

**For safe  
and healthy  
work  
environment**



**WORK IS A RIGHT,  
PROTECTION  
IS AN OBLIGATION**

# WORK IS A RIGHT, PROTECTION IS AN OBLIGATION

**E**very year more and more people die while hundreds are injured in their workplaces in Montenegro. Our country has no institute of occupational medicine, and keeps no statistics on occupational diseases of which some can be fatal or cause permanent disabilities. There are no data on people who work with hazardous substances, whereof some cause cancer or other serious diseases. There are no estimates on how many people in Montenegro suffer from work related stress or mental disorders as a result of working environment. Furthermore, most of them are not indemnified for the loss of health at workplace.

Despite the new legal framework that is mostly aligned with that of the European Union, only a small number of employers respect the norms and procedures that protect health and safety of workers.

Topics on this issue are rarely covered in the Montenegrin media. Reporting is very sporadic, mainly after incidents and tragedies and the coverage follows the official versions that usually exonerate the employer.

As of May 2018, CIN-CG and Vijesti committed to explore some of those topics through the project called **For Safe and Healthy Working Environment**. It was carried out with the support of the regional network BaALcanOSH, financed by the European Union. A special contribution to the project came from the Safety at Work Association of Montenegro (SWAM).

The main objectives of the project were: to raise public awareness by informing the public of significant problems in this area, to improve the safety at workplace and the health system, as well as to contribute to the EU accession talks and transformation of society towards democracy.

Within the project, several researches were conducted and published, some in cooperation with other media outlets in Montenegro. Journalists received a special training on how to recognize and deal with the aforesaid problems. Lastly, a special thematic conference was held.

This brochure is just a summary of our eight-month activities and it contains useful instructions for employees- what to do in case of injuries.

The main points:

General observations in these studies/ researches are:

- only about eight percent of employers have the workplace risk assessment;
- there are no regulations that deal with occupational diseases, an occupational medicine institute in Montenegro doesn't exist, thus the employees must go abroad to get medical certificates, in order to try to prove that their health is affected by conditions at workplace;
- given the structural changes of Montenegro's economy, depleted workforce in the production sector and increase in the sectors of services, trade and tourism, it is necessary to take a different approach, and in accordance with the European practice, to reconsider which jobs are easy or not so to properly act in regard to prevention of serious or permanent illness;
- a significant number of work-related injuries are not recorded because employers do not insure workers, while the injured employees keep silent for fear of losing job;
- many employers are reluctant to talk to journalists about this topic or to grant access to their premises or factories;
- women who work in trade and hospitality industries mostly complain about the infringements of labor and occupational rights;
- there is a significant number of minors exposed to exploitation, especially in seasonal jobs, when they are exposed to excessive heat or inadequate sanitary conditions;
- the so-called gray economy zone is far from any kind of control as workers are denied safety at workplace and other rights;
- the job of health and safety inspectors, due to extensive and complex work along with relatively low pay, is not attractive to highly educated and highly skilled persons, hence there's a permanent shortage of staff.

## CONSTRUCTION: WORKERS HAVE TO GET USED TO THE EQUIPMENT

A survey on safety at work in construction business with around 12,000 employees has shown that the number of accidents has decreased compared to the previous period. Inspectors and representatives of the Construction Committee said that the amendments to the Workplace Safety Law from June this year brought stricter rules and most of the supervised employers began to apply them. Given that more accidents occurred in the past as employers did not comply with the regulations and failed to provide the necessary protective equipment, it can be said a significant progress in this area has been made.

Of all work related accidents, 82 percent occurred in the construction sector in 2007. As of 2017 the same sector had a work related injuries share down to 39 percent as reported by the Inspectorate General.

According to the Inspectorate data, in recent years injuries and deaths in the construction happen for failure to use protective equipment issued by the employer. Further improvement of the safety systems in the construction area is possible through the safety measures marketing campaign.

Working in construction carries risks from direct injuries, but that's not all. Wearing heavy loads, long exposure to dust, hazardous chemical substances, sunlight and other things in the work environment. The authorities have no official data of the aforesaid though.

