At the European level, there are about 80 million persons with disabilities-PWDs, and in Montenegro about 60.000, of which 11.059 are unemployed, of which 6.812 women with disabilities – WWDs, 61.6%, according to the data of the Agency of Employment Montenegro, from September 14, 2021. If compared, on September 14, 2018, there were 7.505 PWDs, of which 3.922 WWDs, in 2019, 11.046 PWDs, of which 6.644 WWDs, and in 2020, 10.986 PWDs, of which 6.668 WWDs. There are 517 young with disabilities in the data of the Agency of employment, of which 241 are young WWDs. As recorded, the number of registered unemployed PWDs has increased, which could be interpreted as greater timeliness of Montenegrin institutions on the one hand, and less passivity of PWDs themselves in job search on the other hand.

*Law on Vocational Rehabilitation and Employment of PWDs*

The employment of PWDs in Montenegro is an area covered by the highest quality legal solutions in the region, which greatly affect the creation of an accessible work environment. The law creates conditions for increasing the employment of PWDs and their equal participation in the labor market, while removing barriers and creating equal opportunities. After 13 years of the Law on Vocational Rehabilitation and Employment of PWDs implementation, we can state that good bases have been created for the effective fight against unemployment of PWDs, but we are also forced to admit that not only affirmative measures are needed but also better employers’ education and their connection with PWDs in the labor market.

*Quota system*

According to the Law on Professional Rehabilitation and Employment of PWDs, according to the Article 21, an employer with 20 to 50 employees is obliged to employ at least 1 PWD, and an employer with more than 50 employees is obliged to employ at least 5% of PWDs in relation to the total number of employees. If someone does not employ PWDs is obliged to pay a special contribution for non-employment of PWDs in the amount of 20% of the average gross salary in Montenegro for the previous year. The special contribution rate for an employer with 10 to 20 employees is 5% of the average monthly salary in Montenegro earned in the year preceding the payment of contributions. The Montenegrin legislation thus offers an alternative, either to employ PWDs, or to pay a special contribution. By mathematical calculation, it is economically more profitable for employers to employ PWDs than to pay contributions. Especially to employers who have more than 50 employees.

It is important to emphasize that in case where employer employs a person with at least 80% disability, it is considered, in terms of employment obligation, as if employed 2 PWDs, which leads to a reduction in the payment of the obligation for 2 PWDs.

*Financial analysis of employment opportunities*

With a careful analysis of the financial effects of employing a PWD or paying a special contribution, each employer would determine that it is more cost-effective to employ a PWD than to pay a special contribution. In addition, by employing PWDs, the employer gets one more worker, and is often profitable financially.

To confirm the above, in the table below we provide an overview of the financial effects of the employment of PWDs.

Table 1: For an employer with 20 to 50 employees

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Net salary | Employer cost as a percentage of net salary | Employer's cost in cash | Amount of special contribution for 1 PWD | Monthly financial effect of employment of 1 PWD | Annual financial effect of employment of 1 PWD |
| 300,00 € | 55,00 % | 165,00 € | 156,60 € | 8,40 € | 100,80 € |
| 350,00 € | 55,00 % | 192,50 € | 156,60 € | 35,90 € | 430,80 € |
| 400,00 € | 55,00 % | 220,00 € | 156,60 € | 63,40 € | 760,80 € |
| 450,00 € | 55,00 % | 247,50 € | 156,60 € | 90,90 € | 1.090,80 € |
| 500,00 € | 55,00 % | 275,00 € | 156,60 € | 118,40 €  | 1.420,80 € |
| 550,00 € | 55,00 % | 302,50 € | 156,60 € | 145,90 € | 1.750,80 € |
| 600,00 € | 55,00 % | 330,00 € | 156,60 € | 173,40 € | 2.080,80 € |

For the employer who has more than 50 employees, and who employs a person with a percentage of disability less than 80%, the table above applies, while in the case of employment of PWD with severe disability, ie. PWD with more than 80% disability, the employer's special contribution is reduced by 2 PWDs and in that case the financial effect is as in the table below.

