



REPUBLIC OF NORTH MACEDONIA
MINISTRY OF LABOUR AND SOCIAL POLICY

**SEVENTH REPORT
ON THE IMPLEMENTATION OF THE
REVISED EUROPEAN SOCIAL CHARTER**

Submitted by

THE REPUBLIC OF NORTH MACEDONIA

(for the Articles 1, 15, 20 and 24)

Skopje, December 2019

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PREFACE

On 06.01.2012, the Republic of North Macedonia has ratified the Revised European Social Charter.

Therefore, in accordance with Article C and Article 21 of Part IV of the Charter, the Republic of North Macedonia hereby submits its seventh Report on the Implementation of the ratified provisions of the Revised European Social Charter (1996).

The report was prepared in conformity with the reporting system, adopted by the Committee of Ministers of the Council of Europe, which has been applied since October 31, 2007.

This Report includes relevant information and data on the implementation of the obligations accepted by the Republic of North Macedonia related to the articles belonging to the thematic group "*Employment, training and equal opportunities*", as follows:

- Article 1 (paragraphs 1, 2, 3 and 4);
- Article 15 (paragraphs 1 and 2);
- Article 20;
- Article 24;

The reference reporting period for this Report is 1.1.2015 – 31.12.2018.

In accordance with the Article 23 of Part IV of the Revised European Social Charter, copies of the prepared Report have been delivered to the relevant representative national organisations of employers and trade unions, members of the Economic and Social Council:

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

The full draft text of the Report on the implementation of the revised European Social Charter, before its submission to the Government of Republic of North Macedonia, was reviewed, discussed and unanimously adopted at the 57th session of the **Economic and Social Council** (ESC) held on February 26, 2020.

An Excerpt from the Minutes of the 57th ESC session is enclosed as Annex in this Report.

The Information on the prepared Seventh Report on the implementation of the Revised European Social Charter was reviewed and adopted at the 32nd Session of the Government of the Republic of North Macedonia held on March 31, 2020.

ARTICLE 1 - The right to work

Article 1§1

With a view to ensuring the effective exercise of the right to work, the Parties undertake to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment.

Employment situation

Employment

In the period between 2015 and 2018, the number of employees in the Republic of North Macedonia has increased by 50.8 thousand or 7.3 %. The average annual growth rate of the number of employees is 2.4%. In 2015, the employment rate for the population at age 15-64 was 47.8%. In the period 2015-2018, the employment rate has increased by 8.2 % or 3.9 percentage points. Nevertheless, it is still at a low level, indicating insufficient use of the labour force as development potential.

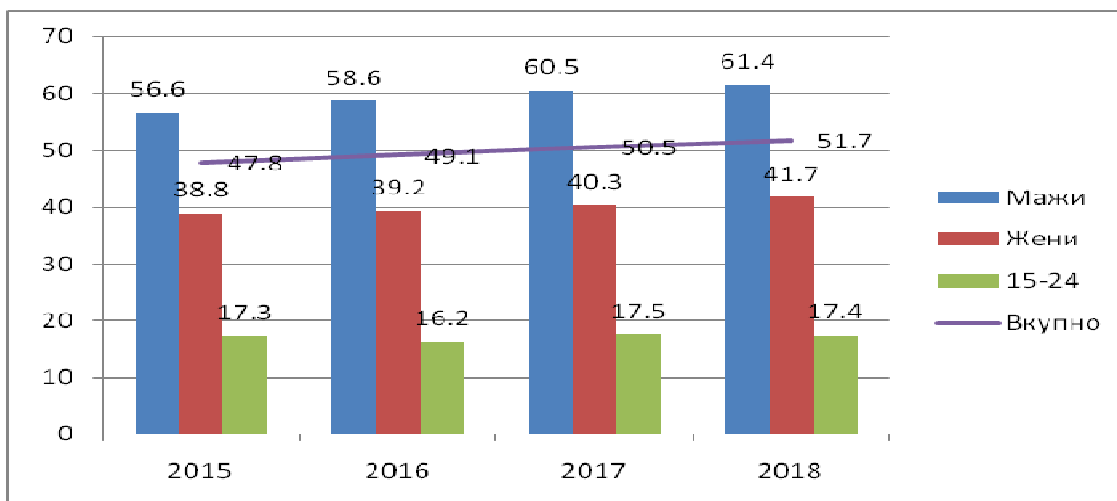
Gender gap in employment is rather high. The employment rate for men (56.6% in 2015) is by 32% higher than the rate for women (38.8%).

In the period 2015-2018, the employment rate for women has increased by 7.4%, whereas for the men it has increased by 8.5%, resulting into an increased gender gap in 2018 compared to 2015.

Based on the results and conclusions indicated in the population for the Gender Equality Index for Macedonia¹ in which 2015 data have been used for the analysis, women in North Macedonia are, in average, much less frequently employed with full employment compared to men, whereas the duration of the years of services for women in the country is in average shorter by 12 years compared to the years of service of men, representing the second lowest level of the average years of service of women compared to all EU member-states. Employed women in the country, in average, have less flexibility in terms of working hours compared to men, and accordingly, fewer opportunities to balance their work and private life. It was concluded that there is significant sector segregation in North Macedonia, i.e. high concentration of employment of women against men, in the sectors education, health and social work, known as "caregiving" sectors, in which more women are traditionally being employed.

¹ http://www.mtsp.gov.mk/content/pdf/dokumenti/2019/Gender%20Index_MK_01.pdf

Chart 1. Employment rate, according to gender and age (%), 2015-2018



Source: State Statistical Office, Labour Survey Note: Men(blue), Women(red), 15-24(green)and Total(purple)

The employment rate of young people is low: only 17.4% of the young people at age between 15 and 24 are employed. One of the reasons is the low activity of young people mainly resulting from the participation in the education system which is obligatory up to the completion of the secondary education.

Employment rates progressively increase with the increase in the education level. Therefore, in 2018, persons with higher education are with employment rate of 76.6%, those with secondary education 65.6%, and persons with low education – 36.7%.

Employment rates according to education level, at age from 25 to 64 years				
	2015	2016	2017	2018
Preschool and primary education (level 0-2)	35.3	33.9	35.5	36.7
Secondary education level (level 3-4)	61.5	63.9	64.4	65.6
Tertiary education (level 5-6).	74.4	74.7	75.8	76.6

Source: State Statistical Office, Labour Survey.

In the period 2015-2018, the employment rate experienced the greatest growth in persons with secondary education 4.1 p.p., for those with primary education, the employment rate has increased by 1.4 p.p., and for the persons with higher education, it has increased by 2.2%. These changes in the employment rate according to education levels result from the movements of the labour supply and demand.

Employees according to the economic status and vulnerable employment				
	2015	2016	2017	2018
Total	705,991	723,550	740,648	759,054
Employee	521,536	548,973	564,964	579,668
Employer	30,408	32,003	33,239	32,290
Self-employed	98,016	95,364	95,475	101,002
Unpaid family worker	56,032	47,211	46,970	46,094
Vulnerable employment	154,048	142,575	142,445	147,096
Vulnerable employment %	21.8%	19.7%	19.2%	19.4%

Source: State Statistical Office, Labour Survey.

The share of the so-called vulnerable employment in the total employment was about 19% in the period 2015-2018. According to the international standards, vulnerable employment is the employment as unpaid family worker and self-employment which is often considered to result from necessity, and not from a good business idea. In global frames, vulnerable employment is higher in women, whereas in the Republic of North Macedonia, it is equally distributed among the genders.

Persons employed in the last 12 months (% of the total number of employees), according to economic status				
	2015	2016	2017	2018
Employees	13.3	13.1	11.8	13.7
Workers	15.7	15.4	13.6	16.2
Self-employed	6.4	5.5	5.7	5.2
Unpaid family workers	6.3	5.9	5.2	5.0

Source: EUROSTAT

The share of persons employed in the last 12 months in the total number of employed persons in 2018 is 13.7%. In addition, continuously, most of the newly-opened job positions are envisaged for workers (16.2% new employment rate), followed by the unpaid family workers and self-employed. Decrease in the new employment realised through self-employment is also observed.

Part-time employment is with relatively low representation in the Republic of North Macedonia. In 2018, 3.6% of the employees were working part-time. The part-time employment share for men is 3.5%, and 3.6% for women (in 2018, this type of employment was more represented in women). Part-time employment is positive on one side, since it offers choice and flexibility to the employees; however, on the other side, unless it's voluntary, it indicates vulnerability of the labour market (and under-employment).

The 2018 employment structure, according to occupations, is presented in the table below. In the total number of employed persons, the following are prevailing: service and sales workers (16.8%), experts and scientists (14.9%), plant and machine operators and assemblers (14.2%), etc. In addition, there are significant gender differences in terms of occupation-based employment structure, in particular regarding experts and scientist, occupations for non-industrial method of operations in the production, skilled agricultural workers, etc.

Employment structure according to occupation and gender, 2018				
Occupation	Total	Men	Women	EU 28
Members of legislative executive bodies, state officials, managerial civil servants, diplomates and directors	3.9	4.7	2.6	6.0%
Experts and scientists	14.9	10.8	21.1	19.7%
Technicians and associate professionals	9.9	8.6	11.8	16.0%
Officials	5.2	5	5.7	9.6%
Service workers, workers in stores and market sale	16.8	16.1	17.9	16.8%
Skilled agricultural workers	7.8	9.4	5.3	3.3%
Occupations for non-industrial method of operations in the production	12.7	18	4.5	11.4%
Plant and machine operators and assemblers	14.2	13.8	14.8	7.4%
Elementary occupations	13.9	12.4	16.2	9.0%
Armed forces occupations	0.8	1.2	:	0.6%

Source: State Statistical Office, Labour Survey and EUROSTAT.

Records of employments

The Employment Service Agency of the Republic of North Macedonia (ESARNM) keeps records of the registered employment applications (according to the so-called M-1 forms). The overview for the reference period is presented in the table below.

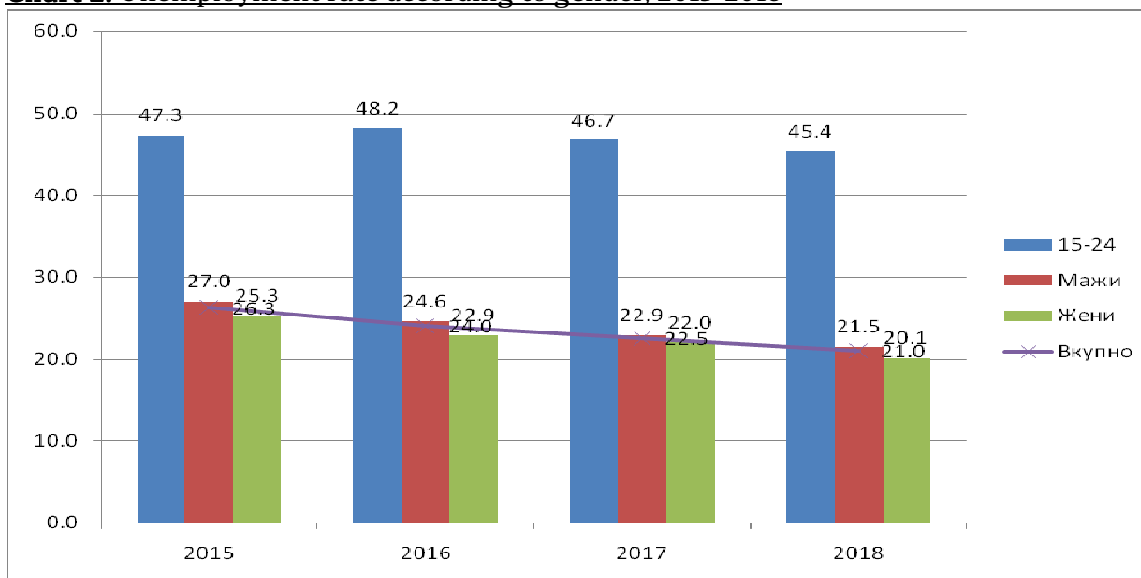
Registered applications of employment -M1 forms	2015	2016	2017	2018
Total	189,807	184,877	185237	205,358
From records of unemployed	53,663	42,711	37485	43,952
Outside of records of unemployed	136,144	142,166	147752	161,406
Unlimited duration employment	90,691	84,805	76317	86,491
Limited duration and seasonal work	99,116	100,072	108,920	118,867

Source: ESARNM

Unemployment

The Republic of North Macedonia is still facing a high unemployment rate, although a continuous decline trend of the rate was observed throughout the past decade. The 2018 unemployment rate was 21% (26.3 % in 2015). Unemployment is almost equal for both genders.

Chart 2. Unemployment rate according to gender, 2015-2018



Source: EUROSTAT

Note: 15-24(blue),Men(red), Women(Green) and Total(purple)

The unemployment rate is declining with the education level. Nevertheless, due to the previously mentioned trends (high increase in the supply of persons with higher education), the unemployment rate for the persons with higher education is experiencing a mild decline.

Unemployment rates according to education, 2015-2018				
	2015	2016	2017	2018
Elementary and lower education	30.7	30.1	27.1	24.6
Secondary education	26.7	23.8	22.6	21.1
Higher education	21.1	19.4	18.8	17.9

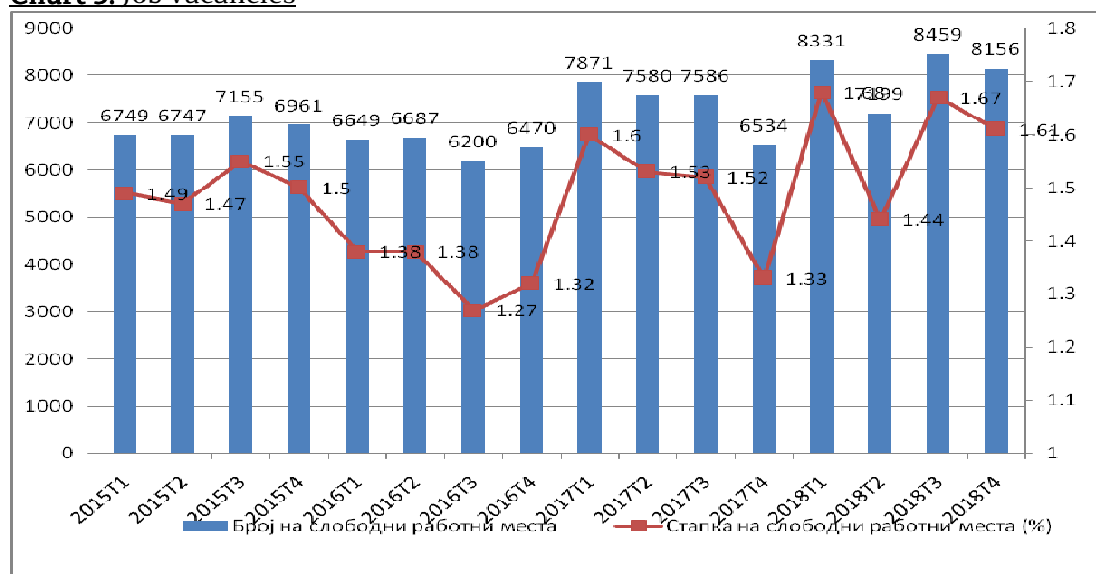
Source: State Statistical Office (SSO), Labour Survey

Young people are also facing a high unemployment rate – 45.4% in 2018, although continuous positive trends against the statistical data can also be observed for this part. Long-term employment is also present among the young people, where about 64% of the young people are looking for a job for a period of more than 1 year.

Job vacancies

The State Statistical Office is collecting and publishing data on vacancies in the economy as of 2018. In the last quarter of 2018, about 8,156 vacancies have been recorded, amounting about 1.67% of the existing number of jobs in the economy. In general, increase in the rate of vacancies has been observed in 2018 compared to 2017.

Chart 3. Job vacancies



Source: State Statistical Office, Survey for vacancies

According to sectors, most of the job vacancies are created in the sectors: Processing industry, construction, transport and storage, administrative and auxiliary activities and art, entertainment and recreation. The structure of job vacancies, according to occupation, corresponds with the employment structure. Most of the job vacancies are within the domain of service and sales (25.8% of the total number of job vacancies), elementary occupations (19.5%), technicians and associate professionals (12.7%), etc. It indicates that most of the job vacancies (about 56.6%) are concentrated in the medium level occupations domain (requiring secondary vocational education), and 34.5% in the low occupation levels.

Job vacancies according to occupations, fourth quarter 2018		
Occupations	Number of job vacancies	Structure (%)
Total	8,156	100.0
Members of legislative and executive bodies, state officials, managerial civil servants, diplomats and directors	51	0.6
Experts and scientists	674	8.3
Technicians and associate professionals	1,034	12.7
Officials	851	10.4
Service and sales workers	2,105	25.8
Skilled agricultural, forestry, fishery and hunting workers	174	2.1
Occupations for non-industrial method of operations in the production	458	5.6
Plant and machine operators and assemblers	1,221	15.0
Elementary occupations	1,587	19.5
Armed forces occupations	0	0.0

Source: State Statistical Office, Labour Survey.

Matching labour supply and demand

In accordance with the 2018 Operational Plan for Active Programmes and Measures for Employment and Labour Market Services, the Employment Service Agency (ESARNM) has conducted a survey on the need for skills at the labour market in the Republic of North Macedonia.

The objective of the survey is providing of specific short-term indicators on the employers' expectations in relation with new employment and the need for skills available among the persons, so that they could be competitive at the labour market.

The data received from the private sector employers with 7+ employees are focused towards provision of information on:

- needs for new employment in the next 6 to 12 months;
- needs for occupations of the planned new employments;
- needs for skills available among the candidates for the planned new employments.

Survey results represent the basis for creation of active employment programmes and measures aimed towards increase of the skills' level of the employed persons for the purposes of increasing their labour market competitiveness and contribution to the creation of conditions for its improved functioning through matching of the supply and demand of the appropriately qualified labour force. The survey results are also used in the educational system during the conceptualisation of the enrolment policies and in the creation of new educational programmes for occupations duly harmonised with the labour market requirements.

ESARNM conducts this survey once a year as part of its regular activities.

The labour market skills' requirements survey conducted in October 2018, based on the sample of a little over 3.000 private sector employers with 7+ employees, covered 35.8% of the total number of private sector employers with 7+ employees at national level, which have employed 56.3% of the total number of employees with the employers with 7+ employees at the moment of conducting of the survey.

Survey results have indicated that in the period of 6 months prior the survey, 17.4% of the surveyed employers had reduced economic activity, 63.8% of the surveyed employers had continuous demand for their products/services, and 18.8% had increased economic activity, i.e. increased demand for products/services. Forecasts for the next 6-12 months indicate the expectation for significant improvement of the employers' economic activity.

At state level, in the next period of 6-12 months, 1,883 or 62.0% of the surveyed employers are expected to realise 18,463 employments. The holders of the new employments shall be the medium and small employers from the processing industry and the wholesale and retail trade.

Analysed by activity, most employments are expected in the processing industry or 8,160 or 44.2% of the total planned employments, followed by wholesale and retail trade where 4,251 or 23.0% employments are expected. In the construction domain, employers are planning 1,478 employments or 8.0%, followed by the transport and storage activity where 1,108 employments are expected or 6.0% of the total expected new employments.

According to the level of required knowledge (education) of the expected employments 1,435 (7.9%) are expected for persons with university education, 1,623 (8.8%) for persons with

secondary and college education, 10,771 (58.3%) – for persons with secondary education and 4,623 (25.0%) employments are expected to be for persons with primary education.

During the employment of new workers, employers emphasise the need for personnel with working experience, as well as acquired additional knowledge and skills. This is particularly emphasised with the employment of persons with higher education.

Regarding the requirements for special knowledge and skills to be possessed by the potential employment candidates, the employers most often emphasise the requirement for knowledge of foreign languages, knowledge of basic computer skills, as well as advanced IT skills.

In addition, employers emphasise the need for obligatory possession of certificates regarding the acquired knowledge.

The Employment Service Agency, as a public institution providing free labour market services and conducting active employment programmes and measures for the needs of the employers and unemployed persons, finds the timely and regular information of the employers on such measures as particularly important, as confirmed with the survey.

Regarding the question relating to the preferred employers' services and active employment programmes and measures with ESARNM support, most of them have emphasised the need for use of the service for employment mediation with searching through the persons from the unemployed records and their referral to the employer for employment purposes. The employers have indicated the need for regular information and counselling regarding the labour legislation, and many employers have indicated the need for support in terms of using the subsidised employment programme, such as salary subsidising, financial support of micro, small and medium employers for creation of new jobs, crediting of legal entities, etc. Employers are also rather interested in the measures for training for known employer and internship; however, they have emphasised that visits, info-meetings and other forms of information for the employers are also necessary.

With the increase in the general country-wide education level, it would be useful to make an analysis of the existing phenomenon of over-education. This refers to workers with education higher than the required one for the given occupation (this analysis only includes employed persons).

The table below presents the over-education size and trend in 2006 and 2018. Dark-grey fields indicate the percentage of over-educated employees, i.e. employees with education higher than the required for execution of the work-related tasks in accordance with the occupation.

For example, in 2006, about 3% of the employees at medium occupation level had higher education, although such job positions are mostly envisaged for workers with secondary education. This percentage has increased to 8.4% in 2018. In 2006, 0.4% of the persons with low education level (elementary occupations) were with completed higher education; this percentage has increased in 2018 and amounts 0.7%. Such finding is in accordance with the previous analysis indicating that the economy does not have strong absorption power to accept all persons with completed higher education, mainly in specific profiles, and

therefore some of them remain unemployed or are employed at any (and inappropriate) job position. Having in mind that education is free-of-charge (primary and secondary education) and higher education is subsidised (university education), the over-education phenomenon would also mean non-productive spending of the limited public resources, as well as insufficient utilisation of human capital.

Light-grey fields indicate under-education, i.e. persons working at a specific occupation level and having lower education level than the one often required for that occupation level. As it can be observed, as a positive tendency, under-education has decreased in the period between 2006 and 2018, which should influence the productivity growth.

Over-education size and trend of movement			
Occupation/education 2006	Primary and lower (ISCED, 0-2)	Secondary (ISCED, 3-4)	Higher (ISCED, 5-6)
Higher (ISCO, 1-3)	0.4%	11.2%	15.5%
Secondary (ISCO, 4-8)	12.3%	32.5%	2.9%
Low (ISCO, 9)	16.5%	7.9%	0.4%
Occupation/education 2018	Primary and lower (ISCED, 0-2)	Secondary (ISCED, 3-4)	Higher (ISCED, 5-6)
Higher (ISCO, 1-3)	0.2%	2.4%	16.2%
Secondary (ISCO, 4-8)	11.5%	46.7%	8.4%
Low (ISCO, 9)	6.9%	7.1%	0.7%

Source: EUROSTAT

Population activities at the labour market

The 2018 activity rate was 65.4%, which is by 0.5% percentage points lower compared to 2015. Analysed by gender, the activity rate in women has increased by 0.2 percentage points in the period between 2015 and 2018.

Although the activity rate for the female population has increased in this period, according to the international standards it is still at a low level. Women's inactivity is non-proportionally distributed among young women, women in rural environments and non-qualified persons, where one of the most important reasons for women's inactivity are the household obligations. For example, 2018 Labour Survey data indicate "other family or personal responsibilities" as the main reason for women's inactivity in Macedonia. Slightly over half of the Macedonian women are inactive due to their family obligations, although the effect of this factor on inactivity is probably higher in women with lower education levels. In addition, the significant amount of remittances, a Macedonia-specific phenomenon, could have more effect on women's activity compared to men (as well as on the young and the elderly) – categories with higher probability of being inactive. Unlike the women's population, activity rate in men in 2018 amounted 78.3%, compared to 2009 when it amounted 77.5%, i.e. an increase of 0.8 percentage points. Analysed by years, men's activity is stable and in correlation with men's activity in the EU. The table below presents the activity rates by years according to gender and age groups.

Activity rate (%) 2015-2018				
	2015	2016	2017	2018
Total (age 15-64 men and women)	64.9	64.5	65.3	65.4
Men	77.5	77.8	78.4	78.3
Women	52	50.8	51.7	52.2
Age 15-24	32.8	31.3	32.8	31.8
Age 25-49	79.6	79.8	80.3	80
Age 50-64	59	57.8	57.8	59

Source: State Statistical Office and EUROSTAT

The activity gap between men and women in 2018 amounted 26.1 percentage points, and the same is reduced by 0.6 percentage points compared to 2015. Nevertheless, compared to the EU, the RNM gender gap average is higher, as a result from the low activity of the female population. On the other side, certain EU member-states have lower activity rates of men compared to the Republic of North Macedonia (Croatia, Belgium, Bulgaria, Hungary, Italy, Romania, Slovenia, etc.).

