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EUROPEAN SOCIAL CHARTER

1st National Report on the implementation of the

European Social Charter

submitted by

THE GOVERNMENT OF "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"

(Articles 2, 4, 5, 6, 21, 26, 28 and 29

for the period 01/01/2009 – 31/12/2012)

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R E P U B L I C OF M A C E D O N I A

MINISTRY OF LABOUR AND SOCIAL POLICY

FIRST REPORT
ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER (REVISED)

Submitted by the

REPUBLIC OF MACEDONIA

(For articles 2, 4, 5, 6, 21, 26, 28 and 29)

Skopje, January 2014

CONTENTS

page

PREFACE

The Republic of Macedonia has ratified the European Social Charter (revised) on January 6th 2012.

According to the Article C and Article 21 of Part IV of the Charter, the Republic of Macedonia hereby submits its first Report on implementation of ratified provisions of the European Social Charter (revised).

The Report has been prepared in compliance with the new reporting system, adopted by the Committee of Ministers and in effect since October 31st 2007.

This Report covers the implementation of the following accepted provisions of the Charter belonging to the third thematic group (Labour rights):

Provisions	Referent period for reporting on the European Social Charter (ESC) and the European Social Charter (revised) (RESC)
Article 2§1	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 2§2	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 2§3	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 2§4	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 2§5	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 2§6	1/3/2012-31/12/2012 RESC
Article 2§7	1/3/2012-31/12/2012 RESC
Article 4§2	1/3/2012-31/12/2012 RESC
Article 4§3	1/3/2012-31/12/2012 RESC
Article 4§5	1/3/2012-31/12/2012 RESC
Article 5	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 6§1	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 6§2	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 6§3	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 6§4	1/1/2009-29/2/2012 ECS and 1/3/2012-31/12/2012 RESC
Article 21	1/3/2012-31/12/2012 RESC
Article 26§1	1/3/2012-31/12/2012 RESC
Article 26§2	1/3/2012-31/12/2012 RESC
Article 28	1/3/2012-31/12/2012 RESC
Article 29	1/3/2012-31/12/2012 RESC

In accordance with the Article 23 of the European Social Charter, copies of this Report have been communicated to the relevant national organizations of employers and trade unions:

- Federation of trade unions of Macedonia;
- Confederation of free trade unions of Macedonia;
- Organization of employers of Macedonia.

The Opinion of the Federation of trade unions of Macedonia is attached to this Report. No other letters were received.

Article 2 – The right to just conditions of work

Article 2§1

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity ant other relevant factors permit.

In the reporting period there were no changes in the law regulations referring to this paragraph.

In order to provide monitoring of the employees working hours within the legally envisaged conditions and protection of the worker within the legal decisions, the State Labour Inspectorate (SLI) regularly supervises the application of the legal provisions in accordance with its competences. In accordance with its Working Programme, SLI performs regular inspection supervisions at the employers from all activities and acts upon written and oral requests by the workers for protection of the rights deriving from the working relations.

With the amendment of Article 259 of the Law on Labour Relations in September 2010, the ground for issuing of prohibition for operation of the employer with duration up to 7 days if the working hours and the schedule of the working hours are not followed or there is improper keeping of the electronic record of the full working hours, was removed. Since then, if when performing supervisions the inspector shall determine that the worker has been ordered to work longer than the working hours envisaged by law, there is no or improper keeping of records of the working hours, he/she shall issue an order ordering the employer to remove these irregularities and shall submit a request for initiating misdemeanour procedure for the violation performed.

On the basis of the inspection supervisions performed in the cited reporting period, it has been established that violation of the working hours is most frequently occurring in the textile industry, retail, catering and building construction industry, but before all in the small enterprises due to which the inspection are mostly directed towards these activities. Thus it has been determined that in this activity the workers work 6 days a week, 8 hours or longer per day.

In 2009, 103 requests were submitted by workers to SLI for protection of the rights in view of violation of the working time, 21 of which are from the retail industry, 33 from the textile industry and the remaining from other activities.

In 2010, 119 requests were submitted for protection of the rights in view of violation of the working time, 24 of which are from the retail industry, 55 from the textile industry and the remaining from other activities.

In 2011, 112 requests were submitted by workers to SLI for protection of the rights in view of violation of the working time, 20 of which are from the retail industry, 47 from the textile industry and the remaining from other activities.

In 2012, 272 requests were submitted for protection of the rights in view of violation of the working time, 80 of which are from the retail industry (small enterprises), 72 from the textile industry and the remaining from other activities.

The amendment of Article 177 of the Law on Labour Relations in September 2010 envisaged the obligation of the employer to notify the regional labour inspector

regarding the overtime. Due to high penalties most employers began to report the overtime which contributed to obvious results of controlling this trend for which the workers often complained. However, with the amendments in the Law on Labour Relations from January 2012, a possibility was provided for the employers to deliver the notification to the labour inspection within 3 days from the commencing of the overtime. This immediately decreased the number of notifications for overtime and in 2012 the number of complaints by the workers significantly increased.

In accordance with the Law on Trade ("Official Gazette of the Republic of Macedonia" No. 16/2004, 128/2006, 63/2007, 88/2008, 159/2008, 20/2009, 99/2009 and 105/2009), the employer shall be obliged to harmonize the length and schedule of the working time for each individual trade facility with the number of employees in it. If it is established that the working time is not followed, the inspector should order the employer with a decision to harmonize the working time with the number of employees. After the inspection supervisions performed in the area of trade and the claims that the employers from the area of trade did not harmonized the working time of the trade facility with the number of employees, a certain number of decisions for harmonization of the working time with the number of employees were adopted.

In view of the irregularities referring to the working time and overtime in 2009 after 30810 regular inspection supervisions in total performed, 411 decisions were adopted and 65 misdemeanour charges were initiated.

In 2010 after 31571 regular inspection supervisions in total performed, 367 decisions were adopted and 83 misdemeanour charges were initiated.

In 2011 after 28748 regular inspection supervisions in total performed, 373 decisions were adopted and 106 misdemeanour charges were initiated.

In 2012 after 28745 regular inspection supervisions in total performed, 273 decisions were adopted and 151 misdemeanour charges were initiated.

At least once a year SLI performs supervision at all employers from these activities simultaneously, where takes measures for the established conditions in accordance with the law (decision for ban for conducting activity, decision for removal of the established deficiencies and irregularities and request for initiating misdemeanour procedure.)

Novelty regarding the mediation procedure is that in accordance with the Law on Amending the Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No. 124/2010), the provision regarding the mediation procedure shall be deleted from the Law and the inspector shall have no legal ground for implementation of a mediation procedure.

In terms of the question specifically asked by the European Committee for Social Rights if for implementation of the programmes for "reorganization of the working time" collective agreement[1] is necessary, we hereby inform that the ground for reorganization of the working time is established with Article 124 of the Law on Labour Relations which envisages that this should be done when the nature of the activity is requesting, i.e. the works and tasks. In accordance with this, depending of the nature of

[1] European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p.4.

the activity, the conditions for reorganization of the working time may be established with the collective agreements, and if such matter is not envisaged but there is a need for reorganization of the working time, the employer must regulate this with internal act and notify the worker one day before doing so (Article 123, paragraph 2).

With reference to the question if there are any regulations about the question of the time at work spent "on call", especially if it is considered as working hours[2], we inform that with Article 218 of the Law on Health Protection ("Official Gazette of the Republic of Macedonia" No. 43/2010) it is determined that the preparedness is a form of work when the medical officer, or the medical associate does not have to be present at the health institution, but has to be available at phone or with the mediation of other telecommunication means, in order to provide recorded counselling and coming to work, when needed, because of performing an urgent and immediate medical intervention.

The hours of preparedness are not considered as working hours, except the hours of engaged call, and the longest time acceptable for coming to work in case of engaged call (preparedness) is determined by the health institution by a general act.

For the hours of engaged call in time of preparedness, the medical officer, or medical associate acquires a bonus in accordance with the Collective Agreement for Healthcare Workers ("Official Gazette of the Republic of Macedonia" No. 18/2004, 76/2004, 61/2006, 41/2007, 62/2007, 132/2007, 14/2008, 37/2008, 132/2008 and 88/2009, 33/11). In relation to this Article there are no amendments in the amount of the bonus in terms of the information delivered in the previous report by the Republic of Macedonia.

In view of the request of the Committee for an information about the regulations related to the inspection of the working hours by the Labour Inspectorate, including identified violations and imposed penalties in this area to be included in the following report[3], we hereby inform that there is no change in the regulations referring to the inspection of the working hours in the reference period, i.e. the supervision carried out by the State Labour Inspectorate. However, the amount of the penalties is changed, determining a range for the type of violation from 2000 to 3000 euro in denar equivalent for the employer – legal entity, from 500 to 1000 euro in denar equivalent for the director, or other person responsible at the employer and 1000 to 2000 euro in denar equivalent for an employer – natural person (Law on Amendment of the Law on Labour Relations "Official Gazette of Republic of Macedonia" 11/2012). Information regarding the actions of the State Labour Inspectorate is given above.

2 *Ibid.*

3 *Ibid.*

Article 2§2

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to provide for public holidays with pay.

In the reporting period there were no changes in the legal regulations referring to this paragraph.

In the Law on Labour Relations, working on public holiday is not sanctioned as a violation and in the inspections it is determined whether the work is being recorded on the day of the holiday and whether there is disbursement of the increased per diem according to the law and the collective agreement.

With reference to the question of the European Committee for Social Rights whether the rate for payment for work on public holidays given in the previous report of the Republic of Macedonia stands for all sectors or another rate is used for other sectors[4], we inform that the provisions for the manner of payment stand for all sectors, and it is projected that for the work on holidays a salary paid, reimbursement and per diem for work on public holidays in the amount of 50%.

However, there is a difference in the rate for calculation of the reimbursement for the employed in the public sector and it amounts to 42%. The change of the amount of the rate for the employed in the public sector of 50% to 42% was made with amendments of the General Collective Agreement for the Public Sector ("Official Gazette of Republic of Macedonia" No. 34/2009). The changes were made because of the introduction of the concept of gross salary, thus including the extras for food and transportation in the base for calculation, which were not previously included at the base for calculation of the extras. With the decrease of the mentioned percentage, the amount of the capital received for work on holidays was not decreased, meaning the decreased percentage is in accordance with the bonuses included in the rate of pay for calculation of the bonus. In the private sector the bonus for work on holidays remains the same, i.e. 50%.

In accordance with the regulations, for the work on public holidays only the payment of salary, reimbursement and bonus of the salary is envisaged, and not a day free of work.

[4]European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p.5.

Article 2§3

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to provide for a minimum of four weeks' annual holiday with pay.

In the reporting period there were no changes in the legal regulations referring to this paragraph.

According to the data form the State Labour Inspectorate, the number of filed complaints by workers who are not provided with annual holidays is small. Part of the complaints refer to the not existence of the possibility to use the entire annual holiday, that is using less than 12 days of the first part of the holiday.

In 2009 there were 39 complaints and 92 decisions for removing irregularities were reached which refer to the use of annual holiday.

In 2010 there were 38 complaints and 154 decisions for removing irregularities were reached which refer to the use of annual holidays.

In 2011 there were 53 complaints and 176 decisions for removing irregularities were reached which refer to the use of annual holiday.

In 2012 there were 81 complaints and 167 decisions for removing irregularities were reached which refer to the use of annual holiday.

In view of the specific question of the European Committee for Social Rights – whether the annual holidays in duration of at least 12 days refers to 12 successive days or only the working days are taken into consideration[5], we hereby inform that the duration of the first part of the annual leave of at least 12 days does not refer to successive days, but to 12 working days, not including the non-working days (Saturday, Sunday and holidays).

With reference to the question of the Committee whether workers who were sick during the annual holiday can use the annual holiday later[6], we hereby inform that if while using the annual holiday the worker is sick he/she has right to sick leave and the days from the annual holiday which are not used can be used later, that is after the termination of the sick leave.