Table 2: For an employer with more than 50 employees

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Net salary | Employer cost as a percentage of net salary | Employer's cost in cash | Amount of special contribution for 1 PWD | Monthly financial effect of employment of 1 PWD | Annual financial effect of employment of 1 PWD |
| 300,00 € | 55,00 % | 165,00 € | 313,20 € | -148,20 € | -1.778,40 € |
| 350,00 € | 55,00 % | 192,50 € | 313,20 € | -120,70 € | -1.448,40 € |
| 400,00 € | 55,00 % | 220,00 € | 313,20 € | -93,20 € | -1.118,40 € |
| 450,00 € | 55,00 % | 247,50 € | 313,20 € | -65,70 € | -788,40 € |
| 500,00 € | 55,00 % | 275,00 € | 313,20 € | -38,20 € | -458,40 € |
| 550,00 € | 55,00 % | 302,50 € | 313,20 € | -10,70 € | -128,40 € |
| 600,00 € | 55,00 % | 330,00 € | 313,20 € | 16,80 € | 201,60 €  |

As can be seen, if employers with 20 to 50 employees hired a PWD instead of paying a special contribution, they would have a minimum cost depending on the amount of net salary that person would receive, while employers with more than 50 employees would employed PWDs with more than 80% disability had less financial expenses unless that person had a net salary of €600.00 in which case they would have a significantly higher financial expense.

*Benefits from the Law on Employment and Vocational Rehabilitation of PWDs*

*The right to a wage subsidy* is exercised by the employer on the basis of a request in the amount of 75% of the paid gross salary for the entire period of employment, for the employer who employs a person with at least 50% disability. For an employer who employs a PWD of less than 50%, the subsidy is: in the first year 75%, in the second 60%, in the third and each subsequent year 50% of the paid gross salary. According to the data of the Agency of Employment, at the end of 2020, 1141 employers were entitled to a wage subsidy for 2040 PWDs (men - 918; women - 1122). 920 PWDs are employed on a temporary basis, while 1120 PWDs are employed on an indefinite basis.

*The participation in the financing of personal expenses of an assistant (work assistant*) of a PWD is realized by the employer if employs a PWD who is covered by measures and activities of professional rehabilitation. The costs of an assistant are equal to the minimum wage in Montenegro. At the end of 2020, 67 employers were entitled to a subsidy – the participation in financing the personal expenses of assistants (work assistants) for 97 PWD employees (men - 57; women - 40). 7 PWDs are employed on a temporary basis, while 90 PWDs are employed on an indefinite basis.

Also, one of the benefits that encourage the employment of PWDs are *credit funds* under favorable conditions for the purchase of machines, equipment and tools needed for the employment of PWDs. This benefit was not used in the previous period, according to the data of the Agency of Employment.

An employer who employs a PWD, who is covered by measures and activities of professional rehabilitation, is entitled to grants for the *adjustment of the workplace and working conditions for the employment* of PWDs. During 2020, 32 employers submitted to the Fund for Vocational Rehabilitation and Employment of PWD 40 applications for the right to grants for the adjustment of the workplace and working conditions. Two applications for the right to a grant for the adjustment of the workplace and working conditions were rejected on the grounds that the reports of the vocational rehabilitation provider stated that no adjustment of the workplace was necessary.

*Vocational Rehabilitation Fund*

The Vocational Rehabilitation Fund was established, that is, it is prescribed by the Law on Vocational Rehabilitation for the Employment of PWDs and that law defines that the Fund be established within the Agency of Employment of Montenegro. The task of the Fund is to carry out all those activities related to vocational rehabilitation and employment of PWDs, and these are primarily: procedures for exercising the right to vocational rehabilitation, monitoring the performance of vocational rehabilitation based on implemented vocational rehabilitation measures. The Fund conducts the procedure of implementation and realization of the previously mentioned benefits of the Law. Within the Fund, there is the Council of the Fund for Vocational Rehabilitation and Employment, which is an advisory body that reviews the work of the Fund and the implementation of policies in the field of vocational rehabilitation and employment of PWDs.

The fund is financed from the funds that the Agency of Employment received from the Ministry of Finance through the annual budget of Montenegro. In the budget of Montenegro related to Agency of Employment there is a special budget line called the Fund for Professional Rehabilitation of Employment of PWDs where the Ministry of Finance proposes each year, and then through the Law on Budget the Parliament of Montenegro adopts the budget is intended for the expenses of the Fund.

The funds received by the Fund are in fact funds that employers who do not employ PWDs pay in the form of a special contribution as a kind of "penalty" or "punishment" for non-compliance with the quota prescribed by law, which is again required by the Law on Employment of PWDs. Unfortunately, in the last 12 years since this Law was adopted, every year employers have paid several million more into the budget than the Ministry of Finance allocated to the Fund through the budget. In the previous two years, that amount was 6 million euros annually.

For several years, the Organization of PWDs has been advocating for the Fund to be separated from the Agency of Employment and to be formed as a separate legal entity. This would contribute to greater independence and greater functionality of the Fund, however, it is very important that the Fund employs PWDs, as well as persons with quality professional qualifications.