Analysed by age groups, the activity of young workers (15-24 years) is relatively low and in 2018 it was 31.8%, representing half of the national average. The low level of youth activity in the country can be attributed to several factors, such as reduced employment opportunities in the country, the difficult and longer transition of the youth from school to work; followed by the employers' reluctance to bear the costs of in-service training of inexperienced young people, given the existence of experienced unemployed candidates; mismatch between the skills needed by employers and the skills acquired by the education system, etc.

The youth activity rate between 2015 and 2018 decreased by 1.0 percentage points, probably due to the increased participation of young people in education, especially in the higher education.

The activity rate of persons with higher education level in 2018 was 74.8%, which is much higher than the activity rate of workers with primary or lower education (28.2%). The activity rate of persons with secondary education is slightly above the national average, i.e. in 2018 it was 57.7%.

Registered unemployed persons

According to the ESARNM records, the table below presents the situation of the unemployed persons (active jobseekers) and "other jobseekers" (passive jobseekers), by years - up to December for each year shown.

Unemployed persons – Active jobseekers		
Situation up to 31.12 (by years)	Unemployed persons	Other jobseekers
2015	114,979	95,768
2016	104,523	96,251
2017	102,394	89,443
2018	94,721	89,962

Source: ESARNM

Situation and structural specifics of the unemployed persons				
Situation 31.12	2015	2016	2017	2018
Recorded unemployed persons	114,979	104,523	102,394	94,721
Unemployed persons - women	47,066	43,408	42,473	40,874
Unemployed persons - men	67,913	61,115	59,921	53,847
Unemployed persons at age 15-24	13,897	11,958	9,650	
Unemployed persons at age 15-29	28,006	24,613	20,486	17,705
Unemployed persons at age 55+	26,586	23753	43185	421
Unemployed persons waiting for employment for a period of more than one year	71,171	66,757	59,900	58,188
Unemployed disabled persons	1,583	1,490	1,431	1,328
Unemployed persons beneficiaries of pecuniary benefits	9,811	6,644	6,017	

Source: ESARNM

The structure of unemployed persons during the reference period 2015-2018, according to ESARNM records by gender, is characterised by a higher share of men in the total number of unemployed persons, compared to women.

In terms of age structure, in 2015 the unemployed persons up to the age of 29 participated with 24.4% (28,006), at age of 30-39 years - with 20.2% (23,240), at age of 40-49 years - with 20.9% (24,101) and unemployed persons aged 50+ account for 34.5% (39,632) in the total number of registered unemployed persons.

Whereas in 2018, changes can be observed in terms of this distribution, where the unemployed persons up to 29 years of age participate with 18.7% (17,705) in the total number of registered unemployed persons, at age of 30-49 years with 36.8% (34,824) and the unemployed persons aged 50+ account for 44.5% (42,192) in the total number of registered unemployed persons.

In terms of education, in the total number of unemployed persons, in 2018, the unemployed with primary education have the highest share of 45.7%, the unemployed with incomplete secondary education participate with 13.6% (12,922), the unemployed with completed secondary education with 27.1% (25,649), and the unemployed persons with completed college and university education - with 1.5% (1,428), or 12.1% (11,438) in the total number of registered unemployed persons.

According to the waiting time for employment for the period 2018, according to the records, 33.2% (31,488) are waiting for employment for a period of one to three years.

Unemployed disabled persons

The Employment Service Agency's records also record the unemployed disabled persons - active jobseekers, which are included in the total number of unemployed persons listed in the chart above. The table below shows the number of unemployed people with disabilities by gender, age and education, within the reference period.

Structure of unemployed disabled persons				
According to gender	2018	2017	2016	2015
Men	66.9% (888)	67.9% (971)	67.6% (1007)	66.5% (1052)
Women	33.1% (440)	32.1% (460)	32.4% (483)	33.5% (531)
According to age				
up to 29 years	16.0% (213)	16.2% (232)	18.7% (279)	17.3% (274)
30-49 years	46.9% (623)	46.9% (671)	52.8% (786)	54.4% (861)
50+ years	37.1% (492)	36.9% (528)	28.5% (425)	28.3% (448)
According to education				
without education and with primary education	54.4% (723)	55.5% (794)	56.4% (841)	53.6% (848)
with incomplete secondary education	21.2% (281)	19.8% (284)	19.5% (290)	19.6% (311)
with completed secondary education	21.0% (279)	21.6% (309)	20.6% (307)	22.4% (355)
college education	0.8% (10)	3.1% (44)	3.5% (52)	4.4% (69)
university education	2.6% (35)			

Source: ESARNM

Employment policies

Employment policies are regulated in a number of strategic documents of the Government of the Republic of North Macedonia, including the National Employment Strategy 2020, the National Employment Action Plan 2018-2020, the Youth Employment Action Plan 2016-2020, the annual Operational Plans for active programmes and employment measures and labour market services.

In the first quarter of 2018, the Report on the Implementation of the National Employment Strategy of the Republic of Macedonia 2016-2020 was prepared (adopted in October 2015). The prepared report was the basis for the preparation of the **National Employment Action Plan 2018-2020**, with a view to further implementation of the priorities set out in the Strategy. The National Employment Action Plan 2018-2020 has 32 measures divided into three parts which are in line with the support for achieving the set strategic objectives. Due to the need for a systematic approach for achievement of the objectives, several relevant institutions, social partners and the NGO sector, as well as representatives of international organisations in the country were involved and supported in the preparation of the Action Plan.

One of the strategic priorities of the Government of the Republic of North Macedonia and the Ministry of Labour and Social Policy is the reduction of the informal economy, including the reduction of undeclared workers, which, in the first half of 2018, led to the adoption of the first mid-term **Strategy for the formalisation of the informal economy 2018-2022**. The strategy is aimed at reducing informal workers (in informal and formal businesses, as well as within households), reducing the share of unregistered businesses and informal activities within the formal economy. An Action Plan for the Formalisation of the Informal Economy 2018-2020 was adopted, containing 29 measures, divided into four parts, in line with the strategic goals set out in the Strategy. The Action Plan was prepared in the framework of a broad participatory process with the participation of a number of relevant stakeholders, and it was reviewed and adopted at a session of the Economic and Social Council.

During the reporting period, several changes have been made to the legislation, in particular in the area relating to employment and unemployment insurance.

The legal measure for employment of unemployed persons up to 29 years of age with the exemption from the payment of obligatory social insurance contributions was implemented in accordance with the Law Amending the Law on Employment and Insurance in Case of Unemployment (Official Gazette of RM No. 44/2014), within a period of two years from the date of entry into force of the Law, i.e. from 13.03.2014 to 12.03.2016.

The provisions of this Law stipulated that the private sector employer who will employ an unemployed person up to 29 years of age as a full-time employee and who has no reduction in the number of full-time employees, shall be exempted from payment of the obligatory social insurance contributions.

The exemption from payment of the obligatory social security contributions referred to a period of 12 months, as of the day of the person's employment, where the employer was obliged to retain the person for at least 12 months following the expiry of the period for

which he was exempted from payment of the obligatory social security contributions. At the same time, the employer was obliged, within a period of 24 months from the day of employment of the person, not to reduce the number of full-time employees reached on the day of employment of the person under this measure, except in cases of death or retirement.

The project "Macedonia Employs" was implemented in accordance with the Law Amending the Law on Employment and Insurance in Case of Unemployment ("Official Gazette of RM" No. 56/2015), within a period of one year from the date of its entry into force, i.e. in the period from 15.04.2015 to 14.04.2016.

The package of legal measures provided for easier and preferential employment for the employers, by providing exemption from the payment of the obligatory social security contributions and/or personal income tax for a specified period of time, for different groups of unemployed persons, as follows:

- Unemployed person up to 35 years of age, who previously had no employment or had an employment relationship, but was unemployed for at least three months prior to employment under the measure. The employer was exempted from paying the obligatory social security contributions and personal income tax for a period of 3 years as of the date of employment, where the employer was obliged to retain the person for another 1 year after the expiry of the period for which he was exempted for payment of the contributions and the personal income tax.
- Unemployed person aged 35 to 50 years, who for the last 15 years was unemployed for at least 10 years and had no established employment relationship at least 3 months prior to employment. For these persons the employer was exempted from payment of the obligatory social security contributions for a period of 5 years from the date of employment, and was obliged to retain the person for another year after the expiration of the period in which he was exempted from payment of the obligatory social security contributions.
- Unemployed person over the age of 50 - the employer was exempted from payment of the obligatory social security contributions for 5 years from the date of employment without any further obligation for the employer.
- Unemployed persons: parents of three or more children who had no employment at least 3 months prior to being employed, single parents and members of a single-parent family who were not employed at least 3 months prior to employment, social financial assistance beneficiaries, children without parents and parental care, victims of domestic violence, a disabled person with a confirmed disability in accordance with the Law on Employment of Disabled Persons and persons with determined decreased working ability or occupational disability of 50% in accordance with the pension and disability insurance regulations, professional soldiers whose employment was terminated in accordance with the Law on Service in the Army of the Republic of North Macedonia and parents of children with developmental disabilities who were using the special allowance for at least 3 months prior to employment. The employer was exempted from payment of the obligatory social insurance contributions for these persons for a period of 5 years from the date of employment without any further obligation for the employer.
- Unemployed person over 58 years of age who was not being employed for the last 2 years - the employer was exempted from payment of the obligatory social security contributions until the conditions for acquiring the right to old-age pension would be met.

This was followed by implementation of the Project "Macedonia Employs 2", in accordance with the Law Amending the Law on Employment and Insurance in Case of Unemployment ("Official Gazette of RM" No. 118/2016), within a period of one year from the date of entry into force, i.e. in the period from 28.06.2016 to 27.06.2017.

The above law enabled the continuation of the Project "Macedonia Employs 1", i.e. the use of exemption from payment of the obligatory social security contributions and/or personal income tax, with minor amending and supplementing of the conditions for exercising and use of the right to exemption.

As of 2017, the Employment Service Agency of the Republic of North Macedonia has introduced a new tool in the work process - development of an **Individual Employment Plan (IEP)**. According to the current legislation, an Individual Employment Plan is developed within 30 days for each person being registered with the ESARNM as an unemployed person - an active jobseeker. It is valid for six months, and if the unemployed person shall fail to find a job during that period, the IEP is reviewed and amended. The first counselling session follows the registration of clients as active jobseekers and aims to gather additional information needed to develop a client profile, as well as to agree on the most appropriate activities for the work transition process. The second counselling session, organised for the category of hard-to-employ persons, should result in the formulation of specific activities that the client would undertake with the support of the ESARNM. The Client shall be obliged to undertake certain activities and attend recommended/scheduled services and programmes, and the ESARNM undertakes to make available services, programmes and other support within the stated timeframe.

This tool is designed for disadvantaged people in the labour market so as to provide them with support by choosing the most appropriate combination of employment services and programmes available with the annual Operational Plans for active employment programmes and measures and labour market services.

This work approach was introduced so as to strengthen the trust and cooperation between the unemployed person and the Employment Service Agency as a service for the citizens, by appropriately adjusting all activities to the actual needs of the unemployed person for his/her employment.

On the other hand, it is also achieved that the funds spent on the implementation of employment services, programmes, and measures are mainly directed towards the category of unemployed persons who need the most assistance and support in terms of employment.

During the reporting period, the implementation of the **active employment programmes and measures and labour market services** contained in the annual Operational Plans has continued. In general, programmes and measures of the operational plans can be divided into two groups:

1. Programmes and measures leading to direct employment (self-employment, employment subsidy); and
2. Programmes and measures that increase the employability of the unemployed persons, providing them with facilitated access to the labour market (internships, different types of trainings, etc.).

At the same time, ESARNM continuously provides services for the unemployed and the employers as envisaged in the legislation (information, counselling, motivational training, support for active job searching and professional orientation). In doing so, one person may be involved in multiple employment services.

In 2015, the active employment programmes and measures included 5,817 persons (5.1% of the registered unemployed persons on 31.12.2015), for which an amount of 623,600,948 denars (about € 10.1 million) was paid from the ESARNM Budget, while various employment services included 311,735 persons.

In 2016, the active employment programmes and measures included 6,965 persons (6.7% of the registered unemployed persons on 31.12.2016), for which an amount of 520,953,023 denars (≈8.4M€) was paid from the ESARNM budget, whereas the employment services included 299,550 persons.

In 2017, the active employment programmes and measures included 6,861 persons (6.7% of the registered unemployed persons on 31.12.2017), for which an amount of 820,025,855 denars was paid from the ESARNM Budget (≈13.3M €), whereas the employment services included 134,283 persons.

In 2018, the active employment programmes and measures included 6,387 persons (6.7% of the registered unemployed persons on 31.12.2018), for which an amount of 974,418,504,00 denars (≈15.8M €) was paid from the ESARNM budget. The employment services included 110,973 persons.

The trend for continuous increase of the funds being allocated for financing of the active labour market policies is ongoing.

In reference with the specific request of the European Committee of Social Rights from the previous conclusions on the same articles of the Charter, concerning the evaluation of the effects of active labour market programmes², we hereby inform, as in our previous Reports, that the implementation of active employment programmes and measures implemented annually is continuously monitored by the Employment Service Agency and the Ministry of Labour and Social Policy, in order to promptly respond to certain phenomena (regarding the implementation of specific measures, the procedures, scope, financing, etc.). In terms of policy effectiveness, also with the support of the International Labour Organisation, an impact assessment of active labour market programmes was made, as well as an assessment of the implementation of services and active youth employment programmes. The findings of these documents and analyses shall be taken into account when further designing and implementing the programmes.

This report presents the findings of the impact assessment of several specific active labour market programmes implemented by the Employment Service Agency of the Republic of North Macedonia (ESARNM).

The assessment included the following programmes: self-employment program, internship, training for a known employer, employment subsidy program, advanced IT skills training and bottleneck occupations training. The assessment data were collected through analyses

² European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter, (Council of Europe, January 2017); page 5

and surveys conducted at the end of 2014 and included programme participants (treatment groups) and non-program participants (control groups).

Data on 2,485 participants in the six evaluated programmes were collected and analysed. The basic findings of the assessment show that the results are divided, with some programmes delivering comparatively better labour market outcomes for programme participants; however, there are programmes that prove to be insufficiently effective in terms of improving labour market participants' outcomes. According to the results of the analyses and evaluations, it has been established that programmes that are effective and need to be further implemented with the current design are the internship programme and training for a known employer. Programmes that obviously have positive effects, but whose design needs to be improved are the Self-Employment Programme and Advanced IT Skills Training, while programmes that have been found to require a more comprehensive review and redesign are the employment subsidy programme and the training for bottleneck occupations. These findings from the conducted analysis were further taken into account when designing the following operational plans for active employment programmes and measures, in order to improve their efficiency and effectiveness and the implementation itself.

* * *

Having in mind the magnitude and seriousness of the conditions and challenges associated with youth (non)employment and the youth, in order to identify and establish a much more organised, coordinated and comprehensive process for addressing these challenges related to youth employment in national terms, the Government of the Republic of North Macedonia, in cooperation with the social partners, the civil sector and other relevant entities, has commenced the development of a separate Youth Employment Action Plan. The first such Action Plan was prepared in 2012 for the period until 2015, followed by (in 2015) the preparation of a new AP 2016-2020. The current Action Plan is being implemented by 2020 and focuses mainly on areas that are considered as key to promoting youth employment. The ultimate objective of the National Youth Employment Action Plan 2020 is to increase the employment rate of young people up to the age of 29 by promoting more and better jobs for young men and women, with specific goals mainly focused on improving the matching of the supply of skills with the demands of the labour market, promoting job creation, primarily by the private sector, and facilitating the transition of young people into the world of work.

In this context, a decision has been taken, starting in 2017, when designing and implementing Operational Plans for Active Employment Programmes and Measures and Labour Market Services, efforts to be made within each of the employment programmes and services that at least 30% of the participants in the active employment programmes and measures at the labour market are young people, up to 29 years of age. Fulfilment of this objective is monitored on a continuous basis, with youth coverage (15-29) in the employment programmes and measures under the 2017 Annual Operational Plan amounting 36.2%, and reaching 65% in 2018.

The observed situation indicates a high number of so-called NEETs, i.e. young people who are unemployed, not in school or training. According to the Labour Survey, there were

approximately 136,000 young people who were unemployed, not in education or training in 2016 in North Macedonia, which roughly corresponds to one third (about 31.2 percent) of the total young population. The NEET rate appears to have been relatively stable over the last few years, and it can also be observed that for the age group 15-24, the NEET rate was 24.3 percent in 2016, representing a decrease compared to 24.8 percent in 2012 and 41.3 percent in 2006. The decline in rates between 2006 and 2012 could be largely attributed to policies that support increase in the rates of higher education enrolment.

One of the key labour market programmes that has been piloted in 2018 in three municipalities, and has been implemented as of 2019 throughout the country, is the “**Youth Guarantee (YG)**” programme, which ensured an organised and a systematic approach to tackling one of the key challenges - youth unemployment.

The Republic of North Macedonia is the first of the countries in the region to introduce the Youth Guarantee in 2018 following the practices and experiences of the EU member-states in order to provide young people (up to 29 years) with job offers, continuous education and training (i.e. returning to the educational process through “second chance” programmes) or engaging in one of the active employment measures within four months as of their registration as unemployed with the Employment Service Agency. YG consists of short-term and mid-term structural measures organised in 4 pillars: early intervention, field activities, activation activities and measures to integrate youth into the labour market, as key to the successful integration of young people into the labour market and to reduce the brain drain from the country. A separate Youth Guarantee Implementation Plan identifies the institutions involved in the implementation and their obligations, and a Coordination Body responsible for implementation and monitoring of the programme has been established.

The Youth Guarantee commenced its implementation in March 2018 as a pilot programme in three pilot municipalities - Skopje, Gostivar and Strumica. In that phase, by the end of 2018, the Youth Guarantee in the three included municipalities included 5,266 young people, of which 1,916 were employed and 281 were involved in some of the active employment measures that do not lead to direct employment, but increase the employability of the unemployed persons. According to these data, the performance of YG in 2018 was 41.7%.

Based on the results of the piloting, the programme became universal in 2019, implemented throughout the country, and with an estimated 14,000 young people annually expected to be involved in the further period.

In order to provide easily accessible and quality information to young people and to support the career counselling of young people, the development of a web-based tool (model) for prospective occupations was also undertaken within the reporting period, i.e. the *Occupational Outlook Model*. The tool provides the necessary projections, information and data, useful in reducing mismatches between the labour market supply and demand for skills. The data on the prospective occupations provided by the model refer to job descriptions with specific jobs and responsibilities, specific requirements for specific occupations in terms of education, training, work experience, skills, etc., working conditions, such as average salary, working hours, information on injuries at work and

occupational diseases, etc., employment prospects, and potential demand for the specific occupation, etc. In this way, young people get useful information and data on occupations and economic sectors that offer good career prospects that will help them make informed decisions about their future careers.

The model, was developed with the support of the International Labour Organisation in 2017 and is available on the information web portal (internet platform) <https://zanimanja.mk>.

Website maintenance and updating is carried out continuously by trained persons from the MLSP Department of Labour, and in order to further improve the Occupational Outlook, the Government adopted a Work Plan in April 2018 for the period 2018-2021, according to which, about 15 occupations should be developed on an annual basis, resulting into an Outlook with 75 occupations by the end of 2021. By the end of 2019, a total of 45 occupational descriptions have been completed and updated with the latest data.

Article 1§2

With a view to ensuring the effective exercise of the right to work, the Parties undertake to protect effectively the right of the worker to earn his living in an occupation freely entered upon.

Prohibition against discrimination in employment

In the Republic of North Macedonia, the legal framework for non-discrimination and equality consists of: the Constitution of the Republic of North Macedonia, laws and ratified international treaties.

The right to non-discrimination and equality is prescribed in Article 9 of the Constitution of the Republic of North Macedonia, which contains the fundamental freedoms and rights of individuals and citizens: "Citizens of the Republic of North Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status".

This constitutional provision is contained in several laws in the relevant fields:

Therefore, Articles 3 to 6 of the Law on Courts stipulate that the purposes and functions of the judiciary include, inter alia: ensuring equality, non-discrimination on any grounds and providing legal certainty on the basis of the rule of law. Everyone has the right to equal access to the court for the protection of his rights and legitimate interests.

The Law on Social Protection prohibits direct, or indirect, discrimination on the grounds of sex, race, skin colour, national, ethnic, social, political, religious, cultural, linguistic, property and social background, disability, and origin.

The purpose of the Law on Protection against Harassment at the Workplace is to prevent and protect against psychological and sexual harassment at the workplace and to ensure a healthy working environment.

The Law on Labour Relations incorporates provisions on the prohibition of discrimination (Article 6 of the Law), which establishes the nullity of the provisions of collective agreements and employment contracts that establish discrimination on one of the grounds referred to in this Article. Direct and indirect discrimination, as well as exceptions to prohibition of discrimination, are defined, and the term "harassment and sexual harassment" is defined.

In cases of discrimination referred to in Article 6 of this Law, the candidate for employment or the employee shall be entitled to compensation in accordance with the provisions of the Law on Obligations.

The Law on Labour Relations regulates the prohibition against discrimination in labour relations, in accordance with the Law on Prevention and Protection against Discrimination and regulates the special protection of pregnant women.

The amendments to the Labour Relations Law ("Official Gazette of the Republic of North Macedonia" No. 120/18) of 2018, amend Article 8 paragraph (3), that is, the provision

providing equal treatment of workers who have signed indefinite-term contracts and workers on fixed-term contracts. Namely, fixed-term workers will not be treated less favourably than indefinite-term workers, not only in terms of employment conditions, but also in terms of all employment rights and obligations.

The objective of the Law on Equal Opportunities for Men and Women is to establish equal opportunities for women and men in political, economic, social, educational, cultural, health, civil and other areas of social life.

The Law on Prevention and Protection against Discrimination, adopted in 2010, regulates the prevention and protection against discrimination in the exercise of the rights guaranteed by the Constitution of the Republic of North Macedonia, by law and by ratified international agreements, including the right to work.

In accordance with the Strategy for Equality and Non-Discrimination 2016-2020 and in line with European Commission reports on the need to improve the legislation for more effective prevention and protection against discrimination, the Ministry of Labour and Social Policy in 2016 commenced the development of a new Law on Prevention and Protection against Discrimination.

During 2017, the solutions in the new Law on Prevention and Protection against Discrimination were the subject of a public debate organised by the OSCE Mission to Skopje and the Ministry of Labour and Social Policy.

The new **Law on Prevention and Protection against Discrimination** was adopted in May 2019 (published in the Official Gazette of the Republic of North Macedonia No. 101/2019).

The new text of the Law broadens the grounds for discrimination, amends and better defines the glossary and definition of discrimination, professionalizes the Commission for Protection against Discrimination and changes the name and authority of the commission to Commission for Prevention and Protection against Discrimination, which will also have to work on the prevention in addition to protection, and the manner of election and the conditions for election of members are also amended. Provision is introduced for the use of new evidence in court proceedings and *actio popularis*. In addition, it also envisages the exemption from court costs in court proceedings. At the same time, the law should contribute to the compliance with the principle of equality, as well as to the prevention and protection against discrimination in the exercise of human rights and freedoms.

This law applies to all state bodies, local self-government units, legal entities with public authorisations and all other legal and natural entities in the field of: work and labour relations; education, science and sports; social security, including the social protection area, pension and disability insurance, health insurance and health care; judiciary and administration; housing; public information and media; access to goods and services; membership and activity in political parties, associations, foundations, trade unions or other membership-based organisations; culture; and all other areas. It also requires the collection, recording and processing of data on discriminatory grounds in order to promote and advance equality and prevent discrimination (Article 3).

The law prohibits any discrimination based on race, skin colour, origin, national or ethnic background, sex, gender, sexual orientation, gender identity, belonging to a marginalised

group, language, citizenship, social origin, education, religion or religious belief, political affiliation, other affiliation, disability, age, family or marital status, property status, health status, personal status and social status or any other basis. A general definition of discrimination is given, that is, discrimination shall mean any distinction, exclusion, restriction or preference based on any discriminatory grounds, by committing or not committing, with the purpose or effect of preventing, restricting, recognizing, enjoying or exercising the rights and freedoms of any person or group on an equal basis with others. This covers all forms of discrimination including the prevention of appropriate adjustment (Article 6). However, the law allows for the taking of measures and actions that will not be considered as discrimination for the sole purpose of removing unequal enjoyment of human rights and freedoms until actual equality of persons or groups is achieved, if the distinction is justified and objective, and the means for the achievement of that objective are proportionate, that is, appropriate and necessary.