5 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p.5.

6 *Ibid*

Article 2§4

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.

With the aim of defining the work positions exposed to risks and their protection, there were amendments made to the Law on Labour Relations in October 2009 ("Official Gazette of Republic of Macedonia" No. 130/09), i.e. new 122-a article was added, which determines the reduced working hours in special conditions. This article foresees that the worker who works especially hard, demanding and harmful tasks, whose harmful effect to their health or working capability cannot be fully removed with protective measures, shall work reduced working hours proportional to the harmful effect to their health, or working capability in accordance with the law and collective agreement.

In exercising the right to salary and other rights from labour relations, the reduced working hours are equal to the full working hours.

This article defines the especially hard, demanding and harmful professions, and those are:

- especially hard physical work;
- work in increased air pressure;
- work under increased noise;
- work in water or moisture;
- work exposed to ion emissions;
- work with persons infected with contagious diseases and contagious materials;
- work on surgical interventions in operating rooms;
- work in the area of psychiatry;
- work with persons with the most severe difficulties in the mental development;
- work in medical jurisprudence and pathological anatomy;
- work with corroding materials;
- work of flying staff;
- ballet performances;
- musicians with wind-instruments;
- folklore dancers and opera solo artists;
- work near voltage or under voltage and work on height or in depth.

The same article determines the procedure for obtaining an approval for work with reduced working hours issued by the minister competent for affairs in the area of labour, based on previously acquired opinion from a health institution dealing with occupational medicine and an opinion from the labour inspection.

The request for initiating a procedure for obtaining an approval for work with reduced working hours can be submitted by a worker or trade union organization to the employer.

The healthcare institution which deals with occupational medicine and labour inspection submits its opinion based on the previously prepared and submitted elaborate

by the employer. The procedure envisages that the request for obtaining an approval for work with reduced working hours shall be submitted by the employer to the ministry competent for affairs in the field of labour. With the request for obtaining an approval the employer submits an opinion from a health institution dealing with occupational medicine and an opinion from the labour inspection. If the labour inspection determines that there are conditions for reducing the working hours, it orders the employer to start a procedure for determining reduced working hours. The worker with reduced working hours cannot work overtime, nor can be employed at another employer for the same works, in the time with reduced working hours thereto.

In the reporting period there were no requests for protection of rights for violation of the reduced working hours submitted to the State Labour Inspectorate.

In the last period, i.e. in the period of amending the Law on Labour Relations, four approvals for work with reduced working hours were issued to four legal entities and approval for night work to one legal entity.

In terms of the question asked by the Committee whether other measures were introduced, except the reduced working hours, with the aim to limit the exposure to other risks in certain professions despite the policy for removal of risks[7], we hereby inform that besides the measures listed in the previous report of the Republic of Macedonia, related to the protection of workers working under dangerous and conditions harmful for their health, Article 138 of the Law on Labour Relations established that the duration of the annual holiday is determined, among others, according to the working conditions and other criteria determined by the collective agreement.

The collective agreements determine the number of additional days of the annual holiday due to work in special working conditions (for example in healthcare up to 3 days according to the criteria of the employer).

7 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 6.

Article 2§5

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

With the amendments to the Law on Labour Relations in 2009 ("Official Gazette of Republic of Macedonia" No. 130/09), Article 134 was supplemented, in which the use of the right to weekly rest period is precisely defined. Namely, with the amendments the worker has right to weekly rest period in duration of at least 24 hours uninterrupted, plus 12 hours of day rest uninterrupted during 24 hours. With these amendments the national legislation was harmonised with the legislation of the European Union.

SLI regularly controls the use of weekly rest period of the workers and up until now it has not ascertained any violation of this right. In case where there was no option for the worker to use the right in the current week, it was ascertained that he/she was enabled to use another day from the following week. The Law on Labour Relations (Article 136, paragraph 3) envisages that the collective agreements may determine the daily and weekly rest period in average minimum duration, as determined by law, in the cases of working in shifts in longer periods of time, but no longer than six months.

In activities, i.e. work positions or professions where the nature of the work demands constant presence or where the nature of the activity demands continuous providing of works or services or the unexpected unequal or increased range of work the daily or weekly rest period with average minimum duration can be determined, as envisaged with by law, provided for longer period of time, which cannot be longer than six months. With this legal provision, i.e. different regulation of the weekly rest period, the worker is guaranteed and provided with weekly rest period.

Article 2§6

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship.

According to the Law on Labour Relations (Article 23, paragraph 5), the employer is obliged in the public job advertisement, among other conditions to state the beginning and end of daily and weekly working hours, the schedule of the working hours and the monetary amount of the net salary for the work position for which the worker is needed. This way when applying for the job advertisement the employment candidate is familiar with the conditions and demands of the work position.

The State Labour Inspectorate in every inspection supervision controls whether the employers accordingly list the data foreseen in the mentioned article of the Law. The violation of this provision of the Law is sanctioned as a violation according to article 265a, paragraphs 1 and 2).

With the Law on Labour Relations it is foreseen for the worker to conclude employment contract with the employer in which all the rights and obligations of the employer and the employee are envisaged. The contract is concluded before commencing of the working relationship and that means that he/she is familiar with the essential aspects of the employment contract and working relationship. Namely, Article 13 foresees that by signing an employment contract a working relationship is established between the employer and the worker. The rights and responsibilities agreed upon in the employment contract, based on performing the work from the working relationship and inclusion of compulsory social insurance based on the working relationship are realized from the day of employment of the worker. The same article foresees that the worker cannot start working until employment contract is conclude and before the registration for compulsory social insurance by the employer.

According to Article 28 of the Law on Labour Relations the employment contract must contain the following elements:

- data regarding the contracting parties, their place of residence, or headquarters;
- date of employment;
- name of work position, i.e. data about the type of work for which the worker concludes the employment contract, with a short description of the work that is going to be done according to the employment contract;
- provisions regarding the obligations of the employer to inform the worker about the risky work position and special professional qualifications or skills or special medical supervision, in accordance with the law, by listing the special risks which according to the legal regulations can be a consequence of work;
- place of performing the work; if the specific place is not mentioned, it is considered that the worker shall perform the work in the headquarters of the employer;
- time of duration of the working relationship, when the contract is with definite duration;

- a provision on whether the working relationship is one of full or reduced working hours;

- provision about the amount of the net salary of the employee for performing the work according to the law, the collective agreement and the employment contract;

- provision for other reimbursements that belong to the worker for performing the work according to the law and collective agreement;

- a provision for the annual holiday, or the way of determining the annual holiday;

- listing the general acts of the employer in which the working terms for the employee are determined.

The lay-off deadlines are not always part of the employment contract, so in those cases the provisions from the law are applied (Articles 87 and 88).

The employment contract can contain other rights and obligations determined with this or other law and collective agreement, but the rights cannot be smaller than the rights determined with law (Article 12). The rights deriving from the working relationship determined with the Constitution, law and collective agreement, cannot be taken away or limited with acts and activities of the employer. According to the same article of the Law (Article 12) the employment contract and/or a collective agreement can determine the rights which are more convenient for the workers, than those determined with the Law on Labour Relations.

If the State Labour Inspectorate (SLI) determined through inspection supervision that the employment contract does not contain the compulsory elements foreseen with the Law (Article 28) or determines that the contract contains smaller rights for the worker than the rights foreseen with law and collective agreement, it shall order the employer with a decision to remove the appointed irregularities and deficiencies.

If the labour inspectors determine in their regular inspections or acting upon complaint that there is a worker without an employment contract and if the employer has not registered him in the compulsory pension and disablement insurance, health insurance and insurance in the case of unemployment before the employment of the worker (Article 13 paragraphs (1), (2), (3) and (7)), they will impose a penalty for the violation in the amount of 6000 to 7000 euro in denar equivalent and 3-4000 euro in denar equivalent for the person responsible.

In 2012, the SLI caught 1033 persons at work without employment contracts (without established working relations according to the Law). Based on this 439 decisions were reached with which employers are ordered to employ the person for an indefinite period and to pay him/her three average gross salaries. For this violation 571 requests for initiating a misdemeanour procedures were filed for which penalties in the amount of 6000-7000 euro in denar equivalent are foreseen and 3000-4000 euro in denar equivalent for the person responsible.

Article 2§7

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

The question related to the night work, as work with special nature, is more concretely regulated with the Law on Labour Relations in order providing efficient use of the right to just conditions of work (from Article 127 to 131). Night work is considered the work during night time, and night time is the period between 22:00 and 6:00 the following day. The employer, who regularly uses workers for night work is obliged to inform the labour inspection.

The Law defines the protection of the workers who work at night as well, in which it is foreseen that the worker performing night work at least three hours from his regular daily working obligation, i.e. the worker performing night work one third of the full working hours from his/her annual working obligation has the right to special protection. So if the worker who performing night work could get deteriorated health condition because of such work according to the opinion of the medical commission, the employer is obliged to engage him/her at a suitable work during the day.

Additionally an obligation for the employer was determined, on his expense to provide the workers who perform night work with:

- longer rests;
- suitable food;
- professional management of the working, or manufacturing process;
- medical examinations, before their engagement in night work and in regular time periods determined by law.

If the work is done in shifts, the employer is obliged to provide shifting of workers in time periods, in which the employer cannot appoint a worker for night work without providing him/her with transport to and from work.

Working at night at work positions where there are greater dangers of injuries or health disorders, when it is foreseen that it cannot last more than 8 hours a day is limited with the Law.

It is determined by law that introducing night work consultation with the representative trade union shall be provided, and in the case when there is no such, the consultations shall be done with the workers' representatives. The consultations refer to determining the time considered as night work, the forms of organizing night work, protection at work as well as measures for social protection.

The Law envisages also a special protection for women who perform night work in the area of industry and building construction. Namely, a woman working in industry or building instruction cannot be scheduled for working at night if the work in that time would disable her to have rest of at least seven hours in the time between 22:00 and 5:00 the following day. Thus, this ban refers to the women workers who has special authorities and responsibilities or who work in healthcare, social and other protection of workers. The Law envisages an exemption, so the women workers can be scheduled to

work at night when it is necessary to continue the work that was stopped by a force majeure and when it is necessary to prevent the damage of raw or other materials. Besides that, the women workers can be scheduled to work at night when that is demanded by especially serious economic, social and similar circumstances under a condition for the employer to obtain approval from the state authorities competent for affairs in the area of labour for introducing such work.

The worker performing night work has right to bonus to the salary among other rights (Article 106, paragraph 3), which according to the General Collective Agreement for Economy, amounts to 35% from the net salary for the hours spent at work during the night.

The State Labour Inspectorate in its regular inspection supervision and procedures after complaint controls whether the employer reimburses employees who worked during the nights a bonus to the salary according to the Law.

Article 4 – The right to a fair remuneration

Article 4§2

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to recognize the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases.

With the Law on labour relations (Article 105, paragraph 3) it is foreseen that the salary of the worker shall contain of basic salary, part of the salary for successful working and bonuses. The type of bonus is defined in Article 106 paragraph 3 in which it is foreseen that the worker has right to bonus for longer work (overtime work).

With the Law on Labour Relations it is envisaged that the working hours cannot be longer than 40 hours during the week (Article 116), but Article 117 foresees that on request of the employer the worker can work beyond the working hours – overtime work. In addition, the cases when working overtime can occur are determined (increase range of work, extension of the business or manufacturing process, removal of damages to the means for working, providing safety for the people and property, as well as in other cases which should be regulated by law or collective agreement). The Law limits the maximal fund of working hours of overtime work to 8 hours during the week and up to 190 hours on an annual level.

It should be taken into consideration that the Law on Labour Relations is fully harmonized with the legislation of the European Union in relation to the working hours, that is with the Directive 2003/88/EC, which refers to certain aspects of organizing the working hours.

