



International Labour Organization
Decent Work Country Programme

**FINAL REVIEW OF THE DECENT WORK COUNTRY PROGRAMMES (DWCP)
FOR SERBIA (2013-2017) AND MONTENEGRO (2015-2017)**

FINAL REPORT

AUGUST 2017

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ACRONYMS AND ABBREVIATIONS

ALDS	Alternative Labour Dispute Settlement
CEACR	Committee of Experts on the Application of Conventions and Recommendations
DWCP	Decent Work Country Program
DWT/CO	Decent Work Technical Support Team/Country Office
EESE	Enabling Environment for Sustainable Enterprises
EO	Employer Organizations
ESC	Economic Social Council
EU	European Union
ILO	International Labour Organization
ILS	International Labour Standards
MEF	Montenegrin Employers Federation
N/A	Non Applicable
NES	National Employment Services
RBSA	Regular Budget Supplementary Account
SAE	Serbian Association of Employers
SC	Social Council
SME	Small and medium enterprises
SSO	State Statistical Office
TOR	Terms of Reference
TU	Trade Unions

I. EXECUTIVE SUMMARY

1. Program Background

The DWCP programs for both Serbia (2013-2017) and Montenegro (2015-2017) were developed through an extensive tripartite consultative process including ILO and national constituents. For Serbia this was the second DWCP, while Montenegro implemented its first DWCP. The DWCP for Serbia was signed in June 2013, and the Montenegrin DWCP was signed in April 2015. Both DWCPs envision three priorities presented in Table 1 below.

Table 1: DWCP priorities in Serbia and Montenegro	
Serbia Priorities	Montenegro Priorities
Priority 1: Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market	Priority 1: Enhancing Social Dialogue
Priority 2: Increasing employment opportunities	Priority 2: Promoting employment and an enabling environment for sustainable enterprises
Priority 3: Strengthening social protection systems	Priority 3: Formalizing the informal economy

For each priority, number of outcomes were developed (nine for all three priorities in Serbia and eight for the three Montenegrin priorities), and their achievement was measured through specified number of outcome indicators (25 for Serbia and 23 for Montenegro).

Overall goal of both DWCPs is to promote decent work, addressing specific needs and issues in each country.

2. Review Background

This review examines all priorities included in the DWCPs of both Serbia and Montenegro. Primary aim of the review is to learn from the implementation of the current DWCPs and to improve the development of the next DWCPs. The outcomes included in the DWCPs were explored through an extensive desk research and in-depth interviews with national constituents' representatives, as well as ILO staff in the Budapest office and in both countries.

The review provides summary of results and achievements per each of the outcomes, analysis of the effectiveness under each outcome and areas for improvement, lessons learned and success stories, but also recommendations for the next steps on priorities, strategies, activities, and design and implementation process. The review covers all undertaken activities for the period of implementation of DWCPs (from 2013 for Serbia and from 2015 for Montenegro) until mid-2017. The focus of the review is on the progress made for each of the priorities resulting from ILO contributions.

Specialists and management of the ILO DWT/CO Budapest, ILO country staff, including development cooperation projects, ILO Regional Office for EUROPE, technical departments at the Headquarters, UN agencies, donors, tripartite constituents, including the members of the National Tripartite Boards, and national implementing partners in Serbia and Montenegro are main clients of this review.

3. Review Methodology

Methodology is based on extensive desk review of all produced documents as part of the DWCPs in Serbia and Montenegro, interviews with representatives of the national constituents, ILO DWT/CO Budapest staff, ILO National Coordinator in Serbia and ILO Project Coordinators in Montenegro, as well as interviews with representatives of other national and international organizations relevant for the work of ILO in Serbia and Montenegro. When measuring the achievements according to defined outcome indicators, three-level scale is utilized: achieved, partially achieved and not achieved. Presentation of preliminary findings were conducted both in Serbia and in Montenegro for the representatives of the national constituents and ILO representatives at the beginning of July 2017.

There are two limitations for this review to be considered: the short period for preparation resulted in limited number of interviewed stakeholders and lack of reports on some of the implemented activities, which fragmented the information about deliverables.

4. Summary of Findings

The findings in this review are structured according to each of the outcomes defined for the three priorities for both countries. In total there are 17 outcomes that have been analysed (9 for Serbia and 8 for Montenegro). Due to extensive explanations about the findings for both countries in the review report, in the executive summary the findings are presented under priorities for each country, with added section on common findings for Serbia and Montenegro.

Common findings for Serbia and Montenegro

The national constituents in both countries are faced with frequent changes in the Governments, which contribute to delays and gaps in the implementation of the interventions envisioned with the DWCPs. It is challenging for the national constituents to have continuous coordination on the planned interventions, or even more to be faced with changed priorities of the Government. Both, the Economic Social Council in Serbia and the Social Council in Montenegro have been on standby for certain periods, while the Government appoints new members.

The process of the preparation and adoption of the Labour Code in both countries was guided by the requirements of the EU and implementation of the EU directives, since they are candidate countries that have started the negotiation process for membership (Montenegro is at advanced stage in the negotiation process, while Serbia is still at the very beginning). The process have been significantly influenced in both countries by the changes in the Governments and changes in the working groups' membership.

The ratification of ILO Conventions is another commonality in both countries. While Montenegro progressed rapidly in the ratification of Conventions with five Conventions ratified and two prepared for ratification, in Serbia this process is rather slow, although the ILO assistance provided to national constituents is larger compared to Montenegro. Only two ILO Conventions have been ratified during the implementation of the current DWCP.

The capacity-building activities provided to national constituents, especially EOs and TUs in both countries resulted with improved institutional settings and better provision of services to their members, especially for the employers' organizations. The EOs have strengthened their capacities to prepare and present position papers on various issues relevant for their constituents, which contributes to their improved status as serious partner in the social dialogue.

In both countries, the capacities of the Labour Inspectorate were envisioned to be strengthened, but that has not been achieved. In Serbia this issue was addressed by the Government through another program, while in Montenegro it is expected that it will be addressed through another ILO project.

Another common finding for both countries is the role of the Overview Board. Both in Serbia and in Montenegro the Overview Board missed the opportunity to contribute for more successful implementation with suggesting modifications and changes in the DWCP interventions where needed.

Summary of findings for Serbia

The findings about the three outcomes under the first priority 'Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market' are demonstrating different level of achievements. All outcomes and interventions are relevant for the Serbian context, although in the case of the Agency for Peaceful Settlement of Labour Disputes other issue (recognition of the mechanism for peaceful settlement of labour disputes among constituents) has higher relevance and importance. In majority, the outputs were delivered and national constituents appreciated the opportunity to utilize the deliverables in their work. The major issue that has not been addressed is the issue of the representativity of the social partners, which seriously influence their position in the social dialogue.

The findings about the second priority 'Increasing employment opportunities' demonstrate low level of achievements, especially the first two outcomes that address the employment policy on local level and youth employability. Although for Serbian context the outcomes and interventions are relevant taking into consideration the unemployment rate and high youth unemployment rate, the findings showed that these issues are not high of the agenda of national constituents. Only the third outcome is fully achieved with strong ILO support.

'Strengthening social protection systems' is the third priority where mixed achievement on the outcomes is noticed. While in the first two outcomes related to the strengthening the social security systems and improved working, health and safety conditions findings showed certain improvements, especially regarding the documentation of work accidents and occupational diseases, the interventions envisioned under the third outcome were not implemented at all. The issue is highly relevant, which is confirmed with the Government addressing it through another project, but it was missed opportunity to utilize constituents and ILO expertise.

Summary of findings for Montenegro

All outcomes and interventions being implemented under the reviewed DWCP are relevant for the national constituents and the Montenegrin context and the findings under each of the three priorities demonstrated the following:

The findings about the enhancement of the social dialogue as first priority demonstrated significant increase of the social partners' institutional capacities to make them strong and stable participants in the social dialogue. Social partners enhanced their capacities to analyse issues of their concern and present their arguments in the tripartite negotiations. Also, the participation in the ratification process of ILO Conventions assisted them to be actively involved in the implementation of the international labour standards in the country. The Agency for Peaceful Settlement of Labour Disputes has increased its capacities for handling labour disputes and manage to request all collective labour disputes to be submitted to the Agency, before they are taken to courts.

The second priority findings, which are related to 'Promoting employment and enabling environment for sustainable enterprises' has been fully accomplished through the achievements of the outcomes. The youth employment policy has been addressed with the implementation of a survey and developed white paper and inclusion of the youth employability as high priority in the UN agenda in Montenegro. In the implementation of the interventions ILO tools were used and adapted to national context, in particular with the implementation of the project Enabling Environment for Green Jobs and Enterprises.

The findings for the third priority 'Formalizing the informal economy' revealed partial achievements. The second outcome related to increased awareness and knowledge to promote and facilitate gender responsive transition to formality was fully achieved, regardless of the position paper that was developed, but not submitted to the Social Council for validation. Currently, ILO and the national constituents implement project that promote transition from informal to formal economy. Also, the UNDAF program in which development ILO had active participation clearly states the formalization of the informal economy as one of the priorities for the upcoming period in Montenegro. The first outcome that was intending to strengthen the capacities of the Labour Inspectorate was somehow left aside and no achievements have been recorded to date.

5. Conclusions and Recommendations

General conclusions and recommendations for the implementation of the DWCPs in Serbia and Montenegro are provided below, while they are more extensively presented in the body of the report. Specific conclusions and recommendations for each of the outcomes are provided in the section for main findings in the report. List of all recommendations, including the general one is available in Annex 1.

Conclusions recommendations for Serbia

Conclusions

The national tripartite constituents agreed that priorities included in the DWCP were and are still relevant for Serbia. The priorities are defined broadly, which gives an opportunity for modifications and changes of the intervention, such as implementing unforeseen activities after the floods in Serbia and the project on combating child labour.

Different level of attention is noticeable in each of the priorities resulting in achieving mixed results in each of the priorities. Out of the 25 developed outcome indicators, 11 are achieved, 6 are partially achieved and 8 are not achieved. The current role of the Overview Board is not evident in guiding the national constituents toward the achievements. Also, it should be noted that the 'outcome indicators' capture different levels of measurement, sometimes at output level and sometimes at outcome level, which significantly influence the measurement.

The level of ownership for the DWCP priorities demonstrated by the national constituents is inadequate. The DWCP is seen by the majority of constituents as ILO document, thus expecting initiative only from ILO side, although it should be the other way around. There is a lack of proactive role by the constituents to propose the agenda for the DWCP implementation. ILO could not and is not the party that guides the implementation of the DWCP. The ILO supports, provides advice and facilitates the process of the implementation based on the needs of the national constituents.

The limited resources (both human and financial) of the national constituents contributed to less interventions being implemented and lower achievements accomplished. The Government showed low level of commitment to make available sources from the national budget, but also from other sources. The most limited achievements are seen in the interventions that are targeting Government institutions, which suggest of lack of coordination among these institutions and the Ministry.

There is a lack of advocacy activities undertaken by the social partners toward the Government to direct available resources for the implementation of the DWCP activities instead using different mechanisms and forms for implementation as is the case with the capacity strengthening of the Labour Inspectorate or the youth employability implemented through Government Unit SIPRU.

The interventions on local level are among the less successful, although all national constituents have support structure in the field. Their focus currently is addressing the issues on national level.

The Overview Board established to monitor the implementation of the DWCP have not demonstrated initiative to propose modifications or changes in the interventions that have not been implemented.

Recommendations

- National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Serbia. The result of the process should unequivocally demonstrate that priorities are equally important for each of the tripartite constituents and are on their agenda
- In the planning process for the next DWCP, national constituents should prioritize based on what has real potential to be implemented instead on what they would like to be implemented. The identified activities and expected outcomes should be aligned with the available capacities

of the constituents. ILO should facilitate the process and to provide support on defining interventions that are more concrete and thus more prone to be implemented

- In complex program documents as it is the DWCP, it would be more than useful to have mix of indicators (output and outcome indicators) to better capture the achievements of results. Having baselines included wherever they are present or could be obtained, would add to better capturing the accomplishments.
- ILO should support the strengthening of the constituents' capacities to secure that each constituent will show proactive engagement in initiating the implementation of the activities and in the actual implementation. One of the recommendations from the social partners was to strengthen their capacities to approach and prepare applications for funds about activities that will be envisioned in the next DWCP. Also, ILO need to encourage the Ministry of Labour to include in the DWCP planning process representatives of the institutions that will be subject to specific interventions such as Agency for Peaceful Settlement of Labour Dispute and/or Labour Inspectorate. That way their awareness and commitment in the implementation phase will be increased.
- ILO should guide the national constituents to take into consideration already developed documents, strategies, reports, research papers that address and/or studied issues relevant for selected priorities
- National constituents should commit resources (time, people) and continuity in the planning process, as well as potential or available financial resources for the implementation of the DWCP. ILO and social partners should open a discussion with the Government about available financial resources for the activities that will be included in the DWCP and to seek for commitment that the resources will be directed whenever there is a possibility for the implementation of the DWCP. In addition, synergies should be created with ongoing programs and initiatives implemented by various international donors in the country, as there is demonstrated interest on their side to support the implementation of potential activities.
- The issue of addressing the work on regional and local level and the potential for establishing local ESCs should be correlated with the issue of representativity of the social partners, meaning the local ESCs need to follow after the issue of representativity is solved.
- The role of the Overview Board as mechanism to monitor the implementation of the DWCP should be strengthened. It should be made clear what the responsibilities of the Board are, and that a mandate is given to the Board to propose modification and changes in the activities and monitor if they have been accepted and implemented.

Conclusions and recommendations for Montenegro

Conclusions

This DWCP is the first country document that has been developed and implemented in collaboration among the national constituents and ILO and it is visible that national constituents were ambitious to implement as much as they can, but also to present that everything was implemented. The tripartite national constituents agree that the priorities identified for the DWCP were and still are relevant and could be discussed whether they will be kept without changes in the consultation process for the next DWCP. The definition of priorities is broad enough to give freedom to the national constituents to include outcomes and concrete activities that are inclusive

and flexible for implementation. Almost equal level of attention has been put on each of the priorities in terms of achieving the outcomes.

Out of 23 outcome indicators, 17 were achieved, 3 were not achieved, and three were partially achieved. If the level of achievement of the indicators is to be measured, 74% of them have been achieved. It is very important to be noted that the definition of targets for each of the indicators, significantly increased the potential for achievement. Majority of the indicators are actually defined as description of results, while through the targets, the definition of the indicators could be identified, mostly on output level.

The level of ownership for the DWCP priorities demonstrated by the social partners is limited, since DWCP is considered as ILO document, with exception of the positive example of MEF to implement activities that are not envisioned in the DWCP. It is ILO intention that this document is owned by the national constituents and that they undertake responsibility for the implementation, while ILO is there to provide support and facilitation to the constituents to ensure successful implementation of the envisioned interventions. The absence of ILO National Coordinator might also contributed to this perception.

The commitment of the national constituents to contribute in the implementation of DWCP in terms of resources and finances is also limited. On one side, social partners have limited financial resources, but also limited capacities to obtain financial resources from other donors. On the other side, for a long period national constituents perceived ILO as donor agency and expected that financial resources for the implementation of the DWCP interventions will be covered by ILO.

The Overview Board as a mechanism to monitor the implementation of the DWCP and its role to suggest modifications and/or changes is not aware that as a Board they might question the logic of the defined indicators, the reasons for not implemented activities and suggest modification and changes. In the absence of ILO National Coordinator, the Overview Board covers some of the responsibilities of the Coordinator.

Recommendations:

- National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Montenegro. Of course, the focus should continue to be on the decent work and in the area where ILO expertise is. Ensure that all issues relevant for the EU negotiation process that needs to be addressed in the upcoming period will be taken into consideration.
- ILO should review the process of developing the indicators for the DWCP aiming to have indicators in place that will capture not only the outputs
- ILO as facilitator of the process, should ensure that in the next planning process for the DWCP, all current and potential programs/projects and their donors/implementers are identified in order synergies to be created and potential support to be accessed for the implementation of the DWCP activities, not only by ILO, but also by the national constituents.
- ILO should ensure that priorities are equally important for the national stakeholders to achieve balance in the implementation of the interventions and equal treatment of each priority

- National constituents should take into consideration already developed documents, strategies, reports, research papers that address and/or study issues and topics relevant for the selected priorities. Establishing a baseline for the actions whenever possible gives an opportunity to demonstrate clear improvement that wants to be achieved.
- ILO and national constituents should open discussion about available and potential financial resources for the implementation of the interventions given that ILO has very limited resources for activities in the field. The Government should use every opportunity to support the implementation of the DWCP from the budget or international aid available supporting activities that will be envisioned in the DWCP. Also, social partners can contribute in the next planning process, by identifying potential finance sources that might be approached by the social partners and be utilized for the implementation of the interventions that will be planned, but also to explore their in-kind contribution in the implementation of the interventions.
- ILO should consider to introduce National Coordinator position to support the social dialogue, implementation of the activities in the field and coordination among national constituents.
- ILO should undertake steps toward the improvement of reporting and data collection from the intervention to support the institutional memory, to record the successes and challenges and use them as reference in various planning processes.

6. Lessons Learned

Detailed description of the lessons learned are provided in the respective sections of the review report for both Serbia and Montenegro. In this summary, list of the lessons learned is provided.

Lessons learned for Serbia

- The role of the Overview Board should be defined and understood by the national constituents to maximize its contribution to the achieved results of the DWCP interventions
- Improved definition of the developed indicators and use of different level (output and outcome) indicators will increase the measurability of the DWCP achievements
- Early involvement of ILO and its expertise in the interventions will increase the possibilities for more inclusive process and commitment from the national constituents

Lessons learned for Montenegro

- Planning in advance how to overcome situations when there are changes in the Government would significantly increase the possibilities for regular implementation of the interventions
- Targets should be developed very carefully to avoid simplification and lowering of expectations of national constituents
- ILO National Coordinator position would greatly contribute in regular coordination among the national constituents and between them and ILO office in Budapest

II. INTRODUCTION

1. Decent Work Country Program Background

Decent Work Country Programs (DWCP) are the operational framework for the activities of the International Labour Organization (ILO) in the countries where ILO operates. DWCP is a programming tool that aims to deliver on a limited number of priorities in a specific time period to maximize the impact of the work done by ILO. These priorities are further detailed in an implementation plan, complemented with monitoring and evaluation guidelines.

