, Podgorica, 2010; Unija poslodavaca Crne Gore, Pomirenje poslovnih i porodičnih obaveza i rodna ravnopravnost, Podgorica, 2017; Unija poslodavaca Crne Gore, Promocija jednakosti i prevencija diskriminacije na radu u Crnoj Gori – pravni okvir, Podgorica, 2014. godine; Evropski pokret u Crnoj Gori, Socio-ekonomski položaj žena u Crnoj Gori, Podgorica, 2012; Unija poslodavaca Crne Gore, Više žena u menadžmentu – ključ uspješnog poslovanja – vodič za kompanije, Podgorica, 2017; Centar za razvoj nevladinih organizacija (CRNVO), Vodič kroz društvenu odgovornost preduzeća prema zaposlenim ženama, ženama na tržištu rada i ženama u zajednici, Podgorica, 2012; Savjet Evrope, Zabrana diskriminacije u oblasti zapošljavanja u Crnoj Gori u svijetlu sudske prakse Evropskog suda za ljudska prava i suda pravde EU, 2016; UNDP, Žensko preduzetništvo u Crnoj Gori, Podgorica, 2011;

<sup>8</sup> Vlada Crne Gore: Ministarstvo odbrane, Akcioni plan za primjenu rezolucije 1325 Savjeta bezbjednosti Ujedinjenih nacija: žene, mir i bezbjednost u Crnoj Gori (2017-2018), Podgorica, 2017; Vlada Crne Gore: Ministarstvo za ljudska i manjinska prava, Plan aktivnosti za postizanje rodne ravnopravnosti (PARPP) 2017-2021 sa programom sprovođenja za 2017-2018, Podgorica, 2017; Komisija za Evropski parlament, Evropski savjet, Evropski ekonomski i socijalni odbor i odbor regiona sec (2010) 1079 sec (2010) 108 – Saopštenje - Strategija za ravnopravnost žena i muškaraca od 2010. do 2015, godine, Brussels, 2010;

and ethnicity, age or rural/urban location, respectively. Any statements including the term 'significant' in relation to the survey findings suggest statistical testing with a confidence level  $\alpha = 0.05$ . However, given the limitations affiliated with convenience sampling, findings referred to as 'statistically significant' should be interpreted as suggestive, but not conclusive nor generalizable.

Considering that this online survey was promoted as a survey about gender-based discrimination, "self-selection" bias likely exists. Therefore, it is important to note that the survey is not a good measure of prevalence of gender-based discrimination and cannot be used to assess it. This means that it is only representative of the people who completed the questionnaire, and not of the working age population in Montenegro. Despite these limitations, it does provide evidence of trends and an indication of the different forms of discrimination that occur at work in Montenegro.

Sixth, from the survey respondents, 15 women agreed to participate in an in-depth interview. Thus, researchers conducted 15 follow-up interviews with women who shared their stories about discrimination at work places in Montenegro.

# LEGAL ANALYSIS

The analysis below discusses Montenegrin legal framework in the area of discrimination and employment from the perspective of equality between men and women.

Part I of this analysis presents the summary of the legal framework and follows the hierarchy of legal norms. The first section provides overview of relevant international agreements and instruments applicable in Montenegro and their relationship with the national law. The second section goes on to discuss articles of the Constitution regulating anti-discrimination, equality between men and women, and issues related to labour rights. Finally, the third section discusses national legislation regulating discrimination in the sphere of employment. The structure of the analysis is so devised as to progress from the general towards special laws and it focuses in particular on the Law on prohibition of discrimination, the Law on gender equality, and the Law on labour which are the three key laws regulating issues of protection from discrimination based on sex and rights of women who are employed or are seeking employment.

Part II of this analysis provides an overview of procedures and remedies available for the purpose of protection of relevant rights before national institutions. Where relevant, provisions of other laws are also consulted.

Finally, part III outlines recommendations for improving the current legal framework regulating protection from discrimination of women in the sphere of employment.

## I Overview of legal framework

### I.1. International Agreements and Instruments

As per the Constitution, in the hierarchy of legal norms, international agreements and instruments make an integral part of the internal legal order, have supremacy over national legislation, and are applied directly when they regulate relations differently than the national legislation.<sup>9</sup> Montenegro is a party to all relevant international human rights instruments<sup>10</sup> and labour standards<sup>11</sup>.

Among these, particularly important for equal rights of men and women are the Universal Declaration of Human Rights and relevant binding UN treaties, including the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Discrimination against Women, UN Convention on the Rights of Persons with Disabilities and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms and the

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<sup>9</sup> Constitution of Montenegro, Article 9. English version available online at the Official Website of the Parliament of Montenegro, URL: <http://www.skupstina.me/index.php/en/ustav-crne-gore>

<sup>10</sup> The full list of UN human rights treaties ratified by Montenegro is available on the website of the UN Office of the High Commissioner for Human Rights:

[https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=116&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=116&Lang=EN).

The list of Council of Europe Conventions that Montenegro acceded to by virtue of membership are listed in the Report on the Accession, available at:

<https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11457&Lang=EN>,

in section 19.1 (Conventions).

<sup>11</sup> The full list of International Labour Organisation Conventions ratified by Montenegro are available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:102734](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102734)

European Social Charter (revised); as well as the International Labour Organisation's Conventions 111 concerning Discrimination in Respect of Employment and Occupation, 100 on Equal Remuneration, and 183 Maternity Protection Convention. Being a party to the above conventions and treaties, Montenegro is subject to scrutiny of relevant international bodies<sup>12</sup> which assess the country's compliance with commitments contained therein.

In addition to this, as a prospective member of the European Union, Montenegro has also committed to align its legislation with the EU acquis<sup>13</sup>.

## **I.2. Constitution of Montenegro**

The Constitution of Montenegro is a legal act of highest national legal authority. Issues of anti-discrimination and equality between men and women are in particular regulated by Articles 8, 18, and 71 of the Constitution; while issues related to labour rights are regulated by Articles 62-67.

Prohibition of direct or indirect discrimination on any grounds is provided for in the basic provisions of the Constitution<sup>14</sup>. Affirmative action measures may be employed with the purpose of creating conditions for the exercise of national, gender and overall equality and protection of persons in an unequal position and are not to be considered discrimination.<sup>15</sup>

In the Human Rights and Liberties section, under common provisions, the Constitution provides for general equality of all persons before the Law, regardless of any particularity or personal characteristics (Article 17, paragraph 2) and stipulates that everyone shall have the right to equal protection of the rights and liberties (Article 19). The Constitution also refers to gender equality specifically stipulating that the state shall guarantee the equality of women and men and shall develop the policy of equal opportunities (Article 18).

Labour rights and related issues are regulated under the part of Constitution dedicated to economic, social and cultural rights and liberties. These include the right to work (Article 62), prohibition of forced labour (Article 63), rights of the employed (Article 64), provisions concerning the Social Council (Article 65), strike (Article 66), and social insurance (Article 67).

The Constitution provides that '[e]veryone shall have the right to work, to free choice of occupation and employment, to fair and human working conditions and to protection during unemployment' (Article 62). The Constitution also provides guarantees for employees' rights to adequate salary, limited working hours, and paid vacation and occupational health and safety (Article 64, paragraphs 1-3). Women, young people and persons with disabilities enjoy 'special protection' at work (Article 64, paragraph 4 and Article 68) and the Constitution also envisages 'special protection' of mother and child, as well as the responsibility of the state to 'create the conditions that encourage childbirth' (Article 73).

In line with the Constitution, after all effective legal remedies have been exhausted, a violation of human rights and liberties granted by the Constitution may be brought before the Constitutional Court in the form of a constitutional appeal (Article 149 of the Constitution).

The following section provides an overview of anti-discrimination and labour law legislation from gender equality perspective.

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<sup>12</sup>Notably the UN human rights treaty bodies, relevant monitoring bodies of the CoE and the European Court of Human Rights, ILO Committees and special procedures for supervising the application of standards.

<sup>13</sup> See Article 72 of the EU-Montenegro Stabilisation and Association Agreement on approximation of national legislation to that of the Community. Available online at:

<http://register.consilium.europa.eu/doc/srv?!=EN&f=ST%2011566%202007%20INIT>

<sup>14</sup> Constitution of Montenegro, Article 8, Paragraph 1.

<sup>15</sup> In line with the Constitution, these special measures are meant to be of limited duration and may only be applied until the achievement of the aims for which they were undertaken (Article 8, Paragraphs 2 and 3).



### **I.3. Legislation on discrimination in the sphere of employment**

Issues of protection from discrimination and equal opportunities for men and women in employment are primarily regulated by the Law on prohibition of discrimination, Law on gender equality, and Labour law.

**Law on Prohibition of Discrimination**<sup>16</sup> is the framework anti-discrimination law. The stated purpose of this law is the 'prohibition of and protection from discrimination as well as the promotion of equality' (Article 1, Paragraph 1). The Law is applicable in both the public and private sector (Article 3). It prohibits 'any form of discrimination, on any ground' (Article 2, paragraph 1). Discrimination is defined as:

any legal or actual distinction or unequal treatment, or failure to treat a person or a group of persons in comparison to other persons, as well as exclusion, restriction or preferential treatment of a person in comparison to other persons, based on race, skin colour, national identity, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, sex, sex change, gender identity, sexual orientation and/or intersexual characteristics, health, disability, age, material status, marital or family status, membership of a group or assumed membership of a group, political party or other organization as well as other personal characteristics. (Article 2, paragraph 2)

As regards discrimination based on sex, Article 2 of the Law on Prohibition of Discrimination *inter alia* prohibits discrimination based on these grounds (see Article 2 above). However, the provisions on the definition and scope of discrimination based on sex are missing. Discrimination based on sex, as such, is not recognized by the Law on Prohibition of Discrimination as a special form of discrimination, except for harassment and sexual harassment. In fact, the Law does not make any reference to it, except as an integral part of the aforementioned general provision on the prohibition of discrimination on all grounds. Also, unlike for 'special' forms of discrimination listed above, including harassment and sexual harassment, there is no specific offence or associated fine concerning discrimination based on sex, as such.

When it comes to discrimination in the sphere of labour, Article 16, paragraph 1 of the Law on Prohibition of Discrimination specifically prohibits discrimination on any grounds listed under Article 2, paragraph 2 of this Law (including discrimination based on sex) of persons seeking employment. This provision is accompanied by the offence with an associated fine (Article 34a).

The issue of gender discrimination in the sphere of employment is also addressed in the **Law on gender equality**<sup>17</sup>. The stated aim of this *lex specialis* is to regulate the manner of exercise of gender equality rights, introduce measures intended to eliminate discrimination based on sex and create equal opportunities for women and men (Article 1 of the Law on gender equality). The Law provides a comprehensive definition of discrimination based on sex, which reads as follows:

Discrimination based on sex is any legal or factual, direct or indirect distinction or unequal treatment of a person or a group of persons of one sex compared to persons of the other sex, as well as any exclusion, restriction or giving preference to one person, or a group of persons of one sex compared to persons of the other sex, as a result of which a person is restricted or denied access to recognition, enjoyment or

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<sup>16</sup> Official Gazette of Montenegro 46/10, amended 40/11, 18/14, 42/17.

<sup>17</sup> Official Gazette of Montenegro no 73/10, amended 40/11, 35/15.

exercise of human rights and freedoms in civil and political, economic, social, cultural and other spheres of public and private life.

Discrimination based on sex is also considered to be encouraging, helping, giving instructions, as well as announced intention to discriminate a specific person or group of persons based on sex.

Discrimination is considered to be any treatment bringing in disadvantaged position a woman because of pregnancy or maternity, as well as other person because of changing sex, compared to other persons, with regards to employment, self-employment, exercising rights arising from social security and other rights.

Discrimination, within the meaning of paragraph 1 of this Article, shall be considered to be also harassment based on sex, sexual harassment, incitement of other person to discriminate, as well as using words in the masculine gender as generic neutral form for both male and female gender (Article 4, paragraphs 1-4).

Building on relevant provisions of the framework, anti-discrimination law (see above), the Law on Gender Equality further elaborates on what constitutes direct and indirect discrimination based on sex (Article 7, paragraph 1). The Law on gender equality complements the Law on prohibition of discrimination in part which concerns harassment – including in the sphere of employment – and provides that acts of harassment based on sex and sexual harassment shall be considered a form of discrimination based on sex (Article 4, paragraph 4).

Offences and associated fines are set out in Articles 33 and 33a of the Law on Gender Equality. However, this law, which is meant to regulate discrimination based on sex, establishes only two offences for acts of discrimination on these grounds. These include protection of pregnant women, mothers and persons who have changed sex from being brought into a disadvantaged position with regards to labour and social security rights (Article 33)<sup>18</sup> and the failure of (legal persons) to use gender sensitive language (Article 33a, paragraph 1, point 1).<sup>19</sup> At the same time, these are the only two offences which refer to the substance of the Law and the rights protected by it.<sup>20</sup> In addition, it should be noted that the fines for the two offences concerning discrimination based on sex envisaged by the Law on Gender Equality are lower than those set out in the anti-discrimination framework for other acts of discrimination, suggesting that except for harassment and sexual harassment<sup>21</sup>, this form of discrimination is considered less important or at least less serious than others.

The **Law on Labour**<sup>22</sup> is the key law regulating employment rights. Like the anti-discrimination law and the gender equality law, the Law on Labour also prohibits discrimination

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<sup>18</sup> A fine of 1,000-10,000 € was envisaged for legal persons, 150-2,000 € for responsible persons within state or local authorities, and 150-3,000 € for entrepreneurs (Article 33 of the Law on Gender Equality).

<sup>19</sup> A fine of 500-5,000 € was envisaged for legal persons, 150-1,000 € for responsible persons within state or local authorities, and 150-1,500 € for entrepreneurs (Article 33 of the Law on Gender Equality).

<sup>20</sup> The rest of the offences focus on sanctioning legal persons who fail to complete certain technical tasks, which they are expected to carry out in line with the Law. These include the failure (of legal persons) to ensure trainings for employees on gender equality, failure to ensure gender segregated statistics and information in their possession, failure to submit reports to the Ministry on achieving gender equality from their area of work, and failure to designate an employee to be in charge of coordination activities on issues concerning gender equality and participate in preparation and implementation of the gender equality Action Plan (Article 33a).

<sup>21</sup> The Law on Gender Equality prohibits harassment and sexual harassment and recognizes them as types of discrimination based on sex. These are also prohibited by the Law on Labour. However, the protection from harassment and sexual harassment at work is exercised in line with the framework anti-discrimination law which considers them as 'special forms of discrimination' (see above) and provides for relevant fines.

<sup>22</sup> Official Gazette of Montenegro no 49/08, amended 26/09, 88/09, 26/10, 59/11, 66/12, 31/14, 53/14, 4/18.

in the sphere of employment (Articles 5 and 6). More specifically, the law provides that discrimination – including on the grounds of sex – is prohibited in relation to conditions of employment and the selection of candidates for a job; terms of employment and all the rights arising from the labour relationship, education, training and professional development; promotion at work; termination of contract and employment (Article 7, paragraph 1, points 1-5). In line with the law, termination of a contract of employment shall be considered unjustified if the grounds for termination inter alia involve 'personal characteristics', including sex (Article 143a, paragraph 1, point 3).

Like the framework anti-discrimination law and the gender equality law, the labour law also prohibits harassment and sexual harassment in the workplace and related to work. In cases of sexual harassment in the workplace and related to work, relevant provisions of the Law on prohibition of harassment at work are applied.<sup>23</sup> The Law on Labour also provides guarantees for employees who report, or testify in cases of harassment and sexual harassment in the sphere of employment, protecting them from suffering any adverse consequences (Article 8).

In addition to this, the Law on Labour also regulates other aspects of employment relations particularly relevant from the perspective of equality between women and men, equal opportunities in the sphere of employment, and rights of women who are employed or are seeking employment. These include conditions for conclusion of employment contracts, rights and duties of employees, protection of employees, and termination of employment.

As regards conclusion of contract of employment, the Law provides that employees cannot condition employment of women upon evidence of pregnancy<sup>24</sup> or request information (from either women or men) on marital status and family planning and other information which are not of direct importance for performing the occupational duties (Article 18, paragraphs 2 and 3).<sup>25</sup> As a rule, contract of employment is concluded for an indefinite period of time (Article 24, paragraph 1). Fixed-term contracts which are concluded for the purpose of performing certain jobs whose duration is predetermined for objective reasons or due to certain unforeseeable circumstances or events, may not exceed the duration of 24 months (Article 25, paragraphs 1 and 2). If a fixed-term contract of employment was concluded contrary to the above, or if the employee continued working for the employer after the expiry of the period for which the contract had originally been made, the employee shall be considered to have concluded a contract of employment for an indefinite period of time, if they accept such employment (Article 26).

However, it is important to note that temporary absence of an employee – including due to maternity leave – is not counted towards the two-year period after which a fixed-term contract has to be transformed into an employment contract for an indefinite period of time. This means that if a woman becomes pregnant while on a fixed-term contract and goes on pregnancy and/or maternity leave, this time shall not be counted towards the time required for her contract to be transformed into an indefinite one, putting her at a higher risk of simply not getting her contract renewed after the expiration of the fixed-term one.

