



European  
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Charter

Charte  
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## **EUROPEAN SOCIAL CHARTER**

11<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

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

Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat on

31 December 2024

**CYCLE 2024**



REPUBLIC OF NORTH MACEDONIA  
MINISTRY OF SOCIAL POLICY,  
DEMOGRAPHY AND YOUTH

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TWELFTH REPORT  
ON THE IMPLEMENTATION OF  
THE REVISED EUROPEAN SOCIAL CHARTER

submitted by the  
REPUBLIC OF NORTH MACEDONIA

(for Articles 2, 3, 4, 5, 6, 20)

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Skopje, December 2024



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## 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 the Twelfth Report on the Implementation of the Ratified Provisions of the Revised European Social Charter (1996).

The Report is prepared in accordance with the reporting system, adopted by the Committee of Ministers of the Council of Europe, in its decision of 27 September 2022.

This Report contains relevant information and the latest available data on the questions posed by the European Committee of Social Rights and the Governmental Committee of the European Social Charter and the European Code of Social Security regarding the implementation of the undertaken obligations of the Republic of North Macedonia in terms of the articles of the first group, namely:

- Article 2 (paragraph 1);
- Article 3 (paragraph 1);
- Article 4 (paragraph 3);
- Article 5;
- Article 6 (paragraphs 1, 2, 4);
- Article 20.

Pursuant to Article 23 of Part 4 of the Revised European Social Charter, copies of the prepared Report have been submitted to the representative national organizations of employers and trade unions, namely to the:

- *Federation of Trade Unions of Macedonia;*
- *Organization of Employers of Macedonia.*

## Article 2 – The right to just conditions to work

### Article 2§1 Reasonable daily and weekly working hours

- a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:
- information on the exact number of weekly hours that persons in these occupations can work;
  - information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.
- b) Please provide information on the weekly working hours of seafarers.
- c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

In the Republic of North Macedonia, **full-time work may not exceed 40 hours per week**. As a rule, the working week lasts five working days. By law, i.e., by collective agreement, work of less than 40 hours per week, but not less than 36 hours per week, can be defined as full-time work. By law or other regulations in accordance with the law or by collective agreement, it may be determined for the full-time work to last less than 36 hours per week for jobs where there are higher risks of injury or health risks. If the full-time work is not determined by law or collective agreement, the work of 40 hours per week is considered full-time work.

With the exception of **work on projects of strategic national importance determined by law**, and due to the need of work continuity, **overtime work may last longer than eight hours per week and 190 hours per year, upon prior written consent of the worker**.

Work over 40 hours per week is considered and paid as overtime work, with mandatory observance of the provisions for daily and weekly rest, in accordance with the Law on Labour Relations.

For **workers from the Ministry of Internal Affairs and workers from the National Security Agency**, who perform special duties and powers in accordance with special laws, **overtime work may last longer than 190 hours per year, due to the performance of urgent and immediate work, upon prior written consent of the worker**.

Regarding the issue of **inactive duty**, it should be underscored that it is characteristic of the healthcare sector and the internal affairs sector.

In the healthcare sector, there are two situations in relation to the time when the worker is “on call”. In the one case, when the worker is on call and he/she is called to report to work and the worker reports to work on that basis, that period when he/she is at work is considered a period when he/she is at work and for that period he/she receives appropriate compensation as if being at work, it is recorded in his/her working hours and he/she is

entitled to vacation days. In the event that the worker is on call, but he/she is not called to report to work on that basis, that period is not considered a period when he/she is at work and for that period he/she does not receive a compensation as if being at work, but he/she only receives a compensation for being on call, and that period is not recorded in his/her working hours, nor is he/she entitled to vacation days on that basis.

In the internal affairs sector, the issue of inactive duty is regulated by Article 100 paragraph 2 of the Collective Agreement of the Ministry of Internal Affairs (“Official Gazette of the Republic of North Macedonia” no. 149/21, 299/21, 303/21, 32/22, 51/23, 6/24 and 215/24). Home duty is a special working condition that implies an obligation for the worker with the status of a non-uniformed police officer who does not work in shifts, to be on standby at home or in a certain place outside of working hours. Home duty implies availability of the police officer on the phone or other means of communication, in case of need to report to work at the workplace or a place where an urgent task needs to be performed. For the time spent on home duty, the worker is entitled to a salary allowance. For the realized hours of home duty, the worker is paid a salary allowance of 5% per hour (Article 166 paragraph 1 indent 5 of the Collective Agreement of the Ministry of Internal Affairs). The hours worked on this basis are recorded in accordance with the provisions of an internal regulation of the Ministry of Internal Affairs on the manner of recording overtime hours, night work, work on Sundays, work during holidays determined by law, work in shifts, home duty, as well as the manner of filling out the monthly lists for recording working hours in the Ministry of Internal Affairs.

### **Article 3 – The right to safe and healthy working conditions**

#### **Article 3§2 of the Revised Charter (Article 3§1 of the Charter of 1961)**

##### **Safety and health regulations**

a) Please provide information on:

- the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);
- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

b) Please provide information on:

- the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;
- whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

In accordance with the Law on Labour Relations (“Official Gazette of the Republic of Macedonia” number 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” number 110/19, 267/20, 151/21, 288/21, 111/23), the full-time work of the worker may not exceed 40 hours per week, and as a rule, the working week lasts five working days. However, an exception to this rule is the introduction of overtime work, i.e., work outside of the full-time work, which according to the current legislation is defined as follows:

*“(1) At the employer’s request, the worker shall be obliged to carry out work exceeding the full-time work (overtime work):*

- 1) in cases of exceptional increase of the volume of operation;*
- 2) in case of need for continuation of the business or production process;*
- 3) if it is necessary to avert damaging the work equipment, which would otherwise result in suspension of work;*
- 4) if it is necessary to provide safety of persons and property and security of turnover and*
- 5) in other cases, stipulated by law or collective agreement.”,*

whereby an upper limit or maximum overtime work that can be imposed on the worker is defined, where it is provided that: “Overtime work may last no longer than eight hours per week and maximum 190 hours per year, except for work which cannot be terminated due to the specific process of operation or for work without conditions and possibilities to be organized in shifts.”

Furthermore, the employer, for each introduction of overtime work, is obliged to notify the regional labour inspector and keep separate records of the overtime work, which speaks of the intention of the legislator to monitor the manner of organizing the work at legal entities through intensified monitoring over the introduction of this way of work.

**The State Labour Inspectorate (SLI)** in its field of action, in the period from January to June 2024, acted on **174 complaints in which there were allegations of a violation of a worker’s right that refers to working hours and overtime work**, whereby the inspectors **found irregularities on 11 occasions** and imposed inspection measures in the form of a warning, and on three occasions, decisions with an inspection order were issued. In the specified time period, no misdemeanour payment orders were issued, i.e., no misdemeanour or criminal proceedings were initiated on this basis.

The State Labour Inspectorate carries out its activities in accordance with its legal obligation to supervise the application of the laws and other regulations on labour relations, employment, occupational safety and health and collective agreements, employment contracts and other acts, which regulate and ensure the exercise of the rights, obligations and responsibilities of workers and employers in the field of labour relations and occupational safety and health.



The SLI also exercises its legal competence in cases of filed complaints or initiatives on certain issues of unfulfilled rights and obligations in the field of occupational safety and health and in the field of labour relations and applies the following laws:

- **Law on Inspection Supervision** (Official Gazette of the Republic of North Macedonia no. 102/19) is a general law that regulates the basic principles of inspection supervision, the status, competences and operation of the Inspection Council and the inspection services, as well as all aspects of the current work of the inspectors within the inspection services, while Articles 71 and 72 define the methods and procedure of conducting inspection supervision following filed complaints, i.e., various initiatives submitted by natural persons or legal entities.
- **Law on Labour Inspection** (Official Gazette of the Republic of Macedonia no. 35/97, 29/02, 36/11, 164/13, 44/14, 33/15, 147/15 and Official Gazette of the Republic of North Macedonia no. 317/20) which is a special law that regulates the organization and work of the State Labour Inspectorate, which carries out inspection supervision over the application of the laws and other regulations on labour relations, employment and protection at work and the collective agreements, employment contracts and other acts that regulate the rights, obligations and responsibilities between workers and employers. Pursuant to Article 16, the inspector is obliged to process every request submitted by a worker that relates to the exercise or protection of the rights related to labour relations and protection at work. The inspector is obliged to inform in writing the person who has submitted the request of the established situation.
- **Law on Labour Relations** (“Official Gazette of the Republic of Macedonia” number 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” number 110/19, 267/20, 151/21, 288/21, 111/23)

Pursuant to the Law on Labour Relations, Article 116 defines full-time work that may not exceed 40 hours per week. As a rule, the working week lasts five working days. By law, i.e., by collective agreement, work of less than 40 hours per week, but not less than 36 hours per week, can be defined as full-time work. By law or other regulations in accordance with the law or by collective agreement, it may be determined for the full-time work to last less than 36 hours per week for jobs where there are higher risks of injury or health risks. If the full-time work is not determined by law or collective agreement, the work of 40 hours per week is considered full-time work.

As stated above, overtime work is defined by Article 177 according to which at the employer's request, the worker shall be obliged to carry out work exceeding the full-time work (overtime work): 1) in cases of exceptional increase of the volume of operation; 2) in case of need for continuation of the business or production process; 3) if it is necessary to avert damaging the work equipment, which would otherwise result in suspension of work; 4) if it is necessary to provide safety of persons and property and security of turnover and 5) in other cases, stipulated by law or collective agreement. Overtime work may last no longer than eight hours per week and maximum 190 hours per year, except for work which cannot be terminated due to the specific process of operation or for work without conditions and possibilities to be organized in shifts. Overtime work over a three-month period may not exceed eight hours per week on average. For workers from the Ministry of Internal Affairs and workers from the National Security Agency, who perform special duties and powers in accordance with special laws, overtime work may last longer than 190 hours per year, due to the performance of urgent and immediate work, upon prior written consent of the worker. To a worker who worked more than 150 hours longer than the working hours defined as full-time work,

and was not absent from work for more than 21 days in the course of the year, with the same employer, which do not include the days of annual leave used, the employer is obliged, in addition to a salary allowance, to pay a bonus in the amount of one average salary in the Republic. The employer is obliged to keep separate records of the overtime work and specify the hours of overtime work separately in the monthly calculation of the salary of the worker. The employer is obliged to notify the regional state labour inspector in advance of any introduction of overtime work. If the employer introduces overtime work longer than 190 hours per year, he/she is obliged to redistribute the working hours or introduce new shifts. Pursuant to Article 117-a, with the exception of Article 117 paragraphs (1), (2) and (7), for work on projects of strategic national importance determined by law, and due to the need of work continuity, overtime work may last longer than eight hours per week and 190 hours per year, upon prior written consent of the worker. Work over 40 hours per week is considered and paid as overtime work, with mandatory observance of the provisions for daily and weekly rest, in accordance with Articles 133 and 134 of the Law on Labour Relations.

The Law on Labour Relations also provides for penalties, i.e., fines. A fine in the amount of 200 to 400 Euros in denar countervalue shall be imposed to a micro and small employer – legal entity, a fine in the amount of 300 to 600 Euros in denar countervalue shall be imposed to a medium employer – legal entity and a fine in the amount of 600 to 1000 Euros in denar countervalue shall be imposed to a large employer – legal entity if:

- it orders the part-time worker to work longer hours than the agreed ones;
  - it orders the worker to work longer hours than the working hours laid down by the law, fails to keep or keeps irregular records of the working hours and overtime work, fails to pay a bonus to the regular salary and fails to inform the inspector on the introduction of overtime work.
- **Law on Acting upon Complaints and Proposals** (Official Gazette of the Republic of Macedonia no. 82/08, 56/09 and 13/13)

This Law regulates the acting upon complaints and proposals submitted to the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia, the Government of the Republic of North Macedonia, the courts, state administration bodies, local self-government units, public institutions and services and other bodies and organizations that perform public authorizations.

A complaint, i.e., a proposal is any written or oral address of the petitioner to the bodies acting upon complaints, i.e., proposals for the purpose of protecting his/her rights and interests, the public interests determined by law and for the purpose of initiating another initiative of public interest. Any natural person or legal entity can submit a complaint, i.e., a proposal. The petitioner of the complaint, i.e., the proposal must not be held liable, nor suffer any harmful consequences due to the submission of the complaint, i.e., the proposal and the expression of views and opinions, unless a criminal offense has been committed by doing so.

Complaints submitted to the SLI may refer to any issues related to the workspace, but most often they refer to issues related to salaries, overtime work, occupational safety and health or some other fundamental rights.

However, the SLI, in accordance with Article 72 paragraphs 2 and 3 of the Law on Inspection Supervision, does not act upon an initiative for inspection supervision in case it is incomplete or unclear and informs the petitioner thereof within 15 days from the date of receipt of the initiative at

the latest. It may also not act upon an anonymous initiative for inspection supervision, unless the content of the initiative raises a matter of public interest determined by law or it is necessary to eliminate an immediate danger to the life or health of people or property of greater value or the environment.

In any case, the majority of complaints are investigated as part of the implementation of established policies, either through formal extraordinary inspection or by using other means, in order to address the legitimate concerns of the petitioners.

The inspection supervision conducted as a result of a formal complaint is usually unannounced in order to prevent concealment of documents and evidence, and to protect the petitioners from harassment and discriminatory behaviour prior to the inspection.

The inspector is obliged to draw up minutes following the extraordinary inspection and a written report that should contain the reasons for the inspection, the date of receipt of the complaint, the findings of the inspector, the measures to be taken, the established deadlines and whether there will be a need for additional checks. The inspectors are obliged to observe the deadlines for providing responses to the petitioners of 15 or 30 days for more complex complaints.

In the field of labour relations, in 2023, out of 7.636 extraordinary inspections conducted, 2.917 were extraordinary inspections following submitted complaints regarding employment rights, while in 2024, in the period from January to June 2024, 289 complaints were submitted, of which 114 were related to issues of salary supplements and compensations and 175 complaints referred to working hours.

In the field of occupational safety and protection, in 2023, out of 2.254 extraordinary inspections conducted, 191 were extraordinary inspections following submitted complaints in the field of occupational safety and health, while in 2024, in the period from January to August 2024, 153 extraordinary inspections were conducted following submitted complaints in the field of occupational safety and health.

In the Republic of North Macedonia, **the right not to be punished or discriminated for refusing to work more than the normal working hours** is protected by various legal regulations and mechanisms.

### Legislation

The Law on Labour Relations regulates the maximum working hours, as well as the conditions under which overtime work can be performed. According to the law, the worker has the right to refuse to work outside the established working hours, unless it refers to work in cases of unforeseen circumstances.

The Law on Prevention and Protection against Discrimination (“Official Gazette of the Republic of North Macedonia” no. 258/20) stipulates that workers may not be fined or discriminated against for refusing to work more than the normal working hours. Discrimination in employment is prohibited and monitored by the State Labour Inspectorate. Furthermore, the Commission for Prevention and Protection against Discrimination is an autonomous and independent body working in accordance its

responsibilities defined by the Law on Prevention and Protection against Discrimination, among which is to act upon applications, and give opinions, recommendations and conclusions on specific cases of discrimination.

### Right of refusal

Workers have the right to refuse overtime work without fear of fine or losing their job. If the worker believes that he/she is forced to work overtime or is fined for refusing to work overtime, he/she has the right to report such a case to the State Labour Inspectorate.

### Trade unions

Trade unions play an important role in protecting the rights of workers. They can offer legal aid and represent the interests of the workers in cases of injustice related to working hours.

### Available reporting mechanisms

Workers can submit complaints or reports to the relevant institutions, such as the Commission for Prevention and Protection against Discrimination, trade unions and the State Labour Inspectorate, if they feel that they have been discriminated against due to the refusal of overtime work. With these mechanisms, the right of workers not to be fined or discriminated against for refusing to work more than the normal working hours is ensured and protected in the Republic of North Macedonia.

When it comes to how the State Labour Inspectorate ensures the right of the worker not to be fined or discriminated against for refusing to perform work outside of the normal working hours, in conditions where the law stipulates in which situations the written consent of the worker is required in order for him/her to be hired to perform overtime work, if the labour inspectors, when conducting inspections, find a violation of such legal regulation, they impose a misdemeanour sanction, which in turn entails future prevention, that is, it aims to discourage potential future violations of the law in this section.

### **Occupational safety and health of self-employed workers, teleworkers and home-based workers, temporary workers and fixed-term workers**

The Law on Occupational Safety and Health adopted in 2007 is harmonized with the Occupational Safety and Health Convention 1981 (No. 155) and its accompanying Recommendation (164) and almost fully harmonized with the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. This Law determines the measures for occupational safety and health, the obligations of the employer and the rights and obligations of workers in the field of occupational safety and health, as well as the preventive measures against occupational risks, the removal of risk factors for accidents, information, consultation, training of workers and their representatives and their participation in the planning and undertaking of occupational safety and health measures.

According to the Law, occupational safety and health of the workers is the primary obligation and responsibility of the employer. Experts, workers' representatives for occupational safety and health and authorized services for occupational medicine have special obligations and responsibilities in the implementation of the Law. The legal regulation as a basic principle declares the principle of prevention of injuries at work, occupational diseases and work-related diseases.

In the field of occupational safety and health, the State Labour Inspectorate supervises the application of the Law on Occupational Safety and Health ("Official Gazette of the Republic of Macedonia" no. 6p.92/07, 136/11, 25/13, 137/13, 164/13, 158/14, 15/15, 129/15 30/16 and "Official Gazette of the Republic of North Macedonia" no. 18/20) and the rulebooks for occupational safety and health. More specifically, the Inspectorate conducts inspections in the event of injuries at work, collective injuries and accidents at work with fatal consequences and carries out control following complaints submitted by the worker or the workers' representative for occupational safety and health, as well as complaints or requests from employers.

The Law on Occupational Safety and Health provides for the legal obligations and measures that employers must provide and implement to ensure safe and healthy workplaces.

During the inspections of the State Labour Inspectorate in the field of occupational safety and health, other measures and obligations arising from the bylaws on occupational safety and health are also controlled.

In accordance with Article 2 of the Law on Occupational Safety and Health, the provisions of this law are applied in all the activities of the public and private sectors, for all persons insured against injuries at the workplace or occupational diseases according to the regulations on pension, disability and health insurance, and for all other persons involved in the work processes. According to the Law on Occupational Safety and Health, Article 3 **"Employee" is a person employed under a contract of employment and engagement on any other legal basis, self-employed, a person who performs professional agricultural or other activities and a person who performs at a workplace as part of a training program, which means that it is mandatory for the specified categories of workers and that the protection standards are the same for all categories of workers.**

The National Occupational Safety and Health Strategy of the Republic of North Macedonia 2021 – 2025 provides for the adoption of a new Law on Occupational Safety and Health and the revision of all by-laws in the field of occupational safety and health, whereby special attention will be paid to the improvement of the occupational safety and health standards for the specified categories of workers.

## **Article 4 – The right to a fair remuneration**

### **Article 4§3 The right of men and women workers to equal pay for work of equal value**

- a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.
- b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.
- c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

#### **Definition of equal work and work of equal value**

The current Law on Labour Relations (“Official Gazette of the Republic of Macedonia” number 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” number 110/19, 267/20, 151/21, 288/21, 111/23) contains a provision according to which the employer is obliged to pay equal salary to workers for equal work with equal responsibilities at the position, regardless of their gender.

However, the text of the new Law on Labour Relations, which has been worked on for several years, includes an article that will stipulate that the employer is obliged to pay the workers equal salary for equal work and work of equal value. Moreover, two persons of different genders who perform equal work of equal value under the same conditions, with the same qualifications, invested effort, work results and responsibility, have the right to equal pay. According to the same article, unequal pay for equal work or work of equal value constitutes discrimination, and the provisions of the law, collective agreement and employment contract that are contrary to these provisions are null and void.

#### **Measures for reducing the gender pay gap**

There are no recent analyses or studies on the gender pay gap. The latest data are from the Gender Equality Index and refer to 2019. The value of the total score in the domain of Money is 64.3 points for 2019, which has increased by 2.2 points compared to 2015. The improvement of the total score in the domain is the result of the improvement of the values of the Index in both sub-domains, in the sub-domain of financial resources by 1.8 points and in the sub-domain of economic resources by 2.7 points compared to the results of 2015. However, the results of the Index in the domain of Money still show significant gender inequality and a weaker economic position of the women in the country.

The data from the State Statistical Office show that women earn less than men in all wage categories. However, over time, the wages of women have steadily increased. This trend was driven by the increase in the minimum wage for certain sectors, such as the textile and leather industries, as low-paid sectors in which a disproportionately large number of employees are women. There has also been an increase in the relative number of women earning wages in the average wage range, suggesting that the overall improvements in the labour market conditions, in addition to the increases in the minimum wage, have led to increases in the wages of women. The exception is the category with the highest salaries (more than 40,000 denars per month), in which women have not made significant progress. This indicates that there is a glass ceiling for women not only in terms of occupations, but also in terms of jobs with the highest salary levels.

The gender equality issues from a legislative point of view are regulated by the **Constitution**, by a special law, i.e., the **Law on Equal Opportunities for Women and Men** (“Official Gazette of the Republic of Macedonia” no. 6/2012, 166/2014) and by mainstreaming the gender perspective in other laws. The establishment of equal opportunities for women and men is regulated by the Law on Equal Opportunities, which regulates issues of interest for equal opportunities for women and men in the field of healthcare and health insurance, social protection, access to goods and services, the economy, labour relations and employment, education and vocational training, economic and ownership relations, the use of public products and services (consumer rights), culture and sports, information and communication technologies, defence and security, justice and administration, housing, public information and media, state and public administration and in other areas of social life.

Also, the **Law on Prevention and Protection against Discrimination** (“Official Gazette of the Republic of North Macedonia” no. 258/2020) in Article 5 prohibits any discrimination based on race, skin colour, national or ethnic origin, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, nationality, social background, education, religion or religious belief, political conviction, other beliefs, disability, age, family or marital status, property status, health status, personal capacity and social status, or any other grounds.

The Government of the Republic of North Macedonia adopted several new policies aimed at reducing gender discrimination in the labour market, including the Gender Equality Strategy 2022-2027 (“Official Gazette of the Republic of North Macedonia”, no. 170/2022) with the Action Plan for Gender Equality 2022-2024 and the National Strategy for Equality and Non-Discrimination 2022-2026 and the National Action Plan 2022-2024. These policies are supported by a system of gender-responsive budgeting. The measures for improving the inclusiveness in the labour market are also largely focused on addressing gender inequality and improving the participation of women. Also, the Gender Equality Strategy 2022-2027 provides a roadmap for supporting women’s entrepreneurship, aimed at increasing the employment rate of women and the specific objective (2.1) reducing the

gender gap in the economic participation of women in the labour market is intended to focus on reducing the gender pay gap.

The Gender Equality Strategy envisages a specific objective (2.1) to reduce the gender gap in the economic participation of women in the labour market, with an intersectional approach. The expected results are aimed at ensuring increased activity of women in the labour market, with a special focus on marginalized groups, reducing the gender pay gap, reducing the sectoral and hierarchical segregation of jobs, improved quality of work, established measures for balancing the private and professional life.

The **National Employment Strategy for the period 2021-2027** includes specific measures for the employment of women and access to services for the labour market.

## Article 5 – The right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Please provide information:

- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed force

**Measures for encouraging or strengthening the positive freedom of association of workers, especially in the sectors that traditionally have a low rate of unionization or in new sectors.**

The Government of the Republic of North Macedonia in cooperation with the social partners, the International Labour Organization (ILO) and the European Union (EU) implemented two projects for the promotion of the social dialogue at the bipartite and tripartite level, as well as for the strengthening of the capacities of trade unions and employers' associations. Within the framework of these projects, activities were carried out, which led to the strengthening of the role of the Economic and Social Council, as well as growth of the number of unionized workers.



The promotion and advancement of labour rights (with a focus on the freedom of association), collective bargaining and the peaceful resolution of labour disputes is realized through the following undertaken activities:

- translation and publication of the Compilation of Decisions of the Committee on Freedom of Association of the ILO;
- preparation of materials to promote the freedom of association; organization of seminars on the application of the Convention: C87 and the Convention: C98 for judges, prosecutors and lawyers;
- organization of seminars on the application of the Convention: C87 and the Convention: C98 for trade unions, employers' associations, government representatives and members of Parliament;
- revision of the Macedonian version of the modules for learning the rights at work for young people;
- seminars on labour rights for students and youth sections of trade unions;
- organization of discussions within the framework of the Economic and Social Council regarding the comments of the ILO supervisory bodies.

### **Legal criteria for the recognition and representativeness of employers' associations for the purposes of social dialogue and collective bargaining**

The representativeness of an employers' association for the territory of the Republic of North Macedonia is determined for the purpose of participation in tripartite bodies for social partnership and tripartite delegations of social partners. A representative employers' association for the territory of the Republic of North Macedonia is an association that meets the following conditions:

- to be registered in the Registry of Employers' Associations kept by the ministry in charge of labour-related matters;
- at least 5% of the total number of employers in the private sector in the field of economy in the Republic of North Macedonia to be members of the association or the employers that are members of the association to employ at least 5% of the total number of employees in the private sector in the Republic of North Macedonia;
- the members of the association to be employers from at least three branches, i.e., sectors in accordance with the National Classification of Activities;
- to have members in at least 1/5 of the municipalities in the Republic of North Macedonia;
- to have concluded or acceded to at least three collective agreements at the branch, i.e., sector level, in accordance with the National Classification of Activities and

- to act in accordance with its statute and democratic principles.

The Macedonian legal framework for regulating the representativeness of employers' associations for the purpose of participation in collective bargaining provides for two levels of determining representativeness, namely:

- representativeness at the national level (i.e. at the private and public sector level) and
- representativeness at the branch, i.e., sector level.

The determination of the representativeness of employer's associations for collective bargaining at the level of the private sector and branch, i.e., sector depends on the fulfilment of two cumulative conditions. The first condition is for the association to be registered in the registry kept by the ministry in charge of labour-related matter. The second condition consists of two alternatives. The first alternative provides for the employers' association to have at least 10% of the total number of employers in the private sector (in order to acquire representativeness at the level of the private sector), i.e., of the total number of employers in the branch, i.e., sector (in order to acquire representativeness at the branch, i.e., sector level) as its members. The second alternative provides for the employers that are members of the association to employ at least 10% of the total number of employees in the private sector (in order to acquire representativeness at the level of the private sector), i.e., at least 10% of the total number of employees in the branch, i.e., sector (in order to acquire representativeness at the branch, i.e., sector level).

In addition to the "regular" way of acquiring representativeness for participation in collective bargaining, the legal framework provides for two other alternative ways of acquiring representativeness that are applied in special circumstances. Such are the circumstances in which no employers' association (established at the level for which collective bargaining is conducted) meets the legally prescribed conditions for acquiring representativeness in a regular way.

The first alternative way assumes the possibility of recognizing the status of representativeness of a so-called "majority" employers' association in cases where the associations have submitted a request for representativeness, but do not meet the requirements regarding the threshold (percentage) for representativeness. In such a case, the Law, until the representativeness threshold is met, allows the employers' association that has the largest number of members to participate in collective bargaining.

The second alternative way to participate in collective bargaining assumes a "contractual association" of two or more employers' associations.

**Legal criteria for the recognition and representativeness of trade unions for the purposes of social dialogue and collective bargaining.**

The representativeness of a trade union for the territory of the Republic of North Macedonia is determined for the purpose of participation in tripartite bodies for social partnership and tripartite delegations of social partners. A representative trade union for the territory of the Republic of North Macedonia is a trade union that meets the following conditions:

- to be registered in the Registry of Trade Unions kept by the ministry in charge of labour-related matters; at least 10% of the total number of employees in the Republic of North Macedonia who pay union membership fees to be members in it;
- to cover at least three trade unions at the national level from different branches, i.e., sectors in accordance with the National Classification of Activities that are registered in the Registry of Trade Unions kept by the ministry in charge of labour-related matters;
- to act at the national level and to have registered members in at least 1/5 of the municipalities in the Republic of North Macedonia;
- to act in accordance with its statute and democratic principles and to have as members trade unions that have signed or acceded to at least three collective agreements at the branch, i.e., sector level, in accordance with the National Classification of Activities.

The Macedonian legal framework for regulating the representativeness of trade unions for the purpose of participation in collective bargaining provides for three levels of determining representativeness, namely:

- representativeness at the national level (i.e. at the private and public sector level)
- representativeness at the branch, i.e., sector level and
- representativeness at the employer level.

The determination of the representativeness of the trade unions for the first two levels of collective bargaining (collective bargaining at the private and public sector level and collective bargaining at the branch, i.e., sector level) depends on the fulfilment of two cumulative conditions, namely:

- the trade union to be registered in the registry kept by the ministry in charge of labour-related matters and
- to have at least 20% of the number of employees in the public/private sector paying membership fees (in order to acquire representativeness at the public/private sector level), i.e., of the total number of employees in the branch, i.e., sector paying

membership fees (in order to acquire representativeness at the branch, i.e., sector level) as its members.

Given that the Law does not provide for an obligation for direct and immediate registration in the registry of the ministry in charge of labour-related matters of trade unions at the employer level, the only condition for acquiring representativeness at the employer level is for the trade union to have at least 20% of the number of employees of the employer paying membership fees as its members.

In addition to the “regular” way of acquiring representativeness for participation in collective bargaining, the legal framework provides for two other alternative ways of acquiring representativeness that are applied in special circumstances. Such are the circumstances in which no trade union (established at the level for which collective bargaining is conducted) meets the legally prescribed conditions for acquiring representativeness in a regular way.

*The first alternative way* assumes the possibility of **recognizing the status of representativeness of a so-called “majority” trade union** in cases where the trade union has submitted a request for representativeness, but does not meet the requirements regarding the threshold (percentage) for representativeness. In such a case, the Law, until the representativeness threshold is met, allows the trade union that has the largest number of members to participate in collective bargaining.

*The second alternative way* to participate in collective bargaining assumes a **“contractual association” of two or more non-representative trade unions** in order to reach the representativeness threshold.

In relation to trade unions that are not representative, they have the right to advocate, represent, promote and protect the rights of their members, as well as to accede to already signed collective agreements.

The trade union is the only form of workers’ representation at the enterprise level.

### **The right to organise members of the police and armed forces**

In accordance with the Macedonian labour legislation, there is no limitation of the right to organize workers in the state and public administration, including in the police and army of the Republic of North Macedonia. This is confirmed by the number of registered trade unions of the administrative bodies, the police and the armed forces, which according to the Registry of Trade Unions kept by the ministry in charge of labour-related matters is 13.

In the Law on Public Sector Employees, Article 32 defines the possibility for public sector employees, for the purpose of exercising their economic and social rights, to have the right to join the foundation, formation and be members of a trade union under the conditions and in a procedure determined by law and the acts of the trade union.

## Article 6 – The right to bargain collectively

### Article 6§1 Joint consultation

- a) Please state what measures are taken by the Government to promote joint consultation.
- b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.
- c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

The Government encourages consultations with social partners through the Economic and Social Council (ESC), which in the past period has positioned itself as the most significant body of the tripartite social dialogue. Key issues related to the economic situation in the country caused by the health, energy and military crisis (anti-crisis measures) were reviewed at the sessions of the ESC. The ESC continued to play a major role in determining the minimum wage and in discussing wage policies in the public sector.

Workers' and employers' representatives have been conducting months-long intensive negotiations to find an appropriate solution for determining the minimum wage for 2022. The successfully conducted social dialogue resulted in a harmonized position of the Economic and Social Council to amend the criteria for harmonizing the minimum wage and increase the minimum wage from March 2022, as well as to subsidize the employers for contributions arising from mandatory social security for the difference of the increased net minimum wage. The Law on Minimum Wage was amended (adopted by the Assembly of the Republic of North Macedonia on February 23, 2022), which enabled a continuous increase of the minimum wage per employee in the country.

At the initiative of the ESC, after 15 years, in July 2023, the trade unions and the Government signed the General Collective Agreement for the Public Sector, where they agreed on the most problematic issue in the negotiations and determined the dynamics of increasing the wages in the public sector. Also, during 2023, 11 public hearings on the Law on Labour Relations were held in various cities on the territory of the Republic of North Macedonia, with some of them organized in cooperation with the local economic and social councils (LESC) and included all social partners, employers and non-governmental organizations at the local level.

Currently, the ESC in cooperation with the ILO has started activities for raising the awareness of the concept and key principles of just transition and green jobs, as well as the integration of dignified work and just transition in the Nationally Determined Contributions (NDCs).

## Article 6§2 Collective agreements

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

c) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Collective bargaining in the Republic of North Macedonia takes place at three levels: at the level of the Republic (i.e., at the national level); at the branch, i.e., sector level in accordance with the National Classification of Activities (NCA) and at the employer level.

Collective bargaining at the level of the Republic (i.e., at the national level) is conducted for the conclusion of a so-called General Collective Agreement (GCA). The General Collective Agreement is concluded for the private sector in the field of economy and for the public sector. In accordance with the Law on Labour Relations, the parties between which a GCA for the private sector is concluded are the representative employers' association and the representative trade union for the private sector in the field of economy, while the parties between which a GCA for the public sector is concluded are the representative trade union in the public sector and the minister in charge of labour-related matters, after prior authorization from the Government of the Republic of Macedonia.

Parties to the special collective agreements that according to the functional area of application belong to the private sector are the representative trade union and the representative employers' association at the branch, i.e., sector level. On the other hand, parties to the special collective agreements that according to the functional area of application belong to the public sector (so-called Special Collective agreements for Public Enterprises and Institutions) are the founder or the body that he/she will authorize and the representative trade union.

Collective bargaining at the employer level is conducted for the conclusion of a so-called Individual Collective Agreement. The Individual Collective Agreement is concluded at the level of the entire company/employer (regardless of whether the company has one or more

branches/subsidiaries located in different municipalities throughout the country). Hence, collective bargaining at the employer level can also be defined as collective bargaining at the “company” level. Parties to the Individual Collective Agreement, which according to the functional area of application belongs to the private sector, are the representative trade union of the employer’s employees and the authorized person of the employer. Parties to the Individual Collective Agreement that according to the functional area of application belongs to the public sector (so-called Individual Collective Agreement for Public Enterprises and Institutions) are the founder or the body that he/she will authorize and the representative trade union of the employer’s employees.

The General Collective Agreements apply directly and are mandatory for all employers and employees in the private, i.e., public sector (depending on the sector for which the General Collective Agreement has been concluded), and the Individual Collective Agreements bind – apply to all employer’s employees, including the workers who are not members of a trade union or the trade union that is a signatory to the collective agreement.

While the legal effect of general and individual collective agreements is *erga omnes*, the Law on Labour Relations determines a “limited” personal scope (application) of special collective agreements. Thus, in Article 205, paragraph 3, the Law stipulates that special collective agreements are applied directly and are mandatory for employers who are members of the employers’ association that is a signatory of the collective agreement or who have additionally joined the association, and Article 208, paragraph (1) and paragraph (2), stipulates that the collective agreement (referring to the special collective agreement) binds all persons who have concluded it, and who at the time of conclusion were or additionally became members of the association that concluded it, who acceded to it and who additionally became members of associations that acceded to the collective agreement.

The current legal framework in the Republic of North Macedonia does not provide for exceptions to collective bargaining either on the part of employers (regardless of their size) or on the part of workers (regardless of whether they are employed in the private or public sector, and if they are employed in the public sector, regardless of whether they belong to the group of administrative officials, officials with special powers in the area of security, defence and intelligence, service providers in the area of education, science, healthcare, culture, labour, social and child protection, sports, as well as in other activities of public interest established by law or technical assistants).

In the Macedonian labour legislation, the possibilities for derogation through collective bargaining are governed by the “favourability” principle (*in favorem laboris*) in labour relations. The “favourability” principle assumes that in the “hierarchical scale” of sources of labour law, lower sources must not be in conflict with higher ones. The collective agreements and the individual employment contracts may provide for more and superior rights and more favourable working conditions for the workers, but it is forbidden for them to provide for fewer and inferior rights and less favourable working conditions than



the minimum rights guaranteed by law. Despite the fact that it is not explicitly stipulated in the law, in practice, the favourability principle is also applied between different types of collective agreements, as well as between collective agreements and (individual) employment contracts that establish a specific employment relationship with an individual worker. If there is a case in which certain rights that are regulated by a lower source (for example: an employment contract or a collective agreement) are inferior, i.e., in conflict with identical rights that are regulated by a higher source (for example: a higher collective agreement or law), such rights are void and the rights prescribed in the immediately higher source apply.

## Article 6§4 Collective Action

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained. Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Article 38 of the Constitution of the Republic of North Macedonia guarantees the right to strike. It also stipulates that the law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and administrative bodies.

The right to strike in the police is regulated by the Law on Internal Affairs (“Official Gazette of the Republic of Macedonia” no. 42/14, 116/14, 33/15, 5/16, 120/16, 127/16, 142/16, 190/16, 21/18, 135/18 and “Official Gazette of the Republic of North Macedonia” no. 108/19, 275/19, 110/21 and 89/22). At the same time, the obligation to announce the strike, the activities performed during a strike, as well as the cases in which a strike is prohibited, are regulated.

Thus, Article 158 of the same law provides that workers in the Ministry of Internal Affairs may exercise the right to strike in a manner and under the condition that the regular performance of the internal affairs is not significantly disturbed. At the same time, in order to prevent possible harmful consequences from the non-performance of the internal affairs during the strike, the minister or an employee authorized by him/her is obliged to ensure the necessary functioning of the organizational units in the work process. In these



cases, the workers are obliged to act according to the relevant orders. If the workers do not act in accordance with the orders, the minister, i.e., the employee authorized by him/her is obliged to ensure the implementation of the work process by replacing them with suitable workers.

The obligation to announce the strike is regulated by Article 159 of the same law. The organizer of the strike is obliged to announce the strike to the minister and to submit the decision to engage in a strike, as well as the program for the manner and scope of the activities and tasks that must be performed during the strike, no later than seven days prior to the start of the strike.

Article 160 defines the activities and tasks that must be performed during an organized strike in the Ministry, namely:

- for organizing and servicing the telecommunication and information systems and the crypto protection system, for urgent needs,
- for issuing personal documents (travel document, identity card, traffic and driver's license) to citizens for urgent needs and
- other activities and tasks in accordance with a special law.

The prohibition of strikes is regulated in Article 160. Thus, a strike in the Ministry is prohibited in a state of war, emergency or crisis. In the event of a complex security situation, disruption of the public order and peace on a larger scale, natural disasters and epidemics or endangering of the life and health of the people and property on a larger scale, no more than 10% of the workers in the Ministry can participate in a strike and the strike cannot last longer than three days.

If the strike started before the occurrence of any of the aforementioned cases, the workers in the Ministry are obliged to stop the strike immediately.

**The Law on Defence** ("Official Gazette of the Republic of Macedonia" no. 42/01, 5/03, 58/06, 110/08, 51/11, 151/11 and 215/15 and "Official Gazette of the Republic of North Macedonia" no. 42/20) also contains a prohibition of strikes. Article 48 of the law provides that a strike in the Army is prohibited in a state of crisis, emergency and war, as well as in the case of execution of international agreements that refer to exercise activities, training, peace or humanitarian operations in the Republic or outside it in which Army units are participating. The right to strike in the Army can be exercised only if the combat readiness of the Army and the life and health of the members of the Army are not disrupted. In order to prevent possible harmful consequences to the combat readiness of the Army and the life and health of the members of the Army during the strike, the Minister of Defence and the Chief of the General Staff of the Army are obliged to ensure the performance of the vital functions of the Army. During the strike, the participants in the strike are obliged to remain at their job posts and to perform the activities necessary for the performance of

the vital functions of the Army. The strike must be announced at least ten days before its commencement. No more than 10% of the Army employees can participate in it at the same time and it cannot last longer than three days.

Taking into account the provision of the Constitution, the **Law on Public Sector Employees** (“Official Gazette of the Republic of Macedonia” no. 27/14, 199/14, 27/16, 35/18 and 198/18 and “Official Gazette of the Republic of North Macedonia” no. 143/19 and 14/20) gives the answer to the question of what is meant under “administrative bodies”, in addition to the armed forces and the police, which are listed in the Constitution and how the right to strike is regulated in their case.

Thus, in Article 2, the Law regulates that employers in the public sector according to this Law are:

- state and local government bodies and other state bodies established in accordance with the Constitution and by law and
- institutions that perform activities in the field of education, science, healthcare, culture, labour, social and child protection, sports, as well as in other activities of public interest established by law, and organized as agencies, funds, public institutions and public enterprises founded by the Republic of Macedonia or by the municipalities, the City of Skopje, and by the municipalities in the City of Skopje.

According to the same article, public sector employees are persons who have established an employment relationship with one of the aforementioned employers.

Furthermore, Article 32 of this law regulates the right to union organization and the right to strike. Thus, public sector employees, in order to exercise their economic and social rights, have the right to be involved in the foundation, formation and be members of a trade union under the conditions and in a procedure determined by law and the acts of the trade union. Public sector employees have the right to engage in a strike organized in accordance with the Constitution, law and ratified international agreements in accordance with the Constitution. When exercising the right to strike, public sector employees are obliged at a minimum to ensure the smooth performance of the functions of the institution and the necessary level of exercise of the rights and interests of the citizens and legal entities. The head of the institution, in accordance with the law and collective agreement, determines with an act the manner of performance of the responsibilities, i.e., the activities of public interest of the institution during a strike, the number of employees who will perform the responsibilities during the strike, as well as the manner of providing conditions for exercising the right to strike.

**The Law on Labour Relations** (“Official Gazette of the Republic of Macedonia” number 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, 120/18 and “Official Gazette of the Republic of North Macedonia” number 110/19, 267/20, 151/21 и 288/21 and 111/23), as a systemic law, in Article 238 provides for the adoption of rules for works that

must not be interrupted during a strike. Thus, at the proposal of the employer, the trade union and the employer consensually prepare and adopt rules for production, maintenance and indispensable works that must not be interrupted during a strike. The rules particularly contain provisions for the works and the number of workers who must perform them during a strike, with the aim of enabling continuation of the work after the end of the strike (production and maintenance works), i.e., with the aim of performing the works that are necessary for preventing the endangering of the life, personal safety or health of the citizens (indispensable works).

At the same time, the Law defines that when determining the works that must not be interrupted during a strike, the right to strike must not be denied or significantly restricted. If the trade union and the employer do not reach an agreement within 15 days from the date of submission of the employer's proposal to the trade union for determining the works that must not be interrupted during a strike, the employer or the trade union may, within the following 15 days, request for those works to be decided on by arbitration.

**The Law on Public Enterprises** ("Official Gazette of the Republic of Macedonia" no. 38/96, 9/97, 6/02, 40/03, 49/06, 22/07, 83/09, 97/10, 6/12, 119/13, 41/14, 138/14, 25/15, 61/15, 39/16, 64/18 and 35/19 and "Official Gazette of the Republic North Macedonia" no. 275/19, 89/22 and 274/22) in Article 33 stipulates that the strike board and the workers participating in the strike in the public enterprise are obliged to organize and lead the strike in a manner and to take measures that will ensure the physical safety of the employees and the protection of the equipment of the installations, as well as the performance of the obligations towards the citizens, legal entities and state bodies, and only under the condition that:

- the necessary level of the work process is ensured, which will not endanger the life, health and economic and social security of the citizens and the necessary performance of the economic and other activities in the country, in the scope and manner determined by the law in the area of the respective activity of public interest and
- the execution of international agreements is ensured.

The strike board is obliged to cooperate with the director of the public enterprise during the strike in order to ensure the specified conditions.

In addition, taking into account the well-being of the citizens, the legislator included appropriate provisions in the **Law on Amicable Resolution of Labour Disputes** ("Official Gazette of the Republic of Macedonia" no. 87/07, 27/14, 102/14 and 30/16). Thus, Article 18 stipulates that in the case of a strike or dispute in activities of general interest or in activities in which the interruption of the work could endanger the life or health of people or cause damages on a larger scale, the parties to the dispute are obliged to accede immediately to amicable resolution of the collective dispute (paragraph 1). The procedure

for amicable resolution of the collective dispute ends within ten days from the date of submission of the motion for amicable resolution of the dispute. Activities in the sense of paragraph 1 of the same article are the activities carried by employers in the field of the electric power industry, water management, traffic, radio and television whose founder is the Republic of Macedonia or local self-government units, postal services, utilities, the production of basic food products, healthcare and veterinary care, education, child protection, social protection, police and defence.

In the case of a strike in the stated activities, the strike is suspended for the duration of the procedure for the amicable resolution of the dispute.

Furthermore, Article 19 of the same law stipulates that in the event of a strike in the stated activities, the parties to the dispute are obliged to submit a joint motion for conciliation on the day following the day the dispute arose. If the parties to the dispute do not submit a joint motion, they are obliged to notify the ministry in charge of labour-related matters, which within two days from the date of occurrence of the dispute or strike in the aforementioned activities, ex officio initiates a conciliation procedure.

## **Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.**

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

b) Please provide information on:

- measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;
- the implementation of those measures;
- progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions

### **Measures for promoting greater participation of women in the labour market and for reducing gender segregation**

The main priority in the field of economy is the activation of the female population and its increased participation in the labour market. This priority is highly set in the **Gender**

**Equality Strategy 2022-2027** and in other strategies at the national level that refer to the advancement of the economy and increase of the employment rate.

Based on the Gender Equality Strategy 2022-2027 (“Official Gazette of the Republic of North Macedonia” no. 170/2022), a National Action Plan for Gender Equality 2022-2024 with fiscal implications was prepared, which in the **General objective 2: Improvement of the position of women in all spheres of the public and private life and Specific objective 2.1: Reduction of the gender gap in the economic participation of women and their participation in the labour market, with an intersectional approach** provides for:

- Implementation of field activities (public debates, informative meetings) to familiarize women with the employment opportunities and stimulate the association of women from rural areas in cooperatives;
- Financial support for female entrepreneurship for digitalization of the business processes.

The Report for 2022 and 2023 on the implementation of the Gender Equality Strategy 2022-2027 is being prepared, which provides an overview of the results achieved and the activities implemented during 2022 and 2023 foreseen by the National Action Plan for Gender Equality 2022-2024 for the implementation of the Gender Equality Strategy 2022-2027.

The National Employment Strategy 2021-2027 also provides for several measures and outcomes that should contribute to reducing the employment gender gap by 15 percentage points in 2027 compared to 2019, when it was 19.7 percentage points.

Greater investments in early childhood education are expected to have a measurable effect on the participation of women in the labour market, and consequently in the activity gender gap. The implementation of specialized employment services and programs [within the framework of the Operational Plan for active employment programs and measures and services on the labour market] intended for categories of the population that are exposed to the greatest risks on the labour market should facilitate the access of women to the labour market. Supporting enterprises to innovate, expand their production capacity and create more and better jobs, accompanied by appropriate fiscal and labour market policies – is expected to have a measurable impact on the employment of women (which would reduce the employment gender gap).

In January 2024, a mid-term review of the implementation of the Employment Strategy and Action Plan 2021-2023 was conducted. The increasing percentage of GDP allocated to pre-school education does not seem to be reflected in the activity gender gap thus far: The gap was 14.7 percentage points in 2019 and 15.5 percentage points in 2022.

The review, on the other hand, shows that **the employment gender gap has reduced to 17.8 percentage points in 2023 due to an increase in the employment rate of women and a decrease in the working age population.** The mid-term review report concludes that

this stated goal will probably be achieved. **The employment gender gap is the highest for women with a low level of education**, indicating a stronger pressure for women to possess higher qualifications in order to secure a job, which is not the case for men.

The Employment Service Agency (ESARNM) offers a set of **employment measures and services to unemployed persons**. The measures and activities are grouped in several areas and intend to cover and meet the needs of unemployed persons of all categories, including vulnerable categories of citizens and persons at risk. The ESARNM implements different types of activities in order to provide measures/services for the unemployed, including: 1. Employment services (support, employment mediation and other counselling services aimed at facilitating the process of employment of unemployed persons); 2. Monetary compensation for unemployed persons; 3. Active programs and measures on the labour market (stimulating entrepreneurship among the unemployed, supporting companies to create new jobs, various trainings for skills that are in demand on the labour market, internships, etc.); 4. Loans for starting a business; and 5. Projects, implemented with the support of foreign donors, including the Labour Market Activation of Vulnerable Groups and the Youth Guarantee.

According to the data of the Employment Service Agency of the Republic of North Macedonia, within the Operational Plan for active employment programs and measures and services on the labour market 2023, 1.487 people were supported through the self-employment program, of whom 555, i.e., 37.1% were women. Through the program for creating new jobs- wage subsidies, employment support was provided to 1.360 unemployed persons, of whom 777, i.e., 57.1% were women, while through the sub-program for employment and growth of legal entities, 278 women or 51% received employment support. Trainings for the development of digital skills were attended by 735 unemployed persons, of whom 350 or 47.8% were women. The internship measure, aimed at acquiring practical knowledge and skills needed to perform work tasks in certain jobs included 1.575 interns, of whom 977 or 62% were women. The work engagement program includes unemployed persons with low qualifications in infrastructure and environmental protection projects at the local level, whereby 41.7% of the total number of unemployed persons involved are women. The support for the creation of new jobs through green investments covered 139 unemployed persons, of whom 72 or 51.8% were women (Employment Service Agency of the Republic of North Macedonia, [Annual Report for 2023](#)). The beneficiaries of the active employment programs and measures are also women-victims of gender-based violence and victims of domestic violence, single parents, women belonging to the Roma ethnic community and other ethnic communities.

**The percentage of participation of women in the employment programs and measures from the Operational Plan for active employment programs and measures and services on the labour market 2023 is 46%**. Within the framework of the implementation of the services from the Operational Plan, a total of 57.590 services were provided to unemployed



persons, of whom 27.779 (48%) were women (Employment Service Agency of the Republic of North Macedonia, [Annual Report for 2023](#)).

The Operational Plan for active employment programs and measures and services on the labour market for 2024 determines the employment programs, measures and services that ensure the creation of new jobs and increase the employability of unemployed persons, especially young people, long-term unemployed persons and beneficiaries of guaranteed minimum assistance. During the implementation of the employment programs and measures, the following basic principles are observed: the principle of diversity and inclusiveness for all social categories in the private sector, in accordance with the principles of fair and adequate representation on ethnic, gender, religious, racial basis or any other vulnerable category of citizens, in accordance with the standards and practices of the United Nations and the International Labour Organization.

The right to participation is determined based on the conditions and criteria defined for each separate program, i.e., employment measure and service, and as a general rule, an effort is made to achieve equal representation of men and women, in accordance with the Law on Equal Opportunities for Women and Men, as well as participation of young people up to 29 years of age of at least 40% in each of the employment programs, measures and services.

With the Program for the Development of Entrepreneurship and the Competitiveness of Small and Medium-Sized Enterprises for 2023, costs were subsidized on various grounds of enterprises owned and managed by women, i.e., 22 women entrepreneurs were subsidized under the Public call for the measure for subsidizing micro, small and medium-sized enterprises in the amount of MKD 4.954.279 , 13 women entrepreneurs were subsidized under the Public call for the measure for subsidizing craftsmen in the amount of MKD 692.748, while according to the Public call for the measure for Financial support for female entrepreneurship for digitalization of the business processes, one woman entrepreneur was subsidized in the amount of MKD 156.040.

According to the Program for the Development of Tourism in the Republic of North Macedonia for 2023, part II, item 5 Financial support for female entrepreneurship in tourism, 8 enterprises were subsidized in the amount of MKD 658.042.

In 2023, for the first time, the Government adopted a Program for Social Security Support of Women Engaged in Agricultural Activities (“Official Gazette of the Republic of North Macedonia” no. 31/23). The Program has provided funds in the total amount of MKD 4.000.000 for using a compensation in the amount of MKD 81.000 for maternity leave. The funds are realized through the Agency for Financial Support in Agriculture and Rural Development, measure 115 – Support for an active female member in an agricultural household. This measure is exclusively intended for women farmers with a maximum support amount of MKD 360.000 per beneficiary.

In January 2024, the Government of the Republic of North Macedonia adopted the **Program for Social Security Support of Women Engaged in Agricultural Activities for 2024**. This program provides the opportunity to use a compensation for maternity leave due to inability to engage in the agricultural activity as a result of childbirth, which compensation is not covered by the regulations in the field of labour relations for paid maternity leave. The funds for the implementation of this program have been provided by the Budget of the Republic of North Macedonia for 2024 and will be used for financial support in the amount of 100.000 MKD for a nine-month maternity leave compensation for women who have the status of an insured person-individual farmer acquired in accordance with the Law on Pension and Disability Insurance.

The efforts to expand the availability of care services for children, the elderly and the infirm should also be emphasized. Since 2019, there have been significant investments in the construction of new kindergartens, but also in the development of formal services for at-home assistance and care. New providers of the social services of at-home assistance and care, as well as personal assistance services (over 50 social service providers) were licensed. However, it can be said that the share of participation of women in informal care and unpaid domestic work due to care of the home and children still prevails.

However, the economic inequality between women and men in the Republic of North Macedonia is still very high. According to the data of the State Statistical Office, in 2023, the active population in the Republic of North Macedonia was 791.647 persons, of which 688.296 were employed, and 103.351 persons were unemployed. The activity rate in 2023 was 52.3%, the employment rate was 45.4%, while the unemployment rate was 13.1%. According to the structure of the active population by gender, 62% of men and 42.8% of women were active. The number of employed women in 2023 was 292.168, which represents 37.9% of the total active female population (Source: State Statistical Office, [Active population of the Republic of North Macedonia in 2023, no. 2.1.24.05](#)).

Occupational segregation is observed in the labour market in North Macedonia. Statistics show that women and men are concentrated in certain sectors, i.e., in the same areas in which they have completed their professional education. Thus, women dominate in the financial, educational and healthcare sectors, while men dominate in mining, construction and transport, agriculture (as paid employment), trade, electricity and water supply and hospitality. Work in the public sector, private services and in manufacturing is gender balanced in terms of the participation of male and female employees.



**Measures for effective parity in the representation of women and men in decision-making positions in both the public and private sectors; statistical data on the percentage of women in the management boards of the largest publicly listed companies and in management positions in public institutions.**

The Law on Equal Opportunities for Women and Men provides for the equal opportunities to be realized through **general measures** (Articles 5 and 6) and **special measures** (Articles 7 and 8). The Law establishes an obligation for **public institutions to give preference to equally qualified persons belonging to the less represented gender**, until equal representation is achieved in all bodies and at all levels in the legislative, executive and judicial authorities, local self-governments and other public institutions and services. The principle of **affirmative action** has also been transposed into the existing Law on Labour Relations.

The Law on Prevention and Protection against Discrimination contains the concept of affirmative measures horizontally in all sectors, as measures that are taken with the sole purpose of eliminating the unequal enjoyment of human rights and freedoms until the actual equality of a person or group is achieved. Such measures are not considered discriminatory if such distinction is justified and objective, and the means used are proportionate, i.e., appropriate and necessary and limited in time (Article 7).

**The Electoral Code requires at least 40 percent of the candidates on the party lists to be women**, at least one seat in every three seats to belong to a woman and additionally, at least one seat in every ten seats, as well as mandatory replacement of the elected women MPs with other female candidates. This also applies to the candidate lists for members of the municipal councils and the Council of the City of Skopje (Electoral Code, Article 155-a). Also, the Law on Political Parties provides for an obligation for political parties to adhere to the principle of gender equality in party structures and functions (Article 4).

**The impact of the quotas** is evident when reviewing the positive trend of increasing the representation of women in parliament, however, gender inequalities still persist in areas where there is no quota. Gender inequalities in policy-making processes are much more visible at the local level. Women who aspire to occupy leadership positions in politics still face a number of barriers arising from existing patriarchal values and prejudices, as well as socio-cultural norms and gender stereotypes that place women mainly in the domestic sphere and outside the public sphere.

Following the presidential and parliamentary elections in 2024, the President of the country is a woman and out of 120 MPs in the Assembly, 73 (60.8%) are men and 47 (39.2%) are women.

In 2023, out of a total of 110.169 employees in the public sector, 62.585 or 56.8% were women, while 47.584 or 43.2% were men. The highest representation of men is in public enterprises (81.94%), whereby they participate with a percentage of over 50% in

municipalities (57.47%), bodies within ministries (57.5%), ministries (52.08%), as well as in the independent bodies of the state administration (52.26%).

In terms of activities, women are most represented in the field of labour and social policy (83.46%), especially in public institutions for social and child protection. The percentage of participation of women is also significant in two other major sectors – healthcare (72.86%) and education (67.09%). Men, on the other hand, are most represented in the environmental activity (87.80%), and they are predominantly represented in the activities of transport (84.62%) and utilities (83.32%).

The overall representation of women has a positive trend in the judiciary, where women constituted 60.6% of all current professional judges (299 women and 194 men) in 2022. Women make up more than half of the professional judges in the first and second instance courts (courts of appeal), and there is also gender equality in the Supreme Court. Also, women represent 47.1 % of court presidents combined (16 women and 18 men) and 62.7% of other working court personnel. (Source: Ministry of Information Society and Administration, [Report from the Registry of Public Sector Employees for 2023](#))

Women are almost four times less represented than men in decision-making positions in the country, a situation that is not improving. According to the data of the State Statistical Office, the participation of women in senior management positions, in companies listed on the stock exchange and board members, in the period 2012-2021, was less than 25%. The participation of women in senior management positions (board of directors/executive managers) was 25% in 2021. (Source: State Statistical Office, [Women and Men in North Macedonia 2023](#)). There is no more recent data available.