

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

Decree promulgating the Law on Employment and Exercising Rights from Unemployment Insurance

I hereby promulgate the Law on Employment and Exercising Rights from Unemployment Insurance passed by the 24th Parliament of Montenegro at the second sitting of the first regular session in 2010 on 9 March 2010.

No: 01-752/2

Podgorica, 15 March 2010

The President of Montenegro,
Filip Vujanović, m.p .

Pursuant to Article 82 paragraph 1 item 2 and Article 91 item 1 of the Constitution of Montenegro, the 24th Parliament of Montenegro, at the second sitting of the first regular session in 2010 on 9 March 2010, adopted the

Law on Employment and Exercising Rights from Unemployment Insurance

(Official Gazette of Montenegro, No 14/2010 of 17 March 2010, 45/2012 of 17 August 2012, 40/2011 of 8 August 2011, 61/2013 of 30 December 2013, 20/2015 of 24 Aprils 2015, 52/2016 of 9 August 2016)

I BASIC PROVISIONS

Subject Article 1

Employment and rights with respect to unemployment insurance shall be exercised in accordance with this Law.

Application Article 2

This Law shall apply to an unemployed person, employer and person seeking employment and inclusion in active employment policy measures.

Unemployed Person Article 3

- (1) Unemployed person shall be a person from 15 to 67 years of age who is a Montenegrin citizen and a foreigner with an approved permanent residence, recognised refugee status or approved additional protection, who is registered at the Employment Office of Montenegro (hereinafter referred to as: the Office), capable to work or partially disabled, who did not enter into an employment contract and is actively seeking employment.
- (2) Unemployed person shall not be considered a regular secondary school student, a student, employee whose rights with respect to employment are suspended, a pensioner and farmer registered in the registry of farmers at the competent authority.

Unemployment Insurance Article 4

Unemployment insurance shall be participation of an employed person and employer, through payment of contributions, in securing funds for exercising rights arising from unemployment.

Principles Article 5

Exercising rights with respect to unemployment shall be based on the following principles:

- 1) Freedom of choice of occupation and work;
- 2) Prohibition of discrimination;
- 3) Gender equality;
- 4) Affirmative action directed towards hard-to-employ unemployed persons;
- 5) Impartiality of institutions in charge of employment activities;
- 6) Provision of services to unemployed persons free of charge.

Meaning of terms Article 6

Specific terms in this Law shall have the following meanings:

- 1) Person seeking employment or inclusion in active employment policy measures, except for an unemployed person, shall mean an employed person seeking change of employment, employed person with working partial working hours and persons seeking inclusion in active employment policy measures;
- 2) A disabled person shall mean an unemployed person with physical, tactile, intellectual or mental disorder facing social and other limitations impacting the ability of employment, maintaining employment and advancement and inclusion in labour market under equal conditions;
- 3) Foreigner with approved permanent residence, recognised refugee status or granted additional protection shall mean a person who is not a Montenegrin citizen, who has approved permanent residence, recognised refugee status or granted additional protection, in accordance with separate law;

- 4) Actively seeking employment shall mean following up and applying to advertisements, submission of applications to employers and fulfilling all obligations in accordance with individual employment plan and law;
- 5) **Availability for employment** shall mean availability of unemployed person at his residence or at another agreed address of each working day at the appointed time;
- 6) **Hard-to-employ person** shall mean unemployed person who, for various disorders (health problems, lack of or inadequate education, socio-demographic characteristics, etc.), is not competitive in the labour market and harder finds employment;
- 7) **Suitable employment** shall mean employment in the type and level of education or level of education and occupation;
- 8) **Insured person** shall mean person in employment and mandatorily insured against unemployment in accordance with separate law;
- 9) **Insurance period** shall mean the period in which an insured person had been insured and for which he paid contributions for unemployment insurance, in accordance with separate law;
- 9a) **Employer** shall be a national or foreign or part of foreign legal person or natural person which reports an employment need or employs persons who seek employment, and professional training;
- 10) Organizer of education shall a legal or natural person organising education and professional training, in accordance with separate law;
- 11) **Performer of vocational rehabilitation** shall mean institution of vocational rehabilitation, special schools or other legal entity which shall meet the requirements for performing measures and activities of vocational rehabilitation, in accordance with separate law.

II EMPLOYMENT ACTIVITIES AND INSTITUTIONS IN CHARGE OF EMPLOYMENT

Employment activities

Article 7

- (1) Employment activities shall be:
 - 1) Implementation of active employment policy measures;
 - 2) Mediation in employment of citizens of Montenegro abroad, in accordance with separate law;
 - 3) Implementation of other activities aimed at increasing employment, or reducing unemployment, in accordance with this Law and other regulations.
- (2) Employment activities shall be of public interest.

Institutions in charge of employment activities

Article 8

Institutions in charge of employment activities shall be the Employment Office and employment agencies (hereinafter referred to as: the Agency) who perform work under the conditions stipulated in this Law.

Office Article 9

- (1) The Office shall have attribute of a legal entity and perform employment activities laid down by this Law and the Statute of the Office, as well as activities within delegated authority.
- (2) Employment activities performed by organizational units of the Office shall be determined by the Statute of the Office.

