

Union of Free Trade Unions of Montenegro



CONSTITUTION

October 2012

Pursuant to Article 36, Paragraph 1, Indent 1 of the Constitution of the Union of Trade Unions of Montenegro, No 2 from 3rd November 2008, delegates of the II Congress of the Union of Free Trade Unions of Montenegro, held in Podgorica on 27th October 2012, adopted the

**CONSTITUTION
of the Union of Free Trade Unions of Montenegro**

Notice: Wherever, and in whichever context the male gender is noted in the text of this Constitution the equality of the female gender is implied and vice-versa.

Preamble

We, the members of the Union of Free Trade Unions of Montenegro, are affiliating with this Union in a spirit of mutual solidarity in the belief that we have the power and the natural right to realize, through joint action and in a lawful way, the economic, social and other interests of our members and their families.

Fundamental Provisions

Article 1

The union's name is the: Union of Free Trade Unions of Montenegro [transl. Unija slobodnih sindikata Crne Gore].

Its acronym is: UFTUM [transl. USSCG].

Article 2

This Constitution defines the organization and functioning of the Union of Free Trade Unions of Montenegro (hereinafter referred to as: the Union).

Article 3

The Union's headquarters are located in Podgorica, ul. Slobode No 74/I.

Article 4

The Union is a legal entity and has its own bank account

The Union has its own stamp, seal, logo and flag.

The stamp is circular, 30mm in diameter, containing the words: “Unija slobodnih sindikata Crne Gore” with the logo of the Union in the middle.

The seal is rectangular and it contains the words:

“Unija slobodnih sindikata Crne Gore

Broj:

Podgorica: ”

The logo of the Union is rendered in blue and yellow colors and presents a worker who is stepping into the future with the burden that he/she has been historically predestined to carry. The acronym USSCG is positioned at the base of this symbol, rendered in yellow and lined in navy-blue color.

The Union's flag is light blue with the logo of the Union in the middle.

The same red flag may be used on equal footing.

Article 5

The Union of Free Trade Unions of Montenegro is comprised of representative branch unions, branch unions, trade unions, trade union organizations and individual members who accept this Constitution.

Article 6

The Union is a voluntary, interest-based organization, independent of state institutions, employers, religious organizations and political parties.

Article 7

Member trade unions affiliate themselves within the Union in order to realize objectives that are of mutual interest to the membership that they represent and those that are proclaimed in this Constitution.

Article 8

Individual membership in the Union is realized through branch unions and trade union organizations.

In sectors where a branch union is not organized, employees can directly join the Union under the terms and conditions stipulated in this Constitution.

Article 9

Organizations representing disabled workers, the unemployed, pensioners, students and other civil society organizations that express an interest to do so, can become affiliated members of the Union.

Membership procedures, as well as reciprocal rights and responsibilities are stipulated by the Secretariat by means of a separate act.

Basic principles of the Union

Article 10

The work of the Union is based on the Charter of Human Rights, EU Charter, Constitution of Montenegro, Conventions of International Labour Organization, European Social Charter and Constitution of the Union.

The fundamental principles of organizing in the Union are: voluntarism, solidarity, the autonomy of members, equality, tolerance, freedom of thought and expression, gender equity, democratic elections and the right of every member to elect and be elected in the entities of the Union.

The fundamental principles of action in the Union are: social dialogue and equality of social partners within the dialogue; social justice; democratic resolution of disputes through allowed forms of union struggle; strike as an ultimate tool for achieving the objectives of the Union, for protection of the legal, financial and social security of members of the Union and preservation of acquired rights; refrain from any activity that may adversely affect other trade unions who are members of the Union; cooperation with other unions, federations and confederations at the national and international level.

Article 11

All members of the Union act under the name of the Union.

The logo of a member union and the logo of the Union are equal and must be represented on the membership card and the institutional letterhead of the members.

Objectives

Article 12

The fundamental objective of the Union is to represent, protect and affirm the basic social, economic and cultural interests of the Union's members and to advocate for the interests of employees in Montenegro.