If the worker does overtime work, more than the maximal fund of working hours determined by law, because that is part of his/her rest time a legal obligation is foreseen that it shall be paid in the amount determined by law and collective agreement.

There is no legal basis for exceptions, which means that every worker who works overtime has the right to a bonus according to law and collective agreement, no matter his position or the place of working.

Besides the bonus to the salary the employer is obliged to pay a bonus in the amount of one average salary in the Republic of Macedonia to the worker who has worked over 150 hours overtime and was not absent from work more than 21 days during the year. The employer is obliged to keep special records for overtime work and to state the hours of overtime work in the monthly calculation of the worker's salary. The employer is obliged to previously inform in written the Regional State Labour Inspectorate for every introduction of overtime work.

Article 24 of the General Collective Agreement for the employed in the private sector in the area of economy ("Official Gazette of Republic of Macedonia" No. 76/2006) foresees that the net salary of the worker shall increase at least 35% per hour. Article 17 of the General Collective Agreement for the Public Sector of the Republic of Macedonia ("Official Gazette of Republic of Macedonia" No. 10/08 and 85/09) foresees that the basic salary of the worker shall increase for 29% per hour for the worker that works overtime.

In every regular inspection and acting upon complaint SLI controls the records of working time and overtime work, as well as the payment of bonuses to the salary for overtime work.

Article 4§3

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to recognize the right of men and women workers to equal pay for work of equal value.

The current Law on Labour Relations regulates the question or the obligation to equal pay of men and women (Article 108). It is foreseen that the employer is obliged for the same job with equal demands at the working position to pay equal salary to the workers regardless their gender. If the employment contract, collective agreement or the General Act of the employer foresees provisions which determine different payment for men and women, they are void. In case of not following of this provision, the worker has the right to initiate administrative procedure. This kind of legal provision provides adequate legal remedy in the national legislation for gender based discrimination in relation to the salary.

In practice there are no legal provisions, collective agreements and employment contracts in which different pay for men and women for the same job with same demands on the work place is foreseen. Thus, there are no statistical data for the difference in salaries.

The State Labour Inspectorate has not received a complaint, nor has it found a violation of this right in its regular inspections, meaning that men and women are receiving different salaries for the same job.

Article 4§5

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The Law on Labour Relations (Article 112, paragraph 3) foresees that in case when the worker is inhibited due to inability to work because of sickness or injury up to 30 days, the employer should pay him/her a reimbursement to the salary, and if the disability for work lasts more than 30 days, the reimbursement is paid by the health insurance.

The amount of the reimbursement to the salary during a temporary inability depends on the period of the temporary inability. Article 30 of the General Collective Agreement for the Private Sector in the area of Economy ("Official Gazette of Republic of Macedonia" 76/06) foresees that for temporary inability to work up to 7 days the reimbursement shall be paid in the amount of 70%, up to 15 days 80% and up to 30 days 90% of the average salary form the last 12 months.

Article 20 of the General Collective Agreement for the Public Sector ("Official Gazette of Republic of Macedonia" No. 10/08 and 85/09) foresees that for temporary inability for work up to 7 days the reimbursement shall be paid in the amount of 70%, up to 15 days 80% and up to 30 days 90% of the average salary paid to the worker for the last 3 months.

Besides that, Article 31 from the General Collective Agreement for the Private Sector in the area of Economy foresees that the worker shall be paid a reimbursement to the salary for the time of interruption of the working process for business reasons which shall amount to 70% of his/her salary for the period up to 3 months in the current year.

Taking into consideration that the amount of the deductions during prevention to work is regulated with collective agreements, with participation of the social partners in which workers' representatives participate as well and depending on the time period of the prevention, the deduction progressively decreases if the time of disability is longer, with the aim of providing more suitable existence for the worker and his/her family.

In relation to the deductions for membership fee it should be taken into consideration that being a member in a trade union is voluntary and the payment of the membership fee is regulated on voluntary basis based on the internal acts of the trade unions.

According to Article 111 of the Law on Labour Relations the employer can postpone the payment of salaries only in cases determined by law. All provisions from the employment contract, which determine the ways of postponing the payment, are void. The employer cannot align his/her obligation for payment of salary with his/her claims against the workers without their written consent. The worker cannot give the consent before the claim of the employer. If the worker lodges a complaint to the State Labour Inspectorate that part of his salary was kept contrary to the mentioned provision of the law, the inspector orders the employer with a decision to pay the illegally kept part of the salary.

Article 5 – The right to organise

Article 5

With a view to ensuring the effective exercise or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

In relation to the request of the European Committee for Social Rights to specify in this report the condition in the national law referring to the reimbursements for registering and the requested number of members for founding[8], we hereby inform that the registration of trade unions and associations of employers in the Registry in the Ministry for Labour and Social Policy is done free of charge. Additionally, according to the current legislation the minimum number of members in order to form a trade union is not determined.

With the amendments to the Law on Labour Relations in 2009 ("Official Gazette of Republic of Macedonia" 130/09) the provision from Article 189 was further specified in relation to the acquisition of the capacity of legal entity of the trade union on a higher level, or an association of employers. Namely, it was foreseen for the trade union on a higher level, or the association of employers to acquire the capacity of a legal entity on the day of registration in the Central Registry of the Republic of Macedonia after a previous registration in the Registry of Trade Unions, or the Register of Associations of Employers. With these amendments of the Law the procedure for acquiring the function of a legal entity is clearly defined, based on which the freedom of association of the workers and employers is enhanced in order to form local, national, international organizations for protection of their economic and social interests and to become members in these organizations.

Besides that, with the amendments of the Law on Labour Relations in 2009, the manner of termination of the activities of the trade unions or associations of employers is further regulated. The trade union or associations of employers terminates their activities if that is decided by the body of the trade union or the association of employers which is by Statute authorized to decide for termination of the activities of the trade union or the association.

According to the guaranteed freedom to organize, the process of organizing in trade unions and associations of employers continued. The Ministry for Labour and Social Policy keeps a Registry of Trade Unions on a higher level and associations of employers. In the listed period 7 trade unions on a higher level (by industry) were registered in the Registry as of February 2012 and from March 2012 as of December 2012 three trade unions were registered.

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8 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p.7.

In the period 2009-2012 the following trade union organizations and associations of employers were registered:

- Trade Union of the Footballers of Macedonia (10/15/2013);
- Trade Union of Postal Workers of Macedonia (7/4/2011);
- Mother Theresa Trade Union for Healthcare (9/10/2012);
- Independent Trade Union of Fire-fighters of Macedonia (1/9/2012);
- Independent Trade Union of Defence (11/26/2011);
- Independent Trade Union of Taxi Drivers Kumanovo (7/5/2010);
- Independent Trade Union of Journalists and Media Workers (11/12/201);
- Trade union of the Macedonian Diplomatic Service (10/25/2012);
- Association of Employers in Water Management of the Republic of Macedonia (7/16/2009);
- National Association of Operators in Public Communication Networks (3/23/2009);
- Business Confederation of Macedonia (10/28/2009).

In relation to the question of the Committee whether the provision from Article 37 from the Constitution of the Republic of Macedonia which gives the trade unions organizations the opportunity to represent confederations and to become members of international trade union organizations refers to the employers' associations[9] as well, we hereby inform that the same provision refers to employers' associations as well.

In view of the comment of the Committee that the domestic law must provide the right to complaint before court with the aim to provide realization of the right to form trade union organizations and employers' associations in which the Committee requests this report to include more information in this view[10], we inform that:

The positive legal regulations determine the question of freedom to associate in trade unions and employers associations. The trade union, or the employers' association and their associations on higher level can request from the court to ban the activity which is contrary to the right of free association of the workers, or employers. At the same time the trade union, or the employers' associations and their associations on higher level can request claim for damages for the damages they have suffered (Article 197 form the Law on Labour Relations).

9 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p 7.

10 *Ibid.*

Referring to the request of the Committee in this report to be stated whether the right to access in trade unions is protected by law[11], we hereby inform that the right to voluntary and free access to trade unions is protected by law, in which it is defined with special provision from the Law on Labour Relations (Article 185). Namely, the stated article envisages that the worker or employer shall freely decide for their entrance and leave from the trade union, or the employers' association. No one can be put in an inconvenient position because of his membership in a trade union, or employers' association, or because of the participation or non-participation in the activity of the trade union, or employers' association. If the worker or employer considers that his right determined by law is being violated, he/she can start a procedure before the competent court.

Membership in trade unions is protected by law, meaning a ban on discrimination regarding the employment if the person is a member of a trade union is provided. Namely, Article 6 from the Law on Labour Relations envisages that the employer cannot put the person seeking employment in an unequal position, among others, because of his/her membership in trade unions.

In cases of discrimination against the stated grounds, the job candidate or the worker has the right to request a reimbursement for the damages according to the Law on Obligations.

With reference to the demand of the Committee to include more information on the work positions of the representatives of all trade organizations[12] in this report, we inform that Article 55 paragraph 2 from the General Collective Agreement ("Official Gazette of Republic of Macedonia" No. 88/09 and 60/10) foresees that the employer provides professional administrative and technical working conditions and realization of the function of all trade unions, and not only the representative ones. This provision does not foresee limitation of the work of the trade unions which are not representative. Article 37 of the General Collective Agreement for the Public Sector of the Republic of Macedonia ("Official Gazette of Republic of Macedonia" 10/08 and 83/09 of Republic of Macedonia No. 10/08 and 83/09) foresees that the employer provides spatial, professional administrative and technical working conditions and realization of the function of the representative trade unions. The Agreement is in the procedure of harmonization and the possibility to define a provision which will give the employer an option to provide spatial, administrative and technical working conditions and realization of the function of all trade unions and not just the representative ones will be discussed.

In view of the comment of the European Committee for Social Rights and in line with the Expert Committee of the International Labour Organization on the previous provisions from the Law on Labour Relations for the cases in which the trade unions or employers' associations should stop their activities[13], we inform that with the amendments to the Law on Labour Relations ("Official Gazette of Republic of Macedonia" No. 130/09) an amendment to Article 201 was introduced and it is foreseen that the decision for termination of the trade union or employers' organization is brought

11 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p 7.

12 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p 8.

13 *Ibid.*

by a competent body, which, according to the Statute, is authorized to reach decisions. According to this the termination of the activities of the trade union or the employers' association is not regulated by law, but that right is left to free agreement and deciding of the trade union or the employers' association themselves.

In view of the question of the Committee on which complaints are available for disputing the decision not to give the status of representativeness[14], we hereby inform that according to Article 213-d, paragraph 3 and 4 from the Law on Labour Relations ("Official Gazette of Republic of Macedonia" No. 54/13 – refined text) it is foreseen that in case when certain trade union is not satisfied with the decision of representativeness, or whether a decision is reached that certain trade union does not meet the conditions determined by Law, it has the right to complaint before the Government of the Republic of Macedonia. After the decision received from the Government, the trade union can initiate an administrative dispute before a competent court.

Referring to the request of the Committee to be regularly informed on any changes in the legislation which would restrict the conditions for using the right to form or access trade union organizations in the armed forces, police and administrative bodies[15], we hereby inform that in the reference period for this Report, there were no changes in the regulations.

In view of the comment of the Committee, referring to the obligation from Article 19§4 from the Charter according to which the signing countries must provide the citizens from other signing countries the treatment which is equally beneficial as the one for their own citizens in relation to the membership in trade unions and enjoying benefits of collective agreement[16], we inform that:

With Article 20 from the Law on Labour Relations ("Official Gazette of Republic of Macedonia" No. 54/13 – refined text), it is foreseen that foreign citizens, who meet certain conditions determined by law can conclude an employment contract. Taking into consideration that they have the possibility to conclude employment contracts, they realize the rights to labour relations according to the legal provisions, and according to that these workers have the right according to their free choice to form trade unions and to become members in such under the conditions prescribed with the Statute or the rules of that trade union.

14 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 9.