Institutional frame

The institutional framework for protection against discrimination at national level is divided into extra-judicial and judicial protection.

Extrajudicial bodies providing protection against discrimination in the Republic of North Macedonia are as follows:

1. Constitutional Court of the Republic of North Macedonia;
2. Ombudsman;
3. Commission for Protection against Discrimination;
4. Representative for establishing the unequal treatment of women and men;
5. Standing survey commission for protection of freedoms and rights of citizens;
6. Committee for relations between communities.

Court protection against discrimination is realised in front of:

1. Primary courts of the Republic of North Macedonia;
2. Administrative court of the Republic of North Macedonia.

The competencies and the description of the extrajudicial and judicial bodies are described in details in the previous III (third) Report.

Affirmative measures:

Affirmative measures are defined with the Law on Prevention and Protection against Discrimination. These are the activities of the state authorities aimed at prevention and protection from discrimination, or decreasing or eliminating the actual inequality occurring as a result of previous discrimination.

The affirmative measures are also envisaged in several strategic *documents in the areas under the competence of the Ministry of Labour and Social Policy:*

- National Equality and Non-Discrimination Strategy 2016-2020;
- Gender Equality Strategy 2013-2020;
- National Programme for Development of Social Protection 2011-2021;
- National Strategy for Reduction of Poverty and Social Exclusion 2010-2020;

- Strategy for Roma in the Republic of North Macedonia 2014-2020;
- National Strategy on Achieving Equal Rights for the Persons with Disabilities 2010-2018;
- National Strategy for Senior Citizens 2010-2020;
- Strategy for Integration of Refugees and Foreigners 2017-2027, and others.

* * *

To improve the Roma situation on the labour market, the Strategy for Roma in the Republic of North Macedonia 2014-2020, as well as the national action and operational plans, envisage implementation of measures to improve employment opportunities and reduce unemployment among the Roma community, including raising awareness and information and increasing the inclusion of Roma in various active employment programmes and measures.

The 2018 Ombudsman's Annual Report indicates that in the context of the completion of the Roma Decade, the Ombudsman conducted a survey and prepared a Report on Roma Inclusion, and, at the same time, submitted to the Government information on the situation following the implementation of the Roma Decade by including specific recommendations, such as the allocation of more budgetary funds for the institutions that are responsible for implementing the Roma Strategy 2014-2020 and familiarizing local self-governments with the responsibilities they have undertaken with this strategy.

* * *

Special *protection against discrimination in the employment for persons with disabilities* is guaranteed by the Constitution and the Law on Employment of Persons with Disabilities (Official Gazette of RM No. 44/2002, 16/2004, 62/2005, 113/2005, 29/2007, 88 / 2008, 161/2008, 99/2009, 136/2011, 129/15, 147/15, 27/16, 99/18). For example, the Law on Employment of Persons with Disabilities provides for specific affirmative measures, such as tax relief and exemption from payment of social security contributions, when employing persons with disabilities. The specific measures to encourage employment of persons with disabilities are financed from the Special Fund.

During April 2018, for the first time in the country, the **personal assistance service for persons with severe or most severe physical disabilities and completely blind persons** was introduced. Personal assistants provide, inter alia, assistance and support in the workplace, in the higher education process, in non-formal education or in the professional rehabilitation, in accordance with the needs of the beneficiaries. With the adoption of the new Law on Social Protection in May 2019 (Official Gazette of the RNM No. 104/19), the personal assistance service is provided throughout the country. A home-based care and support service is also being introduced.

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Pursuant to the Law on Employment and Work of Foreigners ("Official Gazette of RM" No. 217/15), as well as the bylaws that further regulate the subject matter and the Decision on

determining the quotas for work permits for foreigners, ESARNM is responsible for the issuing of a work permit to a foreigner who has regulated his/her residence in the country on other grounds. The application for a work permit shall be submitted to the Agency in accordance with the current requirements of the labour market in the Republic of North Macedonia in the procedure for regulating the temporary residence of a foreigner for work and issuance of a Certificate of Registration of the work performed by foreigners in the country, for which no work permit is required.

The data provided by the Employment Service Agency of the Republic of North Macedonia (ESARNM) are presented below.

In the period 01.01-31.12.2015, a total of 3,713 applications for work permits were submitted to the ESARNM. The total number of decisions on submitted applications for work permits was 3,523, of which 186 applications were submitted before 2015.

Of these, the following have been issued:

- 3,417 positive work permit decisions and
- 106 negative decisions due to failure to meet the requirements for issuing of work permits.

Of the total of 3,417 positive work permits issued:

- 1,913 are employment permits,
- 975 are personal work permits and
- 529 work permits.

In the period from 01.01-31.12.2016, a total of 2,121 applications for work permits on all basis and 1,681 applications for opinion from the Ministry of Internal Affairs on meeting the requirements for issuance of a temporary residence permit to a foreigner for work purposes have been submitted to the ESARNM, of which:

- 868 personal work permits;
- 849 employment permits;
- 218 work permits;
- 51 rejected applications for work permits;
- 120 undecided applications on all grounds;
- 15 withdrawn applications for work permits;
- 52 applications without opinion from the MoI;
- 122 negative opinions given by the MoI;
- 1,315 opinions on employment of foreigners in RNM; and
- 192 opinions on the work of foreigners seconded to RNM.

In the period from 01.01-31.12.2017, a total of 3,589 applications have been submitted to ESARNM, of which 626 applications for issuing of work permits and 2,963 applications from the Ministry of Internal Affairs on providing opinion regarding the meeting of the requirements for issuance of a temporary residence permit to a foreigner for work-related purposes, as follows:

- 614 positive decisions for issuance of work permits;
- 8 rejected applications;
- 4 undecided applications;
- 2414 opinions provided for employment of foreigners in RNM;

- 330 opinions on the work of foreigners seconded to RNM;
- 190 negative opinions provided to the MoI;
- 29 undecided applications without opinion to MoI.

In the period from 01.01-31.12.2018, a total of 4,065 applications have been submitted to ESARNM, of which 740 applications for issuing of work permits and 3,325 applications from the Ministry of Internal Affairs on providing opinion regarding the meeting of the requirements for issuance of a temporary residence permit to a foreigner for work-related purposes, as follows:

- 699 positive decisions for issuance of work permits,
- 39 rejected applications,
- 1 undecided application,
- 2,558 opinions provided for employment of foreigners in RNM,
- 482 opinions on the work of foreigners seconded to RNM,
- 267 negative opinions provided to the MoI
- 12 undecided applications without opinion to MoI,
- 5 withdrawn applications.

Tabulated overview according to the educational background of foreigners for 2018	
Third cycle studies: doctoral studies	15
Second cycle studies: masters studies	48
Second cycle studies: specialist studies	57
First cycle studies: university 240, vocational 240	1,152
First cycle studies: university 240, vocational 180	113
Specialised professional studies of 60-120 credits	32
Vocational education related to the first study cycle up to 60 credits	51
Secondary education	1,866
Primary education and without education	664

Source: ESARNM

According to the country of origin of foreign citizens (2018)	
Turkey	1,092
Serbia	507
Albania	393
Kosovo	261
Greece	231
Ukraine	198
Bulgaria	147
Croatia	107
Germany	90
Bosnia and Herzegovina	75
Others	897

According to cities (2018)	
Skopje	3,670
Bitola	37
Kochani	33
Tetovo	27
Shtip	26
Ohrid	23
Kavadarci	16
Prilep	16
Veles	16
Others	134

Source: ESARNM

* * *

Concerning the request of the Committee on Social Rights for information on the implementation of measures and activities and on the results achieved in combating employment discrimination³, as well as information on awareness-raising activities and capacity-building for labour inspectors, judges, prosecutors and the general public⁴ we hereby provide the following information:

In 2018, the Ministry of Labour and Social Policy, in cooperation with the civil society sector, has launched the implementation of basic trainings on non-discrimination and hate speech trainings for all state institutions and local self-governments (municipalities). The trainings conducted during 2019 also included employees of the inspectorates, including the State Labour Inspectorate, judges, lawyers, employees of the Employment Service Agency, as well as trade union organisations. The trainings will continue to be implemented until 2021, and the required funds in reference thereof have been secured.

In the context of awareness-raising regarding the fight against discrimination, we shall also mention the following activities of the Commission for Protection against Discrimination:

In 2015, the Commission has organised 8 open days in 8 cities (Makedonska Kamenica, Radovish, Resen, Kratovo, Pehchevo, Valandovo, Gevgelija and Debar). Each open day consisted of two parts, one part with presentation of information and findings on the Law on Prevention and Protection against Discrimination, intended for the representatives of institutions at local level, and a second part envisaged for the citizens, for their practical education and communication. This manner of cooperation enabled the citizens to have direct contact with a Commissioner from the Commission for Protection against

³ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 8.

⁴ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 8.

Discrimination, as well as to have the opportunity to submit complaints to the Commission. Relevant local-level institutions have gained in-depth knowledge of the concept of anti-discrimination and the work of the Commission.

During 2015, the Commission, in cooperation with the OSCE Mission to Skopje, also developed two training resources (modules) on the concept of anti-discrimination. The first resource is used as a training material for trainers and comprises a detailed elaboration of 13 separate modules that analyse the various elements of the concept of anti-discrimination, as well as the protection systems, judicial and quasi-judicial. The second resource is material for the participants where summarised material for all 13 training modules is presented in a clear and unambiguous way. Each of the elaborated modules comprises of a theoretical part, case analysis, practical exercises, case law at national and international level, as well as national quasi-case law from the Commission for Protection against Discrimination.

In 2015, the Commission for Protection against Discrimination and the NGOs have joined their efforts to introduce "sexual orientation" and "gender identity" as protected grounds under which discrimination is prohibited. The result is the adoption of a separate Internal Procedure Protocol, which specifies the manner of acting for the Commission for Protection against Discrimination in cases where a person is discriminated against on the grounds of sexual orientation or gender identity. The Commission may, on the basis of this Protocol, resolve cases of discrimination also on these grounds.

The Commission has been actively working to raise awareness among all citizens, with the aim of reducing discrimination on all grounds, in particular to erase the image that has been created for years on people of different sexual orientation.

In November 2015, the Commission for the Protection against Discrimination in cooperation with HERA - Health Education and Research Association and the Coalition for Sexual and Health Rights of Marginalised Communities promoted the video "For Nation without Discrimination", developed as part of the project "Strengthening the Rule of Law for LGBTI persons", financially supported by the Dutch Embassy.

The Commission for Protection against Discrimination also had intensified cooperation with the social partners in the field of prevention and protection against discrimination. Thus, in 2015, the Commission has signed a Memorandum of Understanding with the Association of Trade Unions of Macedonia, which defines the field and scope of cooperation between ATUM and CPD aimed towards prevention and protection against discrimination, as well as promotion and affirmation of the concepts of equality, tolerance, and non-discrimination.

The same year, the CPD conducted a survey to determine the salary gap between men and women in 500 companies in the Republic of North Macedonia. The main hypothesis of the survey was that in the Republic of North Macedonia it is assumed that there is indirect discrimination against women in the field of labour relations in relation to: 1) the amount of salaries between men and women, which is observed in the private sector and is the result of economic, social-cultural and historical factors, and 2) the lower percentage of senior management positions of women in the public and private sectors, which is also the basis for lower salaries.

In 2016, the Commission for Protection against Discrimination organised two coordinative meetings with the social partners to present the findings of the Survey on Gender Gap in Salaries, as well as to discuss the potential measures to achieve gender equality in terms of salary.

During 2016, the Commission for Protection against Discrimination, within its legal competencies, conducted a survey on: Adequate job adjustment for people with disabilities, which aimed to identify the key problems that workers and employers face in terms of achieving equality through appropriate adjustment, as well as to identify the possible solutions for them. During this research, debates were held in two focus groups - the first with employees with disabilities and the second focus group with the employers.

In order to raise the awareness and strengthen the capacities of the labour inspectors, judges, prosecutors, and the wider public, several trainings, counselling, and other events were held on the topic of non-discrimination:

- during 2017, within the frames of the cooperation between the Academy for Judges and Public Prosecutors and the OSCE Mission in Skopje, 2 events have been realised on the subject: “Non-discrimination concept”, attended by a total of 20 judges, 4 expert associates and 11 attorneys at law.
- 2 debates were organised on the commentaries to the Law on Prevention and Protection against Discrimination, one of which was envisaged for the judges, and the other for the representatives of relevant institutions. The participants at these 2 meetings included 22 judges, 1 expert associate, attorneys at law, representatives of the Ministry of Labour and Social Policy, the Macedonian Young Lawyers Association, the Helsinki Committee for Human Rights, the Coalition for Sexual and Health Rights of Marginalised Communities and the Institute for Human Rights.
- In 2018, the Academy for Judges and Public Prosecutors, in cooperation with the Centre for Legal Research and Analyses – CLRA, realised 3 consultations on the subject “Protection against discrimination and equal treatment of the Roma in the preliminary criminal investigation and the criminal proceedings”, with a total of 80 participants – judges, public prosecutors, initial training attendees, court and public-prosecution associates, attorneys at law and representatives of the Macedonian Young Lawyers Association.
- The training cycle dedicated to discrimination was completed with the promotion of two publications: “Judgments related to discrimination from the case law on the European Court of Human Rights and the Court of Justice of the European Union” and “Practicum of the Law on Protection and Prevention against Discrimination”.
- During 2018, the Academy for Judges and Public Prosecutors, within the cooperation with the Council of Europe, has realised a series of trainings for judges and public prosecutors for the members of the European Convention for Protection of Human Rights, such as: Right to fair trial; Right to liberty and security, Harmonisation of the case law and harmonisation with the ECHR case law; Proper administration of justice, etc.
- In cooperation with the Centre for Legal Research and Analyses – CLRA, trainings have been organised on the subject: “Introduction to the ECHR case law”, with participation of a total of 55 court associates, and several trainings, organised by the Academy, have also been realised.

Regarding the Committee's request the Report to include information on the cases of employment discrimination resolved at court and by the Commission for Protection against Discrimination, with specific indications regarding their nature and outcome, sanctions imposed by the employers, and compensations awarded to the employees⁵, we hereby inform on the following:

In the period from January 2015 to December 2018 (reporting period), a total of 325 discrimination petitions were filed with the Commission for Protection against Discrimination. In 2015, a total of 70 petitions were filed against discrimination, in 2016 - 59 petitions, in 2017, 60 petitions were filed, and in 2018 a total of 136 petitions were filed. The Commission established, on the petitions filed during this period, direct discrimination in 38 cases, indirect discrimination in 2 cases and harassment in 10 cases, a more severe form of discrimination - in 2 petitions.

Most of the filed petitions referred to the area of work and labour relations, a total of 144 petitions. Out of those petitions, the Commission has established discrimination in 22 cases and, in accordance with the Law on Prevention and Protection against Discrimination, has issued a recommendation for elimination of the violation within 30 days. The Commission has not acted on 28 petitions, for 78 petitions no discrimination was established, the procedure was cancelled in 3 petitions, 5 petitions were resolved in another way (suspended procedure) and 8 petitions are still pending.

Case example from the practice of the Commission for Protection against Discrimination: Established discrimination on the grounds of age (2015):

A person has addressed the Commission for Protection against Discrimination indicating in their petition that the one was discriminated on the basis of age, in the field of work and labour relations, by the manager of one of the faculty's institutes in which the person was employed. The application has indicated in the petition that the manager has prohibited the person from travelling abroad during the past year and, on one of the meetings, the manager has stated that he/she has no intention of "investing in retired people", thus providing a clear explanation on the meeting of the reason for not supporting the business trip of the applicant.

The Commission, upon initiating the proceedings for proper establishment of the actual situation and within the legally prescribed timeframe, submitted the petition to the person against whom it was filed so that the person could respond to the petition's allegations; however, the person has failed to provide a response. The Commission has established the actual situation by reviewing the contents of the petition, the facts and the evidence submitted in attachment, and an interview was realised between a Commission member and the applicant.

The Commission has reached an opinion that the applicant was discriminated against by the manager on the grounds of age and personal and social status in the field of labour relations, with direct discrimination form on the grounds of age and harassment on the grounds of personal and social status.

⁵ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 8

According to the analysis entitled "*Overview of court cases related to labour rights violations with a focus on cases of discrimination and harassment at the workplace*", prepared and published by the civil sector, i.e. Association for Emancipation, Solidarity and Equality of Women (ESE)⁶, in 2016, 53 lawsuits were filed with the Basic Court Skopje 2 - Skopje, 18 of which relate to discrimination in the field of labour relations, 32 to harassment at work and 3 refer to a labour dispute involving discrimination against a female worker. According to the analysis, it is assumed that the first verdict in favour of a pregnant woman by the Basic Court Skopje 2 in May 2016 contributed to some extent to encouraging female workers to file lawsuits due to the violation of their right to equal treatment and discrimination on the grounds of pregnancy, motherhood and parenthood.

It is emphasised that there is still no adequate record of court cases related to discrimination and harassment in the workplace. There is a need to keep separate records in the labour dispute register that will deal with court cases of discrimination in the field of labour relations and harassment at the workplace.

The *2018 Annual Report of the Helsinki Committee for Human Rights of the Republic of Macedonia*⁷, inter alia, analyses the situation in the country regarding discrimination and human rights of vulnerable groups of citizens, workers' rights and the phenomenon of discrimination and unequal treatment in terms of work and employment; the report provides a more detailed overview of specific court processes which are part of the regular court monitoring of the Committee during 2018.

As part of the monitoring of the situation in the field of discrimination, the Helsinki Committee has documented a total of 22 cases of discrimination during the year related to problems with Roma, women, especially women from minority ethnic communities and single mothers, persons with disabilities and non-majority religious communities. According to statistics, most of the cases refer to discrimination on the basis of sex and gender, disability, ethnic background and family and marital status, and regarding the areas where discrimination was committed, access to goods and services is most prevalent, immediately followed by labour relations, education, and health. Regarding the information on specific documented cases of discrimination in the labour relations, most of them are based on sex and gender and refer to women. Specific examples relate to discrimination against women who used maternity leave and were therefore not paid the annual leave by the employers or a case of discrimination against a woman with physical disability in terms of accessing the workplace. The report also provides an overview of the course of other specific procedures, such as the court proceedings to establish psychological harassment at the workplace in a publicly owned company in Skopje.

In addition, the Report states that, given that mobbing is a frequent occurrence with serious consequences, and so far there has been only one judgment in the Republic of North Macedonia establishing mobbing, the Helsinki Committee considers that the lack of positive case law in this area discourages workers to seek judicial protection in such cases. The report mentions that most of the cases of discrimination in this area are based on sex and gender and refer to women.

⁶ <https://www.esem.org.mk/pdf/Publikacii/2017/Pregled%20na%20sudski%20predmeti.pdf>

⁷ https://mhc.org.mk/wp-content/uploads/2019/09/hkm_godishen-izveshtaj.pdf

With regard to job advertisements, the practice of setting discriminatory employment requirements can still be observed, with advertisements seeking female or male persons for a particular job or requiring persons to be of a certain age, or setting conditions regarding gender and age. To overcome these phenomena, there is a need for increased education of the employers and employment intermediaries in the area of permitted employment requirements, which will not restrict access to employment on any grounds.

The State Labour Inspectorate (SLI) acts on all submitted applications and takes measures stipulated by law. Most of the applications for protection of the rights of the candidates on the public announcements refer to the public sector announcements, mostly in the field of education and health.

In 2015, 280 petitions were submitted to the State Labour Inspectorate in which persons applying for a vacancy sought protection of their rights, whereby the Inspectorate has identified 131 irregularities and deficiencies in accordance with its competences and has taken as many decisions to eliminate them.

In 2016, 167 petitions have been submitted and 99 decisions have been adopted.

In 2017, 300 petitions have been submitted and 63 decisions have been adopted.

In 2018, 293 petitions have been submitted and 81 decisions have been adopted.

Prohibition of forced labour

Prohibition of forced labour in the Macedonian legislation is mainly considered from the perspective of protection of human freedoms and rights.

In accordance with the Criminal Code (Official Gazette of RM No 37/1996), depriving or limitation of any of the human and citizen rights determined by the Constitution, the law or a ratified international agreement, shall be sentenced to imprisonment of three months to three years (Article 137).

If such crime is committed by an official person while performing the duty, the person shall be sentenced to imprisonment of six months to five years, and if the is committed by a legal entity, it shall be fined. In addition, the Criminal Code envisages fines or imprisonment of one year, if force or serious threat is used to coerce another to commit or not to commit or bear something (Article 139). The prosecution for such crime shall be undertaken upon a private lawsuit.

Chapter Seventeen of the Criminal Code entitled “Crimes against Labour Relations” prescribes a fine or imprisonment up to one year for the person who consciously does not obey the law, another regulation or collective agreement, having in mind that in accordance with the Law on Labour Relations, employment shall mean contractual relationship between the employee and the employer whereby the employee voluntarily joins the work process organised by the employer.

The objective of the Law on Labour Relations is to include the employees in the working process, while observing the employees’ rights to freedom of labour, dignity and protection of the employees’ interests arising from employment (Article of the Law on Labour Relations).

Forced labour in the Republic of North Macedonia is a crime pursuant with the Criminal Code, included in Article 418: Founding slavery and transportation of persons in slavery, 418-a: Trafficking in humans, and 418-d: Trafficking a child.

Article 418-a of the Criminal Code prescribes, inter alia, imprisonment of at least four years for whosoever shall by force, serious threat cause delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turn, transport, transfer, buy, sell, harbour or accept persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs.

Whosoever seizes or destroys the ID, passport or other identification document in order to commit the crime, shall be sentenced to imprisonment of at least four years. If such crime is committed by an official person while performing his service, he shall be sentenced to imprisonment of at least eight years. The consent of the human trafficking victim with the intent to exploit them, is not significant to the presence of the crime.

Article 418-d incriminates actions of trafficking a child where: “Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbours or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years”.

Regarding the legal framework for regulating child employment, the police and the Ministry of Labour and Social Policy, through the social work centres, share the responsibility for implementing the legal provisions on forced begging or trafficking in children. An imprisonment sentence of at least 12 years is prescribed by law for whosoever buys, sells, keeps or takes minors for the purpose of exploiting them.

Although child labour abuse is not widespread throughout the country, there were reports that some individuals in the informal economy still use child labour. Among the most common examples of abuse is the use of children for begging, washing car glasses and selling cigarettes and other trinkets on the green markets, in the streets or at night, in bars and restaurants. Most of the children involved in these activities are Roma and most often work for their parents or other family members.

In this section, it can also be stated that the State Labour Inspectorate has filed reports against several companies, which have forced their employees to work long shifts without the legally required rest periods; have failed to register their employees in accordance with the law; did not pay salaries, contributions and overtime work compensations; and have reduced the vacation time to which employees are entitled. Violating laws regarding salaries and overtime work is the most common occurrence in the textile sector, rail services and retail.

Prison work

Regarding the request of the European Committee of Social Rights regarding the labour conditions of prisoners and the proper regulation thereof, in particular if working directly or indirectly for employers outside of the prison services⁸, in accordance with the data submitted by the Directorate for Execution of Sanctions, subordinated body of the Ministry of Justice, we provide the following information:

Conditions for employment of convicts outside the penitentiary institution (PIs) are regulated by a separate bylaw, i.e. "Guidelines on the conditions, manner and procedure for work-related engagement of convicts outside the institution". In addition, in relation to the work of convicts, there is also a Rulebook on determining the remuneration and reward for the work of convicts, as well as for persons who do not work without their own guilt.

During 2016, an analysis was prepared for the needs of efficient work engagement of convicted/detained prisoners in all penitentiary institutions, in terms of maximal utilisation of the existing capacities and increase of the range of activities in the institutions.

In 2018, there were intensive efforts in terms of drafting the text of the new Law on Execution of Sanctions, which was adopted in May 2019 (Official Gazette of the Republic of North Macedonia No 99/2019).

The Law prescribes that the convicted persons during the resocialisation process are entitled to work, in accordance with their physical and psycho-physical capacities, as determined by the institution's physician.

Work of convicted persons is organised and executed, by rule, in the institution (Article 165 of the Law).

Convicted persons with open-unit treatment can also work outside of the institution. Convicted persons with semi-open unit treatment can occasionally and under supervision work in legal entities and other institutions, if the conditions for execution of the imprisonment sentence prescribed by law have been secured and if the minimal technical operational conditions have been secured.

The person sentenced to imprisonment up to six months for a crime not related to the nature of the work can, during working hours, work in the legal entity in which they have worked prior to serving the sentence.

The consent for working outside of the institution is given by the director of the Directorate for Execution of Sanctions, and upon obtaining the consent, the director of the penitentiary institution shall conclude a contract with the legal entity, i.e. the institution, and shall secure the written consent from the convicted person.

