LABOUR RELATIONS LAW
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I. GENERAL PROVISIONS

Scope of the Law
Article 1

(1) The present Law shall regulate the labour relations which the employees and the employers establish by entering into an employment contract.

(2) The labour relations shall be governed by the present law and other laws, collective agreement and employment contract.

Objective of the law
Article 2

The objective of the present Law is to include the employees in the working process and ensure a harmonized performance of that process, while observing the employees’ rights to freedom of labour, dignity and protection of the employees' interests arising from employment.

Regulation of Labour Relations
Article 3

(1) The present Law shall also regulate labour relations of employees of public administration bodies, bodies of the units of local self-government, institutions, public enterprises, agencies, funds, organizations, and other legal and natural persons employing workers, unless otherwise stipulated by another law.

(2) The employment may be terminated solely in a manner and under the conditions laid down by law and collective agreement.

(3) Each party in the labour relation shall be obliged to adhere to the prescribed and agreed rights, obligations and responsibilities.

Application of the Law
Article 4

(1) The present law shall apply to labour relations between employers established or residing in the Republic of Macedonia and their employees when they continually pursue the activity on the territory of the Republic of Macedonia, as well as in cases when the employer temporarily assigns the employees to work abroad.

(2) The present law shall also apply to labour relations between employers operating within the territory of an EU Member State and employers operating within the territory of a third country and their employees, established on the basis of an employment contract for the purpose of performing work on the territory of the Republic of Macedonia.

(3) The provisions of the present law and other laws that govern the working hours, daily rest period and annual leave, night work, minimum annual leave, minimum wages, occupational safety and health and the special protection of employees shall apply to the employees of employers operating within the territory of an EU Member State and employers operating within the territory of a third country temporarily assigned to work in the Republic of Macedonia under an employment contract in accordance with the foreign law.

(4) The present law shall also apply to labour relations of employees assigned by employers operating within the territory of an EU Member State and employers operating within the territory of a third country to render services for another employer within the territory of the Republic of Macedonia.

(5) The present law shall not apply to maritime personnel of maritime companies, airline crew members and foreign nationals employed by road and railway transport companies established abroad.

Definitions
Article 5

(1) Specific terms used in the present law shall have the following meaning:

1. „Employment" shall mean contractual relationship between the employee and the employer whereby the employee voluntarily joins the work process organized by the employer, for salary and other remuneration, and performs the work in person according to the instructions and under the supervision of the employer;

2. "Employee" shall mean any natural person who has established a labour relation by virtue of entering into an employment contract;

3. „Fixed term employee" shall mean a person with employment contract entered into directly between the employer and the employee, where the termination of the employment contract is defined by the fulfilment of objective conditions and the arrival of a specific date, completion of a specific task or the occurrence of a specific event;

4."Permanent employee" shall mean a person who has entered into an employment contract for an indefinite period of time;

5."Assigned employee" shall mean an employee who has been temporarily assigned to work on the territory of a member state other than the state where the person has regular employment;

6. "Employer" shall mean a legal or natural person, as well as other entity (public administration body, body of a unit of local self-government, subsidiary of a foreign company, diplomatic, consular and other representative offices), who employs workers on the grounds of an employment contract;

7. "Small employer" shall mean an employer employing up to 50 workers;

8. "Hours of work" shall mean the period of time during which the worker is performing his/her work and tasks in accordance with the law, collective agreement and the employment contract;

9."Rest period" shall mean any period of time other than the hours of work;

10."Shift work" shall mean any method for organization of the work in shifts where the workers perform the same job in relay in accordance with a specific schedule and which can be performed continuously or with interruptions, including the need for the workers to work in different times within a given period of days or weeks, and

11. "Publication of a public announcement" - shall mean any public announcement of the employers need for recruitment in order to fill a vacancy, nothwithstanding whether the announcement is published in the daily newspapers or other public media, whether printed or electronic, with a payment of a fee or at the web page of the Employment Service Agency, free of charge.

12."Shift worker" shall mean any worker who has been scheduled to work in shifts.

13. "Enterprise" shall mean a public enterprise, trade company or a sole proprietor which is engaged in an economic activity, whether for profit or not for profit, and is resident on the territory of the member states;

14."Undertaking" shall mean a business unit defined by law, which is located on the territory of a member state where the economic activity is carried out on an ongoing basis with human and material resources;

15."Generally applicable collective agreements or arbitration awards" shall mean collective agreements or arbitration awards that are binding for all enterprises within the given geographic area or specific profession or industry, and

16."Employees' representatives" shall mean the representatives of the employees as provided by law and the laws of the EU Member States.

(2) The terms employee and employer used in the text of this Law that are written in the masculine gender shall have neutral meaning and encompass the feminine gender, too.

Prohibition of discrimination
Article 6

(1) The employer must not treat the job seeker (hereinafter: 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.

(2) Women and men must be provided 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 from work;

6) hours of work, and

7) termination of the employment contract.

(3) The principle of equal treatment shall include a prohibition of direct and/or indirect discrimination within the meaning of paragraphs (1) and (2) of the present article.

Direct and indirect discrimination
Article 7

(1) The prohibition of direct or indirect discrimination in the cases referred to in article 1 of the present law shall refer to discrimination of the job applicant and the employee.

(2) Direct discrimination, within the meaning of paragraph (1) of the present article, shall be any treatment that is subject to any of the grounds referred to in article 1 of the present law by which the person had been treated, is treated, or could be treated less favourably than other persons in comparable situations.

(3) Indirect discrimination, within the meaning of the present law, shall exist when an apparently neutral provision, criterion or practice is putting or would put the job applicant or the employee in a less favourable position in comparison with other persons due to a certain characteristic, status, attribute or conviction under article 6 of the present law.

(4) Discrimination, within the meaning of article 6 of the present law, by the employer shall be prohibited in respect to the following:

1) employment requirements, including the criteria and conditions for the selection of candidates for the performance of specific work, in any branch, i.e. sector, in accordance with the National Classification of Activities, and at any level of the professional hierarchy;

2) promotion at work;

3) access to all types and levels of vocational training, retraining and additional education;

4) operational and working conditions and all rights arising from employment, including equal pay;

5) termination of the employment contract, and

6) the rights of the members and the active engagement in the associations of employees and employers or any other professional organization, including the privileges arising from such membership.

(5) Any provisions of the collective agreements and employment contracts that provide for discrimination on any of the grounds referred to in article 6 of the present law shall be null and void.

Exceptions to the prohibition of discrimination
Article 8

(1) Any distinction, exclusion or preference made in the respect of a particular job, where the nature of the job is such, or the work is performed under such conditions that the characteristics relating to some of the cases referred to in article 1 of the present law amount to a genuine or decisive requirement for the performance of the work, provided there is a justifiable cause and the requirement is reasonable.

(2) All measures stipulated by the present law or other law, and the provisions of the present or other laws, collective agreements and employment contracts that relate to the special protection and assistance to certain categories of workers, in particular those concerning the protection of persons with disabilities, older workers, pregnant women and women exercising some of the maternity protection rights, as well as the provisions relating to specific rights of parents, adoptive parents and their dependents, shall not be deemed cases of discrimination or grounds for discrimination.

(3) In terms of the employment requirements, the fixed term employees shall not be treated less favourably than the permanent employees solely on the grounds of having an employment contract for a fixed term, unless the different treatment is objectively justifiable.

(4) The period required to gain qualifications relating to certain conditions shall be the same for the employment of permanent employees and fixed term employees, provided the period required to gain qualifications is not longer than the term of the fixed term employment contract.

Harassment and Sexual Harassment
Article 9

(1) Harassment and sexual harassment shall be prohibited.

(2) Harassment and sexual harassment shall be deemed to be discrimination within the meaning of article 6 of the present law.

(3) Harassment, within the meaning of the present law, shall be any unwelcome behaviour caused by any of the cases referred to in article 6 of the present law that aims at or amounts to a violation of the dignity of the job applicant or the employee, and which causes fear and creates a hostile, degrading or offensive conduct.

(4) Sexual harassment, within the meaning of the present law, shall be any verbal, non-verbal or physical behavior of a sexual nature which aims at or amounts to a violation of the dignity of the job applicant or the employee, and which causes fear and creates a hostile, degrading or offensive conduct.

Psychological harassment at the workplace (mobbing)
Article 9-a

(1) Any form of psychological harassment at the workplace (mobbing) shall be prohibited.

(2) Psychological harassment at the workplace (mobbing) shall be deemed to be discrimination within the meaning of article 6 of the present law.

(3) Psychological harassment at the workplace (mobbing), within the meaning of the present law, shall be any negative behaviour of an individual or a group that is often recurring (at least within a period of six months) and amounts to a violation of the dignity, integrity, reputation and honour of the employees and cause fear or creates a hostile, degrading or offensive behaviour, the ultimate goal of which may be termination of employment or resignation from work.

(4) The perpetrator of psychological harassment at the workplace (mobbing) may be an individual or a group of people displaying a negative behavior within the meaning of paragraph (3) of the present article, notwithstanding their capacity (employer as a natural person, a person in charge or an employee).

Protection of female workers against discrimination on the grounds of pregnancy, childbirth and parenthood

Article 9-b

(1) Any form of discrimination of a female employee on the grounds of pregnancy, childbirth and parenthood, notwithstanding the duration and the type of the employment established in accordance with the law.

(2) The prohibition of discrimination referred to in paragraph (1) of the present article shall concern the access to employment, the working conditions and all rights arising from employment, and the termination of the employment contract of female employees who are pregnant or are exercising their rights pertaining to childbirth and maternity.

Compensation of damages for dicrimination

Article 10

In the cases of discrimination referred to in article 6 of the present law the job applicant or the employee shall be entitled to claim damages in accordance with the Law on Obligations.

The burden of proof in case of a dispute

Article 11

(1) If the job applicant, i.e. the employee, in a case of a dispute, shall present facts that the employer acted contrary to articles 6 and 9 of the present law, the burden of proof shall be placed on the employer, who has to demonstrate that there has been no discrimination, i.e., that he has acted in compliance with articles 6 and 9 of the present law, unless he can demonstrate that the different treatment falls within the scope of the exceptions referred to in article 8 of the present law.

(2) In case of a dispute relating to a violation of article 9-a of the present law, the burden of proof shall be placed on the individual or the group that are parties to a dispute for psychological harassment (mobbing) at the workplace, unless they can demonstrate that the different treatment falls within the scope of the exceptions referred to in article 8 of the present law.

(3) The employee who has sought redress against psychological harassment at the workplace (mobbing), and has testified in the course of the procedure, shall not be subjected, directly or indirectly, to impaired working conditions, i.e., shall not be placed at any disadvantage, in particular by reducing his earnings, transferring him to another job or by preventing his promotion or professional development.

(4) In case of a dispute for a violation of article 9-b of the present law, the burden of proof shall be placed on the employer.

Restriction of the autonomy of the contracting parties

Article 12

(1) When entering into and terminating the employment contract and for the duration of the employment the employer and the employee shall be obliged to comply with the provisions of the present law and other laws, international agreements that are binding for the Republic of Macedonia and other regulations, collective agreements and employer’s acts.

(2) The employment contract, i.e. the collective agreement may not provide for rights lesser than those laid down by law, and if they contain such provisions, they shall be deemed null and void and shall be superseded by the relevant provisions of the law.

(3) The employment contract, i.e. the collective agreement may contain provisions that are more favourable for the employees than those prescribed by the present law.

(4) The rights arising from employment that are laid down by the Constitution, law and collective agreement cannot be withdrawn or restricted by enactments and actions of the employer.

II EMPLOYMENT CONTRACT

Employment contract

Article 13

(1) The labour relations between the employee and the employer shall be established by entering into an employment contract.

(2) The rights, obligations and responsibilities arising from the performance of the work within the employment and the inclusion in the mandatory social insurance on the grounds of the employment shall be exercised upon the day of commencement of work, as defined in the employment contract.

