

TRADE UNION OF MEDIA OF MONTENEGRO

Number: 139

Podgorica, 7 September 2018

S T A T U T E

Trade union of Media of Montenegro

September 2018

Delegates of the Third Assembly of the Trade Union of Media of Montenegro, held on 07 September 2018, adopted the following

STATUTE

of

the Trade Union of Media of Montenegro

I – GENERAL PROVISIONS

Article 1

Trade Union of Media of Montenegro (hereinafter: Trade Union) is an independent, autonomous, voluntary, interest-based and non-political organization of employees in the media of Montenegro.

Article 2

The Trade Union action shall be based on the protection and exercise of the economic and social interests and labor and professional rights of members, on the basis of this Statute and established program acts.

In the protection and exercise of interests of its members, the Trade Union shall act in the spirit of the Constitution, laws, international conventions and other documents signed by Montenegro.

Article 3

Trade Union shall join forces with trade unions of other branches in the Union of Free Trade Unions of Montenegro (hereinafter: UFTUM) for the purpose of more efficient exercise and protection of common and general interest of employees in the territory of Montenegro.

Trade Union shall join the international trade union associations and associations of journalists if this collaboration is to contribute to their further development and strengthening.

The decision on joining or disassociation with/from other trade union association shall be made by the Main Board.

Article 4

Trade Union shall operate on the principles of:

1. Democratic advocacy and representation of its members;
2. Openness to all employees under the same conditions established by this Statute;
3. Voluntariness of joining and withdrawal from the union;
4. Independence of employers and their associations, government, political parties, religious groups and other organizations;
5. Democratic elections and organs' responsibility;

6. The Public work;
7. Trade Union solidarity;
8. Respect of the fundamental human and trade union rights and freedoms.

Article 5

Name of trade union: **Trade Union of Media of Montenegro**

Abbreviation: **TUMM**

The Trade Union is a legal entity and has its own account, seal, sign (logo), flag and stamp.

The headquarters of the Trade Union is: ul. Njegoševa 7/2, Podgorica.

Article 6

The **sign (logo) of the Trade Union** is: a stylized TV set on the left side and the text: Trade Union of Media of Montenegro, printed in green, in the right corner.

The **flag** of the Trade Union is of a white color with the sign of the Trade Union in the middle and text "Trade Union of Media of Montenegro" along the bottom, which is printed in green.

The **seal** of the Trade Union is round in shape and in the centre there is a stylized sign (logo) of the Trade Union and the text "Trade Union of Media of Montenegro Podgorica" around it.

The **stamp** (reception stamp) of the Trade Union is square in shape, contains the sign of the Trade Union and the following text:

Number: _____

Podgorica: _____."

Facsimile with the signature of the President may be used by the President Deputy specially authorized for it.

Web site of the Trade Union is www.sindikatmedija.me.

II – OBJECTIVES AND TASKS OF THE TRADE UNION

Article 7

The main goals and tasks of the Trade Union are:

1. Protection and improvement of working rights of employees in the media;
2. Protection and improvement of the economic and social status of employees in the media;
3. Improving the conditions for payment of salaries and other types of earnings (fees);
4. Preparation, negotiation, conclusion and implementation of collective agreements in all areas and action levels;
5. Exercise and improvement of the pension insurance and other forms of security;

6. Provision of legal protection for the members and advocating for the members' interests in solving collective and individual labor disputes;
7. Participation in making decisions that significantly affect the working conditions and rights and obligations of media employees;
8. Union and professional education of members and their empowerment;
9. Providing various benefits to employees in the media;
10. Protection of professional rights, profession integrity and media workers' integrity;
11. Protecting the safety of media workers and advocacy for dealing with cases of attack on journalists;
12. Protection and strengthening the media freedom and freedom of speech;
13. Analysis, proposing and participation in the adoption and application of media laws and regulations;
14. Strengthening the impact on the adoption and enforcement of laws and other regulations in the media field;
15. The exercise of solidarity in interpersonal relations;
16. Cooperation with trade union organizations in Montenegro;
17. Cooperation with international trade union organizations and associations of journalists and media workers in other countries.

