

# REPORT:

**Current overview of the  
situation regarding social  
dialogue in sports in  
Montenegro**





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social dialogue in sports in Montenegro**

**Podgorica, November 2021**



Co-funded by  
the European Union

*The publication was produced within the project “National studies about the representativeness of the sport sector”, co-funded by the European Union. Its contents are the sole responsibility of the Montenegrin Employers’ Federation, and do not necessarily reflect the views of the European Union.*

*The publication is free and available at the headquarters of the Montenegrin Employers’ Federation, Cetinjski put 36, 81000 Podgorica and on the MEF website: <http://www.poslodavci.org>*

*Issuer:*

*Montenegrin Employers’ Federation*

*Cetinjski put 36, 81 000 Podgorica, Montenegro*

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*Design and print: M.A.S. Code, Ltd*

*Circulation: 200 copies*

*Printed in Montenegro, November 2021*

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## 1. Social dialogue in Montenegro – a brief overview

Montenegro has a well-established legal and institutional basis for the functioning of social dialogue. Social dialogue is regulated under three different laws, namely: Labour Law, the Law on Social Council and the Law on Trade Union Representativeness. Montenegro has ratified 76 ILO conventions including all fundamental and priority conventions. Out of 76 Conventions ratified by Montenegro, of which 61 are in force, 8 Conventions have been denounced; 7 instruments abrogated.

The main actors in industrial relations system are: employers' organisation -Montenegrin Employers' Federation, while on the side of trade unions, there are two confederations,: Confederation of Trade Unions of Montenegro and Union of Free Trade Unions of Montenegro. The all above-mentioned organisations are representative at the national level.

The MEF is a member of the International Organization of Employers and BUSINESSEUROPE. Both CTUM and UFTUM are members of the International and European Trade Union Confederation. Both nationally representative trade unions, CTUM and UFTUM, and the representative employers' organization, MEF, operate in complex economic environments, and the overall institutional capacity of the social partners need constant improvement in order to meet complex tasks ahead of them.

The Social Council is a tripartite body, composed of eight Government's representatives, eight employers' representatives from MEF and eight workers' representatives from representative trade union organisations. The Social Council meets regularly and provides opinions and recommendations on the work related issues including issues of importance for the economic and social position of employers and workers then provides opinions on the drafts laws and proposals and other regulations of importance for the economic and social status of workers and employers.

General Collective Agreement<sup>1</sup> was signed between the Government and the social partners. There are number of branch collective agreements, but there is still no such agreement for sport.

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1 "Official Gazette of Montenegro", br. 014/14 22.03.2014, 040/18 22.06.2018, 037/19 01.07.2019, 074/19 30.12.2019, 021/21 26.02.2021

## 2. Legislative framework and Social dialogue in Sports

### 2.1 The Law on Sports

#### 2.1.1 Introduction

When it comes to the legislative framework in the field of sports, naturally we should first think of the Law on Sports<sup>2</sup> which regulates this area. It is important to note that before this one, there was in force the Law on Sports from 2011 (amended in 2013).

We must state that the amendments to the Law in some way accompanied the organization of this area by the Government of Montenegro in terms of periodic treatment of this area as a separate Ministry or administration within another department - mainly Ministry of Education. With the formation of the 42nd Government of Montenegro, the Ministry of Sports is now formed as one of the departments in Ministry of Education, Science, Culture and Sports.

Generally speaking, there was an opinion among athletes and sports workers that the Law (from 2011) was inefficient and outdated. The newly formed ministry has ambitiously announced the drafting of a completely new law.

A working group was formed consisting of representatives of the then Ministry of Sports, Ministry of Labor and Social Welfare, Ministry of Finance, Faculty of Physical Education, various sports organizations, Montenegrin Olympic Committee, NGO sector and the Trade Union of Athletes of Montenegro. Such a broad structure with a strong influence of the Government, however, has brought something new – a social dialogue in the field of sports at the level of Montenegro, if nothing else, at least the involvement of one of the social partners, ie the participation of the Trade Union in the Working Group.

What is interesting - after the working group finished its work, three public discussions were organized and immediately caused significant media attention, which was in some way unusual for our circumstances. The mentioned attention is naturally related to sports, but for the first time it happened that sports was in the center of attention in a specific way on the occasion of the drafting of the new Law. If we take into account that some systemic laws in the previous period went unnoticed, practically “under the radar of the public”, fierce polemics at the final public discussion and through the media debates showed that sport is not just a set of physical activities performed by man or woman for competitive reasons, fun or a game, but an important public interest.

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2      *“Official Gazette of Montenegro”, No. 044/18 of 06.07.2018*



### 2.1.2 Reality of sport entities

One of the main goals of the Law was to strive for regulation and definition of legal entities in this area. Namely, unregulated registers with thousands of registered sports entities did not reflect the real picture of sports in Montenegro. Although the Law from 2011 provided for the regulation of the central register, then the deadline was extended until 2013, in practice the situation did not improve. A huge number of sports entities existed only “on paper” or were “one shot” attempts of establishing sports clubs for purpose of participation in various competitions for the allocation of funds and never came to life, or they were fictitious clubs whose purpose was to avoid paying taxes, and who did not have competitors nor did they engage in sports activities, but renting equipment or working with tourists, etc.

However, the data on the existence of over 3,000 sports organizations hinted a big difference between the real picture and the one that exists on paper, particularly taking into account the size of territory and number of inhabitants of Montenegro.

Namely, this Law provided for the establishment, organization of work and termination of work of a sports organization, as well as the conditions for the establishment of a sports organization and the performance of sports activities.<sup>3</sup> The mentioned Law defines that sports organizations can be established and perform sports activities if, depending on the type of sport, it has premises, i.e. offices in which the sports organization performs activities, sports facility, i.e. space in which sports activities are performed, professional staff hired by contract and persons for performing professional work in sports and sports equipment.

At the very beginning, it was clear that there could be no word on a serious strategy for the development of sports without the previously conducted procedure of re-registration of sports organizations, which were given clear instructions on how to implement this procedure. The epilogue was as follows - 1,456 sports federations and clubs were immediately deleted. Later, more sports organizations were deleted, so according to official data, 904 of them are active now.<sup>4</sup>

Of course, this procedure was not without consequences. Why is it important to be mentioned in this Report? Due to the fact that we now have final court judgments for debt collection that cannot be enforced, because the debtor - sports organization no longer legally exists, and most often damaged are athletes and coaches, who have not been paid for months and years, but also companies that have not been paid for delivered goods and services.

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3        *Law on Sports of Montenegro, Article 47, Article 48, “Official Gazette of Montenegro”, no. 044/18 from 06.07.2018*

4        *crsport.ms.gov.me*

The Law also envisages some ambitious goals, such as the establishment of a Health Institution for Athletes, i.e. an Institution that should be an integral part of the health system of Montenegro.<sup>5</sup> However, in practice, this goal has not been realized so far.

### 2.1.3 Employment status

This Law has brought a significant number of new solutions in this area, but in this report we focus on those concerning social dialogue. For the first time, we have clear provisions that define a professional athlete as an employed person. The law defines a professional athlete not only as a person who engages in sports as a basic occupation, but also as a person who has established an employment relationship with a sports organization in accordance with labor regulations.<sup>6</sup> In practice, this means that every athlete with a signed professional contract has the status of an employed person.