(3) In accordance with the special regulations, the employer shall be obliged to submit the form for registration/deregistration (electronic form M1/M2 printed out from the system of the Employment Service Agency of the Republic of Macedonia) of the employee in the mandatory social insurance system (pension and disability, health and unemployment insurance) to the Employment Service Agency of the Republic of Macedonia, by electronic means or in person, at the premises of the ESA, by attaching a PPR form, authorization of the authorized person with a list of persons to be registered/deregistered stating details such as the name, surname and the single identification number, as well as the number and the date of entering into the employment contract, before the employee can start to work. A certified copy of the application or a printout from the information system of the ESA shall be provided to the employee within a period of three days upon the day when the employee started to work.

(4) The Employment Service Agency of the Republic of Macedonia, the Pension and Disability Insurance Fund and the Health Insurance Fund of the Republic of Macedonia shall be obliged to keep and maintain permanent records of the registrations and deregistrations for the purposes of social insurance and to issue information on the current social insurance status and any changes thereof to the employee at his request.

(5) The Employment Service Agency of the Republic of Macedonia, the Pension and Disability Insurance Fund of Macedonia and the Health Insurance Fund of the Republic of Macedonia shall exchange social insurance data.

(6) If the date of commencement of work is not stipulated in the employment contract, the date of commencement of work shall be the day following the signing of the employment contract, and the employee shall be registered with the Employment Service Agency of the Republic of Macedonia on the date of signing of the employment contract.

(7) The employee may not commence work prior to entering into an employment contract and prior to his registration to mandatory social insurance by the employer.

(8) The rights, obligations and responsibilities arising from the performance of the work within the employment and the inclusion in the mandatory social insurance on the grounds of the employment shall also be exercised as of the day of commencement of work in the case when the employee shall not be able to commence work on that day due to justifiable reasons.

(9) Justifiable reasons preventing the employee to commence work on the date stipulated in the employment contract, within the meaning of the present law, shall be the cases when the employee is absent for justifiable reasons laid down by law, collective agreement and employment contract.

(10) If the employee shall fail to begin to work due to unjustified reasons on the date stipulated in the employment contract, in accordance with the paragraph (6) of the present article it shall be deemed that such employee has not established labour relations.

(11) If the employer, following a termination of employment, shall fail to deregister the employee from the mandatory social insurance within a period of eight days upon the termination, the deregistration of the employee may be carried out upon his request based on a report by the labour inspector presented previously to the Employment Service Agency of the Republic of Macedonia.

Indefinite-term and fixed-term employment contracts
Article 14

(1) The employment contract is entered into for a period of time with a duration that has not been defined in advance (employment for an indefinite period of time).

(2) The employment contract may also be entered into for a period of time with a duration that has been defined in advance (fixed-term employment).

(3) Any employment contract that shall not define the duration of the contract shall be deemed to be an employment contract for an indefinite period of time.

Form of the employment contract
Article 15

(1) The employment contract shall be entered into in writing.

(2) The employment contract shall be kept on the business premises, at the registered office of the employer.

(3) A copy of the employment contract shall be handed to the employee on the day of signing of the employment contract.

Parties to the employment contract
Article 16

The parties to the employment contract shall be the employer and the employee.

Employer - legal entity or other entity
Article 17

(1) If the employer is a legal entity, unit of the local self-government, subsidiary of a foreign company or another organization, the employer shall be represented by its representative, laid down by law, Articles of Association or Statute, or by a person authorized in writing by the employer.

(2) If the employer is a public administration body, it shall be represented by the state official or a person authorized in writing by him, unless otherwise stipulated by law.

(3) When the employment contract is entered into with persons with special authorizations and responsibilities, the employer shall be represented by the body laid down by law, Articles of Association or the Statute.

(4) When entering into an employment contract with a person holding a managerial position during the procedure for the establishment of the employer, the employer shall be represented by the founder.

Legal capacity of minors to enter into employment contracts
Article 18

(1)A young person under 18 years of age in good health and with legal capacity may enter into an employment contract.

(2) It shall be prohibited to employ a child under 15 years of age or a child who has not completed its compulsory education, except for activities which the child may perform in accordance with the law, but no longer than four hours per day.

(3) The employer shall ensure the protection of young people against economic exploitation or any form of work that is likely to be harmful to their safety, health, physical, mental, spiritual, moral or social development or interfere with their education.

(4)A child under 15 years of age may, for remuneration, and as an exception, participate in activities that by their scope and nature are not likely to be harmful to its health, safety, development and education, in particular: to participate in cultural artistic performances, sports events and advertising activities.

(5)The authorization for the performance of the activities referred to in paragraph (3) of the present article shall be issued by the public administration body with competencies in the field of labour inspection, upon a request by the organizer of the activities referred to in paragraph (4) of the present article, with a previous consent of the legal representative of the child and a prior inspection of the premises where the activities are to be performed by the labour inspection service.

(6)A minor shall be any person with a legal capacity to enter into an employment contract, who is at least 15 years of age, and is under 18 years of age, and is not attending compulsory education, for the purposes of performing activities that are not harmful to his health and safety.

(7)The maximum number of hours of work of a minor under 16 years of age shall be 30 hours per week, including the cases when the minor is working for several employers at the same time.

(8)The maximum number of hours of work of a minor above 16 years of age shall be 37 hours and 45 minutes per week, including the cases when the minor is working for several employers.

(9) The hours of work of a minor shall not exceed eight hours within a period of 24 hours.

(10) The time spent by the minor in theoretical and practical vocational training shall be deemed work.

(11) The work that the minor performs for the employer for remuneration shall be deemed participation in training.

(12) The employer shall not be allowed to use the remuneration system for the purposes of increasing the volume of work that would endanger the safety and health of the minor.

Conditions for entering into an employment contract
Article 19

(1) The employee who is entering into an employment contract shall meet the conditions to perform the work, as laid down by law, an enactment of the employer, i.e., the conditions required by the employer.

(2) The employer shall be obliged to define by virtue of an enactment the specific conditions to perform the work for each individual position. This obligation shall not apply for small employers.

(3) A disabled person who has been trained to perform specific tasks shall be deemed to be of health and have the capacity to enter into an employment contract to perform such tasks.

Foreign citizens and stateless persons
Article 20

(1) Foreign citizens or stateless persons may enter into employment contracts if they meet the conditions laid down by the present law and other special laws that govern the employment of foreign citizens.

(2) Any employment contract entered into contrary to paragraph (1) of the present article shall be deemed null and void.

Freedom of contract

Article 21

The employer shall have the freedom to decide with whom of the applicants who meet the prescribed, agreed or required conditions for performance of the work (hereinafter: conditions to perform the work), in compliance with the legal prohibitions, it shall enter into an employment contract.

III RIGHTS AND OBLIGATIONS OF THE PARTIES TO AN EMPLOYMENT CONTRACT

Manner of recruitment of employees

Article 22

(1) The employer shall recruit employees:

1) by publishing an announcement in the daily newspapers or other pubilc media, whether printed or electronic, at the expense of the employer;

2) by publishing an announcement of vacancies in the employment service agency, free of charge, in accordance with the law;

3) by means of job placement activities of registered job seekers carried out by the employment service agency;

4) agency providing job placement services charging a fee to the employer, in accordance with the law, by previous registration of the public announcement in the electronic system maintained by the Employment Service Agency of the Republic of Macedonia.

(2) The recruitment of the employees by public announcement, in accordance with paragraph (1), item 1) of the present article shall be made by registering the public announcement in the electronic system maintained by the Employment Service Agency of the Republic of Macedonia prior to publishing the announcement.

(3) The recruitment process in a public institution, public enterprise or other legal entity pursuing public service activities, a public administration body and a body of a unit of the local self-government shall adhere to the principle of adequate and equitable representation of the citizens belonging to all communities in the Republic of Macedonia, i.e. in the units of the local self-government, without prejudice to the criteria pertaining to qualifications and competence.

(4) The recruitment process in a public institution, public enterprise or other legal entity pursuing public service activities, a public administration body and a body of a unit of the local self-government shall be carried out by publishing a public announcement of the vacancies in at least two daily newspapers, of which one is to be a newspaper published in Macedonian language and the other is to be a newspaper publish the in the language used by at least 4 of the citizens who are speaking an official language other than Macedonian.

(5) By way of exception, the employer referred to in paragraph (3) of the present article, in the case of urgent and pressing work, may enter into employment contracts without the public announcement of the vacancy, for a period not longer than 3 days, and with mediation from the employment service agency.

(6) By way of derogation from paragraph (1), item 1 of the present article, the employer may enter into employment contracts for the purposes of seasonal work without a public announcement of the vacancy, for a period not longer than 90 days, and with mediation from the employment service agency.

Public announcement of vacancies

Article 23

(1) When the employer is recruiting employees by way of public announcement, it shall be obliged to state the following in the public announcement:

- title of the position;
- the conditions required to perform the work;
- the start and end of the daily and weekly working hours;
- the schedule of the hours of work;
- the monetary amount of the basic net salary or the monetary amount of the minimum to maximum of the net salary for the vacant position;
- deadline to submit applications, which shall not be shorter than five business days;
- the period of time required to make the selection, and
- accurate contact details of the employer (name, registered office, telephone number, contact point and address for delivery of applications).

(2) If there are up to 200 candidates who have applied to the public announcement referred to in paragraph (1) of the present article for a single position, the selection shall be made within a period of 45 days, if there are 201 to 500 applicants the selection shall be made within a period of 90 days, and if there are more than 500 applicants for a single position the selection shall be made within a period of 120 days upon expiry of the application period.

(3) For the duration of the public announcement the employer shall not publish a new announcement for the same vacancy.

(4) The public announcement procedure shall be completed by a selection, non-selection or by expiry of the deadlines referred to in paragraphs (1) and (2) of the present article.

(5) If the employer needs to recruit an employee with special authorizations for a particular job, the public announcement shall indicate that the job involves special authorizations.

(6) Posting an announcement within the premises of the competent employment service agency shall also be deemed a proper announcement of a vacancy.

(7) When the employer announces the vacancy in the public media, too, the application deadline shall start to expire as of the day of the last publication of the announcement.

Gender equality in the announcement of vacancies
Article 24

(1) The employer shall not announce a vacancy solely for male or female employees, unless the particular gender is an essential requirement to perform the work.

(2) The employer shall not suggest a gender preference in the announcement of the vacancy, except in the cases referred to in paragraph (1) of the present article.

Rights and obligations of the employer
Article 25

(1) The employer shall be allowed to require from the applicant to present solely documents that evidence the fulfilment of required conditions to perform the work.

(2) When entering into the employment contract, the employer shall not ask for any information relating to the family, i.e., the marital status and future family plans of the applicant, and shall not require the submission of other documents and evidence that are not directly connected to the employment.

(3) The prohibition to require the submission of other documents and evidence referred to in paragraph (2) of the present article shall include a prohibition to require a pregnancy test or evidence of such test when entering into employment contract with a female employee, notwithstanding the job concerned.

(4) If the work poses a significant risk to the health of the mother or the child, and such risks have been determined in accordance with the regulations in the field of occupational safety and health relating to pregnant women and women who have recently given birth and are breastfeeding, the employer referred to in paragraph (2) of the present article shall be obliged to inform the female workers about the work-related hazards when entering into the employment contract.

(5) The employer shall not make the entering into the employment contract a subject to providing the information referred to in paragraph (2) of the present article or signing an agreement relating to the termination of the employment.

(6) When entering into the employment contract, the employer shall be entitled to assess the knowledge, i.e., skills of the applicant to perform the work underlying the employment contract.

(7) When entering into an employment contract, the applicant shall not be obliged to furnish evidence of his health status, unless the employer provides for a medical examination at his expense.

(8) The assessment of the knowledge, i.e., skills of the applicant or the examination of the health status of the applicant shall not concern circumstances that are not of direct relevance for the work at the job for which the employment contract is to be entered into.

(9) Prior to entering into the employment contract, the employer shall inform the applicant about the work, working conditions and the rights of the employees relating to the performance of the work on the job for which the employment contract is to be entered into.

(10) The employer shall be obliged to inform the fixed-term employees about the job vacancies by means of announcement posted at a visible spot in the workplace, so as to ensure that they are provided equal opportunities to obtain permanent employment as the other employers.

(11) The employer shall, to the greatest extent possible, facilitate the access of the fixed-term employees to adequate training opportunities so as to improve their competencies, career development and professional mobility.

