



European
Social
Charter

Charte
sociale
européenne



— North Macedonia and the European Social Charter —

Signatures, ratifications and accepted provisions

North Macedonia ratified the European Social Charter on 31/03/2005, accepting 41 of the Charter's 72 paragraphs. It ratified the Amending Protocol to the Charter on 31/03/2005.

North Macedonia ratified the Revised Charter on 6 January 2012, accepting 63 of the Charter's 98 paragraphs.

It has signed but not ratified the Additional Protocol to the Charter and it has neither signed nor ratified the Additional Protocol providing for a system of Collective Complaints.

The Charter in domestic law

Automatic incorporation into domestic law based on the Constitution, Article 118: "The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law".

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3						Grey = accepted provisions					

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted its [reports](#) concerning North Macedonia in 2018 and 2023.

In this latest report, the Committee considered that North Macedonia could accept the following provisions: 3§1, 9, 10§1, 10§3, 14§1, 18§1, 18§2, 18§4, 19§7, 19§9, 19§10 and 22.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by North Macedonia

Between 2007 and 2023, North Macedonia has submitted 6 reports on the application of the 1961 Charter and 10 reports on the application of the Revised Charter.

The 9th report, submitted on 14/04/2022, concerns the accepted provisions relating to thematic group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions have been published in March 2023.

The 10th report, which was submitted on 27/03/2023, covers the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

- the right of children and young persons to protection (Article 7);
- the right of employed women to protection of maternity (Article 8);
- the right of the family to social, legal and economic protection (Article 16);
- the right of children and young persons to social, legal and economic protection (Article 17);
- the right of migrant workers and their families to protection and assistance (Article 19);
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27);
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in March 2024.

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ³

Thematic Group 1 “Employment, training and equal opportunities” - Conclusions 2020

► *Article 1§1 – Right to work - Policy of full employment*

Employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

► *Article 1§2 – Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

- Nationals of other States Parties do not have access to civil service jobs;
- It has not been established that the national authorities have fulfilled their positive obligations to prevent forced labour and labour exploitation, to protect victims, to effectively investigate the offences committed, and to punish those responsible for forced labour offences.

► *Article 15§2 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Employment of persons with disabilities*

It has not been established that persons with disabilities are guaranteed an effective equal access to employment.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

Thematic Group 2 “Health, social security and social protection” – Conclusions 2021

► *Article 12§1 - Right to social security - Existence of a social security system*

The duration of unemployment benefit in some cases is too short.

► *Article 12§4 - Right to social security - Social security of persons moving between States*

- Equal treatment of nationals of other States Parties is not guaranteed as regards access to the social security system;
- Equal treatment of all resident children is not guaranteed as regards entitlement to child benefit.

► *Article 13§1 - Right to social and medical assistance- Adequate assistance for every person in need*

- The level of social assistance paid to a single person without resources is not adequate;
- Nationals of States Parties lawfully resident are subject to a length of residence requirement of five years for entitlement to social assistance.

Thematic group 3 “Labour rights” – Conclusions 2022

► *Article 2§5 – Right to just conditions of work – Weekly rest period*

Weekly rest days may be postponed over a period exceeding twelve successive working days.

► *Article 2§7 – Right to just conditions of work - Night work*

Employee representatives are not consulted regularly on the conditions relating to night work and on measures taken to reconcile employees’ needs and the special nature of night work.

► *Article 4§2 - Right to a fair remuneration - Increased remuneration for overtime work*

The public officials are not guaranteed an increased time off in lieu of remuneration for overtime.

► *Article 4§3 - Right to a fair remuneration - Non-discrimination between women and men with respect to remuneration*

It has not been established that adequate remedies are available in the event of dismissal following a claim for equal pay.

³ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 6§4 - Right to bargain collectively – Collective action*

The restrictions on the right of the police to strike go beyond the limits set by Article G of the Charter.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

- It has not been established that adequate forms of representation are available to all employees, both within and outside the scope of collective bargaining;
- The protection of trade union representatives against dismissal does not extend for a reasonable period after the expiry of their mandate,
- Trade union and workers' representatives do not enjoy adequate protection from prejudicial acts short of dismissal,
- Facilities afforded to workers' representatives are not adequate.

► *Article 29 - Right to information and consultation in procedures of collective redundancy*

It has not been established that there are preventive measures to ensure that redundancies do not take effect until the employers have met their obligation to inform and consult employee representatives.

Thematic group 4 "Children, families and migrants" - Conclusions 2019

► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*

During the reference period the daily and weekly working time for children under the age of 15 was excessive and therefore the work could not be qualified as light.

► *Article 7§3 – Right of children and young persons to protection – Prohibition of employment of children subject to compulsory education*

During the reference period the duration of working time for children subject to compulsory education was excessive and therefore the work could not be qualified as light.