As this is a specific area and largely deviates from what is the traditional view of work and labor relations in our country, the Law further elaborates and provides for the specifics of employment contracts for athletes, bearing in mind the diversity, specificity and international dimension of organized sports, without which, it would not have the public significance as it has now.

Thus, the Law stipulates that the rights and obligations of physical persons in sports are exercised not only in accordance with this Law, but also by the Law governing labor relations, and further, sports rules of the competent national sports federation, rules of international sports organization, collective agreement and contract, i.e. by another act between the athlete and the sports organization. What is especially important from this statement is that the collective agreement as a general legal act of a specific legal nature concluded in writing between employers or representative associations of employers, on the one hand, and representative unions or associated representative unions, on the other hand, which, in accordance with the Law and other regulations, regulates the rights, obligations and responsibilities from employment relationship<sup>7</sup> for the first time is stated in the Law on Sports and paves the legislative path for further development of social dialogue in sports at the national level.

We must point out that the general understanding of work and labor relations, as well as inherited circumstances in our country did not go in favor

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5 *Ibid*, Article 98

6 *Ibid*. Article 27

7 *Kosanović Rajko, Paunović Sanja, Collective Bargaining, Belgrade, 2010. page. 14*

of the understanding of a professional athlete as an employee - a worker, nor their activity as work in the true sense of the word, nor a sports organization as an employer. The Law in the same article also removes potential doubts - so working hours, vacations, absences and other rights and obligations of natural persons in sports are adjusted to the regime of sports preparations, i.e. trainings and sports events.

The issue of one of the basic rights from work and by virtue of work, which refers to social and pension insurance, is defined in such a way that the sports organization is obliged to apply the athlete, i.e. coach and sports expert trained to work in sports with whom it has concluded an employment contract, for compulsory social insurance - health, pension and disability insurance and unemployment insurance, full-time, within eight days from the date of conclusion of the contract.<sup>8</sup>

### **3. The Labour Law**

#### **3.1. References to sports**

When we talk about legislation in sports, especially in the context of social dialogue, we cannot but mention the Labor Law. We have already given clear references to the Law on Sports and one can say that the proposer had a fundamental approach in this segment. It should be noted that the timing was almost ideal for that, because the Labor Law, passed at the end of 2019, has been in the procedure for a long time, and at the time of drafting the Law on Sports, it already had basic contours. We note that the Labor Law received a positive assessment from the European Commission in terms of compliance with 14 EU Directives, and that its adoption stemmed from the obligation to comply with the regulations of the European Commission and the International Labor Organization.

With its solutions, the Labor Law removes some doubts, which were present in certain sports entities in the sense that defining a professional athlete as an employed person can lead to various absurd situations in the application of labor rights and on the basis of work. Namely, in the part of the obligation to register and public announcement, where the employer is obliged to report the vacancy to the Employment Bureau, in the manner and according to the procedure determined by a special law<sup>9</sup>, the Labor Law defines an exception for physical persons in sports.

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<sup>8</sup> Law on Sports, Article 69

<sup>9</sup> Labor Law of Montenegro, Article 24 ("Official Gazette of Montenegro", no. 74/2019 i 8/2021)

The same is true for another, once established dilemma when it comes to treating an athlete's professional contract equivalent to an employment contract, which by the nature of things is inseparable from the athlete - fixed-term contracts. Namely, the Labor Law stipulates that an employer cannot conclude one or more employment contracts with the same employee if their duration, continuously or intermittently, is longer than 36 months<sup>10</sup>, but the Law recognizes the specificity of playing sports in the same article, so the restrictions from this members do not refer to the employment contract of the director as well as to the contracts concluded by the agency for temporary assignment of employees for the purpose of assignment of employees and employment contracts with athletes. Such solution fully corresponds to the provisions in the Law on Sports, where a contract or other act regulating mutual rights and obligations, which is concluded with the athlete, is concluded for a certain period of time, up to a maximum of three years. After the expiration of the period of three years, the athlete may re-conclude the contract, i.e. another act which regulates mutual rights and obligations with the same or another sports organization.<sup>11</sup> After all, the same article stipulates that the rights and obligations of natural persons in sports are exercised in accordance with the Law on Sports, but as further stated - the law governing labor relations, sports rules of the competent national sports federation, rules of the international sports organization, collective agreement and contract, or other act between the athlete and the sports organization.

On the other hand, the Law on Sports recognizes an amateur athlete as a person for whom sport is not the main occupation, and earnings are not the main goal of playing sports, but also that he can also receive financial compensation in a sports organization.<sup>12</sup> This solution provides the possibility of a broader interpretation, and thus room for possible abuse and in certain cases for a vague boundary between these two categories of athletes. In any case, for social dialogue and labor relations in this area, it would be a much more useful solution in which the amateur athlete receives a certain compensation that corresponds to his actual costs of playing sports - equipment, preparation, nutrition, etc. In this way the role of the employer would be more clearly defined.

This tells us that sport is recognized as a complex activity in terms of labor relations, defined by national legislation, its international nature and specific rules of national and international sports federations. The latter is important also because the nature of sport implies progression in terms of competition at different levels, so restrictions in terms of strict primacy

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10 *Ibid. Article 37*

11 *Law on Sports, Article 68*

12 *Ibid. Article 26*

of national legislation in relation to the rules of sports federations would simply make sport performing meaningless at the highest professional level and discourage employers to invest more seriously in this area.

### **3.2. Collective Agreement - concluding parties**

We have already stated that the Law on Sports mentions for the first time collective bargaining and collective agreements, then that in Montenegro there is a General Collective Agreement which applies to all employees in our country, including athletes who have a professional contract, i.e. the employment contract. We note that the Montenegrin Employers Federation, as a representative association of employers in Montenegro, is one of the signatory parties of that Agreement. However, the Labor Law, in its definitions of participants in the signing of collective agreements at various levels, does not recognize the employers' association as a signatory party when it comes to sports. Namely, the Law defines that for sports entities, at the branch level, the parties in concluding a collective agreement are - a representative trade union organization and the Government, i.e. a representative trade union organization, the umbrella sports association and the Government at the level of group or subgroup activities.<sup>13</sup>

We are of the opinion that Projects like this one and research that we have conducted can give us input that the Montenegrin Employers Federation or a future Committee for Sports within the MEF is needed and it is to be expected that this would be reflected in some future amendments to current regulations of the Labor Law, the Law on sports, that would be guided by the real state of affairs at that moment.

Still, it is much easier said than done. This is not only about administrative steps, but also about the specific ownership structure of sports entities in our country. Any concrete move in this direction should reflect the spirit of entrepreneurship and social dialogue, along with increasing the business independence of the sport entities.

As we have already mentioned, the insufficiently precise definition of amateur athletes who are dominant figures in a large number of sports, especially in the less commercial ones, does not leave much room for the development of business in sports. Taking into account the size and number of inhabitants of our country, it is clear that the commercial and financial potential of sports is limited, which brings a significant number of sports entities, especially in less commercial sports, to a completely envious position primarily in relation to local governments.

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13      *Labor Law, Article 184*

Most sports entities in which labor relations are practiced in accordance with the above laws are owned by local governments, which are also the founders of these sports entities. Local governments have the right to establish one club from each sport, and taking into account the real state of affairs, these are the only clubs that have continuity of existence and competition. The management structures of clubs are dominated by persons appointed by local governments, which in practice mainly reflects the power ratio of political forces in the territory of a municipality. On the other hand, the share of private capital in clubs is negligible.