Rights and obligations of the applicant

Article 26

(1) When entering into the employment contract, the applicant shall be obliged to furnish the employer the documents evidencing the fulfillment of the conditions to perform the work and to inform the employer about all facts known to the applicant that are of relevance to the employment, as well as about any illnesses or other circumstances that may prevent or substantially restrict his performance of the contractual obligation, or that may endanger the life or health of the persons with whom the employee shall come into contact when performing his obligations.

(2) The applicant shall not be obliged to answer any questions that are not directly related to the employment.

Rights of applicants who have not been selected

Article 27

Within five business days upon the date of entering into the employment contract the employer shall notify in writing the rejected job applicant that he has not been selected, shall inform him who has been selected and shall return all documents furnished as evidence of the fulfillment of the conditions for the performance of the work.

Contents of the employment contract

Article 28

(1) The employment contract shall contain, in particular:

1) data on the contracting parties including their residence or registered office;

2) date of commencement of work;

3) title of the position, i.e., information on the type of work within the scope of the employment contract and brief description of the work to be carried out under the employment contract;

4) provisions on the employer's obligation to inform the worker about the high risk jobs and special professional qualifications or skills required or the requirements for special medical supervision, in accordance with the law, by stating the specific hazards that may appear as consequences of the work in accordance with the law and regulations;

5) the place where the work is to be carried out. If the specific location is not stated, it shall be deemed that the employee shall carry out the work at the employer's head office;

6) duration of the employment, in case of a fixed-term employment contract;

7) provision whether the employment is full or part-time;

8) provision on the daily or weekly regular hours of work and the schedule of work;

9) provision on the amount of the base salary, expressed as a monetary remuneration for the employee for carrying out the work in accordance with the law, collective agreement and the employment contract;

10) provision on other benefits to which the employee shall be entitled in accordance with the law and collective agreement;

11) provision on the annual leave, i.e., the manner of determining the annual leave, and

12) the general acts of the employer that set forth the conditions of work of the employee.

(2) The employment contract may also provide for other rights and obligations laid down in the present and other laws and the collective agreement.

(3) Regarding specific issues in the employment contract, the parties shall, where necessary, refer to specific laws, collective agreements and acts of the employer.

Amendments to the employment contact

Article 28-a

(1) Amendments to the employment contract may be proposed by the employer or by the employee.

(2) The amendments to the employment contract shall be made by an annex to the employment contract.

(3) The annex to the employment contract shall be entered into in the same form as the employment contract, in accordance with the law.

(4) Any amendments to the employment contract shall be subject to the mutual agreement of the parties.

Invalid provisions of the employment contract

Article 29

(1) Any provision of the employment contract that is contrary to the general provisions on the rights, obligations and responsibilities of the contracting parties, laid down by law, collective agreement, or an act of the employer, shall be deemed null and void as of the time of entering into the employment contract.

(2) The provisions of the law, collective agreements, and general acts of the employer which partially lay down the content of the employment contract shall be deemed an integral part of the contract and shall supplement it or apply directly.

IV OBLIGATIONS OF THE EMPLOYEE

Obligations of the employee relating to the performance of the work

Article 30

(1) The employee shall carry out the work with due diligence at the job for which he has entered into an employment contract, at the time and place set forth for the performance of the work, in accordance with the organization of the work and the business activity of the employer.

(2) In cases laid down by law and collective agreement, the employee shall also carry out other work that is not stipulated in the employment contract, provided such work is within the scope of the employee's professional training.

Compliance with the employer's instructions
Article 31

The employee shall comply with the employer's requirements and instructions relating to the performance of the duties arising from employment.

Compliance with the occupational safety and health regulations
Article 32

(1) The employee shall comply with and implement the regulations on occupational safety and health in order to protect his own life and health, as well as the life and health of others. Each employee shall be entitled and obliged to provide for his own safety and the safety of other persons working with him, in accordance with the training and instructions provided to him by the employer, to be informed about the occupation safety and health measures and to receive training on the application thereof, in accordance with the occupational safety and health regulations.

(2) The employee shall be entitled to refuse to carry out the work if he is exposed to imminent threat to his health or life, when the occupational safety and health measures have not been taken and to request the removal of such deficiencies.

Obligation for notification
Article 33

(1) The employee shall notify the employer about the relevant circumstances that affect or could affect the performance of his contractual obligations.

(2) The employee shall notify the employer forthwith through the immediate superior or other person authorized by the employer (hereinafter: employees' representatives), verbally or in writing, on the occurrence of material damage and any deficiency, health and safety hazard, or any other incident that may endanger his safety and health and the safety and health of other employees, in accordance with the occupational safety and health regulations.

Prohibition of Harmful Actions
Article 34

The employee shall refrain from any actions that, in the light of the nature of the work performed for the employer, may be harmful or detrimental to the interests of the employer.

Obligation to keep business secrets
Article 35

(1) The employee shall not exploit for its own use or disclose to any third party the data that are business secrets of the employer defined as such by a special act of the employer, and which have been entrusted to the employee or has otherwise become known to him.

(2) The employee shall be held liable for the disclosure of business secrets, if he was aware or should have been aware of such status of the information.

(3) Any employee who shall come into contact with material, information and data that are classified shall keep them as confidential.

(4)The representatives of the employees and all experts assisting them shall not disclose to the employees or third parties any information that are of business interest of the employer and have been disclosed to them in confidence. The confidentiality obligation shall survive beyond the expiry of their terms of office.

(5) Under specific circumstances and in accordance with the conditions and restrictions laid down by law, it may be stipulated that the employer shall not be obliged to provide information or carry out consultations when the nature of such information or consultations is

such that, according to objective criteria, it may seriously disrupt or compromise the operation of the employer.

Prohibition of competition - statutory prohibition of competitive activity
Article 36

(1) For the duration of the employment the employee shall not be allowed to carry out work or enter into deals, for his own account or for the account of a third party, that fall within the scope of activities of the employer and amount to or could amount to competition to the employer.

(2) The employer shall be entitled to claim compensation of the damages incurred by the actions of the employee contrary to paragraph (1) of the present article, within a period of three months upon the day when he has become aware of the work or the business deal, i.e., within a period of two years upon the completion of the work or the business deal.

Prohibition of competition - contractual prohibition of competitive activity
Article 37

(1) If the employee gains any technical, production or business knowledge and business connections in the course of his work or in relation thereto, the employer and the employer may stipulate in the employment contract a prohibition for the employee to engage in competitive activities upon termination of his employment (competition clause).

(2) The competition clause can be agreed for a period no longer than two years following the termination of the employment contract and only in those cases when the employment contract was terminated by the employee's will or at his fault.

(3) The competition clause shall not preclude the possibility for employment of the employee.

(4) If the competition clause is not laid down in writing, it shall be deemed that no such clause has been agreed.

Compensation for the compliance with the competition clause
Article 38

(1) If the compliance with the competition clause referred to article 37, paragraph (1) of the present law shall prevent the employee from gaining adequate earnings, the employer shall pay a financial compensation to the employee for the duration of the compliance with the prohibition.

(2) The financial compensation for the compliance with the prohibition of competition shall be defined by the employment contract and shall amount monthly to at least one half of the average wages paid to the employee in the last three months prior to the termination of the employment contract.

Termination of the competition clause
Article 39

(1) The employer and the employee may agree on the termination of the validity of the competition clause.

(2) If the employee shall terminate the employment contract due to a breach of the employment contract by the employer, the competition clause shall cease to take effect, provided the employee has notified the former employer in writing, within a period of one month upon the date of termination of the employment contract, that he is no longer bound by the contract.

V OBLIGATIONS OF THE EMPLOYER
Obligation to provide work
Article 40

(1) The employer shall provide the employee with work as agreed upon in the employment contract.

(2) Unless agreed otherwise, the employer shall provide to the employee all necessary means and resources for work so as to enable him to perform his duties without any interruptions and to provide him with free access to the business premises.

Obligation for remuneration

Article 41

The employer shall provide to the employee adequate remuneration for the work performed in accordance with the provisions of articles 105 to 114 of the present law.

Obligation to ensure safe working conditions

Article 42

(1) The employer shall ensure the safety and health of the employees in line with the special occupational safety and health regulations and shall undertake all necessary measures to ensure that each employee is provided sufficient training that is appropriate for the special characteristics of the job, taking into account his professional qualifications and experience.

(2) The employer shall make a risk assessment in terms of a systemic examination of all work-related aspects in order to identify the potential causes of injuries or illnesses of the employees and hazards to the safe working conditions.

(3) Upon receiving notification that a female worker is pregnant, in the course of the different stages of pregnancy the employer shall introduce multiple assessments of the risk that may affect the pregnant woman, her unborn or newborn child. Additional risk assessment shall also be made in case of changes of the working conditions, equipment or machinery.

(4) Upon appropriate consultations and with the consent of the woman, depending on the nature, intensity and the duration of the risk, the employer shall take actions to improve the occupational safety and health of the pregnant worker, the worker who has recently given birth or is nursing her child, as well as to remove or reduce the risk of:

- irreversible effects,
- cancer,
- hereditary genetic disorders,
- harmful effects on the unborn child, and
- harmful effects on the child’s nutrition.

(5) If no risk has been detected in the risk assessment, the employer shall notify all employees about the potential risks. Furthermore, the employer shall elaborate the actions to be taken in order to ensure that new pregnant employees shall not be exposed to risks that may be harmful to their health and safety.

Obligation to protect the employee's personality

Article 43

(1) The employer shall protect and respect the personality and the dignity of the employee and shall take into account and protect the privacy of the employee.

(2) The employer shall ensure that no employee is a victim of harassment and sexual harassment.

Protection of the employee's personal data

Article 44

(1) The personal data of the employees may be collected, processed, used and disclosed to third parties only in the cases laid down in the present or other law or when it is necessary for the purpose of exercising the rights and obligations arising from or in relation to the employment.

(2) Personal data of the employees may be collected, processed, used and disclosed to third parties solely by the employer or an employee specifically authorized by the employer.

(3) If the legal grounds for the collection of the employees' personal data shall cease to exist, such data shall be deleted immediately and shall not be used any longer.

(4) The provisions under paragraphs (1) and (2) of the present article shall also apply to personal data of job applicants.

Suspension of rights and obligations under the employment contract

Article 45

(1) In cases when the employee temporarily ceases to carry out the work in order to serve a prison sentence or is prevented from carrying the work for a period shorter than six months due to an imposed corrective or protective measure, conscription or civil service with compensation, detention, and in other cases laid down by law, the employment contact shall not cease to take effect and the employer shall not terminate it, unless a procedure for termination of the employer has been initiated, and the contract shall be suspended within that period.

(2) During the suspension of the employment contract the contractual and other rights, as well as the obligations arising from employment that are directly related to the performance of the work shall also be suspended.

(3) The employee shall be entitled and obliged to return to work no later than five days upon the date when the grounds for the suspension of the contract ceased to exist. The suspension of the contract shall cease as of such date.

Fixed-term employment contract

Article 46

(1) A fixed-term employment contract may be entered into for the performance of the same work for a period of up to five years, with or without interruptions.

(2) A fixed-term employment for the purpose of replacement of a temporarily absent employee may be entered into until the return of the temporarily absent employee.

(3) The fixed-term employment, with the exception of the employment contract for seasonal work, shall be transformed into permanent employment contract if the employee shall continue to work following the expiry of the period referred to in paragraph (1) of the present article, under conditions and in a manner laid down by law.

(4) By way of derogation, the fixed-term employment may be transformed into permanent employment contract prior to the expiry of the period referred to in paragraph (1) of the present article if the employee has worked longer than two years on a job that has been vacated due to retirement or for other reasons and for which funds have been provided, if the employer determines that he needs to engage the employee permanently, under conditions and in the manner laid down by law.

Seasonal work

Article 47

(1) Seasonal work is work that due to climate or natural conditions is not carried out throughout the year, but only in specific periods - seasons, which shall not be longer than eight months within a period of 12 consecutive months.

(2) The employee who carries out seasonal work, i.e., works irregularly scheduled working hours under a fixed-term employment contract without interruption for at least three month in a year and works more hours of work than those specified for full time employment, shall be entitled to request that his hours of work are calculated as days of full time work.