Activities of the Office Article 10

The Office, in addition to employment activities referred to in Article 7 of this Law, shall carry out the following tasks:

- 1) Ensuring rights with respect to unemployment insurance and other rights in accordance with the law,
- 2) Keeping records in the areas of employment, in accordance with this Law;
- 3) Research of movements on the labour market and preparing analytical and informational basis for determination of employment policy;
- 4) Implementing international agreements on employment;
- 5) Cooperation with employers, educational institutions and other legal or natural persons in conducting employment activities;
- 6) Cooperation in the field of employment at the international level;
- 7) Other activities in the areas of employment, in accordance with this Law and other regulations.

Bodies of the Office Article 11

The bodies of the Office shall be Steering Committee and Director.

Steering Committee Article 12

- (1) Steering Committee shall manage the work of the Office.
- (2) The Government of Montenegro (hereinafter referred to as: the Government) shall appoint the Steering Committee.
- (3) Steering Committee shall consist of five members as follows:
 - 1) President and one member proposed by the state authority responsible for labour and employment (hereinafter: the Ministry);
 - 2) One member nominated by representative organizations of trade union;
 - 3) One member nominated by representative associations of employers;
 - 4) One member on the part of employees of the Office nominated by the Director of the Office.

- (4) The mandate of the Steering Committee shall last for four years.

Competence of the Steering Committee

Article 13

- (1) The Steering Committee shall:

- 1) adopt a work program, which sets out measures and activities from the Action Plan, implemented by the Office;
- 2) adopt the statute, the act on internal organization and systematization of the Office and other acts in accordance with law;
- 3) adopt the draft budget of the Office for the next fiscal year, with an estimate of required budgetary funds for the following two years;
- 4) decide on the use of funds of the Office;
- 4a) decide on the scope of participation of the Office in implementation of projects related to functioning and development of the labour market, as well as projects of international organisations and associations in the area of employment and employability, with consent of the Ministry;
- 5) adopt the annual financial report of the Office;
- 6) submit semi-annual and annual report on work of the Office;
- 7) decide on other matters, in accordance with law and the statute of the Office.

- (2) The Ministry shall give consent to the act on internal organization and systematization of the Office.

Director

Article 14

- (1) The Director shall manage the work of the Office.
- (2) The Government shall appoint and dismiss the Director of the Office, on proposal of the Ministry.
- (3) The mandate of the Directors shall be four years.

Competence of the director

Article 15

- Director of the Office shall:

- 1) manage the business of the Office;
- 2) act for and in behalf of the Office;
- 3) implement decisions and conclusions of the Steering Committee;
- 4) propose act on internal organization and systematization of work positions of the Office;
- 5) decide on rights, obligations and responsibilities of employees in the Office, in accordance with law;
- 6) form expert committees and working bodies of the Office;
- 7) be responsible for the legality of the Office;
- 8) perform other duties in accordance with the law, statutes and other acts of the Office.

Application of labour regulations

Article 16

General regulations on labour shall apply on rights, obligations and responsibilities of employees of the Office.

Statute

Article 17

- (1) Statute of the Office shall regulate:
 - 1) Fundamentals and principles of the internal organization of the Office;
 - 2) Manner of work, competencies and responsibilities of director and steering committee,
 - 3) Other issues of importance to the work of the Office.
- (2) The Government shall give consent to the Statute of the Office.

Financing

Article 18

- (1) The Office shall be funded from:
 - 1) Unemployment insurance contributions;
 - 2) Its own revenues;
 - 3) General revenues;
 - 4) Grants, donations and legacies and other sources accrued pursuant to law.
- (2) The state shall guarantee for liabilities of the Office for exercising rights with respect to unemployment insurance.

Agency

Article 19

- (1) Agency referred to in Article 8 of this Law may be established by a physical or legal entity.
- (2) The Ministry shall prescribe requirements in terms of premises, personnel and equipment that the agency shall meet in order to carry out activities referred to in Article 22 of this Law.
- (3) Act in paragraph 2 of this Article shall apply to the organizational unit of the agency which is formed in a particular area, in terms of premises, personnel and equipment.

Work permit

Article 20

- (1) The Ministry shall issue a work permit to the agency, within 30 days from the date of submitting request.

- (2) The Ministry shall keep a registry of issued permits.
- (3) The Agency may start work after granted permit.
- (4) The Agency shall be obliged to report to the Ministry any change pertaining to meeting of conditions concerning premises, human resources and equipment, within 30 days as of the day the change has occurred.

Revocation of Operating Licence

Article 21

- (1) The Ministry shall revoke operating licence to an agency, if it:
 - 1) ceases to meet the prescribed requirements referred to in Article 19 paragraph 2 of this Law;
 - 2) performs duties of employment contrary to this Law.
- (2) Founder of the Agency where the operating licence was revoked, in the event referred to in paragraph 1 item 2 of this Article cannot re-establish an agency within three years as of the day the operating license was revoked.
- (3) An Agency cannot be established by nor employment-related activities within such agency can be performed by a person convicted for criminal offence to an unconditional imprisonment sentence in duration of at least six months, for a period of three years after the penalty was served.

Activities of the agency

Article 22

- (1) The Agency may perform employment activities:
 - 1) Dissemination of information on employment opportunities and conditions;
 - 2) Mediation in employment for persons seeking employment and foreigners seeking employment in Montenegro;
 - 2a) Employment mediation for citizens of Montenegro abroad, in accordance with a special law;
 - 3) Vocational guidance and career counselling;
 - 4) Education and training of adults;
 - 5) Vocational rehabilitation of hard-to-employ persons;
 - 6) Public works;
 - 7) Implementation of other measures of active employment policy.
- (2) The Agency shall keep records of the activities referred to in paragraph 1 of this Article.
- (3) The Agency shall be obliged to notify the Office on semi-annual basis about the tasks concerning employment referred to in paragraph 1 of this Article within 30 days as of the lapse of each semester.

