

# #4 INFOGRAPHIC

on gender-based discrimination at the workplace  
in the period November 2020 - January 2021



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## DID YOU KNOW THAT:

- Mothers of children up to 1 year of age must not work night and overtime?
- Mothers of children between 1 and 3 years of age must not work night and overtime without their written consent?
- Pregnant women and mothers of children under 3 years of age enjoy special protection under the Labor Law?

## IN THE REPORTING PERIOD, THE HELSINKI COMMITTEE:



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registered 2 cases of discrimination against women workers based on sex, gender and personal status;

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provided free legal aid to 2 women workers in relation to: night and overtime work of women workers-mothers of children up to 1 year of age and mothers of children between 1 and 3 years of age and non-renewal of fixed-term employment contract of a pregnant woman worker;



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the procedure initiated before the Ombudsman for discrimination based on sex and gender ended with a positive outcome. The Ombudsman found discrimination against the woman worker by the employer – the Ministry of Interior;

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the procedure initiated before the State Labor Inspectorate due to unfounded dismissal of a textile woman worker who had previously reported reduction of her salary by 50% while she was relieved from work as a mother of a child under 10 years of age ended with a negative outcome. The Labor Inspectorate found that the worker's employment was terminated on the grounds of expiration of her employment contract;

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The procedure initiated before the Ministry of Labor and Social Policy ended with a negative outcome because of incorrect application of the Decree on extending the right to maternity leave.

## CASE:



Several women workers from Veles, mothers of children up to 1 year of age, contacted the Helsinki Committee because they were engaged in night and overtime work. Some of them with children up to 3 years of age, had been coerced to sign a written consent for night work.

The women workers who are mothers of children up to 3 years of age are employed on fixed-term contracts. They were threatened by their employer that if they refused to sign a written consent for night and overtime work, their contract wouldn't be renewed. Scared of losing income during a pandemic, the workers signed the consents. The employer knew that they feared losing their jobs and that once they had signed the consents, it would be difficult to prove before the Labor Inspectorate and the Prosecution that they objected to night and overtime work. Thus, he abused their position for personal benefit and to their immense detriment. He had not only forced them to this kind of work, but he also failed to pay them overtime with regard to which irregularities were found by the State Labor Inspectorate following a report from the Helsinki Committee.

The Labor Law provides for special protection during pregnancy and parenthood in relation to night and overtime work. Namely, women who are pregnant or are mothers of children up to 1 year of age must not work overtime or night (Article 164, paragraph 1). Women workers who are mothers of children between 1 and 3 years of age may be required to work overtime only with a prior written consent (Article 164, paragraph 1). The written consent must be given freely and voluntarily without coercion or threat.

The behavior of the employer who literally forced the workers to work overtime and night represents a crime against labor relations which fails to provide protection of women and constitutes a breach of the provisions on night and overtime work, punishable with a fine or imprisonment of up to one year.



Report gender-based discrimination to the Helsinki Committee for Human Rights by calling **02 / 3119-073** and **072 278-436** or emailing **helkom@mhc.org.mk**

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