In part which regulates rights and duties of employees, the Labour Law inter alia guarantees the same salary for the work of the same value (Article 77, paragraph 2); envisages wage compensation to women on pregnancy and maternity leave, as well as to employees who are on parental leave and leave for the purpose of caring for a child (Article 82,

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<sup>23</sup> Official Gazette of Montenegro no. 30/12, amended 54/16.

<sup>24</sup> An exception to this rule exists if the job concerned carries a significant risk for the health of a woman or a child, as established by a relevant health authority (Article 18, paragraph 3).

<sup>25</sup> For violation of the said provisions, the law envisages a fine of EUR 2.000-20.000 for employers with a status of a legal person, EUR 200-2.000 for a responsible person in the legal person, and EUR 600-6.000 for an entrepreneur employer (Article 172).

paragraph 1)<sup>26</sup>; as well as a threshold for the minimum wage which may not be lower than 30% of the average wage in Montenegro in the previous six months (Article 80).<sup>27</sup>

However, when it comes to the principle of equal pay, the current legal framework does not provide adequate protection from discrimination on grounds of sex with regard to remuneration. The Law on Labour fails to provide for any penalties in case of violation. In case the right to equal pay is violated, the law provides that the employee shall be entitled to compensation of damage in the amount of the unpaid portion of the salary (Article 77, paragraph 4). The relevant anti-discrimination legislation also does not envisage any form of punishment for the employer for violation of the principle of equal pay for work of equal value<sup>28</sup>. This means that the current legal framework only provides the possibility for women who are discriminated based on sex and paid less than their male colleagues because they are women to win back what was wrongfully taken from them. At the very least, the absence of sanctions and the lack of due consideration for this issue in both the anti-discrimination legal framework and the law on labour fails to generate deterrent effects on such practices.

The Law on labour also envisages certain measures of special protection for women in the sphere of employment.<sup>29</sup> Measures of special protection of women in the sphere of labour are provided for in articles 103 (Special protection), 104 (Special protection of young people and women), 105 (Protection of women in industry and civil engineering), 108 (Protection due to pregnancy and caring for a child), 109 (Temporary deployment), 110 (Protection from overtime work and night-time work), 111a (Maternity leave) and 112 (Protection in case of still born). Special measures for protection of employees who are parents, adoptive parents or persons caring for a child irrespective of their gender are regulated by articles 111 (Parental leave), 111b (Wage compensation and return to the same position), 113 (Work of half-time working parents), 114 (Half-time work for the purpose of caring for a child with special needs), 115 (Exercising labour rights while caring for a child), 116 (Child adoption leave), 117 (Notification of intention to use parental leave, or leave for the purpose of adoption) and 118 (Leave from work without wage compensation for the purpose of caring for a child under the age of three).

However, their quality varies and sometimes they even impose additional limitations on the rights of the working women. For example, the Law provides that a woman 'may not work' on positions where mostly very difficult physical work is performed, positions performed underground or under water, or positions which may be harmful and increase the risk for their health and life (Article 104). While likely well intended, this provision is in fact discriminatory. Same is the case with several other special measures including on the protection of women in industry and civil engineering (Article 105) and the protection from over-time or night-time work (Article 110); etc.

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<sup>26</sup> The Law on social and child protection complements the Law on labour in this regard and provides guarantees for the right to receive wage compensation to an entrepreneur who is on maternity/parental leave. See Article 52 of the Law on social and child protection, Official gazette of Montenegro no 27/13, amended 1/15, 42/15, 47/15, 56/16, 66/16, 1/17, 31/17, 42/17, 50/17

<sup>27</sup> The provision on minimum wage is particularly relevant for economic security of working women, especially given that many low paid jobs in Montenegro are performed by them.

Earlier versions of the law on prohibition of discrimination explicitly regarded unequal pay for work of equal value as an act of discrimination. Prohibition of unequal pay was accompanied by a relevant offence and an associated fine, of up to EUR 20 000. In the current version of the anti-discrimination law there is no mention of equal pay. The Law on Gender Equality only refers to unequal pay under Article 2, which stipulates that gender equality<sup>28</sup> *inter alia* means that women and men shall benefit equally from their work. However, the penalty provisions of this Law also do not envisage any relevant offences or associated fines.

<sup>29</sup> The Law on prevention discrimination and the Law on gender equality also provide for certain forms of special or affirmative action measures aimed at achieving gender equality, ensuring protection of women, and promoting equal opportunities for women and men. See Article 5 of the Law on prohibition of discrimination and Articles 5, and 8-20 of the Law on gender equality.

Article 82, paragraph 1 of the Law on Labour also guarantees wage compensation to employees during pregnancy leave, maternity leave, parental leave, and leave for the purpose of caring for a child.

In line with the Law on Labour, termination of a contract of employment shall be considered unjustified if the grounds for termination are maternity and parental leave, as well as leave and absence from work for the purpose of care for a child (Article 143a, paragraph 1, point 2).

The **Law on Prohibition of Harassment at Work**<sup>30</sup> also applies to cases of harassment at work, or related to work (mobbing) including sexual harassment, as well as other issues of importance to the prevention and protection against mobbing, in accordance with the provisions regulating the labour issues and provides for a fine.

The law defines the concept of Mobbing, as "any active or passive conduct at work or related to work against an employee or group of employees, which recurs, and which is intended to or actually undermines the dignity, reputation, personal and professional integrity of the employee and which causes fear or creates a intimidating, humiliating or offensive environment, aggravates working conditions or leads to the isolation of the employee or leads the employee to terminate contract of employment or another type of contract upon his own initiative." (Article 2, paragraph 1) Incitement or leading others to behave in the manner referred in this definition is also considered as mobbing. The law applies to a legal or natural person or part of legal entity, to employers and employees, as well as persons engaged outside the employment, such as persons attending professional training and expertise; pupils and students attending practical training; volunteers; persons performing certain tasks while serving a sentence of imprisonment or corrective measures; persons in voluntary and public works, works organised in the common interest, labor activities and competitions, and any other person taking part in the work of the employer (Article 3, paragraph 1).

## II Procedures and remedies

For cases of gender-based discrimination in the sphere of employment, a claim is brought forward based on the Law on labour. In line with the law, employees who believe that the employer has violated their employment rights and rights related to employment may file a request with the employer to remove the alleged irregularities (Article 119). The employer has 15 days to decide on the claim and deliver the decision in writing. The decision ought to include reasoning and a note on the legal remedy.<sup>31</sup> An employee who is not satisfied with the decision of the employer, or did not receive a decision within the legal deadline, may initiate proceedings before the court, in line with the law on civil procedure. For cases of discrimination in the sphere of labour, the Law on labour stipulates that persons seeking employment and employees may bring the claim to the court (Article 10).

For example, an employee can initiate a civil proceeding for compensation of damages caused as a result of violation of the principle of equal pay for work of equal value, guaranteed by Article 77 of the Law on labour. At the same time, this would constitute a discrimination claim evoking Article 7 of the Law on labour which prohibits discrimination with regards to terms of employment and all rights arising from the employment relationship.

Court protection in discrimination cases is regulated by the Law on prohibition of discrimination (Articles 24-31), which supplements the Law on labour in cases of discrimination in the sphere of labour. In line with the Law on prohibition of discrimination, anyone who

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<sup>30</sup>The Law was published in "Official Gazette of Montenegro", No. 30/2012 in June 8th, 2012 and No. 054/2016 in 15.08.2016.

<sup>31</sup>In case the employer fails to make the said decision within the prescribed deadline, the law envisages a fine ranging from EUR 2.000-20.000 fine for employer with the status of a legal entity, EUR 200-2.000 for a responsible person within an employer with the status of a legal entity, and EUR 600-6.000 for an employer-entrepreneur (Article 172, paragraph 1, point 28).

believes they have been hurt by discriminatory treatment shall be entitled to the protection of the courts (Article 24). The court proceedings related to the protection from discrimination are initiated by filling a claim. The claim may be filed within one year from the day of learning about the act of discrimination and no later than three years from the day on which the act of discrimination was committed (Article 27). In line with the law, discrimination claims are treated with urgency and revision is always permitted (Article 24).

For discrimination cases, the burden of proof is reversed. In line with the Law on Prohibition of discrimination, if the claimant establishes sufficient evidence to suggest that discriminatory treatment may have occurred, the respondent is the one who must prove that the act of discrimination has not been committed (Article 29). In line with the law, this provision is equally applied to the cases for the protection from discrimination before the Ombudsperson (see below).

Alternatively, the Law on labour envisages the possibility to resolve labour disputes before the Agency for peaceful settlements of labour disputes (Article 121). This procedure is voluntary<sup>32</sup> and regulated by a separate Law on peaceful settlement of labour disputes<sup>33</sup>. In addition to this, employees also have the possibility to appeal to the Labour Inspectorate, which has a mandate to consider cases of (gender-based) discrimination in the sphere of labour. Discrimination cases reported to the labour inspection may also be brought to the attention of the Ombudsperson.

Ombudsperson acts on complaints relating to discriminatory treatment and undertakes measures and actions to eliminate discrimination and protect the rights of the person who is being discriminated against, if the court proceeding have not been initiated.<sup>34</sup> In addition to this, the Ombudsperson provides information and advice to persons who believe they may have been discriminated against and conduct reconciliation proceedings between the complainant and the legal or natural person which may have committed an act of discrimination against them. Ombudsperson may also initiate a procedure for the protection from discrimination before the court, or themselves take part in the case (see Article 21, paragraph 1, points 1-4).

The procedure for submitting a complaint to the Ombudsperson is outlined in Article 22 of the Law on prohibition of discrimination. The procedure for acting on complaints and other aspects of work of the Ombudsperson is regulated by the Law on the protector of human rights and freedoms (Ombudsman).<sup>35</sup> Filing a complaint with the Ombudsperson does not prevent the claimant from initiating court or other procedures for the purpose of exercising their rights. However, if a court proceeding is initiated after the complaint had been submitted to the Ombudsperson, the proceeding before the Ombudsperson shall be discontinued (Article 39).

The Law on Prohibition of Harassment at Work stipulates the preventive measures as the liability of employer to provide an employee to work at the work place and working environment under conditions that ensure respect of his dignity, integrity and health, as well as to take the necessary measures to protect an employee from mobbing in accordance with the Law (Article 6). In case of mobbing, an employer who has 30 or more employees is liable to designate one or more persons to mediate between the parties, after obtaining the opinion of a representative trade union or representative of employees (Article 9). For an employer who

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<sup>32</sup> The new Law on civil servants and state employees, adopted in late December 2017, introduced an atypical requirement in line with which civil servants and state employees who believe that their employer has violated their employment rights and rights related to employment are required to launch a procedure before the Agency for peaceful settlements of labour disputes before going to court. In the same fashion, the employer, i.e. the state organ in question, is required to accept the procedure for peaceful settlements of labour disputes. See article 140 of the Law on civil servants and state employees. Official Gazette of Montenegro no. 02/18.

<sup>33</sup> Official Gazette of Montenegro no. 16/07, amended 53/11, 42/15, and 55/16.

<sup>34</sup> See Article 21, paragraph 1 of the Law on prohibition of discrimination.

<sup>35</sup> Official Gazette of Montenegro no. 42/11, amended 32/14, and 21/17.

has fewer than 30 employees, mediator will be agreeably designated by the employee who is exposed to mobbing, the employee charged for mobbing and the employee designated by the employer, and in the case when an employer is charged for mobbing the mediator will be agreeably designated by the employee who is exposed to mobbing and the employee designated by the employer. Mediator can't be a suggested witness during the mediation proceedings. An employer is also liable for the damage that a responsible person, an employee or group of employees causes to another employee by exercising mobbing. After remunerating the damage, the employer is entitled to require a remuneration of paid damages from those persons responsible for mobbing (Article 10). The law also predicts a liability of the employees to report a cognition of mobbing, as well as for the abuse of the right to protection against mobbing (Articles 11-14) Moreover, the law regulates the initiation, implementation, conducting and termination of the proceedings against mobbing, the cessation of work, as well as provisional measures in case when there is a danger of irreparable damages to an employee who believes to be exposed to mobbing (Articles 15-20). The limitation period for submitting a request for protection against mobbing in employer's service is three months as of the day when mobbing occurred (Article 23). The Law also stipulated a protection of participants in the proceedings (Article 24)<sup>36</sup> An employee who is not satisfied with the outcome of the proceedings for protection against mobbing at the employer, may initiate proceedings for protection against mobbing at the Agency for peaceful settlement of labor disputes or before the competent court, within the period of 15 days from the day of receipt of the notice or decisions, or in case of no agreement (Article 25) Such disputes will have the character of labor disputes and will be processed according to provisions of the Law governing the civil proceedings and the proceedings of peaceful settlement of labor disputes (Article 26) The burden of proof in cases of mobbing falls upon the defendant or upon other party to the dispute (Article 27) In order to prevent violent conduct or to eliminate irreparable damage, the court may establish interim measures (restraining order and the prohibition of access to the space in the vicinity of the workplace of the employee who makes a case of exposure to the mobbing), during the proceedings, within eight days since the proposal of a party or ex officio, with no possibility of specific claim against that decision (Article 28).The penalty provisions under this law are pecuniary fines ranging between 500 and 10,000 Euros. (Article 30)

The supervision over the implementation of the Law is responsibility of the labour inspection (Article 29).

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<sup>36</sup>Article 24: "The initiation of proceedings for the protection against mobbing, as well as the participation in the proceedings shall not be the basis for: putting the employee in a less favorable position in terms of exercising the rights and duties arising from employment; initiation of proceedings for establishing disciplinary, financial and other responsibility of the employee; the termination of the labour contract and/or termination of employment or other contractual relation based on labor and making the employee redundant, in accordance with provisions regulating the field of labour.

The right to protection referred to in Paragraph 1 of the Article hereof shall also have an employee who draws attention of the competent state authority to the violation of the public interest established by Law, conducted by an employer, and who has justified doubt that he shall be exposed to mobbing.

An employee, established to have abused the right to protection against mobbing pursuant to Law, shall not enjoy protection in terms of Paragraph 1 of the Article hereof."

# PEOPLE'S AWARENESS OF DISCRIMINATION

This section seeks to answer the following research question: how aware are people about discrimination and the relevant legal framework, including how to report discrimination? It draws from evidence from three sources: interviews with representatives of different institutions and organizations that are involved in discrimination cases; online survey data and interviews with 15 women who reported discrimination in the online survey and agreed to share their stories. Notably, the online survey only indicates relative differences among groups since it was based on self-reporting. This means that it is only representative of the people who completed the questionnaire, and not of the population of Montenegro.

Regarding awareness, representatives of different institutions involved in discrimination cases tended to agree that awareness among people is rather low. For example, as court representatives observed: 'Women are still not fully aware of this issue and they don't think they are discriminated against.' This opinion was corroborated in an interview with a woman who reported having experienced discrimination in the online survey, shown in the box.

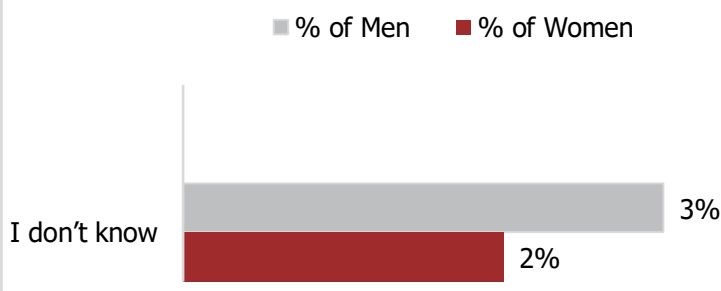
“ I did not report because, at that moment, I wasn't aware that I was discriminated against. I did not know that it could be considered discrimination.

- Woman, age 28

Although survey respondents tend not to recognize different forms of discrimination, most seemed aware of the fact that gender-based discrimination is illegal (96%).

Fewer than 2% answered 'No' and only 2% said that they 'Don't know' whether discriminating against someone at work because of his/her gender is illegal. Comparing the knowledge of different age cohorts showed that respondents ages 60-64 seemed less informed about

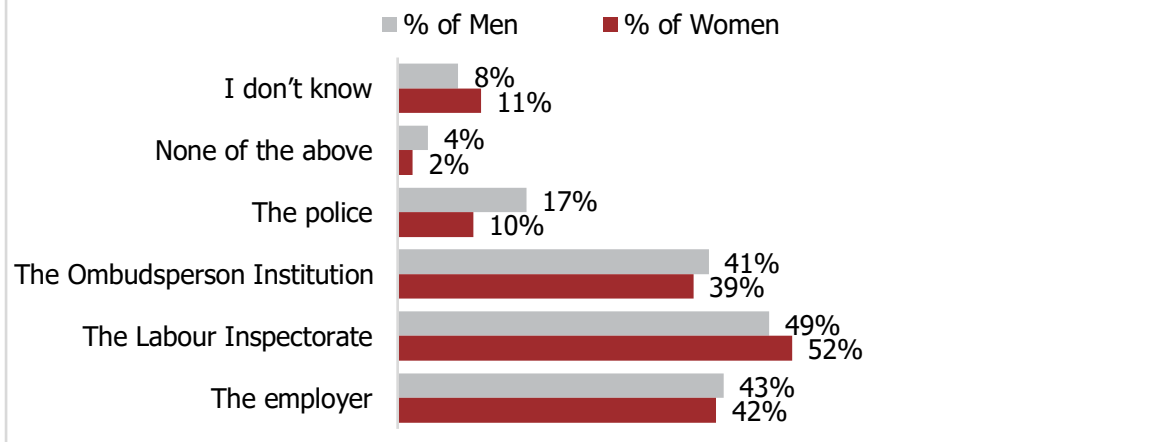
**Graph 1. Respondents Knowledge if 'Discriminating against Someone at Work Because They Are a Woman or a Man is illegal', by respondent's gender**



gender-based discrimination than the rest of the sample. Even so, 91% of respondents from this age cohort thought gender-based discrimination is illegal in Montenegro. Almost every tenth respondent (9%) did not know. Men and women respondents had similar knowledge about the illegal nature of gender-based discrimination in Montenegro. When asked to whom they would report discrimination, survey respondents tend to state the employer (51%) and/or the Labour Inspectorate (61%). This suggests that approximately half the respondents knew that discrimination first should be reported to the employer. Indeed, this correlates with advice from institutional representatives and lawyers who suggested addressing discrimination cases to employers first, preferably in writing. Several people believed that discrimination should be reported to the Ombudsperson Institution (45%). Every tenth respondent (11%) did not know whom to report discrimination. No significant differences in knowledge seemed to exist among respondents based on their ethnicity, age, educational level or rural or urban geographic location.



