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EUROPEAN SOCIAL CHARTER

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

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CYCLE 2022



REPUBLIC OF NORTH MACEDONIA
MINISTRY OF LABOUR AND SOCIAL POLICY

**NINTH REPORT
ON THE IMPLEMENTATION OF
THE REVISED EUROPEAN SOCIAL CHARTER**

submitted by the

REPUBLIC OF NORTH MACEDONIA

(for Articles 2, 4, 5, 6, 21, 26, 28, 29)

Skopje, February 2022

PREFACE

The Republic of North Macedonia ratified the Revised European Social Charter on 06.01.2012.

In accordance with Article C and Article 21 of Part IV of the Charter, the Republic of North Macedonia hereby submits its Ninth Report on the Implementation of the Ratified Provisions of the Revised European Charter (1996).

The Report is prepared in accordance with the reporting system, adopted by the *Committee of Ministers* of the Council of Europe, applicable from 31 October 2007.

This Report contains relevant information and data on the implementation of the undertaken obligations of the Republic of North Macedonia regarding the articles of the Thematic Group 3 “*Labour rights*”, namely:

- Article 2,
- Article 4 (paragraphs 2, 3 and 5),
- Article 5,
- Article 6,
- Article 21,
- Article 26,
- Article 28,
- Article 29

The reference period of this Report is from 01.01.2017 to 31.12.2020.

At the initiative and request of the European Committee of Social Rights (ECSR), and in order to enable the monitoring process to be more effective and focused, this Report, as well as the reports from 2019 and 2020, provide answers and an overview of the situation regarding specific targeted issues related to the provisions of the Charter that are the subject of this reporting cycle. At the same time, in sections of the Report where appropriate and in accordance with the request of the European Committee of Social Rights, information is provided for the years 2020 and 2021 related to the impacts, consequences and effects of the current multi-year crisis related to the COVID-19 pandemic.

Considering that in this cycle, issues related to labour rights, the right to organise, inform and consult workers, the right to bargain collectively, etc. were addressed, during the preparation of this Report, contributions, inputs and information were requested from relevant organisations of employers and trade unions in the Republic of North Macedonia (from the Organisation of Employers of Macedonia – ORM, the Business Confederation of Macedonia – BCM, the Federation of Trade Unions of Macedonia – SSM, the Confederation of Free Trade Unions of Macedonia – CTUM, the Confederation of Trade Union Organisations of Macedonia – KSOM). In return, information was obtained from ORM, BCM and SSM and incorporated in the relevant sections of the Report.

The Ninth Report on the implementation of the Revised European Social Charter was reviewed and adopted at the 36th Session of the Government of the Republic of North Macedonia, held on April 5, 2022.

In accordance with Article 23 of Part IV of the Revised European Social Charter, copies of the prepared Report have been submitted to the representative national organizations of employers and trade unions, which are also members of the Economic and Social Council (ESC):

- the Federation of Trade Unions of Macedonia (SSM);
- the Organization of Employers of Macedonia (ORM)

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RESC Part I – ARTICLE 2 – All workers have 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:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

In the reporting period, no amendments were made to the legal framework regarding the issue related to (reasonable) working hours. Namely, the Law on Labour Relations¹ determines a 40-hour working week, which as a rule lasts five working days. By law, i.e., by collective agreement, the working hours that are less than 40 hours of work per week, but not less than 36 hours per week, shall be deemed full-time hours.

Overtime work shall not exceed eight hours in the course of one week and 190 hours per year, except for work that, due to the specific work process, cannot be interrupted, or when it shall not be possible to organise the work in shifts. Overtime work within a period of three months shall not exceed on average eight hours a week.

In order to harmonise the laws containing misdemeanour provisions and provisions on the manner of action of the state inspection, i.e., the Law on Inspection Supervision², as well as the Law on Misdemeanours³, in 2020, amendments to the Law on Labour Relations⁴ were adopted regarding the determination of the amount of the fine imposed on the legal entity and employer – natural person. Also, harmonisation was made regarding the settlement instrument, which enables the party committing the misdemeanour to pay the established fine in a smaller amount, if the party committing the misdemeanour agrees to pay the fine within a period of 8 (eight) days from the day of receipt of the payment order.

Thus, a fine in the amount from 200 to 400 euros in denar counter-value shall be imposed on a micro and small employer – legal entity, a fine in the amount from 300 to 600 euros in denar counter-value on a medium employer – legal entity, a fine in the amount of 600 to 1,000 euros in denar counter-value on a large employer – legal entity, if it orders the worker to work longer hours than the working hours determined by law, fails to keep or incorrectly keeps records of the working hours and the overtime work, fails to pay a salary bonus and fails to inform the inspector about the introduction of overtime work; it instructs the part-time worker to work longer than the agreed working hours; it fails to provide the worker with a break during the working hours, rest between two consecutive working days, weekly

¹ “Official Gazette of the Republic of Macedonia” no. 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16 and 120/18 and

“Official Gazette of the Republic of North Macedonia” no. 110/19, 267/20, 151/21

² “Official Gazette of the Republic of North Macedonia” no. 102/19

³ “Official Gazette of the Republic of North Macedonia” no. 96/19

⁴ “Official Gazette of the Republic of Macedonia” no. 267/20

rests and annual leave, fails to pay compensation for annual leave, fails to provide paid leave, ...and if it fails to issue a decision on the annual leave. For the same misdemeanour, the responsible person in the legal entity shall be imposed a fine in the amount of 150 euros in denar counter-value in the case of a micro and small employer, a fine in the amount of 300 euros in denar counter-value in the case of a medium employer and a fine in the amount of 400 euros in denar counter-value in the case of a large employer, while a fine in the amount of 250 euros in denar counter-value shall be imposed on the employer – natural person.

The monitoring and control of the implementation of the legal provisions are carried out by the **State Labour Inspectorate (SLI)** through regular inspections, in accordance with the Annual Work Programme. The Inspectorate also acts upon written and oral requests from workers in order to protect their employment rights.

Thus, **in 2017**, the SLI conducted a total of 20,507 inspections, whereby 4,108 decisions were adopted.

Out of the total number, 296 decisions refer to non-compliance with the working hours, i.e., 165 decisions on elimination of irregularities related to overtime work and 131 decisions on vacation and leave. 82 motions were filed for initiating misdemeanour proceedings regarding the adopted decisions, four of which refer to non-compliance with the working hours.

In 2018, a total of 17,973 inspections were conducted and 3,670 decisions were adopted.

Of these, 241 decisions refer to non-compliance with the working hours, i.e., 145 decisions on elimination of irregularities related to overtime work and 96 decisions on vacation and leave. 63 motions were filed for initiating misdemeanour proceedings regarding the adopted decisions, three of which refer to non-compliance with the working hours.

In 2019, a total of 14,148 inspections were conducted and 2,770 decisions were adopted.

Out of the total number, 192 decisions refer to non-compliance with the working hours, i.e., 93 decisions on elimination of irregularities related to overtime work and 99 decisions on vacation and leave. 49 motions were filed for initiating misdemeanour proceedings regarding the adopted decisions, six of which refer to non-compliance with the working hours.

In 2020, a total of 19,054 inspections were conducted and 1,977 decisions were adopted.

Of these, 436 decisions refer to non-compliance with the working hours, i.e., 376 decisions on elimination of irregularities related to overtime work and 60 decisions on vacation and leave. 20 motions were filed for initiating misdemeanour proceedings regarding the adopted decisions, two of which refer to non-compliance with the working hours.

In the context of specifying the issue, below we provide information on the adopted decisions by activity.

Decisions adopted in 2017, 2018, 2019 and 2020 by activity:

I. Adopted decisions on overtime work

year	total inspections	total decisions	Decision (overtime work)	activities
2017	20,507	4,108	165	A-Agriculture, forestry and fishing 2 C-Manufacturing 1 F-Construction 21 G-Trade 70 I-Accommodation facilities 51 Q-Human health and social work activities 2 R-Arts, entertainment and recreation 1 S-Other service activities 10 O-Public administration and defence 1 J-Information and communication 2 N-Administrative and support service activities 4
2018	17,973	3,670	145	C-Manufacturing- 25 F-Construction 9 G-Trade 48 H-Transportation and storage 4 I-Accommodation facilities 29 Q-Human health and social work activities 4 R-Arts, entertainment and recreation 2 P-Education 2 S-Other service activities 16 K-Financial activity 3 L-Real estate activities 1 N-Administrative and support service activities 2
2019	14,148	2,770	93	C-Manufacturing- 18 F-Construction 8 G-Trade 29 H-Transportation and storage 1 I-Accommodation facilities 23 J-Information and communication 1 Q-Human health and social work activities 1 R-Arts, entertainment and recreation 1 P-Education 1 S-Other service activities 10

2020	19,054	1,977	376	C-Manufacturing- 19 C/1-Textile 12 , C/3-Food 13 , C/3-Metallurgy 5 , C/4-Wood industry 7 , F-Construction 15 , G-Trade 44 , G/1-Wholesale and retail trade 100 , G/2-Motor and property trade 2 , A/1-Agriculture 6 , H-Transportation and storage 7 , I-Accommodation facilities 94 , J-Information and communication 2 , Q-Human health and social work activities 8 , R-Arts, entertainment and recreation 5 , P-Education 5 , S-Other service activities 20 , K-Financial activity 4 , M-Professional, scientific and technical activities 1 , N-Administrative and support service activities 2 L-Real estate activities 1 O-Public administration and defence 4
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II. Adopted decisions on vacations and leaves

year	total inspections	total decisions	decision (vacation and leaves)	activities
2017	20,507	4,108	131	A-Agriculture, forestry and fishing 8 C-Manufacturing- 17 F-Construction 15 G-Trade 40 I-Accommodation facilities 25 Q-Human health and social work activities 15 R-Arts, entertainment and recreation 2 S-Other service activities 4 N-Administrative and support service activities 1 H-Transportation and storage 2 K-Financial activity 1 P-Education 1

2018	17,973	3,670	96	<p>A-Agriculture, forestry and fishing 1, C-Manufacturing-10, F-Construction 5, G-Trade 42, H-Transportation and storage 2, I-Accommodation facilities 9, Q-Human health and social work activities 7, R-Arts, entertainment and recreation 1, P-Education 2, S-Other service activities 9, K-Financial activity 1, L-Real estate activities 1, O-Public administration and defence 2, M-Professional, scientific and technical activities 1, B-Mining and quarrying 1, D-Electricity, gas, steam and air conditioning supply 2</p>
2019	14,148	2,770	99	<p>C-Manufacturing-7, F-Construction 7, G-Trade 50, H-Transportation and storage 1, I-Accommodation facilities 14, J-Information and communication 2, Q-Human health and social work activities 4, R-Arts, entertainment and recreation 2, K-Financial activity 2, M-Professional, scientific and technical activities 1, N-Administrative and support service activities 3, S-Other service activities 6</p>
2020	19,054	1,977	60	<p>C/1-Textile 2, C/2-Food 5, F-Construction 3, G-Trade 6, G/1-Wholesale and retail trade 20, H-Transportation and storage 4, I-Accommodation facilities 8, J-Information and communication 1, Q-Human health and social work activities 1, R-Arts, entertainment and recreation 2, P-Education 1, S-Other service activities 3, K-Financial activity 1, L-Real estate activities 2, O-Public administration and defence 1</p>

With regard to the request of the Committee⁵ for specific information for proactive action by the authorities in order to ensure compliance with the reasonable working hours, as previously stated, the State Labour Inspectorate, for the purpose of monitoring and control of the implementation of the provisions of the Law on Labour Relations, in accordance with its competencies, conducts regular supervision in accordance with the prepared Annual Work Programme and at the same time, acts upon written, oral requests and requests submitted electronically by workers for protection of their employment rights, in this specific case, regarding working hours. Also, as stated above in the text, fines are provided for employers for non-compliance with the provisions of the Law on Labour Relations, which regulate overtime work. Information on the activities and findings of the SLI is given above in the text.

