



30/06/2022

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## **EUROPEAN SOCIAL CHARTER**

Comments by the Confederation of Free Trade Unions of  
Macedonia on the 9th National Report on the implementation  
of the European Social Charter

submitted by

## **THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA**

Articles 2, 4, 5, 6, 21, 26, 28 and 29  
for the period 01/01/2017 – 31/12/2020

Comments registered by the Secretariat

on 30 June 2022

**CYCLE 2022**



**Конфедерација на слободни синдикати на Македонија**  
**Confederation of Free Trade Unions of Macedonia**

КОНФЕДЕРАЦИЈА НА СЛОБОДНИ  
СИНДИКАТИ НА МАКЕДОНИЈА

Бр. 03-139/1

30.06. 2022 год.  
Скопје

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**Observations**

to the 9th National Report on the implementation of the European Social Charter

submitted by

**THE GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA**

According to the article 2§1 for the harmonization of the laws containing misdemeanour and provisions on the manner of the action of the state inspection, we must conclude that the amendments to the Law on Labor Relations in the area of fines stimulated employers to violate the Labor Law more often because the fines were so small that it was cost-effective for the employers to pay them to pay them.

Regarding the work of the State Labor Inspectorate (SLI), we must also say that the requests addressed to them for reporting irregularities were not fulfilled in the period determined by law, many of the decisions for elimination of irregularities were issued very late decided, for which the Government and the inspectorate do not keep accurate records and do not provide official data. Having in mind that most of the violations of the Law on Labor Relations in the part of working hours were committed in labor-intensive activities and catering and tourism, unfortunately the SLI has not performed in these years the necessary supervision in these activities for violation of working hours.

The Ministry of Labor and Social Policy in the area of child protection during the Covid-19 pandemic and the crisis, committed a gross violation in the area of working hours by issuing illegal decrees for caregivers and educators who work in the kindergartens to work longer than prescribed by law. Although the trade union representing this activity reported this, the SLI does not take any action or come up with solutions to prevent these illegal actions.

Regarding the duration of labor disputes, we as a trade union, we have filed many lawsuits which according to the laws should be resolved within 6 months at the latest, unfortunately they last for years, exhausting the workers materially and psychophysically. We have countless evidences for that, where our lawsuits filed by our trade union members in 2017,



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2018, 2019 and 2020 are still ongoing, and some of them still do not even have a first instance decision.

In the area of workers' rights during the Covid-19 pandemic, although the Law on Safety and Health at Work clearly states that when a new biological hazard occurs, a new risk assessment and safety statement should be made, in this case according to The Biological Harm Code, the virus covid-19 belongs to the same group of viruses as in the corona family clearly shows the risk in the workplace, and with that negligence and disregard for the laws, the health and lives of many workers were at risk. Although as a trade union we addressed several times to several institutions and to the Ministry of Labour and Social Policy and the Government for compliance with the Law on Safety and Health at Work, they remained silent, did not take action to comply with the law in order to protect workers. According to the Law on Pension and Disability Insurance, where it is precisely defined when the worker is infected at work, he/she should get paid sick leave in the amount of 100%. That is what we have requested from the authorities during this pandemic. Unfortunately, with various government decrees, they violated the law and the workers who were infected at work were not paid 100% salary and the laws were grossly violated by the institutions of the Republic of North Macedonia.

In the area of freedom of association and organization of workers and their activities, we must mention a few remarks. Although not mentioned, on September 2, 2019, Independent trade union for education, science and culture of R. Macedonia (SONK) had a one-day warning strike in which all educational institutions completely stopped the work process due to non-compliance with the provisions of the Law on Minimum Wage and the branch collective agreement that is still in force. KSS with its branch trade unions for the non-fulfillment of the provisions of the Law on Minimum Wage from 2018 at least ten times expressed its revolt through protests in the streets throughout Macedonia. Unfortunately, the implementation of the laws to this day has remained an impossible mission, especially in the part where the Government of the Republic of Macedonia is the employer, primarily for the Law on Minimum Wage, where with each increase of the minimum wage there is a legal obligation harmonization the salaries of other workers according to the collective agreements. Having in mind the long-standing violation of the Law on Minimum Wage without harmonization of wages, a general chaos was created in the payment system, which today requires or brings ad hoc solutions that change the laws for current needs and become unconstitutional and inapplicable, especially the Law on Administrative officers which made chaos in the payment system of the wages.