(3) The days of work calculated under paragraph (2) of the present article shall be included in the years of service of the employee. The total period of service within the calendar year shall not exceed 12 months.

Part-time employment contract
Article 48

(1) An employment contract may also be entered into for hours of work less than full hours of work (part time work).

(2) Part time hours of work shall be the hours of work that are less than the full hours of work at the employer.

(3) The employee who has entered into a part-time employment contract shall have the same contractual and other rights and obligations arising from employment as the comparable full-time employee and shall exercise such rights that are proportionate to the hours of work defined in the employment contract, with the exception of the rights and obligations for which the law stipulates otherwise.

(4) The part-time employee shall be entitled to an annual leave with minimum duration of ten working days.

(5) Unless stipulated otherwise in the employment contract, the employer shall not order the part-time employee to work longer hours than those agreed, except in the cases referred to in article 119 of the present law.

(6) The employer shall specify in the part-time employment contract the start and the end of the part-time hours of work of the employee and keep separate records for he part-time employees, and the Employment Service Agency of the Republic of Macedonia shall notify monthly the State Labour Inspectorate about the concluded part-time employment contracts.

Part-time employment contract with several employers
Article 49

(1) The employee may enter into part-time employment contracts with several employers and thus achieve the full-time hours of work stipulated by law.

(2) The employee shall agree with the employers the hours of work, the manner of using the annual leave and other absences from work.

(3) The employers engaging the part-time employee shall make it possible for the employee to use simultaneously the annual leave and other absences from work, unless such practice affects them adversely.

(4) The obligations of the employer and the employee under paragraph (2) of the present article shall be an integral part of the part-time employment contract.

Home work employment contract
Article 50

(1) Home work shall mean work that the employee carries out in his home or in other premises of his choice, other than the workplace of the employer.

(2) By virtue of the home work employment contract the employer and the employee may agree that the employee shall carry out the work within the scope of activities of the employer, or which is required to pursue the activity of the employer, at his home.

(3) The employer shall submit the home work employment contract to the labour inspector within three days upon the date of entering into the contract.

(4) The rights, obligations and conditions that are determined by the nature of the home work shall be agreed by the employer and the employee in the employment contract.

(5) The employee shall be entitled to a reimbursement for the use of his own resources for home work. The amount of the reimbursement shall be defined by the employer and the employee in the employment contract.

(6) The employer shall ensure the conditions for occupation safety and health in the case of home work.

Prohibition of home work
Article 51

The labour inspector may prohibit the employer to organize home work if such work is harmful to the employees who work carry out home work, or to the living and working environment where the work is being carried out.

Work not allowed to be carried out at home

Article 52

Work that is not allowed to be carried out as home work may be stipulated by law or other regulation.

Employment contract with domestic workers

Article 53

(1) The employer and the employee may enter into an employment contract for the performance of domestic work.

(2) The employment contract referred to in paragraph (1) of the present article may stipulate that the food and accommodation provided by the employer shall be part of the employee's remuneration, which has to be stated as a monetary amount in the contract.

(3) The contract referred to in paragraph (1) of the present article shall be registered with the competent employment service agency.

(4) The lowest amount of the wages that is mandatorily calculated and paid in cash shall be determined in the employment contract and shall not be less than 50% of the employee's earnings.

Employment contract with managerial staff (management contract)

Article 54

If a manager enters into an employment contract, the parties to the employment contract may lay down different provisions in the employment contract which govern the rights, obligations and responsibilities arising from employment, in particular relating to:

1) the conditions and limitations of fixed-term employment;

2) hours of work;

3) provision of daily rest periods and annual leave;

4) remuneration of work, and

5) termination of the employment contract.

Exercise of the rights and obligations arising from the employment of the executive (manager)

Article 55

The executive (manager) shall exercise the rights and obligations arising from employment during the period for which he has been appointed, i.e., selected at such position, with the employer that appointed, i.e., selected him in accordance with the provisions of the present law and other laws, collective agreement and the employment contract.

VI TRAINEESHIP, VOLUNTARY SERVICE, AND TRIAL WORK

Traineeship

Article 56

(1) A law, other regulation or collective agreement at branch level may provide for entering into an employment contract with trainees who is carrying the work in accordance with the type and level of his professional qualifications in order to train the employee to perform his work independently.

(2) The trainee who shall successfully complete the professional training programme shall be deemed qualified to perform his work independently, in line with his professional qualifications.

Duration of the traineeship period

Article 57

(1) The traineeship shall not exceed one year, unless otherwise stipulated by law.

(2) The traineeship may be extended proportionately if the trainee is working less hours of work than full-time hours of work, but not longer than six months.

(3) The traineeship period shall be extended for the time of the justifiable absence from work longer than 20 working days, other than the annual leave period.

(4) The traineeship period may be shortened at a proposal by the person in charge to one third of the original traineeship period at the most.

Performance of the traineeship

Article 58

(1) For the duration of the traineeship period, the employer shall be obliged to provide the trainee with training according to the programme in order to qualify him to carry out the work independently.

(2) The duration and the course of the traineeship, as well as the programme and the manner of monitoring and assessment of the traineeship, shall be laid down by law, other regulation or collective agreement at branch level.

(3) At the end of traineeship period, the trainee shall take an exam, which shall form an integral part of the traineeship and is to be taken prior to the expiry of the traineeship.

Restriction on the dismissal of the trainee by the employer

Article 59

For the duration of the traineeship the employer shall not be allowed to terminate the trainee’s employment contract, except in the case of a procedure for winding up of the employer, or in case of breaches of the workplace discipline or duties, in accordance with the law.

Probationary period

Article 60

(1) When entering into the employment contract, the employer and the employee may agree a probationary period.

(2) The employment contract, in addition to all rights and obligations arising from employment, shall also lay down the amount of the wages and the duration of the probationary period, which shall not exceed six months. The probationary period may be extended in the case of a justifiable absence from work (due to illness and similar).

(3) In case of seasonal work, the probationary period shall last up to three working days.

(4) The employer may terminate the employment contract with probationary work for the performance of seasonal work within a period of three days upon entering into the employment contract with probationary period.

(5) For the duration of the probationary period the employee may terminate the employment contract with a notice period of three working days.

(6) On the grounds of an assessment for unsuccessful completion of the probationary period, the employer may terminate the employment contract after the expiry of the probationary period.

Volunteer work

Article 61

(1) If volunteer work is a requirement to take a professional exam or for independent performance of the activity, in accordance with a special law, it shall be carried out under a volunteer work employment contract entered into by the employer and the volunteer. The provisions of the present law relating to the duration and performance of the traineeship, the

limitation of the hours of work, daily rest period and annual leaves, liability for reimbursement, as well as the provisions on occupational safety and health shall be applicable for the volunteer.

(2) The contract for the volunteer work shall be made in writing, and a copy thereof shall be submitted to the labour inspection within three days upon its signing.

Termination of the employment contract

Article 62

The employment contract shall be terminated:

1) upon the expiry of the period for which the contract has been entered into;

2) in case of death of the employee or the employer (natural person);

3) due to winding up of the employer in accordance with the law;

4) by agreement of the parties;

5) by resignation;

6) by a court order, and

7) in other cases laid down by law.

Returning the documents and issuing certificates

Article 63

(1) In case of termination of the employment, the employer shall be obliged to return to the employee, within three days, all of his original documents and to issue the employee a certificate on the type of work carried out by him.

(2) The employer shall not be allowed to state in the certificate anything that might make it difficult for the employee to find new employment.

Termination of a fixed-term employment contract

Article 64

The fixed-term employment contract shall be terminated upon the expiry of the period for which it has been entered into, i.e., with the completion of the specified task or when the reason for entering into the contract shall cease to exist.

Termination of the employment contract due to death of the employee, i.e., employer (natural person)

Article 65

(1) The employment contract shall be terminated upon the death of the employee.

(2) The employment contract shall be terminated upon the death of the employer (natural person).

Termination of the employment contract in case of a winding up of the employer

Article 66

In the case of a procedure to wind up the employer, the employment contract of the employee shall be terminated, in accordance with the law.

Employees' rights

Article 67

(1) If the employer shall fail to pay the wages and the social security contributions to the employees for three consecutive months, they shall be entitled to propose an initiative to the competent court for winding up of the employer.

(2) The employees whose employment contracts shall be terminated in accordance with the law due to a procedure to wind up the employer shall be entitled to payment of:

1) net wages, contributions for pension and disability insurance and allowances for the period of the last three months prior to the initiation of the procedure to wind up the employer;

2) compensation for injuries at work that the employee has suffered with the employer, as well as for occupational diseases, and

3) the unpaid salary compensation for the duration of the unused annual leave in the current calendar year.

Change of employer
Article 68

(1) All rights, obligations and responsibilities arising from the employment shall be transferred to the new employer in cases of status changes.

(2) The new employer shall provide for all rights, obligations and responsibilities of the employees referred to in paragraph (1) of the present article within a period of one year, i.e., by the expiry of the employment contract or the collective agreement that has been binding for the previous employer.

(3) If the employee shall terminate the employment contract because his rights under the employment contract have deteriorated due to objective reasons after a change of the employer, the employee shall be entitled to the same rights that apply to the termination of the employment contract due to business reasons. The notice period and the right to severance pay shall be defined taking into account the employee's period of service with both employers.

(4) The previous and the new employer of the employee shall be jointly liable to compensate all claims for damages that occurred due to the termination referred to in paragraph (3) of the present article.

(5) If the employer temporarily assigns, based on a legal transaction (rent, lease) its business activity, fully or partially, to another employer, upon expiry of the legal transaction the employees shall be transferred back to the original employer, or to the new employer to whom the business activity has been assigned.

Protection of the employees' rights in case of an assignment of a trade company or parts thereof
Article 68-a

(1)The assignment of rights and obligations arising from employment may be carried out solely in the cases laid down by the present law or other regulations, in all cases of assignment of a trade company or parts thereof to another employer as a result of a legal assignment or merger.

(2) Assignment, within the meaning of paragraph (1) of the present article, shall mean the assignment of an economic entity that retains its identity, i.e., organized pooling of resources in order to pursue an economic activity, regardless of whether such activity is primary or ancillary. The assignment shall apply to trade companies pursuing economic activities, notwithstanding whether they are a for-profit or not-for-profit undertakings.

(3)The administrative reorganization of state authorities and public administration institutions or the transfer of administrative functions among state authorities and public administration institutions shall not be deemed an assignment within the meaning of paragraph (1) of the present article.

(4) In case of assignment of activities of a trade company or parts thereof , or in the case of assignment of tasks or parts thereof from the employer - assignor to another employer - assignee, the rights and obligations arising from employment shall be transferred in full to the employer - assignee. The tasks and activities of the employer shall be all tasks and activities related to the manufacture or provision of services and similar related activities under other statutory provisions by a legal or natural person on its own behalf and liability, in facilities or premises specified for performance of such tasks and activities. Notwithstanding the legal grounds for the assignment, and independent of the fact whether the ownership rights have been transferred or not, the assignee shall be deemed the legal or natural person authorized to continue to act as an employer and pursue the tasks or activities of the previous employer, or to pursue similar tasks or activities for a period that shall not be less than one year.

(5) The rights and obligations of the employer - assignor concerning the employees whose employment has been terminated shall remain unchanged by the date of the assignment, unless it is provided otherwise by other statutory provisions.

(6) Assignor shall mean any natural or legal person who, for the reason of an assignment within the meaning of paragraph (6) of the present article, shall cease to act as an employer concerning a trade company or parts thereof.

(7) Assignee shall mean any natural or legal person who, for the reason of an assignment within the meaning of paragraph (1) of the present article, shall become an employer concerning a trade company or parts thereof.

Article 68-b

Prior to the assignment of the rights and obligations arising from employment of the employees of the employer-assignor to the employer-assignee, the assignor and the assignee shall be obligated to inform the trade unions of this fact and consult them, in order to agree upon the following:

1) the established or proposed date of the assignment;

2) the reasons for such assignment;

3) the legal, economic and social implications for the employees, and

4) the proposed measures relating to the employees.

(2) The assignor shall be obliged to inform in due time the representatives of the trade unions of its employees about the assignment prior to carrying it out.

(3) The assignee shall be obliged to inform the representatives of the trade unions of its employees about the assignment in any case before its employees become directly concerned by such assignment in regard to their conditions for work and employment.