The full working hours of the convicted persons shall be 40 hours per week, and as an exception, full working hours of the convicted persons can also be more than 40 hours per week, in cases and under conditions as stipulated by law (Article 166 of the Law).

⁸ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1,15,20 and 24 of the Charter (Council of Europe, January 2017); page 9.

Convicted persons shall be entitled to compensation for their work (Article 167 of the Law). New guidelines shall be developed in the forthcoming period on the work engagement of convicted persons, and a new Rulebook shall be drafted on determining the compensation and reward for the work of convicted persons as well as for persons who do not work without their own guilt.

Domestic work

Regarding the request of the Committee of whether there is any valid criminal legislation providing effective protection for the domestic workers being exploited from their employers⁹, we hereby inform of the following:

Domestic work in the Republic of North Macedonia is a sector with high share of workers from vulnerable categories, where most of them are informally employed. The highest percentage of domestic workers are girls and women, caring for elderly people, assisting people with disabilities, cleaning, sewing, etc., while men do manual labour such as felling trees, mowing grass, farming activities, construction work, and similar.

Pursuant to the Convention on Decent Work for Domestic Workers No. 189 of the International Labour Organisation, domestic work means work performed in, or for, a household or households, while domestic worker means any person engaged in domestic work within an employment relationship.

The Law on Labour Relations regulates the work of domestic workers for work in households and their right to employment by an employer.

The Ministry of Labour and Social Policy is working on establishing a mechanism of protection for this category of workers, in order to avoid working in the grey economy and to be equal with other workers in promoting workers' rights.

The text of the new Law on Labour Relations (currently being drafted, as part of a broad consultation process) will regulate in more details the issue of work from home and work in households (by housekeepers), thus enabling greater protection of these two categories of workers and their alignment with the workers who work in the employer's premises.

Other aspects of the right to earn a living in an occupation freely entered upon

Minimal period of service in the armed forces

The Committee of Social Rights, in its conclusions, pointed out that any minimum period of service in the armed forces had to be of a reasonable duration and in cases of longer minimum periods due to any education or training attended by an individual, the length of the term must be proportionate to the education and training. Likewise, any fees/costs to be repaid on early termination of service shall be proportionate¹⁰. In reference with this

⁹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 10.

¹⁰ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 10

requirement, we hereby inform in accordance with the Army Service Law (Official Gazette of RM No. 36/10, 23/11, 47/11, 148/11, 55/12, 29/14, 33/15, 193/15 and 71/16 and "Official Gazette of the Republic of North Macedonia" No. 101/19, 275/19) and data from the competent Ministry of Defence:

Military officers and civilian personnel conclude an employment contract for an indefinite period (Article 40 of the Army Service Law).

Professional soldiers sign a fixed-term contract with three-year contract duration. Depending on the results shown and the needs of the appropriate gender, or service, the contract with the professional soldiers may be extended several times, but up to 45 years of age.

The employment contract specifies the day of entering into service, i.e. entering the duty, duration and place of performing the service, rights, obligations, duties and responsibilities in the service (manner of performing the job, or duty, working hours and order and discipline, transfer to another job, or other duty, length of vacation leave, leave of absence, salary and salary compensation, termination of employment, or termination of service in the Army, damage compensation in case of arbitrarily termination of the contract, the right to study foreign languages and computer science) and other rights stipulated by law and regulations of the Ministry of Defence.

The contracts shall be signed by the Minister of Defence or a duly authorised person by the Minister.

Cases of employment termination

The Army Service Law (Article 218) lists the following cases of termination of employment: **Active military and civilian personnel** shall have their employment terminated in the Ministry of Defence in the following cases:

- if he/she loses his / her health and physical ability to serve in the Army and does not have general health ability to work;
- if a disciplinary measure has been pronounced against him/her for termination of employment or loss of rank;
- if in the course of the assessment, he/she was evaluated twice with a grade of "one" for at least one assessment criterion;
- if he/she is unjustifiably absent from work for three consecutive working days or five working days during one year;
- if he/she fulfils the requirements for retirement in accordance with the law;
- upon expiry of the contract of employment for the professional soldier, the contract is not extended;
- if the professional soldier rejects the new employment contract;
- if he/she refuses the offered employment with another employer without announcement by takeover and concluding an employment contract for work corresponding to his/her training and upon his/her request.

The employment of a **military commander-officer or non-commissioned officer** shall be terminated if he/she must be absent from service for more than one year in order to serve his imprisonment sentence.

The employment of a **professional soldier and civilian personnel** shall be terminated if they must be absent from service for more than six months due to their imprisonment, or have been sentenced to more than six months with a security measure by a final court judgment and therefore must be absent from work.

In addition, the Army Service Law also regulates the minimum period of service for persons who are referred to vocational training and specialisation at the expense of the Ministry of Defence.

Military and civilian service personnel in the Army referred to education, vocational training and specialisation for the needs of the Army, after their graduation, vocational training and specialisation shall be deployed in accordance with the needs of the Army and the Ministry of Defence (Article 213).

Military and civilian personnel referred to further education, vocational training and specialisation for the needs of the Army service, upon completion of their education, vocational training and specialisation on the burden of the Ministry of Defence, depending on the time spent on such education, vocational training and specialisation shall be required to remain in the Army service three times longer than the duration of their education, training and specialisation, but not more than ten years (Article 214).

Requirement to accept the offer of a job or training

Regarding the requirement of the Committee for the Report to include relevant information on the legal remedies available for the persons who are part of dispute decisions or withdrawal of the unemployment benefits¹¹ we inform that in accordance with Article 81 of the Law on Employment and Insurance in Case of Unemployment, the Employment Service Agency (ESARNM) decides in the first instance on the applications for exercising of the insurance rights in case of unemployment, whereas the Ministry of Labour and Social Policy shall decide, in the second instance, upon an appeal within 15 days as of the receipt of the decision.

If the unemployed person shall be dissatisfied with the second instance decision, he/she shall be entitled to file a lawsuit, i.e. to initiate an administrative dispute with the Administrative Court.

Privacy at work

Regarding the requirement of the Committee for the Report to include information on the measures taken by the state so as to ensure that employers give due consideration to workers' private lives in the organisation of work and that all interferences are prohibited and necessary sanctioned¹², we inform you that according to Article 25 paragraph 2 of the Law on Labour Relations, the employer, when concluding an employment contract, shall not request data on the family, or marital status and family planning, i.e. submission of other documents and evidence that are not directly related to the employment.

¹¹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1,15,20 and 24 of the Charter (Council of Europe, January 2017); page 10

¹² European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1,15,20 and 24 of the Charter (Council of Europe, January 2017); page 11.

According to Article 43 of the same law, the employer is obliged to protect and respect the personality and dignity of the employee, as well as to take care to protect the privacy of the employee. Breach of these provisions is provided for in Article 264 paragraph 1 item 3 in the amount of EUR 7,000 in denar counter-value for the legal entity and 30% for the responsible person in the legal entity and in Article 265 paragraph 1 item 4 fine is prescribed in the amount of EUR 3,000 in denar counter-value for the legal entity and 30% for the responsible person in the legal entity.

The State Labour Inspectorate receives specific information indicating that these provisions have been violated, but reports are rarely received. So far, 1 complaint has been lodged where a candidate has objected to the circumstance that questions about sexual orientation were asked at the job interview. As the employer does not recognise this circumstance, it is difficult to prove the existence of such a violation. In addition, there was a complaint from an employee the one was often asked questions at work about his private life, which upsets him. The employee was instructed to apply for harassment protection under the Law on Protection against Harassment at the Workplace.

Article 1§3

With a view to ensuring effective exercise of the right to work, the Parties undertake to establish or maintain free employment services for all workers.

The Employment Service Agency of the Republic of North Macedonia (ESARNM) is a public institution established by the Law on Employment and Insurance in Case of Unemployment, which provides support and assistance and provides services to labour market participants. It performs professional, organisational, administrative and other matters relating to employment and insurance in the event of unemployment.

ESARNM is undergoing a continuous process of modernising its activities, in order to bring its services closer to the unemployed and to the employers. During the reporting period, the ESARNM with their employment centres developed and implemented services to increase the competitiveness of the workforce and meet the needs of the labour market, through the application of an individual approach to work, oriented to the needs of their clients, i.e. unemployed persons and employers.

The agency also carries out activities to promote and inform employers about the measures and services available to them. In cooperation with the employers, employment centres mediate the employment of the workforce in accordance with the requirements of the employer, their inclusion in specific active employment programmes and measures, continuous reporting and information on all current activities and active employment programmes and measures, etc.

Informing and inviting of the unemployed persons to participate in the employment services is carried out through written and verbal notifications, telephone contacts, SMS messages, information on the web portal of ESARNM, etc.

The Employment Agency provides the following services:

Assistance for job searching

The service includes the profiling and preparation of an Individual Employment Plan, employment counselling, information on labour market conditions and requirements, i.e. job vacancies, as well as information on active employment programmes and measures and services provided by the ESARNM. In addition, Employment Centres offer assistance to unemployed persons in preparing CVs and cover letters, enhancing skills for successful presentation to employers through job interviewing, through information and counselling, and perform education on using the ESARNM's online services through the Agency's web-portal, as well as organizing info-meetings for young people and other unemployed persons, etc.

Motivation training

Motivation trainings are organised as one-day group trainings in the employment centres, which aim to provide more information as well as motivation for inclusion in the active

employment programmes and measures. The motivation of the unemployed to actively seek work is also realised through an individual approach, if the unemployed need additional support and counselling.

"Preparation for employment and work" trainings

This service involves realisation of multi-day trainings for young unemployed people up to 29 years of age under the programme "Preparation for employment and work" which includes the following modules: introductory module, personal development, job search skills, communication skills, appropriate workplace behaviour, teamwork work and leadership, security, rights and responsibilities at work and financial skills.

They are implemented through workshops using methods that are close to young people and are effective for educating and adopting new skills in an interactive way.

Professional orientation and career counselling

The service covers a variety of information activities, group and individual career counselling, etc. The unemployed persons can be involved in many activities within the service, according to their interests and needs. Professional orientation and career counselling enable the unemployed persons to develop job searching and planning skills and to manage their own career development, assist in choosing a career, training or employment, and provide additional support in assessing their own employment potentials and adjusting them to real needs of the labour market.

Activation of unemployed Roma

The service is targeted at all unemployed Roma. The unemployed persons have access to a team of mentors who are engaged in the local communities. Their role is to motivate and regularly inform them about employment opportunities or professional capacity building. Through an individualised approach to identifying the knowledge, qualifications and skills available to persons, they are referred to the relevant programmes of the Operational Plan for active employment programmes and measures and services at the labour market.

Employment mediation

The mediation is carried out after the employer receives a "Request for Employment Mediation". This service includes counselling and assistance to employers, by searching for candidates for job vacancies from the ESARNM records of unemployed persons, conducting of a pre-selection, referral of unemployed persons to the employers for a job interview, etc.

Employer Services

Employer services include: providing information, counselling and providing opportunities to use services and active employment programmes and measures and other employment opportunities available to the unemployed persons through the ESARNM, education on using the ESARNM's online services, information and advice in the field of labour legislation, participation in joint events, such as employer forums, etc.

During the reporting period (2015-2018), employment services were provided to 856,541 persons, as follows:

- in 2015, the employment services have included 311,735 persons,
- in 2016, the employment services have included 299,550 persons,

- in 2017, the employment services have included 134,283 persons,
- in 2018, the employment services have included 110,973 persons.

In addition, it is important to emphasise that one person can be included in several services.

The high **youth** unemployment rate has imposed the need to take measures to improve their position at the labour market, in particular during the transition from education to employment. In this regard, in 2018, the Government of the Republic of North Macedonia has decided to introduce a Youth Guarantee (YG) in order to provide young people (15-29) within a four-month period an offer for employment, continuous education or active engagement in the employment programmes and measures.

The YG Implementation Plan was piloted in 2018 in 3 employment centres: Gostivar, Strumica and Skopje, involving young people who are not employed or involved in education or training (NEET) and who were recorded in 2018 for the first time as unemployed persons (inflow). Young unemployed persons were provided with services that enable them to be activated and motivated within the YG, in order to give them an appropriate job offer, to be included in one of the active employment programmes and measures or to be re-included in the educational process through the "second chance" programmes. The success of this project in 2018 was over 41%.

ESARNM is a public institution established with the Law on Employment and Insurance in Case of Unemployment. It performs its function through the Central Office, which is based in Skopje, and 30 employment centres in the major cities across the country. The central office is comprised of 9 departments comprised of units, and 2 units outside the Sector.

With situation as on 31.12.2015, the total number of full-time employees in the ESARNM was 502. According to the tasks and job tasks they perform, the structure of employees of ESARNM was as follows:

- managerial officials – 53 persons (10.5%);
- active policies employees– 256 persons (51%)
- passive policies employees – 162 persons (32.3%)
- auxiliary employees – 31 (6.2%)

With situation as on a 31.12.2016, the total number of full-time employees in the ESARNM was 504. According to the tasks and job tasks they perform, the structure of employees of ESARNM was as follows:

- managerial officials - 51 employees (10,1%);
- active policies employees - 266 employees (52,8%);
- passive policies employees - 157 employees (31%);
- auxiliary employees - 30 employees (6%).

With situation as on 31.12.2017, the total number of full-time employees in the ESARNM was 472. According to the tasks and job tasks they perform, the structure of employees of ESARNM was as follows:

- managerial officials - 36 employees (8%);
- active policies employees - 287 employees (61%);
- passive policies employees - 123 employees (26%);

- auxiliary employees - 26 employees (5%).

With situation as on **31.12.2018**, the total number of full-time employees in the ESARNM was 430. According to the tasks and job tasks they perform, the structure of employees of ESARNM was as follows:

- managerial officials - 42 employees (10%);
- active policies employees - 214 employees (50%);
- passive policies employees - 149 employees (35%);
- associate employees - 25 employees (5%).

Regarding the question of the Committee on the reasons to reduce the number of employees regarding the work on active policies and the plans for increasing the number of the personnel working on job-finding activities¹³, the Employment Service Agency has informed that the number of employees in ESARNM in the period 2015-2018 has reduced from 502 employees in 2015 to 430 employees in 2018. The respective reasons are mostly the natural drain of employees (retirement, death), as well as due to the termination of the employment upon request of the employee, the employer, or with mutual agreement.

ESARNM has planned to increase the number of full-time employees by 80 persons up to 2022, which shall require the consent for secured financial means from the Ministry of Finance.

In accordance with the requirement of the Committee pertaining to the information on the number of employees working on employment services, regarding the number of jobseekers¹⁴, we inform that the number of employees in ESARNM working on employment services is presented in the part related to ESARNM employees' data (by years), as employees working on active policies (see above).

In accordance with the requirement of the Committee for inclusion of information on the number of job vacancies reported by the employers to ESARNM during the reporting period, as employment data mediated by the employment services as share of the reported job vacancies and the relevant shares at the market of public and private services¹⁵, the Employment Service Agency submits the following information and data:

Regarding the applications for required workers, published by the employers in ESARNM during the reporting period, the situation is as follows:

- 2015- 338,336 applications,
- 2016- 351,918 applications,
- 2017- 370,742 applications,
- 2018- 403,816 applications.

¹³ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1,15,20 and 24 of the Charter (Council of Europe, January 2017); page 12.

¹⁴ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 12

¹⁵ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 12.

Regarding the employment mediation, 4,655 employment mediation applications have been submitted in 2015 by the employers, of which 3,348 were with positive outcomes. If the employer's requirement for the personnel would not be met through the employment mediation, the one was offered other active employment measures, all aimed at meeting their requirements.

During 2016, a total of 4,606 employment mediation applications were submitted. Of these, 3,131 claims were positively resolved (4,223 employed persons).

Of the total number of applications submitted, 2,762 mediation requests were submitted only by private sector employers, of which 1,710 were positively resolved (2,806 employed persons).

During 2017, a total of 4,174 employment mediation applications were submitted. Of these, 2,685 applications were positively resolved (3,405 employed persons). Of the total number of applications submitted, 2,058 mediation applications were submitted only by the private sector employers, of which 1,012 were positively resolved (1,714 employed persons).

During 2018, a total of 4,824 employment mediation applications were submitted, of which 3,164 were positively resolved (3,624 employed persons). Out of the total number of applications submitted, 1,903 mediation applications were submitted only by the private sector employers, out of which 764 were positively resolved (891 employed persons).

Advancement of the ESARNM's physical capacities. In order to improve the conditions in which employment services are provided, in 2016, 12 employment centres were renovated with funds provided by the European Union. In addition, all employment centres were properly equipped.

Good governance is the basis for providing quality services. In this regard, during the reporting period, with the financial support of EU, a project was implemented to strengthen the financial management and internal control system of the Employment Service Agency. Improvement of the efficiency of internal controls and the financial management system of the ESARNM should contribute to the appropriate, ethical, economical, effective and efficient public funds management for the employment programmes and labour market services in accordance with the applicable rules and regulations.

During 2016, the following activities have been realised:

- implemented risk assessment and identified shortcomings of the internal control systems;
- prepared Action Plan for overcoming the risks and establishment of the control procedures;
- prepared Methodology on the internal audit role in terms of risk management and control mechanism;
- conducted internal audit trainings, including more than 100 employees of the ESARNM;
- prepared Manual for internal control procedures;
- prepared Strategy for risk assessment, guidelines and action plan for risk management;
- conducted trainings for the ESARNM's employees for implementation of the internal audit and internal control, as well as training sessions for development of the annual financial report and for cost verification.

* * *

In the Republic of North Macedonia, in addition to the Employment Service Agency, private employment agencies also provide employment services for the workers by providing temporary employment and employment mediation in the country and abroad. The establishment and operation of both types of private employment agencies were regulated by two separate laws: the Law on Temporary Employment Agencies and the Law on Employment and Insurance in Case of Unemployment. Such regulation of the matter, which, in its essence, is rather similar, has often led to confusion and legal uncertainty among potential candidates and agency founders. In addition, the existing situation by which the manner of establishing and operating employment mediation agencies in the country and abroad, and was regulated with the Law on Employment and Insurance in Case of Unemployment, was beyond the scope of adoption and regulation of this law and was not in the spirit of employment and insurance in case of unemployment.

In 2012, the Republic of North Macedonia has ratified the International Labour Organisation Convention on Private Employment Agencies 1997 (C 181), which was thereby integrated in the country's internal legal system. The Convention also regulates the functioning of temporary employment agencies and mediation agencies in one place.

Due to the reasons set out above and following the example of the aforementioned labour standard, and having in mind the importance of flexibility at the labour market and recognising the role that private employment agencies can play at this market, as well as having in mind the need to protect the workers employed through the private employment agencies against potential abuses, a new law was adopted - Law on Private Employment Agencies ("Official Gazette of RM" No. 113/18).

The new law provided for the regulation of a legal matter that would cover in one place the requirements for the establishment of private employment agencies, their functioning and termination, which would have temporary employment and employment mediation in the country and abroad as their subject of operation. The Law, in Articles 25 and 34, stipulates that a private employment agency with a temporary employment license and an employment mediation license shall charge the services fee from the employer to whom the employee is provided, unlike the Employment Service Agency of the Republic of North Macedonia which does not charge the employer for the services.

Article 1§4

With a view to ensuring the effective exercise of the right to work, the Parties undertake to provide or promote appropriate vocational guidance, training and rehabilitation.

Vocational guidance

Regarding the question of the Committee related to the legal basis which provides access to vocational guidance and training in the Republic of North Macedonia, which also includes adult education, education for foreigners without any limitations related to the duration of their stay¹⁶ we inform that the answer to this question is contained in Annex 2 to the Fifth Report on the Implementation of the Revised European Social Charter, submitted in December 2017. In this Report, the answer to the same question is given below:

Pursuant to Article 3 of the Law on Employment and Insurance in Case of Unemployment, the duties of the Employment Service Agency in the field of labour exchange are regulated, which include:

- keeping records of employers and their needs for workers;
- receiving offers for vacancies from the employers and identification of the employer's needs according to the conditions in the expressed needs of workers;
- keeping records of unemployed persons according their qualifications, knowledge and experiences;
- keeping records of other persons who register with the Agency, according to their qualifications, knowledge and experiences,
- adopting and implementing operational plans for active measures and employment programmes,
- comparing the needs of the employer with the qualifications, knowledge and the experience of the unemployed persons;
- preparation of individual action plan to perceive the ability and the professional skills of the unemployed person and of other person who seeks job, and determination of the type and degree of the required employment assistance;
- providing information to the employer and the unemployed persons for the labour market;
- directing the unemployed persons to training, retraining or further qualification for employment;
- helping the employers for employment of unemployed persons with favourable conditions;
- providing special services for the employment of unemployed disabled persons;
- professional orientation of the unemployed and other persons due to selection of occupation or employment by testing and interview;
- monitoring the stated unrealised needs of workers at the employer;
- researching, monitoring and analysing the phenomena and movements on the labour

¹⁶ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 13.

market;

- providing professional and geographic mobility of the labour force in order to harmonise the supply and demand for labour force in the Republic of North Macedonia and abroad;
- establishing and maintaining good relations and cooperation of the Employment Services Agency of Republic of North Macedonia with the employers and the person who adopts decisions on the selection in employment and
- providing rights on the basis of insurance in case of unemployment.

Article 19 of the same Law stipulates that the services for the labour exchange for the unemployed and other persons who seek job from the Agency, in particular shall consist of:

- collecting information from the unemployed person in the registration in the Agency, for filling forms and documents, by interview of the unemployed person with the responsible person in the Agency;
- collecting data from the unemployed person for his/her qualifications, knowledge and abilities, for selection and referral to the job position;
- assessment of the needs of the unemployed person from the services of the Agency;
- informing the unemployed person about the time and manner of reporting to the Agency;
- providing information to the unemployed and other persons on the type of services and manner that may be obtained from the Agency;
- records of unemployed persons in the Agency in order to be employed or to exercise the rights based on unemployment;
- counselling and referring the unemployed and other persons who seek job for professional orientation for selection of occupation or employment through testing and interview;
- searching the files of the unemployed persons, in order to find qualified unemployed persons, according to the professional capabilities, i.e., the things they can and require to work;
- providing information to the unemployed and other jobseekers about the vacancies, by the person in charge of the Agency in relation to employment;
- interviewing and referring the unemployed persons to the employer who reported a need of workers;
- providing advice to the unemployed and other persons who are job seekers on how to look for a job through ads, contacts with the employers and in other manner;
- testing and counselling the unemployed and other job seekers, for selection of occupation for which the person has the most interest and capabilities, for whom an occupation that corresponds to the knowledge and capabilities of the person is required;
- organizing training and providing advice for upgrading the capabilities of the unemployed persons due to employment;
- providing services to the unemployed persons in working clubs for transferring knowledge and techniques for finding a job;
- coordinating the training, retraining and the further qualification in the public and private institutions in the area of education of the persons during the training, retraining or the further training;
- job seeking for unemployed persons with high qualification, for unemployed persons

- with disabilities and persons who wait for employment for longer period of time;
- information on the bottleneck occupations and employment possibilities;
- maintaining and keeping records of unemployed persons.

The above-stated law (Law on Employment and Insurance in Case of Unemployment) includes a separate part: **PROFESSIONAL ORIENTATION OF UNEMPLOYED PERSONS AND OTHER JOBSEEKERS.**

Professional orientation is the assistance that the Agency provides to the unemployed persons and other job seekers for the selection of occupation or employment via testing and interviewing and giving information on the needs of separate occupations and the employment possibilities.

The professional orientation also covers the individual counselling in the selection of occupation according to the desires, interest and capabilities of the persons for a specific occupation and the needs and possibilities of the labour market.

Counselling for professional orientation shall be provided to unemployed persons, high school students, university students, employed persons and persons with disabilities, if that is of importance for the selection of their occupation and professional development.

Advice on professional orientation is carried out by the Agency on whose territory the person seeking advice has a place of residence.

For the students from the final years of all levels of education, counselling for professional orientation is carried out by the Agency on the territory of which the educational institution is located.

For the students from the final years of primary and secondary education, the Agency shall be obliged, in cooperation with competent institutions in the field of education, to organise counselling regarding the choice of occupation through: lectures by scientific and professional workers, going to exhibitions, movies, enterprises related to employment, institutions, etc.

After individual counselling and testing for the choice of occupation on the basis of specific qualities, knowledge, interests and preferences of the student, the Agency recommends choosing the most appropriate type of occupation.

The use of counselling services for professional orientation is free of charge, and it is performed in a manner defined by an act of the Agency.