What has accompanied it so far is the lack of continuity in work and mostly business ventures in sports have been an additional business activity of existing companies. In a sense, this is understandable, but business operations in sports were mostly the first to be cut in the event of a business crisis in the company's core business. If we take into account the economic and financial crises that we have witnessed in the previous 15 years, it is clear to us that private capital in sports in our country has not had continuity. It should be noted that the previous business ventures in sports had, in a sense, a more enthusiastic character than it had a real economic justification for the capital investor. We have cases where some entrepreneurs, based on agreements with local governments, invested in certain sports entities, but such relations were often on the unclear border of sponsorship or providing logistics and appointments to the management structures of the club. All this, however, had a temporary character and so far there has been no change in the form of ownership.

For the moment, none of these entrepreneurs has either expressed interest in the possible purchase of that sports entity through privatization, or the local self-government simply did not intend to give it up. All of the above indicates that the formation process of the Association of Employers in Sports is very difficult and complex.

#### **4. Current actors in Social dialogue in sports**

The proposer of the Labor Law, when defining the parties to the collective bargaining agreements in sports, was obviously guided by the motive that the governing bodies of national umbrella sports federations consist of representatives of clubs - members of those federations, who in the same time represent employers to athletes in those clubs.

This indirect approach recognizes the specificity of sports and the organization of sports in our country. Here, in some cases, we have a more or less pronounced two-way flow of money from the umbrella sports federations to the clubs, and that money comes mainly from two sources.

es - the State Budget or the international umbrella federation in a particular sport. The latter applies to top commercial sports internationally. This was primarily about the “group level, i.e. subgroup of activities”, as defined by the Law. In practice, this means that in every sport, a collective agreement should be concluded by a representative trade union organization in a particular sport and the umbrella national federation of that sport in Montenegro.

To our knowledge, we know that there is an active Trade Union of Professional Footballers of Montenegro in football. According to the data we obtained from the press clippings, a body has been formed in this sport - the Committee for Social Dialogue with that Trade Union and Football Association of Montenegro as participating parties, but there is no information whether negotiations are underway to conclude the collective bargaining agreement for a group or subgroup of activities.

When it comes to the national level, it envisages that the participating parties in the concluding the collective bargaining agreement should be the Government and a representative Trade Union organization. At the beginning of the Report, we stated the changing status of sports in the administrative sense from the Administration or Directorate to the separate Ministry and back, so the solution is defined as - the Government. As we have already stated, the Sports Directorate is currently in charge of sports under the auspices of the Ministry of Education, Science, Culture and Sports.

On the other hand, we have a representative Trade Union of Athletes of Montenegro, but we do not have information on whether negotiations are underway to conclude a branch collective agreement at the national level.

## **5. Strategy for sports development in Montenegro for 2018-2021**

We note that, as the Government stated, due to the fact that the improvement of the legislative framework must necessarily be accompanied by an adequate strategic framework for the development of sports, the then Ministry of Sports started drafting the Strategy for Sports Development in Montenegro for 2018-2021.

As stated, the Strategy determines the goals and priorities of sports development and determines organizational, administrative and other measures for their realization. The Strategy contains, in particular: an analysis of the situation in the field of sports; basic principles on which the devel-

opment of sports in Montenegro is based; goals of sports development, as well as the bearers of the realization of those goals; the content and scope of activities on the realization of the set sports development goals; and the Strategy Implementation Plan. Bearing in mind that sport is an activity of public interest, and that the Law on Sports stipulates what the public interest in the field of sport is, the then Ministry of Sports aimed at preparing a document that will have a significant impact on improving the overall conditions in this area. Although this document and the accompanying Implementation Plan largely analyze existing and detailed developments in this area, they do not address issues such as social dialogue, social partners, private capital investment, commercial sports development and the like.

## 6. Montenegrin Olympic Committee

In accordance with the Law on Sports, the Montenegrin Olympic Committee is the umbrella association of sports in Montenegro.<sup>14</sup> The same Law defines the competencies of the MOC in terms of performing activities that provide conditions for: encouragement, development and promotion of sports, organization and holding of international sports competitions that are within the competence of the IOC. Among other things, it incentivises the achievement of sports results, supports and co-finances Montenegrin athletes and their participation in national sports teams at the Olympic Games, European Games, Mediterranean Games, Small European Games, Youth Olympic Games, as well as other important international sports competitions and sports events that are organized under the auspices of the IOC.

What is important, the MOC, if necessary, forms Sports arbitration<sup>15</sup>. The Sports arbitration established by the MOC, if necessary, is established to decide on the request of the parties who have agreed on the jurisdiction of that arbitration in disputes arising in connection with the performance of sports activities, unless the Law stipulates that there is exclusive jurisdiction of regular courts.

The Permanent Sports Arbitration Court resolves disputes arising between the MOC and other sports organizations, and also decides on the request for extraordinary review of the decisions of the arbitrations of national sports federations and Para-Olympics Committee of Montenegro.

The sports entities, for resolving disputes, first turn to the arbitration of

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14      *Law on Sports, Article 44*

15      *Ibid. Article 83*



the national sports federation, i.e. POCH, and if the dispute is not resolved in this way, or the arbitration is transferred, sports entities turn to arbitration under the jurisdiction of the MOC.

The decisions of the Sports Arbitration, if necessary, formed by the MOC and the permanent sports arbitration court are final. This is important for the reason that in the event of a dispute between a sports entity and an athlete regarding the right to work and on the basis of work, the MOC Arbitration acts as a second instance body.

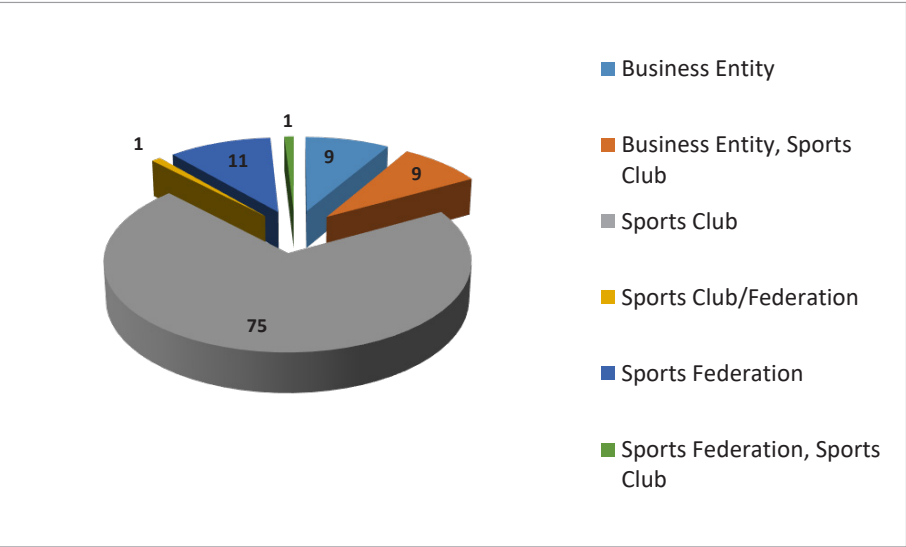
## **7. Survey on Social dialogue in sports**

The Survey covered 106 sports entities, which if we take into account that according to the Central Registry, there are currently 904 active sports entities in Montenegro, we can say that this is a relevant sample. What does not support this survey is that we are not sure that all respondents are fully acquainted with the essence of all questions. This is not unusual when it comes to a survey that aims to “examine the terrain” on the occasion of the introduction of some new institutes, processes, organizations and the like.