Article 8

In order to achieve the objectives and purposes of the union establishment, the Trade Union shall:

1. Represent members before the employer, employers' associations, state and other bodies and state institutions;
2. Represent members in the international trade union associations and federations of journalists and media workers;
3. Initiate and conduct negotiations with employers on conclusion of collective agreements;
4. Provide free legal counseling and represent them in disputes with the employer;
5. Organize all forms of trade union actions including strikes;
6. Decide on the manner of conducting trade union action;
7. Monitor cases of assault on journalists and media workers and systematically react in order to solve them;
8. Systemically monitor application and propose amendments to media laws and regulations.

Article 9

The Trade Union shall participate in collective bargaining with employers' organizations at branch level and shall support trade union organizations in negotiations with the employer at the level of the media, in accordance with the provisions of this Statute and decisions of the Assembly.

An advisory committee Within the Trade Union may be established to monitor the implementation of collective and individual labor relations, whose

composition, functioning and jurisdiction is determined by the decision on appointment.

Except for the abovementioned, the Trade Union shall carry out other activities of special interest to its members, in accordance with the provisions of this Statute and other acts of the Trade Union.

III – MEMBERSHIP

Article 10

Media workers may become members of the Trade Union in accordance with the provisions of this Statute and without discrimination on any grounds stemming from fundamental human rights.

Joining the Trade Union shall be voluntary. On occasion of joining, worker signs a statement of joining and thereby accepts the Statute, the objectives and all rights and obligations arising from it.

Worker employed in the media that has not established trade union organization, may become a member of the Trade Union as an individual member.

Individual members of the Trade Union may only be those workers in whose media house no trade union organization has been established.

The status of a member remains active in case of termination of employment by employer's decision, until the decision becomes final if the employee complained.

Employees who hold bargaining power on the employer's side or are in a position to influence the salaries of employees cannot be members of the Trade Union, or their membership in the Trade Union is suspended if they themselves declare so.

Article 11

Any person whose main profession is within a media field may be a member of the Trade Union:

- journalists employed in all types of media;
- freelance journalists who the largest part of their income acquire by performing the journalistic profession;
- media workers and associates who participate with journalists in the preparation media contents;
- other workers employed in companies whose activities is within the media field;
- cameramen, photo reporters, editors, producers, technical leadership, employees in the press, technical staff in print media, portals, radio and television, employees in administration and media marketing services.

Employees who have signed the labor contract with the Trade Union or agreement on project cooperation may also become members of the Trade Union.

In the Trade Union, students of journalism may also be active as associated members, if they observe its principles and rules.

MEMBERSHIP CARD

Article 12

The Trade Union membership is proved with the membership card.

Members who regularly pay their membership fee shall be entitled to the membership card.

On the front side of the membership card there is a stylized sign of the Trade Union and the text: **Trade Union of Media of Montenegro**, name and surname of the member and number of the membership card.

There shall be records kept on the issued membership cards.

In case of misuse, the Main Committee may make a decision requesting the membership card to be returned temporarily until a decision on the status of the member.

RIGHTS OF THE TRADE UNION MEMBER

Article 13

On the basis of the commitments provided in the Statute, a member shall exercise the rights arising from this Statute, but particularly:

- The right to elect and to be elected in the bodies of the Trade Union;
- The right to launch initiatives and proposals at all levels of the Trade Union;
- The right to be informed about the work of the Trade Union;
- The right to control the work of the bodies of the Trade Union in accordance with the provisions of this Statute and other acts;
- The right to trade union education;
- The right to interest-based representation in collective bargaining;
- The right to free of charge legal assistance in the exercise of labor rights and representation in the event of dispute before courts for the protection of labor rights;
- the right to use the benefits that the Trade Union provides;
- the right to use common trade union funds in accordance with the regulations of the Union of Free Trade Unions.

All statutory rights, a member of the Trade Union shall exercise if they regularly pay the membership fee. If the employee does not receive salary, they shall inform the Main Committee of the Trade Union about that, which may exempt them from payment the membership dues until the conditions are reestablished.

OBLIGATIONS OF THE TRADE UNION MEMBER

Article 14

On the basis of membership, a member assumes certain obligations, such as in particular:

1. To comply with the provisions of the Statute, other acts and decisions adopted in accordance with the Statute;
2. To actively participate in all activities of the Trade Union organized either within the Trade Union or in cooperation with other trade unions;
3. To defend interests of the Trade Union in solidarity with other members;
4. To regularly pay the membership fee;
5. To promote the Trade Union objectives with their activities and to take care not to harm its reputation.

