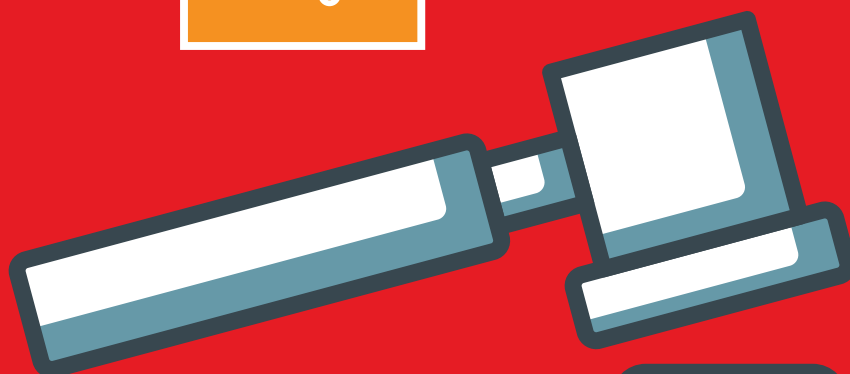




COMMITTEE FOR HUMAN  
RIGHTS OF THE REPUBLIC OF  
**MACEDONIA**



OVERVIEW OF  
THE MACEDONIAN LABOUR  
LEGISLATION



## **WORKERS' PROTECTION AND ADEQUATE WORKING CONDITIONS**

**Guaranteed by the Constitution and operationalized in a number  
of legal solutions.**

### **WORKERS' RIGHTS ARE HUMAN RIGHTS**

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**The Constitution of the Republic of North Macedonia guarantees the right to work → everyone has the right to work, free choice to employment, protection during work and material security during temporary unemployment.**

The Committee's efforts are available at  
<https://mhc.org.mk/wp-content/uploads/2019/07/1-Outreach-plan-Eng.pdf>.



## THE CONSTITUTION OF THE REPUBLIC OF NORTH MACEDONIA

Every job is open to everyone under equal terms, every employee has the right to proper remuneration, and every employee has the right to paid daily, weekly and annual leave.

**Absolute and inalienable personal rights the citizens cannot renounce from:**

- **Right to work,**
- **Right to protection at work,**
- **Right to material assistance during temporary unemployment,**
- **Right to appropriate remuneration,**
- **Right to paid daily, weekly and annual leave.**

## LAW ON LABOUR RELATIONS

(as amended on 30.05.2019)

-a kind of Constitution for working relations-

**General framework for all labour-related matters.**

**It regulates:**

*The working relations between the workers and the employers established with the conclusion of the employment contract.*

**Objective of the law:**

*To include workers in working process and to provide harmonized development of the process, by respecting the right of workers to freedom of labor, dignity and protection of the workers' interest in the labour relation.*

*\*The Helsinki Committee is part of the working group for drafting the new LLR since August 2018.*

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# LAW ON OCCUPATIONAL SAFETY AND HEALTH

(latest amendment on 18.12.2018)

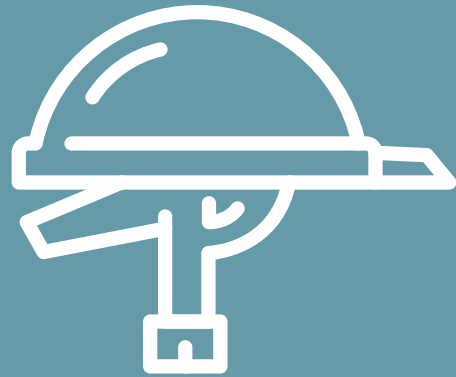
**OBJECTIVE:** to introduce measures that would stimulate improvement of the occupational safety and health

## It regulates:

- The occupational health and safety measures,
- The obligations of the employer and the rights and obligations of workers in the area of occupational safety and health,
- The preventive measures against professional risks,
- The removal of risky factors for accidents,
- The information sharing, the consultations and the trainings of the workers and their representatives, and
- Their participation in planning and undertaking measures for occupational safety and health.

## Application:

- In all activities in the public and private sector,
- For all people insured against injury at work or occupational diseases, in accordance with the regulations on pension, disability and healthcare insurance, and
- For all other people included in the labour processes.