In all services and active employment measures implemented by the Employment Service Agency of the Republic of North Macedonia, only the registered unemployed persons are eligible to participate. Foreign nationals have the right to be registered as unemployed, but only if their employment is terminated before the expiration of the work permit, for the duration of the work permit. In doing so, they do not participate in the services and active employment measures.”

Regarding the request of the Committee for providing additional information concerning the vocational guidance, i.e. the question on whether the labour market offers free vocational guidance for employed and unemployed persons, what are the expenditures for such services, the staff equipping, and the number of beneficiaries, in order to be able to assess the compliance of the situation in the Republic of North Macedonia with Article 1, paragraph 4 of the Charter¹⁷, we inform that the answer to this question is contained in Annex 2 to the Fifth Report on the Implementation of the Revised European Social Charter (submitted to the European Committee of Social Rights in December 2017); therefore, the answer to the same question is given below, with adding the relevant information and data according to the reference period:

Professional orientation and career counselling are aimed at enabling the unemployed job seekers to acquire skills for exploring the career opportunities, skills to search for a job, and planning their own career development.

The professional orientation and career counselling is carried out through the application of techniques for assessing the characteristics of the unemployed persons, individual and group counselling and planning of career development, development of career plans, etc. As indicated above in the Report, professional orientation implies the services that the Employment Service Agency of the Republic of North Macedonia provides for the selection of occupation or employment by testing and interviewing, and giving information on the needs of separate occupations, as well as the employment possibilities.

The Employment Service Agency of the Republic of North Macedonia supports the beneficiaries of its services in the development of career development skills through the following activities:

- providing information (individually or in groups through workshops, by using materials in printed or electronic form);
- using tools for self-assistance that should help the beneficiaries to make decisions and to acquire skills in the management of their own career development;
- application of “Battery of instruments for professional orientation” and other assessment techniques;
- career counselling in groups;
- individual career counselling and preparation of career action plans, etc.

The use of counselling services for professional orientation is free of charge.

The activities for professional orientation and career counselling are carried out by career counsellors in the employment centres through individual or group work with the beneficiaries of the service. In 2016, in collaboration with the USAID Youth Employability Skills (YES) Network Project, trainings were held for the employees from the employment centres for career counsellors, for the model for group career counselling and application of the Battery of instruments for professional orientation (developed within the Project). With all the training during the Project, from all the employment centres, a total of 66 employees were trained for career counsellors, for the use of self-assessment tools, drafting career

¹⁷ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 13

action plans, etc. They were also trained for group career counselling on the basis of the application of the new Model for group career counselling.

During 2016, 3061 unemployed persons participated in the Professional orientation and career counselling service, out of which 1.621 were women, and 2,001 (65.37%) were young unemployed persons up to 29 years.

In addition to the unemployed persons, within the framework of the professional orientation, activities were realised with the students from the primary and secondary schools, i.e. 201 students from the primary schools and 9 students from the secondary schools in their final years of study received individual counselling for professional orientation.

In 2017, ESARNM participated in the project "Pilot Action for Access to the Work Rights of Persons with Disabilities". As part of the project activities, ESARNM's staff conducted activities to assess the personal characteristics of the unemployed disabled persons, which are related to their employability, and counselling for job search and professional development activities. In addition, activities were organised with the students from the final grades of primary and secondary schools and the university students, through activities such as group information meetings where the situation on the labour market was presented, presentation of active programmes, measures and employment services that ESARNM conducts, as well as individual and group counselling for professional orientation. Moreover, many students visited the employment fairs organised by the ESARNM in order to familiarise the students with the employers, the required occupations, the vacancies and the labour market situation through direct contacts with the companies.

During 2017, this service covered a total of 2,010 persons, of which 1,596 were young people up to 29 years (79.4%).

In 2018, activities were organised with pupils and students, such as group information meetings where the labour market situation was presented, as well as the active employment programmes, measures and services, etc. During 2018, this service covered a total of 4,603 unemployed persons, of which 2,555 (55.5%) were women and 3,131 (68%) were young people up to 29 years.

Continuous vocational training

Regarding the request of the Committee that the report should clarify whether the continuation of vocational training (retraining and further qualification) is also organised directly by the employers, and whether training programmes are available for active workers, as well as the requirement that the report should contain updated information regarding the percentage of unemployed and employed persons participating in continuous vocational trainings¹⁸, we inform that the answer to this question is contained in Annex 2 to the Fifth Report on the Implementation of the Revised European Social Charter (submitted

¹⁸ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 14

in December 2017); therefore, the answer to the same question is given below, with adding the relevant information and data according to the reference period:

The working-age population, according to the participation in educational activities outside of the regular educational system, and according to the economic activity (pursuant with the data obtained from the Labour Force Survey – LFS, of the State Statistical Office), is as follows:

	2017			
	Total	Employed	Unemployed	Non-active
Total	1,679,935	740,648	213,564	725,723
Participation in education activities	12,256	4,262	1,862	6,132
Does not attend any education activities	1,667,679	736,386	211,702	719,591

	2018			
	Total	Employed	Unemployed	Non-active
Total	1,682,702	759,054	198,569	725,079
Participation in education activities	11,772	4,399	1,100	6,273
Does not attend any education activities	1,670,930	754,655	197,468	718,806

Source: State Statistical Office, LFS

Programmes for training, retraining or further qualification are organised at the request of an employer, in whose premises and for whose needs the unemployed persons are trained. In doing so, the employer submits a training plan and programme, and at the same time appoints a person who is employed by the employer and will be a mentor of the training. These trainings are with duration up to 3 months, while the Employment Service Agency of the Republic of North Macedonia covers all costs for the unemployed persons.

The employers can organise training, retraining or further qualification for their employed workers, but the Employment Service Agency of the Republic of North Macedonia does not participate in this.

Training, retraining and further qualification as a service from the labour market exchange is stipulated by the Law on Employment and Insurance in the Case of Unemployment. In addition, this service is provided by the Employment Service Agency of the Republic of North Macedonia only to the registered unemployed persons.

In 2016, 458 contracts were signed with unemployed persons for training at 177 employers, and 355 people were employed. In 2016, this activity was delivered through the IPA (EU) project "Support for employment of young people, long-term unemployed and women".

The Employment Service Agency of the Republic of North Macedonia delivers several types of trainings aimed at increasing the employment opportunities of the unemployed persons:

- *On-the-job training with a known employer*

The purpose of this measure was to enable the unemployed people to acquire the skills to perform the tasks according to the needs of the employer. This measure provided the unemployed persons with training in performing the tasks for the specific employer's job.

The training was conducted for a specific job in a period of 3 months.

The unemployed person receives a monthly allowance of 9,000 MKD (≈150 €) per month, including accident insurance and occupational disease insurance. The employer was also required to retain at least 50% of the trained persons and not to reduce the total number of full-time employees for a period of 6 months.

Realisation by years:

2018 – 137 persons were included,

2017 – 27 persons were included,

2016 and 2015 – total of 458 persons were included (EU IPA grant support)

- *On-the-job training with subsidised employment*

In-service training lasts for three months. The trainees receive 6,200 MKD (≈100 €) per month, including accident insurance and occupational disease insurance. Upon completion of the on-the-job training, the employer is obliged to hire all the trainees for which he will receive an employment subsidy in the form of gross salary financial support in the amount of 19,000 MKD (≈310 €) per month for a period of 6 months for full-time working hours, of which 14,000.00 denars for the unemployed person and 5,000 denars are retained by the employer as compensation for the expenses incurred for the preparation of the person in the work process. The employer is obliged to keep the subsidised worker for the next 12 months and not to reduce the number of full-time employees.

Realisation by years:

2018 – 759 persons were included,

2017 – 352 persons were included,

2016 – 242 persons were included,

2015 – 466 persons were included.

- *Vocational qualification trainings according to the employers' requirements*

The training was conducted in close cooperation with the local self-government and the trainers. This measure is envisaged for the unemployed persons from the ESARNM's records. The employer is obliged to employ at least 50% of the persons who have successfully completed the training and not to reduce the number of full-time employees in a period of 6 months.

Realisation by years:

2018 – 53 persons were included,

2017 – 24 persons were included (this measure was implemented as pilot-measure).

- *Trainings for demanded occupations and crafts*
 The purpose of the measure was to meet the demand for the in-demand occupations and crafts through training. The attendees at the training received a monthly allowance in amount of 9,000 denars (≈150 €), including workplace accident insurance and personal income tax for the duration of the training, and training providers received training allowances up to 30,000 (≈500 €) MKD per trained person.
 Realisation by years:
 2018 – 437 persons were included,
 2017 – 185 persons were included,
 2016 – 230 persons were included,
 2015 – 171 persons were included.
- *Skills training*
 The objective of the measure was for the unemployed persons to acquire skills mainly pertaining to the basic knowledge of computer programmes, foreign languages, etc.
 Realisation by years:
 2018 – 587 persons were included
 2017 – 675 persons were included
 2016 – 2,283 persons were included
 2015 – 959 persons were included (EU IPA project support)
- *Advanced IT skills trainings*
 The measure was aimed towards upgrading the skills of the recorded active jobseekers in the field of IT, for the purposes of increasing their competitiveness and enabling their accelerated labour market integration.
 Realisation by years:
 2018 – 100 persons were included,
 2017 – 320 persons were included,
 2016 and 2015 – 202 persons were included (EU IPA project support)
- *Internship*
 The objective of this programme was the acquiring of practical knowledge and skills required for the execution of job-related tasks at specific job positions. The target group were unemployed young people up to 29 years of age, and in 2018, unemployed persons up to 34 years of age with minimum completed secondary education. Persons engaged in the internship received a monthly allowance in amount of 9,000 MKD (≈150 €), including workplace accident insurance and personal income tax for the period of 3 to 6 months of practical training.
 Realisation by years:
 2018 – 1263 persons were included,
 2017 – 915 persons were included (EU IPA project support),
 2016 – 548 persons were included (EU IPA project support),
 2015 – 980 persons were included (EU IPA project support).

Guidance and vocational trainings for persons with disabilities

Regarding the measures for professional orientation and training of people with disabilities and the Committee's conclusion indicating that the situation is not harmonised with the Charter, on the basis of undefined effective guaranteeing of the right of people with disabilities to regular education and trainings¹⁹, the following information are provided below:

In 2018, USAID's Social Inclusion through Technology project was implemented to help young people with disabilities become part of the labour market, especially in the rapidly growing IT sector, and to help organisations that work with people with disabilities to improve the skills related to their employment.

In partnership with the "iVote" Foundation, the project creates new vocational training modalities for young people with disabilities that are a combination of on-line training and hands-on training in companies. The project also promotes inclusive integration and increased participation of young people with disabilities in the IT sector in Macedonia, and works to increase the variety of services offered by these organisations to young people with disabilities in terms of their participation at the labour market and training for work-related skills.

Achieved results:

- Created package of 10 online soft and business skills courses in a fully accessible format with all the necessary features including videos with sign language translation. Specifically, such content for young people with hearing and vision impairments and mild to moderate intellectual disabilities is produced for the first time.
- More than 110 young people have accessed the online mentor-supported soft and business skills trainings. 24 of them completed business and soft skills courses and entered the second phase, i.e. IT courses. They also received basic level of career counselling on how to better prepare for a company interview. After completing the IT courses, they connect with IT companies to go on internships.

To better understand and socialise the concept of inclusion of young people with disabilities, the project organised several public events with the training candidates and IT sector companies. A Memorandum was signed by the Ministry of Labour and Social Policy and the State Labour Inspectorate to support the internship work of the trainees.

At the same time, several other projects, initiatives and activities were implemented, aimed at encouraging participation of persons with disabilities at the labour market and contributing to improving the opportunities for their inclusion in the open economy. Among other things, by July 2017, a Project for the Improvement of Social Inclusion Services was implemented, in the framework of which activities were implemented and the foundations were set for the establishment and development of vocational rehabilitation and personal assistance services, targeted specifically at people with disabilities with the aim to contribute to their facilitated integration in the labour market.

Draft standards for vocational rehabilitation and proposals for its introduction have been developed as part of the project activities. As a basis for the development of vocational

¹⁹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 15

rehabilitation, the experiences and lessons learned and suggestions were used from the implemented pilot programmes for professional rehabilitation and in-service training of persons with disabilities, piloted by 9 service providers (CSOs, day-care centres for the disabled, private companies, social protection institutions, specialised schools). A Draft Rulebook and nine standards for vocational rehabilitation have been prepared, five vocational rehabilitation programmes have been developed focusing on people with disabilities who are employed and those who are in the process of looking for work. In addition, draft-Programme for training "Theory to Practice" was prepared with 21 modules and training materials for working with 5 categories of persons with disabilities / persons with impairments (hearing impaired, persons with intellectual disabilities, persons with mental disorders, visually impaired and blind and physically handicapped persons). 170 professionals working with persons with disabilities were also trained. A field survey was conducted and a separate IT module for vocational rehabilitation was also developed as part of the software for recording users of social services.

During 2018, in cooperation with UNDP, a project for the development of vocational rehabilitation has been launched in two municipalities in North Macedonia (Skopje and Strumica). To this end, the Ministry of Labour and Social Policy provided and adapted premises in the Public Institute for Rehabilitation of Children and Youth in Skopje. The rehabilitation will be piloted with the participation of relevant civil society organisations, for which there are signed contracts for reconstruction of the facility, the required experts are hired, etc.

In addition, in the past period (2016/2017), several smaller grant projects were implemented under the two grant schemes, supported by the European Union pre-accession assistance (total of 38 smaller projects, local level), by which various measures and specific initiatives and activities were implemented aimed at supporting social inclusion and employment of different vulnerable categories of persons in local communities. Projects targeting people with disabilities were, inter alia, also implemented, and were aimed at contributing specifically to the inclusion of this vulnerable category of persons at the labour market, to increasing their employability, facilitating the access to the labour market, etc. As an example of such projects, we could mention the Project "Planning a Sustainable Employment Model for Persons with Disabilities" - promoting and piloting a model of sustainable employment for persons with disabilities based on their abilities, including people from the Skopje region (more than 150 people with disabilities were engaged in various trainings and other activities), the Project "Promoting Active Inclusion of Disadvantaged Persons Excluded from the Labour Market" - whose activities also included people with disabilities, the Project entitled "Employment Centre for Persons with Disabilities", the Project "Kitchen on wheels" - creating employment opportunities for persons with disabilities, the Project "Pilot Actions for Access to the Right to Work for Persons with Disabilities" and others.

* * *

The Ministry of Labour and Social Policy has launched preparatory activities for reforming the employment system for persons with disabilities, in the part regarding modifications in the manner of allocation of funds from the special fund for disability employment, introducing the basis for allocation of funds for vocational rehabilitation instead of

allocating funds to procure equipment, encouraging employers to hire on the open labour market, not just in sheltered companies, etc. The following reports will provide more detailed information on the implemented activities and the results achieved in relation to the planned reforms in this area.

ARTICLE 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community.

Article 15§1

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular, to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of the general schemes wherever possible or, where this is not possible, through specialised bodies, public or private.

Legislation for prevention of discrimination

According to the Constitution of the Republic of North Macedonia, Article 54, paragraph 3 reads as follows: “The restriction of freedoms and rights cannot discriminate on the grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status”. All citizens are equal before the Constitution and the law.

The latest legislation in the Republic of North Macedonia, in line with UN and EU regulations, contains anti-discrimination provisions.

The National Strategy for the Equalisation of the Rights of Persons with Disabilities - Revised (2010-2011) foresees support to the National Council of Disability Organisations of Macedonia, organisations of persons with disabilities, their participation in the decision-making on disability persons-related issues.

The Government of the Republic of North Macedonia has established a National Coordinative Body for Equal Rights of Persons with Disabilities in the Republic of North Macedonia, which includes representatives of national disability organisations, representatives of ministries and institutions competent for the field.

According to the national legislation in the Republic of North Macedonia, there are several institutions and bodies where all natural and legal entities who are discriminated can seek protection.

Extrajudicial bodies providing protection against discrimination in the Republic of North Macedonia are as follows:

1. Constitutional Court of the Republic of North Macedonia;
2. Ombudsman;
3. Commission for Protection against Discrimination;
4. Representative for establishing the unequal treatment of women and men;
5. Standing survey commission for protection of freedoms and rights of citizens;
6. Committee for relations between communities.

Court protection against discrimination is realised in front of:

Primary courts,

Administrative court of the Republic of North Macedonia.

The competencies and the description of the extrajudicial and court bodies are described in more details in the previous – III Report.

The new Law on Prevention and Protection against Discrimination, which was intensively prepared during 2018 and was adopted in May 2019, prohibits any discrimination based on race, skin colour, origin, national or ethnic background, sex, gender, sexual orientation, gender identity, belonging to a marginalised group, language, citizenship, social origin, education, religion or religious belief, political affiliation, other affiliation, disability, age, family or marriage status, property status, health status, personal status and social status or any other basis.

The prohibition against discrimination applies to all natural persons and legal entities and the law is applied by all state bodies, bodies of the local self-government units, legal entities with public authorisations and all other legal entities and natural persons in several fields as stipulated by the law, among which the area of work and labour relations, i.e. the prohibition against discrimination refers to employment and during the employment.

The new law also harmonises the definition of a person with disability with the definition of the Convention for Protection of Persons with Disabilities. The new law also regulates the appropriate adjustment and accessibility of infrastructure, goods and services, as special forms of discrimination, and fines are prescribed for the public and private sector in case of the non-compliance with such provisions.

The appropriate adjustment is required as well as the proper modification and adjustment required in specific cases, which do not impose disproportional or unnecessary burden, so as to secure enjoyment or exercising of all human rights and freedoms of the persons with disabilities on equal basis with the others. Prevention of proper adjustment is considered as discrimination.

Accessibility to infrastructure, goods and services means undertaking of relevant measures ensuring access for the people with disabilities, on equal basis as others, to the physical surrounding environment, transport, information and communications, including ITC technologies and systems, other public facilities and services in urban and rural areas. Preventing accessibility and availability of the infrastructure, goods and services is discrimination.

* * *

Regarding the request of the Committee for the report to include more information on the Reform related to the categorisation of people with disabilities, i.e. the Law on the national database on people with disabilities, adopted on 21 August 2015²⁰, we inform of the following:

²⁰ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 17.

This law regulates the establishment and functioning of the national database of persons with disabilities, processing of data in the database, use of data in the database, data security and supervision of the functioning of the database.

A National Database of Persons with Disabilities is established within the Department of Electronic Health within the framework of the integrated health information system. The database is part of the integrated health information system and enables the processing and provision of data to the competent authorities for the purpose of establishing a single record of data and the exercising of disability rights, in accordance with the law.

The database contains data on persons with disabilities on the basis of which they have exercised or may be entitled to exercise the right under the law for:

- pension and disability insurance,
- health insurance,
- social protection,
- child protection,
- employment of disabled persons and
- veterans-disability protection and civilian disability.

Competent authorities for Database processing:

- Department of Electronic Health;
- Ministry of Labour and Social Policy;
- Health Insurance Fund of North Macedonia;
- Pension and Disability Insurance Fund of North Macedonia;
- Employment Service Agency of the Republic of North Macedonia, and
- Public health institutions.

Database Management Commission has been established to ensure data processing and compliance with the security standards of the Database in accordance with the law, as well as to achieve effective coordination between the competent authorities. The members of the Commission shall be appointed by the Government of the Republic of North Macedonia for a period of four years.

Persons employed by the competent authorities may be granted access to the Database if they work on job positions where there is a specific need to use the data of the Database in accordance with the job systematisation act in that authority.

The manner of granting access, the levels of access, the duration of the access and the procedure for determining termination and withdrawal of access shall be prescribed by the Minister of Labour and Social Policy in agreement with the Minister of Health. The data is stored permanently and electronically in the Database.

The Ministry of Labour and Social Policy supervises the implementation of this law while the Directorate for Personal Data Protection supervises the processing of personal data and their protection, in accordance with the law.

* * *

Regarding the reform related to the categorisation of people with disabilities, we inform of the following:

The Government of the Republic of North Macedonia in cooperation with the UNICEF Office in Skopje and the civil society sector promoted the Macedonian version of the "International Classification of Functioning, Disability and Health". This tool will help change the way we see and respond to the needs of children with disabilities and will enable for their greater inclusion in the society. At the same time, a new phase of the campaign "Be Fair. For childhood without barriers. Let's see the abilities of the children and unleash the potential of every child!" started to be implemented.

The Ministry of Labour and Social Policy, together with the Ministry of Health and the Ministry of Education and Science, undertook activities during 2014 and 2015 to reform the process of assessing the needs of children and youth with developmental disabilities.

The UN Committee on the Rights of Persons with Disabilities, in its report, has also pointed out the need to change the current way of "categorising" children, in which it has, inter alia, expressed concern about the use of different disability assessments and definitions in the legal framework of the state, which are incompatible with the approach to disability based on human rights. At the same time, it has provided us with recommendations to provide a disability assessment method that fully incorporates a human rights-based approach, as well as eliminating numerous assessments, in order to reduce the burden on users.

The implementation of the new model/assessment system for additional educational, health and social support for a child or a young person, based on the **International Classification of Functioning - ICF** is ongoing. By applying the International Classification of Functioning, Disability and Health (ICF), the focus is placed on what a person can achieve if he/she is working on developing his/her potential. The development of potential (bodily functions and participation) combined with the removal of environmental constraints (inaccessible environment, prejudice and negative attitudes) will enable the active participation of these persons in society.

Piloting of the new assessment model for additional educational, health and social support for children and youth with disabilities has begun to be implemented in 2019. For the purposes of piloting, one national and two regional expert assessment bodies were established in Skopje, which evaluate children from all cities of the country. To this end, the evaluation premises were completely renovated and equipped in the former Home for children without parents "11 Oktomvri" - Skopje and in the Institute for Rehabilitation of Children and Youth in Skopje, which for this purpose have been ceded by the Ministry of Labour and Social Policy. Parents (guardians), as equal members of the team, also participate in the evaluation process. The evaluation, depending on the needs of the child, is done, in addition to the centre, at home, kindergartens, schools. The work of all expert bodies is standardised and the introduction of a central electronic database is ongoing. To date, a total of 356 functional assessments of children and youth have been made, of which 152 in the Functional Assessment Centres, 10 in the homes and 194 in the schools. In general, all parents expressed satisfaction with the new way of evaluation, mainly because the evaluation is carried out in a natural environment while the child is playing or studying and because they have the opportunity, together with members of the professional body, to

define their child's support needs with the objective of facilitated involvement in the everyday activities.

During this period, during the piloting, a parallel assessment of ICF functioning will be conducted for all children and youth, who will be categorised by the existing committees at the Institute for Mental Health of Children and Youth, the Institute for Physical Medicine and Rehabilitation and the Institute for Rehabilitation of Hearing, Speech and Voice - Skopje.

In the past period, all children from the first to fifth grade of the Special Primary Schools and Special Classes in the schools in the Republic of North Macedonia were evaluated in order to determine their functionality and the need for additional services for inclusion in the regular schools.

According to the indicated and the results of the pilot phase, the full implementation of the new assessment model proposes that expert bodies for assessment of additional educational, health and social support for children and youth with disabilities - one National body and nine regional, are to become an integral part of the Service for Mental Health of Children and Youth of the PHI Health Centre Skopje.

The existing three Committees will be disbanded, after which the assessment shall exclusively be performed in the newly-established Functional Assessment Unit, in accordance with the new International Classification of Functioning (ICF) model, which will assess children and youth with disabilities from 0 to 26 years.

The main method of work of the regional expert bodies consists of systematic collection of the available information about the child and his/her environment, and application of procedures to assess functioning and to assess basic health conditions.

Based on the assessment, the regional expert body issues a finding and an opinion with a functional profile for each child or young person, identifying the functional potential and recommending the necessary support and services in the fields of education, health and social care.

Each expert body will have a multidisciplinary team consisting of three (3) permanent expert members: a special educator and rehabilitator, a psychologist, a social worker and a technical support person. Most of them will be taken up from other health or social institutes/institutions as professionals with experience working with children with disabilities are required. Specialist physician practitioners as occasional members of the expert bodies will be engaged with a contract for consulting services, as external associates.

We are aware that most of the activities reported in this part (above) extend beyond the reporting period (for this VII Report); however, having in mind the interest of the European Committee of Social Rights, we believe that the stated information and data are of importance in terms of proper understanding, consideration and assessment of this reform. More detailed information on the realised activities and achieved results shall be provided in the next Report.

* * *

The Ministry of Labour and Social Policy, in order to provide support to persons with disabilities and their families in the place of residence, continues to undertake measures and activities that will be of great assistance for timely detection and adequate and professional work with this category of persons. Thus, the Ministry continues to develop a network of day care centres as social services for children and adolescents with disabilities, and currently there are 30 day care centres for different types of disability where about 500 users spend their day.