(4) Where the assignor and the assignee lay down measures regarding their employees, the assignor and the assignee shall be obliged to consult in due time the representatives of the trade unions of their employees concerning such measures so as to reach an agreement with them.

(5) Where the law provides for the access of the employees' representatives to an arbitration board making an award on the measures to be taken relating to the employees, the obligations laid down by paragraphs (1) and (2) of the present article may be restricted, in the cases where the implementation of such measures causes changes in the operation, which is likely to cause serious difficulties for a certain number of employees.

(6) Information and consultation shall include the measures provided in relation to the assignment of the employees and shall be carried out prior to the changes in the operation, as laid down in paragraph (1) of the present article, notwithstanding whether the decision on the assignment has been made by the employer or by a person controlling the employer.

(7) The obligation for information under paragraph (1) of the present article shall also apply to the employees of an employer where the employees are not unionized.

Article 68-c

The provisions under articles 68-a and 68-b of the present law shall also apply to the cases where a higher instance authority has competences to decide on the assignment of activities and tasks, or parts thereof, from the employer - assignor to the employer - assignee.

Article 68-d

(1) When the company shall cease to exist due to a separation, the competent body making the decision on the separation of the company shall determine which of the newly established companies shall assume the rights and obligations arising from employment from the preceding employer.

(2) When the company ceases to exist, the competent body making the decision on the winding up of the company shall determine which company shall be obliged to ensure the

exercise of the rights of the employees of such company, or which company shall claim the rights on behalf of the company that ceased to exist. When the company ceases to exist due to liquidation, the liquidation procedure shall be carried out in accordance with the law and the statutory provisions.

(3) When the assignment of the company coincides with the expiry of the period for which the company has been established or for the performance of the activities for which the company has been established, and when the performance of the activities of that company is controlled by the higher instance authority referred to in article 68-c of the present law, the higher instance authority shall determine which company shall assume the rights and obligations arising from the employment.

(4) The assignment of the company or parts thereof shall not provide, on its own, grounds for dismissal of employees, with the exception of the dismissal of employees due to reasons of economic, technological or structural nature that require personnel changes.

(5) If the company or parts thereof shall preserve their independence, the status and the function of the trade union representatives or the employees' representatives concerned by the assignment shall remain unchanged, under the same conditions that applied prior to the date of the assignment, in accordance with law, regulation, administrative provision or agreement, provided the relevant conditions for establishment of trade unions of the employees have been met.

Article 68-e

The employees and the representatives of their trade unions, who believe that they have suffered damages due to a default in the performance of the obligations arising from the assignment, shall be entitled to legal recourse.

Termination of the employment contract by mutual agreement

Article 69

(1) The parties may terminate the employment contract at any time by a written agreement, which has to include a provision on the consequences for the employee due to the termination by mutual agreement relating to the exercise of the rights arising from unemployment insurance.

(2) The agreement referred to in paragraph (1) of the present article shall be signed on the date of the termination of the employment and it shall contain a handwritten name and surname of the employee and the employer, date of termination of the employment and signatures of the employee and the employer.

(3) If the agreement for the termination of the employment contract is entered into contrary to paragraphs (1) and (2) of the present article, it shall be null and void.

VII TERMINATION OF THE EMPLOYMENT CONTRACT WITH NOTICE BY THE EMPLOYEE AND THE EMPLOYER

Termination of the employment contract with and without a notice period

Article 70

(1) The contracting parties may terminate the employment contract with a notice period.

(2) In the cases laid down by law, the contracting parties may terminate the employment contract without a notice period.

(3) Each party may terminate the employment contract solely in its entirety.

Acceptability of the termination

Article 71

(1) The employee may terminate the employment contract with a written statement that he wants to terminate the employment contract.

(2) The employer may terminate the employment contract only if there is a just cause for the termination relating to the conduct of the employee (due to personal reasons on the part of the employee), breach of the workplace discipline or duties (cause of fault) or if the cause is based on the needs relating to the operation of the employer (business cause).

(3) The employee and the employer may terminate the employment in the cases, i.e., for reasons laid down by law, collective agreement, the rules on the workplace discipline and the employment contract.

(4) The termination of the employment contract, which shall, directly or indirectly, put the employee in a less favourable position under any of the grounds referred to in article 6 of the present law shall be null and void as of the time of handing the termination notice.

Grounds and burden of proof

Article 72

When the employer is terminating the employment contract, it shall be obliged to state the grounds for termination, as laid down by law, collective agreement and an act of the employer, prove the merits of the cause for termination and indicate these in the rationale of the notice.

Procedure prior to termination due to a fault of the employee

Article 73

Prior to terminating the employment contract due to a fault of the employee under the conditions laid down in article 80 of the present law, the employer shall call the attention of the employee to the nonperformance of the obligations and the possibility for dismissal in case of any further breaches of contract.

Form and content of the termination notice

Article 74

(1) The notice of termination of the employment contract shall mandatorily be made in writing.

(2) The employer shall be obliged to explain the reasons for the termination in writing, as well as to bring to the employee's attention the available legal recourse and inform the employee about his rights arising from unemployment insurance, in accordance with the law.

Delivery of the notice

Article 75

(1) The notice of termination of the employment contract shall be delivered to the contracting party whose employment contract is being terminated.

(2) The employer shall be obliged to deliver the notice for termination of the employment contract to the employee in person, by rule on the premises of the employer, i.e., at the address of the temporary or permanent residence of the employee.

(3) If the employee cannot be found on the address of his residence (except in the cases of justified absence from work) or does not have a permanent or temporary residence in the Republic of Macedonia, or if he refuses the delivery, the notice of termination of the employment contract shall be made public on the notice board at the employer's registered address. Following the expiry of eight working days upon the day when the notice has been made public on the notice board it shall be deemed that the notice has been delivered.

Justified grounds for termination

Article 76

(1) The employer may terminate the employment contract of the employee, when it shall not be possible to continue the employment, if:

1) the employee, due to his conduct, lack of knowledge or capacity, or due to failure to meet the special requirement laid down by law, is not able to perform his contractual obligations or other obligations arising from employment (personal reason) or

2) the employee is in breach of the contractual obligations or other obligations arising from employment (fault), and

3) there is no longer a need to perform specific work under the conditions laid down in the employment contract due to reasons of economic, technological, structural or similar nature, upon initiative by the employer (business reasons).

Unjustified grounds for termination
Article 77

The unjustified grounds for termination of the employment contract are:

1) employee's membership in a trade union or participation in trade union activities in accordance with law and collective agreement;

2) lodging a complaint and taking part in legal proceedings against the employer in order to confirm the breach of contractual and other obligations arising from employment before the arbitration, judicial and administrative bodies;

3) approved absence from work by reason of illness or injury, pregnancy, childbirth and parenthood, care for dependents and unpaid parental leave;

4) use of approved absence from work and annual leave;

5) compulsory military service or participation in a military exercise, and

6) other cases of suspension of the employment contract laid down by the present law.

Proposing a new, modified contract prior to termination
Article 78

(1) The provisions of the present law that are applicable for the termination of the employment contract shall also apply in the case when the employer terminates the employment contract of the employee and simultaneously proposes to the employ to enter into a new, modified employment contract.

(2) The employee shall declare its position concerning the new, modified employment contract within a period of 15 days upon the date of receipt of the proposal.

(3) The employee who, in the case referred to in paragraph (1) of the present article, shall accept the employer’s proposal shall not be entitled to severance pay for the termination of the previous employment contract, and shall retain the right to challenge before the competent court the decision for modification of the employment contract.

Termination of the employment contract due to personal reasons of the employee
Article 79

The employer may terminate the employment contract due to personal reasons of the employee, if the employee fails to carry out the working duties laid down by law, collective agreement, act of the employer and the employment contract.

Conditions for termination of the employment contract due to personal reasons of the employee
Article 80

The employer may terminate the employment contract due to personal reasons of the employee, when the employee has been provided with the required working conditions, and the employer has issued him appropriate instructions, guidelines or a written notification that the employer is not satisfied with the performance of the work duties, and if the employee shall fail to improve his performance within the period indicated in the notification, in the cases laid down in the collective agreement at branch/sector level, i.e. at employer's level.

Termination of the employment contract due to breach of the workplace discipline or duties with notice period

Article 81

(1) The employer may terminate the employment contract of the employee due to a breach of the workplace discipline or failure to perform the obligations laid down by law, collective agreement, act of the employer and the employment contract, with a notice period, in particular if:

1) the employee fails to observe the workplace discipline in accordance with the rules prescribed by the employer;

2) the employee fails to perform his duties or fails to perform such duties with due diligence and in due time;

3) the employee fails to comply with the rules governing the performance of the duties in the workplace;

4) the employee fails to observe the working hours, the schedule and use of the hours of work;

5) the employee fails to request an absence from work or fails to notify the employer in due time about the absence from work;

6) if the employee is absent from work due to illness or justifiable reasons and fails to notify the employer thereof in writing within a period of 48 hours;

7) the employee fails to treat the means of work responsibly and in line with the technical operating instructions;

8) the employee fails to notify forthwith the employer about the occurrence of damage, error in the operation, or loss;

9) the employee fails to comply with the occupational safety and health regulations or fails to maintain the occupational safety and health equipment;

10) the employee causes disturbances and has a violent conduct at work, and

11) the employee uses the assets of the employer illegally or without authorization.

(2) The law, collective agreement and the employer's rules on the workplace discipline may stipulated other breaches of the workplace discipline.

(3) The employer shall be obliged to display the rules on the workplace disciple at a visible location within the business premises of the employer and to communicate such rules to the trade union.

Termination of the employment contract due to breach of the workplace discipline or duties without a notice period

Article 82

(1) The employer may terminate the employment contract of the employee due to a breach of the workplace discipline or failure to perform the obligations laid down by law, collective agreement, act of the employer and the employment contract, without a notice period, in particular if the employee:

1) is absent from work without just cause of three consecutive working days or five working days within one year;

2) misuses sick leave;

3) does not comply with the regulations relating to healthcare, occupational safety and health, protection from fire, explosions, harmful effects of poisons and other hazardous substances and violates the environment protection regulations;

4) brings in, consumes or is under the influence of alcohol and narcotic drugs;

5) commits theft or causes damage to the employer in relation to the work, intentionally or due to gross negligence, and

6) discloses a commercial, official or state secret.

(2) The law, collective agreement and the employer's rules on the workplace discipline may stipulate other breaches of the workplace discipline that constitute grounds for termination of the employment contract by the employer without a notice period.

Suspension from duty until the adoption of a decision for termination of employment
Article 83

In accordance with the employer's assessment, and by written order of the authorized person of the employer, the employee shall be suspended from duty with compensation in the amount of 50% of the wages received by the employee in the preceding month until the adoption of the decision for termination of the employment contract if:

1) the employee, by his presence in the workplace, endangers the life or health of the employees or other persons, or causes damages of significant value to the employer's assets;

2) the employee's present at the workplace shall have detrimental effects on the employer's operations;

3) the employee's presence hinders the establishment of the liability for the breach of duties, and

4) when criminal charges have been brought against the employee by a competent body for a criminal offence committed at work or in relation thereto.

Fines
Article 84

Depending on the level of liability of the employee, the circumstances of the breach of duties and the workplace discipline, the track record of the employee concerning his work and conduct, and the gravity of the breach and its consequences, the employer may impose a fine to the employer, which shall not exceed 15% of the last paid net monthly wages of the employee, for a period of one to six months.

The form of the decision for termination of the employment contract, i.e. the decision on the fine
Article 85

The decision on the termination of the employment contact, i.e., the decision to impose a fine shall be mandatorily made in writing, with a rationale about the merits and the grounds for termination of the employment contract, i.e., imposition of the fine and instructions on the right to redress.

Competent body for imposition of termination of employment and a fine
Article 86

The decision on the termination of the employment contract and the imposition of a fine shall be adopted by the employer or an employee authorized by the employer.

Notice periods
Article 87

The employee and the employer may terminate the employment contract within a statutory or contractual notice period. When making the decision the parties shall take into account the minimum duration of the notice period, as laid down by the present law, collective agreement at branch, i.e., employer level.