*Grant scheme*

The fund conducts the procedure of financing the so-called grant scheme. Grant schemes are actually projects implemented by various entities, NGOs, LLCs, and others, in Montenegro that aim to increase the employment of PWDs. These are various projects, business ideas that are financed with a certain amount of funds, and the goal is to increase the number of PWD employees during the projects, and especially after their implementation. In the last few years, approximately 2 to 3 million have been set aside to fund grant schemes.

*Zaposliosi.me (employpwd.me)*

In order to improve the employment conditions of PWDs, the Union of the Blind of Montenegro created the portal zaposliosi.me- http://www.zaposliosi.me/index.php three years ago, where you can find all the information related to the employment of PWDs. The portal aims to connect and enable efficient communication between employers and unemployed PWDs. The portal "zaposliosi.me" was created after the successful implementation of the project of the Union of the Blind, funded by the Agency of Employment, through the above mentioned grant schemes.

The portal is completely innovative, diverse, has a rich content aimed at encouraging the employment of PWDs and is a very creative space on the Internet. The specificity of the portal is the meaning of the domain, zaposliOSI.me. In addition to the opportunity for unemployed PWDs to get acquainted with their employment rights, the portal is a place of efficient and professional connection between employers and unemployed PWDs, with the possibility of insight into a large number of relevant and valid legal regulations and other documents, as well as various forms relate to incentive measures and benefits in the employment of PWDs.

As a unique space on the Internet, which deals in one place with all aspects of employment of PWDs, employers can get acquainted with the biographies of unemployed PWDs, but also watch their short video presentations, ie. self-presentation and highlighting some important skills, professional qualifications and others capabilities of PWDs. Also, all stimulating and other measures and benefits have been set for employers, with an explanation, the necessary documentation, steps towards realization.

A good legislative framework, the existence of numerous benefits and incentive measures for the employment of PWDs, is opposed to the still strong prejudices and stereotypes, which we want to reduce to a reasonable measure through blogs and interesting stories, supported by various experiences of PWDs in the field of employment of PWDs in greater numbers. The blog posts affirmative experiences of individuals, PWDs themselves, and employers. This encourages skeptical employers and less confident PWDs to start thinking more actively about the importance and ease of employing PWDs. The portal is accompanied by mobile applications made for both IOS and Android platform.

*COVID 19*

The spread of the new virus COVID 19 has led to the taking of various precautionary measures that have affected the area of ​​work of all employees, including PWD employees. Measures to combat COVID 19 have also led to the performance of their work tasks from home, the suspension of work for many employers of PWDs. According to the Labor Law, the rights and obligations of employees with disabilities do not differ from the rights and obligations of employees without disabilities. This means that employers cannot take measures against employees with disabilities that would put them in a more unequal position compared to employees without disabilities. During the pandemic, the Union of the Blind appealed to employers to look, get acquainted with the benefits of employing PWDs, as well as that working conditions do not differ from home, and to enable PWDs to do their job equally as other employees.

Measures to combat COVID19 also affected the work of many employers, financial effects, so some employers were forced to close companies, hand out dismissals to employees with and without disabilities.

*Recommendations:*

1. In order to increase the employability of PWDs, it is necessary to encourage employers through various activities. Mapping jobs in accordance with the systematization of jobs where PWDs can work is one of the recommendations. When announcing the advertisement, it is necessary to indicate that the advertisement is advertised for vacancies intended for the employment of PWDs, ie. a post where PWDs can be employed, so that the counselors of the Agency of Employment can contact unemployed PWDs, who are on the register and offer them the possibility of employment.
2. Encourage young PWDs to work as much as possible on both personal, formal and non-formal education by enabling equal participation in accessible training. It is a way for them to master other skills, which make them even more competitive in the labor market.
3. The goal of the Law on Employment of PWDs is not only to increase the employment of PWDs but also to support employed PWDs to maintain employment and advance in their careers. The Fund and the employment system in Montenegro should put emphasis on additional education, ie. increasing the professional competencies of PWD employees in order for them to maintain employment and advance in their careers.
4. Encouraging PWDs to start their own business with trainings specialized in acquiring knowledge and skills in the field of entrepreneurship.
5. Equip, adjust the workplace of PWD in accordance with reasonable adaptations, and the needs of work in the workplace.
6. Enable greater independence in the work of the Fund for Professional Rehabilitation and Employment of PWDs.
7. Create effective measures to motivate unemployed PWDs to look for work, and not to be passive beneficiaries of cash benefits.
8. Promote the employment of PWDs, organizing campaigns and other forms of promotion that will be based on practical examples.
9. Enhance cooperation between key institutions and organizations in the field of employment, in order to facilitate the employment of PWDs.

Useful links: <https://ss-cg.org/> <http://zaposliosi.me/>