Regarding the case law, based on the data obtained from the basic courts in the country, there are civil proceedings initiated following lawsuits filed by natural persons against employers, which refer to employment rights, in accordance with the Law on Labour Relations, based on monetary claims arising from employment for unused annual leave, payment of overtime supplement and payment of night shift supplement. With reference to the compliance with the reasonable working hours, a misdemeanour case was filed against a legal entity, a final verdict was passed and the defendants were found guilty and punished according to the law (information obtained from the Basic Court – Vinica).

Regarding the issue of regulation of the time and “on-call” services in the national legislation and in practice, we hereby inform you that the Law on Labour Relations does not address the instrument “on-call work”. However, Article 218 of the Law on Health Protection regulates “on call work”, i.e., “hours of readiness” as a form of work where the healthcare worker, i.e., the healthcare co-worker does not have to be present in the healthcare institution, but shall be obliged to be available on phone or via other telecommunication means in order to provide recorded advising and, if necessary, to come to work in order to provide emergency and urgent medical intervention. The hours of readiness shall not be regarded as hours within the working hours, except the hours when engaged on call. For the hours when being engaged on call during the hours of readiness, the healthcare worker, i.e., the healthcare co-worker is entitled to a wage supplement, which according to the branch collective agreement, in case of unrealised call is 8% of the hourly wage for the time he/she was engaged, i.e., 113% of the hourly wage – in case of a realised call, for the time he/she was engaged.

⁵ European Committee of Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 5

Information on the impact of the COVID-19 crisis on the right to just conditions of work and the exercising of the right to reasonable working hours in the healthcare, education, defence and transport sectors

In the field of healthcare, given the increased pressure on the health system caused by the COVID-19 pandemic, amendments to the Law on Health Protection⁶ were adopted, which regulate the performance of the healthcare activity by healthcare institutions in emergencies and crisis situations. The amendments, at the request of the Ministry of Health, established the possibility for public and private healthcare institutions to participate in preventing and combating infectious diseases, as well as in protecting and rescuing the population in other cases of emergencies and crisis situations. Thereby, the weekly work schedule and the beginning and end of the working hours for both public and private healthcare institutions during emergencies and crisis situations (including epidemics, pandemics) are determined by the Minister of Health, who also adopts a so-called Mobilisation Plan, which is approved by the Government of the Republic of North Macedonia.

The Mobilisation Plan provides for the undertaking of measures and activities for mobilisation of the healthcare workers and co-workers, as well as other workers in healthcare institutions, for the duration of the state of emergency. The Plan especially covers the organisation and work schedule and the working hours, the changes in the places and the working conditions of the healthcare facilities and their workers. In order to implement the Mobilisation Plan, the Minister of Health, during the existence of the infectious disease, if necessary, may by order send healthcare workers, i.e., healthcare co-workers and technical assistants employed in a public healthcare institution within the network to work in another healthcare institution within the network.

Healthcare workers, co-workers and other workers in healthcare institutions are obliged to act according to the Mobilisation Plan. In the duration of the emergency conditions or the crisis situation, the initiation of procedures for termination of employment by force of law, by termination of the employment contract or of the contract for extension of the employment of a healthcare worker, due to age is postponed and the initiated procedures for termination of the employment contract or the contract for extension of the employment of a healthcare worker, who during the emergency conditions or the crisis situation meets the requirements for acquiring the right to an old-age pension when he reaches 64 years of age (man), i.e., she reaches 62 years of age (woman) are postponed, in accordance with the Law on Pension and Disability Insurance⁷, i.e., when he/she reaches 64 years of age or when he/she files a written request to the employer to extend his/her employment contract to up to 67 years of age – in accordance with the Law on Labour Relations⁸.

⁶“Official Gazette of the Republic of North Macedonia”, no. 77/21 and 122/21

⁷ “Official Gazette of the Republic of Macedonia”, no. 98/12, 166/12, 15/13, 170/13, 43/14, 44/14, 97/14, 113/14, 160/14, 188/14, 20/15, 61/15, 97/15, 129/15, 147/15, 154/15, 173/15, 217/15, 27/16, 120/16, 132/16, 35/18, 220/18 and 245/18 and “Official Gazette of the Republic of North Macedonia”, no. 180/19, 275/19, 31/20 and 267/20

⁸ “Official Gazette of the Republic of Macedonia”, no. 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16 and 120/18 and “Official Gazette of the Republic of North Macedonia”, no. 110/19 и 267/20

At the same time, healthcare workers, healthcare co-workers and other workers in the healthcare institution, as well as other persons covered by the Mobilisation Plan who participated in the prevention and suppression of infectious diseases, as well as in the protection and rescue of the population in other cases of emergency conditions and crisis situations, are entitled to a monetary reward.

Article 13 item 4 of the Decision on preventive measures and recommendations, temporary measures, ordered measures, dedicated protocols, plans and algorithms for action aimed at protecting the health of the population from the contagious disease COVID-19 caused by the Sars Cov-2 virus, the cases and the period of their application,⁹ “prohibits the use of annual leave, paid and unpaid leave by all workers in the healthcare sector”.

Depending on the epidemiological situation and the workload of the healthcare sector (number of outpatient admissions and hospitalisations), in accordance with the decision of the management team of the healthcare institution, in certain periods, all healthcare workers had the opportunity to exercise the right to annual leave.

The working hours in the healthcare sector are regulated in compliance with the Law on Health Protection (Article 241), according to which healthcare institutions in the network are obliged to provide uninterrupted healthcare, organised in one, two, three or more shifts, with double-time working hours, by shifting the working hours, with readiness and on-call duty, in accordance with the needs of the population and the forms of providing healthcare services.

In the field of defence, the Ministry of Defence and the Army of the Republic of North Macedonia from the very beginning of the pandemic caused by the COVID-19 virus have undertaken all measures, recommendations and protocols for protection and prevention of the workers from COVID-19, adopted by the Government of the Republic of North Macedonia, the Infectious Diseases Committee, the Ministry of Health and the Ministry of Labour and Social Policy.

Namely, in the period from March 11 to July 7, 2020, those workers who have a minor under the age of 10 (ten) (or active fourth grade), single parents, pregnant women and the chronically ill were exempted from work and work-related obligations that require physical presence in the workplace. The exemption of one parent from work and work-related activities during this period is recorded as justified by the employer, and this recommendation also exempts workers who are single parents. In addition, the parents of children who did not attend kindergarten or were not involved in the educational process were not exempted from work and the performance of work-related activities. The recommendation did not apply to the workers, i.e., the members of the Army of the Republic of North Macedonia, except in specific cases when both parents were employed in the Army, whereby in this case, in accordance with the opinion of the superior, one parent was exempted from work.

Pursuant to the Decision on Amending the Decision on undertaking measures for preventing the introduction and spread of the coronavirus, COVID-19 of the Government of the

⁹ “Official Gazette of the Republic of North Macedonia”, no. 263/20

Republic of North Macedonia dated 7 July 2020, the measure for exemption from work and work-related activities ceased to be valid for workers and single parents of children under the age of 10 (or active 4th grade), whereby only the parents of children involved in the educational process in the schools returned to their workplace, having in mind that the 2019/2020 school year was over, while the parents of children attending kindergarten continued to use the measure.

Pregnant women and parents-beneficiaries of extended maternity leave were exempted from being physically present at the workplace. Also, in the period from 11 March to 9 September 2020, people with chronic respiratory diseases, severe cardiovascular diseases, diabetes TYPE 1, malignant diseases and immune-compromising conditions, were exempted from work and work-related activities based on a certificate from a family doctor.

According to the published protocols, the educational process of the Military Academy with physical presence was interrupted on 11 March 2020 and it was realised online, but from October 2020 it continued with physical presence.

In the period from 23 March to 1 June 2020, the work engagement of the workers in the Ministry of Defence, in accordance with the prepared Operational Plan for functioning in a state of emergency, was organised based on the principle 50-50, taking into account the smooth running of the work process, the principle of interchangeability, mobility, the specifics of each organisational unit separately and the current measures and activities of the Government of the Republic of North Macedonia.

Depending on the possibility, half of the workers had to be physically present at their workplaces, and the other half were required to perform their work tasks from their homes using electronic communication. This work engagement was organised in a rotation of one week, successively.

The performance of the work tasks and activities in accordance with the state of emergency of the Republic of North Macedonia covered all workers in the Ministry of Defence, including administrative officers, military personnel and workers in accordance with the Law on Labour Relations. The working hours of the workers in the Ministry of Defence were adjusted in accordance with the bans on movement in a state of emergency (curfew). The work process in the Regional Defence Centres with the Defence Departments in the municipalities of the Republic of North Macedonia was organised only in the first shift, introducing on-call duty of only one worker, taking into consideration the participation of some of the workers in the Regional and Municipal Crisis Management Headquarters in accordance with the Law on Crisis Management¹⁰ (Articles 13, 23 and 25) and the Law on Protection and Rescue¹¹.

In accordance with the decisions of the Government of the Republic of North Macedonia, the Ministry of Defence adopted a Functioning Plan, which entered into force on 26 October 2020. The plan was supplemented and amended as needed, depending on the situation caused by the increase or reduction of the number of positive coronavirus, COVID-19 cases,

¹⁰ "Official Gazette of the Republic of North Macedonia", no. 29/2005, 36/2011, 41/2014, 104/2015, 39/2016 and 83/2018

¹¹ "Official Gazette of the Republic of Macedonia", no. 36/2004; 49/2004; 86/2008; 85/2009; 114/2009; 124/2010; 18/2011; 41/2014; 129/2015; 71/2016; 106/2016; 83/2018; 215/2021

according to which the organisation of the work process in the Ministry of Defence in two shifts was introduced. The manner of organisation of the work process in the Ministry of Defence in two shifts (with 6-hour working hours and 5-hour working hours) was valid and applied exclusively to workers who perform their work tasks in work premises where there are more than two workers, with the exception of workers who use the organised transport of the Ministry of Defence and the Army, as well as workers of the regional defence departments throughout the Republic.

The Ministry of Defence announced the return of the legally prescribed working hours for the functioning of the institution from 7 June 2021.

The Government of the Republic of North Macedonia adopted a Decree with the force of law on the application of the Law on Public Sector Employees during the state of emergency, which regulated the use of annual leave in 2019, whereby in terms of the workers of the Ministry of Defence exempted from work and work-related tasks based on the previous measures and activities for protection against the spread and prevention of the coronavirus, i.e., keeping children under the age of 10 at home, as well as stay at home due to chronic diseases, the unused part of the annual leave for 2019 was considered used. At the same time, the unused part of the annual leave for 2019 of all the workers who performed their work-related tasks and activities from home, in accordance with the Operational Functioning Plan of the Ministry in a state of emergency, was considered used.

In accordance with the Conclusions from the sixteenth session of the Government of the Republic of North Macedonia held on March 11, 2020, as well as in accordance with the Law on the Army Service, the workers of the Army of the Republic of North Macedonia, as well as the workers of the Ministry of Defence who directly participated in the support of the members of the Army in managing the COVID-19 virus were exempted from all conclusions, measures and recommendations of the Government of the Republic of North Macedonia.

In the field of internal affairs, the Minister of Internal Affairs submitted a telegram with instructions for action of the workers of the Ministry of Internal Affairs. The instructions were based on the decisions, measures and recommendations of the Government of the Republic of North Macedonia managing the global pandemic in order to protect public health, prevent the spread of the pandemic, and ensure the safety and health of the workers at their workplaces.

In the Ministry of Internal Affairs, workers with chronic respiratory and malignant diseases, pregnant women, workers-parents of children under the age of 10 (in kindergarten or full-time students) and others were exempted from work and work-related activities.