It is specific here that a significant number of subjects are primarily concentrated on the core business, which is playing sports in a competitive sense. We need to have an understanding that topics such as social dialogue, labor relations or employers' associations in such entities are not their core interest at the moment. It is not insignificant that some entities simply do not have the administrative capacity to deal with these matters in the right way. Nevertheless, the Survey gave us a certain picture of how different sports subjects view this topic at the moment.

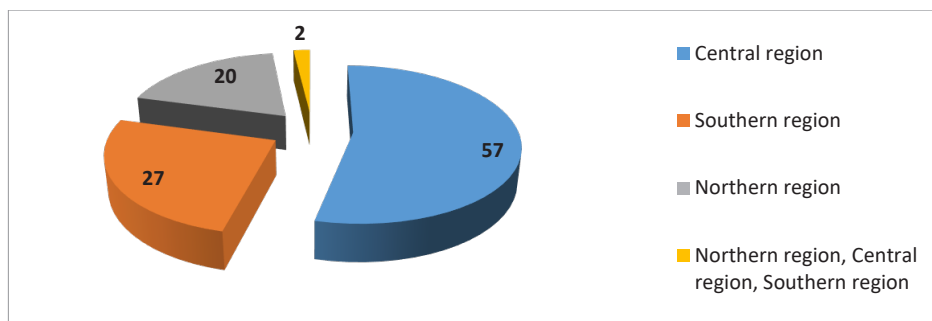
Please note that the survey was conducted electronically and that all responses were authentically and without any corrections transferred in this analysis.

**Graph 1: Form of organization**



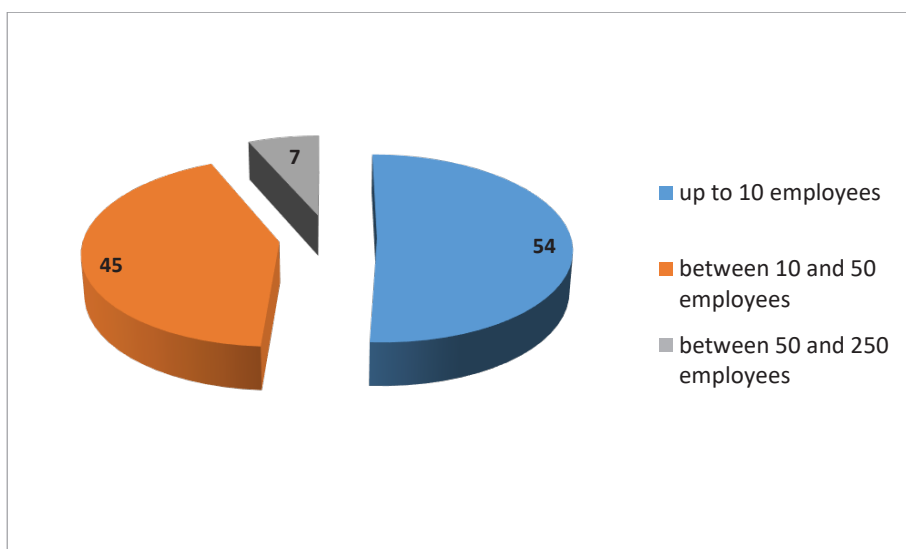
We can see from the graph that the vast majority of respondents are sports clubs, which are also the most numerous sports entities. Immediately after them are sports federations. This is important to mention because federations, by their business organization, are entities that have incomparably more administrative capacity than most sports clubs. Regarding the participation of business entities or business entities that are also sports clubs, we must state that here we have a broad interpretation of the respondents themselves. For example, a business entity can be a public city company that manages sports facilities on the territory of a municipality that is also an employer to employees or a sports entity whose activity is primarily aimed at providing recreation services to citizens and which by nature cannot have significant competitive aspirations.

**Graph 2: Headquarter**



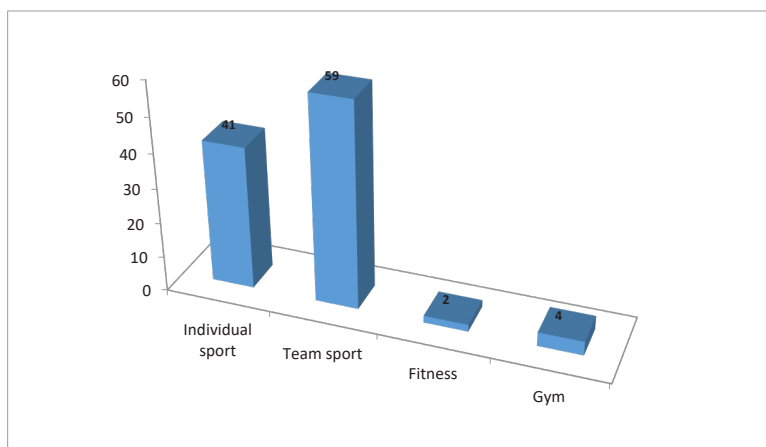
Taking into account the concentration of the population in our country, it is natural that the number of sports entities is headquartered in that region. The fact that the capital Podgorica is the seat of almost all national sports federations is not negligible.

**Graph 3: Number of Employees**



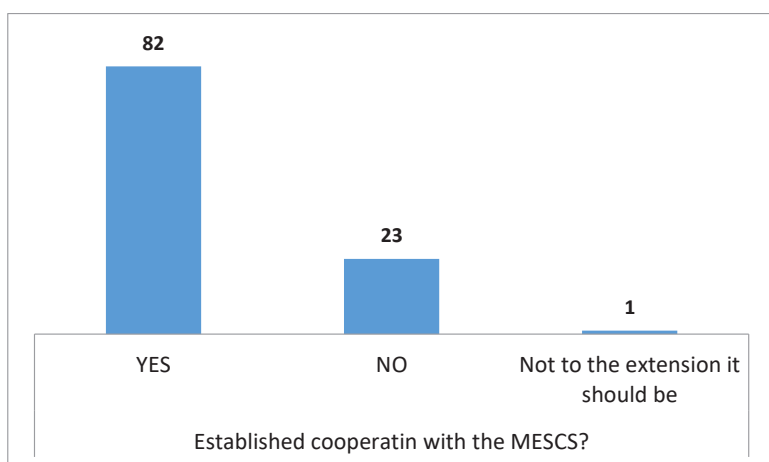
Here we have an interesting picture, which very possibly gives an unrealistic picture for the reason that some entities, especially sports clubs often do not differentiate between registered members of the competition squads and professional athletes with an employment contract. For that reason, we have answers giving a larger number of employees than is the case in reality.

**Graph 4: What sports activities do you carry out in your company?**



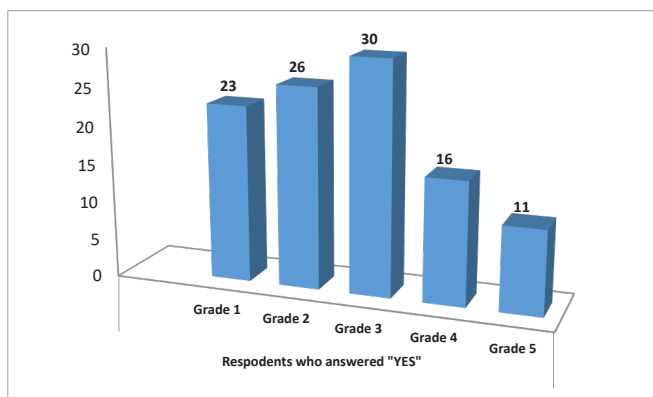
Practically all modern sports are represented in Montenegro, but there are big differences in their popularity, tradition and, finally, investments. We see that a significant number of respondents engage in individual sports in which almost all athletes have amateur status. Although we have different answers when it comes to fitness and the gym, but realistically these are the same category.