Minimum notice periods
Article 88

(1) If the employment contract is terminated by the employee, the notice period shall be one month. The employment contract or the collective agreement may provide for a longer notice period, which shall not exceed three months.

(2) If the employer terminates the employment contract of an individual employee or a smaller number of employees, the notice period shall be one months, and in the case of termination of employment of more than 150 employees or 5% of the total number of employees with the employer concerned prior to the termination of employment it shall be two months.

(3) If the employer terminates the employment contract of an employee performing seasonal work, the notice period shall be seven working days.

Commencement of the notice period
Article 89

The notice period shall start to run on the day following the date of delivery of the decision for termination of the employment contract.

Payment in lieu of notice
Article 90

(1) The employee and the employee may agree a payment in lieu of the notice period.

(2) If the parties have agreed on a payment in lieu of notice, the employer shall be obliged to pay the compensation for the entire notice period to the employee upon the delivery of the notice, as of the day of termination of the employment.

Complaint against the decision to terminate the employment contract without a notice period or for suspension from duty
Article 91

(1) The employer shall be entitled to lodge a complaint against the decision for termination of the employment contract without a notice period or against the decision for suspension from duty to the managing body or the employer.

(2) The complaint shall be lodged within a period of eight days upon the date of receipt of the decision for termination of the employment contract without a notice period or the decision for suspension from duty.

(3) The decision on the complaint shall be made within a period of eight days upon the date of lodging the complaint.

(4) The complaint against the decision for termination of the employment contract without a notice period or against the decision for suspension from duty within the meaning of articles 82 and 83 of the present law shall not stay the enforcement of the decision on termination of employment, i.e. the written order.

(5) When no decision is made on the complaint referred to in paragraph (3) of the present article, or when the employee is not satisfied with the decision made on the complaint, the employee shall be entitled to bring proceedings before the competent court within a period of 15 days.

(6) At the request of the employee, the trade union may represent the employee in the complaint procedure.

Rights and obligations of the parties during the notice period
Article 92

(1) During the notice period, the employer shall be obliged to provide to the employee absence from work of four hours per week in order to seek new employment.

(2) During the absence from work referred to in paragraph (1) of the present article, the employee shall be entitled to pay compensation in accordance with the collective agreement.

Complaint against the decision for termination of the employment contract with a notice period
Article 93

(1) The employee shall be entitled to lodge a complaint against the decision for termination of the employment contract with a notice period to the managing body or the employer.

(2) The complaint shall be lodged within a period of eight days upon the date of receipt of the decision for termination of the employment contract.

(3) The complaint shall stay the enforcement of the decision for termination of employment until the final decision on the complaint, which shall be made within a period of eight days upon the date of lodging the complaint.

(4) When no decision is made on the complaint referred to in paragraph (3) of the present article, or when the employee is not satisfied with the decision made on the complaint, the employee shall be entitled to bring proceedings before the competent court.

(5) At the request of the employee, the trade union may represent the employee in the complaint procedure.

Statute of limitations

Article 94

(1) The employer may terminate the employment contract due to personal reasons of the employee within a period of three months upon the day of learning the facts that constitute the grounds for termination, i.e., within a period of six months upon the day of occurrence of the facts constituting the grounds for termination.

(2) The employer may terminate the employment contract due to a fault of the employee within a period of six months upon the day of learning the facts that constitute the grounds for termination, i.e., within a period of 12 months upon the day of occurrence of the facts constituting the grounds for termination.

(3) The employer may terminate the employment contract of the employee for a criminal offence committed at work or in relation thereto no later than the expiry of the statute of limitations laid down by the law for the relevant criminal offence.

Information and consultation of the employees

Article 94-a

(1) Information of the employees shall mean communication of data from the employer to the employees' representatives so as to allow them to get apprised with and examine such information.

(2) Consultation shall mean an exchange of opinions and establishment of dialogue between the representatives of the employees and the employer.

(3) The obligation for information and consultation shall apply to trade companies, public enterprises and other legal entities with more than 50 employees and institutions with more than 20 employees.

(4) Information and consultation shall include information about the imminent and likely trends relating to the activities of the trade company, public enterprise and other legal entity or institution and their economic situation, the status, structure and the likely trends of recruitment in the trade company, public enterprise and other legal entity or institution and any planned measures, in particular when such measures may threaten the employment, the decisions that may lead to substantial changes in the organization of the work or the contractual obligations.

(5) The information shall be provided at a time, in a manner and with a content that are appropriate in order to enable the representatives of the employees to analyze them and prepare for consultations where necessary.

(6) The consultations shall be carried out:

1) when the time, method and content thereof shall be appropriate;

2) at the relevant level of management and representation, depending on the matters within the scope of the consultations;

3) in accordance with the information supplied by the employer relating to the information and the opinions of the representatives of the employees;

4) in a manner that would enable the representatives of the employees to meet with the employer and receive replies to any opinion they may develop, and

5) in view of the possibility to reach an agreement on the decisions within the scope of competences of the employer.

(7) The provisions of article 94-a of the present law shall not apply to crews of vessels navigation open seas.

Information and consultations on collective dismissals for economic reasons

Article 95

(1) If the employer intends to adopt a decision for termination of employment of a large number of employees for economic reasons, i.e., of at least 20 employees within a period of 90 days, each termination of employment, notwithstanding the total number of employees of the employer, shall be deemed collective dismissal for economic reasons.

(2) When the employer intends to carry out collective dismissals it shall be obliged to start consultations with the representatives of the employees at least one month before the first dismissal and to provide to them all relevant information before the start of the consultations, in view of reaching an agreement.

(3) The consultations under paragraph (2) of the present article shall include ways and means to avoid collective dismissals, reducing the number of employees to be dismissed or mitigating the consequences of the dismissals by relying upon ancillary social measures with the aim to assist the dismissed employees to find new employment or receive training.

(4) For the purposes of enabling the representatives of the employees to develop constructive proposals, the employers shall disclose in the course of the consultation all relevant information, in particular:

1) the reasons for the proposed dismissals;

2) number and categories of employees to be dismissed;

3) the total number and categories of employees, and

4) the period within which the proposed dismissals should occur.

(5) The obligations for disclosing information and consultation shall be applicable notwithstanding whether the decision for collective dismissals is adopted by the employer or a person controlling the employer. The examination of any alleged violation of the obligations for information, consultation and notification shall not take into account any justification on the part of the employer that is based on the fact that the trade company, public enterprise and other legal entity that adopted the decision for collective dismissals has failed to disclose the relevant information to the employer.

(6) Upon completion of the consultations under paragraph (2) of the present article, the employer shall be obliged to notify in writing the competent employment service agency so as to ensure its assistance and placement services, in accordance with the law. Such notification shall contain all relevant information relating to the proposed collective dismissals and the consultations with the representatives of the employees under paragraph (3) of the present article, in particular the reasons for the dismissals, number of employees to be dismissed, total number of employees with the employer, and period within which the proposed dismissals should occur.

(7) The employers shall send the representatives of the employees a copy of the notification sent to the employment service agency, so as to enable the representatives of the employees to send their own proposals to the employment service agency.

(8) The employer shall be obliged to send the notification on the proposed collective dismissals to the employment service agency no later than 30 days before the adoption of the decision for termination of employment of the employees.

(9) If the period of time referred to in paragraph (7) of the present article is less than 60 days, the employment service agency may ask for an extension of the period to 60 days following the notification, when the problems arising from the proposed collective dismissals cannot be resolved within the initial period.

(10) The provisions of the present article shall not apply to collective dismissals arising from the cease of operations of the institution due to a court order, fixed-term employment contracts and to public administration bodies.

Rights and obligations in the event of termination for economic reasons
Article 96

(1) The employer, before terminating the employment contract for economic reasons (technical, economic, structural and similar changes), which have eliminated the need to perform specific work, may offer to the employee:

1) employment with another employer without announcement, by transfer and entering into an employment contract to perform work that corresponds to the employee's skills and professional qualifications;

2) professional training, (training, retraining or additional training for work with the same or with another employer) or

3) a new employment contract.

(2) The provision under paragraph (1), items 1, 2 and 3 of the present article shall not apply to transfers of employees from a trade company or a sole proprietor to a state administration body, public enterprise, public institution, units of the local self-government and the city of Skopje, funds, agencies, institutes and other legal entities established by law.

Severance pay
Article 97

(1) In the event of termination of the employment contract for economic reasons, the employer shall be obliged to pay the employee a severance pay, in particular:

1) up to 5 years of employment - in the amount of one net salary;

2) from 5 to 10 years of employment - in the amount of two net salaries;

3) from 10 to 15 years of employment - in the amount of three net salaries;

4) from 15 to 20 years of employment - in the amount of four net salaries;

5) from 20 to 25 years of employment - in the amount of five net salaries; and

6) over 25 years of employment - in the amount of six net salaries.

(2) The base for the calculation of the severance pay shall be the average net salary of the employee in the last six months prior to the termination, but it shall not be less than 50% of the average net salary paid per employee in the country in the last month before the termination.

(3) Employment within the meaning of paragraph (1) of the present article shall mean the time spent in employment with the employer and the employment with the previous employer, whose legal successor, due to status changes, is the last employer.

(4) The severance pay shall be paid as of the day of termination of the employment.

(5) Any request of the employer, i.e. consent of the employee to waive the right to severance pay shall be null and void.

(6) The severance pay shall not be paid in the event of termination of employment contract for economic reasons to an employee performing seasonal work with duration up to three months.

Article 98 is deleted

Termination of employment at the initiative of the employer
Article 99

The employer may terminate the employment contract to the employee if:

1) the employee has been prohibited by an enforcable judgement to carry out certain works within the employment, or, if he has been imposed a corrective, protection or safety measure that prevents him from carrying out the work for a period longer than six months, or if due to serving a prison sentence he must be absent from work for a period longer than six months; and

2) the employee fails to complete the probationary period successfully.

Termination of employment at the initiative of the employee
Article 100

(1) The employee may, upon the exipiry of three days after having previously reminded the employer of the fulfilment of obligations in writing, terminate the employment contract, if:

1) the employer fails to assign work to the employee for a period longer than three months and thus fails to pay him the stipulated salary;

2) the employee is prevented from performing the work due to a decision of the competent inspection prohibiting the performance of the work process or prohibiting the use of the means of work for a period of time longer than 30 days and the employer fails to pay him the legally prescribed salary;

3) the employer is paying the employee a reduced salary for a period of three months at least;

4) for three consecutive months or three times within six months the employer fails to pay the salary within the statutory or the contractual period of time;

5) the employer fails to ensure the occupational safety and health of the employee, and the employee has previously requested a removal of an immediate and imminent hazard to his life and health;

6) the employer is offensive or violent toward the employee or prevents such conduct of other employees despite the employee’s warnings;

7) the employer fails to provide equal treatment to the employee in terms of gender, and

8) the employer has failed to take any action to protect the employee against sexual harassment.

(2) In case of termination of employment for the reasons referred to in paragraph (1) of the present article, the employee shall be entitled to severance pay and reimbursement amounting to not less than the amount of the unpaid remuneration during the notice period.

Prohibition of termination of employment due to pregnancy, childbirth and parenthood
Article 101

(1) The employer shall not terminate the employment contract of the employee during pregnancy, childbirth and parenthood, for the duration of the placement of a child with an adoptive parent, parental leave of the father or adoptive parent and reduced hours of work for the purposes of providing care for a child with developmental problems and special educational needs and absence from work to provide care for a child up to three years of age.

(2) The termination of the employment contract shall be null and void if the employer has been aware of the circumstances referred to in paragraph (1) of the present article on the day of delivery of the notice, or if the employee shall notify the existence of the circumstances referred to in paragraph (1) of the present article within a period of 15 days upon the delivery of the notice by presenting an appropriate document issued by a an authorized medical doctor or competent authority.

(3) The circumstances referred to in paragraph (1) of the present article shall not prevent the termination of the fixed-term employment contract upon the expiry of the period for which the contract has been entered into.

(4) The prohibition of termination of employment under paragraph (1) of the present article shall not apply to a termination of employment contract for more serious breaches of contractual obligations, i.e. for breaches of workplace discipline or duties that warrant a termination without a notice period in accordance with the law and collective agreement.