III RIGHTS AND OBLIGATIONS OF UNEMPLOYED PERSON AND EMPLOYER

Rights of unemployed person Article 23

- (1) Unemployed person shall have a right to:
- 1) be informed by the Office and agencies on employment opportunities and conditions;
 - 2) use services of the Office and the agency free of charge;
 - 3) determine an individual employment plan with the Office and the Agency;
 - 4) participate in the programs and measures of active employment policy, in accordance with individual employment plan;
 - 5) receive unemployment benefit in accordance with the Law;
 - 6) receive financial assistance for the duration of education, training and vocational rehabilitation of hard-to-employ persons, and involvement in other measures aimed at increasing employment or reducing unemployment, in accordance with the act the Ministry.
- (2) Hard-to-employ persons shall have an advantage in the implementation of certain measures of active employment policy.
- (3) Unemployed person who shall conceive employment for an indefinite period of time outside the place of residence shall be entitled to one-time cash assistance, compensation for travel and relocation costs, in accordance with the general act of the Office.

Obligations of unemployed person Article 24

Unemployed person shall be obliged to:

- 1) actively seek employment;
- 2) perform the obligations set forth by the individualized employment plan;
- 3) participate in active employment policy measures, in accordance with the law, general act of the Office and individual employment plan;
- 4) accept suitable employment, in accordance with the law and individual employment plan;
- 5) personally report to the Office, for information on employment opportunities and conditions and mediation in employment, at every call of the Office, and at least once in two months, and recipient of unemployment benefit once a month;
- 6) notify the Office of any change affecting the acquisition or loss of rights or obligations under this law, and no later than eight days after the change;
- 7) fulfil other obligations under the law, the general regulations of the Office and individual employment plan.

Rights of employer Article 25

Employer shall have a right to:

- 1) participate in the programs and measures of active employment policy;
- 2) exercise services of the Office free of charge;
- 3) exercise other rights stipulated by this Law and general act of the Office.

Obligations of employer

Article 26

- (1) Employer shall be obliged to report vacant jobs to the Office, in order to monitor the supply and need on the labour market.
- (2) The following cases shall not be deemed as vacant jobs within the meaning of paragraph 1 of this Law, unless otherwise stipulated by a special law:
 - 1) when there is a need to conclude a new employment contract, fixed-term or open-ending, with the same employee upon expiry of the previous contract;
 - 2) when there is a need for an employee to be reassigned to another job with the same employer;
 - 3) transfer [taking over] of an employee based on agreement between employers, with his consent.

Announcement and Information

Article 27

- (1) The Office shall announce an open vacancy of an employer on the notice board and website of the Office, and in the media, within two business days from the date of reporting.
- (2) The employer referred to in paragraph 1 of this Article shall notify participants on the outcome of the advertisement.
- (3) Employer shall be obliged to notify the Office on employing an unemployed person within five days from the date of commencement of employment, for the purpose of keeping records of unemployed persons.
- (4) The Office shall provide funds for public advertising of an open vacancy.

IV ACTIVE EMPLOYMENT POLICY

Definition

Article 28

Active employment policies shall be plans, programs and measures aimed toward increasing employment and reducing unemployment.

National strategy

Article 29

- (1) Active employment policy shall be determined by the national employment strategy and human resource development (hereinafter referred to as the: National Strategy).
- (2) The National Strategy shall define the strategic priorities and objectives of employment policy, for at least four years.
- (3) The Government shall adapt the National Strategy.

Action plan Article 30

- (1) Employment Action Plan (hereinafter referred to as the Action Plan) shall be the basic instrument of active employment policy, which establishes the measures and activities aimed at achieving the objectives defined in the National Strategy for the period of one year.
- (2) The Action Plan shall include:
 - 1) Priorities and objectives of employment policy in line with national strategies;
 - 2) Status and trends in the labour market;
 - 3) Measures and actions for achieving the objectives of employment policy for the upcoming year;
 - 4) Financial framework for implementation of measures and activities and funding sources;
 - 5) Institution in charge of measures and activities;
 - 6) Performance indicators for implementation of programs and measures referred to in item 3 of this paragraph;
 - 7) Other elements of importance for implementation of the Action Plan.
- (3) The Action Plan shall be established by the Government, on proposal of the Ministry, on an annual basis, no later than 30 November this year for the next year.
- (4) Annual Report on implementation of the Action Plan the Ministry shall submit to the Government at the latest by 30 April this year for the previous year.
- (5) In order to reduce regional disparities in unemployment, the Action Plan, for the territory of the local government units, may establish priorities and benefits in achieving measures of active employment policy.

Active employment policy measures Article 31

- (1) Active employment policy measures shall be:
 - 1) Dissemination of information on employment opportunities and conditions;
 - 2) Mediation in employment;
 - 3) Vocational guidance;
 - 4) Professional training for an independent work;
 - 5) support to self-employment;

- 6) Employment subsidies;
 - 7) Education and training of adults;
 - 8) Vocational rehabilitation of hard-to-employ persons;
 - 9) Public work;
 - 10) Scholarships;
 - 10a) Professional training for work with an employer;
 - 11) Other measures aimed at increasing employment and reducing unemployment.
- (2) Monitoring and assessing the impact of implementation of active employment policy measures shall be adopted on the basis of statistical indicators and methodology aligned with international and European standards.
 - (3) Work Program, which sets out measures and activities from the Action Plan implemented by the Office, shall be adopted by the Steering committee of the Office not later than 31 of December for the upcoming year.