DWCP has two objectives. First, to promote the decent work as a key component of national development strategies. Second, to organise ILO knowledge, instruments, advocacy and cooperation at the service of tripartite constituents. Tripartite collaboration and social dialogue are central to the planning and implementation of DWCP as assistance provided by ILO to the member countries.

This report reviews two DWCPs – one for Serbia and one for Montenegro. Before the specific country reports, overall overview of the review process will be described.

2. Review Background

The main purpose of the DWCP review is improvement and learning. More specifically, the review will assist in getting feedback for improving programme delivery, taking stock of the results to date and proposing adjustments in the approach and strategy if necessary. It is also to ensure internal and external accountability.

The review provides:

- a summary of results and achievements per each of the outcomes
- an analysis of relative effectiveness under each outcome and areas for improvement
- good practice examples or success stories
- overall lessons learned
- feedback for the next steps, including possible recommendations on a) priorities; b) strategies; c) activities; d) design and implementation process, as relevant and appropriate.

The review results will feed into the decision-making by the ILO and the constituents regarding further DWCPs implementation and planning.

The review was carried out with participation of the ILO tripartite constituents and includes review of the joint performance in delivering planned outputs and supporting the achievement of outcomes. Both reviews (for Serbia and Montenegro) include all activities carried out under the Serbia DWCP from 2013 through mid-2017 and under Montenegro DWCP from 2015 until mid-2017.

The focus of the review is on the progress made on tangible outcomes directly resulting from ILO contributions. Key criteria for the review are: 1) relevance of the interventions; 2) delivery of outputs; 3) use of outputs by partners; 4) progress made towards outcomes and sustainability of achievements; and 5) emerging opportunities or alternative ways of achieving results.

The main clients of the review are the specialists and management of the ILO DWT/CO Budapest, ILO country staff, including development cooperation projects, ILO Regional Office for EUROPE, technical departments at the Headquarters, UN agencies, donors, tripartite constituents, including the members of the National Tripartite Boards, and national implementing partners in Serbia and Montenegro.

3. Review Methodology

The review is conducted by an external reviewer. The methodology included extensive desk review of relevant documentation. The process also included interviews between the consultant and the government, workers' and employers' organizations, ILO DWT/CO Budapest staff, ILO National Coordinator in Serbia and ILO Project Coordinators in Montenegro. In addition meetings were held with representatives of other UN agencies in Serbia and Montenegro, representatives of EU Delegation and US Embassy in Serbia, as well as representatives of other organizations relevant for the ILO work in Serbia. A list of all persons that were included in the review is provided as annex to this report.

The basic questions as a guideline for conducting the interviews were part of the TOR. Preliminary main findings were presented at a stakeholder meetings in Serbia in Montenegro on July 5 and July 7 respectively. In summary, the following tasks were performed:

- Review of program documents, including result matrix was conducted
- Documents, research papers, analyses and other relevant information prepared during the implementation of the programmes were reviewed
- Eleven (11) meetings/interviews in Serbia and seven (7) meetings/interviews in Montenegro with representatives from the government, trade unions and employers' organizations and other relevant stakeholders
- Presentation of preliminary main findings at the meetings in Belgrade and Podgorica
- Draft report prepared
- Final review report prepared

The level of achievement according to outcome indicators will be define with the following rating: achieved, partially achieved and not achieved.

There are limitations to this review that need to be taken into account. The short period for the preparation of the review resulted in limited number of representatives from the constituents to be included. In addition, the lack of progress reports on many activities envisioned in the DWCPs resulted in fragmented information about deliveries.

III. DECENT WORK COUNTRY PROGRAMME SERBIA

4. Decent Work Country Program – Serbia (2013-2017)

DWCP in Serbia for the period 2013-2017 represents the main instrument of ILO to support the national constituents in achieving the national objectives in the area of social dialogue and decent work. This is the second DWCP for Serbia, developed jointly by the ILO DWT/CO Budapest and national constituents. The DWCP was signed in June 2013. The main resources for the implementation of the DWCP are from ILO Regular Budget, RBTC funding, development cooperation projects, cost-sharing by the national partners and ILO Regular Budget Supplementary Account (RBSA).

DWCP in Serbia consists of three country priorities to guide the interventions in the country and the support to be received from ILO. Three outcomes were developed for each of the priorities, in total nine. For each outcome, different number of outcome indicators are defined and the success of the program is measured through the accomplishments of 25 indicators.

Table 2: Serbia DWCP Priorities and Programme Outcomes

Serbia Priority Areas	Country Programme Outcome (CPO)
1. Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market	1.1 Legal and institutional environment created enabling the full realization of social dialogue and necessary conditions for decent and productive workplaces 1.2 Increased institutional capacity of employers' and workers' organizations 1.3 Implementation of international labour standards is improved
2. Increasing employment opportunities	2.1 The employment policy is implemented more effectively by the constituents at the national and regional levels 2.2 Active labour market programmes targeting youth are developed and implemented in collaboration with the social partners 2.3 An enabling environment is created for the development of productive and sustainable enterprises providing good working conditions
3. Strengthening social protection systems	3.1 Strengthened sustainability and effectiveness of social security systems 3.2 Improved and more equitable working conditions and safety and health conditions at work 3.3 Strengthen the effectiveness of the Labour Inspection System to better promote decent working condition through information, advice and law enforcement

In addition, results matrix was developed, which has been updated occasionally to monitor the implementation of the interventions and to record achieved results on annual basis.

5. Main Findings

In this review, findings are grouped and discussed according to the priorities and outcomes as defined in the DWCP.

5.1. DWCP Priority One: Capacity of government institutions and the social partners is strengthened to improve the governance of the labour market

The first priority in the DWCP consists of three outcomes that are expected to be achieved within the given timeframe. The progress on each outcome is measured through number of indicators.

Table 3: DWCP Priority One and Outcomes

Priority	Outcome
1. Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market	1.1 Legal and institutional environment created enabling the full realization of social dialogue and necessary conditions for decent and productive workplaces 1.2 Increased institutional capacity of employers' and workers' organizations 1.3 Implementation of international labour standards is improved

Outcome 1.1: Legal and institutional environment created enabling the full realization of social dialogue and necessary conditions for decent and productive workplaces

Improvements in the legislation related to the social dialogue and representativity of the constituents are central for this outcome, including the level of handled collective disputes by the Republic Agency for Peaceful Settlement of Labour Disputes. Three outcome indicators are developed to measure the progress toward the achievement of this outcome. Summary of the indicators, progress made based on the implemented activities and explanations are provided below in Table 4.

Findings related to Outcome 1.1 The issue of representativity and its certification has not been addressed since the adoption of the DWCP. The constituents are comfortable with the current status quo situation and according to them, opening this issue is characterized as opening 'the Pandora box'. Both social partners consider themselves as being representative, while for the Government the issue of representativity currently is not high on the agenda.

After long period of discussions, the Labour Code has been adopted in 2014, but the TUs walked out of process before its completion due to their dissatisfaction with certain solutions regarding dismissal, wage setting, minimum wage, severance pay and extension of collective agreements. Nevertheless, the Labour Code was adopted, with some of the ILO recommendations included in the final version of the Code. Additional suggestions for further changes of the Code were given in the ILO Technical Memorandum that were not included in the current version of the Code.

The number of the collective labour disputes that were handled by the Republic Agency for Peaceful Settlement of Labour Disputes was not increased compared to previous years and is at the same level as in 2013 – 28 collective labour disputes. When compared the handled and resolved

cases related to collective labour disputes, out of 84 collective labour disputes submitted to the Agency for the period of three years (2014-2016), 43 were resolved, which is 50% of all submitted cases. The main reason for this result is that this is not priority for the Agency and the management of the Agency was not aware that there was indicator measuring exactly this activity. The present management of the Agency has been appointed in 2014 and the lack of awareness regarding the indicator shows inadequate coordination and sharing of information inside the Agency. Currently, the Agency top priority is to make the institution visible among the constituents to use it as a mechanism for settling labour disputes before going to courts. In 2016, for instance 928 individual labour disputes were submitted to the Agency compared to 33.000 cases submitted to the courts. It is Agency intention to promote the free of charge mechanism for peaceful settlement of labour disputes as alternative to long and costly court cases.

Table 4: DWCP Outcome 1.1 - Indicators and Level of Achievement

Outcome 1.1: Legal and institutional environment created enabling the full realization of social dialogue and necessary conditions for decent and productive workplaces		
Outcome Indicators	Progress	Explanations
New regulation/amendments on representativity and its certification in place based on ILO recommendations	Not achieved	Nothing has been done regarding new regulation/amendments on representativity mostly because no one from the constituents showed interest to open this issue.
Labour Code revision included ILO recommendations	Achieved	Labour Code changed and adopted on July 18, 2014. ILO recommendations included in the Code, although trade unions walked out of the process at the beginning of April. Main reason according to Trade Unions was the provisions about extended application of the collective agreements and the change in calculation of severance payments
Increased number of collective labour disputes handled by the Republic Agency for Peaceful Settlement of Labour Disputes	Not achieved	28 collective labour disputes opened in 2016; compared to previous years: 30 in 2015, 26 in 2014; 28 in 2013 ¹

Conclusions related to Outcome 1.1

All three outcomes and the intervention envisioned are relevant for the constituents and for the current context in Serbia at different level. While the first two outcomes are highly relevant, the third outcome is relevant to some extent, since the recognition of the mechanism for peaceful settlement of labour disputes of the Republic Agency for Peaceful Settlement of Labour Disputes emerged to be more relevant.

The delivery of the outputs is partial taking into consideration that no interventions were implemented related to representativity of the social partners, and there was a lack of focus on increasing the number of collective public disputes handled by the Agency.

¹ Ivica Lazovic, Peaceful Settlement of Labour Disputes in the Republic of Serbia as a Contribution to the Legal Environment of Business

In general, the progress toward this outcome is limited. ILO provided extensive expertise, especially in the process of changing the Labour Code. However, ILO could not impose solutions to issues on the constituents when there is a lack of interest and commitment on the side of the constituents. The role of the Overview Board established to monitor the implementation of the DWCP could have been more proactive. The Board should have identified that there are indicators and activities that are not making progress and propose changes in order to stimulate opening a discussion among the constituents whether they will continue with the same activities, or some more realistic interventions will take place. According to the ILO National Coordinator, members of the Overview Board rarely have decision-making power to do any modifications in the DWCP. Additionally, the DWCP document has not been seen as a strategic document that will guide the general directions and modifications are possible when the environment and/or circumstances change.

Taking into consideration that not all entities can be represented in the Overview Board it is noticeable that there is deficiency in coordination within the constituents as it is in the case with the Republic Agency for Peaceful Settlement of Labour Disputes, but also the Labour Inspectorate and Occupation, Health and Safety (OSH) Directorate. Their input is necessary to make the process of implementation of DWCP more transparent and accountable, in particular because they are subject to individual interventions.

The lack of addressing the issue of representativity significantly influence the sustainability and quality of the social dialogue as the representativeness of the social partners could be questioned at any point during tripartite negotiations for various issues important for the social partners' constituents.

Recommendations for improvement of future programming:

First and foremost, it is important that when constituents start with the planning activities for the next DWCP, it would be optimal to be concrete and focused and to avoid too many activities that would require additional efforts, both human and financial resources. Some other recommendations to be considered for this outcome include:

1. ILO and social partners should discuss the readiness of the constituents to open the issue of representativity, before the new DWCP is prepared. Regardless of the impression that this is hard topic to be negotiated, its opening will have benefits for all, especially for the social partners – both EOs and TUs. It will make them proactive in the process of increasing their membership, but at the same time it will make them a stronger and stable partner in the social dialogue. As, first step, analysis of the current membership structure and preparation of updated database for workers' and employers' organizations should be prepared.
2. It is expected that in 2018 the current Labour Code will be changed, or a new law will be developed due to the negotiation process of Serbia with the European Union (EU). Social partners should be actively involved in the working group and discussions in the process of developing the Code. ILO should provide technical support during tripartite consultations/negotiations, especially on issues that might be obstacle for advancing the process of developing the Code. Also, ILO could deliver support during tripartite

consultations/negotiations for additional capacity building activity regarding the requirements by the EU that might influence the potential resolution of particular issues in the Labour Code that are of tripartite constituents interest. This is very important since there are changes in the Ministry of Labour (new Minister has been appointed during the fieldwork for this review) and the capacities of the new management at the Ministry should be strengthened.

3. ILO could assist the national constituents in developing an outreach strategy that will be implemented on national and local level to promote the peaceful settlement of labour disputes. Taking into consideration that the Republic Agency for Peaceful Settlement of Labour Disputes is not widely recognized among the employees and employers as a mechanism that could be utilized to settle disputes (both individual and collective) before going to courts it is necessary that constituents are involved in the promotion of the Agency among their constituents.
4. ILO could facilitate the process of improving the work of the Overview Board by providing support to each of the constituents to introduce internal coordination with its entities and get their input on the progress of the interventions before and after the meetings of the Overview Board. One way to do that is developing a rulebook for the work of the Overview Board, in which responsibilities of the members of the Board will be outlined, but also the coordination in each of the national constituents that has to be done for the functioning of the Board.

Outcome 1.2: Increased institutional capacity of employers' and workers' organizations

The second outcome of the first priority is related to the need for improved capacities of the employers' and workers' organizations to better serve to their members. The progress toward the achievement of the outcome is measured through four indicators as presented in Table 4.

Findings related to Outcome 1.2

The activities related to building institutional capacities of employers' organization were continuous and extensive throughout the implementation of DWCP. The support for the workers' organizations was limited due to the unfortunate change of the ILO TU specialist. Nevertheless, the support provided by ILO resulted in significant increase of the capacities of both social partners.

The Serbian Association of Employers (SAE) website has been updated and members have access to all services that are available to them. Also, a survey is constantly open online, which assists the organization to collect opinions on various topics and issues and to prepare report at the end of each year. The organization prepared three position papers: one on Labour Code revision, the second one on wage taxation and the third one on trade regulation/inspections. In addition, SAE prepared report and position paper on para-fiscal burdens for small and medium enterprises (SMEs) in Serbia. Although it was not included in the DWCP, due to the floods in May 2014, SAE prepared guide on disaster recovery with ILO support.

In June 2014, SAE adopted a new Statute, which envisions eight bodies in the organizational structure: assembly, presidency, president, executive board, overview board, advisory body, council of the founders and secretary general. Also, SAE developed and adopted new strategy for the organization for the period until 2020.

Workers' organizations prepared analysis about the model of collective agreement on company level, but in practice it has not been implemented, while nothing has been done on sectoral level. Trade unions offered capacity building activities to its members with ILO support such as workshops on the implementation of ILO Conventions that have been ratified or it was expected to be ratified by the Serbian Parliament, workshop on the Law on Strike and Labour Code. In addition, training on EU policies for the Metalworkers TU was organized and Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) was translated into Serbian language to be more accessible to the TUs.

Table 5: DWCP Outcome 1.2 - Indicators and Level of Achievement

Outcome 1.2:	Increased institutional capacity of employers' and workers' organizations	
Outcome Indicators	Progress	Explanations
Number of new or improved products, service and policy position papers developed and produced by SAE	Achieved	The list of services available on the SAE website Three position papers developed (labour law revision, wage taxation and trade regulation/inspections) Guide on disaster recovery is prepared Report on parafiscal burdens for SMEs prepared
New Governance Charter adopted by SAE	Achieved	The Statute of SAE from June 2014 envisions 8 bodies in its governance charter SAE developed and adopted new strategy
Trade unions use an updated model Collective Agreement at company and sectoral level	Partially achieved	Analysis about the new model Collective agreement on company level has been conducted, but in practice has not been implemented
Number of new or improved services and policy position papers developed and launched by TUs	Achieved	TUs offered capacity building for its members on various topics based on the needs of the constituents

Conclusions related to Outcome 1.2

The implemented interventions under this outcome are highly relevant for the constituents and their needs. Continuous strengthening of the social partners' capacities is essential for their participation in the social dialogue and presentation of arguments based on evidence when discussing issues. Both social partners, EOs and TUs praised the support received from ILO regarding their institutional capacity building. They are also thankful to ILO for its openness to be approached and consulted at any point and whenever needed. Representatives from both organizations are satisfied with the capacity building activities and technical assistance in the preparation of different documents to provide better services to their members. However, they are also aware that they lack capacities to secure more funds for additional activities that were related to the desired achievements in the DWCP, taking into consideration the limited funds available by ILO. Moreover, both social partners are aware that they lack knowledge and skills to actively participate and contribute in the EU negotiation process with reference to the opening of Chapter 19.

All envisioned outputs were delivered, with the exception of practical implementation of the new model collective agreement on company level and development of such model on sectoral level for TUs. Social partners are extensively utilizing the deliverables in their everyday work and in the relations with their constituents and the Government. The utilization contribute to the sustainability of the achievements, especially the provision of services and capacity-building activities to the members of both EOs and TUs.

Recommendations for improvement of future programming:

1. In general, both EOs and TUs need additional strengthening of their institutional capacities to be able to respond to the requirements and needs of their constituents. Assessment of the needs that have not been so far addressed in the case of the TUs and developing new services or improving the existing ones for both EOs and TUs, supported by ILO would be useful.
2. EU accession is very popular topic among the social partners (EOs and TUs) and further strengthening of their capacities to actively participate in the negotiation process (where applicable) or to educate its constituents on relevant EU directives and policies that will affect the work of their constituents would be beneficial. Moreover, capacity building activities for accessing available EU funds that might address interventions envisioned with the DWCP are essential for potential financial contribution of social partners in the DWCP implementation.

