

Pursuant to Article 6 paragraph 2 of the Law on Civil Servants and State Employees (Official Gazette of Montenegro 39/11), at its session held on 15 March 2012 the Government of Montenegro adopted the following

CODE OF ETHICS OF CIVIL SERVANTS AND STATE EMPLOYEES
(Official Gazette of Montenegro 20/12 of 12 April 2012)

I. GENERAL PROVISIONS

Subject

Article 1

This Code of Ethics shall lay down ethical standards and rules of conduct of civil servants and state employees in ministries, state administration, service of the President of Montenegro, the Parliament of Montenegro, the Government of Montenegro, the Constitutional Court of Montenegro, the State Court and Prosecutor's Office (hereinafter referred to as the state administration).

This Code of Ethics shall be applied to the employees of the Pension and Disability Insurance Fund of Montenegro, Health Insurance Fund of Montenegro, Labour Fund and Agency for Amicable Settlement of Labour Disputes, as well as the employees of other administration bodies, regulatory and independent bodies, if provided so by a specific law.

Purpose

Article 2

The purpose of this Code of Ethics is preservation, affirmation and promotion of dignity and reputation of civil servants and state employees (hereinafter referred to as employee) and strengthening public confidence in the work of state bodies.

Relations to which it is Applicable

Article 3

The employee shall apply the ethical standards and rules of conduct in relations with other employees, relations with citizens, attitude to work as well as towards the state body where he/she performs his/her tasks, in accordance with this Code of Ethics and the Law.

Use of Gender-Sensitive Language

Article 4

The terms used in this Code of Ethics for natural persons in the masculine gender imply use of the same terms for the feminine gender.

II. ETHICAL STANDARDS AND RULES OF CONDUCT

Protection of Reputation

Article 5

The employee shall perform his/her tasks in the state body in such a manner that does not diminish his/her reputation or the reputation of the state body.

Outside working hours, the employee must not behave in a way that can have a negative impact on the reputation of state bodies.

Upon conducting personal affairs the employee must not use official documents nor the official position he/she holds in the state body.

Respect for Integrity

Article 6

The employee shall perform his/her tasks in the state body in such a manner to ensure realization of rights, respect for the integrity and dignity of citizens.

In the performance of his/her tasks, the employee has a right to be protected from harassment or behavior that is or is intended for actual violation of the employee's dignity and personality.

Equality of Citizens

Article 7

The employee shall at all times respect the principle of equality of citizens before the Law, especially when deciding on the rights, obligations and legal interests of the citizens.

Upon performance of his/her tasks, the employee must not bring a citizen in a privileged or disadvantaged position in exercise of the citizen's rights and duties, on the basis of race, colour, national origin or any other personal property.

Employee's Behaviour in Public Appearances

Article 8

The employee shall, in all forms of public appearances and actions where he/she represents the state body, express the views of that state body, in accordance with the regulations, authorization, expertise and this Code of Ethics.

Upon expressing the views of the state body or his/her personal views, the employee has a duty to protect the reputation of the state body and his/her own reputation.

In public appearances where he/she does not represent the state body, the employee must not reveal the data from within the scope of the state body or the scope of his/her tasks, which could damage the reputation of the state body and public confidence in the work of the state bodies.

Handling the Information

Article 9

In performance of the tasks of the state body, the employee may seek access only to those information which are necessary for performance of his/her tasks, and the obtained information must be used in accordance with the Law.

In conducting personal affairs, the employee shall not use the official information obtained in performance of his/her duties.

Standards of Dressing at Work

Article 10

The employee shall, accordingly to the tasks he/she performs in the state body, be appropriately and neatly dressed and may not, by the way he/she is dressed, infringe his or her personal reputation or the reputation of the state body nor may he or she express political, religious or personal adherence which could cast a doubt on his/her neutrality and impartiality in the performance of duties.

III. COMMUNICATION OF EMPLOYEE WITH PARTIES

Manner of Acting

Article 11

The employee shall perform his/her tasks in the state body in such a manner as to, in a way most favourably envisaged by the Law, ensure realization of rights and obligations of the parties.

In communication with the parties the employee shall:

- act professionally, impartially and decently;
- provide data and information timely, correctly and accurately, in accordance with the Law and other regulations;
- teach, assist and provide information about the body responsible for dealing with the request, as well as about the legal remedies;

The employee that is authorized for making decisions in an administrative procedure on rights and duties of citizens and legal persons, upon making these decisions shall act within the scope of said authorization, primarily guided by the public interest.