The survey also showed that many construction companies are without trade union organizations that could represent the employees and control whether the employers comply with the

standards and whether the authorities do their part of the job.

Occupational Safety and Health Administration puts a lot of faith in the new Workplace Safety Law which will mandate a safety and health supervisor in the construction sector. Furthermore, the investor or the joint investors shall appoint one or more supervisors on spot.

## OFFICE WORK: A MISCONCEPTION OF BEING AN EASY JOB

About 40,000 employees in Montenegro work in office in front of computer for most of their working hours, sometimes beyond. According to the World Health Organization, those employees



in the EU have the highest risk of occupational diseases. Thus they risk vision impairment, disorders of spine and skeleton, tendon, fist nerves along with stress and depression.

CIN-CG and Vijesti research on safety in office premises showed that not many employees were familiar with the dangers of long-term sitting and



working on computers. Furthermore, employers rarely use the prescribed standards in terms of desk, ergonomic chair, lighting, breaks and other things that affect health.

Inspectors have authority to punish employers for such shortcomings as of July 16<sup>th</sup> this year. Fines are almost symbolic and range between 30€ for physical entities and 500€ for companies. If Magistrates Court deals with the offence, which is rare, then the fines are higher. Lack of regulations on occupational diseases is highly problematic as they lay out the risks of unsafe workplace.

## INDUSTRY AND MINING: IN THE SHADE OF BANKRUPTCY

The research on workplace safety in heavy industry, mining and energy sector (about 4,000 staff) has shown that the employees, apart from already severe work environment, face another structural problem. A significant part of the companies that were once a part of the production chain which generated two-thirds of the GDP is either bankrupt or on the verge to become such.

The bankruptcy initiation means suspension of all earlier statutes (including the documents on risk assessment and protection measures). Given how the Bankruptcy Law is interpreted, the employees are left at the mercy of their new bosses since the inspectorate is without authority to control the bankruptcy management or who act on its behalf.

There are positive examples however, where the employer, although without legal obligation, continues to implement protective measures or at least a part of them, thus creating a bearable environment. The employees found in bankruptcy mode have no right to paid annual leave which is requisite, especially for those who use half a century old technologies at their workplace.



## USEFUL INSTRUCTIONS:

### *Procedures in case of injury at work:*

#### 1 Definitions

- **Injury at work:** Injury at work is considered to be an employee's injury occurring in direct, causal, spatial and temporal correlation with the performance of work, caused by immediate and short-term mechanical, physical or chemical effects or sudden changes in the position of the body.

Injury at work is also considered to be an injury caused during the work performance to which the employee is not deployed, but which performs in the interests of the employer.

Injury at work is also considered to be an injury suffered by the employee on a regular route from home to the workplace, and vice versa, on the road undertaken for the performance of work duties, as well as in other cases determined by law.

- **Reconstruction of injury at work:** Procedure for determining the cause of injury at work

#### 2 Description of activities

Negative circumstances: inefficient handling, insufficient training of employees, non-use of prescribed means and equipment for personal protection at work, malfunctioning equipment, fatigue, illness and other circumstances like arrival and departure from work, set a premise in which injury is possible.

In case of injury at work, an employee who is a witness has a duty to help the injured and inform the nearest supervisor.

According to the findings of the Occupational Safety and Health Inspection the most common causes of injuries in the Montenegrin industrial sector are inadequate work equipment, improper handling and falls from high points. Inspection records indicate that employers are now more likely to comply with contract regulations than before. Occupational Safety and Health Association's representatives attribute this partly to the culture that foreign investors bring from developed countries.

However, the survey pointed out to a significant number of businesses (including working conditions) which operate under the veil of secrecy. The Nikšić Steel Co and The Tara Armament factory in Mojkovac, where most accidents took place in recent years, ignored reporters' inquiries

about the workplace safety.

In The Tara three people died and seven were injured in recent years. Only one case ended up in court where an injured worker was charged for endangering public safety. The company was fined 1,000€ and one individual was fine 60€ for certain irregularity.