**Graph 2. To which Institutions Should Gender-based Discrimination Be Reported, by Respondents' Gender**



## Awareness and Reporting

The research team hypothesized that low levels of awareness on the fact that certain actions are considered gender-based discrimination and therefore illegal, or how to report it, could hinder people’s reporting of such discrimination. Indeed, representatives of the institutions interviewed believed that most people do not report discrimination. Apart from low awareness as to which types of behaviour may constitute discrimination, they mentioned: lack of trust in institutions; long, stressful procedures that often do not have satisfactory results; and fear of job loss. Women who reported facing discrimination corroborated these opinions:

“ I did not undertake any legal steps because I would mistreat myself even more that way. And all of that would last even longer, and no one could compensate me for all the time and nerves that I would lose.

- Woman, age 43

“ I did not undertake any legal steps because I do not believe I would fulfil anything that way. If I had connections or someone who protects me, everything would be solved. I am thinking about reporting, but I am still choosing which way will have minor consequences on my health.

- Woman, age 47

“ I did not report to anyone, but I told them I would take them to court. I was not informed about legal procedures, but when everything settled internally, I told myself: “At least, they paid me.

- Woman, age 22

“ I don't want to lose my job., that's why I endure.”

- Woman, age 47

As these comments suggest, victims hesitate to put themselves through, what they perceive as complicated and uncertain, legal procedures. Several interviewed respondents who reported discrimination described the legal procedures as painful:

“ You can sue me, but you can't do anything to me.

- Woman, age 40

“ During the procedure, my chief 'could not remember' the words he used to qualify me.

- Woman, age 47

“ Lawyers told us our hands are tied.

- Woman, age 23

## Conclusion

All evidence drawn from three available sources showed that there is a lack of understanding which actions constitute gender-based discrimination. Not being aware that a certain action can be considered discrimination is the first problem when it comes to people not reporting it. Additionally, many victims are not aware of the procedures and mechanisms that are available to them, which additionally hinders reporting.

Finally, in many cases the fact that discrimination is hard to prove discourages people from pursuing legal actions and many people are afraid that any action might provoke further retribution.

When it comes to gender-based discrimination there is a lot of room and need for further promoting protection mechanisms and empowering people that are victims of it to step forward.

# PREVALENCE AND EXPERIENCES WITH DISCRIMINATION

This chapter seeks to describe the prevalence of gender-based discrimination in Montenegro. The precise prevalence of gender-based discrimination cannot be known given the limitations of the online survey that are already described in the methodology on one hand and the fact that many cases are never reported. Therefore, the chapter draws from various sources including institutional data, interviews and survey responses to better understand the nature and forms of gender-based discrimination in Montenegro. The chapter first examines institutional data, then how discrimination may affect different persons, and then the different types of discrimination that seem to exist in Montenegro.

## Institutional Data

Even the best kept institutional data cannot demonstrate the actual prevalence of gender-based discrimination, given under-reporting. Nevertheless, data from institutions can provide interesting descriptive information regarding which cases have been reported to institutions and by whom.

Findings from data requests submitted to the institutions responsible for treating gender-based discrimination suggest that institutional data is lacking.

The Basic Court in Podgorica stated that they do not keep special records about labour-related disputes and that they would need to open their registers to count cases manually. The Agency for Peaceful Settlement of Work-Related Disputes responded that they have received 14 reports by female and 22 by male applicants. The Labour Inspection provided descriptive information by year, starting from 2013 (1 female), 2014 (1 female), 2015 (3 female, 1 male), 2016 (2 female, 1 male), 2017 (4 female and 2 male). The Police Department and Ombudsperson's Institution never replied to the request for data. According to the Law on Prohibition of Discrimination (article 33) courts, prosecutors, misdemeanor courts, police and inspections have to keep records about procedures initiated and decisions reached regarding discrimination. These records should be annually reported to the Ombudsperson Institution which then reports about discrimination in its annual reports. Most of these reports are available on the Ombudsperson's website. For example, the 2017 annual report contains the information about Labour related discrimination cases reported to the Ombudsperson institution based on different grounds<sup>37</sup>. The summary of the report is presented in the graph 3.

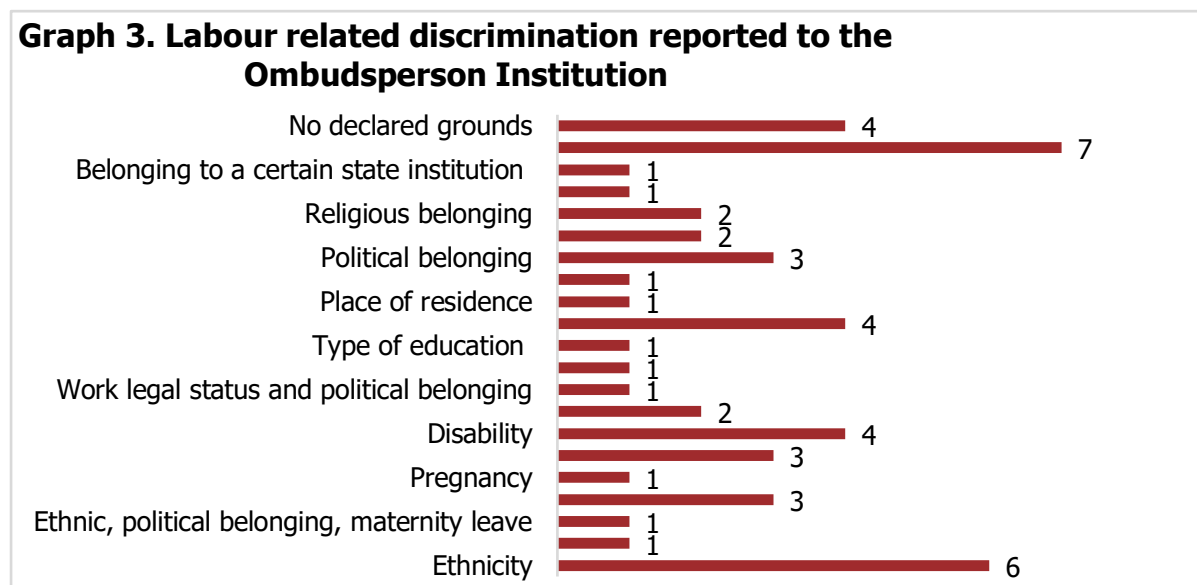
The reports also state the results of the Ombudsperson's investigation, including whether discrimination was detected or not and whether the organization or institution implemented the Ombudsperson's recommendations. While it is an informative table, it is not very useful for statistical purposes because the categories used to describe specific type of discrimination are not fixed, and they change from one year to another. Thus, it is difficult to compare categories and years. Also, information about the sex of the alleged perpetrator is not included in the reports. The reports by the Ombudsperson Institution include a descriptive presentation of data received from other relevant institutions that are obliged to report to the Ombudsperson annually about cases of discrimination, according to the Law on Prohibition of Discrimination. The authors of the Ombudsperson's report recognized the problems with such reporting:

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<sup>37</sup> Zaštitnik ljudskih prava i sloboda, Izvještaj o radu za 2017. godinu, Podgorica, 2017.

Ombudsperson is worried to once again repeat that state institutions have not yet established proper data collection system, so they most often report on discrimination in not systematic, not organized manner and on explicit request by the Ombudsperson<sup>38</sup> [sic]

The report content proves this evaluation correct. While data is reported by all institutions, it is not systematic, comparisons cannot be made between categories and important information is missing such as the sex of the alleged perpetrator or the relation with the victim is missing.



## An Overview of Gender-based Discrimination

Given the dearth of official data, the following sub-sections describe trends in discrimination (if not prevalence), drawing from survey and interview data.

### Gender of the Victim

Given the lack of official statistics or data on prevalence, evidence regarding the gender of discrimination victims is circumstantial. The online survey found that 41% of women respondents believed that they had experienced discrimination, compared to 21% of men respondents. Even considering the misbalance in the sample regarding respondents' gender, the difference between women and men experiencing gender-based discrimination was statistically significant, suggesting that women may be more likely to experience such discrimination than men.

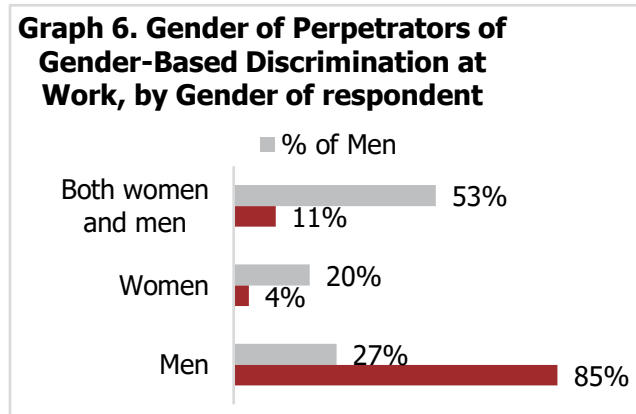
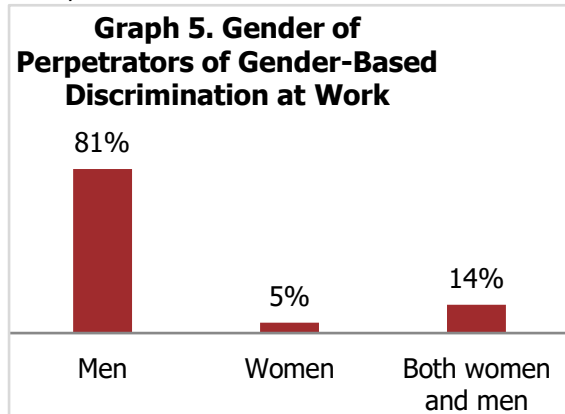
This finding was corroborated by interviews with the Ombudsperson's Institution, which stated that 'In general, all our statistics show that women are more often victims of discrimination. I don't have exact percentages to show now, but all the parameters I have seen show that women are most often the victims'. As mentioned, women also tended to report gender-based discrimination to the Labour Inspectorate more than men did.

### Gender of the Alleged Perpetrator

<sup>38</sup> Zaštitnik ljudskih prava i sloboda, Izveštaj o radu za 2017. godinu, Podgorica, 2017, p. 174.

As Graph 5 illustrates, the online survey findings suggested that of the persons who indicated that they experienced gender-based discrimination at work, most of the alleged perpetrators were men (81%), while fewer than 5% were women. Additionally, 14% of respondents said that both men and women had discriminated against them based on their gender.

More specifically, as Graph 6 illustrates 85% of women respondents stated that they have been discriminated against at work by men, 4% by women and 11% by both men and women. For men respondents, 20% said they faced discrimination from women, 27% from men, and more than half from both men and women.



During interviews, some women reported that women colleagues and superiors discriminated against them, such as by stating the following to them at work:

“ The more you work, the more beautiful you get.  
- Woman, age 28

“ When a man enters the store, you should flirt with him.  
- Woman, age 22

“ My superior’s wife hit me with a cup. She deleted bills from my PC. She saw a threat in me. I went to work, but I felt bad, like I was incapable of doing anything. I reported her to my employer. They told me I should find another position in the same workplace. My employer, that woman’s husband, said that there is no place for me. I lost my job after the project. The other girl arrived; she had ‘the connection’ and got the job.  
- Woman, age 39

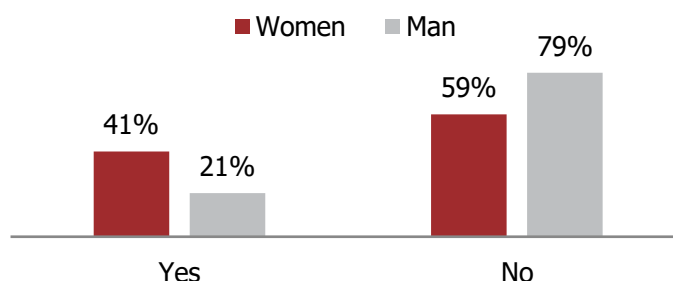
“ Women superiors treat women employees worse than men employees. They have great relations with men employees. There is no solidarity among women.  
- Woman, age 47

Survey findings similarly suggested that gender-based discrimination tends to come from ‘above’. Every tenth respondent (12%) said that he/she faced discrimination by a colleague in a similar position in the workplace hierarchy, while every fourth respondent (24%) allegedly faced discrimination by persons in higher positions.

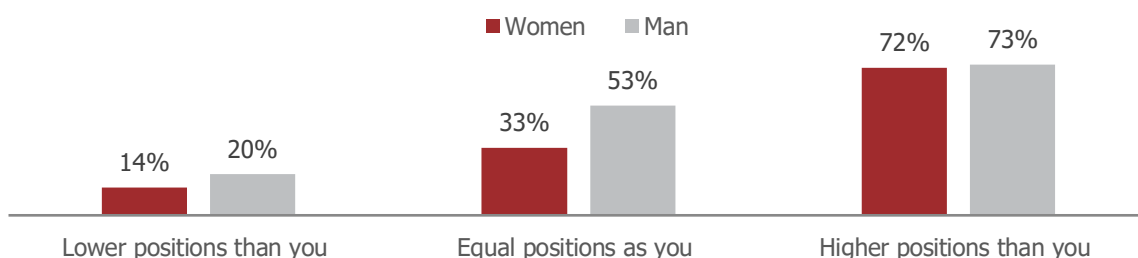
## Discrimination among other groups

According to representatives of institutions interviewed for this research, discrimination based on other grounds than gender also exists. Representatives of institutions interviewed, when asked if they had observed discrimination affecting any of the following groups. As can be seen, lesbian, gay, bisexual, trans\*, queer/questioning, intersex, asexual and other identifying persons (LGBTQIA+), persons with different abilities and Roma people were mentioned the most often.

**Graph 4. Have you ever been treated differently (discriminated against) because you are a woman/man, by Respondents' Gender**



**Graph 7. The Perpetrators' Working Position, by Respondents' Gender**



As an interview respondent from civil society organisation explained:

We have conducted some surveys about public perceptions regarding who is discriminated against in Montenegrin society. [O]ur last survey [suggested] old and poor people. However, very high ranked were also Roma people, women, LGBT persons, persons with disabilities. I believe that this corresponds with the real situation.

“ When I apply, they ask me ‘How old are you?’. Now, age is decisive, too. I applied for a job in a clothing store, they said, ‘She looks nice, but how old is she?’  
- Woman, age 39

The fact that age-discrimination exists was corroborated by interview respondents participating in the present research:

“ When they pass [age] 40, neither men nor women cannot find a job. Employers hire younger workers.”  
- Labour Union representative, MOU002

These statements illustrate that people may face discrimination based on age, which sometimes may affect people because of both their age and their gender.

According to data obtained through the online survey, more than half of the gender-based discrimination cases (57%) occurred in the private sector and more than one-third (35%) in public institutions. Interviews with women who experienced gender-based discrimination reinforced this finding. Most worked in the private sector, particularly in retail and services.



Young people often cannot get a permanent contract because employers give them limited term contracts.

– Labour Union representative

## Types of Discrimination based on Specific, Protected Grounds

This sub-section examines evidence of different types of discrimination that have occurred, based on specific grounds, protected by the legal framework. In addition to gender, people in Montenegro reportedly have faced discrimination because of their health, sexual orientation, ethnicity and other personal characteristics. This sub-section examines experiences of discrimination based on gender and different abilities; by LGBTQIA+ persons; and by individuals from minority ethnic groups.

### Gender-based Discrimination against Persons with Different Abilities

Altogether 34 persons who consider themselves to have some sort of disability (30 women and 4 men) completed the online survey. Of them, 57% of the women believed that they had faced discrimination also because they were women. Meanwhile, men with disabilities did not have such experiences. Interview respondents believed that apart from gender-based discrimination at work, the most widespread form of discrimination is based on ability. As one CSO representative observed, 'Most work places are not adjusted for people with disabilities'. The lack of physical access may be interpreted as a form of indirect discrimination that undermines access to work for persons with different abilities.

One famous recorded case, which was also mentioned by the CSO respondent, included a woman employee who came to the workplace with a guide dog. When she was forbidden to enter the premises with the dog, she initiated the procedure based on discrimination. Although she won the case, she was not allowed to return to her prior workplace.

