

WORKERS' PARTICIPATION IN MANAGEMENT

Social dialogue is a complex and stable mechanism, based on the sincere desire of social partners - government, trade unions and employers, to build the dialogue on mutual trust. Compared to other political mechanisms, social dialogue involves a much wider range of actors, that is, engages creative energy from a large number of sources, thus introducing new, essential aspects into political and social life. The Constitution of Montenegro stipulates that the social position of employees is harmonized in the Social Council, which consists of representatives of trade unions, employers and the Government.

International standards in the field of social dialogue are defined by the International Labor Organization - ILO (ILO Convention No. 144 on Tripartite Consultation for the Application of International Labor Standards, in Article 3 states "Employers' and workers' representatives within the meaning of the procedure provided for in this Convention are freely chosen by their representative organizations if they exist"; Convention 87 on Freedom of Association and Right to Organize; Convention No 98 on the Right to Organize and Collectively Negotiate; Recommendation 113 on Sector / Industry and National Level Consultations of 1960, Recommendation 152 on the tripartite consultation of 1976). These documents define that social partners can only be voluntary organizations of workers and employers. Montenegro has ratified all these documents so that we have a complete regulatory system in which social dialogue can be practiced and promoted. Also, when it comes to consulting, informing and involving employees in the decision-making process, the whole institute is regulated by the Labor Law and the General Collective Agreement. There are no workers' councils in Montenegrin legislation, which is especially important to note when talking about the implementation of the WIM3 project, as well as the experiment as its part.

When it comes to social dialogue, its development and quality, it is very important to note the structure of the Montenegrin private sector. 99% of the Montenegrin economy consists of micro, small and medium-sized enterprises, of which about 90% are micro enterprises with up to 5 employees. This structure of the economy is one of the reasons that bipartite social dialogue is not at the level at which the tripartite is.

The commitment of the Montenegrin Employers' Federation to promoting social dialogue at all levels was decisive to take part in the WIM3 project, and our role in the project was different from the one we had in previous WIM projects - this time we had to go a step further, which was done by simulating the establishment of a workers' council in a Montenegrin company.

What is WIM3?

In accordance with the EU values and needs in industrial relationships it is important to raise awareness of the significance of employee representatives' role in companies not only in EU Members but also in countries that are in any stage of EU accession process. For this purpose, two projects – »WIM: Workers involvement for better and sustainable management in undertakings in Slovenia, Macedonia, Montenegro and Serbia« and »WIM2: Workers' Involvement – Straight to the Challenges« - were successfully implemented in the past. While the purpose of project WIM was to identify the current situation and existing legislation on employee involvement in undertakings (mainly) in Candidate Countries, as well as to initiate actions to familiarise national social partners, authorities



and actors at company level with the content of EU law on employee involvement, project WIM2 was focused on searching the specific solutions or possible ways to transfer that part of the European legal order, which addresses the participation of employees, into the decision making processes.

Projects activities have shown that none of the participating EU Candidates have any legal framework on employee participation in undertakings. But all of them have well organized trade unions, established at all levels - company level, branch level and national level. EU Candidates have to work on the awareness raising of potential benefits of implementing the participation-of-workers model in the decision-making processes, as well as on the identification of challenges and mental barriers which could hinder such implementation. Key future challenge is not merely of legal nature, but a challenge of placing the institute of employees' participation in decision making in existing legal and cultural industrial relations framework. It is necessary to work with trade unions in this issue in the future, to define their role in anticipated future state, and to consensually redefine the role of trade unions if deemed necessary, and delimit the role of trade unions and works councils in the future.

The project »WIM3: Workers' involvement in management – awareness, experiment, monitoring« will help to deepen the understanding in participating countries of an importance of workers' participation schemes, and will serve employers' and workers' representatives as a tool to exchange know-how and experience. It is helpful to familiarize all relevant stakeholders with EU law and policies, as well as to facilitate for new developments to prepare/improve new/existing legislation on employee involvement, taking into account EU law and policies.

WIM3 project activities are switched from generally informative to concrete ones. Namely, the experiment in pilot companies which added value and introduced actual benefits of the employee participation in decision making processes. Activities and results will refer to all relevant stakeholders – governments, employers and trade unions, not only in countries, where the experiment was implemented (Macedonia, Montenegro), but also in other EU Candidates and potential Candidates.

1. USEFUL LINKS

- <https://www.zds.si/en/projects/wim3/default.html>
- <http://ec.europa.eu/social/main.jsp?catId=707>
- <https://www.worker-participation.eu/>
- www.poslodavci.org