Article 13

The proclaimed objectives of the Union shall be to struggle for the:

- realization of the demands and interests of its members through solidarity and the strength of the trade union movement's unity;
- social security of workers and state of social justice;
- development of the system of collective bargaining;
- respect for human rights and rule of law;
- protection of trade union rights and freedoms;
- participation of workers in making decisions on issues that are of direct interest to these workers;
- protection of rights gained in labour-relations and the dignity of one's profession;
- contemporary working conditions and occupational safety;
- protection of the living standard;
- effective pension insurance;
- effective health insurance;
- effective and transparent privatizations;
- effective and complete information and education at the disposal of the Union's entire membership;
- respect of the ILO conventions and other international standards established in the areas of labour and trade union activity.

Members of the Union

Article 14

The members of the Union are representative branch unions, branch unions, trade unions and trade union organizations that are not organized at branch level and that accept this Constitution.

Representative branch union, referred to in Paragraph 1 of this Article, is considered to be a branch union which has the status of a founding member of the Union or has obtained representativeness in accordance with the law.

Article 15

Membership in the Union is established on a voluntary basis and stems from:

- the status of a founding member, and;
- the status of a subsequent member.

In accordance with the previous paragraph of this article, the status of a founding member is conferred upon those branch trade unions that were constituted at the moment of the Union establishment.

Representative branch union, branch union, trade union and trade union organization, member of the Union, may not be simultaneously a member of some other union, federation or confederation of trade unions in Montenegro.

Article 16

Representative branch union, branch unions, trade unions or trade union organizations that want to become members of the Union must submit a written request for membership to the Secretariat of the Union, with the following documents:

- decision of authorities on affiliation,
- decision on representativeness or other proof of registration in the register of trade unions,
- statement of authority on the acceptance of the Constitution and other Acts of the Union,
- statement on membership figure,
- statement of not being a member of other confederation or association of trade unions.

The number of members is proven by the number of signed-up trade union adherents.

The request for membership will be accepted if 2/3rds majority of the members in the Secretariat declare themselves in favor of the request.

If the request is rejected, a new membership request may not be submitted before a term of six months expires from the day that the decision on the previous request was made.

Article 17

A trade union or trade union organization affiliated to the branch trade union that is already member of the Union, can realize its own membership in the Union through that branch trade union.

Article 18

Membership in the Union ceases in the following cases:

- if the member trade union ceases to exist;
- if the member trade union steps out;
- if the member trade union is expelled;
- if the member trade union is removed from the list of the Union members.

Article 19

The Secretariat notes the termination of membership in the Union in the cases referred to in Article 18, paragraph 1, indents 1 and 2.

Article 20

A member trade union that wants to withdraw from the membership of the Union must declare its intention to do so at least a month beforehand, specifying the exact date of its stepping out.

The rights and responsibilities of member trade unions stay in force until the official date that their withdrawal enters into force.

Since the day of withdrawal, a member may no longer present itself as the Union member.

Article 21

A member trade union that fails to fulfill its obligations under this Constitution can be expelled.

A request for expulsion of a member can be submitted by the Steering Board, the Secretariat or one of the Union's members.

The request is submitted in written form and includes a rationale for the expulsion.

The decision on the expulsion is made by a 2/3rds majority vote of members sitting in the Main Board.

Since the day of expulsion, a member may no longer be presented as the Union member.

An excluded member has to fulfill all financial obligations towards the Union.

Article 22

If a member trade union fails to pay its dues to the Union for two consecutive months for unjustified reasons, its right to participate in the work of the Union's entities will be suspended.

A member trade union that for unjustified reasons fails to pay its Union dues for four consecutive months will be removed from the list of the Union members.

Notwithstanding the paragraphs 1 and 2 of this Article, in cases when a member trade union fails to pay its dues to the Union on a regular basis for objective reasons, the Secretariat may exempt the member from paying dues for a certain period of time.

Article 23

A member trade union that is expelled from the Union, can submit an appeal to the Main Board within the span of six months from the day it received the decision on expulsion.

The Main Board will make an ultimate decision on the submitted appeal after it hears the rationalization for the appeal made by the member trade union.

Until the ultimate decision on the appeal is made, the rights and responsibilities of the expelled member are suspended.

Article 24

The Union and member trade unions may be members of international trade union organizations.

The Secretariat decides upon the Union's joining the international trade union organizations.

Rights and obligations of Union members

Article 25

Members of the Union have the right to:

- elect and recall their representatives in the Union's entities in accordance with their own rules;
- launch initiatives and actively participate in all decision-making at the level of the Union as a whole;
- suggest the agenda for meetings of the Main Board and Secretariat;
- advocate their own stance during the decision-making process in all of the Union's entities;
- demand from the Union's entities to take a stance on questions that are of particular interest for the protection, representation and affirmation of the interests of its members;
- use the services of the Union for the needs of their own trade unions;
- control the work and activities of chosen representatives in the Union through their representatives in the Union entities;
- be entirely, and within a reasonable time-frame, informed about all the Union's activities;
- submit requests for the expulsion of members for not abiding by their responsibilities undertaken by this Constitution.

Article 26

Members of the Union have the obligation to:

- abide by the Union's Constitution;
- participate in the activities of the Union and the work of its various entities;
- abide by and implement the decisions of the Union entities;
- contribute to the financial sustainability of the Union by regularly paying their dues;
- stop using the names and symbols of the Union if they leave or are expelled from the Union.

Union membership

Article 27

The membership of the Union is comprised of workers who are members of the representative branch unions, branch unions, trade unions and trade union organizations or workers who individually join the Union.

Membership in the Union is demonstrated by holding a membership card.

Article 28

Representative branch union, branch union, trade union and trade union organization establish the form and content of the membership card for their trade union membership.

The membership card referred to in paragraph 1 of this Article, shall contain the logo of the Union.

Article 29

The Union establishes the form and content of the membership card for individuals that have gained direct membership in the Union.

The membership card is property of the Union and the member is obliged to return it in case of one's withdrawal or expulsion from the membership,

Article 30

Members who join the Union through their branch trade unions exercise their rights and obligations in accordance with the constitution of their branch trade union.

The Union members have the right to:

- protection on the basis of the relevant collective agreement;
- participate in the development and implementation of trade union policies;
- elect and be elected in the entities of the Union at all levels;
- free legal aid;
- trade union education and access to information;
- assistance from joint Union funds in accordance with the stipulations outlined in the Rulebook of these funds.

The Union members are required to respect the Constitution, policy documents and decisions of the Union entities at all levels.

Article 31

The Union prescribes the conditions under which a Union membership for individual members is eligible or ceases for those members.

Organization

Article 32

The Union is organized according to the branch principal of operation.

In case there are several branch trade unions operating in one sector, only one of these can become a member of the Union.

Article 33

With the aim of more effectively carrying out its program tasks, when it is functionally and economically justifiable to do so, the Union may form regional committees or elect regional trustees.

The Main Board adopts the Act on the work of regional committees and trustees.

Article 34

The basic form of trade union organization in enterprises and institutions is trade union organization.

If there are several trade union organizations in the enterprise or institution, only one of these can become a member of the Union.

The organization, tasks and manner of the trade union organization's work are prescribed by the branch trade unions, or the Main Board for the trade unions and trade union organizations that are directly affiliated with the Union.

The Union's governing entities

Article 35

The entities of the Union are, as follows:

- Congress;
- Secretary General;
- Main Board;
- Secretariat;
- Statutory Board; and
- Steering Board.

The Congress

Article 36

The Congress is the highest entity of the Union.

The Congress is comprised of delegates, chosen by the Union's members, according to census established on the principal of census determined in proportion to payment of dues between two Congresses.

Notwithstanding paragraph 2 of this Article, each branch union has at least one delegate at the Congress.

Regardless of the number of determined trade union delegates, pursuant to paragraph 2, no union can have more than 49% of total number of the delegates at the Congress.

If one union, on the basis of the criteria stipulated in paragraph 2 of this article, has more than 49% of total number of delegates at the Congress, number of delegates of that trade union is determined so it amounts to 49% of total number of delegates.

When selecting delegates, members are required to consider gender equality.

The status of delegates at the Congress belongs to delegates sitting in the Union's entities, but they cannot decide on the report of the entities they are members of.

Article 37

The Congress shall be held every five years.

The Main Board makes decision to hold the Congress and communicates it to the members at least 3 months prior to the due date of the Congress.

Regular Congress is convened by the Main Board every five years.

Date, place and structure of the Congress are defined by the Main Board at least 3 months prior to the holding of the Congress.

The Secretariat of the Union determines the number of delegates in the Congress.

Exceptionally the Congress may be convened prior to the time-frame set out in the first paragraph of this article when it is requested by either: at least 2/3 of the members of the Main Board; at least 3 representative branch unions or member trade unions that represent at least 1/3 of the Union's membership.

Article 38

The Congress working bodies are:

- Working Committee, comprised of a representative of each branch trade union;
- Verification Committee, comprised of three members;
- Nominating Committee, comprised of three members;

- Electoral Committee, comprised of three members.

On the proposal of the Secretariat, the Congress appoints members of the working bodies.

Article 39

The competencies of the Congress are to:

- adopt the Program and Constitution of the Union;
- adopt the Rules of Procedure for the work of the Congress;
- consider and adopt reports on the work of the Main Board, Statutory Board and Steering Board;
- consider and adopt resolutions proposed by the Main Board or the Union members;
- decide on the number and composition of members of the Main Board;
- verify the composition of the members of the Statutory and Steering Boards;
- elect the Secretary General;
- appoint Congress working bodies;
- adopt other decisions necessary for the functioning of the Union;
- decide on the dissolution of the Union.

The decision to adopt the Program and Constitution of the Union is achieved by a 2/3 majority of the total number of delegates at the Congress.

The Secretary General

Article 40

The Secretary General is elected by the Congress for a five-year term of office. The Secretary General may be recalled before the end of his/her mandate at an extraordinary Congress.

The motion for the recall may be submitted by any Union's member trade union and the motion must be discussed by the Main Board.

Article 41

The Secretary General of the Union:

- represents the Union;
- presides the Congress and meetings of the Main Board when President of the Main Board is not able to do so;
- presides over the Secretariat's meetings;
- prepares and schedules meetings of the Secretariat;
- is responsible for implementing decisions of the Main Board and Secretariat;
- suggests to the Main Board deputies of the Secretary General;
- maintains regular contacts with Union members and participates in the work of its entities;
- is responsible for completely and timely informing the Union membership about the Union's activities;
- prepares annual reports on the Secretariat's activities.

The Main Board

Article 42

The Main Board is comprised of members of the Secretariat, selected representatives of the representative branch unions that are members of the Union, the coordinator of the Women Section and coordinator of the Youth Section.

The number and structure of the Main Board membership is ratified by the Congress at the suggestion of the Secretariat, proportionally to the paid membership dues.

Every new branch trade union gains the right to, in accordance with established criteria, delegate its own representatives within the Main Board.

Article 43

The Main Board is the highest decision-making entity between two Congresses.

The Main Board:

- decides on the organizing the Congress and prepares documentation for the Congress;
- submits a progress report for period between two Congresses;
- adopts amendments to the Constitution only if a need for this arises between two Congresses;
- elects the President of the Main Board;
- verifies the number and composition of the Secretariat members;
- elects deputies of the Secretary General based on the recommendation of the Secretary General;
- analyses and adopts the annual reports on the Secretariat's work;
- adopts the Financial Report of the Union;
- adopts its program objectives for its remaining mandate;
- makes the decision for launching a General Strike and public protests;
- gives its ascent to the conclusions of the Collective Bargaining Agreement and to the minimum-wage;
- takes the decision to declare and hold Union elections and to develop a Program of electoral activities at the Union level;
- approves the form and content of the membership card for individuals that affiliate themselves directly with the Union;
- ratifies the organizational rules, tasks and the operation of regional committees and regional trustees;
- ratifies the general organizational rules and working procedures of trade union organizations for those trade unions and trade union organizations that are directly affiliated to the Union;
- makes decision on membership fee;
- decides on requests for the expulsion of members;
- adopts the Rules of Procedure for its work;
- decides on the Union's involvement in commercial operations.

Decisions about amendments to the Constitution, the acceptance and expulsion of the Union members, and the decision to enter into a General Strike, are taken by a 2/3 majority of the total number of members in the Main Board.

The Secretariat

Article 44

The Secretariat is comprised of the:

- Secretary General;
- President of the Main Board;
- Deputies of the Secretary General;
- Presidents of the branch trade unions;
- Elected representatives of the representative branch unions, according to the census determined in the proportion to the paid membership fee.

Article 45

The Secretariat is the operational body of the Union.

The role of the Secretariat is to:

- implement the decisions of the Congress and the Main Board;
- make decision on current economic and trade union related issues;
- make decision on short-term financial assistances;
- conduct an active policy in carrying out of the program objectives outlined for its mandate;
- coordinate the activities of the Union members;
- monitor and analyze the new issues relevant to the Union's work;
- form a negotiating team;
- delegate its representatives in institutions in which the Union participates on the basis of social dialogue;
- make decisions about suspending the rights or removal from evidence of members for the non-payment of dues;
- submit initiatives for the expulsion of the Union members due to a failure to fulfil their statutory obligations;
- establish the form and content of the membership procedure for trade unions, trade union organizations and individuals that directly join the Union;
- submit annual report on its work to the Main Board;
- adopt its Rules of Procedure;
- make decisions about professional work in the Union;
- appoint the director of the Centre for Information, Education and Trade Union Researches;
- decides on the structure and number of employees in the Union's Secretariat Office;
- manage the Union's property and assets;
- decide on cooperation or alliances with other national or international trade unions;
- decide on commercial activities of the Union;

- decide on the admission of new trade union members into the Union;
- determine the requirements and criteria for admission of civil society organizations as associate members of the Union;
- decide on the signing of agreements and other documents that are of interest to the membership of the Union;
- make decisions and provide comments on draft laws and other documents proposed by the institutions at the state level;
- decide on the implementation of the projects.

The Statutory Board

Article 46

The Statutory Board monitors the implementation of the Union's Constitution between two Congresses, makes suggestions for amendments, decides on statutory disputes and interprets the Constitution and other acts at the request of the Union members or entities.

Members of the Statutory Board are selected by the branch trade unions in the sense that every branch trade union that is a member of the Union provides one member to this body.

If a member of the Statutory Board loses his/her status of branch union member, the relevant branch union shall appoint a new member within 30 days, who has to be verified by the Secretariat.

Members of the Statutory Board may not simultaneously be members of the Main Board or Secretariat.

The Statutory Board adopts its Rules of Procedure and elects a president from within its ranks, during its first meeting.

The mandate for members of the Statutory Board lasts for four years.

Article 47

At the request of the Statutory Board all Union members and entities are required to allow inspection of any documentation they hold in relation to specified topics.

Decision of the Statutory Board on interpretation of this Constitution and other acts are final and binding.

The Steering Board

Article 48

The Steering Board:

- supervises the collection and use of dues;
- makes an overview of financial and material operations of the Union;
- reports on its work to the Secretariat, Main Board and Congress;
- takes care of the orderly record keeping and cataloguing of all Union property.

Members of the Steering Board are selected by branch trade unions, in the sense that every branch trade union that is a member of the Union provides one member to this body.

If a member of the Steering Board loses his/her status of branch union member, the relevant branch union shall appoint a new member within 30 days, who has to be verified by the Secretariat.

Article 49

Members of the Steering Board may not simultaneously be members of the Main Board or Secretariat.

The Steering Board adopts its Rules of Procedure and elects a president from within its ranks, during its first meeting.

The mandate for members of the Steering Board lasts five years.

Elected positions

The President of the Main Board

Article 50

The President of the Main Board is elected for a five-year term of office. He/she is to be chosen during the Main Board's constitutive session held no later than 60 days from the end of the last Congress.

The President of the Main Board can be recalled before the end of his/her mandate if at least 2/3 of the members of the Main Board declare themselves in favour of the recall.

The motion for a recall can be introduced by any member of the Union and the motion must be discussed at the first subsequent meeting of the Main Board.

The President of the Main Board is, according to his/her official obligations, a member of the Secretariat.

Article 51

The President of the Main Board:

- represents the Union;
- presides over the Congress and meetings of the Main Board;
- prepares and schedules meetings of the Main Board;
- looks after the consistent implementation of decisions made by the Main Board;
- prepares the report on the Main Board's work between two Congresses.

The President of the Main Board is responsible for scheduling meetings of the Main Board whenever the Secretariat or at least 1/3 of the members of the Main Board request it.

The Deputy Secretary General

Article 52

The Deputy Secretary General of the Union is elected by the Main Board for a mandate lasting five years, at the proposal of the Union's Secretary General.

The Deputy Secretary General of the Union can be recalled before the end of his/her mandate.

The motion for the recall can be introduced by the Union's Secretary General or a member trade union, and this motion must be discussed at the first subsequent meeting of the responsible body.

Article 53

The Deputy Secretary General:

- organizes and manages the Union's activities in areas that are delegated to him/her by the Secretary General;
- replaces the Secretary General of the Union in cases in which he/she is prevented from fulfilling his/her duties.

Elections and decision-making

Article 54

Elections in the Union are organized, as a rule, every five years on the basis of the Decision on calling and carrying-out Union elections and the Program of electoral activities, both of which are adopted by the Main Board.

Notwithstanding the paragraph 1 of this Article, representative branch unions, trade unions and trade union organizations may organize their own elections even earlier if that is in accordance with their own electoral cycles, with the responsibility of informing the Union about this within an adequate time-frame.

Article 55

The election of members to the Union entities at every level is carried out by secret-ballot.

Members that are involved in political party organs or that carry out executive-political functions in government entities may not be elected to the Union's own governing entities.

A member that is elected to a function in the Union is responsible for neutralizing his/her membership in a political organization or in government entities, if he/she is a member of these.

Mandate in the Union entities shall be terminated to the member who takes an active role in politics during his/her mandate in the Union.

The mandate for members of the Union's entities lasts for five years.

Notwithstanding the paragraph 5 of this Article, Secretary General of the Union may be elected to the same function for two-mandates at most.

Article 56

Meetings of the Union's governing entities can proceed with full authority if the meeting is attended by the majority of that body's members.

Decisions made by the Union's body are considered valid if a majority of those members present vote in favor of a motion, unless otherwise indicated in this Constitution.

Article 57

When an elected position is being decided with several candidates running, the winning candidate is the one that receives the majority of votes cast by the members present at the session of the relevant body.

In the case that in the first round of voting no candidate receives the necessary majority, a second round of voting is organized in which only the two candidates with the most votes in the previous round can enter. The winner of the second round is the candidate who receives the greatest number of votes cast by the present members of the relevant body.

Information and Education

Article 58

For the purposes of informing and educating the trade union membership, the Union establishes Centre for Information, Education and Trade Union Researches.

The Centre for Information, Education and Trade Union Researches is responsible for the information sharing, education of the trade union cadre and members, structural-analytical projects, research, organization of thematic conference, and publishing.

The organization of work and competencies of the Centre is established by the Secretariat through a separate act.

Interest-based organizations

Article 59

With the objective of promoting and expanding trade union activities, the Union organizes a Women Section and a Youth Section.

The Sections are governed by a coordinator elected by the assembly of that section.

The scope and manner of work of the sections are determined by Rules of Procedure and program documents adopted by the assembly of that relevant section.

Dues and finances

Article 60

The Union is financed by:

- union dues;
- projects;
- revenues from property;
- donor contributions and grants;
- the Union's commercial activities;
- other sources.

Article 61

In the case of an unforeseen loss of the necessary funds for the operation of the Union or the need for a temporary increase in the funds, payment of an additional fee to the Union may be established. The decision on the amount and manner of payment of the additional fee is made by the Secretariat of the Union.

Article 62

The Main Board decides on the rate, distribution and method of payment for the Union's dues.

Property

Article 63

The property of the Union is indivisible.

Union members have the right to the Union's property in proportion to their contributions.

The Main Board makes decision on acquisition, alienation and allocation of property of the Union.

Funds

Article 64

The Union may establish:

- the fund for rehabilitation and prevention of workplace disability;
- the fund for solidarity;
- the fund for construction of solidarity-housing;
- other funds depending on the demonstrated need of the membership.

Decisions on the establishment and methods of financing such funds are passed by the Main Board.

Transitional and concluding provisions

Article 65

This Constitution enters into force on the day of its adoption on the II Regular Congress of the Union of Free Trade Unions of Montenegro.

Article 66

With the entry into force of this Constitution, the Constitution of the Union of Free Trade Unions of Montenegro adopted on 3 November 2008, No 2 is annulled.

Secretary General
Srdja Kekovic