15 *Ibid.*

16 *Ibid.*

ARTICLE 6 – Right to bargain collectively

Article 6§1

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake to promote joint consultation between workers and employers.

In the reporting period there were no changes in the legal regulations referring to this paragraph.

In view of the request of the European Committee for Social Rights for more information on the functioning of bipartite and tripartite strictures on local and sector level in the Republic of Macedonia[17], we inform that according to the Law on Labour Relations an opportunity for running a social dialogue on sector level and on enterprise level is provided. In general, this social dialogue runs through making collective agreements. Namely, with Article 217 of the Law it is foreseen that a collective agreement on sector (branch/department) is made between the representative trade union and the representative employers' association on sector level. Article 219 also envisages that collective agreements on enterprise level are made between the representative trade union and a person authorized by the employer.

Forming local economic and social councils is not regulated by law, but it a question of voluntary grounds and it is a matter of needs and assessments by the local partners for forming this kind of bodies. During formation, the Ministry of Labour and Social Policy, together with its social partners on national level is providing support and assistance in their formation. In the last period there is practice in institutionalization of the local economic and social Councils in Kumanovo, Bitola, Prilep, Shtip, Tetovo, Gostivar, Strumica and Gazi Baba.

At the same time, and with a reference to the question of the Committee whether the employers' associations and those of the workers also have the opportunity for collective consultations on bipartite grounds[18], we inform that in the frames of the process of collective agreement, consultations were realized among the workers and employers on questions connected with the common interest which are further regulated in collective agreements based on mutual consent.

In view of the request of the Committee on details related to the influence of the new demands for representativeness of trade unions, i.e. employers' associations on the consulting procedures[19], we inform that with the amendments to the Law on Labour Relations in 2012 ("Official Gazette of Republic of Macedonia No. 11/12"), a new article 123-b is added, which regulates the content and manner of working of the Commission for Determining of the Representativeness. Paragraph 1 from the same article foresees that in the work of the Commission participate, among other members, three representatives of the representative employers' associations and three representatives of the representative trade unions. Besides that, paragraph 2 of the same article foresees that all registered trade unions and employers' associations can appoint their representative who will be present during the Commission's work. This law solution

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17 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 10.

18 *Ibid.*

19 *Ibid.*

gives them the opportunity to have an insight in the Commission's work, i.e. that a maximum transparency of its work is provided. If the trade unions or the employers are not satisfied with the Commission's decision for representativeness, they can lodge a complaint.

With reference to the question of the Committee whether there are concrete consultative bodies in the public sector whose consultations comprise questions of common interest[20], we hereby inform that according to the provisions of the Law on Safety and Health at Work in 2009 a Council for Safety and Health at Work was formed by the Government of the Republic of Macedonia, as an expert and consultative body for questions in the area of safety and health at work. This Council is comprised of 15 members, representatives of the Government of the Republic of Macedonia, employers' organizations, trade unions, educational institutions who carry educational activity in the area of safety and health at work and occupational medicine and representatives of the associations of experts for safety and health at work. As an expert and consultative body, the Council for Safety and Health at Work considers and gives opinions and recommendations on the program, the condition in the field of safety and health at work, implementing a strategy for prevention and deduction of the injuries at work, occupational diseases and other diseases and injuries related with the work, professional grounds for preparation of laws and other regulations for the safety and health at work and documents of international organizations.

20 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 11.

Article 6§2

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

With the amendments of the Law on Labour Relations in 2009 the question related to the representativeness of the trade unions and employers was further regulated. Namely, based on the recommendations of the international experts related to this question, the experience with the implementation, it was established that the threshold for determining representativeness is high and inconvenient for the domestic conditions. Because of this and based on comparative experiences of the manner of regulating the representativeness, a lower threshold for defining the representativeness was defined, a procedure for determining and validation was determined and a body competent for validation and reassessing of the representativeness was established.

The representativeness of a trade union on the territory of the Republic of Macedonia or an employers' association on the territory of the Republic of Macedonia is defined due to participation in tripartite bodies for social partnership and tripartite delegations of the social partners (Article 211 paragraph 1), and the representativeness of a trade union on of public sector level is defined due to participation in collective bargaining on the level of public sector (Article 211 paragraph 2).

The representativeness of a trade union or employers' association on private sector level in the area of economy is defined due to participation in collective bargaining on private sector level in the area of economy (Article 211 paragraph 3). The representativeness of a trade union or employers' association on branch level or department is defined due to participation in collective bargaining on branch level or department (Article 211 paragraph 4). The representativeness of a trade union on employers' level is defined due to participation in collective bargaining on employers' level (Article 211 paragraph 5).

Article 212 clearly defines the conditions for representativeness of the trade unions, foreseeing that the representative trade union for the territory of the Republic of Macedonia is a trade union which meets the following conditions:

- to be registered in the Registry of Trade Unions kept by the Ministry competent for affairs in the area of labour;
- at least 10% of the total number of employees in the Republic of Macedonia who pay member's fee to be members;
- to associate at least three trade unions on national level from different branches, that is departments registered in the Registry of Trade Unions kept by the Ministry competent for affairs in the area of labour;
- to act on national level and to have registered members in at least 1/5 from the municipalities in the Republic of Macedonia;
- to act in accordance with its statute and democratic principles; and

- trade unions which signed or accessed to at least three collective agreements on branch level or department to be members.

A representative trade union on public sector level is a trade union registered in the Registry of Trade Unions kept by the Ministry competent for affairs in the area of labour and in which at least 20% of the number of persons employed in the public sector are members and pay member's fee.

A representative trade union on private sector level in the area of economy is a trade union registered in the Registry of Trade Unions kept by the Ministry competent for affairs in the area of labour and in which at least 20% of the number of persons employed in the private sector in the area of economy are members and pay member's fee.

A representative trade union on branch level or department is a trade union registered in the Registry of Trade Unions kept by the Ministry competent for affairs in the area of labour and in which at least 20% of the number of persons employed in the branch or department are members and pay member's fee.

Representative trade union on a level of employers is a trade union in which at least 20% of the employees are members and pay member's fee.

The conditions for representativeness of the employers are defined with Article 213 which foresees that the representative employers' association for the territory of the Republic of Macedonia is an association that meets the following conditions:

- to be registered in the Registry of Employers' Associations kept by the Ministry competent for affairs in the area of labour;
- at least 5% of the total number of employers in the private sector in the field of economy in the Republic of Macedonia to be members of it, or at least the employers who are members of the association to employ at least 5% of the total number of persons employed in the private sector in the Republic of Macedonia.
- employers from at least three branches or departments to be members of the association;
- to have members in at least 1/5 of the municipalities in the Republic of Macedonia;
- to have made or accessed to at least three collective agreements on branch level or department; and
- to act in accordance with its statute and democratic principles.

A representative association of employers on level of the private sector from the area of economy shall be association registered in the registry kept by the ministry competent for affairs in the area of labour and in which at least 10% of the total amount of employers in the private sector are members or employers that are members of the association to employ at least 10% of the total number of people employed in the private sector.

A representative employers' association on branch level, or department is an association registered in the registry kept by the ministry competent for affairs in the area of labour and in which 10% of the total number of employers in the branch or

department are members or the employers who are members of the association to employ at least 10% of the total number of persons employed in the branch or department.

Article 213-a shall define the competent body for determining of the representativeness. The representativeness of the trade union or the employers' association on the level of the Republic of Macedonia, on public sector level, on private sector level in the area of economy and on branch or department level according to the National Classification of Professions, is determined by the minister competent for the affairs in the area of labour, on proposal by the Commission for Determining of the Representativeness (hereinafter: the Commission), in accordance with this Law.

The composition and manner of work of the Commission is determined with Article 213-b. The Commission is comprised of nine members, out of whom: one representative from the Ministry of Labour and Social Policy, Ministry of Justice and Ministry of Economy, three representatives appointed by the representative associations of employers and three representatives from the representative trade unions, members of the Economic and Social Council. The representatives of the ministries in the Commission are appointed by the Government of the Republic of Macedonia, on proposal of the minister competent for affairs in the area of labour.

The trade unions and employers' association registered on national level can appoint their representative who will be present during the work of the Commission.

Administratively—professional affairs of the Commission are being conducted by the Ministry of Labour and Social Policy.

The manner of work of the Commission is defined with the Rules of Procedure of the Commission.

The representativeness is determined with clearly defined procedure in Article 213-c and 213-d. Article 213-c foresees that a request for determining of the representativeness to be submitted to the Commission by the trade union, i.e. the association of employers on higher level. Along with the demand, evidence for meeting the conditions for representativeness are also submitted:

- decision from the entry in the Registry of Trade Unions, or a decision from the registration in the Registry of Employers' Association;
- list of members of the trade union who pay member's fee verified by an authorized representative of the trade union and the employer, i.e. an evidence for membership of the employers in an employers' association;
- list of concluded collective agreements or collective agreements to which the trade union, i.e. the employers' association accessed;
- list of trade unions that are members according to branches, i.e. departments or list of employers who are members according to branches, i.e. departments;
- a list of local trade unions that are members, i.e. employers according to municipalities with seat and address.

The employer is obliged, on request by the trade union to issue a certificate with list of members of the trade union who are paying fee and are employed in his company.

Article 213-d foresees the further procedure after receiving the request. Namely, the Commission establishes whether the request and submitted evidence are in compliance with this Law. The minister competent for the affairs in the area of labour,

on suggestion of the Commission reaches a solution for representativeness. A complaint can be lodged to the Government of the Republic of Macedonia regarding the decision for representativeness reached by minister, against which an administrative dispute can be initiated before the competent court.

Article 213-e determines the procedure of examining the representativeness. Namely, the representativeness is determined for a time period of three years, from the day of reaching the decision. The trade union and the employers' association can file a claim for examining the representativeness, after the period of one year from the day of reaching the decision for determining representativeness. The demand for examination of the representativeness which is submitted to the Commission contains the name of the trade union or employers' organization, the level of founding, number of decision for registration, reasons for demanding examination of the representativeness and listing evidence for the same. The Commission initiates a procedure for determining the representativeness according to the established legal decision. Article 213-f foresees the publication of the decision for the representativeness in Official Gazette of the Republic of Macedonia.

In the period 2009-2012 the Commission for determining the representativeness held total of 13 sessions and reached total of 30 decisions for representativeness of the trade unions and employers' associations for representativeness for the territory of the Republic of Macedonia, representativeness for sector and branch, i.e. department.

Representative trade unions/organizations of associations which have representativeness for the territory of the Republic of Macedonia and are members of the Economic and Social Council are:

- Federation of Trade Unions of Macedonia;
- Confederation of Free Trade Unions of Macedonia; and
- Organization of Employers of Macedonia.

In view of the request of the Committee for the Government of the Republic of Macedonia to list what kind of measures is undertaking or is planning to undertake in order to facilitate and encourage the conclusion of collective agreements[21], we hereby inform that the Government of the Republic of Macedonia is continuously following the process of collective bargaining, i.e. all collective agreements signed on national level are registered in special Registry in the Ministry of Labour and Social Policy (Article 231 paragraph 1 of the Law on Labour Relations). Besides that, the Law establishes an obligation that the collective agreements on employer's level (Article 231, paragraph 3) should be submitted to the Ministry of Labour and Social Policy, following the condition of the collective agreements.

The question related to the collective agreement was reviewed during the sessions of the Economic and Social Council as well, where representatives of the social partners participate, who are also responsible for conclusion of collective agreements in which the need for negotiating and agreeing on questions of common interest for the workers and employers is pointed out.

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21 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 11.

In order to facilitate and improve the collective bargaining, the Government of the Republic of Macedonia, in collaboration with the International Labour Organization in the reference period, and in the frames of the Decent Work Programme, has organized several workshops and trainings referring to the process of collective bargaining, taking into consideration the practices of collective bargaining in the European Union member countries. The Programme foresees ratification of the Convention for collective bargaining as well (No. 154) which was ratified on the April 10, 2013. The content of the Convention was introduced to the social partners on a special workshop with the support of the International Labour Organization. It is considered that this will facilitate and encourage the process of collective bargaining.