(5) The employer may terminate the employment contract on the grounds laid down in paragraph (4) of the present article solely upon obtaining previous consent of the trade union where the employee who is protected from termination is a member.

(6) If the trade union, within a period of eight days, fails to present its opinion on the termination of the contract under paragraph (5) of the present article by giving or refusing consent, it shall be deemed that it gave its consent to the decision of the employer.

(7) If the trade union does not give its consent to the termination of the employment contract of the employee under paragraph (1) of the present article, the employer may, within a period of 15 days upon the delivery of the statement refusing consent, initiate proceedings to contest such statement by a decision of the court or an arbitration award.

(8) The proceedings for review of the consent referred to in paragraph (7) of the present article shall be carried out by the competent court within a period of 30 days upon the date when the employer has lodged its complaint.

(9) If there is no trade union established with the employer or the employee referred to in paragraph (1) of the present article is not a union member, the previous consent for the termination of the employment contract shall be provided by the competent labour inspector.

(10) The deadlines and actions under paragraphs (6), (7) and (8) of the present article shall apply to the procedure for obtaining previous consent.

Termination of an employment contract by a court judgment
Article 102

(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 wrongful, 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.

(6) The employer and the employee may file the request for termination of the employment contract before the end of the main hearing before the first instance court.

Termination of employment contract due to established permanent incapacity for work
Article 103

The employment contract shall be terminated if, under the conditions and in the manner prescribed by law, it shall be established that the employee has become incapacitated, as of the date of delivery of the effective decision establishing the incapacity for work.

Termination of employment on the grounds of age

Article 104

(1) The employer shall terminate the employment contract of the employee when the employee shall reach 64 years of age and complete 15 years of service.

(2) The employee, with a written statement to the employer, may request an extension of the employment contract up to 67 years of age (male), i.e. 65 years of age (female), unless otherwise stipulated by law.

(3) The employee shall make the written statement referred to in paragraph (2) of the present article no later than 31 August in the current year for the extension of the employment contract under paragraph (1) of the present article, and for each subsequent extension of the employement contract under paragraph (2) of the present article, the statement shall be made once a year, no later than 31 August of the currenty year for the extension of the employment contract in the subsequent year.

(4) Upon receipt of the statement referred to in paragraph (2) of the present article the employer shall be obliged to extend the employment contract up to 67 years of age (male), i.e. 65 years of age (female).

VIII REMUNERATION OF WORK

Types of remuneration

Article 105

(1) The employee shall be entitled to earnings - salary, in accordance with law, collective agreement and the employment contract.

(2) The remuneration for the work carried out under the employment contract shall always be paid in legal tender. When making the payment, the employer shall take into account the minimum amount laid down in collective agreement, in accordance with the law, which is directly binding for the employer.

(3) The salary shall be composed of the basic salary, portion of pay based on the performance, and allowances, unless otherwise stipulated by another law.

(4) The employer may pay a 13-th salary to the employee, provided that the employer is able to pay such salary.

Basic salary, performance allowance and other allowances

Article 106

(1) The basic salary shall be determined taking into account the requirements of the job for which the employee has entered into the employment contract.

(2) The job performance of the employee shall be determined taking into account his diligence, the quality and the scope of work for which the employee has entered into the employment contract.

(3) The allowances shall be disbursed for special working conditions, which arise from the schedule of the hours of work, in particular for shift work, split shift work, night work, standby or on-call work, in accordance with the law, overtime work, work on a day of weekly rest, work at public holidays, as laid down by law, and allowance for years of service.

Minimum wage

Article 107

The employee's salary for full-time work shall not be lower than the minimum wage laid down by law and collective agreement.

Equal remuneration of male and female employees

Article 108

(1) The employer shall be obliged to pay equal wages to the employees for equal work with equal job requirements notwithstanding their gender.

(2) 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.

Day of payment

Article 109

(1) The salary shall be paid at intervals not exceeding one month.

(2) The salary shall be paid no later than 15 days upon the expiry of the pay period.

(3) If the day of payment is a non-working day, the salary shall be paid no later than the next working day.

(4) The employer shall be obliged to notify the employees in writing in advance about the day of payment and any changes thereto.

Place and manner of payment of the salary

Article 110

(1) The employer shall be obliged to pay the salary to the employee in the manner laid down by law.

(2) The employer shall be obliged to issue the employee in the event of any payment of the salary, as well as by January 31st in the new calendar year, a written pay slip including information about the calculation of the salary, the payroll social security contributions and the allowances for the pay period, i.e. for the preceding year, which shall also indicate the assessment and the payment of taxes and contributions.

(3) Any expenses relating to the payment of the salary shall be borne by the employer.

Withholding and settling sums from the payment of the salary

Article 111

(1) The employer may withhold the payment of the salary solely in the cases laid down by the law. Any provisions of the employment contract which stipulated other ways of withholding sums from the payment of the salary shall be null and void.

(2) The employer shall not be allowed to settle its claims from the employee against its obligation to pay the salary without the written consent of the employee.

(3) The employee shall not give the consent referred to in paragraph (2) of the present article prior to the occurrence of the employer's claim.

Salary compensation

Article 112

(1) The employee shall be entitled to salary compensation for the entire period of absence in the cases and duration laid down by law, as well as in the cases when the employee does not carry out the work for reasons on the part of the employer.

(2) The employer shall be obliged to pay the employee a salary compensation in cases of absence from work due to use of annual leave, paid extraordinary leave, additional training, statutory holidays and days off work and in cases when the employee does not carry out the work for reasons on the part of the employer.

(3) The employer shall pay salary compensation also in the event of employee's incapacity for work due to illness or injury for a period of up to 30 days, and if the absence lasts more than 30 days, the salary compensation shall be paid to the debit of the health insurance. If the event of taking a new sick leave within a period of three days upon the end of the preceding sick leave, the employer shall be entitled to request from the first instance medical panel to verify the new sick leave or extend the expired preceding sick leave.

(4) By way of derogation from paragraph (3) of the present article, in the event of the employee's incapacity for work due to injuries sustained because of a failure to provide for the

measures prescribed by the regulations in the field of occupational safety and health on the part of the employer, the employer shall pay a salary compensation for a period exceeding 30 days, based on the report of the public administration body with competencies in the field of labour inspection. In the report on the inspection supervision at the employer's workplace the labour inspector shall be obliged to state whether the violation concerned is due to employer's failure to take occupational safety and health measures. The labour inspector shall forward a copy of the report of the Health Insurance Fund of the Republic of Macedonia.

(5) In the cases referred to in paragraph (4) of the present article, the salary compensation for temporary agency workers who have been deployed with the beneficiary employer by virtue of a deployment contract with the Agency for Temporary Employment, the obligation for the payment of the salary compensation shall be borne by the beneficiary employer.

(6) The employer may pay the salary compensation at the expense of the other incumbent in the cases prescribed by law or other regulation.

(7) The employee who cannot carry out the work for reasons of force majeure shall be entitled to a compensation in the amount of 50% of the salary to which the employee would have been entitled if he had worked.

(8) Unless otherwise stipulated by the present law or other law, the employee shall be entitled salary compensation in the amount of his average salary in the last 12 months. If the employee has not received salary within such period, he shall be entitled to salary compensation in the amount of the lowest salary paid.

(9) The employer shall be obliged to pay the employee a salary compensation for the days and hours of work that correspond to the employees hours of work on the days when he is not working for justifiable reasons.

(10) In case of an interruption of the operation for economic reasons, the employer shall be obliged to issue a decision to the employee and pay him compensation in the amount of 70% of the salary for a period of up to three months within the current year.

Reimbursement of work related expenses

Article 113

(1) The employee shall be entitled to reimbursement of work related expenses for:

1) business trip;

2) fieldwork allowance;

3) use of a private vehicle for business trips;

4) separation allowance, and

5) death of the employee or a member of his family.

(2) The employee shall be entitled to severance pay at retirement as well as to jubilee awards.

(3) The amount, base rate and the deadline for assessment and payment of the reimbursement of these expenses shall be laid down by law and collective agreement.

(4) The employer may organize the transport of the employees to and from the workplace, as well as food during work at his own expense.

(5) The expenses for food referred to in paragraph (4) of the present article may amount at the most to 20% of the average net salary per employee paid in the preceding year, while the transport expenses may amount to the actual public transport fares.

Remuneration of trainees

Article 114

The employee - trainee shall be entitled to a salary laid down by law and collective agreement, which shall not be lower than 40% of the basic salary for the job for which he is being trained.

Prescription of claims arising from employment

Article 115

The monetary claims arising from employment shall extinguish within a period of three years upon the day of occurrence of the obligation.

IX HOURS OF WORK

Full-time work

Article 116

(1) The full-time hours of work shall not exceed 40 hours per week.

(2) The work week shall last, by rule, five work days.

(3) The law, i.e., collective agreement may stipulate that working time less than 40 hours of work per week, but no less than 36 hours per week, shall be deemed full-time hours.

(4) For the jobs involving a higher risk of injuries or health hazards, the law, other regulations in compliance with the law, or the collective agreement may stipulate that the full-time working hours take less than 36 hours per week.

(5) If the full-time working hours are not laid down by law or collective agreement, 40 hours of work per week shall be deemed full-time hours.

(6) The employer shall be obliged to keep records of the full-time hours.

(7) The employer that employs over 25 employees and operates at a single location or several locations, shall be obliged to keep electronic records of the full-time hours and overtime work at each location.

(8) The employer who employs up to 25 employees shall be obliged to maintain attendance records for the employees, which shall include information about the start and the end of the working hours.

(9) The manner and the maintaining the electronic records on the full-time hours and overtime work referred to in paragraph (7) of the present article shall be prescribed by the minister with competencies in the field of labour.

Overtime work

Article 117

(1) The employer shall be obliged, at the employer's request, to work in excess of the full-time hours (overtime work):

1) in cases of exceptional peaks of the workload;

2) when it is required in order to provide for the continuity of the business or production process;

3) when it is necessary in order to avert damaging the equipment or machinery, which would lead to interruption of the operations;

4) when it is necessary to ensure the safety of people and property, as well as traffic safety, and

5) in other cases laid down by law or collective agreement.

(2) Overtime work shall not exceed eight hours in the course of one week and 190 hours per year, except for work that, due to the specific work process, cannot be interrupted, or when it shall not be possible to organize the work in shifts. Overtime work within a period of three months shall not exceed in average eight hours a week.

(3) For the employees of the Ministry of Interior who are performing special duties and authorizations, in accordance with a specific law, the overtime work may last more than 190 hours per year, for the purpose of performing urgent work, with a written consent of the employee.

(4) The employer shall be obliged to pay to the employee who has worked more than 150 hours in excess of the full-time hours, and has not been absent from work, other than the used days of the annual leave, more than 21 days in the year, for the same employer, a bonus in the

amount of one average salary paid in the Republic of Macedonia, in addition to the overtime allowance.

(5) The employer shall maintain separate records about overtime work and should state separately the hours of overtime work in the employee's pay slip.

(6) The employer shall be obliged to notify in advance, in writing, the regional labour inspector about each introduction of overtime work.

(7) The employer who is introducing overtime work in excess of the one provided under paragraph (2) of the present article shall be obliged to reschedule the working time or introduce new shifts.

On-call work in the health services sector

Article 118

The on-call work in the healthcare institutions is governed by the regulations in the field of healthcare.

Additional work in cases of natural disasters or other emergencies

Article 119

The employee shall be obliged to work over the full hours or the contractual shorter working hours at the workplace or carry out other work relating to the removal or prevention of the consequences of natural disasters or other emergencies, if such emergency is imminent. Such work may last as long as it is necessary to save human lives, protect the public health or prevent irreparable material damages.

Prohibition on carrying out work in excess of the full-time hours

Article 120

The employer shall not be allowed to order work in excess of the full-time hours:

1) if the work can be carried out with appropriate organization or delegation of the work, scheduling the working time or introduction of new shifts;

2) to female employees, in accordance with the provisions of the present law, for the purpose of protection of pregnancy, childbirth and maternity;

3) to a mother of a child up to three years of age and a single parent of a child up to six years of age, unless the employee makes a declaration in writing giving consent to work overtime;

4) to an older employee without his consent;

5) to an employee under 18 years of age;

6) to an employee whose health would deteriorate due to such work, in accordance with an opinion issued by a medical panel;

7) to an employee who is working full-time less than 36 hours per week due to working a job that involves a higher risk of injuries or health hazards, and

8) the employee who is working fewer hours than the full-time hours (part-time) in accordance with the health and disability insurance regulations (disability), health insurance regulations (medical rehabilitation) or other regulations (parental responsibilities).

