



■ WeBER Indicator Summary

AREA: PUBLIC SERVICE AND HUMAN RESOURCE
MANAGEMENT

Montenegro

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PAR Area	Public Service and Human Resource Management	Country	MONTENEGRO
SIGMA Principle	2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service		

WeBER Indicator	3PSHRM_P2_I2: Performance of tasks characteristic for civil service outside of the civil service merit-based regime
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Indicator approach

This indicator assesses the scope and use of temporary forms of employment in the civil service as a deviation from the standard civil service regime that is legally regulated and subject to specific merit-based criteria. Its measurement combines legislative analysis, collection and analysis of government data with the results of a survey of civil servants, which is conducted in each country and cuts across the HRM principles and indicators. Experts and consultants hired and paid from external (technical assistance) projects or contracted through public procurement procedures (consultancy work) are not covered by this indicator. Also, general service employees, as a category stipulated by the public (civil) service legislation, are not covered by this indicator. It should be noted that for the survey of civil servants it is not possible to create a random or representative sample, as in most countries the researchers do not have access to a database of contacts of all civil servants (moreover, in most countries such databases do not exist). In order to boost the response rate and maximise representativeness, the research team seeks and relies on support of the ministries/offices who act as project associates, to widely distribute the online anonymous survey. Where such support cannot be ensured, the survey is disseminated in a decentralised manner (i.e. by contacting and requesting dissemination from individual ministries and other administration authorities).

Summary of the findings

The number of temporary engagements for performing tasks characteristic of civil service in the central state administration is not limited by law in Montenegro.

There is no limitation in either total number or percentage of the fixed term employees in the public sector in the Law on Civil Servants and State Employees. However, the Plan of Optimisation of Public Sector has a mid-term measure to stop temporary engagements.

More than one third of civil servants in Montenegro (34.5%) perceive that temporary engagements in the administration are an exception. Almost a quarter of surveyed civil servants (24.9%) chose the option "Don't know/No opinion/Don't want to answer" for this question - only in Albania was the percentage of this option slightly higher (25.9%).

When they were asked to assess the frequency of the use of this type of contracts for tasks which should normally be performed by civil servants, it was in Montenegro that most respondents thought this was not an issue, out of all other countries in the region. Namely, 37.6% of surveyed civil servants answered that this happens "rarely" (22.5%) or "never or almost never" (15%). However, 28.3% of respondents answered with the "Don't know/ No opinion/ Don't want to answer" option, which is the highest percentage in the region.

An overwhelming and regional record majority of surveyed civil servants in Montenegro (46.8%) answered "often" (16.8%) or "always" (30.1%) to the statement "when people are hired on a temporary basis, they are selected based on qualifications and skills" (in Macedonia for example, only 17% answered the same). Again, almost all of the remaining respondents chose the "Don't know/ No opinion/ Don't want to answer" option (32.4%), which is also the regional extreme.

When asked whether these rules are applied in practice, civil servants in Montenegro either agree, or avoid to give a clear answer. Namely, almost a half of surveyed civil servants (48.6%) claim that formal rules for hiring people on a temporary basis are being consistently applied in practice. All other countries in the region have

scored lower on this question. The remaining respondents in Montenegro (40.5%) answered with the “Don’t know/ No opinion/ Don’t want to answer” option.

When it comes to how long can fixed-term contract actually last, legal limitations to duration do exist, but are too flexible and allow for other laws to extend the deadline if necessary.

Law on Civil Servants and State Employees prescribes several different reasons for allowing temporary contacts, and different time ranges, but none longer than 24 months. The exception concerning temporary engagements for handling increase of the amount of work that can not be done with the existing number of civil servants and employees, it is stated that it can last for a maximum of six months, unless otherwise provided by special law. This limitation is not clear and can be interpreted to leave the space for flexible arrangements or justifications for prolonged engagement on temporary basis.

When asked whether they think that such temporary engagement contract get extended to more than one year, 34.1% of civil servants in Montenegro said this happens rarely or never (down from their counterparts in Albania, where value for these options was 44.3%, and up from the minimum value for these options in Macedonia, 7.2%). However, as the absolute regional record, almost a half of surveyed civil servants in Montenegro (42.8%) avoided a clear answer to this question by choosing the “Don’t know/ No opinion/ Don’t want to answer” option.

Only 17.3% of surveyed civil servants stated that individuals hired on a temporary basis rarely or never become civil servants after their temporary engagements, the lowest percentage in the region. 37.5% answered with the “Don’t know/ No opinion/ Don’t want to answer” option, again the regional record of respondents who opted for this answer.

Specific observations

Survey of civil servants was administered through anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). N=192, n=173.

Indicator score	5 (out of 28 points)
Final indicator value	1 (scale 0-5) ¹
Measurement period	Survey of Civil Servants: 2/4/2018-21/5/2018 Research: June 2018

¹ Conversion of points: 0-4 points = 0; 5-9 points = 1; 10-14 points = 2; 15-19 points = 3; 20-24 points = 4; 25-28 points = 5