Outcome 1.3: Implementation of international labour standards is improved

This outcome of Priority 1 is closely related to the ratification and implementation of ILO Conventions, but also inclusion of the international labour standards in the Law on Strike. The progress toward the achievement of the outcome is measured through three indicators as presented in Table 6.

Activities and findings related to Outcome 1.3

ILO supported the national constituents regarding the implementation of ILO Conventions through organizing workshops aiming to familiarize the national constituents with the application of Conventions that are ratified or are in the process of ratification. Currently, Serbia has ratified 76 ILO Conventions in total, out of which 62 are in force, 13 are denounced and one is not in force yet (C.109 - Wages, Hours of Work and Manning (Sea) Convention). Four workshops have been organized about the following conventions: C.154, C.94, C.183 and C181 (in August 2016). At the workshops, participants had an opportunity to learn about the conventions and to discuss issues that are of their interest related to the implementation of the particular convention.

During the implementation of the DWCP, Serbia ratified one ILO Convention – C.94 (Labour Clauses (Public Contracts) and the amendments Maritime Labour Convention. ILO Conventions C.151, and C.154 are not ratified yet, but ILO provided technical support as preparation for the process of ratification.

Table 6: DWCP Outcome 1.3 - Indicators and Level of Achievement

Outcome 1.3:	Implementation of international labour standards is improved	
Outcome Indicators	Progress	Explanations
The ILO Committee of Experts on the Application of Conventions and Recommendations notes with satisfaction or interest progress in the application of relevant Conventions (C.150, C.181, and C.183, and the following ones C.151 and C.154 – provided that they are ratified)	Achieved	Workshop on application of C.154 (Collective Bargaining) in March 2015 and national study conducted Workshop on C.94 (Labour Clauses (Public Contracts) Convention in April 2015 Workshop on C.183 (Maternity Protection) Convention in December 2015
New Labour Codex (Labour Code and the new Law on social partnership and collective bargaining) reflects ILO recommendations and EU directives ² A new Law on Strike is adopted and reflects ILO recommendations	Partially achieved	The Labour Code has been adopted and partially reflect ILO recommendations and EU directives. There is no information if the working group established to work on the new Labour Codex including the Law on social partnership and collective bargaining undertook any activities related to the development of the law The Law on Strike has not been adopted yet. It is expected that it will be adopted by the end of 2017
Number of Conventions prepared for ratification (Ratification of the Safety and Health in Agriculture Convention (C.184) through ILO's technical assistance	Achieved	During this DWCP the following Conventions have been ratified: C.94 – Labour Clauses (Public Contracts) Convention – 2014 Amendments to Maritime Labour Convention (2006) - 2014 C.151; C.154; C.184 are not ratified yet

The activities on the development of the Labour Code are discussed in Outcome 1.1. The new Law on Strike, for which preparation ILO provided recommendations and technical support such as workshop for the national constituents is not adopted yet. According to national constituents the working group is active and it is expected that it will be adopted by the end of 2017.

Conclusions related to Outcome 1.3

The introduction of the international labour standards through the ratification of ILO Conventions is very relevant and all interventions planned under this outcome contribute to the relevance of the outcome. ILO, together with the national constituents conducted extensive activities toward the achievement of the outcome for improved application of international labour standards. The outputs were delivered with the exception of the Law on social partnership and collective bargaining for which no information is available. Through the workshops, ILO provided support to the national constituents about the ratified or in process for ratification conventions

² This is the new defined indicator that is included in the Results Matrix; review of both indicators are included in the report

aiming to familiarize the constituents with the content of the conventions. Also, constituents were exposed to European comparative law and practice and engaged into opinion exchange on how best to apply ratified Conventions into domestic law and practice. The constituents find the obtained knowledge on the international labour standards useful, especially the aspect of incorporating the standards into national legislation to reflect the benefits for their constituents.

The inclusion of the international labour standards into the national legislation ensure sustainability of the achievements and provide opportunity for practical implementation that would be beneficial for all concerned stakeholders.

The finalization of the draft new Law on Strike has been delayed due to disagreements between the national constituents on different provisions of the draft law. Although it is expected that the law will be adopted by the end of 2017, social partners expressed their concerns that with the new reform expected in 2018 in the Labour Codex (group of laws that includes the Law on Strike), negotiations on the draft law might start from scratch.

Recommendations for improvement of future programming:

1. It would be beneficial if all three parties call for ILO technical assistance in the process of Labour Code reform at an early stage.
2. ILO could open discussion with national constituents regarding their need for capacity building about the implementation of already ratified ILO Conventions, which are not reflected in the national legislation
3. ILO assistance to the Economic and Social Council through tripartite consultations in the preparation of list of potential Conventions for ratification that are priority for Serbia in light of the EU negotiation process would be very beneficial

5.2. DWCP Priority Two: Increasing Employment Opportunities

With the implementation of the activities envisioned in the second priority of the DWCP it is expected that three outcomes will be achieved as presented in Table 7.

Table 7: DWCP Priority Two and Outcomes

Priority	Outcomes
2. Increasing employment opportunities	2.1 The employment policy is implemented more effectively by the constituents at the national and regional levels
	2.2 Active labour market programmes targeting youth are developed and implemented in collaboration with the social partners
	2.3 An enabling environment is created for the development of productive and sustainable enterprises providing good working conditions

Outcome 2.1: The employment policy is implemented more effectively by the constituents at the national and regional levels

The first outcome of the second priority is related to improved implementation of the employment policy on national and regional level. Three indicators have been developed to measure the

progress toward the achievement of the outcome. Summary of the indicators, progress made based on the implemented activities and explanations are provided below in Table 8.

Findings related to Outcome 2.1

Based on the available information and received feedback from the national constituents and based on the desk analysis not much, if anything has been done on the first two indicators. Local labour markets has not been analysed and local economic development plans have not been developed. The study that ILO developed with United Nations Environment Program (UNEP) about the potential for green jobs in Serbia identifies labour needs in one particular sector it is not directly connected with the identification of the local labour market needs. Also, there is no evidence that local development economic plans are developed and aligned with the national objectives in selected municipalities.

Table 8: DWCP Outcome 2.1 - Indicators and Level of Achievement

Outcome 2.1:	The employment policy is implemented more effectively by the constituents at the national and regional levels	
Outcome Indicators	Progress	Explanation
Strategies developed by local self-governments and the social partners for identification of local labour markets needs and addressing employment market issues at the local level	Not achieved	No available data and information regarding the strategies developed by the local self-governments and the social partners for identification of local labour markets needs
Local economic development plans are aligned to the national employment and skills policy objectives in selected municipalities	Not achieved	No available data and info regarding this indicator
Strategy developed for improved outreach of employment programmes for women	Partially achieved	Seminar for women leaders organized by the TUs ILO provided technical training on the African Development Bank/ILO toolkit (AfDB/ILO toolkit) for assessing the environment for women entrepreneurship.

In the area of improved outreach of employment programmes for women, there is no evidence that a strategy is developed. However, ILO provided technical training on the African Development Bank/ILO toolkit (AfDB/ILO toolkit) for assessing the environment for women entrepreneurship. This methodology was then successfully adapted and implemented by SAE combining primary (interviews and focus groups) and secondary data that enabled SAE to develop evidence based comprehensive Women Entrepreneurship Development (WED) report. ILO provided technical assistance during the research and development of WED enabling environment report.

Conclusions related to Outcome 2.1

In general, this outcome of the DWCP was not achieved. The unemployment rate in Serbia has decreased since 2012, i.e. at the time when the DWCP was developed. Compared to 2012, when

the unemployment rate was 22.4%, in September 2016 the unemployment rate was 13.8%³. Yet, women unemployment rate is higher than the men unemployment rate (15.2% compared to 12.6% in September 2016). The data show that tackling the employment policies and issues is still relevant issue and there were many opportunities for the national constituents to address it, but the relevance for the national constituents was not high on their agendas.

One reason for not delivering the outputs might be that the indicators that have been chosen were not the most appropriate to address the employment policies. Although, the local policies are important, it seems that activities of the constituents on local level were not high on the agenda for the social partners and for the Government. Also, the Overview Board missed the opportunity to raise this issue as a topic for discussion among the constituents and propose more suitable indicators, according to the needs or priorities of the national constituents. This is closely related with the level of participation of constituents in the Overview Board and their opportunity to make decisions on the behalf of the constituents they represent. The change of the ILO employment specialist might have also contributed to the effective work of the Overview Board as well. Also, social partners are primarily focused on working on national level, thus neglecting the work on local level.

Despite the fact that almost nothing has been implemented as envisioned in this outcome, ILO provided support to SAE to train and guide the organization in the preparation of the WED report. Also, ILO indirectly contributed to the assessment of local markets regarding the potentials for employment in the green industry, through the report on potential green jobs in Serbia. These two achievements are contributing to planning future interventions in the area of women entrepreneurship development and local employment policies in the green sector.

Recommendations for improvement of future programming:

1. ILO should encourage the ESC to open a discussion about the Government priorities in the area of employment policy in the upcoming period in order to define activities that will be realistic, especially if the regional and local level policies are in the agenda and make the planning for the next DWCP based on relevant information
2. National constituents could consult the action plans that are developed for each year based on the National Employment Strategy (2011-2020). For instance, there are 16 measures for supporting the employment policies on local and regional level under Priority 2 in the National Action Plan for 2017
3. National constituents would have to assess their internal resources (human and financial) and their commitment to implement activities on regional and local level, before committing to include such interventions on regional and local level
4. It would be useful if national constituents open the issue of the establishment of local economic-social councils if they intend to be active in the employment policies, especially on local level. However, it is not important that these councils are only established, but that they are functional. It would be good to select certain number of municipalities where this activity can be piloted with support of ILO and work with these councils. The number of selected

³ <http://countryeconomy.com/labour-force-survey/serbia?sc=UEPAR->, accessed on July 21, 2017

municipalities should be discussed in the national ESC, to choose optimal number that can be handled and one of the criteria could be the high unemployment rate.

Outcome 2.2: Active labour market programmes targeting youth are developed and implemented in collaboration with the social partners

The second outcome of the second priority is closely associated to increase the youth employability in Serbia. In January 2017, the youth unemployment rate in Serbia was 31.2%⁴. It has decreased comparing to the period of the DWCP development, but the share of young unemployed people in the total unemployment rate is significantly high. The progress toward the achievement of the outcome is measured through two indicators as presented in Table 9.

Findings related to Outcome 2.2

Very limited number of activities have been undertaken for the achievement of this outcome that can be correlated with the first indicator, although indirectly. No activities were implemented in relation to the second indicator.

The ILO Work4Youth project collaborated with the Statistical Office of Serbia to implement the School-to-work transition survey in March-April 2015. One of the main findings of the report is that skills mismatch remains an area of concern, although the majority of young workers are well-matched to their occupation in terms of qualifications. Also, 40% of youth remain stuck in the school-to-work transition.

Table 9: DWCP Outcome 2.2 - Indicators and Level of Achievement

Outcome 2.2: Active labour market programmes targeting youth are developed and implemented in collaboration with the social partners		
Outcome Indicators	Progress	Explanation
Ongoing youth employment initiatives improved with ILO's technical assistance	Partially achieved	The ILO Work4Youth project worked with the Statistical Office of the Republic of Serbia to implement the School-to-work transition survey (SWTS) in 2015 (March–April)
Capacity strengthened of the National Employment Services to leverage additional resources for youth employment programming	Not achieved	No evidence of any capacity strengthening activities with NES related to youth employment

Conclusions related to Outcome 2.2

Despite the fact that youth employability is very relevant, almost nothing has been delivered. From the desk research and conducted interviews there is an impression that both, the social partners and the Government are aware of the problem with youth employability, but there was a lack of initiative for the implementation of interventions to address this issue.

Currently, there is an active program on Youth Employability and Active Inclusion in Serbia through the IPA II and the Government missed the opportunity to link that program with the

⁴ <https://tradingeconomics.com/serbia/youth-unemployment-rate>

implementation of DWCP. This action demonstrates the lack of commitment on the Government side to utilize the available resources of its partners, including ILO to maximize the impact in the implementation of youth employment policies. The ILO expertise and the potential of the social partners could have been utilized to address the issues envisioned in the DWCP. The Government should have been more thoughtful to contribute to the implementation of the interventions already planned in the DWCP.

There is a similar situation regarding strengthening the capacities of the National Employment Services (NES), although within the NES there are active measures that target unemployed youth below 30 years among other categories of unemployed.

Recommendations for improvement of future programming:

Youth employment policy is important area and should be included in the DWCP, but at the same time the roles of the national constituents and ILO as provider of technical assistance should be defined.

1. ILO should encourage the national constituents, first to review this outcome for the next DWCP and decide if it will be included in the programme and more importantly how it will be defined, i.e. what aspects of youth inclusion in the labour market would be addressed, such as interventions in the national legislation, analysis and research, service provision to young people by the national constituents.
2. If the outcome is included, ILO should ensure that relevant stakeholders from the Government and NES are included in the process to identify more concrete activities where support is needed.
3. The Government should be encouraged to link the current or new initiatives in the area of youth employment policies with the planned interventions in DWCP and include social partners and ILO in the implementation

Outcome 2.3: An enabling environment is created for the development of productive and sustainable enterprises providing good working conditions

The activities envisioned under this outcome are addressing issues important for the small and medium sized enterprises, such as better environment for their operation, but also promotion of the green jobs as potential that should be considered within national strategies. Summary of the indicators, progress made based on the implemented activities and explanations are provided below in Table 10.

Findings related to Outcome 2.3

The Strategy for support of development of small and medium enterprises, entrepreneurship and competitiveness was adopted by the Government in 2015 for the period until 2020. ILO provided training on the Enabling Environment for Sustainable Enterprise (ESEE) toolkit, an assessment tool of ILO that analyses the business climate and provides evidence-based recommendations on how to improve the political, economic, social and environmental aspects of doing business in a country. Based on the training SAE carried out an assessment and prepared a report. ILO provided support for the delivery of the green jobs study such as technical advice, financial assistance and support on the research. With ILO guidance, focus groups meetings and a survey of 200

companies. The recommendations from the report served as starting point for SAE to develop three position papers on Labour Code revision, taxation and trade inspections. A national validation meeting was organized with all relevant stakeholders. The position paper on Labour Code revision, arguing for greater Labour Code flexibility came under the spotlight during the revision of the current law, adopted in 2005. All three position papers are available on the SAE website in both Serbian and English versions.

ILO also supported the development of the green jobs study in collaboration with the United Nations Environment Program (UNEP) in 2014. Based on the findings and recommendations, ILO and United Nations Office for Project Services (UNOPS) were invited by the EU Delegation in Serbia to implement a project on green jobs targeting Roma population in Belgrade. The results from the project are positive according to UNOPS representative and the hope is that the project could have been replicated and improved in other municipalities.

Also ILO supported Green Jobs Workshops for the Western Balkan countries including Serbia and sub-regional Conference. In Serbia, 16 participants from the ILO tripartite constituents and other relevant stakeholders attended the workshop and demonstrated interest in participating in future activities in this area.

In addition, under the activities in this outcome, the support of ILO should be notified regarding the response to the floods in May 2014 that took place in Serbia. For that purpose ILO supported the development of a report on Post Flood Recovery in Serbia in which the employment and social protection services were assessed. Moreover, ILO supported the development of a Guide for small and medium enterprises for employers to secure the functioning of the companies in multi hazardous situations.

Table 10: DWCP Outcome 2.3 - Indicators and Level of Achievement

Outcome 2.3: An enabling environment is created for the development of productive and sustainable enterprises providing good working conditions		
Outcome Indicators	Progress	Explanation
Strategy for development of competitive and innovative small and medium-sized enterprises and entrepreneurship reviewed and enhanced with full participation of constituents with full inclusion of ILO constituents and through applying ILO toolkit on Enabling Environment for Sustainable Enterprise	Achieved	Strategy adopted by the Government in 2015 for the period 2015-2020
Strategy for promoting Green Jobs at enterprise and sectoral level formulated with full participation of constituents to feed into national	Achieved	Green jobs study conducted with ILO support Green jobs project launched and implemented by ILO and UNOPS

employment and sustainable development strategies		Green jobs workshop for Serbia (plus other Western Balkans countries) conducted
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Conclusions related to Outcome 2.3

The relevance of this outcome is confirmed with the extensive activities conducted, which resulted in both indicators being achieved and outputs delivered. The strong expertise of ILO in the area of enabling environment for the development of the enterprises assisted one of the social partners to do an assessment, but also to develop position papers through building of their capacities. SAE is highly satisfied of the support received in this area and is interested to continue producing position papers on issues that are relevant for their constituents and to influence the national policies in the area of enabling environment. Partners' commitment to continue with this kind of activities greatly contribute to potential sustainability of current achievements and guarantee utilization of findings for developing new interventions.

All three ILO tripartite constituents see a great potential in creating green jobs in the country and demonstrated enthusiasm that this issue should be developed further in the future period. According to the representatives interviewed, the interventions in the green jobs area will have influence on tackling several issues such as new employments, decreasing the informal economy and improvement of environment in the country.

Recommendations for improvement of future programming:

1. ILO could provide additional support in the implementation of the SMEs strategy to the social partners through developing policy papers on topics relevant for the partners and advocating by the social partners that recommendations are included in the action plan for the implementation of the Strategy
2. ILO might support social partners to advocate with the Government for inclusion of activities that will further promote the green jobs based on already developed documents (studies and analyses prepared in the previous period), including financial resources for activities related to green jobs

5.3. DWCP Priority Three: Strengthening social protection systems

The third priority in the DWCP 2013-2017 was addressed with the achievement of three outcomes as presented in Table 11.