The Ministry of Labour and Social Policy actively, continuously and with evident progress, prepares, proposes and implements measures, activities, laws and strategies in order to improve the living conditions of persons with disabilities. Policy-making, measures and activities are based on comprehensive analyses, conditions and trends, international standards and positive experiences in the European Union, based on international and national documents regulating the rights of persons with disabilities.

The main legal framework in this part is regulated primarily with the Law on Social Protection, the Law on Employment of Disabled Persons, the Law on Disability Organisations, the Law on the Use of Sign Language, the Law on the National Database of Persons with Disabilities, etc.

In the field of employment of persons with disabilities, the special conditions for employment and work of persons with disabilities have been regulated in the past period: in the case of self-employment, then in case of employment with employer or having the capacity of an employer, in the state administration, local self-government units, public enterprises and other state institutions.

The awarding of non-reimbursable funds for full-time employment of an unemployed person with disabilities is of paramount importance, as well as the adaptation of the workplace at which the disabled person shall work, if required, and procurement of the relevant equipment, tax exemption, and securing funds for contributions and financial operational support.

* * *

The process of deinstitutionalisation in 2018 experienced its greatest development, with the adoption of the new **National Strategy for Deinstitutionalisation 2018-2027 - "Timjanik"** and its Action Plan, with which institutional living began to undergo a transformation into social services in the local community. This initiated the gradual abandonment of institutional living and the transfer of some of the residents into small group homes and foster families.

According to the National Strategy for Deinstitutionalisation 2018-2027, the number of children and adults accommodated in the six residential social institutions has decreased by more than 44% - from 482 to 267, by the end of 2019. The focus was on moving of children to a community, so that by the end of 2019, social institutions will no longer accommodate children under 18 (with the exception of two who turn 18 in 2020).

From August 2017 to December 2018, 131 children left the social institutions and were placed in non-institutional forms of care. All ten children under the age of 18 left the Special Institution "Demir Kapija", and now live in three housing units with support in Negotino, the village of Timjanik and Skopje. All 25 children from the Public Institution for Fostering Children with Educational and Social Problems and Disrupted Behaviour "25 May" were also

relocated, as well as the children accommodated in the Orphanage for Children without Parents and Parental Care "11 October", 30 children in total.

Within the process of deinstitutionalisation, in the past period (starting from 2008), in cooperation with the NGO sector, 17 housing units for organised and supported living were established (9 in Negotino and 8 in the City of Skopje), accommodating a total of 87 beneficiaries with disabilities.

The most commonly used models of community care for former beneficiaries of the institutions are fostering and group homes. In addition to the aforementioned open housing units for organised living with support, in the past two years (2018-2019), 22 group homes have been additionally established in several municipalities in the country, which by law can accommodate up to five adults or children with disabilities or up to seven children without parental care. As of January 2020, they accommodate a total of 112 children or adults. Of these, children and persons with disabilities (24 in total) are accommodated in five small group homes. In addition, seven persons with physical disabilities received state-owned housing in which they are provided with appropriate care and personal assistance, and two persons with physical disabilities returned to the biological family and are provided with personal assistance.

During 2016-2017, the Ministry of Labour and Social Policy with the support of the European Union pre-accession assistance implemented the project "*Promoting social inclusion services*" in which one of the main components was the introduction and standardisation of the personal assistance service in the Republic of North Macedonia. As a result of the project and both for the sustainability and justification of the resources provided by the European Union, as well as for the reform processes in the delivery of services to persons with disabilities, the Ministry of Labour and Social Policy amended the Law on Social Protection ("Official Gazette" No. 163/17 of 14.11.2017), proposed amendments to Article 10 in paragraph 1 with a view to envisaging measures to provide personal assistance to persons with disabilities, which means that the Government of the Republic of North Macedonia shall be able to adopt a special programme for providing personal assistance. The Personal Assistance Programme was first introduced in 2018 as a service, and is fully funded from the Budget of the Republic of North Macedonia. The introduction of this service contributes to the practical implementation of the Convention on the Rights of Persons with Disabilities and represents a fulfilment of the long-standing demand of persons with disabilities that will contribute to their independent living, active and equal participation in the community and the society in its entirety. The service has started to be implemented in 7 municipalities in the country. The number of beneficiaries in 2018 was 59 and the number of personal assistants was 53.

Personal assistance, as service of the social protection system, includes assistance for the persons with disabilities in the execution of their everyday personal, domestic, socialisation activities, the participation in the education and at the labour market and other activities, which would usually be performed without any support by a person without disability. The service results from the independent living concept for persons with disabilities. The programme defines the beneficiaries, measures, proponents and the sources of funds for securing the personal assistance service.

The 2018 Programme for personal assistance for persons with disabilities is based on the independent living concept of persons with disabilities and on the understanding that persons with disabilities are not passive recipients of care, but are citizens who have the right and can control their lives, make choices and decisions, and assume responsibility for them. The Personal Assistance Programme strengthens the social protection system and encourages pluralism in the provision of social services, in accordance with the citizens' needs.

Education

Pursuant to the Law on Primary Education, students with special educational needs are provided with adequate conditions for primary education and education in regular and special primary schools and are entitled to individual assistance in obtaining primary education and upbringing.

The education of students with special educational needs represents an integral part of the education system, educational philosophies, strategies, as well as educational policies that are promoted in the state. It should be noted that the adapted curricula and syllabi that educate students with special educational needs stem from the curricula for "regular" primary schools.

The Ministry of Education and Science, in cooperation with the professional community and the NGOs, has drafted a new proposal for the Law on Primary Education²¹, which has been the subject of public debate. The new Law on Primary Education has a number of legal provisions aimed at improving the inclusion of students with special educational needs in the primary schools. The Ministry of Education and Science will refer on the new Law on Primary Education in the following report.

Students with special educational needs in special primary schools and institutes			
Study year	Male	Female	Total students
2015/2016	291	123	414
2016/2017	300	144	444
2017/2018	282	141	423
2018/2019	285	139	424

Source: Ministry of Education and Science

²¹ The new Law on Primary Education was adopted by the Assembly of the Republic of North Macedonia in July 2019 (Official Gazette No 161/2019 of 5.8.2019)

Students with special educational needs included in regular classes in the primary schools		
Study year	Total schools	Total students
2015/2016	40	388
2016/2017	44	413
2017/2018	57	493
2018/2019	63	571

Source: Ministry of Education and Science

Students with special educational needs included in special classes in the regular primary schools		
Study year	Total schools	Total students
2015/2016	21	319
2016/2017	21	338
2017/2018	21	331
2018/2019	20	320

Source: Ministry of Education and Science

Students with special educational needs, total in regular primary schools (included in the regular classes and included in the special classes)		
Study year	Total schools	Total students
2015/2016	61	707
2016/2017	65	751
2017/2018	78	824
2018/2019	83	891

Source: Ministry of Education and Science

Concerning secondary education and the *Committee's request that the report should contain information on schools for students with disabilities or students with special educational needs enrolled in regular high schools or vocational high schools or state arts schools²²*, we inform that in the Republic of North Macedonia there are 4 state special schools that educate students:

- State School for Visually Impaired Children and Youth DURDMOV "Dimitar Vlahov" - Skopje;
- State School Centre for Education of Students with Hearing Impairment "Partenija Zografski" - Skopje;
- State High School for Students with Intellectual Disability "St. Naum Ohridski" - Skopje;
- State High School for Students with Intellectual Disability "Iskra" - Shtip.

These 4 schools educate a total of 228 students in 9 vocations.

²² European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 17.

Regarding the requested information by the Committee on the conditions for testing or examining children with disabilities, i.e. whether the qualifications acquired by these students are equal to those of the other students, regardless whether they are attending regular or special schools and whether any special preparations have been made for them during the knowledge examination²³, we inform that the answer to this question is contained in Annex 2 to the Fifth Report on the Implementation of the Revised European Social Charter (submitted to the Committee in December 2017); therefore, the answer to the same question is given below, upgraded and supplemented with the relevant information for the reference period:

- In 2015, the Bureau for Development of Education, in cooperation with UNICEF, has prepared a Teachers' Manual on Formative Assessment in Classroom Teaching "Formative Assessment in Students with Learning Disabilities". The Manual points to the manner of formative assessment in students with learning disabilities; lecture planning and setting of clear objectives and expected outcomes and performance criteria; asking questions and discussions, constructive feedback, self-evaluation and mutual assessment; reflection-based planning; informing the parents.

The attitude in schools is increasingly redefined, making students with learning difficulties valued for what they are, versus diversity.

The manner and forms of monitoring the achievements should be directed to the process of learning, adapted to the specifics of the student, and should act in an affirmative and encouraging manner.

Descriptive assessment is the best way to provide children with feedback on what they achieved, what is the progress within a certain period, and it also acts as a stimulant to self-esteem, a sense of success and the overall development of the child.

The Manual itself provides the teachers with specific guidance on the working methods they should apply and which materials should be used in order to meet the individual needs of the child, and not to separate them from the other children.

- The Bureau for Development of Education has prepared a "*Guide on the work of the school inclusion team*". The guide was developed as part of the Inclusive Education Programme in the primary school. The programme supports the activities of the Ministry of Education and Science aimed at exercising of the children's rights to access and inclusion in education, as well as at enhancing achievements by ensuring a higher quality of education for all children. The development of the "Guide on the work of the school inclusion team" included inclusion teams from the primary schools that during the school year 2016/2017 applied the suggested procedures and instruments by the authors of the Guide. The Manual has been published with the support of UNICEF and the Macedonian Civic Education Centre.

- During 2018, the Bureau for Development of Education, in cooperation with UNICEF, has realised 19 trainings for inclusive education in 19 primary municipal schools which included 645 teachers, expert associates and principals of schools in which trainings were organised.

²³ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 19.

Other additional information:

- The working group established by the Minister of Education and Science has prepared a unified form for enrolment and monitoring of student development in primary and secondary special schools, which was implemented as of the academic year 2016/2017. The forms are used exclusively for the needs of the school with consent given by the student's parent/guardian. The follow-up form aims to track the student's development, achievement and progress.

- Regarding the manner and conditions for enrolment of students with special educational needs in primary schools, we inform that a new rulebook has been adopted replacing the old rulebook for enrolment of students with special educational needs in primary schools - Rulebook on the number of students with special educational needs in the class and the manner and conditions for enrolment of students with special educational needs in primary schools (Official Gazette of RM No. 136/17 dated 26.9.2017).

- In September 2017, the " Children with Visual Impairment Project" supported by the United States Agency for International Development (USAID) and the Lions Club International Foundation (LFIC), successfully promoted 120 primary school textbooks, for first to ninth grade, in Macedonian and Albanian language, adapted and printed in Braille writing system for students with developmental disabilities.

- In September 2017, the translation of the International *Classification of Functioning, Disability and Health Manual* was presented. The Manual focuses on capabilities, not on the disability or impairment itself, and will serve as a tool for introducing inclusive practices in the health, education and social care sectors. The Manual is an important impetus for the final adoption of the Rulebook on the assessment of additional educational, health and social support for a child or a young person, adopted by all relevant ministries - Ministry of Health, Ministry of Labour and Social Policy, Ministry of Education and Science. In addition, the Ministry of Local Self-Government is expected to be engaged in this procedure. A Committee on the International Classification of Functioning, Disabilities and Health has been established. The project "*Preparation for implementation of the new model for functional assessment of additional educational, health and social support for children or youth, based on the International Classification of Functioning - ICF*", has started to be implemented, organised by the Association of Special Educators and Rehabilitators of the Republic of North Macedonia with financial support from the UNICEF Office in Skopje. The project is in the pilot phase (during 2019). More information on this is provided above in the Report, and more details on these issues and the results achieved will be reported in the next Report.

Vocational training

In accordance with the Committee's conclusion that the situation in the Republic of North Macedonia is not in conformity with Article 15§1 of the Charter, based on the Committee's consideration that it is not determined whether the right to regular education and training of persons with disabilities is efficiently guaranteed²⁴, we additionally provide the following information:

As indicated above, the Bureau for Development of Education has prepared the "Guide on the work of the school inclusion team". The guide was developed as part of the Inclusive Education programme in the primary school. The programme supports the activities of the Ministry of Education and Science aimed at exercising of the children's rights to access and inclusion in education, as well as at enhancing achievements by ensuring a higher quality of education for all children. The development of the "Guide on the work of the school inclusion team" included inclusive teams from the primary schools that during the school year 2016/2017 applied the suggested procedures and instruments by the authors of the guide. The manual has been published with the support of UNICEF and the Macedonian Civic Education Centre

- During 2018, the Bureau for Development of Education, in cooperation with UNICEF, has realised 19 trainings for inclusive education in 19 primary municipal schools which included a total of 645 teachers, expert associates and principals of the schools in which trainings were organised.

- The number of special needs educators in the regular schools has been increased. Namely, only in 2016, additional 74 special needs educators have been employed, providing support to the students with disabilities and working with the other members of the inclusion team in the development of the individual educational plans for each student separately.

- The Ministry of Education and Science, Ministry of Labour and Social Policy, Employment Service Agency and the United Nations Development Programme (UNDP), together with the local communities and CSOs, in line with the positive experiences from the school year 2017/2018 and the school year 2018/2019, have continued to implement the programme for engagement of personal and educational assistants, a programme that is also supported through the active employment programmes and measures from the Operational Plan, i.e. in the framework of the Community Service Programme. Educational and personal assistants provide the necessary individual and appropriate support to students with special educational needs in the educational process, in order to obtain quality education for each student and to realise their full potential. During this school year, 334 personal and educational assistants have been engaged in this programme in 38 municipalities out of 81 municipalities in the country.

* * *

²⁴ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 20.

As we have previously indicated within Annex II to the Fifth Report on the Implementation of the Revised European Social Charter (submitted to the Committee in December 2017), we would like to use this opportunity as well, to emphasise the following:

In its latest conclusions (from 2016), the European Committee of Social Rights states that despite the additional information submitted by us in our previous reports, it still considers that most of the issues raised in the previous conclusions (Conclusions XXI/2012 and XIX- I/2008) have not yet been answered/replied, or relevant statistical data is not provided, therefore it cannot determine whether the situation in the Republic of Macedonia is in conformity with Article 15, paragraph 1 of the Charter²⁵.

The Republic of North Macedonia continuously strives to submit to the European Committee of Social Rights all relevant information that are available and at disposal, in relation to the provisions of the Charter that are the subject of reporting. In addition, it is our intention to provide in all Reports as precise and as comprehensive responses/replies as possible to all specifically raised questions and requests for additional information by the Committee.

Such is the case also with the submission of the required information related to Article 15 of the revised European Social Charter, for which, in this Report as in the previous, we submit the latest updated information and data available to the competent institutions in the Republic of North Macedonia.

In order to enable real consideration and assessment of the situation in the Republic of North Macedonia in respect to the rights established and guaranteed by Article 15§1 of the European Social Charter, we kindly ask the Committee to indicate exactly which information and data is missing, and which exactly are those unanswered questions to which it refers in its last and several previous conclusions (Conclusions XX-I/2012 and XIX-I/2008).

²⁵ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 20.

Article 15§2

With a view to ensuring to persons with disabilities, irrespective of age and nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake in particular to promote their access to employment through all measuring tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services.

Employment of persons with disabilities

Employment of persons with disabilities is regulated with the Law on Employment of Disabled Persons ("Official Gazette of RM" No. 44/00, 16/04, 62/05, 113/05, 29/07, 88/08, 161/08, 99/09, 136/11, 129/15, 147/15, 27/16 and 99/18), which regulates the special requirements for employment and work of persons with disabilities, as well as the conditions for establishment and the operational benefits of a company for employment of disabled persons. This law regulates the special requirements for employment and work of disabled persons when they are self-employed as sole proprietor, work with an employer or have an employer status, work in the state administration, local self-government units, public enterprises, institutions, agencies and funds and other state institutions, as well as the requirements for establishment and the benefits for the operation of a company for employment of disabled persons - sheltered company. The Law on Employment of Disabled Persons also defines the term disabled person, the procedure for determination of disability, the deadline for adopting a decision in this procedure and the right to appeal this decision and the measures and conditions for employment and work of the disabled person and the criteria for the allocation of funds from the Special Fund as the procedure for overseeing the earmarked spending of the Special Fund.

The Law Amending and Supplementing the Law on Employment of Disabled Persons ("Official Gazette of RM" No. 99 dated 29.5.2018) further regulates the procedure for allocation of funds from the Special Fund, for the purpose of earmarked use of the allocated funds and the manner of performing control over the use of these funds. The aforementioned amendments to the Law introduce a category of self-employed person instead of a sole proprietor, thus harmonising it with the provisions of the social security laws (the Law on Pension and Disability Insurance, the Law on Health Insurance and the Law on Obligatory Social Insurance Contributions). At the same time, the above-mentioned amendments introduce a working assistant of a disabled person who is involved in the job training, at his or her request or at the request of the employer, as well as a procedure for controlling the intended use of the funds allocated from the Special Fund and the Special Fund's beneficiary right to an appeal.

In order to implement the measures envisaged in the Law Amending and Supplementing the Law on Employment of Disabled Persons (published in the Official Gazette of RM No. 99/18 dated 29.5.2018), three bylaws, i.e. Rulebooks were adopted which regulate them in more details and which are as follows:

- Rulebook on the manner of implementation of the supervision over the provisions of the Law on Employment of Disabled Persons (“Official Gazette of RM” No.159/18),
- Rulebook on the manner of controlling the earmarked use of the funds allocated from the Special Fund for Improving the Employment and Working Conditions of Persons with Disabilities (Official Gazette of RM No. 159/18) and
- Rulebook on the Detailed Conditions and Manner of Providing a Working Assistant to a Disabled Person and the Financial Compensation for the Working Assistant of a Disabled Person (“Official Gazette of RM” No. 159/18).

The Law Amending and Supplementing the Law on Employment of Disabled Persons (published in the Official Gazette of RM No. 27/16 dated 15.2.2016), further regulates the procedure for establishing disability, the timeframe for adoption of a decision in this procedure, and the right to appeal such decision.

Pursuant to the above-stated law, the disability, upon a request submitted by a disabled person, his or her parent or guardian, is determined by a commission on evaluation of the working capacity of the Pension and Disability Insurance Fund of North Macedonia, unless the person's disability is determined by another competent authority. A disabled person over 26 years of age, who has a document on the type and degree of disability in accordance with the social protection legislation issued more than 10 years ago, at his/her first employment, shall be determined the disability by the Fund's commission for evaluation of the working capacity. The work that the disabled person can perform at the relevant job position is determined by the Commission within the Ministry of Labour and Social Policy, which was established by act or decision no. 02-2683/1 dated 21.02.2018 by the Minister of Labour and Social Policy.

Employment of persons with disabilities is performed from the list of registered unemployed persons in the Employment Service Agency of the Republic of North Macedonia.

Regarding the Committee's request to provide updated numbers related to the total number of persons with disabilities, the number of working-age persons with disabilities, the number of employments (at the open market or sheltered employment), the number of persons which benefit from the employment measures and the number of those seeking employment²⁶ we hereby inform that the Employment Service Agency of the Republic of North Macedonia keeps separate records of the unemployed disabled persons.

²⁶ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 21.

In addition, the number of registered disabled persons is included in the total number of registered unemployed persons. In that respect, the situation is as follows:

Gender	31.12.2015					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,587	100.0	916	100.0	2,503	100.0
Men	1,055	66.5	539	58.8	1,594	63.7
Women	532	33.5	377	41.2	909	36.3

Source: ESARNM

Gender	31.12.2016					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,512	100.0	943	100.0	2,455	100.0
Men	1,026	67.9	546	57.9	1,572	64.0
Women	486	32.1	397	42.1	883	36.0

Source: ESARNM

Gender	31.12.2017					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,449	100.0	885	100.0	2,334	100.0
Men	986	68.0	517	58.4	1,503	64.4
Women	463	32.0	368	41.6	831	35.6

Source: ESARNM

Gender	31.12.2018					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,336	100.0	914	100.0	2,250	100.0
Men	894	66.9	548	60.0	1,442	64.1
Women	442	33.1	366	40.0	808	35.9

Source: ESARNM

Type of disability	31.12.2018					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,336	100.0	914	100.0	2,250	100.0
With developmental disabilities	524	39.2	385	42.1	909	40.4
Physical disabilities	326	24.4	188	20.6	514	22.8
Hearing and speech impairments	104	7.8	80	8.8	184	8.2
Labour disability	112	8.4	48	5.3	160	7.1
Vision impairment	90	6.7	56	6.1	146	6.5
Other categories	180	13.5	157	17.2	337	15.0

Education	31.12.2018					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,336	100.0	914	100.0	2,250	100.0
Without education and with primary education	722	54.0	556	60.8	1,278	56.8
Incomplete secondary education	289	21.6	177	19.4	466	20.7
Completed secondary education	280	21.0	163	17.8	443	19.7
College education	10	0.7	3	0.3	13	0.6
University education	31	2.3	15	1.6	46	2.0
Masters of science	4	0.3	0	0.0	4	0.2
PhDs	0	0.0	0	0.0	0	0.0

Source: ESARNM

Age	31.12.2018					
	Unemployed persons	%	Other jobseekers	%	Total (unemployed persons + other jobseekers)	%
Total	1,336	100.0	914	100.0	2,250	100.0
from 15 to 19 years	20	1.5	1	0.1	21	0.9
from 20 to 24	88	6.6	34	3.7	122	5.4
from 25 to 29	111	8.3	74	8.1	185	8.2

from 30 to 34	158	11.8	106	11.6	264	11.7
from 35 to 39	141	10.6	142	15.5	283	12.6
from 40 to 44	174	13.0	139	15.2	313	13.9
from 45 to 49	152	11.4	133	14.6	285	12.7
from 50 to 54	159	11.9	104	11.4	263	11.7
from 55 to 59	200	15.0	96	10.5	296	13.2
60+	133	10.0	85	9.3	218	9.7

Source: ESARNM

Encouraging the employment of disabled persons is regulated with the Law on Employment of Disabled Persons, regulating the awarding of funds to the employers who employ disabled persons for the employed of such persons, for workplace adaptation, for procurement of equipment and for training of the employed disabled persons.

As an answer to the Committee's question regarding the implementation of the employer's obligations to make proper adjustments, it is indicated that pursuant to the Law on Employment of Disabled Persons, the employers are required to create appropriate working conditions and to adjust the job position according to the job, the type and the level of education and the type and degree of disability of the disabled person being employed. Employers may apply for grants from the relevant Special Fund for job position adjustment. In reference with the Committee's request that the report should include information pertaining to the number of applications for grants and the number of awarded grants by the Special Fund, for employment of persons with disabilities²⁷ the following tabular overviews are presented below:

Awarded funds from the Special Fund in 2015				
No	Basis for awarding funds	Number of employers	Number of disabled persons	Amount of awarded funds (MKD)
1	Employment of disabled persons	82	121	49,702,460
2	Workplace adaptation	1	1	100,000
3	Procurement of equipment	83		100,139,130
4	Job training for employed disabled persons	0	0	0
TOTAL:		166	122	149,941,590

Source: ESARNM

²⁷ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 21.

Awarded funds from the Special Fund in 2016				
No	Basis for awarding funds	Number of employers	Number of disabled persons	Amount of awarded funds (MKD)
1	Employment of disabled persons	150	208	85,838,060
2	Workplace adaptation	2	2	200,000
3	Procurement of equipment	24		37,529,804
4	Job training for employed disabled persons	0	0	0
TOTAL:		176	210	123,567,864

Source: ESARNM

Awarded funds from the Special Fund in 2017				
No	Basis for awarding funds	Number of employers	Number of disabled persons	Amount of awarded funds (MKD)
1	Employment of disabled persons	138	223	94,376,100
2	Workplace adaptation	6	6	569,927
3	Procurement of equipment	36		59,216,181
4	Job training for employed disabled persons	0	0	0
TOTAL:		180	229	154,162,208

Source: ESARNM

Awarded funds from the Special Fund in 2018				
No	Basis for awarding funds	Number of employers	Number of disabled persons	Amount of awarded funds (MKD)
1	Employment of disabled persons	153	209	95.266.160
2	Workplace adaptation	2	2	200.000
3	Procurement of equipment	55		79.892.022
4	Job training for employed disabled persons	0	0	0
TOTAL:		210	211	175.358.182

Source: ESARNM

Overview of registered employment applications for 2018					
Age	Total	Sheltered company	Public, state sector	Other companies	Sole proprietor
Up to 19	18	16		2	
20-24	100	48	10	41	1
25-29	144	53	5	84	2
30-39	405	113	21	259	12
40-49	394	101	27	255	11
50-59	220	70	10	132	8
60+	49	13	2	33	1
Total	1,330	414	75	806	35

Source: ESARNM

Regarding the Committee's request on the length of time that the Commission requires to inform the employers willing to employ a disabled person of their decision and whether an appeal can be lodged against the decision with the court²⁸ we hereby inform that:

The Law Amending and Supplement the Law on Employment of Disabled Persons (Official Gazette of RM No 27 dated 15.2.2016), envisages an administrative procedure for establishing the disability for employment of disabled persons. In accordance with the legal provisions, the request for establishing disability is submitted to a branch of the Pension and Disability Insurance Fund of North Macedonia according to the place of residence of the applicant. Acting in accordance with the application, the competent branch of the Fund shall adopt a decision establishing the disability, based on the findings of the Fund's Commission for evaluation of the working capacity, within 45 days as of the date of submission of the application.