Representatives of the Ombudsperson Institution observed that 'multiple grounds for discrimination are often present' for persons with different abilities, particularly for women, 'She faces many obstacles and barriers,' the official continued.

### Gender-based Discrimination against LGBTQIA+ Persons

Respondents from different institutions tended to agree that discrimination remains widespread against LGBTQIA+ persons. CSO respondents reported two specific cases of discrimination based on sexual orientation. Both cases included maltreatment and disrespect, and one case involved sexual harassment. In the end, both victims left their workplaces and even though they had support of the CSO they turned to, decided not to pursue legal actions because of fear and shame.

A representative from the Ombudsperson institution said that this is the second most common cause of discrimination, apart from political preference. Additionally, four people in the online survey believed that they were denied a promotion because of their sexual orientation (one woman and three men). While minimum information exists about the prevalence

of gender-based discrimination against LGBTQIA+ persons, the qualitative information gathered through this research suggests that it does occur in Montenegro.

## Gender-based Discrimination against Minority Ethnic Groups

Interviews suggested that Roma and Egyptians face widespread discrimination at work. 'Employers rarely employ Roma,' a CSO representative said. Respondents from different institutions confirmed this finding. A representative from Ombudsperson's Institution believed that Roma people are the third most discriminated group in the country: 'Third on the list are representatives of the Roma population. They really suffer a lot, and they are very rarely, to be frank, in a position to seek any protection at all'.

Even though there is no data about double source discrimination, one could hypothesise that gender and Roma and Egyptians origin increases chances of discrimination.

## Different Forms of Gender-based Discrimination

This subsection examines different forms of gender-based discrimination related to labour, including discrimination in hiring, promotion, contracts, pay, working conditions, maternity leave, paternity leave and sexual harassment at work, respectively.

### Discrimination in Hiring

According to the institutional representatives, discrimination often occurs in hiring process. Hiring processes often involve various types of discrimination, not only gender-based discrimination. For example, discrimination based on political affiliation remains reportedly widespread, according to institutional respondents. The following statements made by inter-

“ [In the] job interview, they commented, 'This job is not for women' (to be a driver). I answered, 'Every job is for a woman, and I did not come here for someone to tell me if it is or it is not a job for a woman. I came here to get or not get the job'.  
- Woman, age 37

view respondents evidence the existence of gender-based discrimination in hiring:

“ I was supposed to replace a girl who was on maternity leave. They planned to fire her after. They told me that I was not allowed to get pregnant for two years.  
- Woman, age 37

“ I was asked about my private life during a job interview. It was a decisive factor. It was very important for the employer to know whether my relationship was serious. He assumed it would affect my commitment to work.  
- Woman, age 22

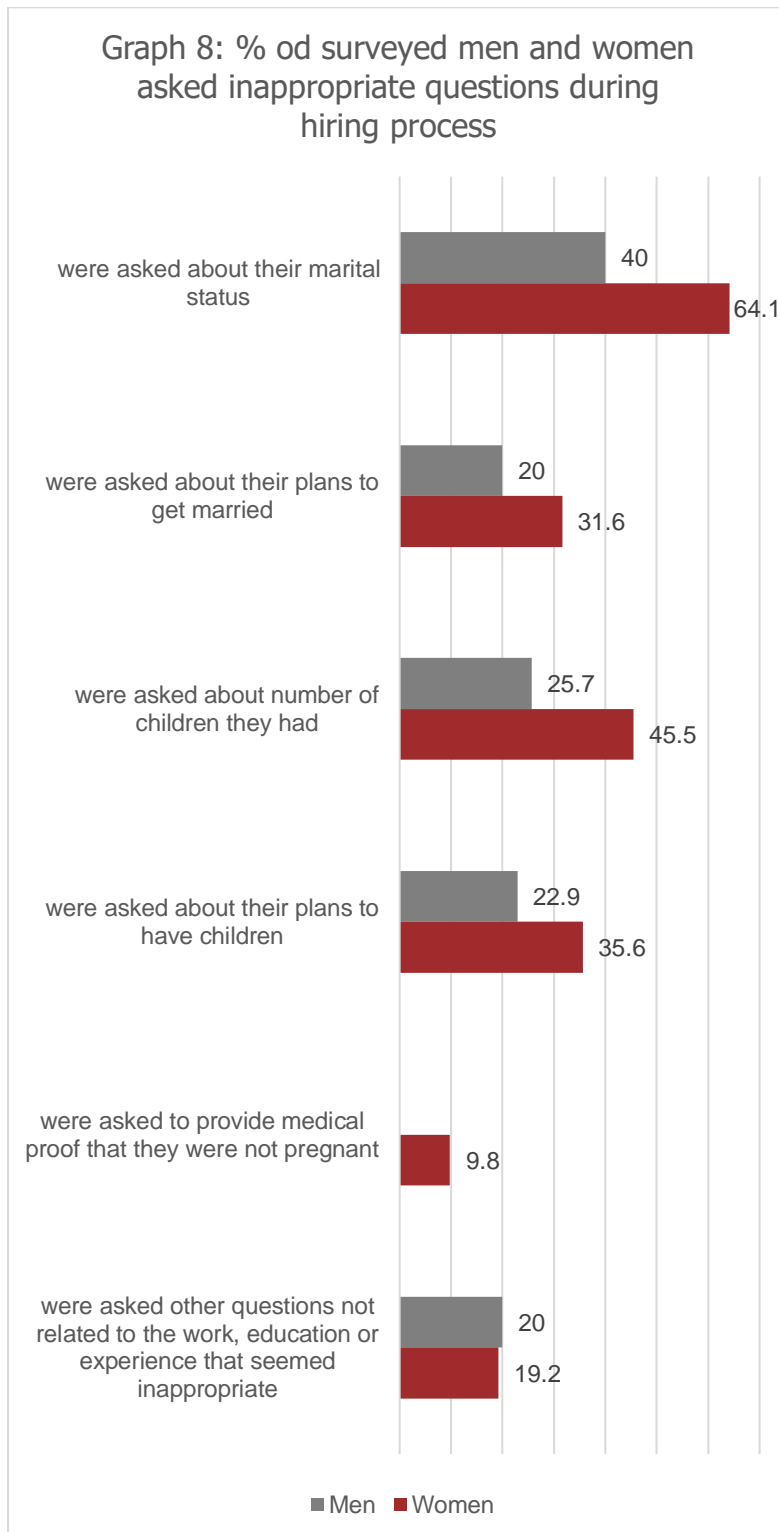
These statements suggest discrimination in hiring based on occupational gender stereotypes regarding the types of jobs that women can perform, as well as discrimination based on women's personal lives. Although it is illegal, during job interviews employers ask job applicants questions such as if they plan to start a family. Out of 431<sup>39</sup> people who participated

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<sup>39</sup> 35 Men and 396 women



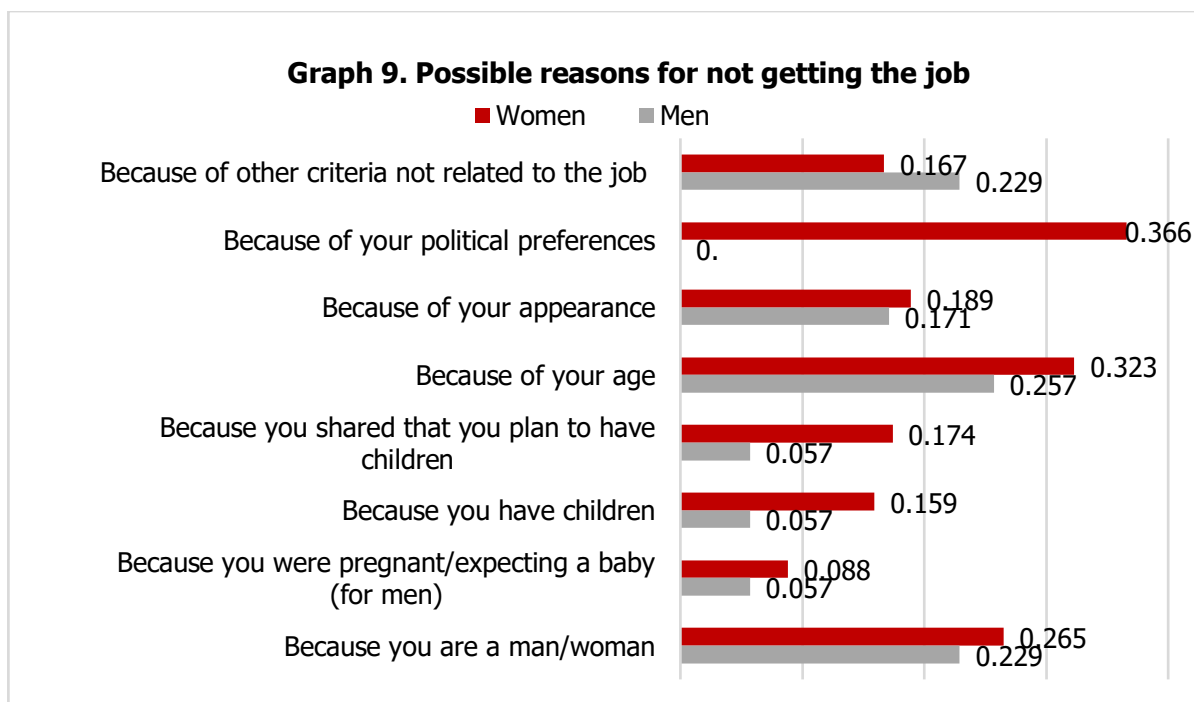
in the online survey and who had attended at least one job interview since 2008, several said they were asked inappropriate questions during job interviews.



When asked to elaborate, respondents provided several examples of the types of inappropriate questions asked:

- 'If I plan to have children, I am not an adequate choice for the job.'
- 'I was asked questions about my appearance, sex, gender... I am a transgender person.'
- 'The number of children I am planning, [and] when am I planning to have them.'
- 'They asked me if I plan to have children.'
- 'They asked me to enhance my breasts to get a job.'
- 'Do I plan to get a divorce?'
- 'Do I live with someone who needs help and being taken care of?'
- 'I got the job, but afterwards it was brought to my attention that I was expected to privately socialize with the boss who is much older. I stopped going there.'
- 'I was blackmailed to privately 'socialize' in order to get a job.'
- 'Questions about members of my family, their work, education, etc.'
- 'Who will take care of your children while you are working?'
- 'How important is my marriage to me?'
- 'Comments on physical appearance [and] my emotional status.'
- 'Do I live alone?'
- 'About my private life.'
- 'The size of my breasts and hips.'
- 'Sexual orientation.'
- 'Intimate questions.'

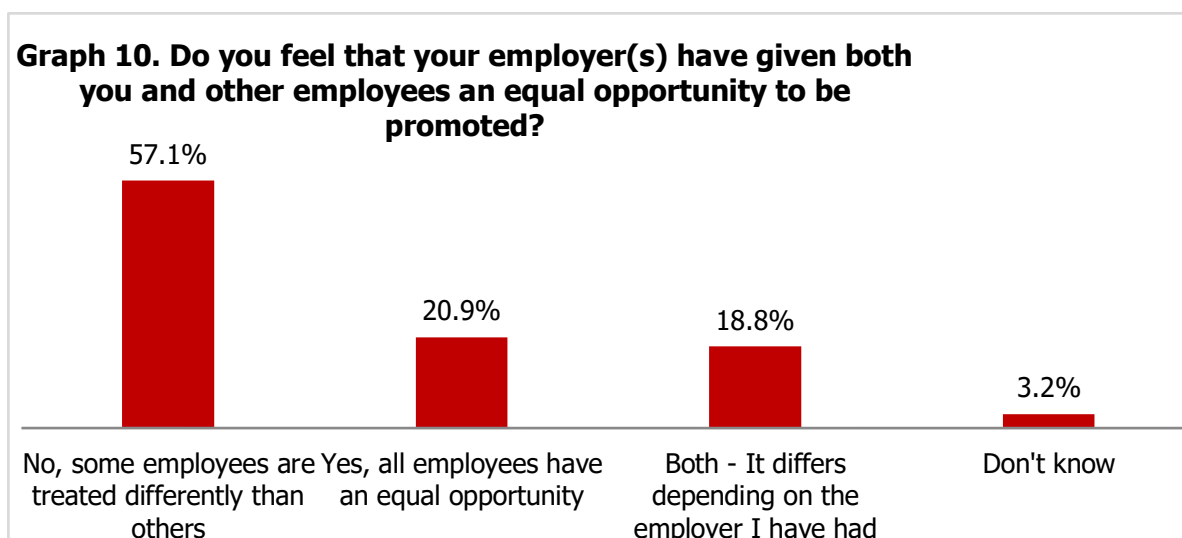
The descriptive responses suggest that some employers ask discriminatory questions during hiring processes in Montenegro. When questioned about possible reasons why they did not get the job for which they applied, some respondents said that it was because of their gender (23% of men, 27% of women). Moreover, 9% of female respondents claimed that they did not get a job for which they applied due to pregnancy, and almost every fourth (23%) was asked about their future plans to have children.



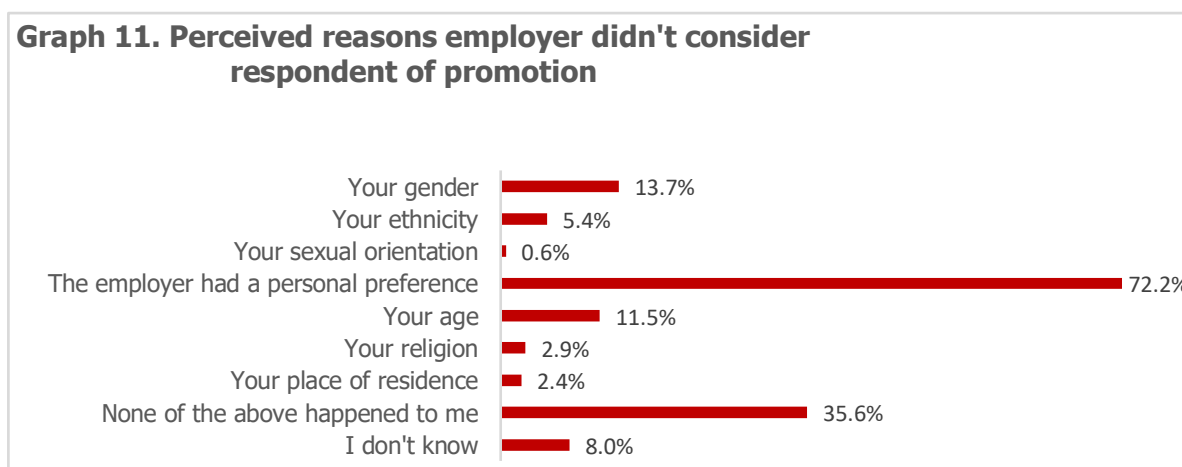
As the Graph indicates, besides gender-based discrimination, respondents mentioned other forms of discrimination in hiring. More than one-third of women survey respondents (37%) believed that they did not get the job for which they applied due to their political preference. Interviews with representatives of institutions, especially CSOs, further substantiated that employment based on political party affiliation exists.

### Discrimination in Promotion

More than half of the survey respondents (57%) believed that some employees are treated differently than others when it comes to promotion. Every fifth said that all employees have equal opportunities. Meanwhile, almost every fifth believed equal opportunities in promotion has depended on their employer<sup>40</sup>.



Almost three-quarters (72%) of respondents said they faced discrimination in promotion because the employer had a personal preference. From those who felt they had experienced discrimination in promotion, 14% said they were not considered for promotion because they are man or woman, 11.5% because of their age. In this case cross tabulation with the gender was only statistically significant when it came to sexual orientation where men are more likely to choose this answer than women.



<sup>40</sup> Cross-tabulation with gender of the respondent wasn't statistically significant.

Interviews provided similar evidence of gender-based discrimination in promotion. As one woman said, 'The first two years I worked in sales. Then I was transferred to the marketing sector. I received an explanation from my superior that I cannot work as a supervisor because I'm a woman'. Thus, evidence suggests that gender-based discrimination sometimes exists related to promotion in Montenegro.

