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Attn. to: Committee on Freedom of Association

February 23th, 2012

Reference: ILO Case No.2752

The New Trade Union of Radio&Television of Montenegro informs the ILO about the following:

A

By the final and enforceable judgement(No. *P.br.1734/08*), upheld by the High Court(Court of Second Instance)with the decision No. *Gž.br.2383/2010-08* of 15.06.2010, the Radio and Television of Montenegro (RTCG) was ordered to provide conditions for exercising the trade union activities as well as to compensate for material damages because of unpaid membership dues for the period from February 2007 to February 2008 in total amount of 7639.10 € to the plaintiff – New Trade Union of RTCG.

After an appeal of the defendant RTCG, the Supreme Court of Montenegro revoked the verdict and the case was sent back to the Municipal Court of Podgorica(Court of First Instance) and to the same judge Ljiljana Soskic. Although there was no new evidence or even the merits and proofs which might have changed the original verdict despite the testimony from two new witnesses (they are former general managers of the RTCG who tried to abolish the work of the New Union during their

mandate) – judge Soskic adopted a verdict No. *P.br.159/11*, that contained analysis and conclusions substantially contrary to that of the original one(*No. P.br.1734/08 of 2008*). Namely, by the newest judgment the judge Soskic rejected the claim of the New Trade Union as unfounded and ordered the plaintiff, the New Trade Union, to pay to the defendant the costs of proceedings in total amount of 1,875.00 euros and that the Union's office with its inventory and equipment be taken away.

However, the New Union appealed to the High Court, so we expect it will accept the appeal and overturn its original decision as the Municipal Court did because of the negative discriminatory campaign led in the courts against all members of the New Union, **which results in negative verdicts no matter which ground of claim is in question.**

This case is characterized by the following:

1 It is prescribed by the Art. 397 of the Montenegrin Civil Procedure Code that a request for review to the the Supreme Court can be submitted only if the amount of damages(value) in a dispute exceeds 10,000 euros. The value of this dispute is below the prescribed limit, but the appeal was allowed.....

2 The verdict No. *P.br.159/11* is in itself bizarre because the New Trade Union has no funds to pay the costs of proceedings since it is prevented by the very defendant to collect funds which in fact are the subject of the dispute in court. So, there's an obvious intention of Montenegrin Government that through the judgements wants *de facto* to financially force the New Union to shut down its trade union activity, since such previous attempts accompanied by evading the clear provisions of the ratified ILO Conventions and by disregarding the labor, human and trade union rights – failed to function.

B

The New Union requested compensation of material damage for unpaid membership dues for the period March 2009-March 2010 in the case No. *P.br.5708/10* of 29.12.2010.

This process is still ongoing. Judge Danilo Jegdic constantly postpones the finalizing of this civil procedure by scheduling a number of hearings with an

apparent intention to wait for the outcome of the case described here under A.

Nevertheless, the court financial expert unambiguously established the fact that for thirty members of the New Union(out of 88 members in total) the membership fees were deducted from their income and that these membership fees were wired to the pro-government trade union("Syndical Organization of RTCG"), instead of to the New Trade Union whose members joined it by voluntarily and legally signing-in the membership application forms.

In such a way, thirty members of the New Union were practically deceived and had the fees stolen, so the New Union was financially damaged. This was done in order to enable the pro-government trade union to gain a numerical superiority and supremacy, all that for the sake of artificially achieving the status of representative trade union of the RTCG.

However, judge Jegdic ignores these facts and accepts the obvious false documents/forgeries presented by the defendant's attorney Mrs Jadranka Kasalica. Due to this reason, the New Trade Union requested exclusion of the judge, but it was rejected. These circumstances, which can be checked out, are sufficient reason for establishing the fact of how much, i.e. to which extent the judiciary is infected with corruption practices.

C

Since 01.12.2011, the general director of the RTCG, elected by the Council of RTCG, is now Mr Rade Vojvodic, a former general manager and chief editor of the private TV station "TV IN" which he has brought into financial collapse and whose employees haven't received their monthly salaries for many previous months. Just to add that, before starting the managerial job in TV IN, Mr Rade Vojvodic was previously employed several years in RTVCG, so some suspicions that TV IN is one of the "private" tv stations that represent the "separated units" of RTCG, are fairly founded.

Immediately after his return in RTVCG, Rade Vojvodic announced he would dismiss 250 employees of RTCG as redundant and would hire his most important staff from the "TV IN" to engage them at the most responsible positions in the RTCG. These intentions have been approved by the Council, despite the fact that two months ago the Council accepted the "*Strategy of Development of the State Company RTCG from 2011 to 2015*", whose creation was managed by Mr Boris Bergant, vice-president of the European Broadcasting Union(EBU), and which established that the RTCG has no redundant employees, but that the organizational scheme might be inadequate.

Rade Vojvodic was already holding the meetings across the organizational units in order to identify and announce which positions are going to be made redundant. So, he informed the president of the New Trade Union, Mr Radomir Pajovic, that his job was going to be made redundant, meaning that he would be dismissed as redundant. It is not difficult to conclude that it is about false redundancy and that the members of the New Trade Union are consequently going to be targeted first. After all, Rade Vojvodic himself, carelessly, said that *when he took the post, he had been conditioned to halve the number of employees*. The ILO Convention 158 and Recommendation No.166 are being evaded also in Montenegro in this direction.

D

The New Trade Union is in posses of the original audio recorded statement given by the President of the Council of RTCG, Dusan Simonovic, holder of Master in law degree, wherein he states that he knows that the general manager persecutes the New Trade Union leaders, Radomir Pajovic and Mirjana Popovic as well as all employees who contact with them or support the Union.

However, of our utmost concern is that Dusan Simonovic has not even tried to prevent the general manager from performing these dishonorable and anti-trade union activities and making false redundancies.

Epilogue

On 21.02.2012, the general manager of RTCG Rade Vojvodic issued decisions to suspend Radomir Pajovic from work and to initiate a disciplinary proceedings for alleged "gross violation of duties", the latter being based on false allegations.

This is basically an introduction of the process leading to Radomir Pajovic's termination of employment. In fact, the general manager's intention is to stop the New Trade Union in doing its usual trade union activities by forcing its leader to deal with and waste his precious time in disproving and denying false allegations in the court. The similar scenario has already happened two years ago...

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