# LAW ON EMPLOYMENT AND INSURANCE IN CASE OF UNEMPLOYMENT (latest amendment on 20.06.2019)

*-mediation for employment, in order to assist the employers to fill in vacancies with qualified workers, and to help unemployed and other people searching for job in the employment process -*

## It regulates:

- Matters related to exchange of labour,
- The rights and obligations of an employer, unemployed people, other people searching for job and the state, in relation to employment and insurance in case of unemployment, and
- Other matters of relevance to employment.

*An unemployed person who had uninterrupted labour relation at least for nine months or 12 months of labour relation with interruptions in the last 18 months, has the right to financial remuneration*



# LAW ON PROTECTION AGAINST HARRASSMENT AT WORK

(latest amendment on 27.08.2015)

**OBJECTIVE:** to prevent and protect against psychological and sexual harassment at the work place, or place of work, and to provide healthy working environment.

Any type of harassment at work and abuse of the rights against harassment at work are forbidden.

- Rights, obligations and responsibility of the employers and workers in relation to preventing psychological and sexual harassment at the work place and the place of work.
- Measures and procedures for protection against harassment at work
- Other matters that refer to prevention and protection against harassment at work.

The Committee's efforts are available at  
<https://mhc.org.mk/wp-content/uploads/2019/07/1-Outreach-plan-Eng.pdf>.

## LAW ON ADMINISTRATIVE SERVANTS (latest amendment on 18.01.2018)

### The following is within the scope of this law:

- The status,
- The classification,
- The employment, promotion, vocational specialization and qualification,
- Effect measurement,
- Other matters related to the labour relation of the administrative servants, and
- The status and the competence of the Agency for Administration.

*Administrative servant is a person who has established a labour relation for the purpose of performing administrative matters in the state and local authority bodies and other state bodies and institutions that perform activities in the area of education, science, healthcare, culture, labour, social protection and child protection, sport, as well as in other activities of public interest determined by the law, and organized as agencies, funds, public institutions and public enterprises founded by the state or by the municipalities, the City of Skopje, as well as by the municipalities within the City of Skopje.*

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# LAW ON THE EMPLOYEES IN THE PUBLIC SECTOR

(latest amendment on 12.07.2019)

## **The following is within the scope of this law:**

- General principles,
- Jobs classification,
- Records keeping,
- Types of employment,
- General rules, obligations and responsibilities,
- Mobility and
- Other general matters related to the employees in the public sector.

*Employers in the public sector, in accordance with this law are: the state bodies, the bodies of the local self-government, and other state bodies established in accordance with the Constitution and the laws, and the institutions that perform activities in the area of education, science, healthcare, culture, labour, social protection and child protection, sport, as well as in other activities of public interest determined under the law, and organized as agencies, funds, public institutions and public enterprises founded by the Republic of Macedonia, or the municipalities, or by the City of Skopje, as well as the municipalities within the City of Skopje.*

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## LAW ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

(latest amendments on 29.05.2018)

*Person with disability\* in the context of this law is a person with visual impairment, hearing impairment, voice, speech and language disorders, person with impairment of the body functions, person with intellectual delays and person with combined delays who due to the level of disability has specific needs while working.*

**This law includes special terms and conditions for employment and terms of working for people with disabilities when they independently work as a sole proprietor, they are employee or an employer, they work in state administration, local self-government units, public enterprises, institutions, agencies and funds and other state institutions, as well as the terms and conditions for establishing and the benefits of establishing a company for employment of people with disabilities.**

— A person with disability is also a labour-disabled person\*\* with remaining or reduced working capacity, and if registered in the records of the Employment Service Agency of the Republic of Macedonia as unemployed person.

\*The law uses the wording “person with disabilities“

\*\*Wording taken from the law

## LAW ON PENSION AND DISABILITY INSURANCE

(latest amendment on 02.09.2019)

*This law regulates the mandatory pension and disability insurance, the scope of insured people, the rights stemming from this insurance, the records keeping of the insured persons and the beneficiaries of the rights to pension and disability insurance, the grounds for fully-funded pension insurance, as well as the special conditions under which certain categories of insured persons exercise their rights to pension and disability insurance.*

**The pension and disability insurance system is composed of:**

1. Mandatory pension and disability insurance based on the generation solidarity (first pillar);
2. Mandatory fully-funded pension insurance (second pillar), and
3. Voluntary fully-funded pension insurance (third pillar).