Manner of Treating Disabled Person by the Employees

Article 12

The employee shall treat the disabled persons with special attention.

IV. MUTUAL RELATIONS OF THE EMPLOYEES

Acting

Article 13

All forms of communication between employees shall be based upon mutual respect, confidence, cooperation, decency and responsibility.

In performance of duties in the state body, the employee shall exchange views and information about specific technical issues in purpose of achieving common benefits for the state bodies as a whole.

The employee shall take care not to interfere with other employees upon their performance of regular official duties.

Immediate Superior Officer

Article 14

Immediate superior officer shall give an example of ethical behaviour to other employees by his/her own behaviour.

Immediate superior officer shall encourage employees to perform their tasks in a quality and timely manner, to mutual trust, respect and cooperation and appropriate treatment of citizens. Immediate superior officer shall monitor implementation of this Code of Ethics, indicate to the head of the state body the shortcomings in the work of employees under his/her supervision and undertake necessary measures for violations of ethical standards and rules of conduct established by this Code of Ethics, in accordance with the Law. Immediate superior officer shall take necessary measures to prevent corruption or other forms of illegal behaviour.

Reporting Unethical Requests

Article 15

The employee shall report the violation of this Code of Ethics by another employee to the immediate superior officer or the head of the state body.

The employee who believes that he/she was required to act in a manner contrary to this Code of Ethics, shall report that request to his/her immediate superior officer, or the head of the state body.

Violation of the Code of Ethics

Article 16

The employees hold disciplinary responsibility for violation of this Code of Ethics, in accordance with the Law. The violation of ethical standards and rules of conduct referred to in Article 5, Article 6 paragraph 1, Articles 7-12 and Article 13 paragraph 3 of this Code of Ethics are considered as minor violations of official duty.

V. ETHICS COMMITTEE

Rights of Citizens in the Event of Violation of the Code of Ethics

Article 17

For violation of ethical standards and rules of conduct established by the Code of Ethics employees and citizens may contact the head of state authority and / or the Ethics Committee.

Ethics Committee

Article 18

The Ethics Committee shall monitor implementation of this Code of Ethics.

The Ethics Committee shall have a president and four members, four of whom are representatives of the employees in the judiciary, the public administration, the Parliament of Montenegro and legal persons referred to in Article 1 paragraph 2 of this Code of Ethics, as well as one representative of the representative trade union organization which has a higher percentage of employees in bodies and legal entities referred to in Article 1 of this Code of Ethics.

The president and members of the Ethics Committee shall be appointed by the Government of Montenegro, at the proposal of the state administration body competent for administrative tasks, for the period of four years.

Manner of operation, acting and decision-making of the Ethics Committee shall be determined in the Rules of Procedure.

Competences

Article 19

The Ethics Committee shall:

- give opinions on appeals against the conduct of employees in the state body;
- give opinions related to implementation of this Code of Ethics;
- monitor implementation, initiate changes and amendments to the regulations in the area of employees' ethics;
- promote ethical standards and rules of conduct in state bodies.

Special Codes of Ethics

Article 20

For employees of specific state bodies, on the basis of ethical standards and rules of conduct established by this Code of Ethics, depending on nature and specifics of the tasks, a special code of ethical behaviour could be established.

Introduction of New Employees to the Code of Ethics

Article 21

The head of the state body or the officer authorized by the head of the state body, shall introduce the person who is for the first time employed in that state body with the provisions of this Code of Ethics.

Person referred to in paragraph 1 of this Article, after introduction to provisions of the Code of Ethics, shall sign a statement on respect of the latter.

Publicity of the Code of Ethics

Article 22

This Code of Ethics shall be displayed at a prominent place in the state body and it shall be published at the e-government portal and web pages of the state body.

VI. FINAL PROVISIONS

Termination of Effect

Article 23

As of the day of start of implementation of this Code of Ethics, the Code of Ethics of Civil Servants and State Employees (Official Gazette of Montenegro 81/05) shall cease to apply).

Entering into Force

Article 24

This Code of Ethics shall be published in the Official Gazette of Montenegro, and it shall enter into force on 1 January 2013.

Reference number: 06-476/6

Podgorica, 15 March 2012

Government of Montenegro
Prime Minister,
DSc Igor Lukšić