## Contracts and Pay

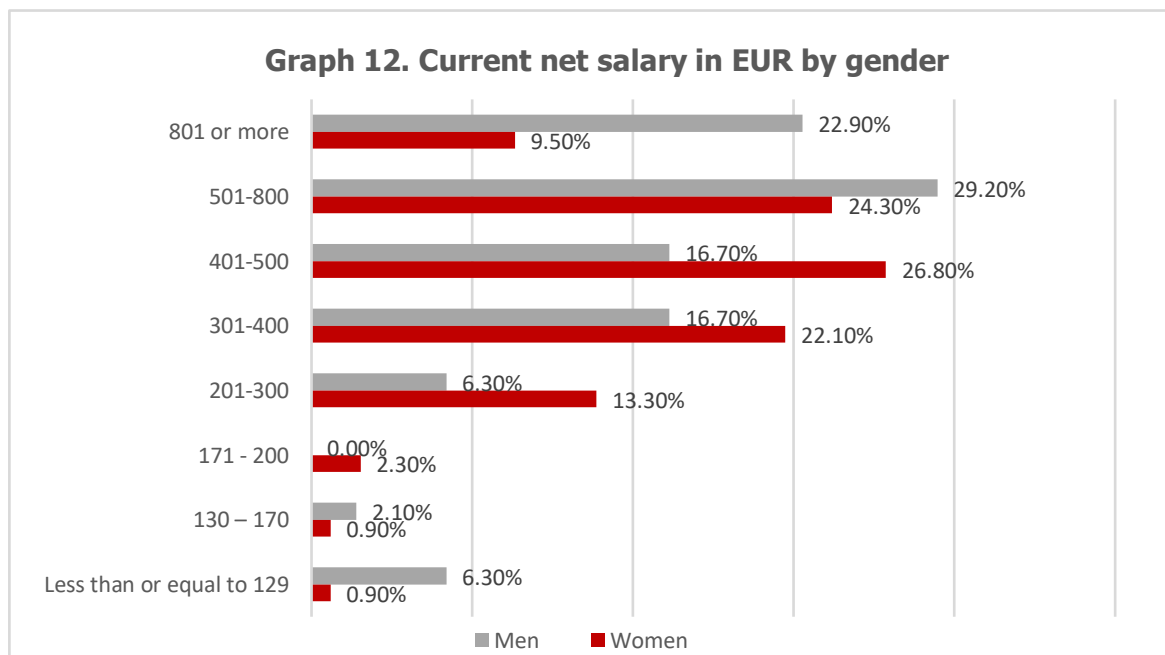
Of the 501 respondents to the online survey who are currently employed full or part time, including those who are self-employed, 87% said they have a contract, while 13% say that they work without a contract. Among them, half reported that they have permanent contracts (52%), while 5% say that they have never had any contract. Among those who have fixed-term contracts, most have contracts lasting three months or less (17%). Others had contracts for 4-6 months (7%), 7-12 months (9%), more than a year, but less than four years (6%), and more than four years (4%).

Based on their experiences, most respondents believed that gender is not important when it comes to the length of the contract; 60% said that contracts tend to be the same length for men and women. However, 5% believed that women tended to have longer contracts than men, 8% said men have longer contracts, and 6% said that this is not applicable to their workplace since only men or women work there. Others did not know. Additionally, 27% of surveyed people said that they have been asked at least once since 2008 to sign an employment contract without being allowed to read and understand the terms set in it.

“ I worked double shifts without extra pay. [and] Without a sanitary booklet, which meant if the Inspection arrived, I had to pretend I was a guest of at the hotel.

- Woman, age 22

Regarding salaries, data from the online survey show that men earn more on average than women. The difference between them is statistically significant. However, without information about the types of jobs respondents have had, this information does not necessarily suggest any gender pay gap.



Most respondents stated that their employers report their whole salary to the state tax authorities (67%), though 19% believed that their employers told the authorities a different amount; 14% did not know. Moreover, in 31 cases (7%) employers asked the surveyed employees to return part of their salary back. Among the surveyed employees who have worked overtime, more than half (52%) said that they have not received any compensation beyond their regular monthly wage. Among those who were paid, 12% received the same amount as their usual wage, while only 11% received a higher rate than their usual wage.

“ My salary was decreased by 55%. When I called the CFO, he told me, “She can do that.” I asked him, “How did your service calculate my salary?”. He told me the boss ordered [them] to decrease my salary by €200 because she was able to do so, and If I don't like it, I can go home.”

- Woman, age 43

While it is difficult to draw conclusions as to whether the aforementioned violations of workers' rights necessarily involved gender-based discrimination, these findings provide ample evidence to suggest that some men and women face labour rights violations in Montenegro.

### **Poor Working Conditions and Equal Treatment**

Almost half of the survey respondents (45%) claimed that they have been denied the right to take time off of work for sick leave, holidays, and/or annual leave. Moreover, almost half (48%) of those who completed the online questionnaire believed that their health or safety is at risk because of their work. No statistically significant differences were found with this regard between men and women.

### **Violations of Pregnancy and Maternity Leave Rights**

In total, 143 women survey respondents reported that they were pregnant at least once since 2008. Concerningly, 35% of them said that they either were not paid or did not receive government benefits during their maternal leave. Among the surveyed women who took maternity leave, 42% percent did not return to their previous place of employment after their leave. When asked why they did not return, 7% said that they did not want to work anymore, 7% started a new job, 53% said their employer terminated their contract (fired them), 17% said their contract expired while they were on maternal leave and 23% selected the option that their 'employer decided to employ my replacement instead'. Among the 'other' reasons one women mentioned the following:

'I was offered a lower position. They explained that I needed to start over since I was away for almost two years'; and 'I did not have a contract'.

The testimonials we got, suggest that violations of maternity leave rights clearly happen in Montenegro.

From the women respondents who did return to their previous place of employment after maternity leave, most (74%) had the same responsibilities as before, but 6% had fewer and almost every fifth woman said she (20%) had more responsibilities. One female respondent shared her personal experience:

“ I was on pregnancy and maternity leave. I was out of the workplace for two years. Before I became pregnant I worked my best to keep my job. I was reliable and stayed overtime. Everyone knew how good I was. Because of the complicated pregnancy, I had to leave earlier. The same day I returned to my workplace, I was given a new contract with a lower salary [...] My colleague became my superior while I was on maternity leave. When I returned he told me, 'You haven't been here for two years. You have to start all over again. You have to prove yourself'. He was aware of the whole situation: 'You can sue me, but you can't prove anything'. He knew it was hard to prove because he could always say I wasn't a good employee.

- Woman, age 40

A respondent from institutions described another case that occurred in 2016:

Thus, while women generally may tend to return to positions similar to those that they had before maternity leave, evidence suggests that in some instances women may face discrimination upon returning from their maternity leave.

### **Violations of Paternity Leave Rights**

Out of the male respondents, 47% said they believe that their employers would give them paid paternity leave, 11% would be given unpaid paternity leave, while 9% said that they would not be allowed to take any leave. It is important to mention that Montenegrin legislation allows fathers to take paternity leave after childbirth. Every fourth respondent (27%) did not know if their employer would allow them to take the leave or not. Of the 51

“ In one case, the woman employed at a water factory got a decision to deploy to another workplace when she returned from sick leave. The person sued the employer for discrimination. She won the case and a fine was issued.

- Court representative

men who participated in the online survey, 13 (26%) reported having a new-born child while being employed since 2008. When asked how many days the employer allowed them to take off, one person said none, three said one day, eight said up to a week and one person said 53 days. Almost all the men who took part in the survey believed that men should have more paid time off for paternity leave (84%). Only four men disagreed and three had no opinion about the issue. This suggests that there may be ample support for amending labour provisions to allow men to spend more time with their children.

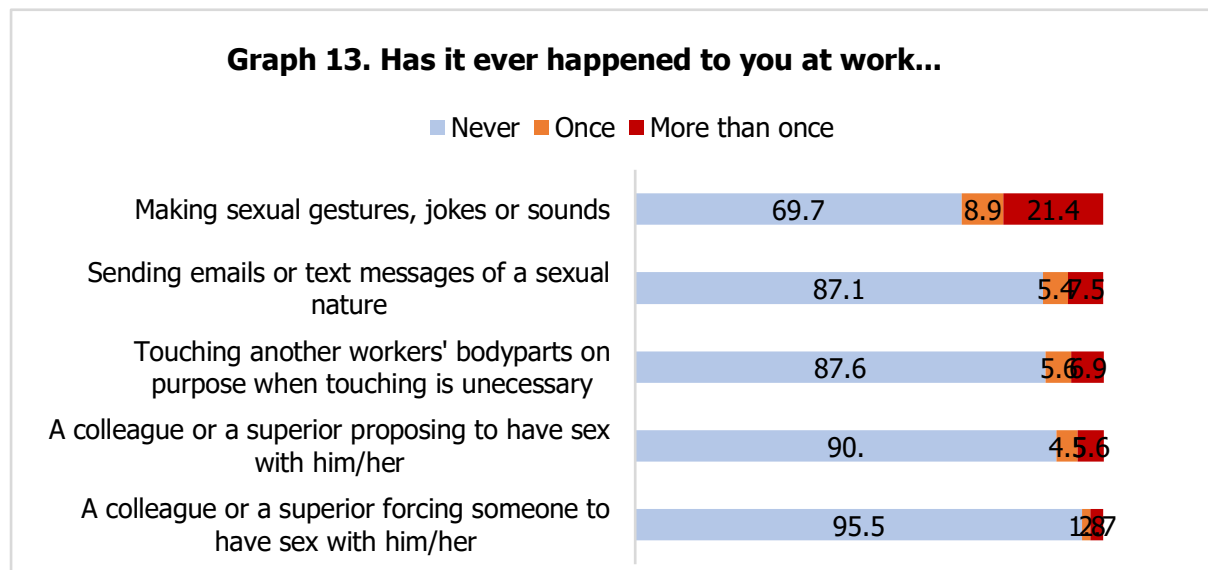
### **Sexual Harassment at Work**

One-third of the survey respondents (30%) said that they have been disturbed by their colleagues making sexual gestures, jokes or sounds. Further, 13% of survey respondents have received emails or text messages of a sexual nature, with 8% receiving them more than once.

“ My superior came across. He looked at my shirt and mimicked the shape of my breasts and sighed.

- Woman, age 44

Altogether, 34% of the respondents had experienced at least one form of sexual harassment at work. Two of the women interviewed said that they had experienced sexual harassment at work from men colleagues. In one case, a colleague made sexual gestures in reference to the size of her breasts. In the other case, the colleague ambiguously asked to show her 'his tool'.



Some survey respondents reported that they who were touched physically when touching was unnecessary (13%). As two of the women surveyed elaborated:

“ I worked on a daily basis with my executive. He constantly threatened that he would ‘remove’ me from my workplace. He tried to sexually harass me, to kiss me, and he managed to do so once. He humiliated my husband saying, ‘You really think he’s faithful to you?’ I was exposed to daily torture.  
- Woman, age 47

“ He grabbed me by the waist once, which was not acceptable at that moment.” (Woman, age 28 years old)  
- Woman, age 28

Worryingly, every tenth respondent said that a colleague or superior proposed to have sex with them, and 6% had faced such sexual advances more than once. Moreover, 5% of the respondents said that they had been forced to have sexual intercourse with their colleague or supervisor. In 81% of the sexual harassment situations reported in the online survey, the perpetrator was a man and in 5% of instances a woman. In 14% of instances respondents faced sexual harassment perpetrated by both men and women. In most situations, respondents stated that the person perpetrating sexual harassment was in a higher position than them (71%). In about half of the situations, respondents said that they told someone about these incidences, including a friend – 69.4% (77 people), a family member – 56.8% (63), a colleague 47.7% (53), a manager 13.5% (15), police 2.7% (5), a religious leader 1.8% (2) and a person in charge of such complaints at work place 6.3% (7).

The other half of the respondents who did not tell anyone about the sexual harassment mainly mentioned feeling of shame as the reason for keeping quiet 12.7% (13), as well as being afraid of losing one’s job 12.7% (13). According to the online survey, 9.8% (10), didn’t want to 9.8% (10) and 16.7% (17) believe that they have to take care of themselves.

## Conclusion

This chapter illustrates that several forms of gender-based discrimination affect women and men at work, but particularly women. The survey confirmed that victims of GBD are more often women than men (even though this is not always the case) and that the alleged perpetrator is more often men. Also, the survey showed that work related discrimination is also often connected to other attributes such as ethnicity, different ability, sexual orientation, etc. The data on double sources of discrimination doesn't exist, but one could hypothesise that women who possess other discrimination 'prone' characteristics could be especially at risk.

GBD especially appears at certain points of work life such is hiring, promotion and maternity leave. Pregnancy and maternity leave are most common situations in women's work life when they are exposed to discrimination. Often, this discrimination is 'legal' since the employers use fixed term contracts to avoid regulations that aim at protecting women when it comes to pregnancy and maternity leave.

The survey showed that sexual harassment at work in Montenegro exists and that even though most commonly targets women, there are cases of sexual harassment of men.



# THE INSTITUTIONAL RESPONSE TO DISCRIMINATION

This chapter examines the knowledge, awareness and experiences of relevant institutions related to gender-based discrimination at work. It seeks to understand how they have treated such discrimination cases to date, in accordance with the legal framework described in the Legal Analysis. The findings draw from interviews with diverse representatives of institutions, but also from survey findings and interviews with persons who experienced gender-based discrimination. The section is organized by institution, including police, prosecution, courts, Labour Inspectorate, Agency for Peaceful Settlement of Labour Disputes, Gender Equality Parliamentary Board, Ombudsperson Institution, Chamber of Commerce, labour unions and civil society organisations.

When asked during interviews how do they perceive discrimination, representatives of state institutions were inclined to cite legal provisions. Their examples included violent behaviour towards women, abusing decision-making power, preferential employment based on sex, discrimination against women in case of pregnancy or motherhood, sexual harassment, sex-based targeted employment, predefined termination agreements that can be activated any time, unequal distribution of job-related benefits (car, phone, per diems), unequal pay, unequal access to education and specialization, conditioning work advancement with sexual favours, employing only younger women, use of fixed-term contracts and asking about private matters during job interviews, among others.

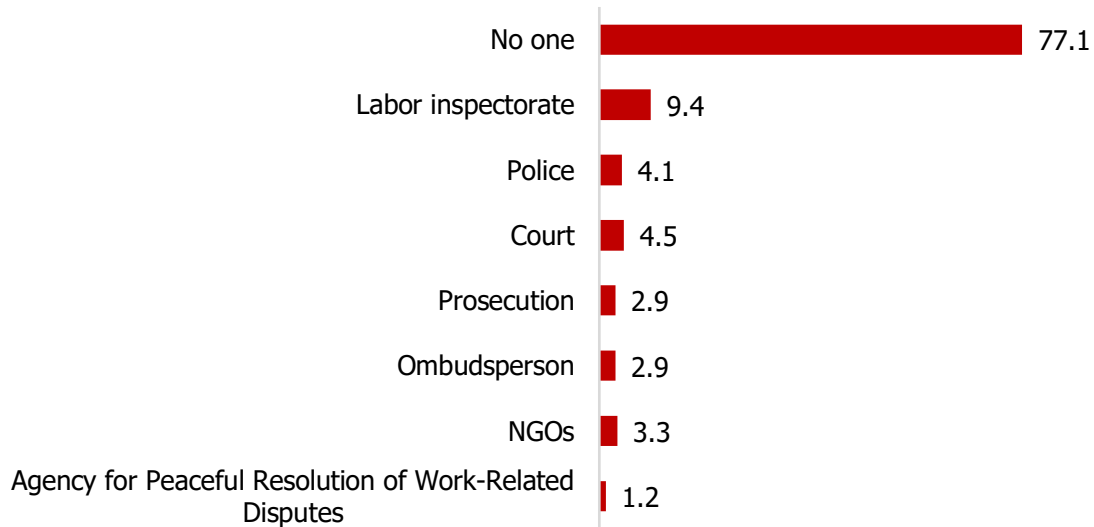
Representatives of state institutions mostly evaluate current legal framework with regards to gender-based work discrimination as complete and adequate. Only few of them mentioned that the legal framework is complete but there are certain flaws. Most representatives of the institutions complain about the implementation.

## Seeking Help: Who do people turn to?

Before we present the main findings from the interviews with the institutions, we should look at how people evaluate their experiences with these institutions. Out of the 621 people who responded to the online survey, 245 reported having some experience with discrimination (39%). When asked whom they reported this discrimination to, 77% said that they did not report it to anyone. This suggests that most incidents of real or assumed discrimination never reach institutions and therefore are never processed.

Most of the people who said that they did report discrimination according to the online survey, most had reported it to the Labour Inspectorate (9%), court (5%) and police (4%), as graph 12 illustrates.

**Graph 14: Who did you contact when discrimination occurred**



However, when the group of respondents that previously answered that they had reported the discrimination they felt, was asked how the institutions they contacted reacted, most of them said that the institution representative listened to them but could not do anything to help. This happened in 72% of such reported cases (see Table 4).

**Table 4: What happened when you reported discrimination to the relevant authorities**

	They would not hear my case	They listened, but said they could not do anything	They listened and tried to assist me	They were very helpful and help me file the case
<b>Labour inspectorate</b>	1	12	2	
<b>Police</b>	1	6	1	
<b>Court</b>		5	1	1
<b>Prosecution</b>	1	2		2
<b>Ombudsperson</b>		2	1	
<b>NGOs</b>		4		1
<b>Agency for Peaceful Resolution of Work-related Disputes</b>		2		1
<b>Total</b>	3 (6.5%)	33 (71.7%)	5 (10.8%)	5 (10.8%)

These findings corroborate opinions that were shared by institution representatives that most cases of GBD are never reported. The reasons could be numerous, but maybe part of them can be found in the way the institutions that the people did contact reacted. Majority of people said that the representatives of different institutions listened to their stories but couldn't do anything to help.

In the following part of the report we will try to present the 'other' side of the story – the one that comes from different institutions.

## Police

Given the legal framework in Montenegro, police is not directly authorized to act in cases of GBD. If a person reports GBD to the police, they would instruct him/her to use the proscribed channels to process the claim. These channels, however, do not include police. As the consequence, police representatives did not have much experiences with GBD at work, as well. As a consequence, the police do not have statistics regarding the number and type of cases brought to their attention.