With regard to this issue, several telegrams were adopted within the Ministry of Internal Affairs (recommendations for the coronavirus, defining of the working hours, flexible working hours starting from 07:30 AM to 04:30 PM, return of the fixed working hours from 08:00 AM to 04:00 PM, working hours with rotations, i.e., a system of combined remote work from home and work from office, return of the chronically ill workers when the measures for the coronavirus were loosened, telegram for using protective means for each

of the workers as a preventive measure, isolation of coronavirus patients, vaccination of the workers of the Ministry of Internal Affairs).

During the declared state of emergency on the territory of the Republic of North Macedonia, the Minister of Internal Affairs submitted a notice on the organisation of the work of the Ministry of Internal Affairs, from 08:00 AM to 02:00 PM, with the exception of the organisational units working in shifts, to which the already established way of work in shifts applied. Thus, in accordance with the modalities for organising the work in accordance with the recommendations, the rotation system was also applied, i.e., combined remote work and work from office, which amounted to eight working hours during the working day.

During the global pandemic, in order to efficiently perform the tasks in the organisational units within the Public Security Bureau at the Ministry of Internal Affairs, several instructions were submitted through telegrams by the Director of Public Security to undertake specific measures and activities.

In the field of transport, in terms of facilitating the exercise of the right to reasonable working hours, and regarding the working hours of the mobile workers in the road traffic, we hereby inform that the Government of the Republic of North Macedonia adopted a Decree¹², which regulates the daily and weekly driving time, the total driving time during any two consecutive weeks, the breaks, the daily and weekly rest, during the state of emergency of the Republic of North Macedonia.

Thus, the daily driving time, during the state of emergency, was 11 hours, while the weekly driving time was 60 hours. The total driving time during any two consecutive weeks during the state of emergency was 100 hours. During the state of emergency, after five and a half hours of driving the vehicle, the driver was obliged to take a break of at least 45 minutes. The regular daily rest, during the state of emergency, was 9 hours. During the state of emergency, the weekly rest started after the expiration of six 24-hour periods from the end of the previous weekly rest.

Additionally, the Government of the Republic of North Macedonia adopted a Protocol on Passenger Transport, according to which the occupancy of the vehicle with passengers of up to a maximum of 75% of the total capacity was determined. Consequently, as a result of the reduced inter-municipal traffic, as well as the complete interruption of the international traffic for a certain period in 2020, during 2020 the number of requests for approval of the temporary interruption of the transport increased, as a legal right of the transporters, determined by Article 29 of the Law on Road Transport, all due to the economic unprofitability of the transporters.

¹² Decree with the force of law on the application of the Law on Working Hours of Mobile Workers in Road Traffic and Road Traffic Registration Devices during a state of emergency with no. 44-2818/1 dated 03.04.2020.

The consequences of the pandemic caused by COVID-19 were felt, among other things, in the educational process. With the conclusion of the Government of the Republic of North Macedonia, the educational process and classes in all kindergartens, centres for early childhood development, day care centres, primary and secondary schools on the territory of the Republic of North Macedonia were interrupted, starting from 11 March 2020.

As early as 16 March the first channel of the Macedonian Radio Television (MRTV) started broadcasting an educational program entitled “TV-uchilnica” (“TV-classroom”). These were the first activities to start again with a certain type of education, supported by the Ministry of Education and Science (MES) and the Bureau for Development of Education (BDE), in cooperation with the UNICEF Office.

The Government, at its session held on March 23, 2020, adopted decrees on the implementation of the laws on primary, secondary and higher education during a state of emergency, which were later amended several times, all in order to better organise the educational process. They prescribed distance learning, i.e., learning from home for all educational levels.

- [Decree on the manner of organising and conducting classes in a state of emergency in primary and secondary schools](#) 13.10.2020
- [Decree with the force of law on issuing vouchers to young people for digital skills training in order to improve their competitiveness on the labour market during a state of emergency](#) 17.06.2020
- [Decree with the force of law on granting financial support to students enrolled in public secondary schools for the purchase of school supplies, and who come from low-income family households, during a state of emergency](#) 17.06.2020
- [Decree with the force of law for co-payment of the study expenses of the students, co-payment for accommodation in a dormitory and co-payment for private accommodation](#) 17.06.2020
- [Decree with the force of law on application of the Law on Teachers and Professional Associates in Primary and Secondary Schools during a state of emergency](#) 20.05.2020
- [Decree with the force of law on the application of the Law on Training and Examination for Director of a Primary School, Secondary School, Secondary School-Student Dormitory and Open Civil University for Lifelong Learning during a state of emergency](#) 20.05.2020
- [Decree with the force of law on amending the Decree with the force of law on the application of the Law on Secondary Education during a state of emergency](#) 05.05.2020
- [Decree with the force of law on the application of the Law on the Student Standard during a state of emergency](#) 04.04.2020
- [Decree with the force of law on the application of the Law on Textbooks for Primary and Secondary Education during a state of emergency](#) 04.04.2020

- [Decree with the force of law on the application of the Law on the Student Standard during a state of emergency](#) 04.04.2020

With the aim to unify the manner of action of all schools from the aspect of protection of the health of all participants in the educational process, a number of protocols and guidelines related to the organisation of the educational process in the context of the COVID-19 pandemic were adopted:

- [Protocol on the action for accommodation of students in the public boarding schools in the Republic of North Macedonia in the school year 2021/2022](#) 30.7.2021
- [Protocol on the action of the state student dormitories and other accommodation facilities in the Republic of North Macedonia in the academic year 2021/2022](#) 30.7.2021
- [Lesson plan for primary and secondary schools in the school year 2021/2022](#) 02.7.2021
- [Protocol on the action of the secondary schools in the Republic of North Macedonia for realisation of the educational process with physical presence of the students in the school year 2021/2022](#) 02.7.2021
- [Protocol on the action of the primary schools in the Republic of North Macedonia for realisation of the educational process with physical presence of the students in the school year 2021/2022](#) 02.7.2021
- [Protocol on the action of the secondary schools during the realisation of the state matura exams for the school year 2020/2021](#) 17.3.2021
- [Protocol on the organisation and realisation of competitions in secondary schools during the COVID-19 pandemic](#) 15.3.2021
- [Protocol on the organisation and conducting of student competitions in individual subjects, at the municipal, regional and state level in primary education in the state of a pandemic](#) 15.3.2021
- [Protocol on the action of the secondary schools in the Republic of North Macedonia for realisation of the educational process with physical presence of the students in the school year 2020/2021](#) 02.9.2020
- [Protocol on the action of the primary schools in the Republic of North Macedonia for realisation of the educational process with physical presence of the students in the school year 2020/2021](#) 02.9.2020
- [Protocol on the determination and action of the public and private higher education institutions, i.e., the units thereof during the conducting of the exams](#) 02.6.2020
- [Protocol on the action of the Secondary School for Mathematics and Informatics during the taking of the entrance exam by the students in the school year 2020/2021](#) 02.6.2020
- [Protocol on the action of the secondary schools in the Republic of North Macedonia during the enrolment of the students in first year in the school year 2020/2021](#) 02.6.2020

- [Protocol on the determination of the procedure for enrolment of the students in first grade in primary schools](#) 02.6.2020

In July 2020, a Concept for the development of a distance learning system in primary and secondary schools was adopted, focusing on three aspects: pedagogy, technology and teaching systems design.

* * *

In its previous conclusions regarding this article of the Charter, from 2018, the European Committee of Social Rights (ECSR) deferred its conclusions on the compliance of the Republic of North Macedonia with Article 2§1 (and adopted a conclusion on non-compliance for 2§5) pending additional information. In this Report, we will try to present the available information in response to the additional requests and questions raised by the European Committee of Social Rights in the Conclusions 2018.¹³

With regard to the conclusion of the Committee on the need for additional information related to the absolute limits to daily and weekly hours of work (paragraphs 2§1 and 2§5), as stated in the previous reports, Article 124 of the Law on Labour Relations regulates the manner of redistribution of the working hours so that the total working hours of the worker on average shall not exceed 40 hours in the working week in the course of the year. In case of redistribution of the working hours for seasonal work, the working hours shall not exceed 12 hours per day or 55 hours per week for a period of time not longer than four months.

The manner of distribution of the full working hours is regulated by Article 123 of the Law on Labour Relations, whereby the full working hours may not be distributed to less than four days in a week. The working hours shall be distributed in accordance with the nature or organisation of the work, or the needs of the customers. The distribution or the temporary redistribution of the full working hours shall not provide for working hours that exceed 40 hours per week and are less than 4 hours per day. The distribution or the temporary redistribution of the working hours shall take into account the average working hours within a period which shall not be longer than six months.

Some branch collective agreements, as indicated by the Organisation of Employers of Macedonia in the information provided thereby, such as the Collective Agreement for the Tobacco Industry, provide for limitation of the daily working hours in order to “ensure adequate rest of the worker between working days, which shall not be shorter than 12 hours”. This practically means that overtime work is limited to 4 hours per day.

¹³ European Committee of Social Rights, Conclusions 2018 (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 5 and p. 9.

The information received on this basis by the Federation of Trade Unions of Macedonia (SSM) states that there are cases when workers work for inappropriately long working hours, often without being entitled to weekly rest, the redistributed working hours are not paid as overtime work, which further creates conditions for workers to work long hours during the day or week without rest and without being properly paid. Hence, within the framework of the debate and discussions in the procedure for adoption of a new Law on Labour Relations, which started in 2018 and is still ongoing, the representatives of the workers pointed out the need to clarify the provision of Article 124 of the Law on Labour Relations, which refers to the Redistribution of the working hours and for defining to which activities and which job positions it can be applied.

Based on the increased rate of work from home during the pandemic and the experiences gained, the draft of the new Law on Labour Relations that is being prepared provides for provisions that will specify the manner and conditions of concluding contracts for remote work and will contain clear provisions that will pay special attention to flexible working hours, the manner of recording thereof, overtime and night work, as well as daily rests, and will precisely define them.

Article 2§5

Weekly rest

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;

Although the amendments we want to emphasize in this Report were adopted outside the reference period of the Report, we still believe that by their nature and content they are particularly important and the European Committee of Social Rights (ECSR) should take them into account when assessing the situation in the Republic of North Macedonia in relation to this specific provision of the Charter (i.e., Article 2, paragraph 5). This is also important because the current conclusion of the European Committee of Social Rights is that the situation in the Republic of North Macedonia is not in conformity with Article 2, paragraph 5 of the Charter on the ground that **the weekly rest days may be postponed over a period exceeding twelve successive working days.**

Namely, we inform that in 2021, amendments were made to the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” no. 288/2021, which intervene exactly in the part of the provisions that regulate the issue of weekly rest. Namely, it was defined that **“a day of weekly rest is Sunday”** (Article 134 – paragraph 2), except for the activities and individual jobs that the law enumerates and in which the work process is of such a nature that it cannot be interrupted due to the technical and technological process and the need for continuity in the work. In these cases, a day of weekly rest of the workers can be another day of the week.