In the period from 2009 to 2012 five collective agreements were registered in the Registry of the Ministry of Labour and Social Policy on branch level in the area of the private sector and one General Collective Agreement. In area of the public sector, six collective agreements according to branch were signed and one General Collective Agreement. Besides that, 31 collective agreements were registered on employer's level.

In view of the request of the Committee to provide information for the procedures by which the possible extension of the collective agreements is regulated[22], we inform that the Law on Labour Relations, in particular Article 228, foresees that the extension of a collective agreement is being conducted with agreement between the contracting parties 30 days before the termination of the effectiveness of the collective agreement at the latest. The duration of the effectiveness of the collective agreements is determined with special provisions thereto, and if that is not envisaged, the provisions of the collective agreement are applied until the conclusion of the new collective agreement.

The collective agreements foresee a formation of a Commission for Monitoring of the Application of Collective Agreements, in whose work members of the parties signing the agreement participate. The Commission monitors the implementation, based on the continuous monitoring, and can give proposals for amendments of the collective agreements. Similarly, in extending the effectiveness of the collective agreements the opinion of the Commission is taken into consideration.

Referring to the request of the Committee for information on the parties signing the General Collective Agreement for the Public Sector from 2008 as well as for its content[23], we here inform that with the amendments to the Law on Labour Relations from 2009 ("Official Gazette of Republic of Macedonia" No. 130/09) Article 216 was amended and added foreseeing that the General Collective Agreement for the Public Sector shall be concluded by the representative trade union in the public sector and the minister competent for affairs in the area of labour. It determines the rights and obligations of the workers and employers deriving from the work relationship in the public sector, the terms and conditions and the manner of realization of the rights and obligations of special working relation, as well as the manner and procedure of solving mutual disputes.

After the introduction of a concept of gross salary, an amendment was made to Article 17 ("Official Gazette of Republic of Macedonia" No. 85/09) of the General

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22 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 11 and 12.

23 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 12.

Collective Agreement for the Public Sector in which bonuses to the salary for overtime work, night work, work in three shifts, work in the days of annual holiday and holidays day declared free of work by law are regulated. With this amendment, due to which the reimbursement of the expenses for food and transport were included in the salary, the percentage of increasing of salary was determined accordingly in order not to provide additional fiscal implications for the Budget of Republic of Macedonia, and the worker's incomes on the stated grounds remain on the same level.

The Law on Labour Relations, in particular Articles 216, 217, 218, 219 and 220 the parties for concluding collective agreement on national level, sector level, public enterprises and public facilities and on enterprise level are determined. If in making the collective agreement on all levels more representative trade unions, i.e. more representative employers' associations participate, a Negotiation Board is formed whose composition is determined by the representative trade unions, i.e. the representative employers' associations. This provides legal basis for participation of the persons employed in the public sector in determining the working conditions which are further regulated by collective agreements.

Every employee can give suggestions for contents or questions that should be regulated with collective agreements through participation in trade union organizations or representatives of the employees.

In the following, the collective agreements concluded in the Republic of Macedonia in the reference period are given.

Summary of the collective agreements concluded in the Republic of Macedonia in the period 01.01.2009 – 29.02.2012		
1.	Collective Agreement for Amending the Collective Agreement for Healthcare Activity of the Republic of Macedonia	2009
2.	Collective Agreement for amending the Collective Agreement for Primary Education of the Republic of Macedonia	2009
3.	Collective Agreement for Amending the Collective Agreement for Secondary Education of the Republic of Macedonia	2009
4.	Collective Agreement for Amending the Collective Agreement for Social Protection of the Republic of Macedonia	2009
5.	Collective agreement for Amending the Collective agreement for the Ministry of Internal Affairs	2009
6.	Collective Agreement for Amending the Collective agreement for Public Children Institutions for Care and Education of Children	2009
7.	Agreement for Amending and Extending the Effectiveness of the Collective Agreement for Textile Industry of the Republic of Macedonia	2009
8.	Amendments to the Collective Agreement for the Persons Employed in the Tobacco Industry	2009
9.	General Collective Agreement for Amending the General Collective Agreement for the Public Sector of the Republic of Macedonia	2009
10.	General Collective Agreement for the Economy of the Republic of Macedonia	2009

11.	Agreement for Harmonization of the Collective Agreement for the Persons Employed in the Tobacco Industry	2010
12.	Collective agreement for Amending the Collective agreement for Secondary Education of the Republic of Macedonia	2010
13.	Collective agreement for amending the Collective Agreement for Healthcare Activity of the Republic of Macedonia	2010
14.	Collective Agreement for Amending the Collective Agreement for Primary Education of the Republic of Macedonia	2010
15.	Agreement for Amending and Extending the Effectiveness of the Collective Agreement for Leather Making and Shoe Industry of the Republic of Macedonia	2010
16.	Collective Agreement for the Ministry of Internal Affairs	2010
17.	Harmonization of the General Collective Agreement for the Economy of the Republic of Macedonia	2010
18.	Agreement for Extending of the Collective Agreement for the Persons Employed in the Tobacco Industry	2011
19.	Agreement for Amending and Extending of the Effectiveness of the Collective Agreement for the Chemical Industry of the Republic of Macedonia	2011
20.	Annex for Amending the Collective Agreement for the Healthcare Activity of the Republic of Macedonia	2011
21.	Collective agreement for Companies from Other Monetary Mediation and Activity of Mediation in Working with Securities and Commodity Agreements	2011
22.	Collective agreement for Public Children Institutions for Care and Education of Children and in the Activity of Children's Rest and Recreation	2011

Source: Ministry of Labour and Social Policy

Summary of the collective agreements concluded in the Republic of Macedonia in the period 01.03.2012 – 31.12.2012		
1.	Collective Agreement – Energetics	2012
2.	Agreement for extending of the Effectiveness of the Collective Agreement for the Private Sector in the Area of Economy	2012
3.	Agreement for Extending of the Effectiveness of the Collective Agreement for Textile Industry of the Republic of Macedonia	2012
4.	Agreement for Extending of the Effectiveness of the Collective Agreement for Leather Making and Shoe Industry of the Republic of Macedonia	2012
5.	Collective agreement for Amending the Collective Agreement for the Persons Employed in the Tobacco Industry	2012
6.	Agreement for Extending of the Effectiveness of the Collective Agreement of the Persons Employed in the Ministry of Internal Affairs	2012
7.	Collective agreement for the Persons Employed in Agriculture and the Food Industry	2012

Source: Ministry of Labour and Social Policy

Article 6§3

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes.

In the reporting period there were no changes in the law regulations referring to this paragraph.

However, it is important to mention that the new Law on Mediation is in the phase of first reading before the Assembly of the Republic of Macedonia and has the purpose of creating a functional system of mediation. With the new concept of mediation it is expected all negative issues and deficiencies to be overcome with which the current dysfunctional system is facing. A concept that provides the use of mediation to be a pre-condition for initiating a court procedure in certain spheres, and if the parties start the mediation voluntarily - the state showed readiness to subsidize them. With the aim of providing conditions and assumptions for the mediation to successfully realize the new tasks and challenges, but also the benefits provided by the state, a need for different approach to the mediator activity, creating appropriate inspection supervision or control over the mediators and their organization was imposed. It all started with the overcoming of what was essentially missing when introducing the mediation activity and that is a consistent quality system of mediation. The need to build this kind of system was also imposed by the demands from the service users in order to acquire the confidence in this new institution of the Macedonian legislation. Thus the provision of quality normatively and practically will be the key direct challenge of the mediation in Republic of Macedonia.

In view of the fact that the mediation besides all efforts still had small rate of implementation, in 2012 a project for straightening and affirmation of the mediation in the Republic of Macedonia was initiated. It was realized within MATRA and with a support from the Embassy of the Kingdom of Netherlands in Skopje, through the implementer - the European Policy Institute. Additionally, the following activities were performed:

- Mission in order Identification of the Weaknesses - March 2012;
- Design of functional website for mediation of the Chamber of Mediators, with fast access to the websites of all courts of the Republic of Macedonia - May 2012;
- Research of the perceptions, attitudes and views of the mediators on mediation - March 2012;
- A comparative summary of the mediation in other European countries - April 2012;
- Adopted Action plan by the Government of Republic of Macedonia for the development of mediation - May 2012;
- A training for trainers of judges for mediations in the Academy of Judges and Public Prosecutors - May 2012;
- Training for renewal of the knowledge for 80 mediators - May 2012;

- Organized round table "Mediation in the Republic of Macedonia - how to go further" - May 2012;
- Creation and distribution of promoting materials for mediation in courts and municipalities in the Republic of Macedonia - June - December 2012;
- Studies prepared on the possibilities for introduction of compulsory attempt of mediation in certain areas (family relations, labour relations, protection of customers, tourist disputes, compulsory insurance in traffic, trade disputes) - December 2012 - April 2013;
- Training of 160 civil servants on the following subject: "Mediation in the Republic of Macedonia: Basic Principles, Possibilities and Advantages" - January 2013;
- Changes in ACMIS (Automated Court Case Management Information System) in order to import data on mediation in the court statistical system, and due to monitoring of the mediation - January 2013;
- Completed training for trainers of mediators of 16 mediators by Dutch experts according to the system for monitoring and assessment of quality of the trainers - November 2012;
- Created completely new Law on Mediation by which the concept of entrance into mediation is changed, which provides quality of the mediation in Macedonia and which incorporates the possibility for subsidizing of the mediation by the state - May 2013.

In the period 2006-2011, 177 persons were trained for mediators, out of whom:

- 60 persons at the first training conducted by the Ministry of Justice in the period 2006-2007;
- 71 persons at the trainings conducted by the Chamber of Mediators in the period 2008 – 2012; and
- 46 persons at a training conducted by the Ministry of Justice in 2011.

Of the persons trained, 166 are registered in the Registry of Mediators at the Chamber of Mediators.

Contrary to the number of mediators, there are only total of 5 registered cases in the Registry of Cases, out of which 2 were recorded in 2012. One case is economic, and the other is from the area of labour relations. The remaining three cases are economic disputes from the year of 2011. The disputes from 2012 were settled amicably.

The website of the Chamber of Mediators of Republic of Macedonia www.nkrm.mk was prepared and put into function, with all the necessary documents and information on mediation and the Registry of Mediators. On the website of the Chamber of Mediators links to the websites of the courts are also placed.

A leaflet and poster in Macedonian and Albanian is prepared and distributed as well. The leaflet is delivered with every court invitation for preparatory hearing by the courts in accordance with the Law on Civil Procedure.

A round table on mediation was held in Skopje, May 2012, and promotional events on mediation were held in Tetovo, Gostivar, Struga, Shtip, Kumanovo, Bitola and Kavadarci.

In view of the question of the Committee on what is the time frame for mediation in collective labour disputes[24], we hereby inform that according to Article 27 from the Law on Peaceful Resolution of Labour Disputes ("Official Gazette of Republic of Macedonia" No. 87/07) a procedure for resolution before the Board for Resolution was introduced in order for it to end in a period of 30 days from the day of opening the discussion. If the procedure does not end in that time period, the settler dissolves the Board of settlement (composed of one representative from the parties in the dispute and a settler) and supports the procedure of settlement with imminent contacts with the parties in the dispute, in which it gives them help to meet, discuss the subject of the dispute and make an Agreement for settling the dispute.

Referring to the request from the Committee for additional information on which collective agreements determine arbitrage[25], we inform that a procedure of arbitrage was foreseen with special provisions from the collective agreements from the private and public sector. Taking into consideration that the provisions from the general collective agreements (General Collective Agreement for the Economy of the Republic of Macedonia and General Collective Agreement for the Public Sector of the Republic of Macedonia) are compulsory for the employees and the employers from the private and public sector, that means that this question must be regulated in the collective agreements, or the provisions from the general collective agreements should be directly applied.