TERMINATION OF MEMBERSHIP WITHIN TRADE UNION

Article 15

Membership within the Trade Union shall cease in the following cases:

- by voluntary withdrawal from the Trade Union, with the prior settlement of all membership obligations towards the Trade Union and the return of the membership card;
- by deletion from the register due to failure to pay membership fee for six months during the calendar year;
- by exclusion when a member acts contrary to this Statute and to decisions of the Trade Union;
- by exclusion from the Trade Union because of causing damage or harm to the reputation of the Trade Union;
- moving to work in non-media activities.

The decision on exclusion from membership is made by the Main Board of the Union in agreement with the trade union organization whose member is excluded.

Article 16

Member withdraws from membership voluntarily, without any coercion, through a written statement of withdrawal from the membership submitted to the President of the Trade Union or the president of the trade union organization to which they are a member, on which occasion they return a membership card.

The exclusion procedure is initiated and completed by a trade union in agreement with the Main Committee of the Trade Union, and if it is an individual member in question, the decision is passed by the Main Committee by a majority of votes.

A written decision with explanation of the reasons for exclusion shall be submitted to the excluded member.

An excluded member of the Trade Union shall have a right to appeal to the Statutory Board of the Trade Union within 15 days as of the date of delivery of the exclusion act.

A member of the Trade Union who has stepped out or is excluded from membership has the right to address a written request for re-admission to the Trade Union.

Decision on re-joining shall be made by the Main Committee in cooperation with the trade union organization, unless it is an individual member.

IV - BODIES OF THE TRADE UNION

Article 17

The bodies of trade union organizations are:

1. Assembly;
2. Main Committee;
3. President;
4. Steering Committee;
5. Statutory Committee.

ASSEMBLY

Article 18

The Assembly is the highest body of the Trade Union of Media of Montenegro.

The Assembly shall be held every four years as electoral assembly.

The decision on the date and place of the regular assembly shall be made by the Main Committee at least 30 days prior to the holding.

All members may attend the Assembly.

Delegates authorized by their trade union organizations or individual members (in the case of delegates representing that part of membership) shall have the right to decide in the Assembly.

The number and composition of the delegates shall be determined at the census determined by the proportionally paid membership fee between the two Assemblies.

Notwithstanding paragraph 6 of this Article, each trade union organization shall have at least one delegate in the Assembly, and the individual members of the Trade Union shall have the right to at least one delegate.

Regardless of the number of determined delegates of the Assembly, pursuant to paragraph 6, no trade union organization can have more than 49% of all delegates in the Assembly.

If a trade union organization, on the basis of the criteria referred to in paragraph 6 of this Article, has more than 49% of all delegates in the Assembly, the number of delegates of that trade union organization is determined to be 49% of all delegates.

The precise number of delegates is determined by the Main Committee.

When selecting a trade union delegate, gender equality shall be taken into account.

Article 19

The Assembly of the Trade Union may decide if more than half of the delegates are attending, in accordance with the provisions of this Statute.

Decisions at the Assembly are made by the majority of delegates.

The work of the Assembly shall be managed by the Working Presidency elected by the Assembly, in accordance with the Rules of Procedure of the Assembly.

Decisions in the Assembly shall be made by public announcement, unless it is a matter of election between several candidates when deciding by secret ballot.

The decisions made at the Assembly are signed by the President of the Trade Union.

If there is no quorum, the Assembly shall be convened again but not later than 30 days later, but decisions can be made even though more than half of the voting members or more than half of the members represented by delegates do not attend, as provided for in paragraph 1 of this Article.

THE ASSEMBLY'S RESPONSIBILITY

Article 20

The Assembly of the Trade Union shall:

1. Adopt the Statute and amendments to the Statute;
2. Adopt the Rules of Procedure;
3. Elect Working Presidency and other working bodies of the Assembly;
4. Decide on adoption of the Work Report of the Main Committee;
5. Decide on adoption of the report of the Steering Committee and decides on the dismissal of members of the Steering Committee;
6. Decide on adoption of the Work Report of the Statutory Committee and on the resolution of members of the Statutory Committee;
7. Draw and adopt conclusions of the Trade Union on important matters of interest for the Trade Union;
8. Discuss and adopt positions on working, material, social status and position of journalists and media workers;
9. Appoint and dismiss the President of the Trade Union;
10. Elect and dismisses members of the Main Committee, who are not automatically members of the Main Committee (presidents of trade union organizations), in accordance with this Statute;
11. Verify the mandate of the Main Committee members;
12. Elect and dismiss members of the Steering Committee and Statutory Committee;
13. Make decisions on other issues relevant to the work of the Trade Union.

