

–“the Former Yugoslav Republic of Macedonia” and the European Social Charter –

Ratifications

“The Former Yugoslav Republic of Macedonia” ratified the Revised Charter on 6 January 2012, accepting 63 of the Charter’s 98 paragraphs.

“The Former Yugoslav Republic of Macedonia” ratified the European Social Charter on 31/03/2005, accepting 41 of the Charter’s 72 paragraphs. It ratified the Amending Protocol to the Charter on 31/03/2005.

It has signed but not ratified the Additional Protocol to the Charter and it has neither signed nor ratified the Additional Protocol providing for a system of Collective Complaints.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										

Grey = accepted provisions

The Charter in domestic law

Automatic incorporation into domestic law based on the Constitution, Article 118: “The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law”.

Reports

Between 2007 and 2015 “the Former Yugoslav Republic of Macedonia” has submitted 9 reports on the application of the Charter and 2 reports on the application of the Revised Charter.

The [1st report](#) submitted on 16 January 2014 concerns accepted provisions of the Revised Charter relating to Thematic Group 3 “Labour rights” (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

The conclusions in respect of these provisions were published in January 2015.

The 2nd report, submitted on 23 December 2014, concerns the accepted provisions relating to Thematic Group 4 “Children, family, migrants”, namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of children and young persons to social, legal and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

In addition, the report should concern the information required by the European Committee of Social Rights in the framework of Conclusions XX-2 (2013) (Articles 3, 11, 12, 13, 14 and 23, relating to Thematic group 2 “Health, social security and social protection”), in the event of non-conformity for lack of information.

Conclusions in respect of these provisions will be published in January 2016.

* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of “the former Yugoslav Republic of Macedonia” with respect to the application of the Charter

Examples of progress achieved in the implementation of social rights under the Social Charter

Thematic Group 1 “Employment, training and equal opportunities”

► The upper limit on the amount of compensation in cases of discrimination was repealed in August 2008 following the adoption of the amended version of the Law on Labour Relations. The amount of compensation is now determined case by case.

Thematic Group 2 “Health Social security and Social protection”

► According to the Law on Health Insurance of April 2011 of “the former Yugoslav Republic of Macedonia” all persons who do not have other basis for health insurance shall be covered and exercise the right to health and are no longer be obliged to register as unemployed persons in the Employment Service Agency. They shall exercise the right to health insurance as citizens (Article 12§1).

Thematic group 3 “Labour rights”

► The Labour Relations Act was amended in October 2009. The new Section 122(a) provides that workers engaged in especially hard, demanding and harmful tasks, whose harmful effect to the health or working capability cannot be fully removed with protective measures, are entitled to reduced working hours proportionate to the harmful effect to their health, or working capability, in accordance with the law and collective agreements.

► Section 111 of the Labour Relations Act of 22 July 2005 (No. 65/2005), as amended and supplemented by Law No. 39/2012 of 20 March 2012, restricts deductions from wages solely to cases provided for by law.

► Following the amendment of Section 201 of the Labour Relations Law in 2009 (Official Gazette No.130/2009), the termination of the activities of a trade union or an employers’ association is exclusively regulated by the rules autonomously established by the organisations concerned.

► Following an amendment introduced in 2009, the Labour Relations Law (Official Gazette No. 62/2005, as amended), the criteria for granting representativeness has been modified.

► The Labour Relations Law of 2010 (Official Gazette No. 124/10) harmonised the national legislation with the European Union law in respect of the right of workers to be informed and consulted.

Cases of non-conformity

Thematic Group 1 “Employment, training and equal opportunities”

► *Article 1§1 -- Right to work - Policy of full employment*

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

[\(Conclusions XX-1 \(2012\)\)](#)

► *Article 1§2 – Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

Nationals of other States Parties do not have access to civil service jobs.

[\(Conclusions XX-1 \(2012\)\)](#)

► *Article 1§4 - Right to work - Vocational guidance, training and rehabilitation*

It has not been established that the right of persons with disabilities to mainstream education is effectively guaranteed.

[\(Conclusions XX-1 \(2012\)\)](#)

► *Article 15§1 - Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement - Education and training for persons with disabilities*

1. The anti-discrimination legislation covering education for persons with disabilities is inadequate;
2. It has not been established that the right of persons with disabilities to mainstream education and training is effectively guaranteed.

[\(Conclusions XX-1 \(2012\)\)](#)

► *Article 15§2 - Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement- Employment of persons with disabilities*

It has not been established that persons with disability are guaranteed an effective equal access to employment.

[\(Conclusions XX-1 \(2012\)\)](#)

Thematic Group 2 "Health, social security and social protection"

► *Article 12§1 - Right to social security - Existence of a social security system*

The minimum duration of payment of unemployment benefit is too short.

[\(Conclusions XX-2 \(2013\)\)](#)

► *Article 12§4 - Right to social security - Social security of persons moving between States*

Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
Equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties;

It has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties;

It has not been established that the right to maintenance of accruing rights is guaranteed to nationals of all other States Parties.

[\(Conclusions XX-2 \(2013\)\)](#)

► *Article 13§1 - Right to social and medical assistance- Adequate assistance for every person in need*

Social assistance benefits are not adequate as they fall manifestly below the poverty threshold;
Certain benefits such as social financial assistance and permanent financial assistance are granted to nationals of other States Parties only subject to an excessive length of residence requirement.

[\(Conclusions XX-2 \(2013\)\)](#)

Thematic group 3 "Labour rights"

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

The hours spent in preparedness for work of medical staff are regarded as a period of rest.

(Conclusions 2014)

► *Article 6§1 – Right to bargain collectively - Joint consultation*

It has not been established that joint consultation takes place in the public sector, including the civil service.

(Conclusions 2014)

Thematic group 4 "Children, families and migrants"

► *Article 17 – Right of mothers and children to social and economic protection*

Corporal punishment is not explicitly prohibited in the home and in institutions.

[\(Conclusions XIX-4 \(2011\)\)](#)

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Government of "the Former Yugoslav Republic of Macedonia" to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

None

Thematic Group 2 "Health, social security and social protection"

None

Thematic group 3 "Labour rights"

- ▶ article 4§2 - Conclusions 2014
- ▶ article 4§3 - Conclusions 2014
- ▶ article 4§5 - Conclusions 2014
- ▶ article 6§2 - Conclusions 2014
- ▶ article 21 - Conclusions 2014
- ▶ article 26§1 - Conclusions 2014
- ▶ article 26§2 - Conclusions 2014
- ▶ article 28 - Conclusions 2014
- ▶ article 29 - Conclusions 2014

Thematic Group 4 "Children, families, migrants"

- ▶ article 7§§2, 3, 4, 9 et 10 – Conclusions XIX-4 (2011)
- ▶ article 8§§1, 2, 3 et 4 – Conclusions XIX-4 (2011)