



COMMITTEE FOR HUMAN RIGHTS OF THE REPUBLIC OF MACEDONIA



**OVERVIEW OF THE ANALYSIS ON MEASURING
THE LEVEL OF SATISFACTION BY
THE PROTECTION MECHANISMS FOR
WORKERS RIGHTS IN
THE REPUBLIC OF NORTH MACEDONIA**



The labour condition in the Republic of North Macedonia

The structural setup of the Macedonian economy in the end of 2018:

EMPLOYED: 759.445 people (45,1%)

UNEMPLOYED: 199.325 people (20,8%)

- Higher unemployment rate → less rights for the workers
- Large degree of class stratification

INSTITUTIONAL PROTECTION MECHANISMS

State Labour Inspectorate (SLI)

LAW ON INSPECTION CONTROL (LEX GENERALIS):

Rights and obligations of the inspectors, the basis of the organization and the work of the inspection services, fundamental rights and obligations of the entities under inspection control, manner and procedure for conducting inspection control

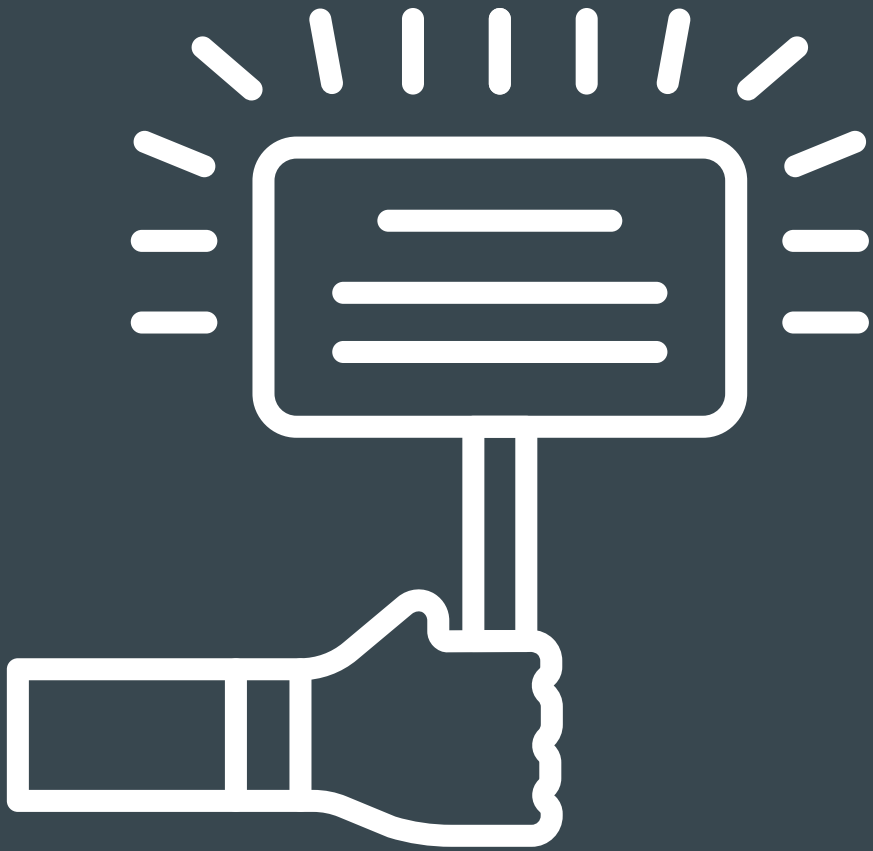
LAW ON LABOUR INSPECTION (LEX SPECIALIS):

Legal framework of the labour-related inspection controls

The labour inspectors are independent in performing inspection control and undertaking administrative and other measures.

The analysis is available at:

<https://mhc.org.mk/wp-content/uploads/2019/06/Mehanizmi-Ang.pdf>



Administrative measure, sanction and violation

ADMINISTRATIVE MEASURE

If the employer has not paid the overtime work to the workers, the inspector shall order to the employer with a decision to pay the overtime work to the workers.

SANCTION

When the labour inspector, within one year, once again finds at the employer's people who work without an employment contract. Based on this, s/he can adopt a decision prohibiting any work at the employer's in the working premises, of labour premises, with a duration of 30 days.

VIOLATION

In case of breach of laws related to labour relation, due to failure to respect or fulfill legal obligation, the labour inspector shall be obliged to initiate misdemeanor procedure to conclude the responsibility and sanction the perpetrator.