Also in this area the government, through its personal appointees, exerted pressure and gross violations of ILO conventions and laws when quite a number of members of the KSS's branch trade unions were forcibly removed to other trade unions. The trade unions continued their struggle through the institutions of the system and the court labyrinths through lawsuits,



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which unfortunately lasted too long, but we still received final verdicts in which the court decisively ordered return of the original factual situation, ie membership in those trade unions, but for unfortunately, the same persons, the highest management of those institutions are again placed above the court verdicts and to this day they do not realize final court rulings.

The KSS's affiliated branch trade union, SONK in 2017 received a positive recommendation from the Committee for Freedom of Association, from the ILO, the Government to remove the article where substitute teachers during the strike are allowed, but unfortunately that recommendation of the ILO, the Government ignores and does not want to remove that article from the Law on Primary and Secondary Education.

In the part of collective agreements, classic discrimination is made against certain trade unions in KSS. According to the law representative trade unions must be included in the collective bargaining and public and state institutions signs collective agreements only with selected trade unions. Although the SLI was informed that representative trade unions are not included in the collective bargaining process, SLI unfortunately did not acted properly. With great delay, breaking deadlines, SLI prepared decisions with direct instructions to the competent institutions for the involvement of the same trade unions in the negotiations and signing of collective agreements, to date this has not been realized (two of them are noted in the reports of the World Trade Union Confederation workers' rights in 2020, namely the collective agreement of the municipality of Gazi Baba and the Agency of Real Estate Cadastre).

In the part of the packages that were given for assistance of the wages of the workers during the crisis, we ascertained a series of inconsistencies and misuse of budget funds for which several times in the Economic and Social Council we requested a report on concrete measures taken by the competent institutions, but to this day there is no answer.

Namely, in the part of providing budget funds for wage assistance to workers during the covid crisis, certain employers did not pay the wages to the workers, and some of those employers, although pointed out by us, were again beneficiaries of that financial assistance in the next following packages, which is a serious misuse of budget funds for which to date no initiatives have been raised to clear up these cases or a report who abused, when and how much of those funds.

In the period 2021, a government decree was passed by which those workers who were relieved of their work responsibilities at work by working from home or completely relieved (parents of children up to 10 years, pregnant women, workers with chronic illness) without performing additional risk assessment at work for the new situation due to a longer leave of absence of 6 months for which we pointed out to the Ministry and the Government, it did not happen, which endangered the health of many workers' lives.



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KSS in the past period has a lot of pressure from the commission for determining the representativeness of the MLSP. Our request for representativeness unjustifiably violated all legal deadlines, remained in the offices in MLSP for more than two years, which seriously damaged the inability to negotiate for the collective agreement (although KSS is the sole signatory to the collective agreement for the public sector workers and collective bargaining for most branch collective agreements).

Continuously in the period from 2017 to 2020 and today we have unprecedented pressure on trade union membership who took active part within the trade union activities which resulted in dismissals and job degradation referrals to a job outside the place of residence as well as lowering of several positions on title. In addition, this primarily happens in the public sector. The pressure culminated in the dismissal of part of the leadership, the highest leadership of KSS, which should be protected by ILO laws and conventions. By grossly violating all these acts, the government tried to stop the free organization of workers, for which are informed in ILO, the European Trade Union Confederation and the International Trade Union Confederation and still continues to this day.

Confederation of free  
trade unions of Macedonia

President

Blagoja Ralovski