**Graph 5: Do you have established cooperation with the competent Ministry of Education, Science, Culture and Sports?**



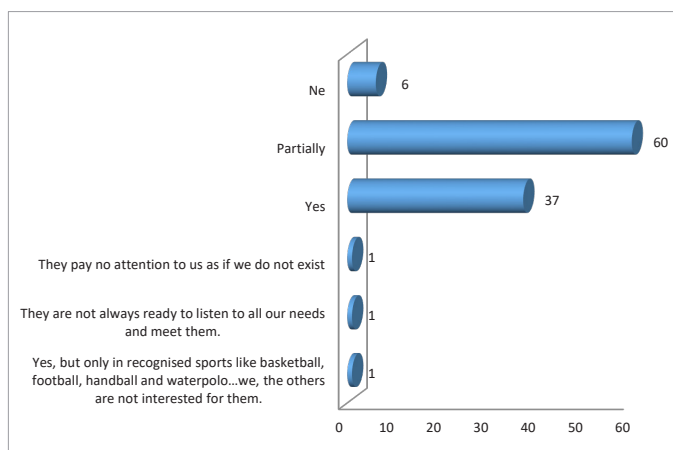
Here we see that the vast majority of respondents have established cooperation with the Ministry. The following questions will give us a clearer picture of the extension of that cooperation.

**Graph 5-1: Respondents who answered „YES“**



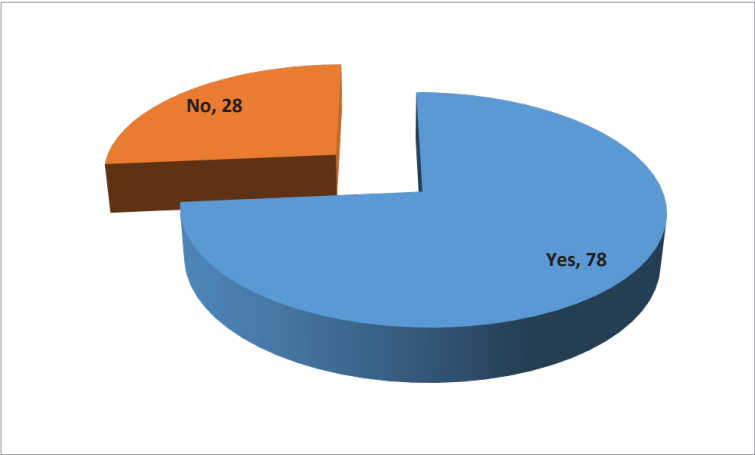
In the grades from 1 to 5, most respondents gave a medium grade, which means that cooperation exists, but that there is room for improvement. We must state that only slightly less than half of the respondents gave a grade of 1 or 2, which indicates dissatisfaction with this cooperation. However, the question arises in what way do sports entities define this cooperation, i.e. how do they see the role of the Ministry and what do they expect from it?

**Graph 6: Do you think that there is a will of the relevant Ministry to help and improve the sports sector in Montenegro?**



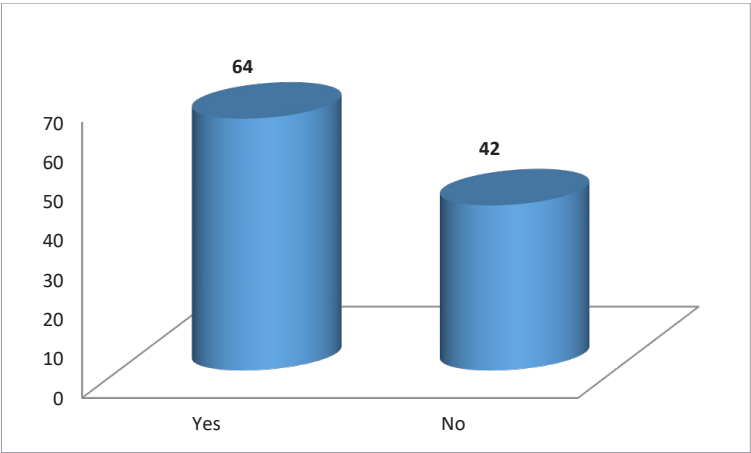
The dominant opinion of the respondents is that there is a partial will in the Ministry for the improvement of the sports sector, which in some way corresponds to the average grades from the previous question. However, the answers “partially” and “yes” combined make up over 90% of the respondents’ answers, which indicates that there is a degree of trust in the Ministry that is not negligible.

**Graph 7: Do you think that it is necessary to create collective agreements in sports?**



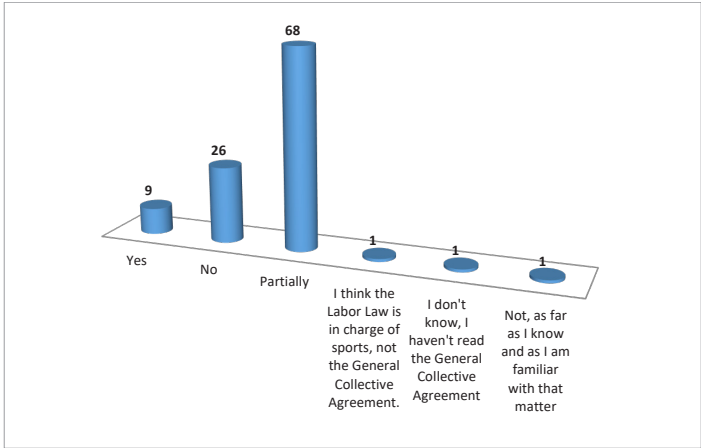
This relationship of the given answers is in favor of social dialogue, but we are not sure that the respondents are familiar with the essence and nature of social dialogue and the conclusion of collective agreements.

**Graph 8: Do you consider that the national legislation effectively represents the specifics of the sports sector (working hours, contracts, double careers (reconstruction), trainings, trips to competitions, etc.)?**



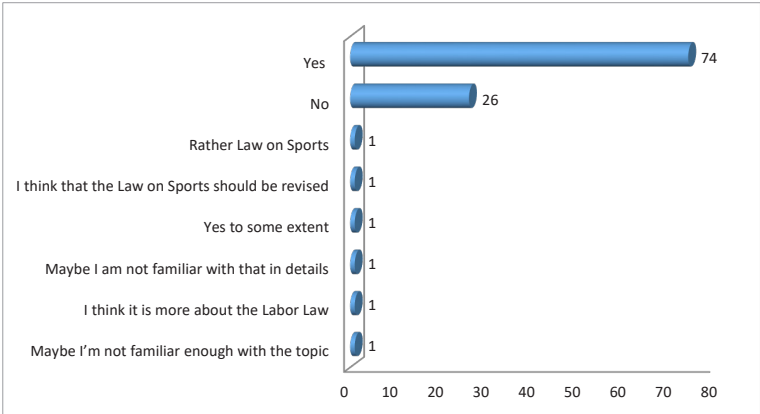
Here we have an almost divided opinion. However, most respondents believe that national legislation represents the specifics of the sports sector.