Table 11: DWCP Priority Three and Outcomes

3. Strengthening social protection systems	3.1 Strengthened sustainability and effectiveness of social security systems
	3.2 Improved and more equitable working conditions and safety and health conditions at work
	3.3 Strengthen the effectiveness of the Labour Inspection System to better promote decent working condition through information, advice and law enforcement

Outcome 3.1: Strengthened sustainability and effectiveness of social security systems

The activities that were planned under this outcome are closely associated with the need for reform in the social security system in Serbia and how to enhance the social dialogue in this area. The

achievement of the outcome is measured with two indicators. Summary of the indicators for this outcome and the level of their achievements are presented in Table 12.

Findings related to Outcome 3.1

ILO provided technical assistance to national constituents to conduct analysis about the reporting of work accidents and occupational diseases and on the actuarial study for determining the contribution rate of the employment injury insurance system. The analysis followed the previously prepared report about issues and options of employment injury protection in Serbia.

As a follow-up to the 2012 report ‘Employment Injury Protection in Serbia: Issues and options,’ the report ‘Restructuring the Employment Injury Insurance System in Serbia: Further analysis of reform options’ presents the analysis with respect to the measures to improve the reporting of work accidents and occupational diseases in Serbia as well as presents the actuarial evaluation of the costs of employment injury benefits and the methods for determining contribution rates.

In addition, ILO supported the organization of a conference about the pension fund management. The Conference aimed to share good practices and lessons learned in the pension fund management based on international experiences in particular Canadian experience, and to provide a policy forum to discuss the key issues in the pension fund management with a wide range of stakeholders. The tripartite national constituents of ILO and relevant stakeholders from the pension fund, representatives of pensioners, political parties and journalists attended the conference.

Table 12: DWCP Outcome 3.1 – Indicators and Level of Achievement

Outcome 3.1: Strengthened sustainability and effectiveness of social security systems		
Outcome Indicators	Progress	Explanation
A new employment injury system will be developed with ILO’s technical assistance on the actuarial study, the analysis of the collection of data on work accidents and the organisational arrangements	Achieved	Analysis of the reporting of work accidents and occupational diseases and on the actuarial study for determining the contribution rate of the employment injury insurance system prepared
Steps taken by the tripartite stakeholders to create national consensus on the need to reform social security and to build the social protection floor as means to protect adequate social protection benefits for all	Partially achieved	Conference on Pension Fund Management organized in November 2013

Conclusions related to Outcome 3.1

The desk research and the interviews conducted during the field work demonstrated that the social security system as a topic, despite being relevant for the Serbia context, it was not high on the Serbian Government agenda. This is especially noticeable with the reform of the pension system and it is reflected in the conducted activities under this DWCP. ILO provided support as requested

by the national constituents, but there was absence of activities after the conference on Pension Fund Management. It can be concluded that the delivery of the outputs for this outcome were partial. However, the findings from the analysis on work accidents and occupational diseases are basis for developing interventions that will address important problems and issues by the national constituents.

The constituents confirmed that their focus was on other issues included in this DWCP and somehow, the pension fund topic was neglected. The lack of interest on the side of the constituents for this issue in the previous period, contributed to not addressing any aspects of the social security reform even on a smaller scale.

There is an impression that the first indicator i.e. activities related to health and safety at work were more appropriate to be included in the Outcome 3.2 instead in this one.

Recommendations for improvement of future programming:

1. The national constituents and ILO should first identify if there are some prospects for the social security reform to be undertaken in the upcoming period and based on that to decide what type of activities would be beneficial for them – capacity-building activities to address particular issues, conducting studies or other types of analysis, or comparative analysis on the social security systems from other countries relevant for Serbia

Outcome 3.2: Improved and more equitable working conditions and safety and health conditions at work

The activities envisioned in this outcome are related to ensuring more equitable working conditions, especially related to part-time employment and maternity protection, as well as activities related to safety and health conditions at work. The accomplishment of the outcome is measured through three indicators and their overview is presented in Table 13.

Findings related to Outcome 3.2

ILO provided support to the national constituents to organize a workshop on part-time work in Serbia, aiming to increase their capacities for active participation in regulation of the part-time work in the new draft of the Labour Code. According to the interviewed representatives, the adopted Labour Code reflect the relevant EU Directives and International Labour Standards in the area of part-time work and working time.

With the aim to improve the system for collection data about occupational injuries, ILO organized training for the medical doctors on how to use the new software to report the occupational injuries. The software was developed by the Ministry of Health. ILO in collaboration with the Ministry of Health and the Ministry of Labour, Employment and Social Policy organized workshops in 12 cities around Serbia and 285 medical doctors attended the workshops. The register on injury is in the process of development and it is expected to be fully operational in 2018.

In order to introduce the national constituents with the content of the ILO Convention 183 on maternity protection, and to support the inclusion of the Convention content into the new Labour

Code, ILO organized workshop. Representatives from all constituents and other relevant stakeholders attended the workshop and learned and discussed about ILO standards on maternity protection, as well as the current situation with maternity protection in Serbia. The new Labour Code is aligned with the ILO Convention 183.

Besides the envisioned activities, ILO supported the translation in Serbian language of the ILO publication about ‘Stress prevention at work checkpoints: practical improvements for stress prevention at the workplace’.

Table 13: DWCP Outcome 3.2 – Indicators and Level of Achievement

Outcome 3.2: Improved and more equitable working conditions and safety and health conditions at work		
Outcome Indicators	Progress	Explanation
Amendments to the Labour Code reflect the relevant EU Directives and International Labour Standards on part time work and working time based on consensus among constituents	Achieved	Workshop organized on part-time work in Serbia Labour Code reflect the relevant EU Directives and International Labour Standards
Improved collection of data on work accidents and occupational diseases	Partially achieved	Training for medical doctors on the use of new software for report of work accidents and occupational diseases The unified register on work accidents and occupational diseases is expected to be ready in 2018
Labour Code ensures maternity protection in accordance with the ILO Maternity Protection Convention N.183, ratified by the Republic of Serbia	Achieved	Workshop on C.183 (Maternity Protection) Convention in December 2015 Labour Code aligned with C.183

Conclusions related to Outcome 3.2

The interventions implemented under this outcome proved to be highly relevant and contributed significantly toward the achievement of the outcome. It is noticeable that when the activities that are defined are concrete, the chances for their implementation increase. Although, some of the activities were taken from some other larger activities such as the revision of the Labour Code, planned in Outcome 1.1 and implementation of ILO Conventions envisioned in Outcome 1.3, it was a good choice to fragment them under other outcomes. The delivery of outputs was successful, except with the register on work accidents and occupational diseases which is an ongoing activity and once functional it will provide updated information to interested stakeholders. The sustainability is secured with the inclusion of the international labour standards in the legislation and with the trained medical doctors to utilise the software regularly and report on work accidents and occupational diseases.

In the results matrix, an additional indicator is included that is not part of the original DWCP - Improved situational analysis of wage trends, including wage equality to assist the social partners

improve the application of ratified Conventions on wages (C.131 - Minimum Wage Fixing Convention, 1970) and equal remuneration (C.100 Equal Remuneration Convention, 1951). However, there is no evidence that any activities have been implemented.

Recommendations for improvement of future programming:

1. EU screening report for Serbia in the area of health and safety at work could be a good basis for programming the future activities in the area of health and safety at work

Outcome 3.3: Strengthen the effectiveness of the Labour Inspection System to better promote decent working condition through information, advice and law enforcement

In its last outcome, DWCP envisioned that capacities of the labour inspectorate will be increased, mostly through support in developing different guidelines to improve the work of the inspectorate in the area of undeclared work, occupational safety and health, and to improve gender sensitivity. Three indicators have been developed to measure the achievement of the outcome. The summary of the indicators and level of achievements is provided in Table 14.

Findings related to Outcome 3.3

Unfortunately, none of the envisioned activities under this outcome were implemented. According to the interviewed representatives, the biggest factor being the lack of interest and coordination for the implementation of the interventions. Also, the Ministry of Labour decided to support the Labour Inspectorate and the OSH Directorate through IPA funded twinning project, rather than through cooperation with ILO with the implementation of the DWCP envisioned activities. In addition, none of the ILO sub-regional projects on labour inspection involved Serbia.

Table 14: DWCP Outcome 3.3 – Indicators and Level of Achievement

Outcome 3.3: Strengthen the effectiveness of the Labour Inspection System to better promote decent working condition through information, advice and law enforcement		
Outcome Indicators	Progress	Explanation
Labour inspection policy guidelines for undeclared work are revised in consultation with the social partners and then implemented	Not achieved	No evidence that policy guidelines for undeclared work are revised
Labour inspection policy guidelines for occupational safety and health are revised in consultation with the social partners and then implemented	Not achieved	No evidence that policy guidelines for occupational safety and health are revised
Labour inspection adopts gender sensitive guidelines particularly to address indirect discrimination	Not achieved	No evidence that labour inspection adopts gender sensitive guidelines

Conclusions related to Outcome 3.3

This outcome was somehow left aside in the process of the DWCP implementation due to different implementation pattern, although its relevance is not questionable. It is a missed opportunity for the national constituents and ILO to explore the potential for the implementation of the planned activities. The Government overlooked the opportunity to address the issue through already developed activities within DWCP and contribute to better implementation of the program. The Overview Board could have addressed this, especially when known that the activities have been implemented through different project, instead of postponing their implementation.

Recommendations for improvement of future programming:

1. The national constituents and ILO should work to strengthen the mechanisms for monitoring of the implementation of the program and undertake steps to change or modify activities that do not have prospects to be implemented

One intervention that was not envisioned with the DWCP, but is being currently implemented in Serbia and fits within the third priority is the CLEAR project, based on ILO's Fundamental Principles and Rights at Work Branch (FUNDAMENTALS). Its mandate is to promote the implementation of ILO Conventions dealing with child, labour, forced labour, discrimination and freedom of association and collective bargaining. The implementation in Serbia started in February 2016 and through four components aims to build the country's capacities related to child labour. The deliverables include drafting legal instruments that are in compliance with the international standards on child labour, developing hazardous child labour list, strengthening the capacities of the Labour Inspectorate, Police and Centres for Social Work for identification and prevention of child labour, improving the coordination among above mentioned institutions on issues related to child labour, strengthening the capacities of the journalists to report on child labour, and support to the Serbian Government to improve its strategies/programs and the implementation of national and local policies that aimed at prevention and reduction of child labour.

5.4. Lessons learned and emerging good practices

As a result of the review process of the DWCP Serbia, the following lessons learned are identified:

1. The introduction of the Overview Board as mechanism for monitoring the progress of the implementation of the DWCP is an excellent idea. However, the role of the Board should be defined and understood by the national constituents in order to maximize its contribution to secure that interventions are monitored and recommendations are provided for modifications and changes whenever deviations are noticed. Taking into consideration that there are problems with the level of representation in the Board (representatives of national constituents without power to make decisions), the issue should be discussed at the highest level among the national constituents and ILO to identify the most suitable representatives in the Board.
2. The definition of the indicators is additional lesson learned from the review. When developing the indicators it has to be taken into consideration that there are different level of indicators: input, process, output, outcome and impact. The indicators in the DWCP are called 'outcome indicators', but in reality they are mix of output and outcome indicators, and some of them

are even defined as results. For instance, the indicator ‘Number of new or improved services and policy position papers developed and launched by TUs’ is an output level indicator since it counts the number of products and services. In order to be outcome indicator, it should have been defined for example as ‘Improved capacities of the TUs to address pressing issues and needs of their constituents’. Also, the indicator ‘New regulation/amendments on representativity and its certification in place based on ILO recommendations’ looks like a definition of a result. To be an indicator it should have been defined as ‘Improved representativeness of the social partners based on ILO recommendations’. There is no doubt that a mix of output and outcome indicators should be included in the DWCP to capture the progress of the implementation of various interventions. However, there should be clear distinction between the type of indicators and group of output indicators should be associated with an outcome indicator. A good approach would be to have number of output indicators developed based on the envisioned interventions that will support the achievement of one to two outcome indicators per result/outcome.

3. The process of changing the Labour Code demonstrated that the early involvement of ILO in the intervention is a key for facilitating the process and supporting the national constituents on issues that might slow down the process due to different expectations of the individual constituents. Bilateral work with each of the constituents, but also joint negotiations for issues that are obstacle to progress with the process facilitated by ILO, but also providing technical expertise and examples from other countries should overcome the problems and at the same time preventing any of the constituents to walk out of the process.

5.5. Overall conclusions and recommendations

Conclusions:

Based on the review of the documents provided by ILO and the fieldwork conducted in Serbia regarding the implementation of the DWCP 2013-2017 it can be concluded that the national tripartite constituents agreed that priorities as defined in the programme have been and still are relevant for Serbia. There are disagreements among the national constituents on how these priorities should have been implemented in terms of the type of activities and the timeframe of implementation. The definition of priorities is broad so it can accommodate different interventions. The DWCP frame and also ILO’s action proved to be flexible taking into consideration that according to the circumstances in the field, it was possible that unforeseen activities were implemented such as the activities that followed after the floods in Serbia in May 2014 and the CLEAR project on combating child labour.

The review of the DWCP indicated that there is different level of attention put on each of the priorities in terms of achieving the outcomes. In total, for all three priorities there are nine outcomes (three for each priority) and 25 indicators identified. Out of these 25 indicators, 11 are achieved, 6 are partially achieved, while 8 are not achieved. For instance, although the third priority is considered equally relevant with the other two, very limited achievements are noted, especially with one outcome completely left aside and two indicators being partially achieved. The introduction of the Overview Board as a mechanism for monitoring the implementation of the DWCP is an excellent idea, but its role is not noticeable given the findings from this review.

The desk research showed there is an issue related to the definition of the indicators. Although, they are called ‘outcome indicators’, they captured different levels of measurement. In some cases they are at the level of output as is the case with the indicator ‘number of Conventions prepared for ratification’ in Outcome 1.3. In other cases, the indicators are defined at outcome level such as ‘capacity strengthened of the National Employment Services to leverage additional resources for youth employment programming’ in Outcome 2.2. It is not a problem to have different types of indicators defined for the program, they just need to be structured in a way to reflect what level of indicators they belong to.

The fieldwork revealed that the level of ownership for the DWCP priorities demonstrated by the national constituents is inadequate. Majority of them, do not consider the DWCP as their own program, but more as a program that belong to ILO and they are expecting that ILO will have the initiative for the implementation of the envisioned activities, while it should be vice versa. The national constituents should have the proactive role in proposing the agenda for the implementation of the DWCP activities, while ILO should provide the support. ILO could not and is not the party that guides the implementation of the DWCP. The ILO supports, provides advice and facilitates the process of the implementation based on the needs of the national constituents.

As mentioned previously, the extensive number of potential interventions limit the possibility for implementation, mostly due to restricted resources (both human and financial) of the national constituents, but also because of the Government agenda, changes in the Government and in the environment. More focused activities would have assisted the national constituents and ILO to address them more effectively, and if needed developing additional follow up activities. The DWCP should be considered as a live document, flexible enough to accommodate new, but needed interventions.

The commitment of the national constituents to contribute in the implementation of the DWCP in terms of resources and finances is limited. First of all, the Government as one of the constituents have not demonstrated commitment in terms that accessible financial resources from the national budget, but also from other sources which could have been directed toward the implementation of the DWCP. There are other programs/projects⁵ that are addressing the same issues as defined by the DWCP, but they are not linked in anyway with the DWCP. Second, the most limited achievements are noted when the interventions are envisioned for Government institutions that are separate entities from the Ministry of Labour, Employment and Social Policy, such as the Agency for Peaceful Settlement of Labour Disputes and the Labour Inspectorate. Although, the Agency was continuously exposed to technical assistance provided by ILO and built their capacities through participation in different sub-regional workshops suited to their needs, its involvement in the implementation of DWCP remained weak. It suggests that there is a lack of

⁵ Youth Employability and Active Inclusion under IPA II, implemented by the Social Inclusion and Poverty Reduction Unit (SIPRU) of the Government of Serbia; IPA 2014, OSH legislation harmonized and capacities primarily of the Directorate for Safety and Health and the Labour Inspectorate built; IPA 2012 Project for support of vulnerable unemployed groups, National Employment Service

coordination inside the Government as one of the national constituents on the activities that do not target the Ministry directly.

On the other side, the social partners did not present any advocacy activities toward the Government to convince its representatives to consider supporting the implementation of certain activities through the DWCP instead of using other implementation vehicles. For instance, currently there is a large program on youth employability and active inclusion under IPA II, implemented by the Social Inclusion and Poverty Reduction Unit (SIPRU) of the Government of Serbia, but there is no link between that program and the activities envisioned in the DWCP. The sharing of information with ILO National Coordinator, including invitations for events is existent, but no joint activities are envisioned to support the implementation of the DWCP.

One of the less successful group of interventions from the DWCP are those that target issues on regional and local level. One of the prerequisites for work on local and regional level is that national constituents have support structure in the field, such as functional local social-economic councils. Yet, the work on regional and local level highly depend on the established social dialogue on national level, which as previously noted is affected by the reluctance of the social partners to address the representativeness as a key pre-requisite for genuine social dialogue.

Last, but not the least some observations regarding the Overview Board, established to monitor the implementation of the DWCP. The Board is very useful mechanism for the national constituents and ILO to have overview of the progress in the implementation of the activities. However, the impression is that the role of the Overview Board is more superficial than substantial. If it was the other way around, the Overview Board would have recommended and track the implementation of recommendations such as changes and modifications in the activities or timeframe.