With these amendments, new paragraphs are added, according to which:

“As an exception, for workers at job positions where the work process is of such a nature that it cannot be interrupted due to the technical and technological process and the need for continuity in the work, a day of weekly rest can be another day of the week, namely involving the following activities:

- animal breeding,
- mixed farming,
- extraction of coal and lignite,
- extraction of metal ores,
- printing and publishing of newspapers,
- production of bread, fresh sweets and biscuits,
- beer production, only in the processes related to brewing, yeast preparation and monitoring, fermentation, filtration and energy support of these processes,
- production of basic pharmaceutical products and pharmaceutical preparations,
- production of plates, sheets, pipes and profiles of plastic masses,
- production of industrial gas,
- production of metals,
- pharmacies,
- electricity, gas, steam and air conditioning supply,
- water supply, wastewater disposal, waste management and remediation activities,
- land, pipeline, water and air transport,
- storage and ancillary activities in transport,
- accommodation facilities,
- activities for preparing meals and serving food,
- film activity, video and television program activities,
- program broadcasting,
- telecommunications,
- information service activities (hosting, data processing, internet portals, etc.),
- film screening,
- photography activities,
- veterinary activities,
- rental and leasing of motor vehicles,
- activities of private protection and services of protection with the help of security systems,
- activities of call centres,
- general activities of the public administration, only for urgent and pressing matters related to holding sessions, inspections, forest protection, and which matters are of vital importance for the state and public interest,
- defence matters,
- court and judicial activities,
- public order and security matters,
- activities of the fire service,
- healthcare activities,
- social protection activities with accommodation,
- creative, artistic and entertaining activities,
- museum activities,

- activities of zoos and nature reserves,
- sports, entertainment and recreational activities,
- funeral and similar activities,
- customs service at border crossings,
- activities that are characterized as ancillary or accompanying activities aimed at the smooth functioning of the activities referred to in this paragraph, based on a concluded contract with the employer related to the activities referred to in this paragraph and
- job positions arising from other activities that are not covered by this paragraph, and are characterized as ancillary or accompanying activities for smooth performance of the main activity of the employer.

The workers of employers working in wholesale and retail trade use the day of weekly rest in accordance with the Law on Trade.

In case of natural and other accident or disaster and prevention of the consequences thereof or when such accident is immediately expected, at the request of the employer, the worker shall be obliged to work on Sunday to protect the life and health of the people and prevent irreparable material damage. The worker working in the aforementioned activities, in addition to the right to a wage supplement for working on a Sunday, also has the right to use a weekly rest in the next seven days. The wage supplement for working on a Sunday is at least 50% for each hour spent at work, unless a higher amount of the supplement is established by law and collective agreement. The employer shall be obliged to inform the State Labour Inspectorate before the start of such work.”

Hence, the issue of weekly rest is resolved with the stated amendments to the Law on Labour Relations¹⁴ and especially with the new paragraph 6 of Article 134, which stipulates that workers who due to the nature of the technical and technological process and the need for continuity in the work, will work on a Sunday shall be entitled to use weekly rest in the next seven days. As it is a continuous process, the employer working in these activities shall organise the work in shifts, which allows each worker to use a day of weekly rest once a week. Other activities that are not listed in paragraph 3 of Article 134 shall not be entitled to use the day of weekly rest on another day of the week, except in cases of natural or other accident or disaster and prevention of the consequences thereof.

¹⁴ “Official Gazette of the Republic of North Macedonia” no. 288/2021

Article 2§7

Night work

to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

In the reporting period, no amendments were made to the legal framework regarding the issue of consultations of workers performing night work.

RESC Part I – ARTICLE 4 – The right to a fair remuneration

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

4§2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;

Updated information on the rules that apply to the on-call service for zero-hour contracts

With regard to the submission of information on the issue of the rules that apply to on-call service for zero-hour contracts, we hereby inform you that the term "on call service" is not known in our positive legislation, i.e., there are other forms of agreements, such as employment agreements, temporary service agreements, service agreements and the like.

According to the data received from the Ministry of Health, the payment of remuneration for "on-call" service for zero-hour contracts, including inactive periods of "on-call" work, as well as periods of rest is in accordance with the collective agreements. These agreements regulate the issues of wages, supplements and wage compensations for the workers in public healthcare institutions, where the worker is entitled to a readiness compensation, which amounts to 8% of the hourly wage for the time he/she was engaged, and in the case of a realised call, it amounts to 113% of his/her hourly wage for the time he/she was engaged.

With regard to the right to a fair remuneration in terms of overtime work during the pandemic, we hereby inform that according to the collective agreements, the basic wage of healthcare workers is increased by 29% per hour for overtime work. Remote work is not regulated.

At the end of 2020, due to the increased workload of the medical and support staff, their risk exposure, the stress, their uninterrupted on-call duty, the constant sacrifice of their own capacities and resources, etc., the Ministry of Health rewarded the healthcare workers and the ancillary staff engaged in the treatment of COVID-19 patients, for which a Decision was adopted by the Government of the Republic of North Macedonia. In order to implement the Government Decision, each worker of the public healthcare institutions, whose work was related to the treatment of COVID-19 patients received a financial compensation. For the month of December 2020, one-time cash compensation in the amount of MKD 31,000 (€ 500) was paid.

In addition, with the third package of economic measures of the Government of the Republic of North Macedonia, as a reward for the commitment of the healthcare workers who are directly involved in the response to the COVID-19 pandemic, funds were allocated for rewarding the doctors and medical staff of the departments of infectious diseases in the hospitals, the University Clinic for Infectious Diseases and Febrile Conditions, the Institute of Public Health, public health centres and emergency medical teams. The reward was a 20% higher salary for a period of two months.

As part of the North Macedonia Emergency Response COVID-19 Project, financed by a World Bank loan, the Ministry of Health initiated a restructuring of the project in order to allocate additional funds in the form of rewards (bonuses) for workers in public healthcare institutions. The additional funds were requested as a result of the increased workload, the risk exposure, the sacrifice of their own lives, as well as the constant work engagement of the people employed in healthcare institutions. In this way, a reward (bonus) in the amount of 5% of the gross salary for the workers in the public healthcare institutions was provided for the period from March to November 2020.

4§3.

to recognise the right of men and women workers to equal pay for work of equal value;

Information on the impact of COVID-19 and the pandemic on the right of men and women workers to equal pay for work of equal value, with particular reference to and data related to the extent and modalities of the application of furlough schemes to women workers.

Within the first two packages of crisis measures adopted at the beginning of the crisis, two temporary measures are singled out as gender responsive, given the specificity of the crisis and the different impact on women and men. Among the first measures adopted with the closure of kindergartens and schools is the measure that provides the right to exempt one of the parents from work in order to take care of a child under the age of 10 (or active 4th grade) during the crisis period, whereby the absence from work of these workers should be recorded as justified.

According to the rapid gender assessment “Impact of the COVID-19 pandemic on women and men in North Macedonia”, conducted at the initiative of the UN Entity for Gender Equality and the Empowerment of Women (UN Women), the measure was used exclusively by women in the workforce, living in urban areas, who are married/living with their partner or single mothers, with the expected highest utilisation of the measure in the age group of 18-44 years¹⁵.

It is important to note that this is one of the crisis measures for which the State Labour Inspectorate (SLI) registered a high level of violations at the beginning of the implementation of the measure in practice, which indicates a situation in which some working parents are forced to continue to work, although they are not able to provide care for their children/child while at work, which in turn leads to partial effectiveness of this measure in practice.

Another measure adopted with the onset of the crisis is the extension of the paid maternity leave that ended during the crisis months.

¹⁵ “Impact of the COVID-19 pandemic on women and men in North Macedonia”, UN Women https://eca.un-women.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2020/09/RGA_The%20Impact%20of%20COVID-19_NM_ENG_Final_2020_09_29-min.pdf

The findings show that more women than men changed their workplace location and switched to work from home. The flexibility and adaptability of the work-related obligations as a result of the crisis can have long-term positive effects on the work-private life balance if such arrangements are maintained and improved in the post-crisis period.

The findings of the aforementioned research suggest that the crisis has a significant impact on the personal resources and income of the citizens. The most significant proportion of people who have faced a decline in income, according to the research, is among those who earn income from paid work, agricultural activity or are business owners or freelancers. There are more men than women who have faced reduced income (income from salary, farming, own business or investments).

With regard to the question of the Committee whether both direct and indirect discrimination are prohibited¹⁶, we hereby inform that in the reporting period a new Law on Prevention and Protection against Discrimination was adopted¹⁷, which applies to all natural persons and legal entities and is applied by all state bodies, bodies of the local self-government units, legal entities with public authorisations and all other legal entities and natural persons, among others, in the field of work and labour relations (Article 3 paragraph 1). This law defines direct and indirect discrimination (Article 8).

With regard to the request of the Committee¹⁸ to provide information on the impact of the measures of the Government of the Republic of North Macedonia on reducing the gender pay gap, we emphasize that in the reporting period no such specific evaluation of the measures was made. According to the data of the State Statistical Office, women are still more represented in lower paid jobs, therefore in 2019, 7.2% of men and 5.2% of women received a wage of MKD 25,000 to 30,000, while among those receiving a wage of over MKD 40,000, 77.6% were men and 22.4% women. There is sectoral segregation, i.e., high concentration of employment of women versus men in the sectors of education, healthcare and social work, known as sectors that are identified as “care” and that are paid less. Still, it should be noted that the gender pay gap has been narrowed over the years, and this is partly due to measures for increasing the minimum wage. Many women are employed in low-pay jobs, such as the textile and leather industry. With the increase of the minimum wage, the increase in the lowest wages was the largest, which led to a larger equalization.

What we would like to emphasize additionally when it comes to the equal treatment of women and men is the fact that the Republic of North Macedonia pays really significant attention to the compliance with and application of these fundamental principles, by amending and modernising its legal framework and regulations, improving the practical implementation, as well as by embedding and implementing the international labour

¹⁶ European Committee of Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 13.

¹⁷ Official Gazette of the Republic of North Macedonia, no. 258 dated 30.10.2020

¹⁸ European Committee of Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 14.

standards, primarily those of the International Labour Organisation and the European Union, which through the ratification of international instruments and/or transposition of relevant provisions, principles and standards in the laws and bylaws, become part of our internal legal order. This is certainly the case in the area of the labour standards related to ensuring equal treatment of women and men in terms of access to the labour market, employment, labour relations, labour rights and obligations, wages and the like.

Of course, as it is the case in other areas, in this area as well the existence of an appropriate legal framework is not always the only and sufficient guarantee that certain rights and standards will be fully and equally effectively implemented in practice. Therefore, the Republic of North Macedonia continuously makes efforts to improve and enhance its legal framework, but also the other mechanisms that will contribute to more effective and consistent implementation of the established standards and policies, control and supervision over the exercise of the rights, etc.

Despite the existence of the principle of equal treatment in the Macedonian labour legislation, still some expert analyses and research (conducted and supported mainly by certain independent institutions and consulting organisations, domestic and international development partners and/or think tanks) made in the past period show that there is still a so-called gender gap in terms of the access to employment, i.e., employment between men and women. And as it is the case in many other and more developed countries and economies than ours, there is a gender pay gap.

In order to mitigate these conditions and narrow the gender gap, relevant policies, measures and activities aimed at continuous improvement of the conditions have been undertaken and continue to be undertaken.

Therefore, for example, although the Macedonian legislation (Law on Labour Relations) contains specific provisions that guarantee equal pay for equal work, within the framework of the process of ongoing preparation of the new Law on Labour Relations, attention is paid to the additional legal regulation of this specific matter, and to the complete and consistent implementation of the international principles (Convention no. 100 of the ILO) in this regards. This is done by adding provisions, which will spur the trend of male and female equality in all segments that determine their socio-economic status. The new Law on Labour Relations that is being prepared will include provisions that will enable enforcement of the principle of equal pay for work of equal value, in contrast to the one that is currently applied, i.e., equal pay for equal work. As it was mentioned beforehand, we are aware that these important matters cannot be successfully and completely resolved solely through legal intervention, however we still believe that the principle conceived in this way will, after all, provide benefits, which, apart from preventing unequal labour treatment of men and women, will additionally affect the strengthening of the position of women in the labour market.

An additional novelty that will be embedded in the new Law on Labour Relations, and will affect the equal treatment of women and men is the establishment of a legal basis for greater involvement of men in the performance of the family responsibilities, especially in increasing the role of the father in the care and upbringing of the children. Namely, in addition to maternity leave, mandatory paternity and parental leave will be established, as well as flexible working arrangements for workers with family responsibilities, which will also aim at greater involvement of the father in the care and well-being of the children from an early age.