Initiating a procedure in front of the State Labour Inspectorate

Every natural and legal person when being aware of a violation of a labour relation, **can initiate (submit application) a procedure in front of the SLI.**

The initiative can be submitted **anonymously**, and by a **candidate to a public call employment.**

The State Labour Inspectorate **is obliged to perform inspection control with the employer's within 30 days after receiving the application** and inform the applicant what has been concluded during the control.

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Satisfaction among the workers from the labour inspectorate

Satisfaction from the work of SLI (839 respondents):

64.2% - completely unsatisfied

12.6% - partially unsatisfied

In average, the SLI performs 36,424 inspection controls annually.

Applications:

- Unpaid salaries and contributions,
- Compensations for overtime work, and
- Termination of labour relation.

Offences:

- Undeclared workers.

JUDICIAL PROTECTION

-The court procedures on labour relations are urgent-

9706 court cases annually related to labor relations.

The department for labour relations within the Basic Civil Court Skopje has a total of 6 judges that in average rule over 1618 cases annually.

Most of the court disputes refer to:

- Monetary claims,
- Compensation of damages arising from labour relation,
- Overruling decisions, and
- Termination of employment.

The average duration of the court procedures in the Basic Civil Court Skopje:

5 months (legal deadline: 6 months)

Average duration for completion of procedures in front of the Court of Appeals Skopje:

6 months (legal deadline: 30 days)

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ALTERNATIVE PROTECTION MECHANISMS

Law on Amicable Settlement of Labour Disputes

COLLECTIVE DISPUTES:

Conclusion, amendments or application of collective agreement, realization of the right to unionization and strike.

INDIVIDUAL DISPUTES:

Dismissal and non-payment of salary.

THIRD NEUTRAL, INDEPENDENT AND IMPARTIAL PARTY:

- *Conciliator for collective and arbiter for individual labour disputes.*
- *The decision brought by an arbiter is obligatory.*
- *The compensation of the arbiter and conciliator is paid by the Ministry of Labour and Social Policy.*

Since 2015, this mechanism has been used 7 times in total, 4 times in cases of collective labour disputes and 3 times in individual labour disputes.

Two of the collective labour disputes have positive outcome, whereas the other two negative outcome, and all three procedures for individual labour relations have positive outcome.

DISCRIMINATION

“ I’m not aware of sexual discrimination, but I do know that Roma people were discriminated, and there were around 70% Roma of the workers. If one Roma person makes a mistake, all the others were punished. ”
(participant in a focus group in Bitola)

In 2018, the Commission for protection against discrimination acted in total of 317 cases, 127 of them in the area of labour and labour relations. 107 cases of them were solved, 37 cases were not acted upon, and discrimination was concluded only in 19 cases.

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ESTABLISHING LABOUR RELATION

” The manager said to me: Come on, move on, I need to go to Skopje” I partially read it since everyone was in a hurry. “
(participant in a focus group in Bitola)

53.2% of the respondents in the analysis are familiar with the content of the employment contract, 14.8% are not familiar with the content, 23% are partially familiar, whereas 7.6% of the respondents responded that they have not signed an employment contract.

TERMINATION OF LABOUR RELATION

In the period between 2015-2017, in average, 16.16 per cent of the total number of submitted complaints to SLI annually, were related to termination of labour relation.

- The workers sign blank piece of paper that is later completed and effectuated by employers and companies at their own will.
- Dismissals in which the notice period has not been respected have been recorded.
- The notice period is not respected, and the workers learn the news of their dismissal few hours before the end of the workday.



SOCIAL DIALOGUE Freedom of Association

73.8% of the respondents declared to be completely dissatisfied by the work of the trade unions.

” The trade unions are often connected with the manager and the management board and the membership fee, which at the end of the year is effectuated as chocolates, is pointless. “

(participant in a focus group in Shtip)

” At some employers' the inspectors are not allowed to cross the doorstep. There are some examples when they can enter, but they do not get any documentation or anything else determined under the law. “

(focus group with trade union representatives)

STRIKE

Lack of unity among workers → defeat for the workers' movements

” The notice period is not respected in textile companies. Last year, there was a case of collective dismissal without any prior notification as per the contract and the law. “

(participant in a focus group in Shtip)

” The arbitrariness of the owner and the bosses regarding the working hours is quite present. They come with a list of workers' names who have to stay and work overtime. Those who defy the will of the owner and bosses, are dismissed. “

(participant in a focus group in Shtip)

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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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IMPROVED
PRODUCTIVITY
THROUGH
BETTER LABOUR
LEGISLATION
IN MACEDONIA