General Recommendations:

- National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Serbia. The result of the process should unequivocally demonstrate that priorities are equally important for each of the tripartite constituents and are on their agenda
- In the planning process for the next DWCP, national constituents should prioritize based on what has real potential to be implemented instead on what they would like to be implemented. The identified activities and expected outcomes should be aligned with the available capacities of the constituents. ILO should facilitate the process and to provide support on defining interventions that are more concrete and thus more prone to be implemented
- In complex program documents as it is the DWCP, it would be more than useful to have mix of indicators (output and outcome indicators) to better capture the achievements of results. Having baselines included wherever they are present or could be obtained, would add to better capturing the accomplishments.
- ILO should support the strengthening of the constituents' capacities to secure that each constituent will show proactive engagement in initiating the implementation of the activities and in the actual implementation. One of the recommendations from the social partners was

to strengthen their capacities to approach and prepare applications for funds about activities that will be envisioned in the next DWCP. Also, ILO need to encourage the Ministry of Labour to include in the DWCP planning process representatives of the institutions that will be subject to specific interventions such as Agency for Peaceful Settlement of Labour Dispute and/or Labour Inspectorate. That way their awareness and commitment in the implementation phase will be increased.

- ILO should guide the national constituents to take into consideration already developed documents, strategies, reports, research papers that address and/or studied issues relevant for selected priorities
- National constituents should commit resources (time, people) and continuity in the planning process, as well as potential or available financial resources for the implementation of the DWCP. ILO and social partners should open a discussion with the Government about available financial resources for the activities that will be included in the DWCP and to seek for commitment that the resources will be directed whenever there is a possibility for the implementation of the DWCP. In addition, synergies should be created with ongoing programs and initiatives implemented by various international donors in the country, as there is demonstrated interest on their side to support the implementation of potential activities.
- The issue of addressing the work on regional and local level and the potential for establishing local ESCs should be correlated with the issue of representativity of the social partners, meaning the local ESCs need to follow after the issue of representativity is solved.
- The role of the Overview Board as mechanism to monitor the implementation of the DWCP should be strengthened. It should be made clear what the responsibilities of the Board are, and that a mandate is given to the Board to propose modification and changes in the activities and monitor if they have been accepted and implemented.

IV. DECENT WORK COUNTRY PROGRAMME MONTENEGRO

The Decent Work Country Programme (DWCP) 2015-2017 for Montenegro is the first DWCP for Montenegro. The DWCP was developed in a wide consultative process that included the tripartite national constituents and ILO and reflects the priorities agreed among the constituents. The DWCP was signed in April 2015. The overall objective of the Programme is to promote decent work through a coherent policy approach that is made operational by a set of priorities and outcomes. The timeframe of the DWCP has been set in order to allow ILO to align its work to the planning cycle of the UN country team in Montenegro and the UN Development Assistance Framework (integrated United Nations Programme for Montenegro) for the period 2012-2016 and 2017-2021.

The main resources for the implementation of the DWCP are from ILO Regular Budget, RBTC funding, development cooperation projects, cost-sharing by the national partners and ILO Regular Budget Supplementary Account (RBSA).

DWCP in Montenegro consists of three priorities and eight outcomes (four in the first priority and two in the second and third priority). For each outcome, different number of outcome indicators are defined and the success of the program is measured through the achievement of 23 indicators. Besides the DWCP, a results matrix document for monitoring the progress toward the achievement of the outcomes that has been updated intermittently.

Table 15: Montenegro DWCP Priorities and Programme Outcomes

Country Priority Areas	Country Programme Outcome (CPO)
1. Enhancing Social Dialogue	1.1 Institutional and technical capacity of social partners is strengthened
	1.2 The role and functioning of the Social Council is strengthened
	1.3 Labour Law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives
	1.4 Technical and professional capacities of the Agency for Peaceful Settlement of Labour Disputes is assisting collective bargaining as well as in disputes in relation to the strike and harassment at work strengthened
2. Promoting employment and enabling environment for sustainable enterprises	2.1 Strengthen capacity of constituents to develop and implement youth employment policy measures
	2.2 Enabling environment for sustainable enterprises
3. Formalizing the informal economy	3.1 The capacity of Labour Inspection has been strengthened
	3.2 Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality

6. Main Findings

The findings that were revealed through the desk research and the fieldwork in this report are presented according to the structure of the DWCP – priority, outcome and indicators. For better visual presentation, the level of achievements of the indicators is presented in tables.

6.1.DWCP Priority One: Enhancing Social Dialogue

The first priority of the DWCP intended to address the social dialogue and to strengthen different mechanisms that support the improvement of the collaboration among the national constituents. Four outcomes have been defined for this priority, and each outcome progress is measured with different number of indicators.

Table 16: DWCP Priority One and Outcomes

Priority	Outcome
Enhancing Social Dialogue	1.1 Institutional and technical capacity of social partners is strengthened
	1.2 The role and functioning of the Social Council is strengthened
	1.3 Labour Law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives
	1.4 Technical and professional capacities of the Agency for Peaceful Settlement of Labour Disputes is assisting collective bargaining as well as in disputes in relation to the strike and harassment at work strengthened

Outcome 1.1: Institutional and technical capacity of social partners is strengthened

This outcome is closely connected with capacity building activities individually tailored according to the needs of the social partners, both the employers' and workers' organizations and aiming to support the social partners' participation in the social dialogue. Five indicators have been developed to measure the achievement of the outcome, which are presented in Table 17.

Findings related to Outcome 1.1

In order to strengthen the institutional and technical capacities of the workers' organizations, ILO organized three training events for TUs representatives on the following topics: methods for trade union management, techniques for collective bargaining, and ILO supervisory mechanisms. The trained representatives of the TUs organized training event on methods for trade union management for their branches aiming to strengthen the management capacities not only on national level, but also on branch level. On the other side, employers' organization representatives attended training on governance, and as follow up new governance charter of the Montenegrin Employers Federation was adopted.

Employers' organization developed three guides on equality and elimination of discrimination in the workplace and introduced them to its members. One of the guides present the legal framework that cover the issue of equality and elimination of discrimination, the second guide discusses the leading principles of equality and elimination of discrimination, while the third document is practical guide for the employers on the promotion of equality and elimination of discrimination

in the workspace. MEF conducted four training sessions on the promotion of equality in the workplace reaching 81 participants.

ILO supported TUs representative to receive training about the challenges in the EU negotiation process and as follow up TUs developed action plan for better engagement in the EU negotiation process. 26 representatives of MEF participate in the working groups for negotiation on individual Chapters for the EU accession process. In order to increase the capacities of the TUs for collective bargaining, ILO provided support for 15 representatives of TUs to attend the training on collective bargaining and were included in the collective bargaining teams. TUs initiated three collective agreements in the private sector – media, Erste Bank and Railway Infrastructure. Also TUs organized training about the role of young men and women members of the TUs and developed an action plan for 2016 to address the issues related to young men and women unionists.

ILO supported the translation of the ILO Guide for National Tripartite Social Dialogue in Montenegrin language.

Table 17: DWCP Outcome 1.1 - Indicators and Level of Achievement

Outcome 1.1: Institutional and technical capacity of social partners is strengthened		
Outcome Indicators	Progress	Explanations
The governance structure and practices of the Managing Board of MEF and Executive Bodies of CTUM and UFTUM is enhanced	Achieved	Representatives of employers' and workers' organizations attended selected training events related to management practices Workers' organization trained representatives organized training events for their branches on management practices Employers' organization adopted new Governance Charter
New service for employers on promotion of equality and elimination of discrimination (on the grounds prescribed in national legislation) introduced	Achieved	Three guides on equality and elimination of discrimination introduced to the members of the Employers' Organization
Social Partners' engagement relating to EU accession process is strengthened	Achieved	TUs representatives trained about the challenges in the EU negotiation process TUs developed and adopted Action Plan for better engagement in the EU negotiation process 26 representatives of MEF participate in the negotiation working groups for the EU accession process Research on parafiscal burdens related to informal economy conducted
Trade unions are increasingly involved in the negotiation of gender-sensitive collective agreements in the private sector	Achieved	15 representatives of TUs trained on collective bargaining and included in the collective bargaining teams

		Three collective agreements initiated by the TUs in the private sector
Trade unions enhance the role and participation of young women and men unionists	Partially Achieved	TUs organized seminar about the role of young women and men members of the TUs Action Plan for 2016 developed

Conclusions related to Outcome 1.1

All interventions under this outcome are relevant and constituents were committed in their implementation. Overall conclusion for this outcome might be that it has been almost achieved and all outputs delivered when compared with the established targets for each indicator. Social partners are highly satisfied with the support received from ILO to increase their institutional and technical capacities and to provide better and improved services to their constituents. They confirmed the utilization of the deliverables and continuously work on the improvement of their capacities which contribute to the sustainability of the achievements. Social partners are active participants in the EU negotiation process and have opportunity to explore their views and positions in the working groups in the case of MEF.

ILO approach to provide capacity-building activities to social partners using various mechanisms such as training events, workshops, development of analysis and other type of documents that are relevant for Montenegro contributed to the strengthened capacities and satisfaction on the side of the social partners.

Recommendations for improvement of future programming:

1. Social partners should conduct internal assessment before the planning process for the next DWCP is opened to identify potential needs for capacity building activities in relation to the objectives of the DWCP. MEF already has developed strategic plan that should be consulted in the planning process to include capacity-building activities most suited to their needs. The trade unions should identify their most urgent gaps in their capacities to be addressed for successful implementation of the next DWCP.
2. ILO should encourage the transfer of knowledge and skills within the organizational structures of the social partners to strengthen the institutional memory and increase the number of potential beneficiaries from the capacity-building activities

Outcome 1.2: The role and functioning of the Social Council is strengthened

The activities planned within this outcome are addressing the needs of the Social Council in order to improve its functioning. Two indicators have been developed for this outcome and their summary and level of achievements is presented in Table 18.

Findings related to Outcome 1.2

Currently, the new Law on Social Council is in the process of adoption, the public hearing has been completed and it is expected the new Law to be adopted. The national constituents adopted the Action Plan for functioning of the Social Council developed based on the assessment. There is one person employed in the Secretariat of the Social Council and there are no plans for expanding the office with new employees. According to the Secretary of the Social Council, there

are available persons in the Ministry of Labour and Social Welfare that support her work on as needed basis and there is no need for additional full time employees.

There is no evidence that the number of Social Council recommendations adopted by the Government increased, because there is lack of baseline data needed for comparison.

Table 18: DWCP Outcome 1.2 - Indicators and Level of Achievement

Outcome 1.2: The role and functioning of the Social Council is strengthened		
Outcome Indicators	Progress	Explanations
Tripartite Action Plan agreed for improving/strengthening the Social Council	Achieved	Tripartite Action Plan based on the assessment of Social Council functioning developed and started with implementation.
Number of Social Council's recommendations adopted by the Government increased	Not achieved	There is an issue with this indicator regarding its potential for measurement. The Ministries do not have obligation to submit their draft laws to be reviewed by the Social Council, which makes this indicator problematic for measurement

Conclusions related to Outcome 1.2

The work of the Social Council is crucial for providing platform for social dialogue among the national constituents and the planned interventions for this outcome are highly relevant. The outputs have been partially delivered and there are mixed opinions regarding the capacities of the Social Council i.e. its Secretariat. While the social partners expressed their concerns regarding the understaffed Secretariat, the Secretary of the Social Council is concerned about the lack of skilled representatives within the national constituents that can be involved in the review and providing recommendations and comments on the laws that are submitted to the Social Council. The implementation of the developed Action Plan raises the expectations that this mechanism will be utilised in future and secure sustainability of the intervention.

The number of recommendations given by the Social Council and adopted by the Government has not increased for several reasons. First, there is no record for the number of recommendations that were adopted at the time of the DWCP development to serve as a baseline. So it is not clear what would be used as comparison. At present, no data are available for the number of provided recommendations during the time of implementation of the DWCP. At the end, the way the indicator is defined is rather problematic for measurement and as such should be redefined or modified in the future programming. This indicator is one of the points, where the Overview Board should have intervened based on the lack of data from the implementation of the activities.

Additional problem that was raised during the fieldwork was the number of laws that are submitted to the Social Council for review and recommendations, which indirectly influence the measurement of the second indicator. Usually, only the Ministry of Labour and Social Welfare is submitting the laws for review and recommendations to the Social Council, while the other ministries do not have such practice, which reduces the opportunity of the Social Council to intervene in laws that are not aligned with the social dialogue principles.

Recommendations for improvement of future programming:

1. ILO could strengthen the internal capacities of the social partners for better responsiveness and input in the review of draft laws submitted to the Social Council
2. ILO could support the Social Council to develop and introduce mechanism that will require each ministry to submit draft laws relevant for the areas covered by the Social Council to the Council for review and recommendations

Outcome 1.3: Labour Law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives

The third outcome of the first priority is closely connected with the adoption of the new Labour Law that reflects the ILO Conventions, International Labour Standards and EU Directives. Two indicators have been established to measure the progress toward the achievement of the outcome and their summary is presented in Table 19.

Findings related to Outcome 1.3

The working group that works on the development of the new Labour Law is established and currently active. There were some delays in the process of drafting the law due to the changes in the Government, but it is expected that the Law will be adopted by the end of 2017. ILO actively participate in the drafting of the law, providing technical support to the members of the working group. Once the final version of the draft law is finalized it can be assessed if the ILO recommendations are included in order to be aligned with ILO principles and standards and EU Directives.

During the implementation of the DWCP, Montenegro ratified five ILO Conventions, two in 2015, one in 2016 and two in 2017, although only one ILO Convention about night work was targeted for ratification. Three ILO Conventions are not in force yet. Two of them, C.171 and C.185 will enter into force in the last quarter of 2017, while C.152 will enter into force in 2018. In addition, the Government initiated the process of ratification for another two Conventions – C.151 and C.189. So far, Montenegro ratified 75 ILO Conventions, out of which 57 are in force.

Table 19: DWCP Outcome 1.3 - Indicators and Level of Achievement

Outcome 1.3: Labour Law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives		
Outcome Indicators	Progress	Explanations
A final text of the Labour Law reform is agreed which is consistent with ILO principles and standards and EU Directives	Partially achieved	The work on the Labour Law is ongoing currently.
Number of ratifications of relevant ILO Conventions initiated by the Government	Achieved	Five conventions were ratified during the implementation of DWCP C. 167 – Safety and Health in Construction in September 2015 C.187 – Promotional Framework for Occupational Safety and Health in September 2015

		C.171 – Night Work Convention in November 2016 C.152 – Occupational Safety and Work (Dock Work) in April 2017 C.185 Seafarers’ Identity Documents Convention in April 2017 Two conventions have been initiated for ratification C. 151 – Labour Relations (Public Service) Convention C.189 – Domestic Workforce Convention
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Conclusions related to Outcome 1.3

The Labour Law and inclusion of the international labour standards are highly relevant for the national constituents as the Law regulates issues that are of utmost importance for the social partners, but also for the Government. The working group on the draft Labour Law consulted continuously with ILO throughout the process to ensure that the law reflects the international labour standards and received direct technical assistance as well. ILO representative is invited to participate in the working group, which additionally strengthen the commitment of ILO to assist the national constituents to develop a law that will satisfy all stakeholders. Also, it confirms the commitment of the national stakeholders to utilize the deliverables of the interventions and be open for new insights on certain issues during the Law development. In addition, two workshops were organized as part of the project on informal economy with active ILO participation and in cooperation with the Regional Cooperation Council and participation of experts from CEE Labour Legislation Database (CEELEX). It is noticeable that the project complement certain interventions envisioned in the DWCP, which contributes to the delivery of the outputs.

The political processes in Montenegro have significant influences on developing and adopting different pieces of legislation and one change in the Government, or elections can delay the process of the development and adoption as it is the case with the Labour Law.

Montenegrin Government have been very proactive in proposing ILO Conventions to be ratified by the Parliament. Although the DWCP targeted only one Convention to be ratified, five conventions were proposed for ratification and ratified, three of them still not in force. Additional two conventions are initiated to be ratified in the upcoming period. The pace of the ratification of ILO Conventions demonstrate good responsiveness on the side of ILO to provide technical assistance in the process of preparation for ratification of the ILO Conventions.

Recommendations for improvement of future programming:

1. Once the Labour Law is adopted, ILO can support the social partners to be proactive in the changes of the bylaws that will be affected with the new Labour Law
2. The next programming cycle should take into consideration regular election cycles in the country when planning the DWCP activities related to legislation to avoid delays due to changes in the relevant Ministry
3. ILO should provide capacity-building to social partners for efficient implementation of the Labour Law when it will be adopted

4. The Social Council could identify ILO Conventions that have not been ratified yet, and based on priorities for the social partners to recommend preparations for their ratifications

Outcome 1.4: Technical and professional capacities of the Agency for Peaceful Settlement of Labour Disputes in assisting collective bargaining as well as in disputes in relation to the strike and harassment at work strengthened

The activities planned for this outcome are closely related with the capacities of the Agency for Peaceful Settlement of Labour Disputes to more efficiently handle labour disputes that are consequence of a strike or harassment at work. Two outcome indicators have been developed and findings regarding their achievements are presented in Table 20.

Findings related to Outcome 1.4

The Agency for Peaceful Settlement of Labour Disputes attended two sub-regional workshops organized by ILO in Montenegro as a technical support to strengthen their capacities. The first event was the validation workshop about the practical guide for professional conciliators/mediators. The Guide was also translated in Montenegrin language. The second event was a research workshop on performance of prevention and resolution mechanisms and processes for individual labour disputes in CEE Countries. Aside from the Director of the Agency, six arbiters also attended the workshops.

ILO supported the Agency to organize training for two groups of selected mediators in order to increase the capacities of the Agency to absorb more labour dispute cases. According to the data from the Agency, 10 collective labour disputes were submitted to the Agency in 2015 and 2016.