Such solutions are believed to contribute to the implementation of an even greater balance between the private and professional lives of the workers, especially women. It is also believed that such policies will encourage greater participation of women in the labour market, promote a fairer division of the family responsibilities, but also reduce gender-based differences concerning the incomes and wages.

Another very important change in the area of policies and intervention, which was implemented in the past, and which had a significant impact on the reduction of the gender pay gap, was the equalisation (levelling) and increase of the minimum wage for all workers in the country in September 2017. This equalisation of the minimum wage for workers in the textile, leather and footwear industries has had the effect of narrowing the gender pay gap, given that these sectors predominantly employ women. The effects and the impact on the gender pay gap of such an equalisation of the minimum wage for workers in all industries, but also on the increase of the minimum wage, which was done on several occasions, is something that has been confirmed by published independent analyses and research.

Some active programs and measures in the labour market, which are continuously implemented, should also be mentioned in this context. The principle of ensuring equal representation of men and women who will participate in different programs and measures is precisely aimed at encouraging the access of women to the labour market, their employment and the reduction of the gender-based differences in this area, as one of the main principles included in the annual Operational Plans for active programs and measures for employment and labour market services. Both the design and implementation of the measures target women from various vulnerable categories, or categories that are at a disadvantage on the labour market (such as long-term unemployed women, women from rural areas, socially disadvantaged women, single mothers, women victims of domestic violence, women belonging to the Roma population or another ethnic community, etc.).

The effects of such and similar measures and policies show that they give results and they positively affect the situation in terms of equal access and treatment of women and men.

In this regard, we should point out that certain available data and results from the conducted analyses and research unequivocally show that in the past, significant and measurable progress can be noticed in terms of the efforts to promote the right to equal pay of women and men.

As already mentioned, gender pay gap issues in the country are usually analysed and examined by independent studies, researchers and analysts.

One such important study was conducted in 2015, which resulted in the Report titled “The gender and motherhood wage gap in the Republic of Macedonia: An econometric analysis”. It was published at the end of 2015 and prepared by two university professors and experts in the field of economics, econometrics and labour market. The study was supported and funded by the ILO, and it was based on LFS data and aimed to assess and analyse the gender and motherhood pay gap in the country based on data from two years, 2011 and 2014. One of the main conclusions in the Report was that the gender wage gap in the Republic of North Macedonia is around 18-19% (which means that women are paid less than men and their wages are about 18-19% lower than that of men). Thus, no significant shift was noted in the gender pay gap between the two years analysed (2011 and 2014).

Another expert research, i.e., study, published earlier – in 2013, showed that a woman with the same characteristics in the labour market as a man, earns 17.9% less, i.e., the gender pay gap in Macedonia is at a level of 17.9%. This is an estimate, which after the final result was very similar and close to the results of the other mentioned study (published in 2015).

The same analysis, conducted by the same experts as those who worked on the previous one (2015), was made again in 2019, this time based on data from the 2018 Labour Force Survey.

The results showed that the situation regarding the gender pay gap in Macedonia has significantly improved, with the latest estimate for the gender pay gap being 8.8%. The analysis also identified some of the possible reasons for the narrowing of the gender pay gap, with the greatest impact being attributed to minimum wage policy interventions, and of course some other policies and measures.

We believe that these latest data and statistics show that, still, in recent times we can identify the existence of satisfactory measurable progress in terms of the obligation to narrow the gender pay gap and promote the right to equal pay in the Republic of North Macedonia.

4§5

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 exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage fixing machinery, or by other means appropriate to national conditions.

Regarding the request for information on the limitations of the deductions from wages that apply to workers in the public sector, we hereby inform you that in the reporting period there were no amendments to the provisions of the regulations governing this issue.

RESC Part I – ARTICLE 5 – Right to organise

With a view to ensuring 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.

As regards the request of the European Committee of Social Rights to provide data on the trade unions membership prevalence across the country and across sectors of activity, information on recent legal developments in these respects and the measures taken to promote unionisation and membership, we hereby inform that the legal framework relating to the right to organise in the reporting period remains unchanged.

The union density rate at the national level is 17.29%. According to the legal framework, information and data from practice that are available in all activities within the private and public sector, workers are able to establish or join organisations to protect and promote their economic and social interests.

With a view to modernise the services of trade unions and the associations of employers, and to increase their membership, in the reporting period, activities were implemented, i.e. workshops aimed at preparing strategic plans and internal management systems for the associations of employers, preparing employers memoranda to promote the stimulating business environment, preparing and implementing communication strategies for associations of employers, public relations training for associations of employers, preparing and implementing communication strategies for four unions at the national level, two workshops for development of incentives for recruiting union members. Within the implementation of the communication and marketing strategies and plans of the social partners, activities were realised for their promotion on social networks through sponsored announcements, through the use of public relations expertise a trade union campaign was conducted focusing on the education of members, dissemination of promotional materials, media records, weekly bulletins and three-day union schools for union representatives. In addition, 10 social partner projects were financially supported for the introduction of new services, which consist of providing legal aid to workers and training, in order to attract new members. As a result, the associations of employers have developed an e-learning platform, a payroll survey tool, a legal corner and a resource platform, primarily for human resource management training programs, digital business transformation and access to finance for enterprise development. The unions focused their project activities on protection of workers' rights, free legal aid and training on occupational safety and health.

The more detailed project activities of trade unions and associations of employers are given in the table below.

Federation of Trade Unions of Macedonia SSM – Legal protection – ensuring workers’ rights

- 6 regional offices (legal aid) were equipped
- full service - system for reporting violations of labour rights was developed
- legal experts were trained to provide assistance on a daily basis
- virtual character Sindi E-advisor for providing tips and answers to questions, as a facebook application and computer bot on the website of SSM was established

Confederation of Free Trade Unions of the Republic of Macedonia KSSM - Attracting new members and protecting workers in atypical forms of work

- Developed a strategy for attracting new members
- Developed and established an online platform for registering new members

Confederation of Free Trade Unions of the Republic of Macedonia KSSM - Free legal aid for all members

- Trained legal experts to provide assistance on a daily basis
- Developed and established a special website for legal aid

Confederation of Trade Union Organisations of Macedonia KSOM - Knowledge provides efficiency

- Realised trainings on legal education regarding workers’s rights

Trade Union of Defence and Security TUDS - Occupational Safety and Health

- conducted training for OSH trainers
- conducted two regional OSH ntrainings for the members of TUDS
- functional legal clinic

Union of Independent and Autonomous Trade Unions of Macedonia - Protection of workers from harassment in the workplace

- Established 2 SOS lines for reporting harassment at work

Organisation of Employers of Macedonia ORM - Platform for e-learning (training service)

- developed e-platform
- developed modules for continuous training

Organisation of Employers of Macedonia - Salary Survey (research service)

- developed methodology and research
- more than 20 large companies involved in the process
- conducted a visibility campaign

Business Confederation of Macedonia BCM - Legal corner and resource center Platform (advisory and information service)

- developed analyses
- procured equipment

- established internet platform

More important immediate results from the implemented activities:

- The Federation of Trade Unions of Macedonia (SSM) increased its membership by 9%;
- The Organisation of Employers (ORM) expanded by four new members employing 1,800 workers;
- A new branch union joined the Confederation of Trade Unions of Macedonia (KSM);
- The Business Confederation of Macedonia (BCM) expanded by 20 new members employing 600 workers.

The activities are realised within two projects for promoting and strengthening the social dialogue, which were realised with financial support from the EU and assistance in implementation by the ILO at the request of the Ministry of Labour and Social Policy as the holder and one of the end users of the projects.

Information on measures taken or planned to proactively promote or ensure social dialogue in order to take stock of the COVID-19 crisis and pandemic and their fallouts

During the reporting period and since the onset of the COVID-19 pandemic, tripartite consultations are conducted on a regular basis, within the institutional tripartite social dialogue and within the dedicated, temporary working groups and meetings with all relevant actors affected by the crisis caused by the pandemic. In this regard, the Economic and Social Council (ESC) on a regular basis reviewed the five packages of economic measures to reduce the impact of the crisis caused by COVID-19, reviewed and gave an opinion on the Draft Law on Financial Support to Employers Affected by the Health and Economic Crisis caused by the COVID-19 virus, for the payment of wages for the months of October, November and December 2020, and was also the initiator for the preparation of appropriate analyses of the economic impact of the pandemic and telework as a flexible form of work, especially in pandemic conditions. Since the beginning of the pandemic, the practice of holding regular sessions of the Economic and Social Council, every first Friday of the month, was established, focusing on the crisis caused by the COVID-19 pandemic. Consequently, the ESC Annual Programme provided for items related to economic measures regarding the pandemic situation, activities for the post-covid period, as well as discussions on reports from conducted inspections related to the implementation of economic measures.

Accordingly, two analyses were prepared, “COVID-19 and the future of work: A quick assessment of the impact on employment and policies in response to it”¹⁹ by the COVID-19 Task Force and the future of work with the active participation of the ESC in data

¹⁹ https://www.ilo.org/budapest/what-we-do/publications/WCMS_746124/lang-en/index.htm

provision and “Legal analysis of the regulation and implementation of remote work²⁰” prepared by external experts at the request of the ESC. Furthermore, with the support of the ILO, two tripartite surveys were conducted, “The Impact of the COVID-19 Pandemic on Enterprises in North Macedonia”²¹, which provided recommendations for implementing appropriate policies in that regard and “Growing Challenges and Expectations the Macedonian companies are facing during the COVID-19 pandemic”²². A three-day training was conducted for the members of the ESC and its secretariat, in the first quarter of 2021, on “Skills for building consensus in times of crisis”, where a total of 25 people, 15 women and 10 men were trained.

During the preparation of this Report, the social partners were consulted on this issue and had the opportunity to submit their views and information related to the topic.

According to the opinion received from the Federation of Trade Unions of Macedonia (SSM): *“in conditions of health crisis, social dialogue has enabled involvement in the creation of measures and activities to maintain the economic and social functioning of the country. The main goal of the action of SSM is to keep the jobs, i.e. as few workers as possible to lose their jobs and livelihood for themselves and their families in conditions of pandemic. Since the beginning of the health crisis, SSM has been holding regular meetings with representatives of the Government and certain ministries, which shows that the partnership with the Government is fundamental for our action through social dialogue. SSM stands for and insists on accountability and responsibility of all social partners for realisation and implementation of the agreed upon obligations”.*

²⁰ <https://sociojalendijalog.mk/wp-content/uploads/2020/09/RABOTA-OD-DOMA-1.pdf>

²¹ https://www.ilo.org/budapest/what-we-do/publications/WCMS_776790/lang--en/index.htm

²² https://sociojalendijalog.mk/wp-content/uploads/2021/03/Covid-19_report-second_edition_MK.pdf

RESC Part I – ARTICLE 6 – The right to bargain collectively

6§2 - Joint actions

In order to ensure the effective exercise of the right to collective bargaining, the Contracting Parties undertake:

- to promote, when necessary and useful, the mechanism of free negotiation between employers or employers' organisations, on the one hand, and workers' organisations, on the other, in order to regulate the conditions of employment through collective agreements.