The Fund's Commission for evaluation of the working capacity shall be obliged to prepare and submit the findings within 30 days as of the day of receipt of the application.

The applicant is entitled to lodge an appeal against the decision of the Fund with the Ministry of Labour and Social Policy within 15 days as of the date of receipt of the decision.

The general administrative procedure regulations envisaging the right to an appeal against the first instance decision are applied in the procedure for resolution of the rights and obligations stemming from this law.

On the basis of the decision establishing the applicant's disability in accordance with the provisions of the Law on Employment of Disabled Persons, the disabled person is referred to the Commission for establishing the work that the disabled person can perform at the relevant job position, established with an act of the Minister of Labour and Social Policy, i.e. with decision No 02-2683/1 dated 21.02.2018. The Commission for establishing the work that the disabled person can perform at the relevant job position with findings and opinion, and according to the type and degree of disability of the disabled person, shall determine the works and job-related tasks that the person can perform for the employer. The

²⁸ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 22.

composition of the Commission and the manner of adopting the findings and the opinion establishing the works that the disabled person can perform at the relevant job position are regulated with the Rulebook on the composition of the Commission and manner of adopting the findings and the opinion establishing the works that the disabled person can perform at the relevant job position (Official Gazette of RM No 15/2006 and 24/2007).

Measures to encourage employment of persons with disabilities

*Within the context of the required information by the Committee on the planned measures for increasing the employment of persons with disabilities and the requested relevant statistics*²⁹ we hereby inform that in accordance with the Law on Employment of Disabled Persons, the following measures have been envisaged for improvement of the employment requirements and the work of the disabled person, as follows:

1. Awarding of non-refundable funds for full-time employment of an unemployed disabled person, adaptation of the workplace for the disabled person, if required, and procurement of equipment according to the criteria and in a manner defined with an act of the Minister of Labour and Social Policy, as follows:

- for the employment of the disabled person, in accordance with the Law on Employment of Disabled Persons for an indefinite period of time, a total amount of 20 average net salaries in the Republic of North Macedonia for the year before the employment or 40 average net salaries in the Republic of North for the year before the employment for a blind person with vision impairment of 90 to 100% and physically disabled person who needs a wheelchair
- for the workplace adaptability in the amount of 100,000 denars which can also be reused if required by the technically-technological process or the type and degree of the disability of the disabled person; and
- for procurement of equipment in the amount of 200 average net salaries in the Republic of North Macedonia in the previous year, where the applicant should participate with 20% own contribution (own funds, bank loan or personal funds of the company owner), and the amount of the awarded funds can be up to the amount of the property and permanent capital, at the most, as registered in the applicant's books (founding deposit, equipment, construction business facilities, stores, etc.) and mortgage in the 2:1 ratio or bank guarantee in the amount of the approved funds. The main criterion for establishment of the amount of the awarded funds for equipment is the number of employed disabled persons, i.e. the higher the number of employed disabled persons, the higher the amount of awarded non-refundable funds, i.e. net salaries paid in the Republic of North Macedonia, awarded to the applicant.

2. Tax exemption and securing of funds for contributions

The employed disabled person with established disability is exempted from payment of the personal income tax. The funds for the pension and disability insurance, the health insurance contribution, and the employment contribution for the persons with established

²⁹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 22.

disability, are secured from the Budget of the Republic of North Macedonia, up to the amount of the contributions, at the most, for the base of the two net average salaries paid in the Republic of North Macedonia in the previous month. For the difference from the net salary exceeding this amount, the contributions shall be paid by the employer.

3. Financial operational support.

Financial operational support includes the benefits provided to the disabled person independently performing the activity as a self-employed person, or a sheltered company, when using the funds from the Special Fund. Self-employed person shall mean a natural person independently performing an economic activity or professional and other intellectual services that generates income, in accordance with the law.

4. Work assistant for a disabled person. included in the job training upon his/her request or upon request of the employer. The financial compensation for the assistant is paid on a monthly basis, according to the number of working hours for which the assistant has provided the services, where such number of working hours of the assistant can be 80 hours, at the most, during one month.

ARTICLE 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Article 20

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a) access to employment, protection against dismissal and occupational reintegration;
- b) vocational guidance, training, retraining and rehabilitation;
- c) terms of employment and working conditions, including remuneration;
- d) career development, including promotion.

Equal rights

Exercising of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex is enabled through Article 6 of the Law on Labour Relations (Official Gazette of RNM No 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). In accordance with this Article, the employer must not treat the job applicant or the employee unequally on the grounds of racial or ethnic origin, colour of skin, gender, age, health or disability, religious, political or other conviction, membership in trade unions, national or social background, family status, financial standing, sexual orientation or other personal circumstances.

According to paragraph 2 of Article 6, women and men must be provided with equal opportunities and treatment relating to:

1. access to employment, including promotion and vocational and professional training;
2. working conditions;
3. equal pay for equal work;
4. professional social insurance schemes;
5. leave of absence;
6. working hours, and
7. termination of the employment contract.

The principle of equal treatment shall include a prohibition of direct and/or indirect discrimination. The prohibition of direct or indirect discrimination in the cases referred to in article 6 of the Law shall refer to discrimination of the job applicant and the employee.

Exceptions from the prohibition of discrimination are defined in Article 8 of the Law on Labour Relations.

In accordance with the Committee's request for examples to be provided on the job positions/activities reserved exclusively for persons of one sex, and whether women are prohibited to work during the night shift or to work in mines/underground³⁰, we indicate the following:

- Examples of cases where employment of persons of single sex will not be considered as discrimination:
 - in cases of fixed gender representation quota in the work of a specific authority or body
 - when shooting a movie or an advertisement, when a specific character has to be one or the other sex
 - for religious ceremonies in the Christian or Muslim temples (in both, males perform the ceremonies).
- Regarding the prohibition on night work, we inform that in 2018 the Republic of North Macedonia ratified the Night Work Convention (C 171), which has direct application, implying equal access to night work for men and women, with adequate maternity protection.
- Regarding the prohibition on working in mines, or underground, as a result of current trends in removing sex-based restrictions in work and ILO's recommendations, the new Law on Labour Relations (in preparation) will not include this prohibition.

Gender equality is also observed when posting job vacancies, whereby the employer must not announce the job vacancy only for men or only for women.

The Law on Labour Relations provides for the prohibition of any kind of psychological harassment at the workplace - mobbing. The law provides for protection of female workers against discrimination on the grounds of pregnancy, childbirth and parenthood.

In the cases of discrimination referred to in Article 6 of this Law, the candidate for employment or the employee is entitled to claim damage compensation in accordance with the Law on Obligations.

In addition, the Law on Labour Relations (Article 11) regulates the issue of the burden of proof in a case of discrimination.

Pursuant to Article 93, paragraph 5 of the Law on Labour Relations, at the request of the employee, the trade union may represent the employee in a complaint procedure.

In addition, pursuant with the new Law on Prevention and Protection against Discrimination (Official Gazette of RNM No 101/2019), the union may be the representative or plaintiff in case of a larger group of people without requesting consent, i.e. the lawsuit in the interest of the public (*actio popularis*) is being introduced.

Associations, foundations, unions or other civil society organisations and informal groups

³⁰ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 24.

that have justified interest in protecting the interests of a particular group or that deal with protection against discrimination as part of their activities may file a complaint if it is likely that the defendant's actions have discriminated against a larger number of people.

The complaint may be put forward in order to:

1. establish that the defendant has committed discrimination against the group whose interests are represented by the plaintiff, i.e. that the action the defendant has taken or overlooked may directly lead to discrimination against the group;
2. forbid activities that discriminate against the group whose interests are represented by the plaintiff,
3. oblige the defendant to take actions that eliminate the discrimination or its consequences;
4. publish in the media the operative part of the judgment establishing discrimination in accessible format at the expense of the defendant.

The issue related to the burden of proof is also appropriately regulated in the Law on Prevention and Protection against Discrimination (Article 26 and Article 37), according to which the burden of proof shall shift to the defendant, both in the procedure in front of the Commission for Protection against Discrimination and in court proceedings.

The complainant claiming in front of the commission or the lawsuit in court proceedings that discrimination has been committed under the provisions of this Law shall state all the facts making such claim likely.

If the Commission or the court, depending on the proceedings, shall determine the claim likely, then the burden of proof shall shift to the person against whom the complaint was filed. The new law does not require the plaintiff to submit evidence along with the claim or lawsuit; the one is only required to state facts that make the claim of discrimination of such person likely.

The Law on Prevention and Protection against Discrimination envisages appropriate proceedings in front of the Commission for Protection against Discrimination available to any person who believes they have suffered discrimination, without an obligation to pay fees or any other compensation. Persons believing to be discriminated may submit a claim to the Commission, written or verbal with recorded minutes, without an obligation to pay fees or any other compensation. A person believing to be discriminated may be represented before the Commission by an association, foundation or union upon prior consent given to either of them. Associations, foundations, and other civil society organisations and institutions that have a justified interest in protecting the interests of a particular group or deal with protection against discrimination as part of their activities may file a complaint if it is likely that the actions of a certain natural or legal person have discriminated against a higher number of people. The Commission shall also initiate proceedings ex officio through rumour. The Commission shall also issue an opinion within 60 days as of the day of submission of the claim and shall submit it to the claimant and to the person against whom the claim was submitted; this timeframe was reduced from the previous law in which it was 90 days. With the written opinion, and following the established discrimination, the Commission shall recommend a manner for elimination of the violations of the right, the person (legal or natural) to whom such recommendation is addressed shall act on the recommendation and eliminate the violation of the right within 30 days as of recommendation receipt, or within a

longer period if there are particularly justifiable reasons, but no longer than six months, and inform the Commission thereof. If the person to whom the recommendation is addressed shall fail to act upon the recommendation, the Commission shall obligatory and in accordance with the new law submit an application for initiation of infringement proceedings before the competent Misdemeanour Court. The Commission may, on its own initiative, indicate a general recommendation in case of discrimination committed against a larger number of persons.

In the court proceedings for protection against discrimination in the new law, the citizens are exempted from payment of court fees for initiation and administration proceedings for protection against discrimination. Moreover, according to the new law, during the court proceedings for protection against discrimination, in addition to the evidence prescribed in the Civil Procedure Law, statistical data and/or data received with situation testing can also be used. The new Law, in the judicial redress part, regulates the participation of third parties, where in the proceedings regarding a complaint, any body, organisation, institution, association or trade union or another person dealing with the protection of rights to equality and non-discrimination within its activity may join as an intervener on the side of the person claiming to be discriminated against and whose rights are decided in the proceedings.

Regarding the Committee's request for the Report to include information on all cases of employment discrimination handled by the courts and the Commission for Protection against Discrimination, with specific indications regarding their nature and outcome, sanctions imposed on the employers and the compensation paid to the employees³¹ we hereby indicate that the answer to this question/request of the Committee (ECSR) is already provided above within this Report, the part pertaining to Article 1§2 of the Charter (see above – page 32, 33, 34).

Regarding the Committee's request for an explanation regarding the meaning/understanding of the principle for equal pay for "equal work with equal responsibilities at the same working position, regardless of gender", envisaged with Article 108 of the Law on Labour Relations and its implementation in practice³² we hereby present the following information:

The existing Law on Labour Relations also regulates the issue, i.e. the obligation for equal remuneration of men and women (Article 108).

Two persons of different gender perform the same work with equal value if they: do the same work under the same or similar conditions or if they could change their places; the work that one of them does is similar in nature to the work of the other, and the difference between the work performed and the conditions under which each of them works is insignificant; the work that one of them performs is of equal value as the work of the other, taking into account criteria such as: qualifications, labour, responsibility and working conditions.

³¹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 24.

³² European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 25.

The new proposed draft Law on Labour Relations, whose drafting is ongoing, shall regulate this issue in more details, for the purposes of equalised application of the equal pay for works of equal values principle.

In accordance with Article 105 paragraph 1 of the Law on Labour Relations, the employee shall be entitled to earnings – salary, in accordance with the law, the collective agreement and the employment contract. The Law only regulates the minimum salary, whereas the salary amount is defined with the collective agreements. The general collective agreement for the private sector in the field of economy envisages 9 degrees of complexity of the job tasks with relevant salary level coefficients according to the complexity indicating that it is regulated with the branch-level collective agreements. The number of employers obliged by the collective agreements at branch level is rather low. The salaries have to be further regulated with an employer-level collective agreement, i.e. employment contract. In general, employees have the same salary for the same job position at the employer.

According to the previous research, the basis for the lower salaries for women was considered to result from the unequal access to job positions with higher salaries, which should be overcome with proper implementation of the Law on Equal Opportunities for Women and Men. In that respect, when establishing the right to participation in the employment measures and programmes, with state financial support, efforts are envisaged so as to achieve equal representation of men and women, in accordance with the stated law.

Regarding the Committee's question on whether during court proceedings for equal pay it is possible to make a comparison of the pay and the job positions outside of the directly concerned company³³ we hereby inform that, during court proceedings, if required, the salaries of individual workers with similar work can be compared, if the salaries are regulated with the same collective agreement.

Article 108 paragraph 2 of the Law on Labour Relations regulates the following: “Any provisions of the employment contract, collective agreement, i.e., general act of the employer, which are contrary to paragraph 1 of the present article, shall be null and void”. The provisions of the Civil Procedure Law (Official Gazette of RM No 79/2005, 110/2008, 83/2009, 116/201 and 124/15) shall apply to the court proceedings for annulment of the employment contract, the collective agreement, i.e. the general act of the employer.

In pursuant to Article 282 of the Civil Procedure Law: “During the main hearing, the proposals of the parties shall be discussed as well as the factual allegations by which the parties elaborate their proposals, i.e. abnegate the proposals of the opposing party, as well as about the evidence offered on their part, the evidence shall be exhibited and the results of their exhibition shall be discussed.”

Article 284 establishes that parties can, during the course of the first or any of the subsequent hearings at the main hearing, state new facts and propose new evidence, and submit statements indicating new facts and new evidence, only if they render it probable

³³ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 25.

that it was not their fault that they were not in condition to state, i.e. propose them in the previous course of the procedure. Based on these provisions, the parties are entitled to propose as evidence the making of the comparison between payments and job positions outside of the directly concerned company.

Equal opportunities

The Law on Equal Opportunities of Women and Men, first adopted in 2006, regulates the issue relating to the establishment of equal treatment of women and men.

Most of the laws in the legislation of the Republic of North Macedonia, among which the Law on Prevention and Protection against Discrimination, prescribe the prohibition against gender-based discrimination and contribute to the improvement of the status of women in specific areas of the social life.

The Law's foundations prohibit against discrimination on the grounds of sex, gender, sexual orientation and gender identity.

The Government of the Republic of North Macedonia has adopted the following strategic documents in the field of equal opportunities of women and men:

- Gender Equality Strategy for the period 2013-2020;
- National Action Plan for Gender Equality 2018-2020;
- National Action Plan for implementation of the Convention on preventing and combating violence against women and domestic violence in the Republic of North Macedonia (Istanbul Convention) 2018-2023;
- Methodology on gender responsive budgeting of the state administration bodies.

In addition to the Gender Equality Strategy which directly stems from the Law on Equal Opportunities of Women and Men, the gender perspective is incorporated in specific strategies such as:

- National Strategy on Equality and Non-Discrimination 2016-2020.
- National Employment Strategy 2016-2020 and National Employment Action Plan of the Republic of North Macedonia 2018-2020
- National Strategy on reduction of poverty and social exclusion 2010-2020

According to the laws and strategic documents, the Republic of North Macedonia has established a national mechanism for equal opportunities for women and men at central and local level. Within the structure of the national gender equality mechanisms, the Committee on Equal Opportunities for Women and Men in the Assembly of the Republic of North Macedonia also plays an important role. According to the Law on Equal Opportunities for Women and Men, a civil servant has been appointed in all ministries within the Government of the Republic of North Macedonia as a coordinator and deputy coordinator for equal opportunities for women and men, having duties and responsibilities stipulated by law. Gender mechanisms at the local level within the institutions are composed of the following structures: Committees on Equal Opportunities for Women and Men (within local self-government councils, composed of councillors with a term of 4 years) and coordinators for equal opportunities for women and men (civil servants, employees of the local self-

government unit).

Regarding the Committee's request for the report to include information on the specific measures taken so as to reduce inequalities between men and women, and in particular the information on their implementation and impact in the combating against gender-based discrimination and reduction of the gender gap in wages³⁴ we hereby inform that based on the latest data of the Ministry of Labour and Social Policy, Committees on equal opportunities of women and men have been established in all 81 municipalities and coordinators for equal opportunities for women and men have been appointed. Despite the progress achieved in specific areas, as a direct result of the development and implementation of gender equality mechanisms, it has nevertheless been concluded that the capacities of institutional mechanisms are still not at a satisfactory level to meet the requirements arising of the Law on Equal Opportunities of Women and Men. To this end, the Ministry of Labour and Social Policy - through the Department for Equal Opportunities - in co-operation with the inter-ministerial advisory group and with the support of UN Women, has taken concrete measures to systematise the approach to capacity building of institutional mechanisms. In that respect, it has developed the e-module for continuous training and improvement of the state administration which is integrated into the mandatory training programme of the Ministry of Administration and Information Society for the entire administration at national and local level, while at the same time it is preparing an analysis for improvement of protection mechanisms.

We also inform that in accordance with the legal obligation referred to in Article 11 paragraph 8 of the Law on Equal Opportunities, the coordinators for equal opportunities for women and men are obliged to submit annual reports on the situation relating to equal opportunities for women and men to the Ministry of Labour and Social Policy. The reports highlight the following important measures taken by the institutions:

- **The State Statistical Office**, annually and as of 2000, publishes the publication "Women and Men in the Republic of North Macedonia".
- The **Ministry of Interior** takes care of the gender concept in the phases of selecting and recruiting security personnel. The success of the implementation of the gender concept is noted in the number of female candidates who applied and were hired for police positions and also in the number of MoI female officials in managerial positions.
- With the envisaged measures for financial support of female entrepreneurship, the **Ministry of Economy** includes women in the labour market. In 2015, the development of the Strategy for Women's Entrepreneurship has commenced.
- The **Ministry of Culture** reported that there was significant influence and presence of women in project management in the field of culture (147 women project managers and 125 men project managers).
- During 2015, the **Ministry of Education and Science** has taken measures that enable mobility in education (housing, transport and finances), for the purposes of selection of the type of education according to the affinities, rather than the place of residence.
- In order to increase the level of use of computers and the Internet, reduce the digital divide and increase the computer skills of the citizens of the Republic of North

³⁴ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 26.

Macedonia, in 2015, the **Ministry of Information Society and Administration** carried out the following project activities: "The world at one's fingertips", "Girls in ICT Day", "Technology Needs Girls", Startup Weekend. These activities are also part of the campaigns that are being implemented globally, including the Republic of North Macedonia. Particular attention was paid to the creation of special measures that contributed to increasing the skills of women and girls to use computers and their increased involvement as students at technical faculties.

- In order to overcome barriers and increase the employment of women (balancing private/professional life, female entrepreneurship, labour market discrimination), the **Employment Service Agency** implements appropriate programmes and measures. The information is set out below in the section on *labour market and economic empowerment of women*.
- In 2017, the Convention on preventing and combating violence against women and domestic violence was ratified (Istanbul Convention);
- introduction of the concept of gender responsive budgeting;
- Intensification of the child care process and transfer of the burden of women to society through capacity building, opening new childcare facilities (kindergartens) and providing different forms of childcare. Investments in kindergartens create conditions for more children to attend preschools and enable mothers to be competitive and more easily involved in the labour market.

Labour market and economic empowerment of women

Most of the activities and results achieved to promote gender equality in the labour market and to empower women have been achieved in recent years by the Employment Service Agency of the Republic of North Macedonia through efforts to continuously upgrade its services, by creating appropriate techniques and methods for work with the unemployed persons and employers. The main objective of the Employment Service Agency as a public institution is to become a real labour stock market and to represent a key mediator in linking labour supply and demand, and thus have a significant impact on improving the functioning of the labour market in the country. The Employment Service Agency ensures the equal representation of men and women in the implementation of all their activities, including in relation with the implementation of the annual Operational Plans for active employment programmes and measures on the labour market services.

The employment policy in the Republic of North Macedonia is defined in several strategic documents: National Employment Strategy of the Republic of Macedonia 2016-2020, National Action Plan for Employment of Youth, Action Plans to Reduce the Grey Economy, etc. Active measures and services are defined annually in the labour market services operational plans and the active employment programmes and measures.

Regarding the beneficiaries of some of the different types of services provided by the Employment Service Agency for support of the unemployed persons, the following ESARNM services were offered during **2015**:

- Assistance for job seeking, which included 294,419 unemployed persons, of which 131,966 (44.8%) were women.
- Motivation trainings - which included 11,768 persons, of which 5,358 (45.53%) – women;

- Trainings for employment preparation, at which 2,055 unemployed persons have participated, of which 1,164 (56.64%) were women.
- Professional orientation and career counselling, with total participation of 2,451 persons, of which 1,409 (57%) were women.
- Services for activation of the individuals exposed to social exclusion risks, used by 1,042 persons, of which 391 (37.52%) were women.

During **2016**, the following services were offered:

- Assistance for job seeking, which included 284,476 unemployed persons, of which 129,154 (45.4%) were women.
- Motivation trainings - which included 8,792 persons, of which 4,621 (52.6%) were women.
- Trainings for employment preparation, at which 2,075 unemployed persons have participated, of which 1,250 (60.2%) were women.
- Professional orientation and career counselling, with total participation of 3,061 of which 1,621 (53%) - women.

During **2017**, the following services were offered:

- Assistance for job seeking, which included 126,499 unemployed persons, of which 58,123 (45.9%) were women.
- Motivation trainings - which included 3,353 persons, of which 1,789 (53.3%) were women.
- Trainings for employment preparation, at which 533 unemployed persons have participated, of which 343 (64.4%) were women.
- Professional orientation and career counselling, with total participation of 2,010 unemployed persons, of which more than half were women.
- Services for activation of the individuals exposed to social exclusion risks, used by 510 persons, of which 244 (47.8%) were women.

During **2018**, the following services were offered:

- Assistance for job seeking, which included 99,924 unemployed persons, of which 48,593 (48.6%) were women.
- Motivation trainings - which included 4,314 persons, of which 2,330 (54.0%) were women.
- Trainings for employment preparation, at which 1,007 unemployed persons have participated, of which 589 (58.5%) were women.
- Professional orientation and career counselling, with total participation of 4,603 of which 2,555 (55.5%) were women.
- Services for activation of the individuals exposed to social exclusion risks, used by 1,125 persons of which 549 (48.8%) - women.

The Employment Service Agency is also implementing a number of projects involving significant participation of women. With the project Lending to legal entities (micro and small enterprises) for job creation, out of a total of 132 employees, 59 (44.7%) are women. Under the IPA project "*Support to the employment of young people, long-term unemployed and women II*", the highest percentage of women participation is in Component 2 "Training of general skills" including 66.2% women of the total number of beneficiaries (unemployed persons).

In addition to participation in regards to services, the participation of women in active employment programmes and measures in the past four years is presented below:

- **2018** – out of the total number of participants in the active employment programmes and measures, 56% were women, and out of the total number of employment service beneficiaries, 49% were women.
- **2017** - out of the total number of participants in the active employment programmes and measures, 50% were women, and out of the total number of employment service beneficiaries, 46% were women.
- **2016** - out of the total number of participants in the active employment programmes and measures, 57% were women, and out of the total number of employment service beneficiaries, 46% were women.
- **2015** - out of the total number of participants in the active employment programmes and measures, 50% were women, and out of the total number of employment service beneficiaries, 45% were women.

(*Note:* when presenting the statistical data, it should be taken into account that one person can be included in several employment services or in several different activities within one employment service).

It is important to note that during the past years, the Employment Service Agency of the Republic of North Macedonia has made efforts to secure equal participation of men and women in the active employment programmes and measures, as well as participation of young people up to 29 years of age of at least 30%. The participation of women in the active employment programmes and measures is above 50%.