THE EXTRAORDINARY ASSEMBLY OF THE TRADE UNION

Article 21

The Main Committee convenes the Extraordinary Assembly of the Trade Union at the request of at least 1/3 of the Main Committee members or when least 1/3 of members of the Trade Union require so from the Main Committee.

The initiative to convene the Extraordinary Assembly may be submitted by the Statutory Committee or Steering Committee upon which the Main Committee makes the final decision by 2/3 majority.

When submitting a request for the convening of an Extraordinary Assembly, the applicants must explain in writing the reasons for its convocation and propose the agenda, after which the conditions for the Main Committee to reach a decision on convening shall be met.

The Main Committee has to decide upon the initiative for convening the Extraordinary Assembly within 30 days of the submission thereof, provided that all the requirements for its convocation defined by Statute are met.

The Extraordinary Assembly of the Trade Union will be held within a maximum of 60 days from the date of the decision on its convening.

THE MAIN COMMITTEE OF THE TRADE UNION

Article 22

The Main Committee is the highest body of the Trade Union between two Assemblies and consists of Trade Union president, presidents, that is, elected representatives of all individual trade union organizations, and one member elected among individual members.

All trade union organizations shall have the right to candidate a member in the Main Committee, whose appointment is the Assembly only confirms.

There may not be more than 2 members from the same media house in the Main Committee. When the President of the Trade Union is from one media house, then he is at their quota.

If between the two Assemblies a new trade union organization is incorporated in the Trade Union, its members shall acquire the right to nominate representatives in the Main Committee until the expiration of the current term of office.

The President of the Trade Union is the President of the Main Committee.

The mandate at the Assembly of elected members of the Main Committee shall last for four years, and can be re-elected to the same office.

RIGHTS AND RESPONSIBILITIES OF THE MAIN COMMITTEE OF THE TRADE UNION

Article 23

The Main Committee shall:

1. Manage the work of the Trade Union between the two Assemblies;

2. Set and adopt the principles of collective bargaining;
3. Monitor the exercise and require consistent observance and exercise of collective agreements;
4. Organize the work of the Trade Union, guide and coordinate the work of trade union organizations, decide on the membership of new trade union organizations, decide on the exclusion of trade union organizations which do not meet the requirements prescribed by the Statute of the Trade Union;
5. Prepare and adopt the financial report and annual accounts;
6. Ensure informing of trade union members;
7. Decide on the application of the various forms of trade union fight;
8. Define proposal of the Statute of the Trade Union and its amendments;
9. Prepare the documents and decisions to be proposed to the Assembly;
10. Decide on the appeals in cases specified by this Statute, and on proposals submitted by members and bodies of the Trade Union;
11. Perform other tasks within its competence, prescribed by this Statute or other decisions and documents of the Trade Union bodies;
12. Decide on engagement of experts to help members, union organizations, and Trade Union bodies, which shall be regulated by special agreements;
13. Adopt the Rules of Procedure of the Main Committee;

For its work, the Main Committee answers to the Assembly and members of the Trade Union.

President of the Main Committee shall convene and manage the sessions of the Main Committee.

The session shall be convened at the request of at least 1/3 of the members of the Main Committee.

The sessions may be convened as reporting ones on which occasion members of the Main Committee discuss effects of work, if requested by at least 1/3 of the Main Committee members.

The Main Committee may make decisions through electronic sessions during which members of the Main Committee express their positions by email. Members of the Main Committee shall adopt minutes from the electronic session at the first next session of the Main Committee.

Article 24

The Main Committee may exclude a member who is inactive, who does not fulfill the obligations undertaken or does not respond to calls for attendance at sessions.

This measure shall be undertaken after two written warnings to that member and the trade union organization that delegated them (if they became a member of the Main Committee).