Police interviewees focused on the burden of proof and the fact that it can often be very hard to obtain evidence of gender-based discrimination related to work. The legal regulation, according to interviewees from the police department is adequate, but insufficient to ensure protection. Often it seems that 'legally' there was no discrimination, while in reality, discrimination clearly occurred, police said. They say that it is often very hard to formally satisfy the law. Legal and institutional framework is clear according to them, but the practice is different. That the main problem in implementing anti-discrimination legislation, according to police representatives, is the fact that people who experienced it often withdraw their complaints. These people, usually women, look for alternative ways to protect their rights because they want to resolve issues 'peacefully', without conflict, they say.

“ It is our experience that when the discrimination is hard to prove, women tend to withdraw. They seek some alternative ways to help themselves.

- Police member

When talking about discrimination at the work place, most respondents directed their answers to the perspective of GBD in the police force. When it comes to discrimination in police department, they pointed out that there is a person 'of confidence' designated to assist everyone who has a work-related problem, and that they had positive experiences in the past.

Members of the police force stated that they are well-educated on the topic. They participated in several trainings that dealt with discrimination, organized by different domestic and international institutions. In most cases, however, the topic was related more to discrimination in police work.

Police has very subsidiary role when it comes to work-related gender-based discrimination. Since they don't have cases of such type of discrimination reported to them, it is hard to estimate their knowledge about the topic. Having said that, the interviewees expressed anti-discriminatory attitudes and significant understanding of the main challenges with this regard.

## Prosecution

State prosecutions do not have direct authority in GBD at work cases. That is why their responses reflected their attitudes much more than their experiences. Representatives of the Prosecution believed that people should have better knowledge of what to do in cases of GBD at work. According to the interviewed representatives of the prosecution, persons that are being discriminated against should first try to resolve the problem within the workplace itself. If this fails, then they should seek protection outside their workplace. The recommended institution to seek help and advice from, according to Prosecutors is Ombudsperson. This office could provide legal help and counselling, as well as make informative suggestion to the person complaining whether to inform Prosecution office about the case.

“

Possibly because there is no discrimination, then because women are not aware that certain behaviors are discrimination, and maybe because there is fear about consequences if discrimination is reported.

- Prosecution representative commenting lack of GBD at work reports

An organization called the Center for Education of Judges and Prosecutors organizes trainings, including on this topic. Often, these trainings include familiarizing judges and prosecutors with the practice of the European Court for Human

Rights. However, the interviewed prosecutors had no experience in prosecuting cases related to gender-based discrimination at work. They believed that this is because the prosecution focuses on punishment, rather than prevention and remedy. Also, they believed that many victims opt not to pursue legal channels because they are afraid of consequences. Rather, persons who have suffered discrimination try to reach an agreement with the person or institution that has committed the discrimination.

## Courts

The Montenegrin judicial system does not divide courts based on the type of offence they hear. Courts are divided hierarchically based on the severity of the punishment that can be ruled for specific alleged crime. Basic courts hear both criminal and civil cases. If a higher penalty is set, the case would go directly to a higher court, which is otherwise considered the court of appeal. Therefore, basic courts would be the main point for addressing gender-based discrimination. According to Article 24 of the Law on Prohibition of Discrimination, anyone who feels damaged by discriminatory treatment by an authority or other legal or natural person shall be entitled to court protection, in accordance with the law. The proceeding shall be initiated by filing a lawsuit. The lawsuit may be filed within 90 days from the day on which the person became aware that discrimination had been committed. If the plaintiff has proved the likelihood of the respondent having committed an act of discrimination, the burden of proof passes on to the respondent.

Representatives of basic courts believed that persons affected by gender-based discrimination should immediately pursue legal actions and sue perpetrators of discrimination. They stated that court decisions are binding compared to, for example, the Ombudsperson's recommendations, which are not.

Representatives of the basic courts believe that the legal framework protects women and men 'completely'. They point out that the laws apply not only to state but also to private sector. Also, they find positive the fact that a person can pursue justice in case of discrimination before courts. They cite different laws that are passed to guarantee protection against gender-based discrimination. It could be said that they focus on the normative conditions rather than on factual implementation. This opinion was corroborated by the interviewed lawyers as well. As for recommendations they would prefer legal framework to be more precise. They also emphasize that direct implementation of the international legal instruments is not working well currently. They believe that much more effort should be invested both in terms of financial and administrative capacities in order to enable better implementation of the international legal provisions and standards. They believe that state institutions are not cooperating well enough and that judges should be continuously educated and trained in standards regarding sanctioning work related discrimination in line with international standards and European Human Rights Court practice. Even though they reported having received trainings in the past, they believe that more is needed.

Not all interviewed judges have heard about specific work-related gender-based discrimination cases in the past ten years. They say that they believe that often women decide not to sue for several reasons, including not knowing their rights; not believing that the lawsuit would produce results; being afraid of the offender;

“ For example, in one case, a woman had a fixed contract for 30 days, which was continually renewed until she became pregnant. After that, the employer stopped renewing the contract, which legally was not considered discrimination, even though it was obvious that the company had misused the rules.

An interviewed judge on the case he heard

and not knowing the law, especially when it comes to procedures. However, other interviewed judges gave several examples of cases that they have heard. These cases suggest that it is very difficult to prove that GBD occurred. Therefore, in many cases, persons who suffered discrimination does not see justice.

No specific official statistics exist related to gender-based discrimination cases that are brought to court. In response to a request for official information, courts said that in order to produce such statistics they would need to review the court registers, opening each case related to labour disputes, and separating those cases that involved a lawsuit filed by women. Considering that courts receive large number of civil cases annually, many involving labour disputes, according to the official response, it was practically impossible to provide the requested information.

The Superior Court reportedly heard 30 cases involving 34 people regarding discrimination from 2008 to 2019. Most applicants were women (18). Of the 16 concluded cases, six were in favour of the plaintiff. In four of these six cases, the plaintiffs were women. In one case, where the plaintiff was a woman, the two sides decided to reach a peaceful agreement. However, there is no information regarding how many of these cases involved gender-based discrimination at work. Misdemeanor courts heard three cases related to Article 30 of the Law on Prohibition of Harassment at Work. In one case, the decision was in favour of a plaintiff, while the other two lawsuits were dropped because the accused accepted responsibility. There is no information about the gender of the parties involved.

## Labour and Tourism Inspectorate

The Labour Inspectorate is authorized to act in cases of work-related discrimination. Tourism Inspection focuses on any irregularities related to tourism, which sometimes includes work in the field of tourism. According to the Law on Prohibition of Discrimination, the inspector can temporarily stop any act in case s/he detects discrimination regarding work, employment, work protection, health protection, education, construction, traffic and tourism. These temporary stop orders are in power until the court decides on the case.

Interviewed inspectors provided several examples of the cases that they had in their work. In 2013, for example, a woman reported being discriminated against in the way her contract was terminated. The Labour Inspectorate, however, could not intervene since the decision on termination was final and couldn't therefore be 'temporarily stopped'. The plaintiff was instructed to seek justice before the court. In 2014, a woman reported being discriminated in a way her work shifts were organized so she was denied weekly days off. After the request of the Labour Inspectorate, the employer passed a written decision about work time schedules that put every employee in an equal position. It remained unclear whether the basis for this discrimination was gender,.

In 2015, four complaints were submitted to the Inspection (three by women and one by a man) reporting discrimination regarding deployment to another workplace and the reduction of salaries, work conditions and work time schedule. In 2016, another three similar complaints were submitted (two by women, one by a man) additionally including the violation of employees' rights to perform work provided by contract, following a declaration of "technological surplus". In only one case the Labour Inspectorate found irregularities; in this case, the plaintiff was a man. One case was forwarded to the court. In 2017, 17 complaints were submitted (nine by men and eight by women), including six regarding labour rights violations. Irregularities were found in only one case in which the plaintiff was a man. From all these cases we can see that the Inspection usually doesn't go into the reasons of discrimination. If unequal treatment is detected the inspection will hold the discriminatory act until the court finally decides the case.

Representatives from other institutions stated that the Labour Inspectorate very rarely acts in cases of GDB. Interviewed inspectors on the other side complained that they do not get many calls in instances of suspected discrimination. They emphasized that they have a legal advice service available where people can receive legal guidance on how to report cases to the Labour Inspectorate, the court and the Ombudsperson Institution. Representatives of the Labour inspection also complained that legally they do not have much authority when it comes to work-related discrimination. They said that if they spot such a case, the only thing they can do is to hold implementation of the discriminatory act until the court rules on the case in question.

## Agency for Peaceful Settlement of Labour Disputes

The Agency for Peaceful Settlement of Labour Disputes tries to find an amicable and peaceful solution in cases of labour disputes without involving the courts. Since it is more flexible, faster and less expensive, its work is more efficient. Since its establishment in September 2010, the Agency received 36 reports related to the prohibition of abuse at work (mobbing), out of which 14 were submitted by women and 22 by men. They have not had any cases related to work discrimination besides mobbing, which is regulated by special legislation<sup>41</sup>. As they hadn't had GBD cases since the Agency was established, the interviewees couldn't offer many examples.

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In our society, no one wants to report discrimination. We should raise awareness among the people about what the discrimination is and how to report it. There is a high degree of molestation at the work place that is not being reported.

An interviewed representative of the Agency

The arbiters with the Agency have received a number of trainings, however, these trainings did not include GBD at work, so far. They emphasized education and prevention as the main mechanisms for fighting GBD at work.

Representatives of the Agency for peaceful resolution of work-related disputes emphasized lack of awareness among both workers and employers regarding discrimination. According to them, that is often the reason why people are not protected in practice, even though mechanisms exist in the law.

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<sup>41</sup> Mobbing was part of the Law on prohibition of discrimination, however since 2012 it is regulated by a separate law – Law on prohibition of molesting at the work place.



## Gender Equality Parliamentary Board

Gender Equality Parliamentary Board reviews legislation from a gender equality perspective and makes recommendations to other members of Parliament. It is comprised of eight members of the Parliament from different political parties.

During two interviews with members of the Board, they stated that a lot has been done recently in the field of gender equality. They are satisfied with the legislation protecting women's rights at work, but they would prefer the punishments for disobeying the laws to be harsher. They believed that the future focus should be on the implementation of laws.

Members of the Board attended many trainings on gender issues, including the ones focused on discrimination. They emphasized that a new - Women's Political Network has emerged recently, including women politicians from different political parties. This network works across party lines to improve the position of women in Montenegrin society and specially to empower women to take a more active part in decision-making. So far, however, the WPN wasn't involved in the field of GBD at work.

Interviewees from the Parliamentary Board for Gender Equality believe that the focus in the future should not be on the quality of the legislation but on monitoring its implementation. Also, they believe that more efforts should be made to raise awareness among women about their rights and options. They believe that often women do not know what their legal rights are and what they can ask for. As for the letter of the law, they would opt for harsher penalties for breaking anti-discrimination regulation. They give an example that an employer must provide equal opportunity for specialization on work place, but there are no penalties if s/he doesn't do so. The representatives of the Board find legislation regarding parental leave 'flawless'. They especially praise the fact that 432 men used this right so far.

The Board itself represents an important addition to the efforts to protect gender equality in Montenegro. However, being a political institution, comprised of the representatives of different parties, it often cannot overcome its partisanship to more actively protect gender equality. The same situation applies to WPN. Even though it is an important initiative to surpass partisan divisions when it comes to promotion of gender equality, the network itself is fragile. One of the consequences of such situation is that some important issues that are politically divisive are simply avoided (e.g. controversial 'Law on mothers').

## Ombudsperson Institution

The Ombudsperson Institution should be the final national instance for the protection of human rights in Montenegro. Once all other legal options are exhausted, a person can apply for the Ombudsperson's protection. Concerning discrimination in particular, people are invited to seek support from the Ombudsperson to protect their rights. According to Article 21 of the Law on Prohibition of Discrimination<sup>42</sup>, the Ombudsperson Institution can:

- Act in cases of complaints against discriminatory acts of natural or legal persons when procedures before courts are not initiated;
- Provide information to the complainant who believes she or he has been discriminated against by the natural or legal person, about his/her rights and duties, as well as about possibilities for court protection;
- Conduct the conciliation proceeding, with the consent of the person allegedly discriminated against, between that person and the authority or other legal and natural person that he/she considers to have performed discrimination, with the possibility of

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<sup>42</sup> Law on Prohibition of Discrimination, article 21

concluding a settlement out of trial, in accordance with the law regulating the mediation proceeding;

- Inform the public about important issues of discrimination;
- If necessary, carry out research in the field of discrimination;
- Keep separate records of submitted complaints with regard to discrimination;
- Collect and analyse statistical data on cases of discrimination; and
- Undertake actions to raise awareness on issues related to discrimination.

According to Article 22<sup>43</sup>, anyone who believes that they have faced discrimination by an act, action or failure to act by an authority or other legal or natural person, may address the Ombudsperson Institution with a complaint. The procedure includes informing a person that applies for protection of her or his rights and preparation of a written official complaint. After all relevant information about the case in question is collected, the Ombudsperson sends a request to the entity or institution about which the complaint has been filed, requesting reaction and response. After receiving the response, the Ombudsperson Institution must prepare a report with its opinion about the case. The Ombudsperson's opinion is, however, not legally binding, so its implementation depends on the willingness of the specific institution to implement the recommendation. Representatives of the Ombudsperson Institution demonstrated vast knowledge regarding gender-based discrimination. They recognized that Montenegro's legislation does not embody differences of gender identity, except distinguishing between men – women. Representatives of this institution stated that they have attended several specialized trainings focused on gender-based discrimination, so they feel well-equipped to intervene when a complaint is made. Specific statistics regarding the number of cases with which the Ombudsperson Institution has dealt in the past 10 years were unavailable. However, representatives of this institution shared their experiences. In most of the cases they described, complaints were related to fixed-term contracts that were not extended when a woman became pregnant. However, the nature of fixed-term contracts does not provide many options for the Ombudsperson Institution to take action in such cases. According to the Ombudsperson's experience, most persons who have experienced discrimination, including work-related discrimination, are women. Representatives of other institutions believed that the Ombudsperson Institution can influence significantly discrimination cases. They also observed that the relevance of the Ombudsperson Institution has grown within time. Representatives of institutions interviewed in the northern region of the country believed that the Ombudsperson should have an office in their region and that it would make the work of the Institution more effective.

Officials from the Ombudsperson Institution complained that most of their time and work involves explaining the process to people coming to inquire about their rights. The interview respondent explained: 'You cannot explain to an uneducated beneficiary the fact that her/his experiencing social inequality is not legally discrimination'. This lack of awareness means that several cases brought to this institution cannot be treated by the Institution because they fall outside its mandate.

“ You cannot explain to an uneducated client that the fact that s/he experiences social inequality is not legally discrimination.

An interviewed representative of the OI

<sup>43</sup> Law on Prohibition of Discrimination, article 22



The second problem that representatives of the Ombudsperson Institution said that they have faced is proving that someone committed an act of discrimination within a state institution. Moreover, they believed that the lack of a unique electronic database, that would include all institutions responsible for implementing anti-discrimination legislation, makes it hard to follow these cases and estimate their prevalence. Since the Ombudsperson Institution is responsible for providing statistics about discrimination, the lack of data makes its work very difficult. Thus, representatives of the Ombudsperson Institution are very aware of their role in treating gender-based discrimination at work. Also, they seemed very well trained and knowledgeable about gender issues (see above their example on the law recognising only two genders). However, a combination of low reporting, due to insufficient public awareness about the role of the Ombudsperson Institution and weak data management practices, meant that it was difficult to assess how the Ombudsperson Institution has treated cases of gender-based discrimination in Montenegro.

## Chamber of Commerce

The Chamber of Commerce is an organization that represents the interests of the private commercial sector. They have a Board for Women's Entrepreneurship, which tries to encourage women's participation in the economy. However, according to their own testimony, they have never dealt with the topic of work-related discrimination.

Representatives of the Chamber of Commerce believe that the legal framework regarding protection from discrimination is rather good. They oppose any special provision giving preferential status to women when seeking employment. They disapprove of any kind of quota system because they believe that

“ Montenegro is a traditional society where a woman is very welcome to be the first associate, but not the decision-maker

An interviewed representative of the Chamber of Commerce

women must earn better positions. However, they note that women should be given equal opportunities. The representative interviewed recognized that Montenegro is a traditional society where a woman 'is very welcome to be the first associate, but not the decision-maker'.

Representatives of the Chamber of Commerce believed that the problem should be resolved 'within the house', meaning that people who felt discriminated against should first try to resolve the problem with their employer. The discussion around preferential treatment as well as insisting on solving the problems 'in house' may suggested lower awareness of how social gender roles and norms impact on women's position in the labour force.

## Labour Unions

Two main labour unions exist in Montenegro: The Alliance of Labour Unions and the Union of Free Trade Unions. Representatives of unions are not recognized by law as direct participants in processing discrimination cases. However, often they are mediators between people that experience discrimination and official institutions.

When asked to give examples of their work, they mentioned a case in which women complained that they did not receive the same pay as their male colleagues even though they

“ The key problem when it comes to GBD at work protection is the fact that it is very hard to prove. Therefore, the courts and other involved institutions should have more sensibility when they have cases of discrimination before them.