The Agency and the employment centres regularly participate in various projects, implemented by different external entities, which aim, inter alia, to improve the employment situation of women and/or their inclusion in the labour market. For example, during 2017, ESARNM participated in the project “Inclusion of Ethnic Minority Women in the Labour Market” implemented by CARE Germany/Luxembourg International Organisation and the Women's Civic Initiative ANTIKO. The project has contributed to the achievement of the overall goal of increasing the access and presence of ethnic minority women in the labour market in Macedonia by enhancing their employment potentials, where "gender education" trainings were also provided for the ESARNM staff and five other employment centres.

The Employment Centre of the City of Skopje has cooperated with the Macedonian Red Cross in identifying 200 women from the unemployed records, for the purpose of their inclusion in trainings with duration of several months.

The Employment Centre from Bitola, in the period 2016-2017, participated in the implementation of the project implemented by the civil sector in the framework of which a training programme with several trainings for unemployed women was realised for the learning of English and German language, for general life skills, communication and soft skills, career counselling, fundamentals for business development and self-employment. In addition, the Centre participated in the project “Creating a Local Strategy for Social Inclusion of Women and Youth within the Macedonian Active Platform for Social Inclusion”. Experts from the Employment Centre in Kochani, in cooperation with civil society organisations, actively participated in the activities for familiarising the Roma population from the municipality with the possibilities offered with the operational plan for active

employment programmes and measures, with special emphasis on the opportunities and benefits for employment of the Roma women, for their active engagement in the labour market.

With a view to improving the status of Roma women and their integrating in the labour market and into social trends, particular attention is being paid to specific active employment measures to include Roma women as one of the most marginalised groups in the labour market. A number of specific projects and initiatives in this area are also supported. For example, in 14 of the 38 smaller projects financially supported by EU pre-accession assistance, implemented during 2016 and 2017, Roma women were included. For example, in the development of soft and vocational skills and on-the-job training, these projects included approximately 1,875 women, predominantly Roma women (1,428), Albanian women (356), Macedonian women (267) and 82 women of other ethnic communities. The women involved were unemployed and long-term unemployed women, as well as unemployed single mothers (30) and more than 150 women from the rural areas. These projects enabled the empowerment and improvement of women's abilities, changing the status from passive to active job seekers, informing of, and applying for, the active employment measures through different types of activities such as:

- training for soft skills, employment counselling, gender concepts and fundamentals of doing business;
- practical skills training, such as professional training for seamstresses, hairdressers and beauticians, the provision of mobile home care services; forest plant pickers, and the skills acquired are certified with appropriate certificates from licensed institutions;
- training in basic professional and entrepreneurial skills, developing and testing a model of comprehensive support that will help single mothers (in particular victims of domestic violence) to seek and obtain opportunities for sustainable employment and self-employment;
- improving self-employment skills for women entrepreneurs through counselling trainings and start-up support;
- on-the-job training and several months of on-the-job professional practice;
- workshops for overcoming stereotypes and ensuring gender equality in access to the labour market.

The positive experience to be emphasised is the EU co-financed project providing support to 20 Roma women to increase their economic independence by building and enhancing their business and life skills and providing employment opportunities in order to become independent and financially more powerful. Through 4 months of training for professional caregivers for the elderly and infirm in home conditions, palliative care, by promoting the social enterprise model, 20 Roma women were trained and qualified to provide palliative care services. The ten women who were part of the process successfully passed the test for caregivers for the elderly and obtained a Certificate of Work, and as of October 2017, they are part of the professional staff of NEGA + (social enterprise for care of the elderly and infirm in home conditions).

EU grant funds were also used to fund projects promoting equal employment opportunities for Roma women and men, providing support to 305 Roma adults in 2017, of whom 280 were women with or without incomplete primary education and completed primary education, enabling these individuals to obtain primary school diplomas (approximately 140 women) and secondary education diplomas (40 women). In addition to the so-called "Second chance" to provide these people with better access to the labour market, these people were also involved in soft skills training and active job seeking with the help of mediation, networking and active involvement of local stakeholders (employment centres and potential employers).

In the past period, many other initiatives, measures and activities have been implemented aimed at encouraging women's participation in the labour market and contributing to the improvement of women's employment. Initiatives and measures have been realised aimed at addressing the alignment of women's work and family responsibilities (alternative child care services project, initiatives to increase the inclusion of Roma children and/or rural children in preschool care and education, initiatives for development of the social services are being launched (e.g. home care services) that could help facilitate women's family responsibilities, such as caring for family members and thus indirectly, contribute to the creation of conditions for improved and facilitated access to the labour market for women).

* * *

By following the global and European trends, in the last few years in the Republic of North Macedonia, relevant government institutions and the NGO sector have made efforts to strengthen the role of women in the overall economic activities in the country and to raise awareness on the need to strengthen women's entrepreneurship. Improvement of women's entrepreneurial activity in Macedonia requires defining of a broader public policy context within which complementarity and timeliness of different programmes and initiatives (governmental and civic) must be ensured, where it is necessary for everyone to contribute to the achievement of the identified goal - achieving stronger participation of women in entrepreneurial activities in the active labour force.

To this end, the Ministry of Economy has prepared a separate Strategy for Development of Women's Entrepreneurship for the period 2019-2023 with an Action Plan, which was adopted by the Government of the Republic of North Macedonia in December 2018. The strategy for the development of women's entrepreneurship 2019-2023 aims at empowering women economically by creating a favourable business climate and providing support for the development of their entrepreneurial potential, thereby contributing to the development of existing and opening of new businesses, creating new jobs, and thus strengthening the overall economy.

The Strategy will be coordinated by the Government through the Ministry of Economy as the holder of this strategic document. In order to implement the measures and activities of this strategy, an interdepartmental working group has been established to determine the interdepartmental policies for implementation of the Strategy for Development of Women's Entrepreneurship in the Republic of North Macedonia 2019-2023.

* * *

The Ministry of Economy, as competent institution for creation of policies for support and development of small and medium enterprises (SMEs) and entrepreneurship, recognises the importance of strengthening the role of women in overall economic activities and therefore, starting in 2012, within the framework of the annual Programme for Competitiveness, Innovation and Entrepreneurship, annually implements a special measure - Financial support for women entrepreneurs.

The measure subsidises enterprises owned by women (over 50%) and managed by women, citizens of the Republic of North Macedonia, by co-financing 60% of the proven costs, but not exceeding 150,000 denars. The funds are used for the following purposes:

- procurement of equipment and tools;
- arrangement/improvement of the business premises;
- introduction of software solutions (60% of the proven costs, but not exceeding 60,000 denars).

In addition, within the Programme for competitiveness, innovations and entrepreneurship, the following measure was realised – Co-financing of projects for support and development of SMEs and promotion of entrepreneurship of foundations and associations of citizens through which, inter alia, up to 75% of the costs are co-financed for realisation of projects for support and development of women’s entrepreneurship.

For the purposes of realisation of these measures, the Ministry of Economy allocates funds in its annual budget for financial support of women’s entrepreneurship and continuously publishes Public Calls on the website of the Ministry of Economy, as well as on the competitiveness portal.

The table below presents an overview of: budget, total amount of awarded funds, number of applications, number of subsidised enterprises owned and managed by women, presented by years, in accordance with the Programme for competitiveness, innovations and entrepreneurship:

Year	Budget for the measure – financial support for women entrepreneurs (in Denars)	Total amount of awarded funds (in Denars)	Number of applications	Number of subsidised enterprises
2012	1,820,000	1,667,117	78	18
2013	1,330,000	1,283,116	30	18
2014	1,400,000	1,107,546	26	12
2015	1,800,000	1,050,420	18	15
2016	2,000,000	1,999,999	39	23
2017	2,400,000	1,729,786	36	18
2018	2,000,000	1,993,598	46	16
2019	2,500,000			

Source: Ministry of Economy

The table below presents the overview of co-financed projects of foundations and associations of citizens for support and development of women's entrepreneurship, presented by years, in accordance with the Programme for competitiveness, innovations and entrepreneurship:

No	Name of applicant - Association/foundation	Project	Awarded funds (in Denars)
2015 (2 for WE of the total co-financed 9 projects for SME support)			
1.	Regional business centre Skopje "Foundation for development of small and medium entrepreneurship" - Skopje	From rural women's forum - to subsidiary of a social enterprise	84,000
2.	Association of business women - Skopje	Women's entrepreneurship - Education Week	118,200
2016 (6 for WE of the total co-financed 11 projects for SME support)			
1.	Foundation for development of small and medium enterprises, regional centre Kumanovo	Women entrepreneurs in innovative and more competitive businesses, key to progress at the global market	116,000
2.	Association of citizens Innovate Consulting Group - research, analyses and development, Gevgelija	Opportunities and perspectives for development of women's entrepreneurship in Gevgelija municipality and rural environments "TO BE SUCCESSFUL ENTREPRENEURS"	106,500
3.	Association of business women Skopje	Women's Entrepreneurship Week	106,500
4.	Organisation of women of the Bitola Municipality	Days for education of women entrepreneurs in the Pelagonija region.	62,400
5.	Foundation for development of small and medium enterprises - regional centre Strumica	Promotion and development of women's entrepreneurship	102,000
6.	Association of citizens for different actions Artakt - Bitola	Leader - encouraging women's entrepreneurship	100,180
2017 (11 for WE of the total co-financed 24 projects for SME support)			
1.	Association of citizens "CIVIC ASSOCIATION" - Bitola	To overcome stereotypes, more women in entrepreneurship and at the labour market	134,000
2.	Association for sport, culture and ecology "SOLEINA" - Tetovo	Women's population motive power - training for women entrepreneurs	134,000
3.	Association of women managers "ELIT" - Skopje	Increase in the number of women at decision-making positions in the managerial and supervisory boards in private companies in the Republic of North Macedonia	159,210
4.	Association of small and medium enterprises of Macedonia - Skopje	Promotion and strengthening of women's entrepreneurship	152,000
5.	Foundation Memorial Center "NIKOLA KLJUSEV" - Skopje	Encouraging women's entrepreneurship through computer programmes	148,000

6.	Association Cluster for creative industries "KREATIVA" - Shtip	Women's entrepreneurship – basic toll for overcoming of the unemployment and creation of better future	150,000
7.	Organisation of women of the Bitola Municipality – Bitola	Leadership and emotional intelligence – key factors in women's entrepreneurship and balance between the home and the job position	90,750
8.	Association of business women - Skopje	Women's entrepreneurship, education and promotion	154,440
9.	Association for rural development Local Action Group "AGRO LIDER" – Krivogashtani	Rural women in entrepreneurship	96,200
10.	Association of women entrepreneurs "UNIKOM-KOS" – Kumanovo	Proactive – women - drivers of the economy	103,295
11.	Association "Sochuvaj Lekuvaj" Association of liver patients - Prilep	Get engaged! More women at the labour market	110,000
2018 (1 for WE of the total co-financed 7 projects for SME support)			
1.	Association of business women - Skopje	Women's entrepreneurship, education and promotion	198,000
Total co-financed 20 projects for WE (2015-2018)			2,425,675

Source: Ministry of Economy

In 2019, in the published Public Call for Co-financing of SME Support and Development Projects and Entrepreneurship Promotion, the financial support refers to co-financing of 75% of the costs of implementing project activities related to 4 priorities, one of which is "Support and development of women's entrepreneurship". In addition, in the project evaluation criteria, one of the criteria is whether the project proposal advocates a rights-based approach and whether it has a positive impact on vulnerable groups (promoting gender equality and women's empowerment, environmental protection, youth, etc.). The maximum co-financing amount is MKD 450,000 per project.

The European Union Instrument for Pre-accession Assistance to Agriculture and Rural Development (IPARD Programme) makes a gender distinction between applicants in the measure "Investment in agricultural holdings" for their restructuring and achieving EU standards. Gender distinction is made in favour of women applicants, as follows: if the applicant is a woman, more points are awarded when approving applications. In addition, more points are also awarded if the applicant is a young farmer, i.e. 18 to 40 years old. Given the multi-year character of the IPARD Programme, from its launch in 2009 until the end of 2016, there were 645 applications paid to women, which in fact represents 26% of the total approved and paid applications in favour of women applicants. In 2018, out of the total of 108 paid applications, 30 applications were paid to women, representing 28% of the total applications paid under the IPARD Programme 2014-2020.

In order to improve the living conditions of women in rural areas and to include them in the processes of policy-making and utilisation of available funds, women are involved in working in the sub-sectoral permanent groups (SPGs) for arranging the agricultural markets for specific agricultural products or product groups (according to the Law on Agriculture and Rural Development). The SPG is comprised of representatives from the associations of agricultural producers, from the production and trade in agricultural products, as well as from higher education, scientific institutions in the relevant field of agriculture, the consumer association and the agency for agricultural development. In 2018, the number of women members of the SPG is 50, of which 19 have the voting rights, whereas the remaining women have an advisory role.

In addition, through the National Programme for Agriculture and Rural Development for the period 2018-2022, a specific measure is foreseen for women living in rural areas and who are part of an agricultural holding. This measure provides support in the form of non-refundable grants up to 180,000 denars per beneficiary, to perform additional activities within the agricultural holding. This implies that women will be able to start a manufacturing or craft business, using the resources of their own production, and by providing added value to the products, they will generate more revenue.

Regarding women from rural areas, the “Annual Report on Activities Taken and Progress Made in Establishing Equal Opportunities for Women and Men in the Republic of Macedonia for 2017 with Recommendations for 2019” states that formal employment of women in agriculture, forestry and water economy is 20.3% of the total number of employed women in the country, and according to data on unpaid family workers - 64% are women. Employment inequality is most often the result of informal labour, lack of land and/or ownership, traditional norms in rural areas, and limited support for rural women in accessing resources (information, advisory services, subsidies, finances and skills development).

Reforms in education, reforms in legislation and awareness-raising of the female gender by starting the education from the youngest, then the role of notaries public in real estate rights transfer and greater information of the contracting parties, the gradual overcoming of tradition, i.e. customary norms, result in an increase in the percentage of women registered as owners of real estate in the country. In comparison, in the Republic of North Macedonia, the percentage of women registered as real estate owners increased from 16.63% in 2015 to currently being 28.33%.

One of the major problems that seriously endangers the livelihoods of rural communities is the lack of a young working-age female population. Improved quality of life, greater opportunities in the labour market, and increased number of developed social services, motivate migratory movements of the female population from rural areas to the city. In order to overcome this major sociological and structural problem in rural areas, which has a direct impact on the formation of new families and the sustainability of the communities in general, continued support will be introduced for an active female member of the agricultural household who meets the following conditions:

- up to 40 years of age, to acquire the right to support,
- member of an agricultural holding married to another family member and

- mother of at least one child, unemployed, housewife, and actively maintaining the agricultural household,
- lives in a settlement with less than 200 inhabitants.

The annual amount of funds amounting 70% of the state's minimum wage will be paid in the period from the birth of the first child up to the age of 50, as compensation for household labour and family farming. The support will be realised as direct payments or coverage of the amount of the obligatory insurance.

Most often the head of the family agricultural holding is the husband, whereas the woman, who usually also performs significant duties in the holding, is invisible in agricultural statistics. This situation initiates the importance of creating favourable conditions for economic empowerment of women in the field of agriculture and rural development.

The amendments of the National Programme for Agriculture and Rural Development for the period 2018-2022 stem from the request of the Ministry of Labour and Social Policy, as competent for promoting gender equality and non-discrimination on any grounds, as well as the request of the National Federation of Farmers. Namely, the request refers to changing the manner of exercising the right to use the measure "Support for active female member in the agricultural household". Following the consultations with the Ministry of Labour and Social Policy, this measure should contribute to gender equality and promote the principle of non-discrimination.

ARTICLE 24 – Right to protection in cases of termination of employment

Article 24

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a) the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to any impartial body.

The amendments and supplementing of the Law on Labour Relations (Official Gazette of the Republic of North Macedonia No 120/18) by amending Article 73 which regulates the procedure prior to termination due to a fault by the employee, where the provision was further specified envisaging that the employer, in conditions when the employee was provided with the required working conditions and was provided with the relevant guidance, shall warn the employee in writing on the non-performance of the responsibilities and the potential termination if the employee shall fail to improve his/her performance.

The said amendments to the Law also amend Article 76, which regulates the reasonable grounds for termination. Namely, the same Article is amended by a new paragraph (2) which provides the legal grounds for termination of employment for business reasons based on the criteria set out in a collective agreement, whereby it is necessary to start from the need for efficient functioning of the employer's business, the vocational preparation and qualification of the employee, his/her work experience, work performance, type and significance of the job position, years of service and other criteria set forth in a collective agreement, as well as criteria for the protection of persons with disabilities, single parents and parents of children with special needs whose employment is terminated on the same grounds. Such an amendment to the Law, in addition to establishing the criteria and the possibility of their extension by collective agreements, provides additional protection for specific vulnerable categories of employees.

The Law on Labour Relations regulates the manner of termination of the employment contracts of workers, stipulating that the employment relationship may terminate only in the manner and under the conditions provided by law and the collective agreement. The law regulates the procedure for cancellation of the employment contract by the employer.

Employees whose employment contract has been terminated have the right to apply to the State Labour Inspectorate for protection of the rights provided by law and the collective agreement. The Inspectorate, if during their supervision would establish that the

cancellation of the employment contracts is not in accordance with the law, shall adopt a decision ordering the employer to eliminate the identified deficiencies and irregularities.

In 2015, 435 petitions have been submitted to the State Labour Inspectorate pertaining to the terminated employment of the workers, and 256 decisions for elimination of the identified deficiencies and irregularities have been adopted.

In 2016, 381 petitions were submitted and 154 decisions have been adopted.

In 2017, 388 petitions were submitted and 147 decisions have been adopted.

In 2018, 452 petitions were submitted and 276 decisions have been adopted.

Scope

Regarding the Committee's request on the existence of other categories of employees who might be excluded from the termination protection, except during the period of probation³⁵ we inform that in accordance with Article 76 of the Law on Labour Relations, the employer may terminate the employment contract only in cases of existing reasonable grounds for termination related to the conduct of the employee (personal reasons of the employee), due to breach of the working order and discipline or work-related obligations (reason of fault) or if the reason is based on the employer's functioning requirements (business reason). In that respect, when violating the working order and discipline and the working obligations, all workers, including the probationary employee, are not protected against termination by the employer.

Obligation to provide valid reasons for termination of employment

The Committee recalls that in accordance with the Annex to the Charter, for the objectives of Article 24, the term "termination of employment" means termination of employment upon initiative of the employer. Therefore, the situations where the obligatory retirement age is defined by the law, and which result into automatic termination of the employment by law, do not fall under the scope of this provision; however, the dismissal of the employee upon initiative of the employer on the grounds that the worker has reached the usual retirement age (when he/she is entitled to retirement) shall not be in accordance with the Charter,, unless it is appropriately explained according to one of the valid reasons explicitly defined with this provision of the Charter.

³⁵ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 28.

In respect to the Committee's question on the manner in which the legislation is harmonised with this approach³⁶, we inform that, pursuant with the Law on Labour Relations – Article 62, the cases for termination of the validity of the employment contract are defined:

- upon the expiry of the period for which the contract has been entered into;
- in case of death of the employee or the employer (natural person);
- due to winding up of the employer in accordance with the law;
- by agreement of the parties;
- by resignation;
- by a court order; and
- in other cases laid down by law.

The termination of the employment contract on the grounds of age (Article 104), i.e. meeting of the conditions for old-age pension is termination by law and the same, although it is not dismissal by the employer, is conducted by the employer.

Pursuant with the Law on Pension and Disability Insurance (Official Gazette of RM No 98/12, 166/12, 15/13, 170/13, 43/14, 44/14, 97/14, 113/14, 160/14, 188/14, 20/15, 61/15, 97/15, 129/15, 147/15, 154/15, 173/15, 217/15, 27/16, 120/16, 132/16, 35/18, 220/18 and 245/18, 180/19), the insured party shall be entitled to old-age pension upon reaching 64 years of age (male), or 62 years of age (female), with at least 15 years of service.

Prohibited dismissals

Regarding the Committee's question on the timeframe set for protection in case of temporary incapacity and the rules that apply to the cases of permanent disability³⁷ we hereby inform that in accordance with Article 77 of the Law on Labour Relations, approved absence from work by reason of illness or injury, pregnancy, childbirth and parenthood, care for dependents and unpaid parental leave cannot be considered as justified reasons for termination of the employment contract. The Law does not specify any timeframe for protection, which means that the protection is valid throughout the leave of absence, except in cases of abuse of the leave of absence, which is reason for contract termination without notice.

In case of permanent disability, the person (employee) is referred to the Disability Insurance Commission of the Pension and Disability Insurance Fund of North Macedonia. The procedure for determining the disability of the insured person shall be initiated upon the request of the insured person, on the proposal of the employer with whom the insured person is employed, as well as on the proposal of the competent family physician and a medical commission of the Health Insurance Fund of North Macedonia.

³⁶ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 29.

³⁷ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 30.

For the exercising of the rights on the basis of disability and incapacity to work on the basis of which the right to disability or family pension is acquired, as well as physical injury, the factual situation is determined on the basis of the findings, assessment and opinion of the Commission on Assessment of Working Capacity. The Commission is established within the Fund. On the basis of the findings, assessment and opinion of the Commission on Evaluation of Working Capacity, the Fund makes a decision which determines the existence or non-existence of disability for the purposes of exercising of the right to disability pension. The applicant has the right to appeal the decision adopted in first instance by the Fund to the State Commission for deciding in administrative procedure and second instance employment procedure within 15 days from the day of receiving the decision. The insured person shall have the right to initiate an administrative dispute against the decision of the State Commission for deciding in administrative procedure and labour relations procedure in second instance.

Remedies and sanctions

*Regarding the Committee's question on the compensation amount being awarded in case of unlawful dismissal and whether such amount is limited*³⁸ we inform that the compensation amount due to unlawful dismissal, decided with a court judgment, depends on the salary that the employee would have earned (Article 102 paragraph 2 of the Law on Labour Relations), and in a special procedure, the employee could also request non-material damage compensation. The Law **does not** include a provision limiting the compensation amount due to unlawful termination of the employment contract.

In accordance with Article 102 of the Law on Labour Relations:

- (1) If the court passes a judgment that the termination of the employment contract of the employee has been legally invalid, the employee shall be entitled to reinstatement as of the effective date of the judgment, if the employee wishes to do so.
- (2) In addition to reinstating the employee, the employer shall be obliged to pay the employee a compensation in the amount of the gross salary that the employee would have earned within the relevant period, in accordance with the law, collective agreement and the employment contract, reduced by the amount of employee's earnings based on work following the termination of the employment.
- (3) The employee who contests the termination of employment may ask from the court to order his temporary reinstatement until the resolution of the dispute.
- (4) If the court has found that the employment contract of the employee has been unlawful, and the employee does not find it acceptable to continue with the employment, the court, upon request of the employee, shall specify the date of termination of the employment and shall award compensation of damages.
- (5) The court may adopt the decision referred to in paragraph (1) of the present article upon request of the employer if there are circumstances that reasonably indicate that the continuation of the employment, taking into account the interest of both parties, is not possible.

³⁸ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 30.

Regarding the Committee's request pertaining to the dismissal procedures and whether the burden of proof should be subject to appropriate adjustment between the employee and the employer³⁹ we inform that the burden of proof is placed on the employer and the Law on Labour Relations does not envisage any specific adjustments.

³⁹ European Committee of Social Rights - Conclusions XXI-1 (2016); Republic of North Macedonia; Articles 1, 15, 20 and 24 of the Charter (Council of Europe, January 2017); page 31.

ANNEX
TO THE SEVENTH REPORT ON THE IMPLEMENTATION OF
THE REVISED EUROPEAN SOCIAL CHARTER

Excerpt
from the Minutes of the Fifty-seventh Session of
the Economic and Social Council,

held on February 26, 2020

Skopje, February, 2020



Republic of North Macedonia

**Ministry of Labor
and Social Policy**
Economic and Social Council

No. 08-1889/2

02.03.2020

EXCERPT
from the minutes of the 57th session
of the Economic and Social Council,
held on 26.02.2020

Item 2: Reviewing and adopting the 7th Report
on the implementation of the revised European
Social Charter

The Economic and Social Council reviewed the 7th Report on the implementation of the revised European Social Charter and unanimously without any objections adopted the proposed text of the 7th Report on the implementation of the revised European Social Charter.

THE PRESIDENT OF THE
ECONOMIC AND SOCIAL COUNCIL

Gonul Bajraktar

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//Round stamp of the Ministry of Labour and Social Policy//

Prepared by: Goran Neshevski *//Illegible handwritten signature//*

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