► *Article 7§9 – Right of children and young persons to protection – Regular medical examination*

- A full medical examination of young workers under 18 at recruitment is not guaranteed by national laws or regulations;
- The interval between the medical examinations for young workers during employment is too long.

► *Article 16 – Right of the family to social, legal and economic protection*

- The length of residence requirement for nationals of States Parties lawfully resident in the territory for eligibility to family benefits is excessive;
- Family benefits do not ensure economic protection of a significant percentage of families by appropriate means.

► *Article 17§2 - Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*

The net enrolment rate in secondary education is too low.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion*

Family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

The Committee has been unable to assess compliance with the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”

- ▶Article 1§3 - Conclusions 2020
- ▶Article 1§4 - Conclusions 2020
- ▶Article 15§1 - Conclusions 2020

Thematic Group 2 “Health, social security and social protection”

- ▶Article 3§2 - Conclusions 2021
- ▶Article 11§1 - Conclusions 2021
- ▶Article 11§2 - Conclusions 2021
- ▶Article 12§3 - Conclusions 2021

Thematic Group 3 “Labour rights”

- ▶Article 2§1 - Conclusions 2022
- ▶Article 4§5 - Conclusions 2022
- ▶Article 5 - Conclusions 2022
- ▶Article 6§1 - Conclusions 2022
- ▶Article 6§3 - Conclusions 2022
- ▶Article 26§1 - Conclusions 2022
- ▶Article 26§2 - Conclusions 2022

Thematic Group 4 “Children, families, migrants”

- ▶Article 7§10 - Conclusions 2019
- ▶Article 17§1 - Conclusions 2019
- ▶Article 19§1 - Conclusions 2019
- ▶Article 19§8 - Conclusions 2019

II. Examples of progress achieved in the implementation of rights under the Charter ***(non - exhaustive list)***

Thematic Group 1 "Employment, training and equal opportunities"

►The upper limit on the amount of compensation in cases of discrimination was repealed in August 2008 following the adoption of the amended version of the Law on Labour Relations. The amount of compensation is now determined case by case.

►The Law on Prevention of and Protection against Discrimination (the Anti-Discrimination Law), adopted in 2010, prohibits any direct or indirect discrimination on grounds including disability in areas such as education, science and sport.

►At federal level, the law on combating the gender pay gap was adopted on 22 April 2012 and requires measures to combat the wage gap to be negotiated at inter-occupational, sectoral and company level.

Thematic Group 2 "Health, social security and social protection"

►According to the Law on Health Insurance of April 2011 all persons who do not have other basis for health insurance shall be covered and exercise the right to health and are no longer be obliged to register as unemployed persons in the Employment Service Agency.

Thematic group 3 "Labour rights"

►Preventive measures aimed at eliminating or reducing the risks related to work feature in the Occupational Safety and Health Act, which was amended in 2014. Article 11 requires employers to prepare a risk assessment statement for each workplace, with appropriate instructions and measures to be introduced. They are required, in particular, to conduct risk assessments for the entire workplace and eliminate all the risks and hazards identified, in accordance with an official rulebook on the preparation of safety statements, their contents, and the data on which risk assessments should be based.

►Pursuant to Article 11 of the Law on Protection against Harassment at Workplace (PHW Law), adopted in 2013, the employer has the obligation to inform employees of their and the employer's rights and obligations as regards harassment and of the relevant protective measures and procedures available. The respect of this obligation is monitored by the Labour Inspectorate.

►In October 2020, a new Law on the Prevention of and Protection against Discrimination was adopted. It defines harassment and sexual harassment (Article 10) and provides for new competences and the professionalisation of the Commission for protection against discrimination.

Thematic Group 4 "Children, families, migrants"

►According to the Child Protection Act of 12 February 2013: corporal punishment is prohibited in alternative care settings (foster care, institutions, places of safety, emergency care, etc.).

►Section 162 of the Labour Relations Act, as amended in 2013 (Official Gazette No. 13/13), provides that pregnant women and mothers until one year after the birth should not perform any work which would expose them to increased risks for their health or their child's health.

►The Law on Labour Relations was amended in 2018 published in the Official Gazette No. 120/2018 in respect of the duration of working hours of light work and holidays for children. Article 18 (2) of the Law on Labour Relations now reads as follows: "This Law shall forbid the work of a child under the age of 15 or a child who has not completed compulsory schooling, except for participation in activities allowed by law, but no longer than two hours a day and or 12 hours a week, and during the school holidays no longer than six hours a day or 30 hours a week, and during this period, the child is entitled to a two-week holiday."

►Following amendments to the Law on Labour Relations during the reference period (Official Gazette No. 72/15), paid maternity leave for multiple births was extended from 12 to 15 months.