24 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 12.

25 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 12.

Article 6§4

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake and recognize the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

In the reporting period there were no changes in the law regulations referring to this paragraph.

In view of the request of the European Committee for Social Rights for information about the permitted purposes of collective activity[26], we inform that with the Law on Labour Relations, that is Article 236, paragraph 1 determines that the trade union and its associations on higher level have the right to call a strike with the purpose of protection of the economic and social rights of labour relations, to the members of the trade union.

Referring to the question asked by the Committee about how much time is needed to register a trade union organization[27], we inform that if on submitting the application for registration of a trade union full documentation projected by the law is submitted, according to the procedures determined by the ministry competent for affairs in the area of labour, the registration is being done immediately, or in period of three days the latest.

In view of the request of the Committee for approval that the persons who are not members of the trade union organization can participate in the strike[28], we inform that the Law on Labour Relations does not forbid participation in strikes for persons who are not members of a trade union.

Referring to the question of the Committee whether there is a demand according to which public enterprises who provide essential services must sustain minimal level of services during a strike[29], we inform that the Law on Labour Relations (Article 238), on suggestion by the employer, the trade union and the employer prepare and reach solutions concussively for the productive-maintenance and necessary things which cannot be stopped during a strike.

The right to strike in public enterprises is more concretely regulated with the Law on Public Enterprises ("Official Gazette of RM" No.38/96) in which, Article 33 foresees that the board for strike and the workers who participate in the strike of the public enterprise are obliged to organize the strike and to lead it in a manner and take measures that provides physical security of the employees and protection of the equipment and installations, as well as meeting of the obligations towards the citizens, legal entities and state organs, under the condition to provide:

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26 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 13.

27 Ibid.

28 Ibid.

29 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 14.

- necessary level for the process of work which will not endanger the life, health and economic and social security of the citizens and necessary development of the economic and other activities in the country, in the range and manner determined by law from the competent activity of public interest; and
- executing of international agreements.

The board for strike is obliged during the strike to collaborate with the director of the public enterprise because of providing the stated conditions.

With reference to the request of the Committee for information on the duties of the public officials to provide "unobstructed working of the functions of the organ during a strike"[30], we inform that in accordance with the Law on Civil Servants ("Official Gazette of the Republic of Macedonia" No. 76/2010 – refined text), the civil servants are obliged in realizing the right to strike to provide minimum unobstructed fulfilment of the functions of the organ (i.e. the organs of state and local authority and other state organs established according to the Constitution and by law), the necessary level in realization of the rights and interests of the citizens and legal entities and fulfilment of the international treaties. In that, the accent is on providing **minimum** unobstructed fulfilment of the necessary working.

The minister, that is the official that governs the state organ, determines the manner of fulfilment of the functions of the organ during a strike with an Act, as well as the number of civil servants who will work on fulfilment of these functions and providing the abovementioned conditions.

In time of strike the civil servant has the right to salary in amount of 60% from the salary received the previous month.

In view of the question of the Committee on which sectors can be asked to introduce minimum service during a strike[31], we inform that the minimum conditions that can be provided are in the area of the public sector, for example: healthcare, public enterprises, social child protection etc.

With reference to the question of the Committee on whether there are other procedural demands that must be fulfilled before having a lawful strike, like the demand for voting[32], we inform that the Law on Labour Relations, which determines the rights and obligations during a strike does not foresee a demand for voting, nor other procedural demands which are not already mentioned in the previous Report of the Republic of Macedonia with reference to this question.

We proceed with the information on the Federation of Trade Unions of Macedonia with reference to the protests and strikes held in the reference period of this Report, as well as information from other trade unions.

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30 European Committee of social rights, Conclusions XIX-3 (2010), ("THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA") Articles 2, 5 and 6 from the Charter, (Council of Europe, December 2010), p. 14.

31 *Ibid.*

32 *Ibid*

Federation of trade unions of Macedonia;

1st May – International Day of Labour.

On 29.04.2009 a session of the Council of the Federation of Trade Unions of Macedonia (SSM) was held for the occasion of the First of May - the International Day of Labour with the presence of members of the highest organs and bodies of SSM, as well as representatives of the state authorities, social partners, trade union centres of Republic of Macedonia, nongovernmental organizations and international organizations and foundations.

The tough economic and social condition of the Republic of Macedonia was pointed out on the session, as well as the need for stronger action of the trade unions for realization of the basic human rights in conditions of world economic crisis which reflects on the overall economic and social development in the country. Several markers for the economic and social condition of the workers were presented and measures and activities that should be undertaken in order to overcome the unfavourable condition were pointed out. Similarly, the high rate of unemployment of 33%, low salaries (the lowest in the region), poverty; lower range of production and services; lower investments of foreign capital; losing jobs; low standard of the employees and citizen were also highlighted.

SSM sent an appeal to the competent bodies, before all the Government of the Republic of Macedonia to lead a constructive social dialogue and to find appropriate measures for alleviation and overcoming the economic crisis which is being unfavourable reflecting on the citizens' condition.

Protest of SSM for amendments in the Law on Labour Relations.

The Council of SSM reached the decision to have peaceful protest in front of the Assembly of RM on 15.10.2009, with the participation of members of the organs and bodies of the trade unions and SSM, as well as other members of trade unions and citizens. The reason for the protest was the suggested Law for Amending the Law on Labour Relations with which:

- the rights of the workers are diminished and the trade unions' rights and freedoms are breached;
- certain provision from it cannot be put into practice and are contrary to the labour standards of the International Labour Organization and the European Union;
- the Government of the Republic of Macedonia, as a proposer of the Law did not act transparently in determining the text of the Draft-law and did not conduct the necessary law procedure;
- there was no social dialogue;
- SSM was included in determining the Draft-text;
- the Economic and Social Council was not called; and
- the opinions and suggestions by the SSM for the Draft-law were not respected.

The protest highlighted SSM demands:

- to bring laws according to the European example;

- to respect the right to free organization and association;
- to determine the minimal salary in the country;
- to realize the right to paid daily, weekly and annual leave;
- to restrict night work;
- to realize the right to collective agreement;
- to reduce the overtime work;
- to reduce the working hours for new employments etc.

A missive was submitted to the Assembly of Republic of Macedonia not to adopt the Draft-law and to open a discussion for it with the social partners.

SSM demanded in written on the day of the Protest representatives of SSM to be received on a conversation with the President of the Assembly of Republic of Macedonia, but that was not respected.

Support on protests.

SSM assessed that the demands and protests of *the milk producers and professional soldiers* in the Army of RM are legally founded and justified and encouraged them in realizing their rights. SSM offered collaboration and joint actions with individual milk producers from Skopje, Kumanovo, Strumica, Prilep, Bitola, Ohrid, Gostivar, Tetotvo and other towns, as well as with representatives of associations of milk producers and associations of professional soldiers. The competent organs of the country asked for fast and effective solution of the problems and signing agreements in connection with the whole payment of the overdue and regular payment of the demands of the milk producers. For the professional soldiers they asked for their status to be solved as well as the employment in the public institutions.

SSM in sign of solidarity supported and helped the organization of the *Public protest of the insolvent workers* for realization of the right to reimbursement until the first employment or pensioning. The Protest was held on 04.03.2009 by the Association of insolvent workers and stockholders UNIT/Kumanovo and the Association of Loss-making Citizens, redundancy workers и bankruptcy/Ohrid.

The Protest was held in Skopje, in front of the Government of Republic of Macedonia and over 1500 bunkruptcy workers and citizens declared redundant form several towns from the Republic of Macedonia participated: Kumanovo, Vinica, Veles, Negotino, Prilep, Kochani, Sveti Nikole, Skopje, Bitola, Ohrid, Resen, Struga and Kichevo.

On the day of the Protest representatives of the associations were received for a conversation in the Government of Republic of Macedonia, but without positive results. Because of this, the bankruptcy workers protested several times in front of the Assembly and Government of Republic of Macedonia, and their revolt and dissatisfaction was expressed through hunger-strike.

TRADE UNIONS

Trade Union of Industry, Energy and Mining of Macedonia (SIER)

There were two demonstrations by the employed in OHIS: on the 18th of January and on the 20th of October 2009, with around 900 participants. The demonstrations were organized by SIER. The demonstrations were with respect to eight unpaid salaries and resolving the status of the factory.

On the first demonstration it was promised that the employed shall receive only one salary and the contributions and the rest of the salaries shall be frozen until the selling of the factory. The second demonstration is a sign of revolt because of the seven unpaid salaries from 2008.

The overdue contributions for smaller amounts paid or unpaid contributions for pension and disability insurance are paid before vacations in 2009.

AGRO Trade Union of Republic of Macedonia

Organized by the trade union organizations of the AGRO Trade Union, during 2009 there were 3 strikes: 2 in the food industry and one in agriculture industry The demands of the around 600 participants in the strike referred to:

- payment of the overdue salaries;
- increase of salaries;
- payment of reimbursement for transport, food and regress for annual holiday.

Trade Union of Civil Engineering, Industry and Design of Macedonia (SGIP)

Strike in ADG "Mavrovo" started on 26.04.2009 and was stopped and repeated for several times during that day. Around 500 workers participated in the strike. The strike was led by the newly-formed OSO which was separated from the trade union organization "Mavrovo Inzenering". The employed started the strike because:

- unpaid salaries and contributions for 3-5 years;
- unregulated status of forced leaves.

Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of RM

Warning strike was held in the local self-government of the Municipality of Karposh. Held on 12.03.2009 in duration of 2 hours because of:

- late payment of salaries;
- incorrect rearrangement of inadequate work posts and work tasks.

The following day the salary was paid and there was an announcement that certain rearrangement of other work posts will be examined.

Trade Union of Workers in Textile, Leather and Shoe Industry of Republic of Macedonia (STKC)

In 2009 there was one strike in "Edinstvo" AD - Struga which started as a demonstration of the employed connected with the unpaid salaries, reimbursement for food, transport and no work for all employees. The same turned out to be a strike in which all 350 employees participated. The strike was organized by the Organization of Trade Unions and lasted 2 months.

The strike ended with opening a bankruptcy proceeding for the factory which still lasts.

There were certain abruptions of work in more enterprises as a consequence of the absence of work and declaration of redundancy, but the same were not of great importance and didn't turn out to be strikes and the trade union organizations, in collaboration with STKC solved the problems.

Trade Union of the Workers in Catering, Tourism, Communal and Housing Economy, Handicraft and Protecting Associations of Macedonia (SUTKOZ)

On 25.03.2009 the employees in JP "Komunalno" – Struga started a strike because of the seven overdue unpaid salaries through 31.12.2009.

The strike was organized by the Strike Board of the trade union organization of the enterprise in coordination with SUTKOZ and the regional trade union Struga where almost all 1200 employed took active participation. After two days of strike an Agreement with the director of JP "Komunalno" was reached, with which the strike was stopped and the employees returned to their work posts. The director bounded to pay the overdue salaries with certain dynamics, every 15 days.

Because after a certain period the Agreement was not consistently implemented, on 05.05.2009 the employees activated the strike and on 21.05.2009 new Agreement was reached, now with the mayor of Struga. With the new Agreement the mayor bounded to help in providing the funds with the dynamics of 21 days for payment of the overdue salaries, which, in practice, resulted in payment of the seven overdue salaries in linear amount for all employees.

Abruption of work in "Komunalec" – Ohrid on 10.04.2009 because of unpaid salary. The abruption lasted 5 days, it was unorganized in contrary to the Law on Public Enterprises, Labour Relations Law and Collective Agreement. The abruption was regulated by inclusion of SUTKOZ, the trade union of JP "Komunalec" and the trade union office in Ohrid.