The steel workers in Niksic were reticent to talk for fear of losing job. However, one of them, on condition of anonymity, disclosed that workers protests and the court's reaction forced the steel plant owners to reduce their 14 hour shifts per day and massive lay-offs. Nonetheless the adverse working conditions and low salaries have remained.

### **WOMEN AND MINORS: CONSTANT STRESS FOR FEAR OF BEING FIRED**

The survey shows that most women work in trade and hospitality, about 50 thousand. They are most often exposed to stress over termed contracts or no contracts at all, having to work extra hours which are not paid and fear of being fired if they start a family. Trade union representatives say that they receive such complaints on a daily basis. However, few of them decide to call the inspection for fear of losing their job.

Chronic stress is the cause of many diseases, among which are "high blood pressure, stomach ulcer, thyroid disease, diabetes, digestive problems, colitis and Chron's disease. As there is no official list of occupational diseases in Montenegro or an institute of occupational medicine it is practically impossible to prove that someone got ill due to work stress.

The above mentioned industries are notorious for the lowest net salaries: 350€ in trade and 380€ in hospitality, while the national average is about 512€. Women are particularly discriminated against when it comes to earnings. Their pay is 14 percent lower than that of men for the same job as the research by several



If the injured person is alone and conscious, he is obliged to inform the nearest supervisor about the injury. In return the supervisor's duty is to call emergency which will dispatch an ambulance vehicle to the spot and treat the injured at once.

Depending on the nature and degree of injury, the medic shall prescribe further treatment needed for full recovery.

However, if hospital treatment is needed, the injured person is taken to the nearest hospital and accompanied by the medic.

On the first working day after the injury, an injury reconstruction follows up (in order to determine the facts and circumstances that led to the injury, as well as reach the conclusion on the cause and take measures so that it doesn't happen again) to be taken to prevent repetition of the same or similar situation) and records are drafted.

A person in charge of safety at workplace is responsible for collecting all papers related to the injury (as the injured needs them if he will claim damages) to determine potential breach of discipline which led to the injury.

After drafting the injury report (which is made in 4 copies), the same is delivered to the physician who first examined the injured person in order to enter details of the injury and evaluate it. If the injury is serious then, it shall be reported to the Occupational Safety and Health Inspection which will conduct its survey.

After completing the workplace injury report it shall be submitted to the Health Insurance Fund for record keeping.

When the sick leave is over the injured person calls the insurance dealer who completes the application form for the workplace injury, delivers it to the insurance company and informs the injured about further steps on how to make sure that his rights are respected in terms of workplace injury proceeding.



NGOs showed.

Trade union representatives admit that it's hard to prove work related discrimination, especially the subtle one in advertisements, job interviews and in the work place itself. Fear of losing job is greater than the passion to protect rights and integrity. The bravest who dare to report discrimination and mobbing, often retract for it is hard to prove it and the fight in court is unduly long. Nevertheless, mental disorders and fragile health are still present.

Complaints are not directly related to safety regulation, but in regard to elementary rights guaranteed by the Labor Law. The employers behaviour significantly affects the health of their subordinates. The official statistics show that couples are getting married in older age while the birth rate in Montenegro is on all record low. Thus it seems that those accusations have verity.

The law rather provides technical protection of women and minors. The employer is obliged to provide special safety and health at workplace for pregnant women, as well as for those under the age of 18 and persons with disabilities. Minors are not allowed to hard physical jobs or jobs where they can be exposed to hazardous biological and chemical materials. Pregnant and breastfeeding women are spared from carrying burdens and from exposure to anything hazardous or any kind of work whereby their and the children's health are put at risk.

So far, the inspectors had no complaints over those infractions. No fines were issued, only six

suggestions to employers to correct irregularities.

The law prohibits employees under the age of 18 to perform heavy physical jobs, work underground or under water or work anything that could affect their health and life. They cannot be asked to work beyond regular working hours or at night shifts. The trade unions don't have data on minors working in Montenegro. Thus they cannot check whether they work illegally or not. The government keeps no such records as well. On the other hand, UNICEF research two years ago shows that six percent of children of the age from 5 to 17 were given jobs that were dangerous to their health. This problem is the most common in the countryside among very poor families. Organized street begging among the Roma population remains the most dominant form of hard child labor in Montenegro.