Dissemination of information on employment opportunities and conditions

Article 32

Dissemination of information on employment opportunities and conditions shall be activities of institutions in charge of employment activities, of providing information to a person seeking employment, employer or other person on: the reported free vacancies, terms of employment, opportunities for vocational guidance, conditions, manner and procedure for acquiring national vocational qualifications, mediation in employment and other measures laid down by this Law.

Mediation in employment

Article 33

- (1) Mediation in employment shall be providing technical assistance in connecting persons seeking employment or to change employment and employers, in order to conclude an employment contract, in accordance with separate law.
- (2) The Office and an agency shall carry out mediation in employment for sailors, in accordance with separate legislation.

Individual employment plan

Article 34

- (1) Individual employment plan shall be an agreement between institution in charge of employment and the unemployed person on the activities of the unemployed person in seeking employment and participation in active employment policy measures.
- (2) Individual Employment Plan shall be updated and changed in accordance with new knowledge and changing circumstances in the labour market.
- (3) The Ministry shall stipulate the content and manner of determining an individual employment plan.

Vocational guidance **Article 35**

Vocational guidance shall be deemed as:

- 1) providing assistance to unemployed person, employed person, pupil, student or other entity, to objectively perceive, plan and execute his professional career;
- 2) Alignment of individual needs and abilities of unemployed persons with the needs and demands of the labour market.

Professional Training for Independent Work **Article 36**

Professional training for independent work shall be activities providing an unemployed person without work experience for particular education level with a possibility for professional development for an independent work at a particular level of education or level of education .

Support to self-employment **Article 37**

- (1) Support to self-employment shall be financial and technical assistance that may be achieved by an unemployed person who establishes one of the forms of performing economic activities, in accordance with separate law, if as the founder conceive employment.
- (2) Support to self-employment may also be providing financial and technical assistance to the employer who creates new jobs and employs an unemployed person.

Employment subsidies **Article 38**

- (1) Employer may obtain subsidies in the case of employment of an unemployed person in accordance with the Action Plan and the regulations of the Government.
- (2) The employer may obtain subsidies referred to in paragraph 1 of this Article for the same unemployed person only once for the same time period.

Education and training of adults **Article 39**

- (1) Education and training of adults shall be activities by which a person seeking employment shall be offered the possibility, through programs of education and training, to gain qualification to the first occupation, renew knowledge within the same occupation and education level, reclassify and gain key skills.
- (2) Activities of institutions in charge of employment shall be: preparation and selection of unemployed persons, the choice of the organizers of education,

referral of candidates in the programs of education and training, monitoring and evaluation, funding, or co-funding of education and training programs.

- (3) Education and training may be done by organizers of education for the needs of employers and the labour market.

Vocational rehabilitation of hard-to-employ persons

Article 40

- (1) Vocational rehabilitation of hard-to-employ persons, except for persons with disabilities, shall include measures and activities to be implemented in order to train in an appropriate manner a hard-to-employ person for work, maintaining employment and progressing in it.
- (2) The procedure for exercising the right to vocational rehabilitation shall be initiated at the request of the unemployed persons, and rehabilitation counsellors.
- (3) If the procedure referred to in paragraph 2 of this Article shall be initiated by the vocational rehabilitation counsellor, the consent of the unemployed persons shall be required.
- (4) The Office in shall conduct the procedure referred to in paragraph 2 of this Article, accordance with separate law.
- (5) Measures and activities referred to in paragraph 1 of this Article shall be organized and conducted by the performer of vocational rehabilitation, in accordance with standards laid down by the Ministry.

Public works

Article 41

- (1) Public works shall be work that is organized for the purpose of employment for a certain period of time, with priority of hard-to-employ persons, in order to preserve and improve their job skills, as well as achieving a particular public interest.
- (2) The Action Plan shall stipulate economic activities to be covered by the public works.

Organization of public work

Article 42

Deleted (Official Gazette of Montenegro No 20/15)

Scholarships

Article 43

- (1) Unemployed person may be awarded scholarships in accordance with the needs of the labour market.

- (2) An unemployed person who obtained the scholarship on some other basis may not exercise the right to a scholarship referred to in paragraph 1 of this Article.

Professional Training for Work with an Employer
Article 43a

Professional training for work with an employer shall mean activities providing to an unemployed person a possibility to acquired new knowledge and skills in order to be employed with that employer.

Implementing active employment measures
Article 44

The Ministry shall prescribe requirements, manner, criteria and scope of the implementation of measures from Article 31 of this Law.

V RIGHTS WITH RESPECT TO UNEMPLOYMENT INSURANCE

Mandatory insurance
Article 45

Mandatory unemployment insurance shall be implemented in accordance with separate law.

Rights with respect to unemployment insurance
Article 46

The unemployment insurance referred to in Article 45 of this Law shall provide to an unemployed person a right to unemployment benefit and the right to health insurance, pension and disability insurance for the duration of exercising rights to unemployment benefit.