Information on specific measures taken during the pandemic to ensure observance of the right to collective bargaining

During the reporting period and since the onset of the COVID-19 pandemic, tripartite consultations are conducted on a regular basis, within the framework of the institutional tripartite social dialogue and in the framework of dedicated, temporary working groups and meetings with all relevant actors affected by the crisis caused by the pandemic. In this regard, the Economic and Social Council (ESC) on a regular basis reviewed the five packages of economic measures to reduce the impact of the crisis caused by COVID-19, reviewed and gave an opinion on the Draft Law on Financial Support to Employers Affected by the Health and Economic Crisis caused by the COVID-19 virus, for the payment of wages for the months of October, November and December 2020, and was also the initiator for the preparation of appropriate analyses of the economic impact of the pandemic and telework as a flexible form of work, especially in pandemic conditions. Since the beginning of the pandemic, the practice of holding regular sessions of the Economic and Social Council, every first Friday of the month, was established, focusing on the crisis caused by the COVID-19 pandemic. Consequently, the ESC Annual Programme provided for items related to economic measures regarding the pandemic situation, activities for the post-covid period, as well as discussions on reports from conducted inspections related to the implementation of economic measures.

Accordingly, two analyses were prepared, "COVID-19 and the future of work: A quick assessment of the impact on employment and policies in response to it" by the COVID-19 Task Force and the future of work with the active participation of the ESC in data provision and "Legal analysis of the regulation and implementation of remote work" prepared by external experts at the request of the ESC. Furthermore, with the support of the ILO, two tripartite surveys were conducted, "The Impact of the COVID-19 Pandemic on Enterprises in North Macedonia", which provided recommendations for implementing appropriate policies in that regard and "Growing Challenges and Expectations the Macedonian companies are facing during the COVID-19 pandemic". A three-day training was conducted for the members of the ESC and its secretariat, in the first quarter of 2021, on "Skills for building consensus in times of crisis", where a total of 25 people, 15 women and 10 men were trained.

During the preparation of this report, the social partners were consulted on this issue.

The Federation of Trade Unions of Macedonia (SSM) points out that since the beginning of the pandemic in 2020, the first activities of SSM were aimed at keeping more workers and providing basic livelihood, while respecting workers' rights. The Law on labour relations was not suspended, nor was the validity of collective agreements. The first contractual measures to subsidize the activities were aimed primarily at the sectors of hospitality, transportation, healthcare, retail, which were at the forefront during the pandemic. The social partners agreed that government financial assistance would be used to pay salaries to employees, and the priority in receiving government funds was given to companies that did not dismiss workers.

Under the conditions of pandemic, SSM has pledged not to stop payments regulated by law or collective agreements for the activities of the public sector (health workers, police, the military, communal workers...) who are especially exposed to the virus while performing their work.

The SSM took action aimed at advancing collective bargaining in pandemic conditions as well, and accordingly prepared a text for the General Collective Agreement for the Public Sector and submitted it to the Government of the Republic of North Macedonia. Also, by initiative of the SSM, the Organisation of Employers of Macedonia was contacted in order to sign a new General Collective Agreement for the Private Sector. The Organisation of Employers of Macedonia and the Federation of Trade Unions of Macedonia negotiated amendments to the General Collective Agreement for the Private Sector in the field of economy and on the principle-work from home, but no agreement was reached.

According to the opinion of the Organisation of Employers of Macedonia (ORM), during the pandemic, the right to collective bargaining was not brought into question.

The Business Confederation of Macedonia (BCM) also points out that in the past few years the conditions for concluding collective agreements remain unchanged. The Business Confederation of Macedonia constantly encourages and directs companies to form unions, to have their own organisation of workers and to apply and maintain communication between employers and workers.

6§4 - Joint actions

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

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.

Information on specific measures taken during the pandemic to ensure the right to strike and on measures to restrict the right of workers and employers to take action (strike) in essential services:

The legal framework **regulating** the right to strike **in** the reporting period remains unchanged.

In the period since the onset of the COVID-19 pandemic, no crisis-related measures have been adopted **that** restrict the right to strike.

In the healthcare sector, according to the Law on Healthcare, employees in health facilities, during the pandemic, can exercise the right to strike under conditions that do not endanger the life or health of citizens seeking healthcare.

In case of a strike, in order to eliminate the harmful consequences that may occur from non-provision of health services, the director of the health institution is obliged to provide emergency medical care and minimal function of all organisational parts in the work process.

Additionally, in accordance with the Decision on temporary measure for providing other conditions necessary for conducting healthcare for the needs of citizens²³, the Ministry of Health and the Health Insurance Fund have the opportunity, as a temporary measure, to conclude agreements with private health institutions **for provision of** health services from compulsory health insurance **in** the specialist **and** consultative health activity at secondary level and hospital health activity.

During the COVID-19 pandemic, no measures were introduced to restrict the right of workers and employers to take action (strike).

Special restrictions on the right to strike and procedural requirements

Regarding the question of the Committee²⁴ on the realisation of the right of workers to be informed and consulted within the company, we inform that according to the existing legal framework, collective bargaining is a process in which both parties voluntarily engage in order to conclude a collective agreement. In this particular case, if it is a collective agreement in which the Minister is the signatory on the employer's side, it is eminently that the conclusion of the collective agreement is a result of a negotiation process, in

²³ "Official Gazette of the Republic of Macedonia" no. 155/2012

²⁴ European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 20

which consultations were held on the content of the collective agreement with the union as a signatory. Consequently, the content that refers to the provisions that determine the minimum **service**, i.e. the necessary **service** during the strike, is jointly determined and harmonised. Otherwise, if the minimum wages are not determined by the collective agreement, the statutory provisions, i.e. the provisions that regulate the right to strike in the Law on Labour Relations are applied accordingly.

Namely, in the reporting period, only one announcement was registered for organising a strike, with an employer in the air traffic **area**, due to a dispute regarding the application of a collective agreement, and it was resolved in a procedure for **amicable** settlement of a collective labour dispute, resulting in agreement of the parties thus avoiding the strike itself.

As regards the Committee's observation on the **right to strike of police members**, we inform that according to the **Law on Police**²⁵ the provisions governing matters related to the right to strike, the prohibition of strike and the like are laid down in Articles 106, 107 and 108 according to which police officers may exercise the right to strike in a way and **under** the condition that the regular performance of police **service** is not substantially disturbed.

The organiser of the strike is obliged to announce the strike to the Minister and to submit the decision to go on strike, as well as the program for the manner and scope of police work that must be performed during the strike no later than seven days before the start of the strike. (Article 106).

During an organised strike in the Police, it is necessary to perform the **following** work and tasks:

- Prevention, detection and documentation of criminal acts, apprehension of perpetrators and handing **them** over to the competent authorities and immediate forensic technical work and expertise;
- Regulation and control of road traffic;
- Duty operating centers;
- Police officers for intervention and inspection;
- Protection of persons and facilities;
- Securing the state border, control of crossing the state border, preventing and resolving border incidents and other violations of state borders and expulsion of foreigners; **and**
- Use of helicopters (Article 107).

According to Article 108 of the Law on Police, a strike of the Police in state of war or emergency is prohibited.

²⁵ "Official Gazette of the Republic of North Macedonia" no. 114/06,6/09,145/12,41/14,33/15, 31/16, 106/16, 120/16, 21/18, 64/18

In case of a complex security situation, disruption of public order and peace in a wider scope, natural disasters and other disasters or threat to the life and health of people and property in a wider scope, more than 10% of the total number of police officers of the Ministry cannot participate in a strike at the same time and the strike cannot last longer than three days.

If the strike has started before the occurrence of any of the abovementioned conditions, the police officers are obliged to interrupt the strike immediately.

RESC Part I – ARTICLE 21 –The right to information and consultation

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.

Information on specific measures taken during the pandemic to ensure the respect of the right to information and consultation.

A number of activities were undertaken in the healthcare sector aimed at providing appropriate information related to COVID-19, as well as to specific measures aimed at tackling the COVID-19 pandemic. With a view to that, press conferences were held on a daily basis, and on the website of the Government of the Republic of North Macedonia all the Decrees adopted by the Government were published, as well as all Protocols adopted in accordance with the Plan to reduce restrictive measures to prevent coronavirus spread, related to preventive measures for those activities where it is not possible to conduct teleworking (Protocol for preventive measures for all workplaces, for transport of persons, social and educational institutions, etc.). Additionally, the ministries provided a special COVID-19 information section on their websites, sector-specific measures, and published contacts from ministries designated to provide people with the necessary information about various COVID-19-related administrative issues.

Furthermore, for the purpose of providing healthcare protection in pandemic conditions, the provision of specific healthcare services online was enabled: electronic prescription for patients with chronic diseases, telephone consultations for primary healthcare and non-urgent health conditions, a free telephone line for psychological support for vulnerable categories of patients and for all citizens, software for electronic monitoring of COVID - 19 patients, and so on. Modular hospitals were build in several cities which served as triage centres to avoid contact with patients who have conditions other than COVID-19, and to provide other healthcare services. In addition, the Health Insurance Fund took a series of measures to facilitate its administrative services in order to minimise the contact of the selected doctors with the patients, as well as not to jeopardise the status of the health insured.

* * *

The Federation of Trade Unions of Macedonia (SSM) believes that informing and consulting companies in conditions of a pandemic is **challenging**, primarily due to working from home or stopping work processes in some industries. However, **SSM** made serious efforts to **maintain** communication with the membership and the workers. Immediately after the start of the health crisis, **SSM** services were reorganised for full telephone and online availability. In cooperation with the State Labour Inspectorate, an application for online reporting of workers' rights violations was introduced. All this provides workers with complete information about all legal changes, decrees with the force of law that were adopted by the Government during the state of emergency, and creates the opportunity for workers to seek and receive legal protection online for all violated workers' rights. Since the beginning of the health crisis online meetings were held between representatives of the **SSM**, **SLI** and **MLSP** on arranging joint activities and solving issues aimed at the protection of workers' rights.

The Organisation of Employers of Macedonia (ORM) informs that in the pandemic period, most of the companies observe the measures for prevention of the spread of the virus and that enabled no internal transmission of the virus among employees, especially in labour-intensive activities where several thousand employees work together.

The COVID-19 pandemic opened up new challenges for workplace safety. Many of the employees worked from home, and positive legislation does not regulate this principle precisely. That is why **ORM** proposed to negotiate and regulate this principle with the trade union in the General Collective Agreement for the private sector of the economy.

Facing the health crisis challenges the trade companies established a workplace safety concept, together with principles of quality and productivity within the systems for quality management, placing the plans for action in cases of emergency as a priority.

They defined their priorities in relation to sustainability, through active listening and constant contact with employees. Based on that, they designed their sustainability strategies with precise plans to implement them with the aim to fulfil their commitments and overcome the major health crisis.

Under the management of the persons responsible for quality control, occupational safety boards were established in order to implement the occupational safety and health activities for faster prevention of the crisis.

Within the boards commonly called Crisis Headquarters:

- potential risks of business disruption were assessed;
- business continuity plans (Emergency Response Plan and Coronavirus Action Plan) in line with guidelines provided by national and local authorities to improve business performance and support workers and their families were prepared;
- the risks to workers and other work-related persons arising from COVID-19 exposure were identified and mitigated;

- workplace hygiene was promoted and the principles of physical distancing at the workplace were applied;
- part of them prepared daily packages of fruits and vegetables for all employees;
- those who work in direct contact with people were provided with a barrier, and the mandatory wearing of a protective mask (visor) was introduced;
- regular ozone disinfection of the working premises was performed; and
- advice and support was sought from employers' organisations and business associations, who can convey their views to the government and formulate measures and policies that are adequate for business resilience and sustainability.

The Business Confederation of Macedonia (BCM), as a promotor of social dialogue and one of the social partners, strives to increase the capacity, not only of their member companies, but also to strengthen the capacities of workers in the fight for their rights.

The BCM actively cooperated with employer' organisations and trade unions from all over Europe in the implementation of initiatives and analyses that will enhance the capacities of workers by improving their knowledge and workplace rights. One such initiative is the inclusion of workers in management decisions.

Actions were initiated to introduce the social partners at the company level with the European Union's right to include employees in decision-making. The social partners expressed particular interest in participating in such initiatives, which raised interesting questions in the companies and they focused on addressing employee involvement as an important part of their corporate policies. These initiatives involved different stakeholders from different sectors.