**Graph 9: Are the specifics of sport comprehensively presented in the General Collective Agreement?**



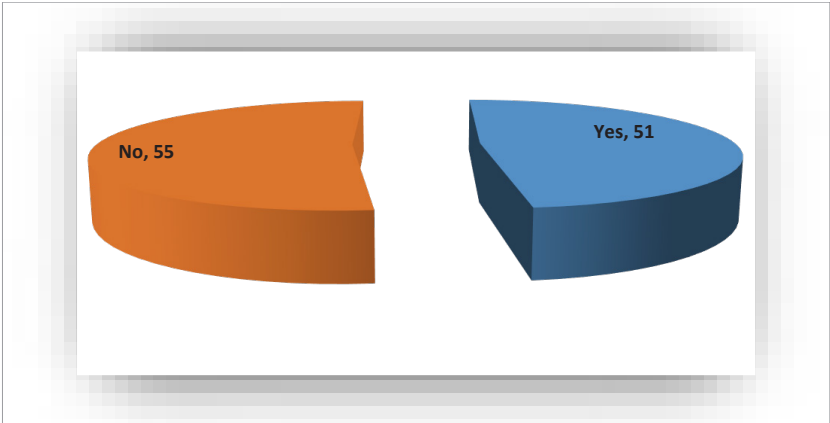
The dominance of the answer is “partly” realistic, it would be said, because the General Collective Agreement is concluded for the entire territory of the state and it has a legal effect on all employees - regardless of the jobs and tasks they perform, including professional athletes. It enables the equalization of working conditions of employees and the reduction of large inter-branch differences in the working conditions of employees, but still does not treat to a large extent the specifics of branches, and even sports. However, institutes such as the minimum wage, elements for determining the basic salary, salary compensation, other employee benefits, etc. guarantee general rights to professional athletes as well as to other employees.

**Graph 10: Do you think that the General Collective Agreement should be revised and / or deepened in terms of recognizing the specifics of sport?**



A significant majority of respondents are in favor of amending the General Collective Agreement. But from these answers we cannot conclude which provisions of the GCA are really meant, and in which direction these changes would go.

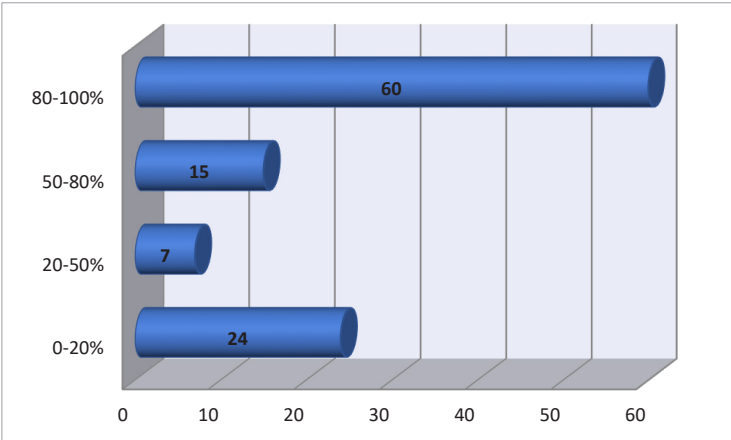
**Graph 11: Do you have a classification that defines the functions and salaries of your employees, such as acts on job systematization, collective agreements, etc.?**



We have a practically divided situation, but this answer implies more that the surveyed sports subjects possess some of the acts. We claim with certainty that these are not collective agreements.

**Graph 12: Contracts**

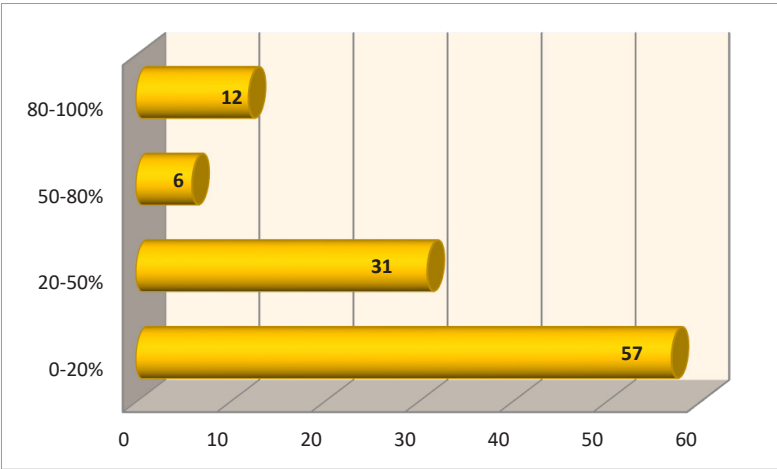
a) **How many employees have concluded employment contracts?**





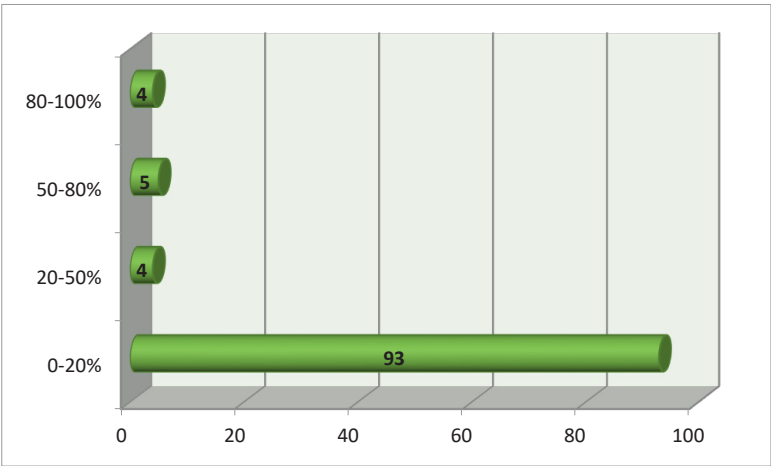
The most dominant answer - more than half of the respondents have an employment contract with over 80% of employees. In reality, it would be said, these answers mainly refer to administrative workers employed in clubs and federations. We state this because a very small number of athletes, even in the most popular team sports, have a professional contract. Secondly, the question arises whether some clubs consider their athletes as professionals - employees?

b) *How many employees have concluded service contracts?*



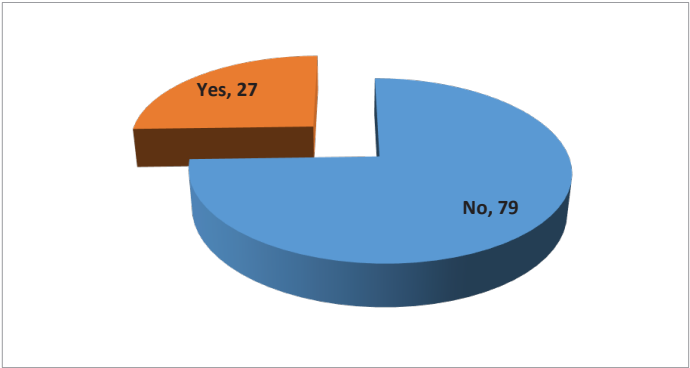
If we take the fact that an athlete by Law, but also by most international umbrella sports federations, can be professional or amateur, which implies that athletes cannot be classified in this category.

c) *Contract on temporary and occasional jobs*



Here again we have answers that cannot be applied to athletes.