Table 20: DWCP Outcome 1.4 - Indicators and Level of Achievement

Outcome 1.4: Technical and professional capacities of the Agency for Peaceful Settlement of Labour Disputes in assisting collective bargaining as well as in disputes in relation to the strike and harassment at work strengthened		
Outcome Indicators	Progress	Explanations
Settlement rate of collective labour disputes, disputes in the field of harassment at work (mobbing) increased	Achieved	In 2013, which is baseline year 8 collective labour disputes were submitted to the Agency In 2015 and 2016 10 (3+7) collective labour disputes were submitted to the Agency, which is an increase for more than 10% 70% of the collective labour disputes submitted to the Agency are settled
Settlement rate of collective labour disputes related to the upcoming Law on Strike increased	Not achieved	No available data regarding the number of collective labour disputes that are related to the Law on Strike, which is adopted in March 2015

Conclusions related to Outcome 1.4

The interventions related to the work of the Agency are relevant in light that nowadays all collective disputes are required by the Law to be submitted to the Agency before they are taken to courts. The Agency has capacities to work on the collective labour disputes and the number of collective labour disputes submitted to the Agency shows increase of more than 10% compared to 2013.

The rate of successfully settled collective labour disputes by the Agency is 70%. The outputs are delivered, but in different form are recorded by the Agency (the submitted cases are compared with the baseline year, instead the settled cases). For the Agency, keeping the records is very useful tool to present their successful work.

According to the Agency representative, the role of the Agency might be strengthened if the mediator is included in the negotiation process of collective bargaining to provide professional support and ensure that the potential for collective labour dispute is minimal.

The two indicators developed to measure the progress toward the achievement of the outcome are very similar and there are no available data on the second indicator. Also, while the indicators are talking about the settlement rate increase, the Agency reporting is focused on the number of the collective labour disputes submitted to the Agency as mentioned previously. The Overview Board should have noticed this discrepancy and suggest changes/modifications to improve the measurement of the outcome.

Recommendations for improvement of future programming:

1. ILO could support the Agency to engage in the development and adoption of bylaws that are relevant for its work and should be developed based on the Law on Peaceful Settlement of Labour Disputes
2. The capacities of the Agency for keeping records that cover different dimensions of the Agency's work could be strengthened
3. ILO could support the Agency to define and promote its role as a mechanism for providing professional support to the constituents in the process of collective bargaining

6.2. DWCP Priority Two: Promoting employment and enabling environment for sustainable enterprises

The second priority in the DWCP is targeting the employment policies, especially policies that support the development of sustainable enterprises, but also young people as one of the most vulnerable group in the society, and a group that has the biggest share in the unemployment rate of Montenegro. Two outcomes have been identified for this priority and their achievement is measured through developed performance indicators. Both outcomes have been discussed below in this report.

Table 21: DWCP Priority Two and Outcomes

Priority	Outcome
Promoting employment and enabling environment for sustainable enterprises	2.1 Strengthen capacity of constituents to develop and implement youth employment policy measures
	2.2 Enabling environment for sustainable enterprises

Outcome 2.1: Strengthen capacity of constituents to develop and implement youth employment policy measures

The activities included under the Outcome 2.1 targeted primarily the capacities of the constituents to work on youth policies and contribute to the increased youth participation on the labour market. Three indicators are developed for this outcome and summary of each indicator is provided in Table 22.

Findings related to Outcome 2.1

As part of the activities within the Work4Youth project implemented by ILO, school to work transition survey was conducted and report about labour market transition for young men and women was released. The national statistics agency was trained in using the methodology for the School to Work survey, which enables the government to monitor the data periodically (on a regular basis) and inform education and employment policy and programming processes. Also, ILO supported the development of the white paper 'Recommendations for improvement of youth employment in Montenegro'. The paper seeks to address three challenges of Montenegro: the high youth unemployment rate, low participation of young people in the labour market, and their presence in informal employment. The findings from the School to Work Transition Survey and the White Paper on Youth Employment were also included in form of measures into National Youth Strategy until 2021. Beside these activities, ILO supported Ministry of Education to create a pilot software for tracing study of students of secondary education, but also drafted the Guide for teachers on Surfing the Labour Market, which entered the curriculum under the subject Entrepreneurship in all vocational education schools in Montenegro.

Table 22: DWCP Outcome 2.1 - Indicators and Level of Achievement

Outcome 2.1: Strengthen capacity of constituents to develop and implement youth employment policy measures		
Outcome Indicators	Progress	Explanation
School to work transition sex-disaggregated survey carried out and its results reported	Achieved	School to work transition survey conducted in 2015 and report released titled 'Labour market transition of young women and men in Montenegro' in April 2016
White paper on employment and gender-responsive youth employment issued	Achieved	The White Paper called 'Recommendations for improvement of youth employment in Montenegro' released in December 2016.
Youth employment becomes high priority for UN work in Montenegro	Achieved	Youth employment is high on the UN agenda in Montenegro

ILO Resource Guide 'Promoting Decent Work for Roma Youth in Central and Eastern Europe' was translated in Montenegrin language and distributed.

ILO participated in joint UN Planning and project implementation exercises (ILO was involved in the UN assistance to the Government process of development of the National Youth Strategy and its Action Plan i.e. provided support to the working group on youth employment).

Conclusions related to Outcome 2.1

This outcome has been fully achieved based on the indicator, but also on variety of activities implemented and technical assistance by ILO provided. These interventions are highly relevant taking into consideration the unemployment rate of youth in the country. All envisioned outputs were delivered, but yet to be utilized by the constituents, especially the findings from the survey. The school to work transition survey with its findings are excellent resource for developing policy papers related to youth employment. For instance, the report provided insight on various aspects of the transition of young people to the labour market, such as: length of transition, influence of poverty, educational level and place of living on the length of transition, young people engagement in informal economy, average salary of young people, work related rights, decency of jobs they hold, etc. The reference on data from this survey was also made by EU in its latest Report for Montenegro.

Youth employment is included in the UNDAF programme for Montenegro 2017-2021 in the area of Social Inclusion as one of the four focus areas included in the programme. The inclusion of the youth employment in the UNDAF programme secures the sustainability of the achievement for the upcoming years.

Recommendations for improvement of future programming:

1. Taking into consideration that main goal in the upcoming years is on decreasing the youth unemployment, ILO and social partners should consider undertaking activities to contribute to development of the Labour Market Information System in Montenegro but also improving the legal environment for start-up businesses for young people and changes in the educational policies and skills upgrade to match the education system with the labour market needs
2. Implementation of recommendations and measures proposed in the White Paper on Youth Development should be considered in the planning process of the next DWCP

Outcome 2.2: Enabling environment for sustainable enterprises

The second outcome of this priority envisioned activities to address the need for simplification of regulations aiming to support the growth of the private sector, but also supporting the social partners to develop and present policy papers that will pinpoint issues that are of significant importance for the private companies and need the attention from the government institutions. Four indicators have been developed to measure the progress toward the achievement of the outcome and their summary is presented in Table 23.

Findings related to Outcome 2.2

ILO and MEF utilized research and reports that were conducted for enabling environment of enterprises in the period before the DWCP to develop new activities. Based on the EESE report, in 2015 a Strategic Policy Framework entitled the 5 Business Killers in Montenegro was prepared and launched at a tripartite workshop. As a follow up, in cooperation with ILO, MEF organized workshop about 'EESE Impact Assessment'. The aim of the workshop was to present the modalities of monitoring the reforms of sustainable business environment in Montenegro. The workshop was a follow-up to the activities carried out by MEF that resulted in production of 2 strategic documents: The Enabling Environment for Sustainable Enterprises in Montenegro and 5 business killers followed by 2 position papers on regulatory framework and informal economy.

This high level policy document of MEF outlines five crucial business barriers and provide main suggestions as to how to overcome them. Within the project 'Enabling Environment for Green Jobs and Enterprises', ILO methodology was used to conduct a survey on green economy and green jobs. Based on the Strategic Policy Framework, in total, MEF developed five position papers.

Advocacy training, including media training was provided to MEF to strengthen their capacities for conducting advocacy activities such as the development the position papers.

MEF introduced online survey on their website to collect data about the business perception and the data are summarized and analysed on annual basis and published on their website.

The ILO, together with the Ministry of Sustainable Development and Tourism, Ministry of Labour and Social Affairs, social partners and three municipalities form north of Montenegro, and based on the MEF Survey on Green Jobs and Enterprises, developed Report on Enabling Environment for green jobs and enterprises with concrete recommendations and measures, which are fully in accordance with National Strategy for Sustainable Development until 2030. The draft of the document has been adopted by the National Council for Sustainable Development and Climate Change.

Also, ILO is in the process of drafting the Report on Skills for Green Jobs in Montenegro, which will be a part of the ILO Global Report next year.

Table 23: DWCP Outcome 2.2 - Indicators and Level of Achievement

Outcome 2.2: Enabling environment for sustainable enterprises		
Outcome Indicators	Progress	Explanation
Business Perception Survey and 'live' indicators of current business climate are introduced	Achieved	MEF collects continuously information and data about the business climate. 'Live' indicators for 2015 presented in a report
The EESE Impact Assessment Methodology is introduced	Achieved	Based on the EESE report, in 2015 a Strategic Policy Framework entitled the 5 Business Killers in Montenegro was prepared and launched at a tripartite workshop.
Position papers are developed and launched	Achieved	Five position papers are developed and launched based on the report 'Five killers of Business' which was prepared in 2013
ILO tools on entrepreneurship development/clusters and social economy are validated and adapted to the national context	Achieved	With the implementation of the project Enabling Environment for Green Jobs and Enterprises ILO tools are validated and adapted to national context ILO methodology used to conduct a survey on green economy and green jobs

Conclusions related to Outcome 2.2

The support provided by ILO and the commitment of MEF as one of the social partners resulted in highly satisfactory achieved outcomes, but also very relevant for MEF and its constituents. The achievements in this outcome are good example about the upgrade of the activities based on previously achievements or products such as surveys, analysis, reports, which adds to the possibilities for achieving sustainability of already implemented interventions.

The EESE impact assessment methodology is adapted to national context and can be used by the employers' organization for future research activities. Position papers developed by MEF helped the organization to position itself as organization that uses arguments to present its position regarding important issues that concern their members.

Recommendations for improvement of future programming:

1. In addition to the provided capacity building activities in the area of advocacy provided to MEF by ILO, further support to MEF in the development of advocacy activities related to the developed position papers and to attempt to open the issues that require modifications and/or changes to support the development of sustainable enterprises.
2. Social partners and ILO can open a discussion about the potential use of EESE impact assessment methodology in other relevant areas where it can be implemented. Activities on further promotion of green jobs, green entrepreneurship and cooperatives should be continued covering all Montenegro.

6.3. DWCP Priority Three: Formalizing the informal economy

The third priority is focused on formalizing the informal economy, thus contributing to the decrease of undeclared work and increase of number of workers that will have social and health benefits and better social protection systems. The role of the Inspectorate is indispensable in the fight with the informal economy. In the DWCP, this priority is addressed with two outcomes, one of them dealing with the labour inspection, while the other with the increased awareness of constituents about gender-responsive transition to formality.

Table 24: DWCP Priority Three and Outcomes

Priority	Outcome
Formalizing the informal economy	3.1 The capacity of Labour Inspection has been strengthened 3.2 Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality

Outcome 3.1: The capacity of the Labour Inspectorate has been strengthened

The activities envisioned with this outcome are closely related to the capacities of the inspectors and the labour inspection to address the informal economy and undeclared work. One indicator has been developed for this outcome and the summary of achievements are presented in Table 25.

Findings related to Outcome 3.1

There are no available data regarding any of the planned activities with the labour inspectorate that have been implemented so far. According to the representatives of the Ministry, there is lack of administrative capacities within the inspection, and there is a lack of inspectors employed in the

inspectorate. Under the current Informal Economy Project, training of labour inspectors is planned for November 2017 that would contribute to the capacity strengthening of the inspectors. According to the information received from the interviews, a protocol for collaboration has been signed between the Labour Inspectorate and the social partners.

Table 25: DWCP Outcome 3.1 - Indicators and Level of Achievement

Outcome 3.1: The capacity of Labour Inspection has been strengthened		
Outcome Indicators	Progress	Explanation
Cooperative strategies are used by the inspectors in coordination with other institutions to address informal employment and undeclared work	Not achieved	There is no evidence that cooperative strategies are used by the inspectors to address the informal employment

Conclusions related to Outcome 3.1

Strengthening the capacities of the Labour Inspectorate are important and relevant and activities to address this issue are included in the Informal Economy Project. Yet, so far the outputs under the DWCP has not been delivered. Based on the information that no activities have been implemented under this outcome, again the issue of the functioning of the Overview Board is emerging. In the results matrix document there are numerous milestones that are listed about this outcome. Yet, no active steps have been undertaken to stimulate the activities. Certain achievements are expected to take place by the end of the year with the implementation of the Informal Economy Project, but they are yet to be seen.

Representatives from the Ministry that were interviewed, emphasized that the Labour Inspectorate has many challenges, both human resources and financial resources, as well as vehicles that are essential for the nature of their work.

Recommendations for improvement of future programming:

This is an issue that is important and should be considered for inclusion in the next DWCP.

1. Representatives from the Labour Inspectorate should be involved in the planning process in order to provide an input on the most important and visible activities that could be planned in the programme.

Outcome 3.2: Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality

This outcome and the activities envisioned for its achievement, are related with increasing the awareness of constituents for different aspects and topics of the informal economy and the processes and activities to guide the informal economy toward formality. Four indicators have been developed to measure the achievements. Summary for each of the indicators is presented in Table 26.

Findings related to Outcome 3.2

The National Human Resources Development Report as joint initiative of ILO and UNDP has been prepared in 2016 and it addresses the profile of informality, the needs for actions and provides recommendations for future activities.

ILO started with the implementation of the project aiming to reduce the informal economy in November 2016. The project focuses on three main types of action: generation of improved knowledge and monitoring of formalization and informality; effective action supporting the formalization and preventing informality; and improved protection and promotion of decent work for workers in informal economy. The project places special emphasis on fostering collaboration of social partners and tripartite collaboration in the development, implementation and monitoring of action on the informal economy.

The informal economy and the efforts toward formalization undertaken by ILO and national constituents and also other UN agencies is clearly addressed within the UNDAF programme. Among the main areas of work it is added that the work will be done toward reducing the informal economy and strengthening labour inspection.

Table 26: DWCP Outcome 3.2 - Indicators and Level of Achievement

Outcome 3.2: Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality		
Outcome Indicators	Progress	Explanation
Tripartite constituents identify drivers and profile of informality, including the different situations and needs of women and men and of vulnerable groups	Achieved	The 2016 National Human Resources Development Report as joint initiative of ILO and UNDP has been prepared and it addresses the profile of informality, the needs for actions and provides recommendations for future activities
Constituents undertake and information and awareness raising campaign to promote the benefits of formal economy	Achieved	ILO and the national constituents implement project that promote moving from informal to formal economy.
Formalization of the informal economy becomes an explicit priority of the UNDAF programme for 2017-2021	Achieved	The UNDAF program clearly addresses the formalization of the informal economy and this issue is priority
A trade union position policy on informal economy in the construction sector is formulated	Partially Achieved	Policy paper developed, discussed and revised after comments received, but has never become a public document because it was not submitted to the Social Council

Conclusions related to Outcome 3.2

Taking into consideration that almost one third of the employment in 2015 was in the informal economy, this outcome is highly relevant, the achievement of this outcome is small, but important contribution in the fight against the informal economy. All outputs were delivered, including the policy paper of the trade union, which was prepared, but never published. The significance of the problem required additional engagement and ILO is implementing a project to support the government institutions to reduce the informal economy. The planned activities within the project

greatly contribute to the sustainability of the achievements from the DWCP interventions. Also, UN integrated program UNDAF 2017-2021 recognizes the need for more organized and multi stakeholders approach in tackling the issue of the informal economy in the upcoming period.

All national constituents are aware of the problems associated with the informal economy and have demonstrated readiness to be engaged in activities to promote the benefits of formalizing the informal economy.

Recommendations for improvement of future programming:

1. Based on the outcomes from the project implemented by ILO and the UNDAF program, the activities in the area of informal activities can be planned and discussed among the national constituents and ILO

6.4. Lessons learned and emerging good practices

Through the review of the DWCP, the following lessons learned and good practices emerged:

1. The changes in the Government can significantly influenced the process of the DWCP implementation from delaying the process to changes in the priorities of the Government. As the decision-making power is in the highest levels of the Government institutions, many of the interventions are put on standby, representatives are changed and the newly appointed need time to be introduced with the process. That is the case with the development and adoption of the Labour Law and the nomination of representatives in the Social Council. In the planning process for DWCP this should be taken into consideration and at least the regular election cycle to be taken into consideration when the timeframe for the interventions is planned. Of course, there might be early elections that cannot be predicted, but strategies for overcoming these situations should be developed. For instance, scheduling an early meeting with the newly appointed Minister to introduce him/her with the DWCP achievements to date, current and upcoming interventions, and to encourage quick response from the Government side might improve the environment for the DWCP implementation.
2. The introduction of targets for each of the developed indicators contributes to more focused approach by the national constituents and helps with the measurement of achievements. However, ILO and national constituents should be cautious not to simplify excessively the definition of the targets, because that might decrease the expectations of the constituents on one side, and to promote developing targets that are low enough to be easily achieved. Another potentially negative outcome when defining targets is focusing on numbers, which do not always support substance and qualitative change. Is it important that number of position papers are developed, or is more important what changes have been triggered with the position papers? Targets can be improved if they reflect the change. For instance, three policy changes initiated based on the recommendations from the position papers.
3. The position of ILO National Coordinator in Montenegro, based on the achievements of the current DWCP might look unnecessary, but in practice this position would greatly contributed in establishing better coordination among the national constituents and between the national constituents and ILO. Although, the constituents stated that Project Coordinators and ILO specialists have been available at any point for support and consultation, the National

Coordinator would have an overview of all processes that are ongoing in Montenegro and related to the DWCP and accessible continuously. There are important consultation processes that are ongoing in Montenegro related to the EU accession and the National Coordinator could provide input and guidance to both national constituents and ILO office in Budapest.