Material scope

Regarding the question of the Committee²⁶ whether the workers have the right to also be informed and consulted outside the scope of transfer of undertaking, we hereby inform that according to Article 94-a of the Law on Labour Relations, informing the workers means the transfer of data by the employer to the representatives of the employees so that they can get apprised with them and examine them. Consultation shall mean an exchange of opinions and establishment of dialogue between the representatives of the employees and the employer. Information and consultation shall include information about the imminent and likely trends relating to the activities of the trade company, public enterprise and other legal entity or institution and their economic situation, the status, structure and the likely trends of recruitment in the trade company, public enterprise and other legal entity or institution and any planned measures, in particular when such measures may threaten the employment, the decisions that may lead to substantial changes in the organisation of the work or the contractual obligations.

²⁶ European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 21.

The information shall be provided **promptly**, in an appropriate manner **and** content in order to **allow** the representatives of the employees to analyse them and prepare for consultations where necessary. Apart from informing and consulting the workers in the collective dismissal procedures, the law stipulates that the employer is obliged before the introduction of night work, if the night work is regularly done with night workers at least once a year, to consult with the employer's representative union, and if there is none, with the labour representative **on** determining the time, which is considered as night work time, **on** the forms of organising the night work, **on** the measures for protection at work, as well as **on** the social protection measures.

Article 265 paragraph 1, **indent 26** provides for a fine in the amount of 200 to 400 euros in denar counter value for a micro and small employer – legal entity, a fine in the amount of 300 to 600 euros in denar counter value for a medium employer – legal entity and a fine in the amount from 600 to 1,000 euros in denar counter value for a large employer – legal entity, if the employer does not provide information and consultation to the employee **within the meaning** of Articles 94-a and 95 of this Law.

Within this section it is necessary to mention the strongly expressed and legally established and defined right to information, consultation and direct participation of employees in all companies and with each employer in relation to **the occupational** safety and health issues and activities. Namely, in a number of specific provisions of the Law on Occupational Safety and Health (OSH)²⁷, the obligation of employers to guarantee and enable the right to inform and consult employees on issues related to **occupational** safety and health is explicitly stated.

Following are some of these provisions as stipulated **within the Law on OSH**:

Law on Occupational Safety and Health -

Article 12, paragraph 2:

The employer is obliged, by collective agreement, to ensure the realisation of the right of the employees, directly or through the president of the trade union organisation, i.e. the trade union representative or the the representative of the employees where there is no trade union and the representative of the employees for occupational safety and health, to identify deficiencies and improve the working conditions and working environment of the employer, which will include all activities of the enterprise or institution and at all levels of the organisation.

Law on Occupational Safety and Health -

Article 13:

The employer is obliged when planning, procuring work equipment and introducing new technology, to consult and cooperate with the employees and the president of the trade union, that is, the trade union representative of the representative trade union or the representatives of employees where there is no trade union and the representative of employees for occupational safety and health, in relation to the consequences and dangers arising from the choice of work equipment, due to their impact on occupational safety and health, working conditions and working environment.

²⁷ "Official Gazette of the Republic of Macedonia" no. 92/07, 136/11, 23/13, 25/13, 137/13, 164/13, 158/14, 15/15, 129/15, 192/15, 30/16 and "Official Gazette of the Republic of North Macedonia" no. 18/20

Law on Occupational Safety and Health -

Article 25:

Informing workers

- (1) The employer must inform the employees about the safe performance of the work as soon as possible through written notifications and instructions. In exceptional cases, where workers are exposed to an immediate danger to their health or life, such notifications and instructions shall be given orally and shall include all measures taken with regard to safety at work.
- (2) In the event of an immediate, serious and inevitable danger, the employer shall give the employees appropriate instructions to stop work, leave the workplace promptly and evacuate to a safe area.
- (3) As long as the dangers persist, the employer must not oblige employees to perform work duties.
- (4) When one or more employees leave the workplace or the danger zone, due to immediate or imminent dangers to their safety at work, they must not be held responsible for their reaction in such cases.
- (5) The employer should ensure that all workers in case of serious or imminent danger to their safety or the safety of others and in cases where they can not contact the professional take appropriate measures within their knowledge and technical means at their disposal, to avoid the consequences of such danger. This action must not put them in a position to be held accountable, unless they have acted carelessly and negligently.

Law on Occupational Safety and Health -

Article 26:

- (1) The employer is obliged to inform the employees and the president of the trade union organisation, i.e. the trade union representative of the representative trade union, or the representative of the employees where there is no trade union and the representative of the employees for occupational safety and health about any kind of risk for all jobs, safety measures required to control risks and eliminate harmful consequences, as well as provide information to employees with special responsibilities for first aid, fire protection and evacuation. The employer must also inform the employees with a fixed-term employment contract, young employees, older employees in accordance with the Law on Labour Relations and those with reduced working capacity about the results of the risk assessment and the measures taken by the employer, in order to ensure their occupational safety and health.
- (2) An employer who employs another employer's worker on the basis of a contract must provide them with all instructions and information on occupational safety and health risks, as well as information on employees with special responsibilities for first aid, fire protection and evacuation of employees.
- (3) In accordance with the special regulations, the employer must display special danger warnings and instructions at the workplace and on work tools, as well as occupational safety and health instructions.

Law on Occupational Safety and Health -

Article 27:

- (1) The employer must allow employees, the president of the trade union, that is, the trade union representative of the representative trade union or the employees' representative where there is no trade union and the employees' occupational safety and health representative to participate in the

discussion about all issues regarding occupational safety and health in accordance with this Law and other regulations on occupational safety and health.

(2) The employees and the president of the trade union organisation, i.e., the trade union representative of the representative trade union or the employee representative where there is no trade union and the representative of the employees for safety and health at work must be presented with the safety statement referred to in Article 3, indent 10 of this Law, the report on safety at work and the implemented safety measures and records referred to in Article 37 of this Law.

(3) The trade union organisation or the meeting of the employees must be consulted for all measures that may affect the occupational safety and health, for the appointment of the professional or authorised legal or natural person for safety, for the appointment of an authorised health institution, for the safety statement, planning and organising trainings and informing employees.

Law on Occupational Safety and Health -

Employee's representative for OSH

Article 28:

(1) The representative is elected by the employees from among their ranks, at a trade union meeting of the majority union or at a meeting of employees.

(2) The representative from paragraph (1) of this article has a special protection from employment that the representative of the trade union also has with the employer, in accordance with the law and the collective agreement.

Law on Occupational Safety and Health -

Article 29:

(1) The number of representatives from Article 28 of this Law will depend on the number of employees, provided that the number can not be less than:

- over ten employees, one representative is elected,
- two representatives of 101 to 500 employees and
- three representatives for employers who have over 501 employees.

(2) The number of representatives, the manner of their training, as well as the manner and form of their functioning shall be regulated by an act of the employer in accordance with this law and a collective agreement.

(3) The representatives referred to in paragraph (1) indents 2 and 3 of this Article shall choose a coordinator from among their ranks.

(4) In any workplace where there is a danger to the safety and health of workers, regardless of the number of employees, a representative shall be elected.

Law on Occupational Safety and Health -

Article 30:

(1) The employees' representative has the right to:

- visit the workplaces for the purpose of inspecting the occupational safety situation, at least twice a year, and if necessary several times a year
- ask the employer to undertake appropriate measures and to submit suggestions aimed at reducing the dangers to employees and/or to eliminate the sources of the dangers,
- inform the labour inspection about its mediation, to attend, to give observations and to have insight in the record drawn up by the inspector,
- request information from the employer and have access to safety assessment statements and reports that are the responsibility of the employer

and other documents related to the planning and regulation of occupational safety and health; and

- be notified in writing by the employer, immediately and no later than 48 hours after the event, of a death, collective accident and injury at work that causes temporary incapacity for work for more than three working days, as well as for each a phenomenon that poses an immediate danger and endangers the safety of employees at work.

(2) The employer must enable the representative to perform his or her duties smoothly, by providing adequate time and necessary resources without reducing his or her salary, and must not put him or her in a disadvantage due to his or her activities.

Law on Occupational Safety and Health -

Article 38:

(1) Every employee has the right and duty to take care of his own safety and health and the safety and health of other persons working with him and the persons affected by his activities, in accordance with the training and instructions provided to him by the employer, to be aware of the occupational safety and health measures and to be trained in their application.

(2) It is the right and obligation of every employee to give suggestions, opinions and remarks on occupational safety and health to the professional and the authorized health institution.

Law on Occupational Safety and Health -

Article 39, paragraph 3:

If the employer does not eliminate the danger or does not act in accordance with the opinion of the authorised health institution, the employee can request intervention from the competent labour inspector and inform the representative.

Law on Occupational Safety and Health -

Article 42:

(1) The employee must immediately notify his employer, through his representative, orally or in writing, of any defect, safety and health hazard or any other incident that may endanger his or her safety and health and the safety of other employees.

(2) If the employer does not take measures to eliminate the occurrences referred to in paragraph 1 of this Article, or if an employee considers that the appropriate safety and health measures were not carried out, the employee may request intervention from the competent labour inspectorate.

(3) The employee must constantly cooperate with the employer and the professional until a safe working environment and working conditions are provided that do not pose a risk within his activity and the measures of the competent labour inspectorate are implemented.

Legal remedies

In the reporting period, the State Labour Inspectorate did not receive any complaints relating to the right to information and consultation of the employees.

Furthermore, according to the information received by courts, in the referred period no dispute was initiated before a competent court for violation of the right to information and consultation, as it is provided as an obligation for the employer in the envisaged cases, in compliance with the Law on Labour Relations.

RESC Part I – ARTICLE 26 – The right to dignity at work

26§1 & 26§2 –The right to dignity at work

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:

1. 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;
2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

In the reporting period no amendments were made to the legislation regarding the prevention of harassment, including sexual harassment at the workplace or in employment. The information, as in previous reports, that the Law on Labour Relations regulates sexual harassment within the discrimination section, remains unchanged.

The Law on Protection from Harassment at Work²⁸ regulates the rights, obligations and responsibilities of employers and employees relating to the prevention of psychological and sexual harassment at the workplace and site of work, the measures and procedure for protection for protection against harassment at work, as well as other issues regarding the prevention of and protection from harassment at the workplace.

In October 2020, the new Law on Prevention and Protection against Discrimination²⁹ was adopted, fully in line with EU directives and international standards. The Law provides for new competences and professionalisation of the Commission for protection against discrimination, thus creating a framework for a more efficient equality body.

Sexual harassment is defined in Article 10 paragraph 2 of the Law on Prevention and Protection against Discrimination, as follows: “*Sexual harassment is any form of unintentional verbal, non-verbal or physical act of a sexual nature, which has a purpose or consequence, a violation of dignity or the creation of a threatening, hostile, humiliating or intimidating environment, approach or practice*”.

In 2020 a discussion was organised to assess the need for adopting a new Law on Prevention and Protection from Harassment at Work. The conclusions from the discussion pointed to the need of adopting a new law in this area due to the ambiguity and inaccuracy of the existing law. The procedure for adopting a new law is underway, and social partners are part of the working group for drafting the law.