An interviewed representative of the labour union

had performed the same work-related tasks. On another occasion, a woman's contract was terminated just before she gave birth. After an intervention by the union, this decision was with-

drawn. The interviewed representative of one of the unions gave also an example that it is their experience that women are often demoted after they return from a maternal leave, which is against the law and international standards. The representatives of both unions believed that a person who has experienced discrimination should ask for help. They said that such persons should contact their union representatives, considering that it can involve a long and tiresome process. Persons who have suffered discrimination need assistance in order to see the complaint through, which is often not easy considering the different kinds of pressures that they face, including psychological pressure. This kind of assistance is available by the labour unions.

When it comes to the public's perception on the unions, according to the online survey, 38% of respondents believed that labour unions in Montenegro could represent their interests. An additional 31% believed that there are no labour unions that could protect their interests and 31% did not know. Nevertheless, of the surveyed persons who are employed, 55% said that they belong to a union, and 45% said that they did not. Of those that belong to a union 4% believed that their interests were very well represented by the union, 16% believed that the representation was good, 34% that it was somewhat good, 26% that it was poor and 19% that it was very poor.

Thus, while unions could play an important role in protecting and supporting workers who have experienced gender-based discrimination at work, these findings suggest that low public knowledge about the work of unions and seemingly low trust in unions to represent well workers' interests may mean that few people approach unions for assistance in such cases.

## CSOs

The Civil society organizations interviewed said that they have been approached for assistance in cases of gender-based discrimination on different occasions. However, not many of CSO's specialize in GBD, especially one related to work.

According to their experience, the problem is not the legislation, especially since it is well aligned with EU standards. The problem is, according to them, the implementation of the law, lack of awareness people have about their rights, fear and the fact that private companies tend to bend the rules without punishment. They say that since people lack trust in the institutions, they tend not to approach them for the protection of their rights.

One of the interviewed organizations specializes in assisting LGBTQIA+ persons. They shared information about several cases of discrimination that were reported to them. In one case, for example, a woman was harassed by her boss because she was a lesbian. He was saying that he had fantasies about having sexual intercourse with her. She was forced to quit. In another occasion a man was fired because he was gay. In both cases the victims refused to report the cases to the institutions. In one case the reason was they were afraid they will not be able to find employment in the future and in another, the reason was shame.

CSO representatives observed that other grounds for discrimination have been brought to them more frequently, such as discrimination based on ethnicity and health. They said that

it is very hard, almost impossible for Roma people to find employment, regardless of their level of education. Also, they provided examples of people with different abilities being discriminated against at work.

CSOs emphasized that official statistics about gender-based discrimination cases lacking. They emphasize the fact that there is no unique database and statistics regarding cases of discrimination – how many cases, who the victim is, the relation between victim and perpetrator, the length of the case, etc. They believe that proper reporting about discrimination cases is almost non-existent in Montenegro and that no serious planning of effective measures to fight discrimination can be done without it.

CSO's have positive opinion about the existing legislation, but criticise implementation. Members of one CSO gave example that in most situations, cases end up with an apology to the victim. They also believe that institutions lack capacity to implement the legislation. Representatives of another CSO criticized the fact that the Montenegrin legislation recognises and therefore protects only two genders, while transgender persons are not protected at all. Other CSO representatives believe that the Law on gender equality should be more precise and subsequently more consistently implemented.

Although there are not many CSOs involved directly in GBD protections, many of them provide free legal aid and counselling. Also, as one of the interviewees emphasized they can use their public influence as a leverage to make institutions more diligently do their work.

## **Conclusion**

Even though most representatives of relevant institutions showed knowledge and understanding of GBD, this did not apply to all. Some of them specifically expressed the need for additional trainings and some of them indirectly demonstrated that they do not understand the problem. Therefore, additional trainings that would encompass all relevant institution, especially those that represent employers could contribute to the decrease of the problem.

When it comes to their perception of the problem, most believe that legal regulations are mostly adequate. However, they emphasise the problem that arises when it comes to proving discrimination and implementation of the norms. It seems that more active approach to the problem by the institutions could assist in remedying this problem. People that have reported cases of discrimination, according to our survey, in many cases said that even though the representatives of the institution that they contacted listen to them, they could not help them. Also, the survey has shown a lack of trust in institutions and their ability to help a person that is being discriminated. Therefore, a joint campaign emphasising positive examples could help decrease the problem.

# RECOMMENDATIONS

## For the Government of Montenegro

- Significantly increase the human, technical and financial resources allocated to the implementation of the legislation on gender equality and the prohibition of discrimination on the basis of sex or gender, that it conduct an assessment of the impact of the various capacity-building efforts and, based on the outcome, take the measures necessary to increase their efficiency. Those measures should include the dissemination of information, including in cooperation with the Ombudsperson, targeted at the general public on accessing justice and the remedies available for obtaining redress and reparation.
- Strengthen accountability mechanisms for achieving gender equality and ensure the conduct of systematic gender impact assessments
- Set time-bound targets in the national and local action plans and assess the efficiency of those action plans based on such targets.
- Ensure funding and enabling environment for CSOs involved in activities against gender-based discrimination in labour;

## For the Ministry of Human and Minority Rights

- Improve and standardise collection and use of data related to gender-based discrimination in a way that enables comparisons over time. The same should be applied to other institutions that must report to the Ministry / Gender Equality Department.
- Improve public information on the prohibition of gender discrimination at work and related procedures for protection , as well as on the rights to equality, in order to stimulate women to advocate for their rights.
- Ensure an independent and consistent evaluation of implementation of existing legal regulations and strategic documents.
- Provide continuous, specialised and gender-responsive training for representatives of all competent institutions, which, in addition to legal procedures, will also provide an understanding of the problem of gender discrimination at work
- Cooperate and support CSOs involved in activities against gender-based discrimination in labour;

## For the Legal Framework

- Amend the Law on Prohibition of Discrimination to introduce the definition and scope of discrimination based on sex.
- Recognise discrimination based on sex as a special form of discrimination and envisage appropriate corresponding fines.
- Amend the Law on Labour to ensure that the time spent on pregnancy and maternity leaves will be counted towards the total duration of fixed-term contracts, allowing for their transformation into employment contracts of indefinite duration.

- Amend the Law on Labour to refer to unequal pay as an act of discrimination based on sex and introduce fines for employers who violate the principle of equal pay for work of equal value.
- Revise special measures of protection envisaged by the Law on Labour to remove discriminatory elements.
- Amend the Law on Labour to introduce the minimum number of days for parental leave for fathers to ensure better balance of responsibility for parenting.

## **For the Ombudsperson Institution**

- Improve and standardize collection and use of data related to gender-based discrimination in a way that enables comparisons over time.
- Standard classifications of types of discrimination should be introduced and cases counted accordingly. The same classifications should be applied to other institutions that must report to the Ombudsperson Institution (police, courts, prosecutors, etc.).
- Include gender of the alleged perpetrator and victim in statistical evidence and report about it.
- Enable standardized tracking of discrimination statistics related to several factors and demographic differences, such as: age and gender, ability and gender, ethnicity and gender.
- Promote successful examples of protection against GBD at work place in order to increase and restore confidence in institutions and consequently stimulate people to report GBD.
- Coordinate with women's rights organisations, other civil society organisations and other relevant institutions and media to carry out effective, targeted awareness-raising campaigns that inform diverse people of their rights related to gender-based discrimination, as well as how and when to seek support from the Ombudsperson Institution.
- Undertake more efforts to address the lack of awareness regarding rights related to gender-based discrimination and the fear from retribution, including by proactively empowering victims to step forward.

## **For Police**

- Ensure that a system of support and referral to appropriate institutions exists for victims who report gender-based discrimination, preventing them from withdrawing their complaints.
- Get involved in GBD awareness campaigns in order to strengthen public's trust and confidence in the mechanisms of protection.

## **For the Prosecution**

- Promote successful instances of protection from gender-based discrimination to increase public confidence in institutions that provide protection from discrimination. Coordinate with other institutions involved in the system of protection.
- Get involved in GBD awareness campaigns in order to strengthen public's trust and confidence in the mechanisms of protection.

## For Courts

- Continue education and training for judges in the implementation of applicable international instruments especially EU regulations with regards to GBD at work.
- Improve electronic processing of cases, including gender-disaggregated data also in reference to the types of case reported, enabling better tracking of gender-based discrimination cases.
- Get involved in GBD awareness campaigns in order to strengthen public's trust and confidence in the mechanisms of protection.

## For the Labour Inspectorate

- Legally provide the Labour Inspectorate with more authority in acting when discrimination occurs.
- Train inspectors to proactively direct potential victims to proper institutions that can help them protect their rights.

## For labour unions

- Undertake more efforts to address lack of awareness regarding rights related to gender-based discrimination and the fear from retribution, including proactively empowering victims to step forward.
- Conduct outreach campaigns to inform workers about the legal framework pertaining to gender-based discrimination and labour. Collaborate with experienced CSOs for more effective outreach, including that targets women workers specifically.
- Provide legal aid for people who are considering reporting gender-based discrimination in an approachable and sensitive manner.
- Pay special attention to discrimination based on multiple sources: age and gender, ability and gender, ethnicity and gender, and sexuality and gender.
- Ensure policies against gender-based discrimination and equal opportunities are in place and implemented.
- Provide training for all union representatives regarding the relevant legal framework pertaining to gender-based discrimination at work.
- Undertake public outreach campaigns to improve people's awareness, understanding and trust in labour unions, including how they can support persons who have experienced gender-based discrimination at work.
- Improve women's participation in unions at all levels, and explicitly target more women to become active union members; collaborate with experienced CSOs for planning effective outreach.

## For CSOs

- Encourage people, especially women, to report gender-based discrimination; empower victims to step forward.
- Pay special attention to multiple discriminations, based on multiple sources: age and gender, ability and gender, ethnicity and gender, sexuality and gender.

- Provide legal aid for people who are considering reporting gender-based discrimination in an approachable and sensitive manner.
- Collaborate with other CSOs involved in anti-discrimination activities in order to coordinate efforts, towards efficiency, effectiveness and wise use of limited resources; set a joint strategy for shared work against gender-based discrimination in labour; share information regularly; and exchange best practices.
- Organise awareness-raising campaigns to increase women's and men's knowledge about gender-based discrimination in the labour market, as well as relevant institutions and procedures for seeking recourse for rights violations.
- Specifically target people from minority ethnic groups, LGBTQI+ persons and persons with different abilities with information about their rights; support them in reporting and seeking justice for gender-based discrimination.

### **For Chamber of Commerce**

- Organize trainings on GBD at work place for the members of the Chamber.
- Get involved in GBD awareness campaigns in order to strengthen public's trust and confidence in the mechanisms of protection.
- Conduct employers' awareness campaigns in order to inform them about discriminatory nature of certain actions and promote non-discriminatory behaviour.
- Raise awareness among employers about discriminatory nature of fixed-term contracts and urge them not to use these types contracts in order to avoid anti-discrimination regulations.

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# ANNEXES

## Annex 1. Methodology

This annex provides further details about the research methodology. In order to address the research questions outlined in the introduction, the research involved mixed methods, involving: an analysis of the relevant legal framework; a literature review; review of any existing institutional data related to discrimination cases; semi-structured interviews with representatives of relevant institutions to measure their knowledge of, awareness on and experiences with gender-based discrimination in the labour market; and an anonymous online survey of women and men. This section provides further details about each research method.

### Key Terms and Delimitation

The research focused on gender-based discrimination in relation to labour. It did not examine gender-based discrimination that may occur outside the workplace. The key research terms were defined and operationalized as follows. 'Discrimination' included all forms of gender-based discrimination, as defined by law. The term 'labour' was used rather than 'employment' to include study of unpaid and unregistered forms of labour. 'Gender' involved all gender expressions and identities, including but not limited to: women, men, trans\*, gender non-conforming, gender fluid and intersex. 'Gender-based discrimination', then, was defined to involve discrimination affecting persons because of their gender.

### Legal Analysis

The Legal Analysis examined and assessed current anti-discrimination legislation in place in Montenegro, including any shortcomings in aligning national legislation with the *Acquis Communautaire* (the 'Gender Equality Acquis'). It also sought to identify the relevant institutions, their roles and responsibilities. It involved examination of international laws, treaties, conventions, national constitutions, national laws and secondary legislation/policies. The topics examined included: How is discrimination defined? What protection measures exist against discrimination? What mechanisms have been put in place to address or mitigate discrimination? What methods exist for reporting discrimination? What gaps exist in the legal framework? What are the relevant institutions and their responsibilities?

### Literature Review

The Literature Review examined any existing data on gender-based discrimination that was available, so as to ground the report in existing information and avoid duplication of existing research. It included examination of the research methods used and timeframes.

### Data Collection

The research team sought to collect data related to discrimination cases at work for the period of 2008 – 2017, disaggregated by gender, from the basic court in Podgorica, the police department, Agency for Peaceful Settlement of Labour Disputes, Ombudsperson institution, Administration for inspection affairs. This involved sending official data requests to these institutions.

### The Survey

The research team sought to collect input from diverse women and men regarding their knowledge of anti-discrimination legislation, personal experiences with discrimination, whether such cases were reported and why they did not report discrimination if it occurred.

Center for Women's Rights collaborated with its partner organisations in the region, particularly Reactor Research in Action (Macedonia), to create the online survey using Lime Survey. The survey was promoted broadly, including through social media, boosting on Facebook and email. The survey was open from 1 November through 3 December. For demographic information about respondents, see Annex 2 and for the survey tool, see Annex 3.

### **Interviews**

In total, 42 representatives of relevant institutions were interviewed using a semi-structured interview guide to measure their knowledge, awareness and experiences with gender-based discrimination and labour. Interviews took place in basic courts in Bar, Bijelo Polje, Berane, Cetinje, Danilovgrad, Kotor, Nikšić, Podgorica, Plav and Pljevalja. Also, project team interviewed representatives of the Labour Inspection, the Tourism Inspection, Police Department Ombudsperson Institution, Lawyers' Association, Chamber of Commerce, the Primary Prosecutor's Office, the Parliamentary Board for Gender Equality and the Agency for Peaceful Resolution of Work-related Disputes. Finally, CSO representatives from the Alliance of Labour Unions in Montenegro, the Association of Free Labour Unions, the Centre for Civic Education CGO, Civic Alliance, Institute Alternative, Juventas, Centre for Development of NGOs and Human Rights Action were interviewed too.

### **Data Analysis**

The research team coded the qualitative data resulting from interviews in a coding document, as per the research questions, to identify recurring trends and differences. At least two people participated in the coding of every interview, towards triangulation of researchers. Reactor carried out the statistical analysis of survey data using SPSS, which was reviewed by Center's researchers. Towards maximizing the usage of the data gathered, the data from everyone who completed a particular question was processed and presented. Thus, the number of missing cases differed for each variable and increased for questions posed towards the end of the survey. The number of responses ('n') is reported in the presentation of findings. Any statements including the term 'significant' in relation to the survey findings suggest statistical testing with a confidence level  $\alpha = 0.05$ . However, limitations outlined in the next section must be considered.

### **Limitations**

The team considered that the costs of surveying a nationally representative sample outweighed the benefits that this kind of sample offers in terms of generalizability of the findings. Therefore, the research team had to find a balance between cost and quality, selecting to use an online survey involving convenience sampling instead. If well-advertised, online surveys can be a very efficient means for understanding qualitatively the challenges affiliated with discrimination cases. The research team considered that identifying and understanding qualitatively discrimination cases would be more important than finding the actual 'extent' of discrimination. Moreover, the team thought that underreporting of discrimination likely would be widespread in a household survey, given the general population's hypothesized low level of knowledge regarding which acts could constitute gender-based discrimination. Further, the research team considered that the complete anonymity allowed by online surveys may enhance the willingness of people to report their experiences without fear of repercussions, given the sensitivity of the topic. Even so, these methodological choices contribute to some limitations regarding the research findings.

First, since random sampling was not used, the findings cannot be generalized to the entire population. Statistical inference means to generalize the findings from a sample to a population, usually using significance tests. Considering that the survey sample was a non-probability sample and that statistical inference based on conventions for p values presup-

poses probability sampling, the findings referred to as 'statistically significant' should be interpreted as suggestive, but not conclusive, and in no way generalizable. Statistical tests were used as heuristics to differentiate 'large enough' differences or correlations on which the research team could comment.

Second and related, since the survey sample was convenient, it was not demographically representative of the population of Montenegro. Therefore, the percentages reported do not reflect the prevalence of the phenomena among the general population in Montenegro; and the variability of the 'sampled' experiences may be restricted. All variables were cross-tabulated with gender, not only because this was a key variable, but also because the sample was imbalanced in terms of gender. In the sample of persons that completed 90% of the questionnaire, twice as many women respondents as men completed the survey. This means that the observed distributions of answers in the sample were based more on the responses of women participants than on men respondents. This gender disproportion could constrain the possibility of observing gender-based differences. However, where indicative, established relationships (i.e., gender-based differences) were interpreted, but the conclusions remain 'restrained' in terms of generalizability.

### **Validity**

The research team sought to enhance the validity of the findings through triangulation of data sources (e.g., citizens, institutions, CSOs, statistics), methods and researchers. Peer review of findings by diverse experts also sought to identify any potential error prior to finalizing the report. These steps sought to enhance the validity of the findings.

## Annex 2. Demographic Information about the Survey Sample

In total, 627 people completed the survey (over 90% of the questions), while additionally 995 people partially completed the survey. The data used for the analysis include only 627 completed surveys. The table below presents the structure of the respondents based on each criteria and gender. However, it must be noted that neither cross tabulation is statistically significant.

	All	Female	Male
	100% (N=627)	90.9% (N=570)	9.1% (N=57)
<b>Age</b>			
18-29	30.2	29.5	37.5
30-39	35.1	35.8	28.6
40-49	25.3	25.1	26.8
50-59	7.6	7.8	5.4
60-65	1.8	1.8	1.8
	100% (N=609)	100% (N=553)	100% (N=56)
<b>Ethnicity</b>			
Albanian	1.2	1.18	1.9
Serbian	21.3	20.39	30.2
Bosniak	2.7	2.55	3.8
Montenegrin	70.7	71.37	64.2
Croat	0.7	0.78	0.0
Macedonian	0.2	0.20	0.0
Ashkali	0.2	0.20	0.0
Egyptian	0.2	0.20	0.0
Hungarian	0.2	0.20	0.0
Slovak	0.4	0.39	0.0
Greek	0.2	0.20	0.0
Muslim	2.1	2.35	0.0
	100% (N=563)	100% (N=510)	100% (N=53)
<b>Education</b>			
Primary or incomplete primary education	0.8	0.9	0.0
Secondary education	24.1	24.2	22.8

Vocational education	1.1	1.1	1.8
Vocational higher education	6.5	6.3	8.8
Bachelor's degree	42.7	43.7	33.3
Master's degree	22.5	21.6	31.6
PhD	2.2	2.3	1.8
	100% (N=627)	100% (N=570)	100% (N=57)
<b>Disability</b>			
Having disability	5.4 (N=34)	5.3	7
Not having disability	94.6	94.7	93
	100% (N=627)	100% (N=570)	100% (N=57)
<b>Employment status</b>			
Full time employed	71.1	71	71.9
Part time employed	6.1	6	7
Self-employed	3.2	3	5.3
Unemployed, looking for work	13.3	13.6	10.5
Unemployed, not looking for work	1.8	1.9	0.0
Unemployed, still studying	3.9	3.7	5.3
Unpaid work	0.6	0.7	0.0
	100% (N=623)	100% (N=566)	100% (N=57)
<b>Work sector</b>			
Private sector	42.4	41.4	51.1
Government	39.6	40.2	34
Publicly owned enterprise	7.9	8.3	4.3
Local civil society	8.1	8.6	4.3
International civil society organization	0.9	0.7	2.1
Other international body	1.1	0.7	4.3
	100% (N=467)	100% (N=420)	100% (N=47)

## Annex 3. Sample interview guide

### (For the Labour Inspectorate)

1. Interview code number: M\_\_ \_\_ \_\_
2. Name interviewer:
3. Date:
4. Start time of the interview:
5. End time of the interview:
6. Location (city):
7. Name
8. Title
9. Email
10. Phone number

### Introduction

Hello, my name is \_\_\_\_\_ and I am here on behalf of WRC, thank you for agreeing to be interviewed and to be part of this research.

### Demographics

11. Year of birth
12. For how long have you been working in this position (years, months)?

### Knowledge

13. First, please can you tell me how you personally define "discrimination"?
14. What types of acts, for example, would you consider to be "gender-based discrimination"?
15. To what extent does the legal framework offer protection if discrimination occurs because of a person's gender, meaning because they are a woman or a man?
16. Based on your opinion and experience, to what extent is this legal framework related to gender-based discrimination complete or incomplete? Please elaborate.
17. In your view, what impact or influence does the Ombudsperson institution have in relation to discrimination cases at work, based on gender? Please can you elaborate.

### Attitudes and Perceptions

18. Generally speaking, what do your colleagues (including from other institutions that have a mandate to deal with this issue) think about discrimination against women related to labour?
19. If a woman believes that she has been discriminated against at work because she is a woman, what should she do?

### Training

20. What types of training did you receive related to discrimination on the basis of being a woman or a man? [Probe: or on gender equality specifically? When was the last training on each theme, how long, on what themes, by whom]

### Laws and Implementation

21. To what extent do you think that the Law on Labour is being implemented in practice, in relation to certain provisions that might affect women more? (maternity leave provisions, breastfeeding, equal pay for women and men...)
22. To what extent do you think that the Anti-Discrimination Law is being implemented in the labour market?
23. To what extent do you think that the Law on Gender Equality is being implemented in the labour market?
24. Other comments related to this:
25. Have you ever dealt with a discrimination case against a woman or man because of their gender, related to labour since 2008?
  - 25.1.1 Yes
  - 25.1.2 No



[Skip the following questions if the answer is No, and ask:]

26. For what reason do you think few discrimination cases been reported and/or filed?

**Gender-based discrimination cases reported**

- 27. Please tell me about the cases you have dealt with?
  - 27.1 If yes, how many approximately?
  - 27.2 What was the gender of persons who suffered discrimination [women, men, both]?
  - 27.3 What was the gender of the alleged perpetrator?
  - 27.4 Have you observed whether discrimination tended to happen more to people in any of the following groups: ethnicity, sexuality, age, ability, geographic location? Please elaborate.
  - 27.5 Have you seen any cases in which multiple discriminations were claimed, such as on the basis of both gender and disability OR gender and ethnicity?
  - 27.6 What types of discrimination did you encounter?
  - 27.7 In your view or experience, how have persons who have experienced discrimination because of the gender been treated by institutions, other than your own? Probe: Please can you provide any specific examples? Please specify the institution.
- 28. How many were investigated based on appeals that employees have submitted?
- 29. What steps have you taken?
- 30. Were any disciplinary measures taken?
- 31. If so, which?
- 32. What was the biggest challenge?
- 33. In your view or experience, how have persons who have experienced discrimination because of the gender been treated by institutions, other than your own? Probe: Please can you provide any specific examples? Please specify the institution.
- 34. What are the strengths and weaknesses of data collection practices related to logging these cases?
- 35. Do you have any other comments or things you'd like to add?
- 36. [Researcher notes (reflexivity)]

## **Annex 4. Survey Instrument**

### **SURVEY ON DISCRIMINATION AT WORK**

Thank you for taking part in this important survey, which aims to identify ways to better address different forms of discrimination that can occur in relation to work. Understanding your thoughts and experiences can support us in identifying actions that can help prevent discrimination, as well as contribute to improved access to justice for discrimination when it occurs. The survey will take approximately xx minutes. Be assured that all of your answers will be kept strictly confidential. No one will know who you are.

If you have any questions or concerns about this survey, please contact: [...]. By clicking "okay", you consent to participate in this important research. Thanks so much!

#### **GENERAL INFORMATION**

**In which city or town do you currently live or spend most of your time?**

**What is your gender?**

Woman  
Man  
Other

**In which year were you born?**

**With which ethnic group do you identify? If more than one, please check all that apply.**

Albanian  
Serbian  
Bosniak  
Montenegrin  
Croat  
Macedonian  
Roma  
Ashakali  
Egyptian  
Gorani  
Turkish  
Hungarian  
Slovak  
Vlach  
Greek  
Other (please write) \_\_\_\_\_

**What is the highest level of education that you have completed?**

Primary or incomplete primary education  
Secondary school  
Bachelor degree  
Master's degree  
PhD

**What is your current marital status?**

Single  
Engaged  
Married  
Divorced  
Co-habiting  
Widowed

**Do you consider yourself to have a disability?**

Yes  
No

## **EMPLOYMENT INFORMATION**

### **Are you currently:**

- Employed full-time
- Employed part-time
- Self-employed
- Unemployed, looking for work
- Unemployed, not looking for work
- Unemployed, still studying
- Unemployed officially, but I do unpaid work outside the home such as farming, caring for animals like cows or chickens, etc. On pension
- Other (please write)

### **In the last 10 years (so since 2008), has any of the following been true for you? Please check all that apply:**

- I was unemployed and not looking for work
- I was unemployed and looking for work
- I was employed part time
- I was employed full time
- I was in school/university
- I was self-employed
- I worked without pay for a family business or farm

### **Where do you work? Please check all that apply.**

- Private sector (business, including family business or farm)
- Government (including ministry, municipality, health institution, public school, university, etc.)
- Publicly owned enterprise in public sector
- Local civil society organization
- International civil society organization
- Other international body (EU, UN, UN agency, foreign embassy, etc.)

### **In which field do you work?**

- Administrative and support services
- Accommodation and food service (hotel, restaurant)
- Agriculture, forestry or fishing
- Arts and Entertainment
- Civil society / human rights activism
- Construction
- Education
- Electricity, gas, steam and air conditioning supply
- Finance and insurance (banks)
- Health
- Information and communication, including media
- Manufacturing clothes and shoes
- Manufacturing other
- Mining and quarrying
- Police, military and security
- Professional, scientific and technical activities
- Public administration or governance
- Real estate
- Repair of motor vehicles and motorcycles
- Research
- Social work
- Transportation and storage
- Water supply, sewage, waste management
- Wholesale and retail trade (e.g., shops, stores)

Other (please write)

**For how long have you been working in your current position?**

- Four months or less
- 5-8 months
- 9-12 months
- 1-3 years
- 4-10 years
- 11+ years

**Which of the following best describes your current position?**

- Entry-level position (e.g., assistant, worker)
- Mid-level position (e.g., coordinator)
- Senior-level position (e.g., manager, director)
- I'm my own boss
- Other (please write)

**YOUR VIEWS**

**Is discriminating against someone at work because they are a woman or a man illegal in your country?**

- Yes
- No
- I don't know

**If it happens, this type of discrimination at work should be reported to [please check all that apply]:**

- The employer
- The Labour Inspectorate
- The Ombudsperson Institution
- The police
- None of the above
- I don't know

**HIRING**

**Now we have some questions about your experiences with hiring processes.**

**How many times have you been in a job interview since 2008?**

- Never
- Once
- 2-5 times
- More than 5 times
- Don't remember

**Since 2008, in a job interview have you ever been asked questions concerning:**

- Your marital status
- Your plans to get married
- The number of children you had at the time
- Your future plans to have children
- Medical proof that you are not pregnant
- Something else not related to your skills, education or work experience that felt inappropriate
- (if yes, please elaborate):

**Since 2008, in your opinion, have you ever not gotten a job that you applied for because:**

- You are a woman
- You were pregnant
- You have children
- You shared that you are planning to have children

Your age  
Your appearance  
You are a man  
You are expecting a baby

### **PROMOTION**

**Do you feel that your employer(s) have given both you and other employees an equal opportunity to be promoted?**

Yes, all employees have an equal opportunity  
No, some employees are treated differently than others  
Both - It differs depending on the employer I have had  
Don't know

**Has it ever happened to you that your employer didn't consider you for a promotion because... (please check all that apply)**

Your gender (for example, I was told this is not a job for women/men)  
Your ethnicity  
Your sexual orientation  
The employer had a personal preference  
Your age  
Your religion  
Your place of residence (for example, rural)  
I don't know  
None of the above happened to me  
Other (please write):

### **WORKING CONDITIONS**

**Have you ever been denied the right to take off work for sick leave, national holidays, or annual leave?**

Yes  
No

**Do you think your health or safety is at risk because of your work?**

Yes  
No

### **UNIONS**

**Do any workers' unions exist in your country, which could represent your interests?**

Yes  
No  
I don't know

**Are you a member of any workers' union?**

Yes  
No

**How well do you feel that your workers' union represents your interests?**

Very well  
Good  
Somewhat  
Poorly  
Very poorly

### **PREGNANCY AND MATERNITY LEAVE**

**Since 2008, have you ever been pregnant when you were employed?**

Yes  
No

I am currently pregnant but haven't taken up maternity leave yet

**Has it ever happened that you were neither paid, nor received a government benefit during your maternity leave?**

Yes

No

**Did you return to your previous place of employment after your most recent maternity leave?**

Yes

No

I am still on maternity leave

**Why not? Please mark all that apply.**

I did not want to work anymore

I started a new job

The employer terminated my contract/fired me

My contract expired while I was on maternity leave

The employer decided to employ my replacement instead

I have no one to take care of my children or childcare is too expensive

I could not find work

Due to illness or injury

Another reason (please write)

**Has any employer ever pressured you to return to work earlier than you had planned to be on maternity leave?**

Yes

No

**When you returned to work, did you have:**

More responsibilities

Fewer responsibilities

The same responsibilities

Did you have:

Higher pay

Lower pay

The same pay

**Did you have:**

More working hours

Less working hours

The same working hours

**When you returned, were you:**

Treated the same as before you left

Treated differently by your peers or boss because you took the leave

**PATERNITY LEAVE**

**Would your employer give you paternity leave?**

Yes, PAID paternity leave

Yes, UNPAID paternity leave

No

Do not know

**Since 2008, have you ever had a new born child while being employed?**

Yes

No

**When you returned from leave, were you:**

Treated the same as before you left

Treated differently by your peers or boss because you took the leave

**Do you think that men should have more paid time off for paternity leave?**

Yes

No

I don't know

**CONTRACTS AND PAY**

**Since 2008, have you ever been asked to work regularly without a contract (including for a family business)?**

Yes

No

**Do you currently have a contract?**

Yes

No

**What is the length of your current contract (or the last contract that you had) in months?**

Three months or less

4-6 months

7-12 months

1-3 years

4 or more years

Indefinite

**In your workplace, who tends to have longer contracts?**

Women

Men

It's the same for both

Not applicable (only men or only women work here)

I don't know

**Since 2008, have you ever been asked to sign an employment contract without being allowed to read and understand the terms of your contract before signing it?**

Yes

No

**On average, how many hours do you usually work per week?**

1-20

21-40

41-60

More than 61

**Currently, what salary do you actually receive each month (net in EUR)?**

Less than or equal to 129.

130 – 170

171 - 200

201-300

301-400

401-500

501-800

801 or more

**Does your employer declare to the state authorities the actual, real salary that you received?**

Yes

No, my employer tells the authorities something else

I don't know

**Has your employer ever asked you to return part of your salary to the employer?**

Yes

No

**Usually, how are you compensated for overtime worked?**

I don't receive anything extra (beyond my regular monthly wage)

I'm paid for the extra time worked at the same rate as my usual wage

I'm paid for the extra time worked with a higher rate than my usual wage

I receive time off

Other (please write)

Not applicable: I never work overtime

### **SEXUAL HARASSMENT AT WORK**

The following is a list of situations that reflect certain behaviours. Please indicate if it ever happened to you at work. Your identity will remain anonymous.

Yes, this happened to me, more than once.

Yes, this happened to me once.

No, this never happened to me.

Making sexual gestures, jokes, or sounds

Sending emails or text messages of a sexual nature (including after work hours)

Touching another worker's body parts on purpose (bottom, breasts, hand, etc.) where touching is unnecessary

A colleague or superior proposing to have sex with him/her

A colleague or superior forcing someone to have sex with him/her

**Were the persons who did this to you:**

Women

Men

Both

**Were the persons who did this in (please check all that apply):**

Lower positions than you

Equal positions as you

Higher positions than you

**Who did you tell? Please check all that apply.**

No one

Friend, acquaintance

Family member

Colleague

My manager

Police

Religious leader

Person in an official reporting mechanism at my workplace

Someone else, please specify:

**For what reason(s) did you decide not to tell anybody about this situation? Please check all that apply.**

I was ashamed

I'm afraid of losing my job

I did not want to



I think I have to take care of it myself  
Other (please write):

### **OVERALL REFLECTIONS**

**Many of the acts we asked about in this survey so far could be considered forms of discrimination. Considering this, would you say that you have ever been treated differently (discriminated against), because you are a woman/man?**

Yes  
No

**If no...**

**Do you have any comments, stories or examples you want to share, including cases of discrimination that may have happened to someone you know? Please provide details.**

**If yes...**

**Please, can you describe in detail any experience(s) that you have had with discrimination at work since 2008? We greatly appreciate any information you can share. Your identity will remain anonymous.**

**In which sector were you working when this occurred?**

Private sector (business, including family business or farm)

Government (including ministry, municipality, health institution, public school, university, etc.)

Local civil society organization

International civil society organization

Other international body (EU, UN, UN agency, foreign embassy, etc.)

Other:

**With which institutions were you in contact regarding what happened to you? Please select all that apply.**

None

Labour Inspectorate

Police

Courts

Prosecution

Ombudsman

Other (please write)

What happened when you reported discrimination to the relevant authorities?

They would not hear my case

They listened, but said they could not do anything

They listened and tried to assist me

They were very helpful and helped me file the case

Other (please write)

**Have you been involved in any court action related to discrimination at work?**

Yes  
No

### **FOLLOW-UP**

**The research team may conduct a small number of follow-up interviews lasting up to one hour with respondents this fall. Your identity would be kept confidential and information protected. Such an interview would help us a lot in better understanding what happened, and potentially helping you or others like you in the future. Would you be willing to participate in a follow-up interview?**

Yes  
No

**Please enter your e-mail address and phone number so that we can contact you. This information will remain fully confidential.**

Phone:

Email:

Thank you for your time and contribution to this important research.

This survey was created by a network of women's rights organizations in the region, with financial support from the European Union. Its contents are the sole responsibility of these organizations and do not necessarily reflect the views of the European Union.