6.5. Overall conclusions and recommendations

Conclusions:

This DWCP is the first country document that has been developed and implemented in collaboration among the national constituents and ILO and it is visible that national constituents were ambitious to implement as much as they can, but also to present that everything was implemented. The tripartite national constituents agree that the priorities identified for the DWCP were and still are relevant and could be discussed whether they will be kept without changes in the consultation process for the next DWCP. In addition, the definition of priorities is broad enough to give freedom to the national constituents to include outcomes and concrete activities that are inclusive and flexible for implementation. The eight outcomes included in the DWCP is a reasonable number, although they are not symmetrically divided among the priorities. Almost equal level of attention has been put on each of the priorities in terms of achieving the outcomes.

Out of 23 outcome indicators, 3 were not achieved, while three were partially achieved. The issue with the two of 'not achieved' indicators is related to lack of data collected to be reported under the respective indicators by the respective constituents. For the third 'not achieved' indicator (Outcome 3.1. – there is no evidence that the activities have been implemented). If the level of achievement of the indicators is to be measured, 74% of them have been achieved. It is very important to be noted that the definition of targets for each of the indicators, significantly increased the potential for achievement, because people likes to know what will be considered as success and focus their energy to accomplish that. Also, the interventions were very concrete, such as white paper on youth employability issued, which does not give a space to discuss what can be done to address the youth employability, but the activity is already known. Majority of the indicators are actually defined as description of results, while through the targets, the definition of the indicators could be identified, mostly on output level. For instance, the outcome indicator 'Position papers are developed and launched' in Outcome 2.2., is a description of a result that should be achieved. The target 'At least three position papers developed by September 2016', suggests that the indicator should have been defined as 'Number of position papers developed' and it would be an output indicator. If the intention was to have an outcome indicator it might have been defined as 'Addressing the pressing issues that concern the enabling environment for sustainable enterprises is improved' for example. In this case, the focus would be on the content of the position papers and what changes have been triggered, supported by the number of developed position papers.

The level of ownership for the DWCP priorities demonstrated by the social partners is limited. Majority of the interviewed representatives of the national constituents, considers that DWCP is ILO document, which gives them an excuse to be more proactive in initiating discussions regarding specific interventions or outcomes, and even indicators. There are positive examples, such as MEF initiatives to implement interventions beyond what has been planned in the DWCP,

which is not the case with the other constituents. ILO promotes the DWCP as 'living document', flexible enough to accommodate changes that might emerge in the environment during its implementation. It is ILO intention that this document is owned by the national constituents and that they undertake responsibility for the implementation, while ILO is there to provide support and facilitation to the constituents to ensure successful implementation of the envisioned interventions. This is confirmed with how the current DWCP was negotiated with the national constituents, both individually and on tripartite level. Another reason for the lack of commitment might be the absence of ILO National Coordinator in Montenegro, whose role would be to overview the implementation of the DWCP and coordinate the activities among the constituents. ILO has currently two Project Coordinators in Montenegro, and although they provide support on the DWCP implementation, their focus is on the implementation of the project and the issue that is addressed with the project.

The commitment of the national constituents to contribute in the implementation of DWCP in terms of resources and finances is limited. On one side, social partners have limited financial resources, but also limited capacities to obtain financial resources from other donors. On the other side, for a long period national constituents perceived ILO as donor agency and expected that financial resources for the implementation of the DWCP interventions will be covered by ILO. Perhaps, that is one of the reasons why most of the interventions have been defined very concrete and to ensure that there are available funds for their implementation.

The Overview Board as a mechanism to monitor the implementation of the DWCP and its role to suggest modifications and/or changes is not aware that as a Board they might question the logic of the defined indicators, the reasons for not implemented activities and suggest modification and changes. In the absence of ILO National Coordinator, the Overview Board covers some of the responsibilities of the Coordinator.

Recommendations:

- National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Montenegro. Of course, the focus should continue to be on the decent work and in the area where ILO expertise is. Ensure that all issues relevant for the EU negotiation process that needs to be addressed in the upcoming period will be taken into consideration.
- ILO should review the process of developing the indicators for the DWCP aiming to have indicators in place that will capture not only the outputs
- ILO as facilitator of the process, should ensure that in the next planning process for the DWCP, all current and potential programs/projects and their donors/implementers are identified in order synergies to be created and potential support to be accessed for the implementation of the DWCP activities, not only by ILO, but also by the national constituents.
- ILO should ensure that priorities are equally important for the national stakeholders to achieve balance in the implementation of the interventions and equal treatment of each priority
- National constituents should take into consideration already developed documents, strategies, reports, research papers that address and/or study issues and topics relevant for the selected

priorities. Establishing a baseline for the actions whenever possible gives an opportunity to demonstrate clear improvement that wants to be achieved.

- ILO and national constituents should open discussion about available and potential financial resources for the implementation of the interventions given that ILO has very limited resources for activities in the field. The Government should use every opportunity to support the implementation of the DWCP from the budget or international aid available supporting activities that will be envisioned in the DWCP. Also, social partners can contribute in the next planning process, by identifying potential finance sources that might be approached by the social partners and be utilized for the implementation of the interventions that will be planned, but also to explore their in-kind contribution in the implementation of the interventions.
- ILO should consider to introduce National Coordinator position to support the social dialogue, implementation of the activities in the field and coordination among national constituents.
- ILO should undertake steps toward the improvement of reporting and data collection from the intervention to support the institutional memory, to record the successes and challenges and use them as reference in various planning processes.

7. Appendices

Appendix 1: List of Recommendations

Serbia Recommendations	
General Recommendations	
1.	National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Serbia. The result of the process should unequivocally demonstrate that priorities are equally important for each of the tripartite constituents and are on their agenda
2.	In the planning process for the next DWCP, national constituents should prioritize based on what has real potential to be implemented instead on what they would like to be implemented. The identified activities and expected outcomes should be aligned with the available capacities of the constituents. ILO should facilitate the process and to provide support on defining interventions that are more concrete and thus more prone to be implemented
3.	In complex program documents as it is the DWCP, it would be more than useful to have mix of indicators (output and outcome indicators) to better capture the achievements of results. Having baselines included wherever they are present or could be obtained, would add to better capturing the accomplishments.
4.	ILO should support the strengthening of the constituents' capacities to secure that each constituent will show proactive engagement in initiating the implementation of the activities and in the actual implementation. One of the recommendations from the social partners was to strengthen their capacities to approach and prepare applications for funds about activities that will be envisioned in the next DWCP. Also, ILO need to encourage the Ministry of Labour to include in the DWCP planning process representatives of the institutions that will be subject to specific interventions such as Agency for Peaceful Settlement of Labour Dispute and/or Labour Inspectorate. That way their awareness and commitment in the implementation phase will be increased.
5.	ILO should guide the national constituents to take into consideration already developed documents, strategies, reports, research papers that address and/or studied issues relevant for selected priorities
6.	National constituents should commit resources (time, people) and continuity in the planning process, as well as potential or available financial resources for the implementation of the DWCP. ILO and social partners should open a discussion with the Government about available financial resources for the activities that will be included in the DWCP and to seek for commitment that the resources will be directed whenever there is a possibility for the implementation of the DWCP. In addition, synergies should be created with ongoing programs and initiatives implemented by various international donors in the country, as there is demonstrated interest on their side to support the implementation of potential activities.
7.	The issue of addressing the work on regional and local level and the potential for establishing local ESCs should be correlated with the issue of representativity of the social partners, meaning the local ESCs need to follow after the issue of representativity is solved.
8.	The role of the Overview Board as mechanism to monitor the implementation of the DWCP should be strengthened. It should be made clear what the responsibilities of the Board are, and that a mandate is given to the Board to propose modification and changes in the activities and monitor if they have been accepted and implemented.
Recommendations by Priorities	
Priority 1: Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market	
9.	ILO and social partners should discuss the readiness of the constituents to open the issue of representativity, before the new DWCP is prepared. Regardless of the impression that this is hard topic to be negotiated, its opening will have benefits for all, especially for the social partners – both EOs and TUs. It will make them proactive in the process of increasing their membership, but at the same time it will make them a stronger and stable partner in the social dialogue. As, first

	step, analysis of the current membership structure and preparation of updated database for workers' and employers' organizations should be prepared.
10.	It is expected that in 2018 the current Labour Code will be changed, or a new law will be developed due to the negotiation process of Serbia with the European Union (EU). Social partners should be actively involved in the working group and discussions in the process of developing the Code. ILO should provide technical support during tripartite consultations/negotiations, especially on issues that might be obstacle for advancing the process of developing the Code. Also, ILO could deliver support during tripartite consultations/negotiations for additional capacity building activity regarding the requirements by the EU that might influence the potential resolution of particular issues in the Labour Code that are of tripartite constituents interest. This is very important since there are changes in the Ministry of Labour (new Minister has been appointed during the fieldwork for this review) and the capacities of the new management at the Ministry should be strengthened.
11.	ILO could assist the national constituents in developing an outreach strategy that will be implemented on national and local level to promote the peaceful settlement of labour disputes. Taking into consideration that the Republic Agency for Peaceful Settlement of Labour Disputes is not widely recognized among the employees and employers as a mechanism that could be utilized to settle disputes (both individual and collective) before going to courts it is necessary that constituents are involved in the promotion of the Agency among their constituents.
12.	ILO could facilitate the process of improving the work of the Overview Board by providing support to each of the constituents to introduce internal coordination with its entities and get their input on the progress of the interventions before and after the meetings of the Overview Board. One way to do that is developing a rulebook for the work of the Overview Board, in which responsibilities of the members of the Board will be outlined, but also the coordination in each of the national constituents that has to be done for the functioning of the Board.
13.	In general, both EOs and TUs need additional strengthening of their institutional capacities to be able to respond to the requirements and needs of their constituents. Assessment of the needs that have not been so far addressed in the case of the TUs and developing new services or improving the existing ones for both EOs and TUs, supported by ILO would be useful.
14.	EU accession is very popular topic among the social partners (EOs and TUs) and further strengthening of their capacities to actively participate in the negotiation process (where applicable) or to educate its constituents on relevant EU directives and policies that will affect the work of their constituents would be beneficial. Moreover, capacity building activities for accessing available EU funds that might address interventions envisioned with the DWCP are essential for potential financial contribution of social partners in the DWCP implementation.
15.	It would be beneficial if all three parties call for ILO technical assistance in the process of Labour Code reform at an early stage.
16.	ILO could open discussion with national constituents regarding their need for capacity building about the implementation of already ratified ILO Conventions, which are not reflected in the national legislation
17.	ILO assistance to the Economic and Social Council through tripartite consultations in the preparation of list of potential Conventions for ratification that are priority for Serbia in light of the EU negotiation process would be very beneficial
Priority 2: Increasing Employment Opportunities	
18.	ILO should encourage the ESC to open a discussion about the Government priorities in the area of employment policy in the upcoming period in order to define activities that will be realistic, especially if the regional and local level policies are in the agenda and make the planning for the next DWCP based on relevant information
19.	National constituents could consult the action plans that are developed for each year based on the National Employment Strategy (2011-2020). For instance, there are 16 measures for supporting the employment policies on local and regional level under Priority 2 in the National Action Plan for 2017
20.	National constituents would have to assess their internal resources (human and financial) and their commitment to implement activities on regional and local level, before committing to include such interventions on regional and local level

21.	It would be useful if national constituents open the issue of the establishment of local economic-social councils if they intend to be active in the employment policies, especially on local level. However, it is not important that these councils are only established, but that they are functional. It would be good to select certain number of municipalities where this activity can be piloted with support of ILO and work with these councils. The number of selected municipalities should be discussed in the national ESC, to choose optimal number that can be handled and one of the criteria could be the high unemployment rate.
22.	ILO should encourage the national constituents, first to review this outcome for the next DWCP and decide if it will be included in the programme and more importantly how it will be defined, i.e. what aspects of youth inclusion in the labour market would be addressed, such as interventions in the national legislation, analysis and research, service provision to young people by the national constituents.
23.	If the outcome is included, ILO should ensure that relevant stakeholders from the Government and NES are included in the process to identify more concrete activities where support is needed.
24.	The Government should be encouraged to link the current or new initiatives in the area of youth employment policies with the planned interventions in DWCP and include social partners and ILO in the implementation
25.	ILO could provide additional support in the implementation of the SMEs strategy to the social partners through developing policy papers on topics relevant for the partners and advocating by the social partners that recommendations are included in the action plan for the implementation of the Strategy
26.	ILO might support social partners to advocate with the Government for inclusion of activities that will further promote the green jobs based on already developed documents (studies and analyses prepared in the previous period), including financial resources for activities related to green jobs
Priority 3: Strengthening social protection systems	
27.	The national constituents and ILO should first identify if there are some prospects for the social security reform to be undertaken in the upcoming period and based on that to decide what type of activities would be beneficial for them – capacity-building activities to address particular issues, conducting studies or other types of analysis, or comparative analysis on the social security systems from other countries relevant for Serbia
28.	EU screening report for Serbia in the area of health and safety at work could be a good basis for programming the future activities in the area of health and safety at work
29.	The national constituents and ILO should work to strengthen the mechanisms for monitoring of the implementation of the program and undertake steps to change or modify activities that do not have prospects to be implemented
Montenegro Recommendations	
General Recommendations	
30.	National constituents and ILO should review the current priorities to confirm their relevance as top priorities or identify different priorities that are more important given the actual situation in Montenegro. Of course, the focus should continue to be on the decent work and in the area where ILO expertise is. Ensure that all issues relevant for the EU negotiation process that needs to be addressed in the upcoming period will be taken into consideration.
31.	ILO should review the process of developing the indicators for the DWCP aiming to have indicators in place that will capture not only the outputs
32.	ILO as facilitator of the process, should ensure that in the next planning process for the DWCP, all current and potential programs/projects and their donors/implementers are identified in order synergies to be created and potential support to be accessed for the implementation of the DWCP activities, not only by ILO, but also by the national constituents.
33.	ILO should ensure that priorities are equally important for the national stakeholders to achieve balance in the implementation of the interventions and equal treatment of each priority
34.	National constituents should take into consideration already developed documents, strategies, reports, research papers that address and/or study issues and topics relevant for the selected

	priorities. Establishing a baseline for the actions whenever possible gives an opportunity to demonstrate clear improvement that wants to be achieved.
35.	ILO and national constituents should open discussion about available and potential financial resources for the implementation of the interventions given that ILO has very limited resources for activities in the field. The Government should use every opportunity to support the implementation of the DWCP from the budget or international aid available supporting activities that will be envisioned in the DWCP. Also, social partners can contribute in the next planning process, by identifying potential finance sources that might be approached by the social partners and be utilized for the implementation of the interventions that will be planned, but also to explore their in-kind contribution in the implementation of the interventions.
36.	ILO should consider to introduce National Coordinator position to support the social dialogue, implementation of the activities in the field and coordination among national constituents.
37.	ILO should undertake steps toward the improvement of reporting and data collection from the intervention to support the institutional memory, to record the successes and challenges and use them as reference in various planning processes.
Recommendations by Priority	
Priority 1: Enhancing Social Dialogue	
38.	Social partners should conduct internal assessment before the planning process for the next DWCP is opened to identify potential needs for capacity building activities in relation to the objectives of the DWCP. MEF already has developed strategic plan that should be consulted in the planning process to include capacity-building activities most suited to their needs. The trade unions should identify their most urgent gaps in their capacities to be addressed for successful implementation of the next DWCP.
39.	ILO should encourage the transfer of knowledge and skills within the organizational structures of the social partners to strengthen the institutional memory and increase the number of potential beneficiaries from the capacity-building activities
40.	ILO could strengthen the internal capacities of the social partners for better responsiveness and input in the review of draft laws submitted to the Social Council
41.	ILO could support the Social Council to develop and introduce mechanism that will require each ministry to submit draft laws relevant for the areas covered by the Social Council to the Council for review and recommendations
42.	Once the Labour Law is adopted, ILO can support the social partners to be proactive in the changes of the bylaws that will be affected with the new Labour Law
43.	The next programming cycle should take into consideration regular election cycles in the country when planning the DWCP activities related to legislation to avoid delays due to changes in the relevant Ministry
44.	ILO should provide capacity-building to social partners for efficient implementation of the Labour Law when it will be adopted
45.	The Social Council could identify ILO Conventions that have not been ratified yet, and based on priorities for the social partners to recommend preparations for their ratifications
46.	ILO could support the Agency to engage in the development and adoption of bylaws that are relevant for its work and should be developed based on the Law on Peaceful Settlement of Labour Disputes
47.	The capacities of the Agency for keeping records that cover different dimensions of the Agency's work could be strengthened
48.	ILO could support the Agency to define and promote its role as a mechanism for providing professional support to the constituents in the process of collective bargaining
Priority 2: Promoting employment and enabling environment for sustainable enterprises	
49.	Taking into consideration that main goal in the upcoming years is on decreasing the youth unemployment, ILO and social partners should consider undertaking activities to contribute to development of the Labour Market Information System in Montenegro but also improving the legal environment for start-up businesses for young people and changes in the educational policies and skills upgrade to match the education system with the labour market needs
50.	Implementation of recommendations and measures proposed in the White Paper on Youth Development should be considered in the planning process of the next DWCP

51.	In addition to the provided capacity building activities in the area of advocacy provided to MEF by ILO, further support to MEF in the development of advocacy activities related to the developed position papers and to attempt to open the issues that require modifications and/or changes to support the development of sustainable enterprises.
52.	Social partners and ILO can open a discussion about the potential use of EESE impact assessment methodology in other relevant areas where it can be implemented. Activities on further promotion of green jobs, green entrepreneurship and cooperatives should be continued covering all Montenegro.
Priority 3: Formalizing the informal economy	
53.	Representatives from the Labour Inspectorate should be involved in the planning process in order to provide an input on the most important and visible activities that could be planned in the programme
54.	Based on the outcomes from the project implemented by ILO and the UNDAF program, the activities in the area of informal activities can be planned and discussed among the national constituents and ILO

ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe

Terms of Reference

Final Review of Decent Work Country Programmes (DWCPs) In Montenegro and Serbia

1) Introduction

The International Labour Organization (ILO) evaluation policy (2005)⁶ set out the Office's commitment to systematic use of internal and self-evaluation. The Decent Work Country Programme (DWCP) review is part of the process of the DWCP progress monitoring, reporting and evaluation. It is to be carried out with the participation of the ILO constituents and other national partners, as appropriate. It enables the ILO and its constituents to review their joint performance in delivering planned outputs and supporting the achievement of outcomes.

The ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe has prepared the Terms of Reference for the final review of DWCP for Serbia 2013 – 2017 and DWCP for Montenegro 2015-2017 (cluster review) in consultation with the Regional Office for EUROPE and in accordance with the guidelines of the Evaluation Office at the ILO headquarters in Geneva. The TOR will be submitted to tripartite constituents for discussion in order to refine the approach.

At the final stage of Montenegro and Serbia programmes implementation, the review will be a means of providing feedback on how well the ILO and the tripartite partners have been performing under the DWCP, highlighting good practices, lessons learned, making recommendations on improving delivery and the next steps. Another use will be to improve the evaluability of future country programmes through close attention to the results matrices. The review will be coordinated by the ILO DWT/CO Budapest and conducted by an external consultant.

2) Background and Context

Decent Work Country Programme: Montenegro 2015-2017

⁶ <http://www.ilo.org/eval/Evaluationpolicy/lang--en/index.htm>

Decent Work Country Programme of Montenegro 2015-2017 is the first cooperation programme between the ILO and Montenegro that seeks to promote social dialogue, create more and better jobs, and formalize the informal economy.

The programme is focused on the following priorities identified for collaboration between the ILO and the tripartite constituents in the framework of the *Decent Work concept*, which refers to *policies promoting employment, which should be safe and secure, decently remunerated, ensure social protection of workers and their families, give voice to workers, and guarantee equal opportunities and treatment for all*:

Priority 1: Enhancing Social Dialogue

Priority 2: Promoting employment and an enabling environment for sustainable enterprises

Priority 3: Formalizing the informal economy

DWCP Monitoring and Implementation Plan, including outcomes, outputs, indicators, was developed as an internal document. The implementation plan enables the Office to organise and monitor its work towards the achievement of a number of outcomes under three DWCP priorities, as follows:

Priority 1. Enhancing Social Dialogue

Outcome 1.1: Institutional and technical capacity of social partners is strengthened

Outcome 1.2: The role and the functioning of the Social Council is strengthened

Outcome 1.3: Labour law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives

Outcome 1.4: Technical and professional capacities of the Agency for Peaceful Settlement of Labour Disputes in assisting collective bargaining as well as in disputes in relation to the strike and harassment at work strengthened

Priority 2: Promoting employment and an enabling environment for sustainable Enterprises

Outcome 2.1: Strengthen capacity of constituents to develop and implement youth employment policy measures

Outcome 2.2: Enabling environment for sustainable enterprises

Priority 3: Formalizing the informal economy

Outcome 3.1: The capacity of Labour Inspection has been strengthened

Outcome 3.2: Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality

Resource base and RBSA-supported country programme outcomes

The main resources⁷ for the implementation of the DWCP are being provided from the ILO Regular Budget, RBTC funding, development cooperation projects and cost-sharing by the

⁷ 2015: \$189,424; 2016: \$240,193; 2017: \$199,500 (estimation); TTL: \$629,117

national partners. In addition to the above, extra funds were allocated from the ILO Regular Budget Supplementary Account (RBSA) in 2014-2015 and 2016-2017 in order to support the work on the DWCP as per the following Country Programme Outcomes (CPO):

<p>RBSA 2014-15</p> <p>DWCP Montenegro 2016-17</p> <p>Outcome 1.1: Institutional and technical capacity of social partners is strengthened (MNE801, MNE802)</p> <p>Outcome 1.2: The role and the functioning of the Social Council is strengthened (MNE103)</p> <p>Outcome 1.3: Labour law reform adopted through tripartite dialogue in accordance with relevant International Labour Standards and EU Directives (MNE826)</p> <p>Outcome 1.4: Technical and professional capacities of the Agency for Peaceful Settlement (MNE103)</p> <p>Outcome 2.1: Strengthen capacity of constituents to develop and implement youth employment policy measures (MNE129)</p> <p>Outcome 3.1: The capacity of Labour Inspection has been strengthened (MNE103)</p> <p>Outcome 3.2: Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality (MNE126)</p> <p>RBSA 2016-17</p> <p>Outcome 3.1: The capacity of Labour Inspection has been strengthened (MNE103)</p> <p>Outcome 3.2: Constituents have enhanced awareness and knowledge to promote and facilitate a gender-responsive transition to formality (MNE126)</p> <p>DWCP Serbia 2013-2017</p> <p>RBSA 2014-15</p> <p>Outcome 1.1: Legal and institutional environment created enabling the full realization of social dialogue and the necessary conditions for decent and productive workplaces (SRB102) Funds for a sub-regional project on developing a Labour Law database under SBU105</p>

DWCP Performance monitoring and evaluation arrangements

The implementation of the Decent Work Country Programme was reviewed on a regular basis by the constituents through the establishment of a DWCP Overview Board. The selection of the Board members was done after the signing of the DWCP. The task of the DWCP Overview Board is to promote the DWCP goals and monitor and evaluate the implementation of the DWCP, ensure the active participation of all parties involved and the fulfilment of their commitments to achieve the jointly agreed outcomes. The Board was meeting on a regular basis to assess progress made. Adjustments were made to adapt to changing circumstances, with a view to guaranteeing the achievement of the expected

results, including redefinition of some of the country programme activities. The DWCT/CO Budapest Director will assess the programme achievements with the constituents in the country at the end of the programme. A Results Framework and Monitoring and Evaluation Plan were developed to support this assessment.

Decent Work Country Programme: Serbia 2013-2017

DWCP for Serbia 2013-2017 is a continuation of previous activities and builds upon the results and lessons learned in the first DWCP for the Republic of Serbia 2008-2012. Its overall objective is to promote decent work through a coherent policy approach that is made operational by a set of priorities and outcomes, as follows:

Priority 1. Strengthening capacity of government institutions and the social partners to improve the functioning of the labour market

Outcome 1.1: Legal and institutional environment created enabling the full realization of social dialogue and the necessary conditions for decent and productive workplaces

Outcome 1.2: Increased institutional capacity of employers' and workers' organisations

Outcome 1.3: Implementation of International labour standards is improved.

Priority 2: Increasing employment opportunities.

Outcome 2.1 The employment policy is implemented more effectively by the constituents at the national and regional levels

Outcome 2.2 Active labour market programmes targeting youth are developed and implemented in collaboration with the social partners

Outcome 2.3 An enabling environment is created for the development of productive and sustainable enterprises providing good working conditions

Priority 3: Strengthening social protection systems.

Outcome 3.1: Strengthened sustainability and effectiveness of social security systems

Outcome 3.2: Improved and more equitable working conditions and safety and health conditions at work

Outcome 3.3: Strengthen the effectiveness of the Labour Inspection system to better promote decent working conditions through information, advice and law enforcement

DWCP Performance monitoring and evaluation arrangements

The implementation of the Decent Work Country Programme has been reviewed on a regular basis with the constituents using interactive methods. The missions of the ILO experts and their internal reports were used as part of the monitoring process. Every six months, the Decent Work Country Programme implementation was reviewed by the DWCP Overview Board consisting of the representatives of the Constituents and the National Coordinator. The DWCT/CO Director assessed the programme achievements with the constituents in the Republic of Serbia one time over the duration of the programme. On a yearly basis, the Decent Work Country Programme implementation plan was internally reviewed and adjustments were made to reflect changed circumstances, as necessary, in order to improve the implementation strategy. The revised implementation plan was validated by the DWCP Overview Board.

3) Clients of the review

The main clients of the review are the specialists and management of the ILO DWT/CO Budapest, ILO country staff, including development cooperation projects, ILO Regional Office for EUROPE, technical departments at the Headquarters, UN agencies, donors, tripartite constituents, including the members of the National Tripartite Boards, and national implementing partners.

4) Purpose

The main purpose of the review is improvement and learning. More specifically, it is to get feedback for improving programme delivery, taking stock of the results to date and proposing adjustments in the approach and strategy if necessary. It is also to ensure internal and external accountability.

The review will provide:

- a summary of results and achievements per each of the outcomes
- an analysis of relative effectiveness under each outcome and areas for improvement
- good practice examples or success stories
- overall lessons learned
- feedback for the next steps, including possible recommendations on a) priorities; b) strategies; c) activities; d) design and implementation process, as relevant and appropriate.

The review results will feed into the decision-making by the ILO and the constituents regarding further DWCPs implementation and planning.

5) Scope

The review will cover all activities carried out under the Decent Work Country Programmes within their respective timelines, including the RBSA-funded CPOs, as part of a stock taking exercise.

The review will focus on the progress made on tangible outcomes directly resulting from ILO contributions.

6) Criteria and questions

Key criteria for the review are: 1) relevance of the interventions; 2) delivery of outputs; 3) use of outputs by partners; 4) progress made towards outcomes and sustainability of achievements; and 5) emerging opportunities or alternative ways of achieving results.

The review will seek answers to the following generic questions⁸:

- Are we doing the right things?
- Are we doing things in the right way? Are the stakeholders satisfied with the quality of the results?
- What was the level of commitment and engagement of constituents?
- How effective were the National Tripartite Boards?
- Are there better ways of achieving the results?

7) Proposed Methodology

The review exercise is a participatory assessment of current practice. When conducting the review, in addition to the ILO Office, the tripartite constituents as well as other parties involved in the country programme and targeted for making use of the ILO's support will be asked to contribute and participate.

The gender dimension should be considered as a cross-cutting concern throughout the methodology and analysis. Both women and men should be involved in consultations and the review process. Data should be disaggregated by sex to the extent possible. The analysis should be gender-responsive and assess the relevance and effectiveness of outcomes and strategies for both women and men.

An external consultant will be hired to conduct the review. The external consultant will conduct a desk review of documentation, interview key stakeholders and beneficiaries in each of the countries, analyse the data collected, draft the report, facilitate a presentation for the stakeholders or roundtable discussion of the main findings and prepare the final review report based on inputs received.

Specialists from the ILO DWT/CO Budapest will be asked to contribute to the exercise.

8) Roles and responsibilities

1. DWT/CO with the help of the National Coordinator should compile relevant documents:
 - Activity/performance reports, mission reports, surveys, studies, research materials produced, minutes of meetings, policy documents, ILO technical comments on national legislation and other documents as relevant and appropriate (per outcome)
 - Other relevant background information, including DWCP Implementation and Monitoring plan, annual workplans, project level reports, reports of external consultants, evaluation reports, etc.
 - Communication and media materials
 - Information from the ILO Implementation Report 2016-2017
 - UNDAF, national development strategies

⁸ The list of questions can be adjusted by the consultant in consultations with the ILO evaluation manager as relevant and appropriate.

All the above information for each programme/outcome should be provided to the consultant/reviewer prior to the planned actual review period.

2. The consultant will observe the following workflow:

- Collect DWT/CO input
- Review documents
- Conduct stakeholder interviews
- Document findings, prepare the first draft report
- Finalise the report in English based on comments received on the draft
- Facilitate a presentation or discussion of main findings with the stakeholders (possibly, in conjunction with the new DWCP planning events, TBD later)

3. The ILO National Coordinators in coordination with the DWT/CO should arrange a program of interviews for the consultant with the following (as appropriate):

- ILO staff in the country, including project staff
- Government (Ministry of Labour)
- Workers' organisation
- Employers' organisation
- Members of the National Tripartite Board
- Other UN agencies
- Implementing partners and beneficiaries (e.g., people who have received training and/or benefitted from other activities)

4. The consultant in coordination with the National Coordinators will arrange a presentation for the stakeholders, in order to share the findings of the review (the timing to be determined later).

9) Outputs

- The review consultant should prepare a draft report and a presentation of main findings;
- Based on the feedback from ILO staff and constituents, the review consultant should summarize all the findings and conclusions in a final report (in English), including documented good practice cases (if any);
- The final report should provide summary findings for each DWCP outcome based on document reviews and ILO and partners' comments. Each outcome should be scored against key performance categories, using the six-point scoring matrix (see template in Annex to the TOR, Table 1. Scoring template for summarizing outcome-level findings of the review);
- A final section of the report should highlight overall conclusions and recommendations and recap major issues to be addressed;

- The final report should be shared with the ILO staff, tripartite constituents and partners, who can react to the findings and issues raised, and plan next steps to address these.

10) Qualifications requirements for the external consultant

The external consultant should possess the following qualifications:

- university degree in economics or social sciences
- understanding of the ILO's values, tripartite foundations and Decent Work approach
- research, interviewing and report writing skills
- knowledge of the country/region
- fluency in English and local languages
- ability to analyse and synthesise considerable amounts of information and to draw out the most important issues and points is essential

11) Provisional work plan and schedule

Task	Time frame	Responsible Unit/ person	Consultations
1. Draft TOR prepared	May 2017	DWT/CO evaluation manager	DWT/CO management, Programme Officer, National Coordinator
2. Internal and external consultations to finalize terms of reference	May 2017	DWT/CO, National Coordinator	RO EUROPE; constituents
3. Identification of external consultant	June 2017	DWT/CO	RO EUROPE; National Coordinator
4. Preparation of background documents, materials, reports and studies by outcomes	June 2017	DWT/CO team, technical specialists, National Coordinator, TC projects CTAs	
5. Meetings scheduled for the reviewer to get inputs from ILO technical specialists and national stakeholders (government, workers and employers' organization, UN agencies etc.)	June/July 2017	National Coordinator; DWT/CO	Constituents

Task	Time frame	Responsible Unit/ person	Consultations
6. Documents reviewed	June 2017 [5 work days]	Consultant	
7. Interviews with stakeholders	June/July 2017 [1 day for skype calls and 3 work days per each country = 7 work days + mission days]	Consultant	National Coordinator; DWT/CO; national tripartite constituents, partners, UN agencies
8. Draft report	July 2017 [7 work days]	Consultant	National Coordinator; DWT/CO
9. Circulation of the draft report for comments: ILO staff, constituents and other stakeholders	July 2017 [two weeks] <i>Deadline to be determined</i>	DWT/CO; Evaluation Manager; National Coordinator	All the stakeholders
10. Finalization of the report based on comments	[2 work days] <i>Upon receipt of consolidated comments from the ILO evaluation manager</i>	Consultant	DWT/CO
11. Preparation of presentation/outline of key findings	[1 work day]	Consultant	

Task	Time frame	Responsible Unit/ person	Consultations
	<i>To be determined</i>		
12. Roundtable presentation of key finding to the constituents	[1 work day per country + mission <i>To be determined</i>	Consultant	National Coordinator; DWT/CO; tripartite constituents
Total number of work days	24 work days + 4 travel days in total	Consultant	

Appendix 3: List of persons interviewed

Interviewed people from the ILO DWT/CO Budapest

Antonio Graziosi	Director
Maria Borsos	Programme Officer
Kenichi Hirose	Senior social protection specialist
Dragan Radic	Senior specialist, employers activities
Mariko Ouchi	Specialist on conditions of work
Mauricio Dierckxsens	former Employment Specialist

Interviewed people from Serbia

Jovan Protic	ILO National Coordinator
Carole Poullaouec	EU Delegation, Operations Officer
Dimitrije Stankovic	EU Delegation, Sector for European Integration
Karla Hershey	UN Resident Coordinator
Svetlana Budimcevic	SAE, Sector for legal issues and social dialogue
Jovana Emilia Stoilkovic	SAE, Sector for legal issues and social dialogue
Ljiljana Pavlovic	SAE, Sector for membership and local offices
Bojana Ruzic	SIPRU Team/Centre for Democracy Foundation
Milan Grujic	Vice-president of CATUS Trade Union
Sanja Paunovic	CATUS, Department for legal economic and social affaires
Mile Radivojevic	Agency for Peaceful Settlement of Labour Disputes, Director
Theodore Fisher	US Embassy in Belgrade
Cedanka Andric	UGS Nezavisnost, Secretary General
Natasa Ivanovic	UNOPS, Social Cohesion Project Manager
Zoran Lazic	Ministry of Labour, Employment, Veteran and Social Affairs, Assistant Minister for Labour Sector
Dragana Savic	Ministry of Labour, Employment, Veteran and Social Affairs, International relations sector
Bojan Ladjevac	Friedrich Ebert Foundation, Project Coordinator

Interviewed people from Montenegro

Nina Krgovic	ILO Project Coordinator
Ana Rasovic	ILO Project Coordinator

Milos Popovic	UN Coordination Office Analyst
Zdenka Burzan	Agency for Peaceful Resolution of the Labour Disputes, Director
Vanja Milicic	USSCG
Ivana Mihajlovic	USSCG
Natasa Vukasinovic	Social Council, Secretary of the Council
Zvezdana Oluic	Montenegrin Employers' Federation, Head of Department for PR and Marketing
Mirza Muleskovic	Montenegrin Employers' Federation, Head of Department for International Affairs and Projects
Tatjana Vukoslavovic	Confederation of Trade Unions
Edina Desic	Ministry of Labour and Social Welfare, Director General of the Directorate for Labour Market and Employment
Zoran Ratkovic	Ministry of Labour and Social Welfare, Labour Directorate, Acting Director General

Appendix 4: Bibliography

Decent Work Country Program Serbia (2013-2017)

Decent Work Country Program Montenegro (2015-2017)

ILO documents and reports related to the implementation of the DWCP in Serbia

ILO documents and reports related to the implementation of the DWCP in Montenegro

Lazovic Ivica, Peaceful Settlement of Labour Disputes in the Republic of Serbia as a Contribution to the Legal Environment of Business

National Employment Strategy (2011-2020) – Serbia

National Action Plan for Employment in Serbia for 2017

Websites of the national constituents (when available)

ILO website