²⁸ “Official Gazette of the Republic of Macedonia” no. 79/2013 and 147/2015

²⁹ “Official Gazette” no. 258/2020

Regarding the question of the Committee (ECSR) on whether certain specific measures were taken during the COVID-19 pandemic to protect the right to dignity in the workplace, including to prevent psychological and other harassment of workers in their workplaces, we would like to provide the following information:

In the Republic of North Macedonia, as well as in most other countries in Europe and beyond, the emergence of the global health crisis caused by the COVID-19 pandemic and its spread in our country since the very beginning (first quarter of 2020) led to a wide mobilisation of all relevant factors in the country which acted jointly and in a coordinated manner in this period and implemented numerous policies, activities and measures to protect the population and more efficiently overcome the risks and consequences caused by the spread of the new coronavirus SARS-CoV-2 infection. A large number of activities and measures were realised and adopted, both in the area of public health, prevention and protection of the population of the Republic of North Macedonia, and in terms of mitigating or overcoming the economic and social consequences caused by the pandemic; naturally, a number of important stakeholders placed special attention and efforts towards the prevention and protection of the health and safety at work and tackling the new risks for all employees and in all sectors and activities, imposed by the spread of the virus and the COVID-19 pandemic.

In the field of occupational safety and health, a number of different specific measures, recommendations and guidelines related to addressing the risks of the spread and of the coronavirus infection among workers were prepared and published. Measures, guidelines and recommendations have been developed regarding the protection and safety of workplaces, some general - intended for employers and workers in the country - in general, but also a number of specific - intended and targeted at specific sectors, specific activities and specific circumstances. What we consider to be extremely important and should be especially emphasized in relation to the joint fight and activities for prevention, information and protection of the workers in this country related to the COVID-19 pandemic, is certainly the huge engagement in this period of the **representatives of civil society**, that is, associations of professionals in the field of occupational safety and occupational medicine and of course the social partners (trade unions and organisations of employers). Most of the recommendations, restrictions and decrees are discussed and formulated precisely in cooperation and consultation with the social partners and other relevant non-governmental stakeholders in the country. Many more details regarding this were provided in the previous Report.)

We would like to address specific measures which were taken related to the assistance and support initiatives and activities aimed at preventing and mitigating the psycho-social risks to the health of workers during the pandemic, preventing the occurrence of discrimination, mobbing and harassment in the workplace during the pandemic and related to the pandemic, and so on. In this part, the state/public institutions and bodies were also active, as well as the social partners and the organisations of professionals in the field of OSH, doctors of occupational medicine, etc.

We would like to highlight several activities in this section in particular, namely:

- The Ministry of Health of the Republic of North Macedonia prepared and published a collection of important and relevant information related to the negative effect that quarantine, isolation and social distancing may have on mental health. The document contains numerous advices and recommendations on how the person and/or worker could take care of themselves, their mental health and the health of others in these unusual circumstances. The published leaflet was titled: “Mental healthcare: dealing with social distancing, quarantine and isolation” (<http://zdravstvo.gov.mk/wp-content/uploads/2020/03/Spravuvane-so-distantsa-karantin-izolatsija.pdf>);
- Moreover, the University Clinic of Psychiatry, also, actively promotes awareness on the necessity for mental healthcare, especially in the current state – during the ongoing COVID-19 pandemic. They have dedicated special telephone lines for psychological support of various groups of the population, including a special telephone number for adults in self-isolation, patients hospitalised due to COVID-19, children, adolescents, parents and so on. Information was provided regularly that, in the long-term, people who were infected or have COVID-19 symptoms may be exposed to risk of mental illness, such as depression, anxiety, fatigue and post-traumatic stress disorder, even after receiving treatment. A lot of information and tips on this topic are also regularly (on a daily basis) posted on the Facebook page of the Clinic of Psychiatry (<https://www.facebook.com/UKpsihijatrija/>). Information about this is often published on TV and other social media. The Clinic of Psychiatry is involved in related activities that are organised to promote mental health, also among health professionals, who selflessly invest all their human potential to deal with the pandemic and to preserve and improve the health of the population.
- Special articles, information and publications were prepared and published, created specifically for health professionals, as one of the most affected categories of workers in this period, with analyses, tips and recommendations for recognising the symptoms, as well as for an appropriate timely response to reduce and deal with stress, anxiety, fear that occur in health professionals as a result of their work engagement in these stressful pandemic conditions. Example of such a published article/recommendations: https://vidivaka.mk/covid19/soveti-za-lekari/?fbclid=IwAR2cWYz7paBE3GrH3xO_MCOP73_Gcue-8nwGERZP2f0sKCKxq00Uu0BfNjk ;
- Some civil society organisations (associations of OSH professionals) contributed and were actively involved in raising awareness and making recommendations for mental health protection during the epidemic period and in providing appropriate and accurate information on the coronavirus and COVID-19 disease; as well as in the proper observance of the recommendations of the competent authorities. Such is, for example, the pamphlet prepared and published by the TUTELA association titled “Recommendations for OSH – How to cope with stress during a COVID-19 epidemic.” (<https://tutela.org.mk/wp->

[content/uploads/2020/03/%D0%9F%D0%A0%D0%95%D0%9F%D0%9E%D0%A0%D0%90%D0%9A%D0%98-%D0%97%D0%90-%D0%A1%D0%9F%D0%A0%D0%90%D0%92%D0%A3%D0%92%D0%90%D0%8A%D0%95-%D0%A1%D0%9E-%D0%A1%D0%A2%D0%A0%D0%95%D0%A1-%D0%92%D0%9E-%D0%9F%D0%95%D0%A0%D0%98%D0%9E%D0%94-%D0%9D%D0%90-%D0%95%D0%9F%D0%98%D0%94%D0%95%D0%9C%D0%98%D0%88%D0%90.pdf](https://bcm.mk/wp-content/uploads/2020/03/%D0%9F%D0%A0%D0%95%D0%9F%D0%9E%D0%A0%D0%90%D0%9A%D0%98-%D0%97%D0%90-%D0%A1%D0%9F%D0%A0%D0%90%D0%92%D0%A3%D0%92%D0%90%D0%8A%D0%95-%D0%A1%D0%9E-%D0%A1%D0%A2%D0%A0%D0%95%D0%A1-%D0%92%D0%9E-%D0%9F%D0%95%D0%A0%D0%98%D0%9E%D0%94-%D0%9D%D0%90-%D0%95%D0%9F%D0%98%D0%94%D0%95%D0%9C%D0%98%D0%88%D0%90.pdf);

- One of the important materials prepared and published in this regard, which was prepared in cooperation with the International Labour Organisation and one of the important organisations of employers in the Republic of North Macedonia is the "Guide for employers to workplace management during COVID-19". This Guide, which was popularised among employers, in addition to the many important and useful information related to the pandemic and coronavirus, also provides a lot of information, instructions and recommendations on how to organise work processes and workplaces in conditions of a pandemic, on how to avoid discrimination against workers and what are the obligations of employers in relation to discrimination, harassment or harassment of workers due to COVID-19, ways in which employers can minimise the risk of unfounded allegations of discrimination against employees, rules regarding the collection of personal information from workers and customers, etc.
- Another such informative material that was prepared, published and disseminated in cooperation with social partners is the "Guidebook for business enterprises: RETURNING TO WORK DURING AND AFTER COVID-19". This Guidebook provides numerous clear, precise and very useful instructions, information and recommendations for each employer on the most appropriate manner to organise and realise the return of workers to the workplace during the COVID-19 pandemic and after its completion. The document contains information on the manner and preparations needed to be taken by the employers to ensure reduction of the occurrence of possible insecurity and fear in workers returning to work; the need to prepare and plan communication with employees and their proper informing, business re-organisation of the work process, if necessary, communication, explanations, training for employees, etc. (<https://bcm.mk/wp-content/uploads/2020/07/%D0%9F%D1%80%D0%B8%D1%80%D0%B0%D1%87%D0%BD%D0%B8%D0%BA-%D0%B7%D0%B0-%D0%B4%D0%B5%D0%BB%D0%BE%D0%B2%D0%BD%D0%B8-%D0%BF%D1%80%D0%B5%D1%82%D0%BF%D1%80%D0%B8%D1%98%D0%B0%D1%82%D0%B8%D1%98%D0%B0-%D0%92%D1%80%D0%B0%D1%9C%D0%B0%D1%9A%D0%B5-%D0%BD%D0%B0-%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B0-%D0%B7%D0%B0-%D0%B2%D1%80%D0%B5%D0%BC%D0%B5-%D0%B8-%D0%BF%D0%BE-%D0%9A%D0%9E%D0%92%D0%98%D0%94-19.pdf>).

All these and numerous other activities contributed significantly towards the joint efforts of all relevant stakeholders in the country to provide the necessary and vital information and to raise awareness and knowledge on the existing risks as much as possible and to take the necessary preventive and protective measures needed to protect dignity in the workplace, as well as to prevent possible psychological and other harassment of workers during and as a result of the current COVID-19 pandemic.

As regards the request of the Committee³⁰ on whether there are any restrictions on the compensation that can be awarded to the victim of sexual or psychological harassment for moral and material damage suffered, we inform that according to Article 34 of the Law on Prevention and Protection against Discrimination in Court the damaged party may request compensation for the material and non-material damage caused by the violation of the rights protected by this Law.

With reference to the request of the Committee³¹ to provide information about all procedures and remedies available to the persons who consider themselves victims of sexual harassment, we emphasise that Article 11 of the Law on Prevention and Protection against Discrimination prohibits victimisation. Victimisation represents a person suffering harmful consequences due to taking action for protection against discrimination, reporting discrimination, initiating proceedings for protection against discrimination, giving testimony during the proceedings or in any other way participating in proceedings for protection against discrimination.

Regarding the request of the Committee³² to provide updated data on the cases related specifically to sexual harassment, within the available examples in case law, we hereby report that on the basis of the information received by the basic courts of the Republic of North Macedonia in the referred reporting period there is no case law, that is, there are no recorded disputes related to sexual harassment at work.

At the request of the Committee³³, we additionally provide up-to-date data on cases, specifically related to moral (psychological) harassment, and case law. Regarding the application of the provisions of the Law on Protection from Harassment at Work, the State Labour Inspectorate acted in accordance with its competencies in several cases related to the application of the provisions of Article 11 of the Law, according to which the employer is obliged to familiarise the employee with the measures and the procedure related to the protection from harassment at work and with the rights, obligations and responsibilities of the employer and the employee during the employment and during the work, as well as of Article 12, paragraph 3, according to which the employer who has 50 or more employees is obliged to compile a list of mediators who will mediate between the parties in case of harassment at work.

In accordance with these articles, irregularities were found during inspections for which the following inspection measures were imposed.

³⁰ European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 24

³¹ European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 23

³² European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 24

³³ European Committee on Social Rights, Conclusions 2018, (Republic of North Macedonia, Articles 2, 4, 5, 6, 21, 26, 28 and 29 of the Charter, (Council of Europe, March 2018), p. 24

Adopted decisions on harassment:

year	Total in-spections	Total decisions	Decisions (harassment at work)	Misdemeanour charges
2017	20,507	4,108	223	2
2018	17,973	3,670	163	/
2019	14,148	2,770	133	/
2020	19,054	1,977	51	/

Harassment court proceedings

On the basis of the information received from the Basic Courts, in the reporting period 2017–2020, a total of 50 lawsuits have been filed on grounds of psychological harassment at work, of which 43 cases have been filed with the Basic Court of Skopje (2017 - 16 cases, all completed; 2018 - 7 cases, all completed; 2019 - 15 cases, 6 completed, 9 still ongoing and 2020 - 5 cases, still ongoing). In the Basic Court Kratovo, in 2018, one procedure for psychological harassment at work was initiated. Four procedures for harassment at work were initiated in the Basic Court in Gostivar. Two cases related to psychological (moral) harassment were filed in the Basic Court in Ohrid, after which first instance decisions were adopted by this court, which rejected the plaintiffs' claims and the decisions were confirmed by the higher court, and thus the procedures were finalised.

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

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 the reporting period, no amendments were made to the legislation and practice regarding this article of the charter.

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

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.

In the reporting period, no amendments were made to the legislation regarding this article of the charter.

For additional information regarding the right of employees to information and consultation, we hereby refer you to the answers and information provided in this Report, under Article 21 of the Charter.