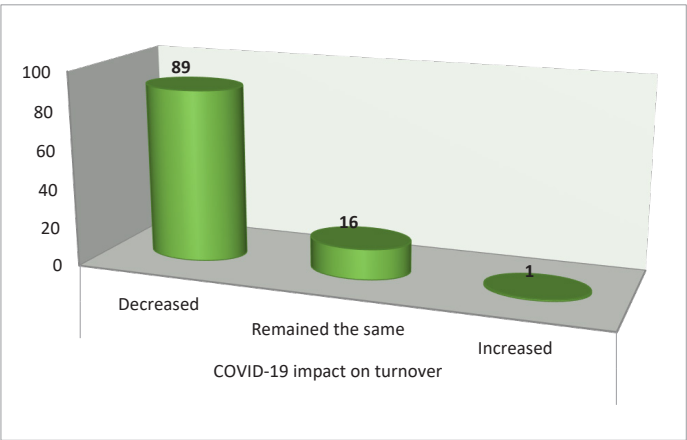
**Graph 13: Do you include special clauses (weekend work) through employment contracts?**



We have no information as to when these contracts apply. For example, there are such clauses for employees in sports facilities, because some of them are engaged on weekends during sports events. On the other hand, the work engagement of athletes is specific and depends on one sport to another.

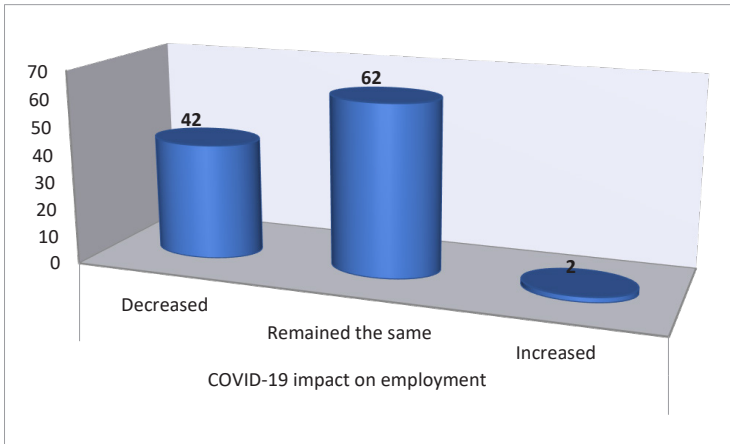
**Graph 14: The COVID-19 crisis has affected your business:**

a) **Turnover**



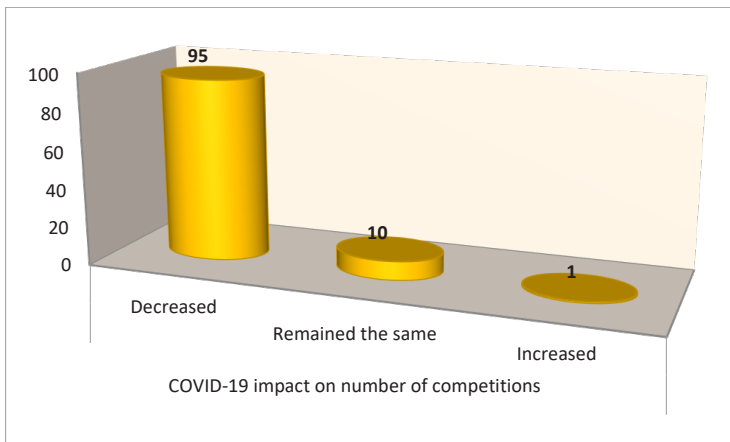
The vast majority of respondents answered that they had a drop in turnover. If we take into account the fact that our clubs do not have income from TV rights and that the income from tickets is negligible, we come to the conclusion that there may be a drop in membership fees or some sponsorships, which again implies that these are amateur sports clubs.

**b) *Employment***



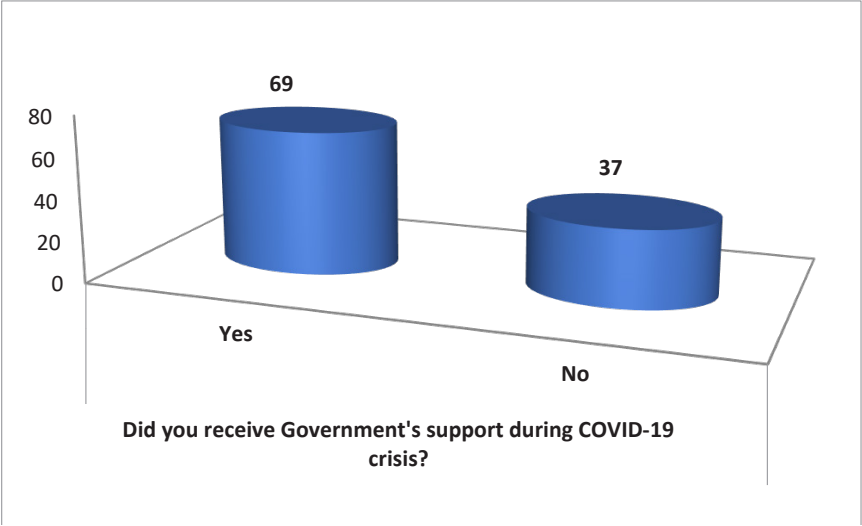
The largest number of respondents stated that COVID-19 had no impact on employment, ie that employment remained the same (58%). On the other hand, 40% of survey participants answered that COVID-19 led to a decrease in employment, while 2% rated that employment increased.

**c) *Number of competitions***



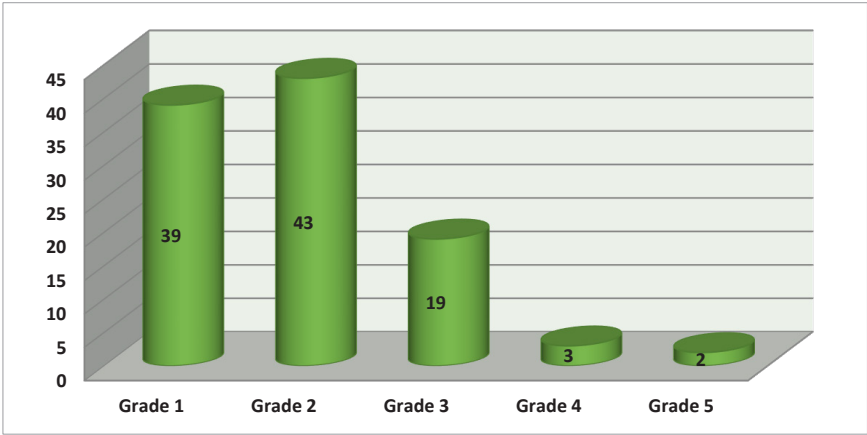
Here, we have expected responses taking into account the lock down during the Covid 19 pandemic.