The purpose of this measure is to prevent non-functioning of the Main Committee due to the passivity of its members.

The trade union organization whose member is excluded from the Main Committee shall have the right to appoint a new one.

THE PRESIDENT OF THE TRADE UNION

Article 25

The President of the Trade Union shall be an authorized person who presents and represents the Trade Union and is responsible for overall operation and the financial operation of the Trade Union.

The President of the Trade Union shall cooperate in good faith with other trade unions and social partners as well as professional associations at the national and international level.

The President of the Trade Union is a member of the Main Committee by function.

The President of the Trade Union shall implement decisions of the Assembly, Main Committee and coordinate the work of the Trade Union bodies.

The President of the Trade Union shall sign the acts of the Assembly, contracts and agreements.

The President of the Trade Union shall work on the implementation of objectives and tasks of the Trade Union.

The President of the Trade Union shall be authorized to, act and react independently, verbally or in written form, on behalf of the Trade Union, to the violation of working, economic and statutory rights of journalists and other media workers, as well as to other illegal and illicit practices that members may be exposed to.

The President shall comply with the positions of the Main Committee of the Trade Union and shall regularly inform the Main Committee on the activities undertaken on behalf of the Trade Union.

The President of the Trade Union shall perform other duties assigned to him/her by the Assembly and the Main Committee.

Article 26

President of the Trade Union shall be elected by the Assembly.

Mandate of the President shall be four years with the possibility of re-election but two consecutive times at most.

Under the term of office of the President, the period in which he/she held that office for a time shorter than half the term shall not be included.

The President of the Trade Union shall perform his/her function as a volunteer and, if necessary, he/she may professionally perform the function based on the decision of the Main Committee, depending on financial situation of the Trade Union.

During the time of the President's incapacity to perform his/her function, he/she Union shall be substituted by vice-presidents.

Recall procedure of the President of the Trade Union is conducted in a same manner as election procedure.

PRESIDENT OF THE TRADE UNION ORGANIZATION

Article 27

At the first, constitutive session of the Main Committee of the Trade Union after the Assembly has been held, upon the proposal of the President, the Main Committee shall appoint three Vice-Presidents of the Trade Union, as follows:

- vice-president from the trade union organization of the Radio and Television of Montenegro;
- vice-presidents from trade unions of local public broadcasters, and
- vice-presidents from trade unions of private media.

The Vice President shall substitute the President in cases when he/she is unable to perform tasks within his/her competence, according to his/her authority.

The Vice President also carries out other tasks delegated to him/her by the President and the Main Committee.

THE STEERING COMMITTEE OF THE TRADE UNION

Article 28

The Steering Committee shall consist of 3 members, who are elected by at the Assembly and cannot be members of either Main or Statutory Committee.

If the number of Steering Committee members reduces in a period between the two Assemblies, new member is appointed at the vacant position by the decision of the Main Committee.

The Steering Committee of the Trade Union shall meet when necessary but at least every six months.

Elected members shall hold a constitutive session during the same Assembly at which they are elected, if they are all present. Otherwise, the constitutive session of the Steering Committee is convened by the President of the Trade Union no later than 30 days after the Assembly.

Mandate of the Steering Committee members shall last for four years and they may be re-elected after the expiration of the mandate.

The Steering Committee shall answer for its work to the Assembly of the Trade Union.

Article 29

The Steering Committee of the Trade Union shall:

1. supervise the established financial policy of the Trade Union;
2. supervise the overall material and financial operations of the Trade Union;
3. submit a report on its work during its mandate to the Assembly of the Trade Union.

STATUTORY COMMITTEE OF THE TRADE UNION

Article 30

The Statutory Committee shall be composed of 3 members elected at the Assembly who cannot be members of either Main or Steering Committee.

If between two Assemblies the number of the Statutory Committee members reduces, a new member shall be appointed by a decision of the Main Committee to the vacant position.

The Statutory Committee of the Trade Union shall meet when necessary, but at least every six months.

The elected members shall hold a constitutive session in the same Assembly at which they are elected, if everyone is present. Otherwise, the constituent session of the Statutory Board shall be convened by the President of the Trade Union no later than 30 days after the Assembly.

The term of office of the Statutory Committee members shall be four years, and the members of the Statutory Committee may be re-elected after the expiration of the mandate.