Right to unemployment benefit
Article 47

- (1) Insured person shall have the right to unemployment benefit who prior to termination of employment has insurance period of at least 12 months continuously or intermittently over the past 18 months (hereinafter referred to as the recipient of unemployment benefit).
- (2) Insured person who was employed part-time shall be entitled to unemployment benefit if it shall by redistribution of working hours on a full time meet the requirements of paragraph 1 of this Article.
- (3) The insured persons referred to in paragraphs 1 and 2 of this Article shall have the right to unemployment benefit to whom, in terms of separate law, employment was terminated without his consent, or guilt, who reports to the Office and

submits an application within the deadline laid down by Article 48 paragraph 1 of this Law.

Deadline for submitting application Article 48

- (1) Unemployment benefit shall belong to the unemployed person from the first days after termination of employment, if he reports to the Office within 30 days of termination of employment and within this period submit an application for unemployment benefit.
- (2) Unemployment benefit shall belong to unemployed person who shall submit an application under paragraph 1 of this Article after the expiry of 30 days, from the date of application.
- (3) The right to unemployment benefit shall not have the unemployed person who shall apply after the expiry of time for which he would be entitled to a benefit, in accordance with this Law.
- (4) The period referred to in paragraph 1 of this Article shall not run during the period of temporary incapacity for work under the regulations on health care and health insurance.
- (5) Unemployed person shall be obliged to apply to the Office within eight days after the cessation of temporary incapacity for work referred to in paragraph 4 of this Article.

Cases where insured person may not acquire right to unemployment benefit Article 49

Insured person may not achieve the right to unemployment benefit his employment shall be terminated due to:

- 1) Amicable termination of employment;
- 2) Termination on the part of employed person;
- 3) Dismissal by the employer, in special cases determined by separate law, except in the case:
 - Expiry of the deadline of employment for a specific period of time, or expiry of the employment contract concluded for a specific period of time;
 - If the employed person shall not present adequate results during probation period;
 - When employed person shall receive dismissal wage on the basis of redundancies;
- 4) Fulfilling requirements for termination of employment by operation of law, except in the event of termination of employment due to bankruptcy or liquidation, and in all other cases of termination of work of the employer in accordance with separate law;
- 5) Meeting conditions for acquiring the rights to old-age, disability or family pension under separate law.

Exceptions Article 50

Unemployed person, who has cancelled the employment contract, shall have the right to unemployment benefit if the termination of employment occurred due to:

- 1) Relocation of the spouse to other place of residence, in accordance with special regulations;
- 2) A change of residence in order to form a community of life after entering into a marriage;
- 3) Health reasons of unemployed person or a member of immediate family in order to relocate into other place on the basis of the findings of the competent authorities of adequate health facilities.

Duration of the right to unemployment benefit Article 51

Unemployment benefit shall belong to the unemployed person who prior to termination of employment shall meet the requirements of Article 47 of this Law, namely:

- 1) 3 months if the insurance period shall be one to five years;
- 2) 4 months if the insurance period shall be five to 10 years;
- 3) 6 months if the insurance period shall be 10-15 years;
- 4) 8 months if the insurance period shall be 15-20 years;
- 5) 10 months if the insurance period shall be 20-25 years;
- 6) 12 months if the years of service shall be over 25 years;
- 7) until re-employment, or when one of the grounds for termination of rights to receive monetary benefit under this Law occur, if has more than 35 years of contributing to insurance;
- 8) An unemployed person with more than 25 years of insurance, who is a parent to a person who by law shall be entitled to personal disability allowance, shall be entitled to unemployment benefit until the re-employment, or until the occurrence of any of the grounds for termination of rights to unemployment benefit according to this Law.

Monetary Benefit for Unemployed Disabled Person Article 51a

Notwithstanding Articles 47, 48 and 51 of this Law, an unemployed disabled person with occupational disability of category II or III shall be entitled to the monetary benefit, if he is not a beneficiary of temporary benefit under pension and disability insurance legislation to a disabled person, regardless of years contributing to insurance, while waiting for employment or until occurrence of one of the grounds for termination of right to monetary benefit in accordance with this Law.

The right referred to in paragraph 1 of this Article shall run from the day the request is submitted.

Continuation of the right to unemployment benefit Article 52

The right to unemployment benefit referred to in Article 47 of this Law shall continue during:

- 1) Maternity leave, in accordance with separate law;
- 2) temporary incapacity for work established by separate law, as long as the incapacity shall exist, but no later than the deadline established by that law, when an unemployed person shall be referred to the assessment of residual work capacity.

Suspension of right to unemployment benefit

Article 53

- (1) The right to unemployment benefit of the recipient of unemployment benefit shall be suspended during:
 - 1) Reference to work abroad within the framework of international - technical or cultural and educational cooperation in the diplomatic and consular and other missions;
 - 2) Serving of imprisonment sentence, security measures, corrective or protective measures for up to six months;
 - 3) The time of residing abroad as the spouse of the employed person who is sent to work abroad.
- (2) Unemployed person who, in the cases referred to in paragraph 1 of this Article, shall register with the Office within 30 days from the date of the reason for the suspension of rights to unemployment benefits shall have the right to continue using the right to unemployment benefit for the remaining time.

Termination of the right to unemployment benefit

Article 54

The right to unemployment benefit shall terminate for the recipient, if:

- 1) The period for which he has been granted the right shall expire;
- 2) The recipient shall conclude a contract of employment with the employer;
- 3) The recipient shall register as an entrepreneur;
- 4) The recipient shall fulfil conditions for old-age or qualify for disability or family pension;
- 5) The conditions for termination of rights to unemployment benefit shall be determined;
- 6) Without reasonable excuse, shall fail to respond to the invitation of the Office for employment;
- 7) Without justifiable reasons, in two consecutive months, shall not report to the Office;
- 8) Fail to notify the Office within eight days of any change that may affect the acquisition, implementation and termination of rights to unemployment benefit;
- 9) refuse suitable employment in their place of residence;
- 10) Without any justifiable reason, refuse to engage in active employment policy measures;
- 11) Shall enter imprisonment sentence, security measures, corrective or protective measures for a period longer than six months;

- 12) A decision of the competent inspection finds that contrary to regulations on work;
- 13) Ceases to be registered in the registry of unemployed persons.

Reacquiring right to unemployment benefit Article 55

- (1) Unemployed person, whose right to unemployment benefit was terminated in terms of Article 54 of this Law, except in the case of fulfilling conditions for old-age or acquiring right to disability pension, may again be entitled to unemployment benefit, if he shall meet the requirements referred to in Article 47 of this Law.
- (2) The unemployed person referred to in paragraph 1 of this Article, when re-entitled to unemployment benefit, shall be recognized years of service made after the last of receipt of unemployment benefit.
- (3) Notwithstanding paragraph 2 of this Article, where an unemployed person shall be entitled to unemployment benefit in accordance with Article 51 paragraph 1 item 7 and 8 of the Law, when re-entitled to unemployment benefit, shall be recognized the total years of service and time of receiving unemployment benefit.

Reacquiring the right Article 55a

Notwithstanding Article 55 of this Law, an unemployed person with occupational disability of category II or III and a disabled person, whose right to monetary benefit has ceased within the meaning of Article 54 of this Law, except in case of when right to an old-age pension or right to a disability pension is acquired, may reacquire the right to monetary benefit pursuant to Article 51a of this Law.

Remaining unemployment benefit Article 56

Recipient of unemployment benefit, whose right to unemployment benefit ended in terms of Article 54 items 2 and 3 of this Law prior to expiry of period for exercising this right, if he shall become an unemployed person again, without his fault, shall continue to exercise the right to unemployment benefit for the remaining unemployment benefit of the set amount, if it shall be more favourable for him.

Amount of unemployment benefit Article 57

Unemployment benefit shall amount to 40% of the minimum wage established in accordance with law.

VI. PROCEDURE FOR ACQUIRING RIGHTS

Initiating and running the procedure **Article 58**

- (1) The procedure for exercising rights under this law shall be initiated at the request of the unemployed persons and employers, which is to be submitted in line with the place of registration of the unemployed person or registered office of the employer.
- (2) In the first instance procedure for exercising the rights referred to in paragraph 2 of this Article manager of organizational unit shall issue a decision in writing, and in second instance procedure it shall be done by the Office.
- (3) The director of the Office shall render a decision in the first-instance proceedings for exercising rights referred to in paragraph 1 of this Article, and the Ministry in the second-instance proceedings.

Initiation of administrative dispute **Article 59**

An administrative dispute may be instituted against a decision adopted by the appeal.

Return of funds **Article 60**

- (1) Unemployed person who acquired right to monetary benefit or other funds shall be obliged to notify the Office within eight days of any change affecting the termination or suspension of that right.
- (2) Unemployed person who was reinstated and exercised rights resulting from labour during the period for which he was unemployed based on a final and non-appealable court ruling or decision of the employer, shall be obliged to refund to the Office the amount of monetary benefit
- (3) In the event referred to in paragraphs 1 and 2 of this Article, an unemployed person shall be obliged to return the monetary benefits based on an agreement concluded with the Office.
- (4) If an unemployed person fails to act within the meaning of paragraph 3 of this Article, the Office may seek damage compensation, upon complaint before the competent court.
- (5) In the event referred to in paragraph 2 of this Article, the Office shall be entitled to request refund of the monetary amount paid on the account of contributions from the competent authority for pension and disability insurance.

Damage Compensation **Article 61**

Deleted (Official Gazette of Montenegro, No 20/12015)

VII RECORD KEEPING IN THE FILED OF EMPLOYMENT

Records Article 62

- (1) In order to assess the current state and trends in the labour market, the Office shall keep employment-related records in accordance with this Law.
- (2) Employment-related record-keeping shall provide data for statistical research and single information system in the field of employment.

Types of Records Article 62a

Employment-related records shall be records on:

- 1) persons seeking employment;
- 2) open vacancies.

Records on Persons Seeking Employment Article 62b

Records on persons seeking employment shall be records on:

- 1) unemployed persons;
- 2) persons who entered employment with partial working hours;
- 3) employed persons seeking change in employment.

Procedure of reporting to the registry Article 63

- (1) An unemployed person shall apply to registry of the branch unit of the Office, competent in the place of his residence, at least once for a period of 60 days.
- (2) An unemployed person whose employment terminated may apply to the branch unit of the Office at the headquarters or business unit of the employer where employment was terminated.
- (3) A person who conceived part time employment shall report to the registry for employment for the remaining time to full time work, at least once during 90-day period.
- (4) Employment person with a full-time employment shall report to the Office, in order to change employment, at least once during 90-day period.

Cessation of keeping the registry Article 64

- (1) Keeping records of the person seeking employment shall cease, if he:
 - 1) Concludes an employment contract, in accordance with law;
 - 2) Signs out from the registry;

- 3) Refuses to participate or fail to perform obligations under the Contract on participation in the programme of active employment policy;
 - 4) Becomes the owner or majority owner of a business organisation;
 - 5) Becomes an entrepreneur;
 - 6) Refuses suitable employment;
 - 7) Does not provide accurate data on fulfilling requirements for acquiring the status of person seeking employment;
 - 8) Reaches the age of 67 and 15 years of insurance period, unless receiving unemployment benefit until expiry of exercising the right to benefit;
 - 9) Exercises the right to a pension, in accordance with separate law;
 - 10) Becomes totally incapable for work;
 - 11) Goes on to serve imprisonment sentence of more than six months;
 - 12) Does not actively seek employment;
 - 13) Does not be available for employment;
 - 14) Acts contrary to regulations concerning labour;
 - 15) Becomes insured person - a farmer or a priest and cleric, and monk and nun in accordance with the Law on Pension and Disability Insurance
 - 16) Does not reported in the registry of a branch unit of the Office in a timely manner and it does not justify it within 30 days in the manner laid down by the Office;
 - 17) Permanent residence, refugee status or additional protection of a foreigner expires, in accordance with separate law.
- (2) In the case referred to in paragraph 1 items 3, 6, 7, 12, 13, 14 and 16 of this Article an unemployed person may not reapply to the Office within six months from the date of cessation of keeping the records of unemployed persons.

Records on Vacant Jobs

Article 64a

- (1) The Office shall keep records on vacant jobs based on an application submitted by the employer, in accordance with this Law.
- (2) Records on vacant jobs shall contain data on the job, particular knowledge and skills, as well as other requirements for performing tasks.

Special Records

Article 64b

In addition to the records referred to in Article 62 of this Law, the Office shall keep special records in the area of employment, and so on:

- 1) persons taking part of active employment policy measures;
- 2) beneficiaries of the monetary benefit;
- 3) *deleted (Official Gazette of Montenegro, No 20/2015)*
- 4) citizens of Montenegro working abroad;
- 5) organisers, beneficiaries of voluntary work and volunteers;
- 6) other records in accordance with law.

Manner of Keeping Records Article 64c

The Ministry shall stipulate the content, form, manner of keeping records and reporting from the records established under this Law.

VIII OVERSIGHT

Article 65

- (1) The Ministry shall perform administrative oversight over the implementation of this Law.
- (2) Labour Inspectorate shall carry out inspection oversight over the implementation of this Law.
- (3) In performing oversight, the inspector shall have the authorities laid down by separate law.

IX PENALTY PROVISIONS

Article 66

- (1) A pecuniary fine ranging from 500 euro to 20,000 euro shall be imposed for an offence on a legal person, if:
 - 1) fails to advertise a job vacancy on the notice board and website of the Office and in the media, within two business days from the date of reporting (Article 27, paragraph 1);
 - 2) fails to keep employment-related records (Article 62, paragraph 1).
- (2) A pecuniary fine ranging from 100 euro to 2,000 shall also be imposed for the offense referred to in paragraph 1 of this Article on a responsible person in the legal person.

Article 67

- (1) A pecuniary fine ranging from 500 euro to 20,000 euro shall be imposed for an offence on a legal person, if:
 - 1) fails to register with the Office a job vacancy, for the purpose of monitoring the supply and demand in the labour market (Article 26);
 - 2) fails to notify the Office on employment of an unemployed person, within five days from the date of commencement of employment (Article 27, paragraph 3).
- (2) A pecuniary fine ranging from 100 euro to 2,000 shall also be imposed for the offense referred to in paragraph 1 of this Article on a responsible person in the legal person.

- (3) A pecuniary fine ranging from 150 euro to 6,000 shall be imposed for the offense referred to in paragraph 1 of this Article on an entrepreneur.

Article 68

- (1) A pecuniary fine ranging from 500 euro to 20,000 euro shall be imposed for an offence on a legal person if:
- 1) Commences with work without getting a license to work (Article 20, paragraph 3);
 - 1a) fails to report to the Ministry any change pertaining to meeting of requirements in terms of premises, human resources and equipment, within 30 days as of the day change has occurred (Article 20 paragraph 4);
 - 2) Carries out employment activities contrary to Article 22, paragraph 1 of this Law;
 - 3) fails to keep records on the activities referred to in Article 22, paragraph 1 of this Law (Article 22, paragraph 2);
 - 4) Fails to notify semi-annually within 30 days as of the lapse of each semester the Office on employment activities carried out (Article 22, paragraph 3).
- (2) A pecuniary fine ranging from 100 euro to 2,000 shall also be imposed for the offense referred to in paragraph 1 of this Article on a responsible person in a legal person.

X. TRANSITIONAL AND FINAL PROVISIONS

Acquired rights

Article 69

- (1) Unemployed person who has, until the entry into force of this Law, acquired right with respect to unemployment, in accordance with the regulations and general acts of the Office in force until the date of entry into force of this Law, shall acquire the right to the extent, duration and amount specified in such regulations and general acts.
- (2) Proceedings initiated before the entry into force of this Law shall be finalized in accordance with the regulations that were applicable before the entry into force of this Law, if it is more favourable to the party.

Article 69a

An unemployed person who acquired right to monetary benefit in the amount of 33.00 euro until the day this Law enters into force, shall exercise the right to monetary benefit in accordance with Article 57 of this Law as of the day this Law commences with application.

An unemployed person shall be entitled to the right referred to in paragraph 1 of this Article until reemployment or until occurrence of any of the grounds for termination of rights to monetary benefit under this Law.

Article 69b

A foreigner with personal work permit, registered in the records of unemployed persons as of the day this Law enters into force, shall continue to use rights resulting from unemployment, in accordance with this Law, if so is more favourable for him, until the lapse of the period of validity of the personal work permit.

