

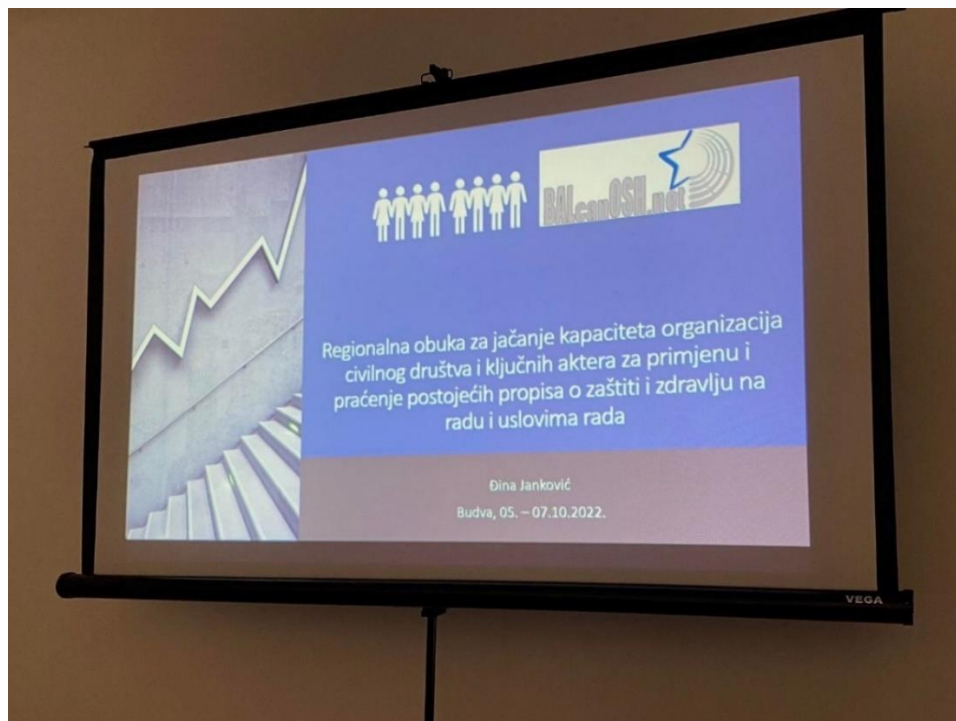
Regional workshop "Capacity building of civil society organizations and key actors for the implementation and monitoring of existing regulations of occupational safety and health and working conditions"

Budva

05 to 07.10. 2022.

The Safety at Work Association of Montenegro, in cooperation with the BALcanOSH network, organized the first part of the Regional workshop "Capacity Building of Civil Society Organizations and Key Actors for the Implementation and Monitoring of Existing Regulations of Occupational Safety and Health and Working Conditions", in Budva, in the period from 05 to 07 October 2022.

The training was held for representatives of trade unions, employers, occupational medicine doctors, occupational health professionals and employees, within the project "Improving working conditions and occupational safety and health, as a support to the Countries of the Western Balkans in the Process of Accession to the European Union".



Project objective: Strengthening the impact of civil society organizations in the region for effective and responsible participation in policy processes and reforms in the field of occupational safety and health in the Western Balkans.

Specific objective of the project: A more dynamic civil society through networking, advocacy, long-term strategic organizational planning and encouraging the level of involvement of civil society organizations in decision-making processes related to safe working conditions. The aim of this training was to strengthen the capacities of key actors involved in the implementation of regulations on occupational safety and health and working conditions, but also to propose solutions for achieving six strategic goals, which are recognized as crucial in the strategy of development of occupational safety and health in the region by 2023:

1. Effective legal framework (OSH policies)
2. Education/education system of OSH
3. Strengthening OSH capacity
4. Promotion and awareness raising of OSH
5. Records of OSH (work-related injuries and occupational diseases)
6. Sectoral and cross-sectoral cooperation

Twenty-two participants presented their observations and numerous challenges and problems that they face on a daily basis as employees, employers, occupational medicine doctors and professionals. All the attendees agreed on the fact that the national legislation is aligned with the necessary directives, but what is lacking in Montenegro is the efficient and consistent application of the legal framework, while, for adequate implementation, a higher degree of responsibility is necessary.

Lack of information and education is recognized as one of the key problems from the employers' point of view, where they also expressed the objection that they are not sufficiently stimulated by the state, because, with numerous "levies", this is just another business barrier for them. They also noted that if they were informed on time and in the right way about the benefits of this type of investment in their employees, they would not mind investing in safety and health at work. They suggested that the best way to familiarize employers with their legal obligations in this area should be when registering a company, they would be provided with relevant information, but it would also be required from them to have all the necessary documentation in the field of safety and health at work, which would be a condition for them to perform their activities.

One part of the participants, as one of the issues, made the observation that trade unions do not perform their role from the aspect of safe work, and they see the reason in the fact that trade union representatives themselves are not educated about the rights of employees when it comes to safety and health at work, as well as about the obligations and responsibilities of employers. In addition to education on occupational safety and health, they stated that it is necessary to educate employees and representatives of employees on how to successfully initiate social dialogue. As a special problem, characteristic of Montenegro, the lack of interest of employees to organize trade unions was recognized, due to the fear of repressive measures in the form of disciplinary proceedings and dismissal. It is proposed to do and apply comparative analyses and good practices of those countries where it functions well, as well as continuous cooperation at the bipartite level between employers and employees.

In practice, a big issue is that doctors do not fill out the section on the fourth page of the injury list, where it is necessary to categorize the injury. In this way, they want to avoid responsibility,

although they have all the documentation on them, on the basis of which they can categorize it (light, serious etc). It depends on the categorization of the injury whether it will be reported to the Labor Inspector for OSH. It was suggested that it would be necessary to find a way to stimulate doctors in some way to report an injury at work, which they have noted.



From the point of view of the inability to prove the cause of the illness due to exposure to certain harmful effects in the workplace, which has led to the fact that no professional disease has been registered in Montenegro since 2015, according to the opinion of the doctors of occupational medicine, the most realistic scenario would be to renew the cooperation with the Institute of Occupational Health Dr Dragomir Karajović or establish cooperation with some other institute in the region. They emphasized that there are no adequate conditions for the formation of the Institute for Occupational Health in Montenegro, primarily in terms of personnel, and that the planning of such a project would be irrational.

The attendees cited numerous examples of people from their environment/colleagues, who have suffered from various diseases caused by their working conditions, and one of the examples is the case of six employees in the Clinical Center of Montenegro, at the department of pathology, infected with tuberculosis, so it is, accordingly, necessary in the forthcoming period to put emphasis on finding ways to solve problems from the aspect of occupational diseases and work-related injuries.

The quality of health examinations of employees has been questioned, given that numerous examples indicate that examinations are very often done "pro forma", and the reason for this is the lack of control of the work of doctors of occupational medicine, and this is indicated by the fact that Montenegro has 17 public health institutions and 12 private ones, and a total of 12 doctors of occupational medicine, which is assumed that there are in Montenegro, work across these 29 institutions. It was proposed to establish a national insurance company, which would function on

the principle that once existed, and entailed the separation of 0.5% of earnings intended for insurance against injuries and occupational diseases, which would be redirected to that joint stock company, which would be 51% owned by the state.



Service contracts are, according to the Labor Inspector for OSH, completely out of the system, but even in cases where someone performs supplementary work, they must be safe. In practice, inspectors also encounter an issue with the term "informed foreigner", when it comes to employees coming from abroad. Also, it is a great challenge for inspectors, in terms of reporting to the European Commission, to define the term "entrepreneur". Namely, an entrepreneur, in the sense of the Act on the Activities of Entrepreneurs, is a natural person who performs activities for the purpose of gaining profit, but also employs workers in accordance with the law, which is not in accordance with the definition of "self-employed", known by the EU. In practice, inspectors often encounter problems in cases where the state is an investor, and an injury occurs at work, and that investor is not aware of his legal obligations. The problem also arises due to undefined competences and the Law on Civil Servants and Officials, which is applied in those cases, so the Administrative Inspection has jurisdiction, not the Labor Inspection for OSH.

Some of the challenges are finding a way to motivate employers to refer their employees to periodic medical examinations, to find quality control mechanisms for risk assessment, as well as to find a more efficient way to determine the role of an expert, who should indicate to the employer the fulfillment of the conditions of the working environment. The attendees, in accordance with the numerous mentioned problems in this area, agreed that there is a need to establish an institute or chamber for occupational safety and health, that would, among other things, deal with research on how the work process affects the health of employees, and the detecting of weaknesses, finding a way to eliminate them, with clearly defined responsibilities and monitoring implementation in practice, is the only way to achieve results aimed at improving the field of occupational safety and health in Montenegro.