For its work, the Statutory Committee shall answer to the Assembly of the Trade Union.

Article 31

The Statutory Committee of the Trade Union shall have the following responsibilities and tasks:

1. Interpret provisions of the Statute;
2. Deliver opinion on draft amendments to the Statute and forward them to the Main Committee and Assembly.

Article 32

Elections in the Trade Union shall be conducted as a rule every four years.

The decision to call the elections shall be made by the Main Committee of the Trade Union.

Elections for the bodies of the Trade Union shall be conducted, as a rule, by secret ballot among several candidates.

Candidates for the President of the Trade Union and body members may be proposed by trade union organizations, individual members, and personal candidates may also be submitted.

Candidacies shall be submitted to the Main Committee of the Trade Union within the deadlines set after the date of the Assembly.

ELECTION OF THE TRADE UNION PRESIDENT

Article 33

The President of the Trade Union is, as a rule, elected by the Assembly, by secret ballot.

If order to be elected, a candidate needs to be supported by majority of present delegates.

If none of the proposed candidate has received the required majority in the first round, two candidates who received the highest number of votes in the first round will enter the second round, and candidate who then receives voting majority of the members present and delegates at the Assembly is elected.

If both candidates receive an equal number of votes in the second round of elections, a new Assembly will be organized within a period not longer than 30 days.

ELECTION OF MEMBERS OF THE MAIN, STEERING AND STATUTORY COMMITTEE

Article 34

Members of the Main Committee from trade union organizations do not get elected, but the Assembly only verifies their election after they had been elected by their organizations.

If the number of proposed candidates for a position is the same as the number of candidates that should be elected, each candidate needs to have a voting majority of the present delegates at the Assembly in order to be elected.

If several candidates have been proposed for a position, those candidates who received the highest number of votes are elected.

If two or more candidates receive an equal number of votes for the position, and it cannot be determined who is elected, the election between these candidates shall be repeated and the candidate who receives the highest number of votes shall be elected.

Elections shall be conducted by secret ballot.

Article 35

Work of the Trade Union is public.

Mutual disputes among trade union members must not be made public by means of press releases and media if this would result in damage to the reputation of the Trade Union.

Mutual disputes are discussed at the sessions of the Main Committee.

The contrary actions from those referred to in paragraph 2 of this Article may result in the exclusion procedure.

VIII – PROFESSIONAL AND ADMINISTRATIVE TASKS IN THE TRADE UNION

Article 36

The Trade Union may establish Secretariat of the Trade Union of Media of Montenegro which would carry out professional and administrative activities

for the needs of the Trade Union, keep data and decisions of the bodies of the Trade Union.

The decision on the establishment of Secretariat shall be made by the Main Committee.

Office of the Union of Free Trade Unions of Montenegro shall perform administrative tasks and provide free legal assistance if the Secretariat of the Trade Union of Media of Montenegro is not established.

The main source of revenue and financing of the Trade Union activities is membership fee.

Article 37

The trade union can establish the Service of the Trade Union of the Media of Montenegro where professional and administrative work for the needs of the Trade Union would be carried out, the data would be kept as well as the decisions of the Trade Union bodies.

The decision on the establishment of the Service shall be made by the Main Committee.

If there is no professional service of the Trade Union of the Media, the administrative work and free legal aid services shall be provided by the Office of the Union of Free Trade Unions of Montenegro.

Article 38

The main source of revenue and financing of the Trade Union activity is membership fees.

By joining the Trade Union, the member assumes the obligation of regular payment of the membership fee.

The membership fee is determined by the Main Committee of the Trade Union.

The membership fee for individual members of the Trade Union is 2 Euros per month.

The union can also be financed from other sources: donations, projects, etc.

TRANSITIONAL AND FINAL PROVISIONS

Article 39

This Statute shall enter into force on the day of its adoption.

By the entry into force of this Statute, the Statute of the Trade Union of the Media of Montenegro no. 91 of 08/09/2014 shall cease to be valid.

Article 40

Amendments to this Statute shall be exercised, as a rule, by the same procedure as the procedure of adoption.

Notwithstanding paragraph 1 of this Article, the Main Committee may, if necessary, make minor amendments to the Statute between two Assemblies, and report to the Statutory Committee thereof and request its opinion.

Podgorica, September 7, 2018
President: