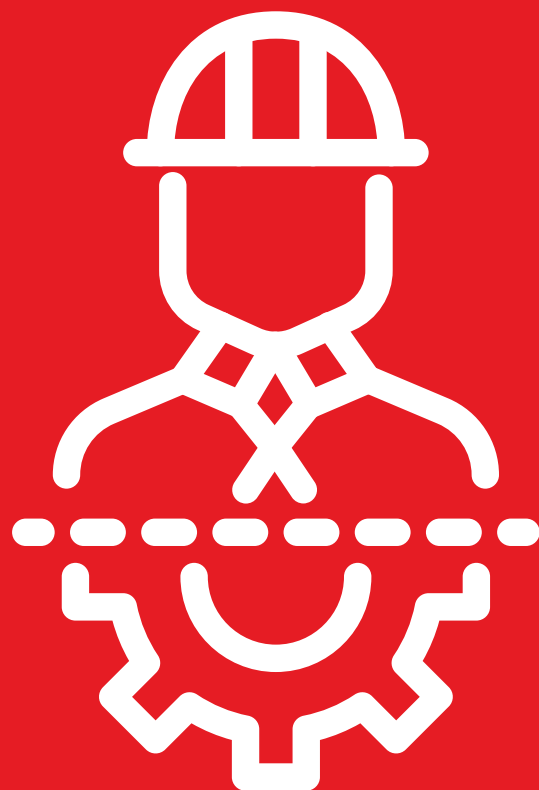




COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA



**OVERVIEW OF THE ANALYSIS OF LABOUR
STANDARDS AND THEIR APPLICATION IN
THE REPUBLIC OF NORTH MACEDONIA**



ANALYSIS OF LABOUR STANDARDS AND THEIR APPLICATION IN THE REPUBLIC OF NORTH MACEDONIA

The analysis identifies and focuses on the following:

- basic development directions of the national regulation concerning workers' rights protection;
- the level of alignment of the regulation with the adopted international standards; and
- deviations of the implementation and the practice, from the applicable laws, and the international standards as well.

PROTECTION-RELATED WORKERS' RIGHTS International System of Values

International Labour Organization (ILO)

- Occupational Safety and Health Convention, C155, 1981
- Occupational Health Services Convention, C 161, 1985
- Promotional Framework for Occupational Safety and Health Convention, C187, 2006

To date, the Republic of North Macedonia has ratified 80 ILO conventions, however, it has not ratified Safety and Health in Construction Convention, C167, 1988.



SAFEGUARDING MECHANISMS

Efficient and effective mechanisms are necessary. This means:

- Available institutions,
- Clear and simple procedures, and
- Available tools.

Direct access for workers to their rights and benefits, without being exposed to unnecessary expenses or procedural obstacles.

LABOUR RIGHTS ARE HUMAN RIGHTS

The framework of the protective machinery should be based on two main principles:

- Equal treatment and nondiscrimination in the law implementation process, and
- Effectiveness of the implementation methods.

The analysis is available at:

<https://mhc.org.mk/wp-content/uploads/2019/03/Standardi-Mk.pdf>.

LEGISLATIVE ISSUES

LEGAL TOOLS:

The text related to the tools available to workers for the protection of their rights is dispersed throughout the entire text of the Labour Relations Law, as well as in other laws.

IMPRECISION OF PROVISIONS:

The text related to the application of the protection clauses and the exercise of the workers' rights is not precisely defined in a law, or as an obligation defined under a law.

MULTI-LEVEL PROCEDURES:

The procedure can put the worker in unfavorable condition and have negative implications upon the worker before the s/he is able to use the tools that provide the court protection.

THE POSITION AND THE ROLE OF THE TRADE UNION:

The trade union is more present as a structure that gets involved when the law is violated, rather than as a prevention body when the policies and procedures that need to limit the violations of the laws are designed.

LEGAL SOLUTIONS:

Possibility to interpret the legal provisions differently and thus trick the intention of the legislator.

LABOR INSPECTORATE:

In practice, the inspectors do not fully utilize the legally provided opportunities, and the system for reporting violation of workers' rights is not adjusted to the workers' needs.

COLLECTIVE AGREEMENTS AND STRATEGIC DOCUMENTS:

They do not offer to workers clear and comprehensible procedure for actions in situations when they need to seek protection.

COURT PROTECTION:

In practice, the labour disputes take unacceptably long. The maximum determined six-month duration of such disputes is often violated.

The analysis is available at:

<https://mhc.org.mk/wp-content/uploads/2019/03/Standardi-Mk.pdf>.

DATA FROM THE EMPIRICAL RESEARCH ON INSTITUTIONAL EFFICIENCY

STATE LABOUR INSPECTORATE:

” We have better communication at higher level. The chief labour inspector had never rejected us, and we can say that the communication as such is a good one, however the problem is with the subsequent actions. At a lower level, the relation between an inspector and worker that reports a case is often conflictual. In terms of the inspector, our impression is that as if their work is a burden to them, and not a professional obligation. The inspector should go, reprimand, punish... Good inspectors are rare, the impression is that their work is not a challenge to them, but that they need to protect only the employer. “

(Interview, SIER)

JUDICIARY:

” The Public Prosecutor's Office was the biggest trap. We sent numerous charges to the PPO, but it was all in vain. This should be investigated, the last couple of years, until one day we hear that a representative of the employers is imprisoned for death with 100% faulty deficiencies on the employer's side. An employer cannot conclude an agreement with an employee and take him home, back to the family, in a coffin, and in out country this looks like arranged beforehand. I'm aware that this happens everywhere, but not everyone knows, and there is no single social show that is interested in what happens to those families. “

(Interview, MAOS)

OCCUPATIONAL SAFETY AND HEALTH:

” The number of inspectors is insufficient, especially for occupational safety and health, because the Law on Labour Inspection stipulates that they should have education in technical sciences... for OSH there are less then 30 inspectors... The computer equipment is also a problem, we should have a software and be connected and be able to have an insight into situations... We do not have an IT expert or a service to maintain the computers and the system. “

(Interview, SLI)

UNIONIZATION:

” We managed to collect 400-800 signatures from workers in the factory in two days and we formed the trade union, and the employer was informed that a trade union has been established in the company. The moment the trade union was formed, the president of the trade union was called and informed to use the remaining annual leave. Immediately after that, he received a decision on termination of employment, in other words his employment contract, which was for definite period, was terminated. “

(Interview, SIER)

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<https://mhc.org.mk/en/form-for-free-legal-aid/>,

on the free phone line 0800 44 222 or personally in the organization's offices. After sending the application by courier, email or submitting it directly to our office, a legal adviser shall be appointed to work on your case.

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For any additional questions, feel free to contact:

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PRODUCTIVITY
THROUGH
BETTER LABOUR
LEGISLATION
IN MACEDONIA