Amount of unemployment benefit

Article 70

Unemployment benefit for unemployed person, who acquires the right to unemployment benefit after the entry into force of this Law, shall amount to 55 Euros, until determining the minimum wage referred to in Article 57 of this Law.

Acquired Rights of Persons with Occupational Disability

Article 70a

As of the day this Law enters into force, a person with occupational disability of category II or III, who is entitled to a monetary benefit in accordance with legislation and general acts which were in effect when this Law entered into force, shall exercise right to monetary benefit in the volume, duration and amount in accordance with this Law, if so is more favourable for him.

Article 70b

A person with occupational disability of category II or III, who exercised the right to monetary benefit in accordance with Articles 51a and 57 of this Law, shall exercise the right to monetary benefit for unemployment in the amount of the lowest pension in Montenegro set by the Law on Pension and Disability Insurance as of the day this Law commences with application.

Deferred Application

Article 70c

Notwithstanding Article 51 item 7 of this Law, an unemployed woman shall have the right to a monetary benefit, when she is:

- in 2014, 30 years and three months of contributing to insurance;
- in 2015, 30 years and six months of contributing to insurance;
- in 2016, 30 years and nine months of contributing to insurance;
- in 2017, 31 years of contributing to insurance;
- in 2018, 31 years and three months of contributing to insurance;
- in 2019, 31 years and six months of contributing to insurance;
- in 2020, 31 years and nine months of contributing to insurance;
- in 2021, 32 years of contributing to insurance;

- in 2022, 32 years and three months of contributing to insurance;
- in 2023, 32 years and six months of contributing to insurance;
- in 2024, 32 years and nine months of contributing to insurance;
- in 2025, 33 years of contributing to insurance;
- in 2026, 33 years and three months of contributing to insurance;
- in 2027, 33 years and six months of contributing to insurance;
- in 2028, 33 years and nine months of contributing to insurance;
- in 2029, 34 years of contributing to insurance;
- in 2030, 34 years and three months of contributing to insurance;
- in 2031, 34 years and six months of contributing to insurance;
- in 2032, 34 years and nine months of contributing to insurance.

Deadline for Adoption of Regulations Article 70d

Regulations referred to in Article 34 paragraph 3 and Article 64c of this Law shall be adopted within six months as of the day this Law enter into force.

Alignment of acts of the Office Article 71

- (1) The Office shall be obliged to align statute and other acts with this Law within 90 days from the day of entry into force of this Law.
- (2) Until the expiry of the period referred to in paragraph 1 of this Article the existing act of the Office shall apply, unless they are contrary to this Law.

Alignment of work of agencies Article 72

- (1) Agencies established in accordance with regulations that were in force until the entry into force of this Law shall continue to operate in accordance with this Law.
- (2) Agencies referred to in paragraph 1 of this Article shall, within a period of nine months from the day of entry into force of this Law align their organization with this Law.

Deadline for adoption of regulations Article 73

The Ministry shall adopt regulations for implementation of this Law within nine months as of the day of entry into force of this Law.

Alignment of Regulations Article 73a

Existing regulations for implementation of this Law shall be aligned within 90 days as of the day this Law enters into force.

Expiry date
Article 74

The Law on Employment (Official Gazette of the Republic of Montenegro 5/02, 79/04 and Official Gazette of Montenegro 21/08) shall be repealed on the day of entry into force of this Law.

Termination of Validity of Regulations
Article 74a

As of the day this Law enters into force, the Decree on Mediation in Employment on Maritime Ships of a Foreign Employer (Official Gazette of the Republic of Montenegro, No 22/00) shall cease to have effect.

Entry into Force
Article 75

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro.

SU-SK No. 01-1037/22-09
Podgorica, 9 March 2010

The 24th Parliament of Montenegro
Speaker of the Parliament
Ranko Krivokapić, m.p

NOTE:

The consolidate text of the Law does not include the following provision of the Law Amending the Law on Employment and Exercising Rights from Unemployment Insurance (Official Gazette of Montenegro, No 52/2016 of 9 August 2016):

“Article 2

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro, and shall apply from commencement of application of the Law on Administrative Procedure (Official Gazette of Montenegro, No 56/14, 20/15 and 40/16).”

The consolidate text of the Law does not include the following provision of the Law Amending and Supplementing the Law on Employment and Exercising Rights from Unemployment Insurance (Official Gazette of Montenegro, No 20/2015 of 24 April 2015):

***“Entry into Force
Article 34***

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro.”

The consolidate text of the Law does not include the following provision of the Law Supplementing the Law on Employment and Exercising Rights from Unemployment Insurance (Official Gazette of Montenegro, No 61/2013 of 30 December 2013):

***“Entry into Force
Article 3***

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro and shall apply from 1 January 2014.”

The consolidate text of the Law does not include the following provision of the Law Amending and Supplementing the Law on Employment and Exercising Rights from Unemployment Insurance (Official Gazette of Montenegro, No 45/2012 of 17 August 2012):

***“Termination of Validity
Article 25***

As of the day this Law enters into force, the provisions of the Law on Records in the Area of Labour and Employment (Official Gazette of Montenegro, No 69/03) pertaining to type, content and manner of keeping records in the area of employment and Article 118 of the Law Amending and Supplementing the laws which stipulate pecuniary fines for offences (Official Gazette of Montenegro, No 40/11) shall cease to have effect.

Entry into Force

Article 26

This Law shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro.”