Trade Union of Chemistry and Non-metals and Metals of RM

There were demonstrations on the 18th of January and the 20th of October 2009 in OHIS, PVA FAR DOOL of 50-60 employees because of unpaid salaried in 2008 and resolving of the status of the factory. After the first demonstration only one salary was paid which was a motive for the second demonstration.

Autonomous Trade Union of Health, Pharmacy and Social Protection of Republic of Macedonia

During 2009 there were several strikes of the employees in "Gradski apteki" because of unpaid salaries and contributions. All employees (around 100) participated in the strikes, but the demands for striking were not satisfied.

Trade Union of the workers in Traffic and Communications of Republic of Macedonia Skopje

The employees in Joint stock company of state property for giving services in air navigation (in short M-NAV) members of SRCBVM had a strike on 01.05.2009.

The strike was led together by 4 trade union organizations from M-NAV (flight control, flying technique, flying staff and the trade union organization of M-NAV - regulator - direction). The demands referred to consistent apply of the Law on Aviation in the part of:

- Separation of the CAA (Civil Aviation Agency (CAA) into a regulatory body and Air navigation service provider;
- amendment of Article 12 and 56 of the Law on Aviation (referring to the funding of the Aviation Agency and the amount of the reimbursement for using the services of the air traffic in Macedonian air space by the craft operator);
- abolition of the decisions of PRO for taking the financial funds away from the CAA account because of endangering the social-economic rights of the employees as a consequence of their implementation;
- consistent implementation of the provisions of the Law on Safety and Health on Work;
- signing a Collective Agreement;
- implementation of the provisions of the Labour Relations Law for night shifts; and
- improvement of working conditions in the work place.

The participation in the strike was 100%. Part of these demands was fully realized, and part of them partly.

Gevgelija. In 2009 the employees in AD "Mlaz" Bogdanci had a strike. The trade union organization of "Mlaz" AD Bogdanci, after submitting demands to the Executive Board and not reaching an Agreement for resolving the demands, reached the agreement for starting a strike which started on 27.05.2009 and lasted for 10 days. The participants in the strike demanded:

- payment of overdue salaries and contributions from 2007 and 2008;
- payment of salaries for March and April 2009.

The demands of the participants in the strike were not fully realized. Only the salaries for March and April 2009 were paid. The workers in the mechanical workshop continued the strike in order to realize their demands; the strike lasted about 40 days,

with 90% participation in it by the members of the Trade Union. The demands of the trade union organization of the mechanical workshop of "Mlaz" ended with no results. The strike was active until the middle of June 2009 when it was stopped.

During 2009 there were announcements for strike, demonstrations and in more working environments, interruption of work because of violation of worker's rights, absence of work, declaring redundancy, starting bankruptcy proceeding, and so on. However, the same didn't happen after the intervention of the Trade Union on all levels of organization through negotiations, written warnings for strike, demonstrations or interruption of work if the workers' demands are not realized. There were this kind of announcements in JP "Proakva" – Struga - Ohrid, Public enterprise for management of residential commercial property – Ohrid; "Transkop" Bitola – international transportation (a bankruptcy proceeding started); and more enterprises in the textile industry.

According to the Law on Keeping Records from the Area of Labour, the Federation of Trade Unions of Macedonia, as a representative trade union in the Republic of Macedonia prepared information for the strikes, demonstrations and work interruptions held in 2011. The same was prepared based on the information got from the trade unions united in the Federation of Trade Unions and the regional trade unions representations and trade union offices of the Federation of Trade Unions.

From the information a general conclusion can be reached that in 2011, as well as in 2010, the number of strikes, demonstrations and work interruptions is smaller in number compared with the work in the previous years. This is, mainly, because of the development of a social dialogue, i.e. consistent fulfilment of the function of the Economic-Social Council on national level and Economic-Social Councils on regional level, and by that practicing social dialogue and resolving of conflict situations through conversation and agreement among the parties involved.

This way of resolving problems which touches the labour and has an effect on the resolution of the dissatisfactions and demands of the workers in fulfilling the rights determined by law and collective agreement. The basic trade union organizations in enterprises and offices, in consultation with the parent trade unions, uses negotiation with the management in realization of the claimed demands, which most commonly ends with:

- reaching a consensus;
- reaching an agreement;
- fulfilling the workers' demands.

Moreover, in fulfilling their rights the workers got free legal advice, or had lawsuits and were represented by the trade unions and the Federation of trade unions.

According to the received data from the indicated sources, in year 2011 in the Republic of Macedonia there were the following forms of showing dissatisfaction and fulfilment of the rights of labour:

On 11.01.2011 from 10 a.m. until 2 p.m. the **Macedonian Police Trade Union** held demonstrations in front of the Constitutional Court of Macedonia, the Assembly of the Republic of Macedonia and the Ministry of Internal Affairs. The demonstration was started because of the Decision of the Constitutional Court for abolition of the provisions for retiring on a pension for authorized officials. The Trade Union demanded the Ministry of Interior to suggest suitable solutions and the same to be adopted by the Assembly of Republic of Macedonia. Around 2700 persons from the whole country participated on the demonstrations. The aim of the demonstrations was reached: amendments on the Law on Internal Affairs were adopted with implementing the provisions for retiring on pension of authorized officials employed in the Ministry of Internal Affairs. The Assembly of Republic of Macedonia adopted this amendments of the Law on Internal Affairs in March.

The trade union organization of Mavrovo Inzenering together with the Trade Union of Civil Engineering, Industry and Design of Macedonia (SGIP) organized demonstrations of the employees in Mavrovo Inzenering in front of the building of the enterprise in May 2011. Around 500 persons demonstrated with the aim of payment of the overdue salaries from December 2010, payment of health contributions and resolving the financial requirements from abroad. A bankruptcy proceeding was started for the company.

The Striking Board of "Kiro Kjuchuk", AD Veles after previous consultations with SGIP and the regional trade union Veles started a demonstration in the factory yard. The demonstrations lasted from the 5th to the 9th of February 2011 every day from 11 a.m. until 1 p.m. 80-100 employees in the factory participated in it. The demonstrations were held because of unpaid salaries and contributions, with a demand for the employer to pay the salaries from October 2012 I to deliver the Programme for restarting the company. As a result of the demonstrations two overdue salaries were paid to the employees.

Around 150 employees in AD "Granit" – Catering, consulting with **SGIP**, held demonstrations in "Granit in December 2011 because of declaring redundancy for a greater group of employees.

The trade union organization of "Euro – kompozit" AD Prilep, consulting with the Trade Union of Industry, Energy and Mining of Macedonia (SIER) organized a demonstration on 01.04.2011 and on the 17th and 18.08.2011 in the circle of the company. All 430 employees in the company participated in the demonstrations because of unsolved status of the company, as well as regular payment of salaries and contributions (the contributions are not paid for whole 2011). Partial success was reached through negotiations with the management team of "Eurokompozit": more regular payment of the net-salary without contributions. Two times after the held warning strikes a delegation of the trade union organization was received for negotiations by representatives of the Government of the Republic of Macedonia.

On the 16th, 17th and 18.05.2011 the **trade union organizations of MIK DOO Kavadarci and EKO SAN DOOEL Kavadarci**, consulting with SIER organised demonstrations in the circle of the companies on which 150 employees participated. The

employees demonstrated because of unpaid salaries and contributions for pension and disability insurance and health insurance, the working conditions according to the Law on safety and health on work; regular payment of the following salaries until the 15th of the next month the latest; returning the salaries on the level of 02.2010; payment of pension and disability insurance for year 2005. The demands were not realized, an Agreement for their realization until 27.05.2011 was reached the strike was stopped.

On the 27th, 30th,31st of May and 1st of June the before mentioned trade union organizations demonstrated in the circles of the firms together with 150 employees because the demands and reached Agreement from 15.05.2011 were not realized. The employer did not provide work for the employees. By the end of 2011 a request was filed and a bankruptcy proceeding was started. The employees in EKO SAN DOOL Kavadarci were sent to force vacation because of absence of work, they are registered as working but are not receiving salary and are not paid pension and health insurance, by the end of 2011 they have neutral status.

From 20 - 23 of June the **trade organization of DOO "Rade Konchar"** – service and repairing of electrical equipment, Skopje, consulting with SIER together with around 150 employees, organized a demonstration in the circle of the enterprise because of the refusal of the employer to discuss the continuance and signing the Agreement of Labour on Enterprise Level.

On 29.12.2011 the members of **SIER** organized demonstrations in front of the Assembly and the Government of the Republic of Macedonia, against amending the Law on employment and insurance in the case of unemployment.

The **Federation of trade unions of Macedonia**, as a representative trade union and recognized partner in the Republic of Macedonia practiced and protected the social dialogue in year 2012 in fulfilling the aims and tasks, the economic - social rights and interests of the employees - their membership. For that purpose the Federation of Trade Unions of Macedonia started initiatives and stood for consistent fulfilment of the functions of the Economic and Social Council on national level, as one of the most effective ways of promotion and fulfilment of the social dialogue. Similarly, the Federation of Trade Unions of Macedonia was the initiator for the formation of economic-social councils on local level, in whose work it participates equally with its own representatives, together with the other social partners. Six such Councils were formed in the Republic of Macedonia, in: Tetovo, Strumica, Kumanovo, Kavadarci, Shtip and Veles, and there is an initiative for their formation in more other municipalities.

In the implementation and development of the social dialogue, from special significance for the improvement of the economic-social position of the workers and overcoming the disputes from 2012 was, of course, the collective negotiation and consultation. The Federation of trade unions of Macedonia put special efforts in signing the Collective Agreement on all levels, which resulted in signing a Collective Agreement on national level for the private sector, putting an end to the procedure for signing a General Collective Agreement for the public sector, signing 15 collective agreements on the level of branch and activity and greater number of collective agreements on employer level.

With these activities, including the continuous free legal advices, advices and representation of workers, educational activities, the Federation of Trade Unions of Macedonia contributed to the continuing of the trend of decrease in the number of strikes and abruptions of work in 2012. In following the same are presented and the data are received from the trade unions unified with the Federation of Trade Unions of Macedonia and the regional trade union representations and trade union offices of the Federation of Trade Unions of Macedonia.

Trade Union of the Workers in Catering, Tourism, Communal and Housing Economy, Handicraft and Protecting Associations of Macedonia (SUTKOZ)

JP "Komunalno" Struga – started a strike on 03.05.2012 as a result of the unsuccessful negotiations in March and April for payment of overdue salaries and contributions for the last 10 months. The strike is organized by the Strike Board of the Trade Union Organization at "Komunalno", in coordination with the president of SUTKOZ, Zoran Gjorgjievski and the Trade Union Office of the Federation of Trade Unions of Macedonia in Struga.

More than 70% of the total 140 employees - members of SUTKOZ participated in the strike. The strike was stopped on 21.03.2012 after negotiations and signed Agreement (with thoroughly determined dynamics) between the Striking Board and JP "Komunalno".

Trade Union of Civil Engineering, Industry and Design of Macedonia (SGIP)

MERMEREN KOMBINAT AD PRILEP – Organized by the Trade Union Organization at Mermeren Kombinat AD Prilep two strikes were held: the first on 27.10.2012 and the second 19-21.11.2012. The reason for the strikes is the unsatisfied demand of the employees for salary increase of 30%. 280 out of the total 400 employees participated in strike. The persons employed in administration and technical department did not participate in the strike.

During the strike the president of the Federation of trade unions of Macedonia, Zhivko Mitrevski Ph. D and the president of SGIP, Pavel Trendafilov had a conversation with the trade union management and the enterprise management.

The strike ended in the estimated term according to the Decision for the strike without fulfilling the demands of the strikers, but negotiations for signing a Collective Agreement on employer's level were started, by which an increase of the salaries is expected. In the period of organization of the strikes and the negotiations were given notice from business reasons.

Independent Trade Union of Health, Pharmacy and Social Protection of Republic of Macedonia

PUBLIC HEALTH INSTITUTIONS – With decision of the Independent Trade Union of Health, Pharmacy and Social Protection of Republic of Macedonia on 24.09.2012 a demonstration was held in the circle of the health institutions during the working hours in duration of 30 minutes. Around 5000 doctors and other health workers form the clinic hospitals, general and specialized hospitals participated in the

demonstrations. The aim of the demonstrations was to publicly express the disagreement with the payment of salaries to doctors according to the labour output, that is, a warning for the possible consequences of the implementation of the model of payment according to labour output which was implemented in July 2012 for doctors only. The demonstrations ended successfully, the Independent Trade Union of Health, Pharmacy and Social Protection participated in the negotiations in the Ministry of Health and as a result on 10.01.2013 an Annex to the Collective Agreement for health activity in Republic of Macedonia was signed, by which the salaries were increased by 19,2% and more protective mechanism were determined for the success of the model by which the basic salary according to the Collective Agreement is guaranteed.

Trade Union of Industry, Energy and Mining of Macedonia (SIER)
EUROKOMPOZIT, Prilep – Several strikes were held: on 31.08.2012; on 19 and 20.10.2012; from 15-21.11.2012. The reasons for the strikes are: payment of overdue salaries, contributions and health insurance blue cards, as well as for determining the status of the loss-making enterprise. All 390 employees participated in the strike. The strikes ended with a compromise, to fulfil the demands of the strikers. Even then, the condition is still not changed, the salaries are not regularly paid and no contributions are paid.

ARTICLE 21 – Right to information and consultation

Article 21

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

The question of informing and consulting the workers is arranged with the amendments of the Labour Relations Law in 2010 ("Official Gazette of RM" No. 124/10), by which this question is harmonised with legislation of the European Union in this area. Namely, with Article 94-a it is determined that informing workers means transmission of data from the employer to the representatives of the workers in order for them to be familiar with the same and to explore them.

Consulting means exchange of opinions and establishing dialogue between the representatives of the workers and the employer.

The obligation of informing and consulting refers to trade companies, public enterprises and other legal entities which have more than 50 employees and establishments which have more than 20 employees for the close and probable trends of activities of the trade company, public institution and other legal entity or establishment and their economic condition, for the condition, structure and probable course of employment in the trade company, public enterprise and other legal entity or establishment and every projected measure, especially when there is a threat for employments, for decisions which may lead to essential changes in the organization of the work or the agreement obligations. According to the Law, the employer has no obligation of informing for trade companies, public enterprises and other legal entities which have less than 50 employed and public enterprises which have less than 20 employees.

The information are given on time, in a manner and with content suitable to enable the representatives of the workers to convey suitable analysis of the same and to prepare for consultation where needed.

The consultation will be conducted:

1. when the time, method and their content are suitable;
2. on relevant level of management and representation, depending on the questions being consulted;

3. based on the information provided by the employer in relation to the informing and opinions of the workers' representatives;
4. in a manner which will enable the workers' representatives to meet the employer and get an answer for every opinion they can prepare; and
5. with respect to the possibility for reaching an agreement for the decisions in frames of the authorities of the employer.

With this provision in the Law, an exemption is envisaged, meaning the information and consulting the workers should not address the boat staff sailing on open sea.

Article 95 arranges more concretely the question referring the information and consultation through collective discharges because of business reasons.

This article presupposes that if the employer plans to reach the decision of termination of the working relation of a greater number of workers from business reasons, meaning at least 20 workers in the period of 90 days, in which the termination of every working relation, no matter the total number of workers, is considered a collective lay-offs from business reasons.

If the employer has the intention of conducting collective discharge, he/she is obliged to start a procedure of consultation with the workers' representatives, at least one month before the beginning of the collective discharge and to provide all relevant information before starting the consultation, because of reaching an agreement. These consultations comprise the ways and means of avoiding collective discharges, decreasing the number of discharged employees or alleviation of the consequences through moving towards associated measures in order to help the discharged employees to find a job again or to be trained.

In order to enable the workers representatives to prepare constructive suggestions, during the consultations the employers provide all the relevant information:

- reasons for the planned lay-offs;
- number and categories of workers being laid-off;
- total number and categories employed; and
- period in which the planned lay-offs should happen.

The obligations of informing and consulting are being applied no matter whether the decision for collective lay-offs is brought by the employer or a person who is conducting controls of the employer. In examining the supposed violation of the obligations for informing, consulting and announcing, not every justification of the employer based on the fact that the trade company, public enterprise and other legal entity who brought the decision for collective lay-offs and did not provide the requested information to the employer will be taken into consideration.

The employer is obliged after finishing the consultation to report in written to the department competent for mediation in employment, because of help and mediation services in employment, according to the law. This report contains all relevant information related to planning collective discharges and consultation with workers' representatives, especially the reasons for lay-off, the number of employees being

discharged, the total number of workers at the employer and the period in which the discharges should happen.

An obligation is envisaged for the employers to deliver to the workers' representatives a copy of the report sent to the department competent for mitigation in employment, after which the workers can deliver their proposals to the department competent for mitigation in employment.

The employers is obliged to deliver the report for the planned collective discharges to the Department competent for mitigation in employment, up to 30 days before reaching a decision for determination of the working relations of the workers.

The same article brings forward that the provisions for informing and consulting for collective discharges because of business reasons are not applied for collective discharges which come out of the determination of the activities of the office because of court decision, the employment contracts for a certain period of time and in the bodies of public administration.

No complaints were filed to State Labour Inspectorate referring to the infringement of the right to informing and consulting and in its regular controls SLI has not engaged in determining the use of this law provision up until now.

ARTICLE 26 – Right to dignity at work

Article 26§1

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

With the Labour Relations Law ("Official Gazette of RM" No. 62/05), with Article 9, the question concerning sexual harassment is arranged. It is defined that the harassment and sexual harassment constitutes discrimination. Harassment, in relation to this law, is every unwanted act (putting into unequal position because of race or ethnic origin, skin colour, gender, age, health condition, or disability, religious or political belief, membership in trade unions, national or social origin, family status, property, sexual orientation or other personal circumstances) with the purpose of hurting the dignity of the candidate for employment or the employee, which causes fear or creates unfriendly, humiliating or abusive conduct.

Sexual harassment, in relation to this law, is every verbal, non-verbal or physical attitude with sexual character which has the purpose of hurting the dignity of the candidate for employment or the employee, which causes fear or creates unfriendly, humiliating or abusive attitude.

Although out of the reference period for this report, it is still important to mention that in May 2013 a Law on Protection from Harassment in the Workplace was adopted ("Official Gazette of RM" No. 79/2013).

This Law regulates the rights, obligations and responsibilities of the employers and employees in relation to the prevention of physical and sexual harassment in the workplace and place for work, the measures and procedure for protection from harassment in the workplace, as well as other questions referring to the prevention and protection from harassment in the workplace. The Law provides a whole legal frame through determining preventive measures for protection from harassment in the workplace, determining the procedure for protection from harassment in the workplace at the employer's, as well as the procedure for court protection. The aim of bringing this Law is to preventively influence the prevention of harassment in the workplace and to provide faster and more efficient prevention, as well as prevention and decrease of the consequences from harassment in the workplace.

According to article 11 from this law, the employer is obliged to introduce the employee with the measures and the procedure in connection with the protection from harassment in the workplace and the rights, obligations and responsibilities of the employer and the worker at the employment itself and during the working.

Written and oral petitions are being delivered to the State Labour Inspectorate (SLI) from workers who seek protection in connection with gender and psychological harassment. However, with respect to this kind of harassment can be determined only in an evidence procedure before a competent court, the complainants are encouraged to start a legal procedure.

In regular inspections, labour inspectors control whether the employer fulfilled his obligation of introducing the employees according to the mentioned law provision and if it is determined that that was not done, obliges him/her with a decision to introduce the employees with the measures and procedure in relation with the protection from harassment in the workplace in a certain period.

Article 26§2

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

With Article 9, given in the answer of the previous paragraph (26§1), this question is also answered.

ARTICLE 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

Article 28

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

a they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;

b they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

In relation to the protection of the workers' representatives in fulfilling their function information are given in the Third Report for implementation of ESC submitted by the Republic of Macedonia in 2009 under article 5 (pages 27 and 28), and in the reference period no changes were made in the law regulation.

In 2012, in 3 cases on demand of the workers (trade union representatives), the State Labour Inspectorate after determining that the rights of the workers were violated, reached the decisions to postpone the realization of the final decisions of the employer for discharge, until reaching an effective court decision for a registered work dispute.

There is one such case in year 2013 as well.

ARTICLE 29 – The right to information and consultation in collective redundancy procedures

Article 29

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

The responsibility in relation to this article is given in Article 21.

In the last few years there is no large number of collective discharges for business reasons. In the cases where there are collective discharges, a procedure for information and consultations is conducted.

In inspection controls, no violation of this right of the workers was found.

REPUBLIC OF MACEDONIA			
Ministry of Labour and Social Policy SKOPJE I			
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FEDERATION OF TRADE UNIONS OF MACEDONIA
COUNCIL OF SSM
No. 0802 – 398/2
26.11.2013
SKOPJE

To
Republic of Macedonia
Ministry of Labour and Social Policy

Subject-matter: Opinion regarding the First Report for Implementation of the Revised European Social Charter

The Federation of the Trade Unions of Macedonia reviewed the Report for Implementation of the Revised European Social Charter and in relation to it has delivers the following:

Remarks

- Page 5 paragraph 4, after the word "retail" the following text to be added "catering and building construction industry, but before all in the small enterprises"

- Page 7 paragraph 1, regarding the organization of the working time regulated with Article 123, in paragraph 1 it is concretely stated that the organization and conditions regarding the organization shall be regulated by law, collective agreement or employment contract. Paragraph 2 shall regulate that the employer will notify the worker in written in terms of the organization of working time at least 1 day in advance (this is not an exception and the employer has a right to organize the working time on their own with their own act.)

- Page 8 paragraph 3, the provision from the General Collective Agreement for the Private Sector from the area of economy (Article 24 paragraph 2) to be taken precisely as follows:

  "For working on holidays or days declared free of works determined by law, the worker shall have a right to salary, which he/she is entitled to, when he/she is free of work on these days and salary for the hours spent of work increased by 50%.

- Page 17, the percentage of increasing the basic salary as result of overtime is 35% (according to the General Collective Agreement for the area of economy.)

- Page 19 paragraph 2, during the temporary inability for work (sick leave), the base for calculation of the remuneration shall be the average monthly amount of the paid salary for which contributions regarding the mandatory health insurance are paid in the last 12 months before the event due to which the working obtains the right for remuneration.

- Page 21 paragraph 3, the Law on Labour Relations does not envisage any protection provision (or right to an appeal) if no decision for registration is reached after submission of request for registration of trade union organization in the Registry of Trade Unions.

- Page 37 paragraph 5, regarding the question of the Committee in terms of in which sector may be requested for introduction of the minimal services provision during strike, the answer is that in the activities from the public sector but then should be pointed out that in Articles 238 paragraph 1 of the Law on Labour Relations (which refers to all entities both in the economy and public sector) is envisaged that upon a proposition made by the employer, the trade union and the employer shall amicably prepare and adopt the rules for production, maintenance and necessary works that must not be put on hold during time of strike.

- Page 48 paragraph 3, the Law on Labour Relations envisaged that the employer is not obliged to provide information in case of trade companies, public enterprises and other legal entities that do not have more than 50 employees and institutions with more than 20 workers. This provision is limiting and shortens the basic right of the workers to be informed about all issues which affect their economic and social standing. All workers should be entitled to this right regardless the number of employees and the size of the enterprise they work in.

Prepared by: L.P. //*illegible handwritten signature*//
Controlled by: S.T. //*illegible handwritten signature*//
Approved by: A.A.

Federation of the Labour Unions of Macedonia

//Round stamp of the Federation of the Labour Unions of Macedonia, Council of SSM//

President

Zhivko Mitrevski Ph.D.
//*illegible handwritten signature*//