**Graph 15: Did you get Government support during the COVID-19 crisis?**



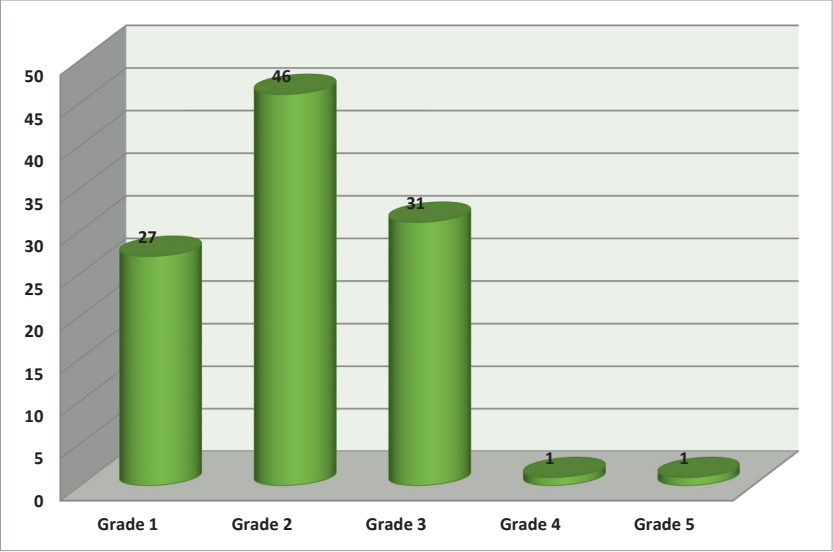
During the COVID-19 crisis, 2/3 of the respondents received Government support. In contrast, 1/3 of respondents gave a negative answer to this question.

**Graph 15-1: How do you assess the Government’s support during the Covid 19 crisis?**



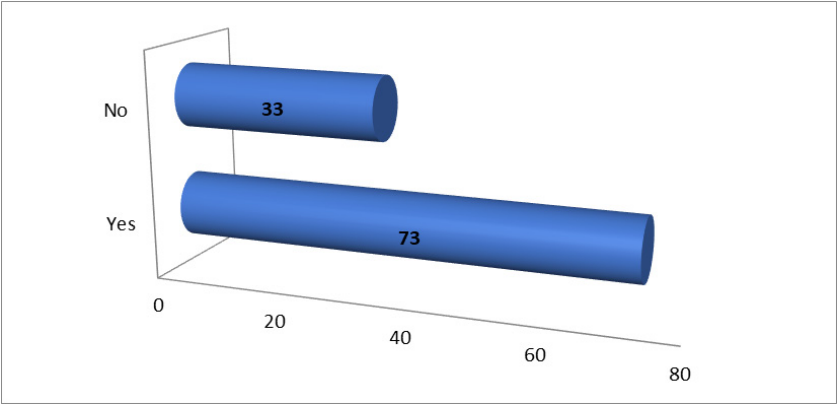
Only 5 respondents gave the highest scores (4 and 5) for the support provided by the Government, 19 of them gave a medium score (3), while as many as 82 respondents gave the lowest scores (2 and 1). Judging by these answers, there is great dissatisfaction with the support of the Government during the pandemic. The question is what was not convenient in the support provided and what specific type of support they expected.

**Graph 16: How would you rate the social dialogue in sports in Montenegro?**



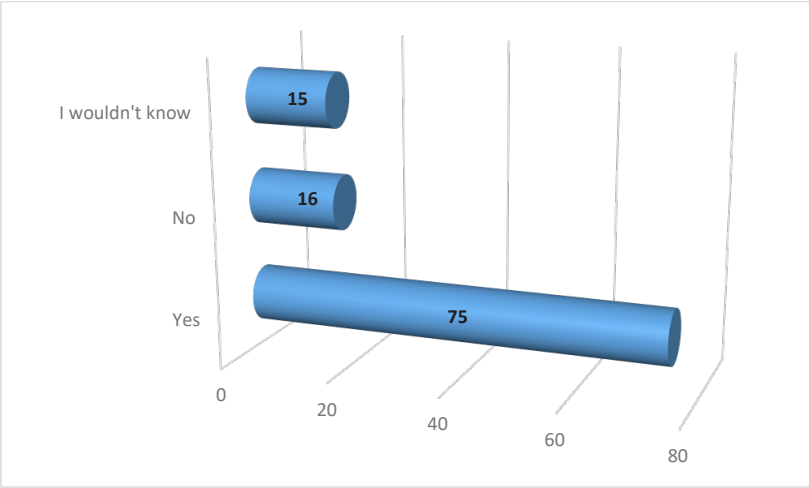
According to our respondents, social dialogue is not at a satisfactory level.

**Graph 17: Are you represented by an association / organization in order to protect your interests?**



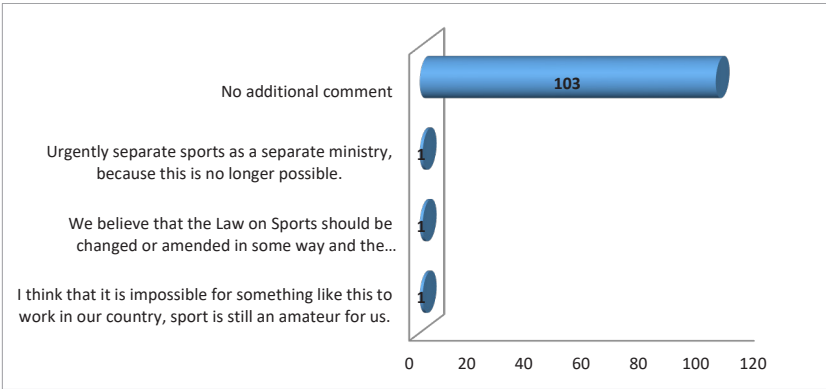
Given that 73 positive responses were received to this question, here we have the dilemma of whether the respondents meant their umbrella national sports federations (?)

**Graph 18: Do you think that the establishment of an association of employers in sports at the national level would contribute to the development of social dialogue?**



We have great enthusiasm here, primarily due to the fact that most of the respondents answered “Yes” to this question. However, it is noticeable that a number of respondents are not familiar with the role and importance of establishing a national association of employers in sports, as evidenced by certain comments and the number of answers within the “I wouldn’t know” (e.g., *I don’t see what benefits that would bring us; We are not ready for something like this yet, etc.*).

**Graph 19: If you deem it necessary, please provide additional comments on the following topic:**



The graph clearly shows that 99% respondents had no additional comment.

## 8. Resume

All of the above, as well as the answers to the Survey that we discussed in the second part of this Report, indicate that so far no conditions have been met for the establishing an Employers' Associations in sports that would authentically represent the interests of employers in this area.

The ownership structure, inherited from the previous system, in a way excludes the definition of employers in the modern sense of the word. On the other hand, in practice, the same system is currently without a serious alternative, because the absence of private capital or its insufficient representation has not created a favorable ground for the development of entrepreneurship in this area.

The question is why do we not have a higher degree interest of private capital to be invested in this area? We could look for reasons in infrastructure that in large numbers would require serious financial investments, or the construction of completely new facilities in the event of the formation of a new sports club with serious ambitions. This already raises the question of return on investment. Certainly a future investment would go in the direction of sports with a larger commercial dimension, but it is also questionable given the market constraints

As may be concluded from this Report, the current legal solutions exclude employers from the social dialogue in terms of the party concluding the collective agreements. The legal solutions are subject to change, but at the same time it should be recognized that they should reflect the real picture in an area. Otherwise, they wouldn't have any sense.

And to make things really change in our favor, we need an economic environment that would enable employers to be more interested in sports, to recognize its commercial and business potential. The MEF will present the idea of investment opportunities in sports within its network, and certainly a project like this is an initial step in that direction.

# EASE

European Association of Sport Employers



**UNIJA POSLODAVACA  
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MONTENEGRIN EMPLOYERS FEDERATION



**POLITÉCNICO  
DE SANTARÉM**  
ESCOLA SUPERIOR  
DE DESPORTO  
DE RIO MAIOR



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