### **WORKING IN THE EXTREME HEAT: FAIRY-TALE INSTRUCTIONS**

Research on workplaces exposed to intense summer heat confirmed that the employers were not ready to talk to journalists about the topic or to let them visit construction sites and plantations so to check compliance with safety measures.

In mid-July this year, the Ministry of Labor and Social Welfare recommended employers that outdoor employees do not work from 11am to 4pm if the work process can be adjusted. The ministry recommended work in shifts, additional labor force, frequent breaks with large amounts of water and soft drinks. The government also

advised teaching employees to provide the first aid and to acquaint them with the symptoms of high-temperature related illnesses. Furthermore they should know about various risks to health and life and risks about taking medications that prevent or slow down acclimatisation. Employers are obliged to secure shelters in the shade, light, bright and comfortable clothes made of natural materials, caps, scarves or light hats with a wide headband covering the neck and protective sun creams. Instead of ham, cheese and goulash, the menu should contain seafood, fresh fruits and juices.

It sounds nice and expensive. That's the most likely reason why the gates remained locked for journalist visits.

Inspectors say that for the past three years they urged employers to decide on how to apply occupational safety and health measures in high temperature work environments.

If they persevere, next year seasonal workers shall be trained and learn about the dangers.

Montenegro keeps no records on how many people die or get sick of skin cancer due to excessive exposure to the Sun or other diseases caused by the heat while they are at work. The Occupational Safety and Health Association presents data from other countries so to warn of the dire consequences. In the UK, which has a way low annual sunshine, 60 employees die annually from skin cancer caused by excessive exposure to sunlight in working hours. Every year, about 1,500 cases of this disease are registered in the workplace. Thanks to the Montenegrin Association, the British brochures on the dangerous sun exposure made their way to a certain number of construction sites in Montenegro. Thus both employers and employees could better understand how dangerous the sun exposure can be.



## CONCLUSIONS AND RECOMMENDATIONS:

**T**he round table: *The role of the media in meeting European standards in the field of health and safety at work*, took place in Podgorica on December 10, 2018. About thirty participants, among whom were the representatives of the Government, SWAM, Trade Union, media and experts, after a fruitful debate, reached the following conclusions and recommendations:

» The legal framework in the field of occupational safety and health is harmonized with the EU standards, however its implementation still represents a challenge;

» It is necessary to complete the institutional parameters so that implementation can work;

» It is especially important to establish the occupational medicine institute, which was envisioned by the Ministry of Health strategy in 2010;

» It is necessary to establish statistical databases because Montenegro does not have a registry of occupational diseases;

» The number of work-related injuries has decreased in the last five years due to stricter implementation of regulations, especially in some areas;

» Only eight percent of employers have the Risk Assessment Act, although that is mandatory under the new law;

» It is necessary to inform the public and to raise awareness about the importance of safety and health at work, as only a fraction of employees are fully aware of their rights and obligations in this field;

» Higher media commitment and professional reporting would boost implementation of laws and attainment of the EU standards;

» Cooperation between state institutions, trade union organizations, educational institutions, professional associations, civil society organizations and media is crucial;

» It is necessary to intensify training on the importance of safety at work for employees, employers, trade union representatives and journalists;

» Support and protection for the vulnerable and marginalized categories, such as persons with disabilities, women, youth, those who work in the gray sector, members of LGBTQ and others;

» It is necessary to improve the safety and health of those who work in difficult work environments, work in night shifts and work in risky environment;

» It is necessary to improve the protection of mental health, as one of the most common occupational illness of the modern age;

» It would be desirable to introduce health and safety at workplace as an optional subject or special course in the secondary schools;

» The amendments to the bankruptcy law should be elaborated in order to specify the obligations on safety at work and authorize inspection to control the companies as employees have the Constitution guaranteed right to a healthy working environment regardless of the legal status of the employer;

» It is necessary that regulations on insurance companies be in line with the new provisions in the safety and health at work.

» Penal policy and employee insurance should discourage the employers from dodging the safety and health standards.