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## LAW ON HEALTHCARE PROTECTION

(latest amendments on 02.09.2019)

*- Every person has the right to healthcare protection and obligation to preserve, nourish and promote his/ her own health -*

**This law regulates matters related to the healthcare protection system and organization, and the performance of healthcare activity, the guaranteed rights and the determined needs and interests of the state in provision of healthcare protection, the healthcare institutions, employment, rights and obligations, liability, evaluation, termination of employment, protection and decisions concerning the rights and obligations of the healthcare employees and healthcare associates, the quality and security of the healthcare activity, the chambers and professional associations, the promotion and advertisement of the healthcare activity, the performance of the healthcare activity in extraordinary circumstances and supervision of the performance of the healthcare activity.**

## LAW ON HEALTH INSURANCE

(latest amendment on 28.11.2017)

*- Every person has the right to healthcare protection and obligation to preserve, nourish and promote his/ her own health -*

- This law regulates the health insurance of citizens, the rights and obligations arising from the health insurance, as well as the manner of implementation of the health insurance.
- The health insurance can be mandatory and voluntary. The mandatory health insurance refers to all citizens of the Republic of North Macedonia for the purpose of providing healthcare services and monetary compensations based on the principles of solidarity, equality and effective use of the funds under the terms determined within this law.
- The voluntary health insurance is connected to provision of healthcare services that are not covered under the mandatory health insurance.

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## LAW ON THE EMPLOYMENT AND WORK OF FOREIGNERS

(latest amendment on 11.12.2015)

*- it regulates the terms and conditions and the procedures under which foreigners can be employed or work in the Republic of North Macedonia -*

**A foreigner can be an employed person in the Republic of Macedonia when that person forms labour relation based on employment contract with employer, and when that person's seat or place of residence is in the country or when the person obtains the status of self-employed person under this or another law.**

**The services provided by foreigners or other forms of work performed by foreigners based on employment contracts or other contracts pursuant to the civil law, and that are performed on the territory of the Republic of North Macedonia for certain time period, shall be deemed as work performed by foreigners.**

*„Foreigner“ is a person who is not citizen of the Republic of North Macedonia and/ or person without citizenship, or person who is not considered by any country, under its laws, as its citizen.*

## LAW ON SOCIAL PROTECTION

(latest amendment on 17.07.2019)

**The social protection activity is provided through the realization of the rights to monetary assistance from social protection and provision of social services and other measures.**

### **It regulates:**

- The system and organization of the social protection,
- The beneficiaries of the social protection,
- The rights to monetary aid and social services,
- The procedures for realizing the rights and the use of services,
- Performing the activity of social protection,
- The personnel, financing and supervision of the social protection performance, and
- Other matters of relevance for the performance of social protection activity.

*The social protection is an activity of public interest realized through measures, activities, programs and policies for protection against social risks, prevention and overcoming social problems that have unfavorable effect on the wellbeing of the citizens, with the aim to promote and maintain social security of the citizens, to prevent social exclusion, to improve the quality of citizens' life and to strengthen the capacities of the citizens to have independent, active and productive life.*



## CONVENTIONS RATIFIED BY THE REPUBLIC OF NORTH MACEDONIA

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

**The Republic of North Macedonia, as member to the Council of Europe, has ratified and partially transposed in its legislation the Revised European Social Charter of the Council of Europe no. 163 from 1988, as well as the European Convention for Protection of Human Rights and Fundamental Freedoms from 1950 and its protocols.**

The accession process towards which the Republic of North Macedonia is moving means aligning the Macedonian legislation to the EU standards and final transposition of the EU directives in this area in the national legislation. This is a long and complicated process, which has already started, of implementation of legal solutions and detecting the differences.



This overview of the analysis is prepared within the project Improved productivity through better labour legislation in the Republic of North Macedonia, funded by the Good Governance Fund of the United Kingdom, and supported by the British Embassy Skopje. The opinions and positions presented in this content does not necessary reflect the opinions and position of the Government of the United Kingdom.

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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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**For any additional questions, feel free to contact:**

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