Supplementary work

Article 121

(1) The employee who is working full time may, by exception, enter into a part-time employment contract with another employer, but not more than ten hours per week, with the previous consent of the employer where he is employed full-time.

(2) The employment contract under paragraph (1) of the present article shall mandatorily include clauses defining the manner of exercising the rights and obligations of such employment

in view of the rights and obligations of the employee arising from his full-time employment contract.

(3) The employment contract under paragraph (1) of the present article shall be terminated, in accordance with the law, upon the expiry of the agreed period, or in the event of withdrawal of the consent of the employer with whom the employee established full-time employment.

Reduced hours of work in special cases

Article 122

(1) The employee who is working fewer hours than the full-time hours (part-time) in accordance with the health and disability insurance regulations (disability), health insurance regulations (medical rehabilitation) shall be entitled to similar rights arising from mandatory social insurance as if he had worked full-time.

(2) The employee referred to in paragraph (1) of the present article who is working fewer hours than the full-time hours shall be entitled to remuneration according to the actual work duties, as well as to other rights and obligations arising from employment as the employee working full-time, unless otherwise stipulated by the present law.

Reduced hours of work under special circumstances

Article 122-a

(1)The hours of work of the employee who carries out particularly difficult, arduous and unhealthy work, with harmful effects on the employee's health, i.e., capacity for work may not be fully removed by virtue of protective measures, shall be reduced proportionately to the harmful effects on his health, i.e. capacity for work, in accordance with the law and collective agreement.

(2)For the purposes of exercising the right to remuneration and the other rights arising from employment, the reduced working hours referred to in paragraph (1) of the present article shall be considered full working hours.

(3)Work that is deemed to be particularly difficult, arduous and unhealthy shall be: extremely demanding physical work; work under increased atmospheric pressure; work at increased noise levels; work in water or under conditions of increased humidity; work involving exposure to ionizing radiation; work with patients with infectious diseases and infectious materials; work on surgeries in operating rooms; work in the field psychiatry; work with people with severe and profound disabilities; work related to forensic medicine and pathology; work with corrosive substances; work of flight crews; ballet performances; wind-instrument musicians; dancers and opera singers; work near high voltage electricity; and overhead and underwater work.

(4)The approval for work with reduced working hours referred to in paragraph (3) of the present article shall be issued by the Minister with competencies in the field of labour, in accordance with opinions issued by an occupation health institution and the labour inspection service.

(5)The application for initiation of a procedure to obtain an approval for work with reduced working hours shall be submitted to the employer by the employee or the trade union.

(6)The healthcare institution providing occupational health services and the labour inspection service shall issue the opinions referred to in paragraph (4) of the present article in accordance with an analysis previously developed and delivered by the employer.

(7) The application for approval for work with reduced working hours shall be submitted by the employer to the ministry with competencies in the field of labour.

(8)The employer shall attach to the application for the approval referred to in paragraph (4) of the present article the opinion of the healthcare institution providing occupational health services and the opinion of the labour inspection service.

(9) If the labour inspection service determines that the requirements referred to in paragraph (1) of the present article have been met, it shall adopt a decision ordering the employer to initiate a procedure to determine reduced working hours.

(10) The employee who carries out the work referred to in paragraph (1) of the present article shall not be allowed to work overtime, or carry out such work for another employer during the arrangement to work with reduced working hours.

Distribution of hours of work
Article 123

(1) The distribution and the conditions for temporary redistribution of hours of work shall be laid down by law, collective agreement or the employment contract.

(2) The employer shall notify the employees in writing on the temporary redistribution of hours of work at least one day in advance.

(3) In case of normal distribution, full working time may not be distributed to less than four days in a week.

(4) The hours of work shall be distributed in accordance with the nature or organization of the work, or the needs of the customers. The distribution or the temporary redistribution of full-time hours shall not provide for working time in excess of 40 hours per week and fewer than 4 hours per day.

(5) The distribution or the temporary redistribution of hours of work shall take into account the average hours of work within a period which shall not be longer than six months.

(6) The provision under article 120 of the present law prohibiting work in excess of the full-time hours shall also apply in the case of uneven distribution or redistribution of hours of work.

Redistribution of hours of work
Article 124

(1) The redistribution of hours of work may be carried out when it is required by the nature of the activity, i.e. tasks and duties.

(2) In the cases referred to in paragraph (1) of the present article, the redistribution of the hours of work shall be made in such a way that the total hours of work of the employee in average shall not be in excess of 1 hours during the week in the course of the year.

(3) In case of redistribution of hours of work for seasonal work, the hours of work shall not exceed 12 hours per day or 55 hours per week for a period of time not longer than four months.

(4) The hours of work referred to in paragraph (3) of the present article that are in excess of 40 hours per week shall be calculated and compensated as fewer hours of work in other working days or with days off work for the duration of the employment contract.

(5) Redistributed hours of work shall not be deemed overtime work that is compensated by the payment of allowance.

(6) The work with redistributed hours of work of a younger employee, disabled employee, pregnant employee, employee who provides care for a child up to three years of age, an employee who is a single parent who provides care for a child under 15 years of age.

Shift work
Article 124-a

(1) The employer may also organize the work in shifts.

(2) Shift work shall mean any method for organization of the work in shifts where the workers perform the same job in relay in accordance with a specific schedule and which can be

performed continuously or with interruptions, including the need for the workers to work in different times within a given period of days or weeks.

(3) The schedule referred to in paragraph (2) of the present article shall be notified to the trade union organization at the employer, at least ten working days prior to the start of the implementation of the schedule.

Schedule of hours of work

Article 125

(1) The schedule of the hours of work shall be determined by the employer.

(2) The schedule of the hours of work in the field of transport and communications, trade in goods, healthcare, social welfare and child protection, education and other institutions, public utilities, hospitality, tourism, and craft and trades shall be determined by a decision of the public administration body with competences in the relevant field.

Calculation of hours of work

Article 126

(1) The employee who, due to redistribution of hours of work and within the period of time prior to a termination of employment within the calendar year, shall accumulate hours of work in excess of those determined for full-time employment, may request that to have his surplus hours converted into days of full-time work.

(2) The days of work calculated under paragraph (1) of the present article shall be included in the years of service of the employee. The total period of service within the calendar year shall not exceed 12 months.

Night work

Article 127

(1) Night work shall mean the work performed during night-time.

(2) Night-time shall mean the period of time between 22:00 and 06:00 the following day.

(3) The employer whose employees regularly perform night work shall be obliged to notify the labour inspection.

Rights of employees performing night work

Article 128

(1) The employee who works at night for at least three hours of his regular daily hours of work, i.e., the employee who works at night one third of the full annual hours of work, shall be entitled to special protection for night work.

(2) If, according to an assessment made by a medical panel, the employee is likely to have health problems as a result of night work, the employer shall be obliged to assign such employee to day work.

(3) The employer shall be obliged to provide to the employees performing night work, at its own expense:

1) longer rest periods;

2) adequate food;

3) professional management of the work, i.e. production process, and

4) medical examination, prior to their assignment to night work and at regular intervals laid down by law.

(4) If the work is carried out in shifts, the employer shall be obliged to provide for periodical rotation of the employees.

(5) The employer shall not be allowed to assign to night work an employee who has not been provided with transport to and from work.

Restrictions of night work
Article 129

The working time of the employee who performs night work at a job involving a higher risk of injuries or health hazards shall not exceed eight hours per day.

Consultations with the trade union
Article 130

Prior to the introduction of night work, if the night work is carried out regularly by employees who work at night at least once a year, the employer shall be obliged carry out consultations with the representative trade union at the employer, and if there is no such trade union, the employees' representative, relating to the definition of the hours of work considered as night work, the forms of organization of the night work, the occupational safety and health measures, as well as the social security measures.

Night work of female employees in industry and construction
Article 131

(1) A female employee in the field of industry and construction shall not be assigned to night work if such work does not allow her to take a daily rest period of at least seven hours in the period from 22:00 to 5:00 h. the following day.

(2) The prohibition referred to in paragraph (1) of the present article shall not apply to female employees with special authorizations and responsibilities or to female employees who carries out work relating to the provision of healthcare, social and other protection of employees.

(3) By way of derogation from the provision under paragraph (1) of the present article, a female employee may be assigned to night work when it shall be necessary to continue the operation that has been interrupted by a case of force majeure, and when it shall be necessary in order to prevent the damage to raw materials or other supplies.

(4) The female employee may also be assigned to night work when it is required by particularly serious economic, social and similar circumstances, provided the employer has obtained the consent of the public administration body with competences in the field of labour to introduce such work.

X BREAKS AND REST PERIODS
Break during the working hours
Article 132

(1) An employee working six hours or longer than six hours during the daily working hours shall be entitled to a break in the duration of 30 minutes.

(2) An employee working with reduced working hours, which shall not be less than four hours per day, shall be entitled to a break in the duration of 15 minutes.

(3) The duration of the break in the case of uneven distribution or temporary redistribution of the hours of work shall be determined proportionally to the duration of the daily working time.

(4) The break may be taken two as early as after two hours of work and no later than three hours before the end of the working hours.

(5) The break during the working day shall be included in the working time, and salary shall be paid for it.

Daily rest period
Article 133

The employee shall be entitled to a daily rest of at least 12 uninterrupted hours within a period of 24 hours.

Weekly rest period

Article 134

(1) The employee shall be entitled to a weekly rest period of at least 24 uninterrupted hours, plus the 12-hour daily rest period referred to in article 133 of the present law.

(2) By rule, Sunday or other day in the week shall be the day of weekly rest.

Particularities of the arrangements of the working hours

Article 135

In the cases when it shall not be possible to make a schedule of the working hours in advance, i.e., when the employee is scheduling his working hours independently (managerial staff, employees who manage business units and have decision-making powers and employees who perform home work), the employer shall not be obliged to take into account the provisions of the present law relating to the restrictions of working hours, night work, breaks, daily and weekly rest periods, provided it has ensured the occupational safety and health of the employees.

Possibility for different arrangements in the collective agreements

Article 136

(1) The collective agreements may stipulated that the restriction of the hours of work for night workers, laid down in article 129 of the present law, shall be taken into account as an average restriction in a period of at least four months, but not longer than six months.

(2) The collective agreements may stipulate that the minimum daily and weekly rest periods, as laid down by the law, in the cases of shift work shall be provided within a longer period of time, which shall not be in excess of six months.

(3) In activities, i.e., for the jobs and occupations referred to in paragraph (4) of the present article, they may provide for average minimum daily or weekly rest periods, as laid down by the law, within a longer period of time, which shall not be in excess of six months.

(4) The entitlement to daily or weekly rest under paragraph (3) of the present article may be provided for the activities, i.e. jobs and occupations when:

1) where the nature of the work requires regular presence, or

2) where the nature of the activity requires continued performance of the work or provision of services, or

3) in cases of foreseen uneven or increased workload.

Annual leave

Article 137

(1) The employee shall be entitled to a paid annual leave of at least 20 working days.

(2) The annual leave referred to in paragraph (1) of the present article may be extended to 26 working days with collective agreement or employment contract.

(3) An older employee, as defined in article 179 of the present law, a disabled employee, employee with an impairment rating of at least 60%, and an employee providing care for a child with physical or mental disability shall be entitled to three additional days of annual leave.

(4) The employer shall be obliged to issue the employee a decision on the right to use the annual leave.

Defining the duration of the annual leave

Article 138

(1) The duration of the annual leave under article 137 of the present law shall be determined in accordance with the years of service, working conditions and other criteria laid down by the collective agreement.

(2) Holidays, Saturdays and Sundays, days off work, sick leaves, as well as other cases of justifiable absence from work, shall not be included in the days of annual leave.

(3) A day of annual leave shall be any day that has been defined as a working day for the employee concerned in the employer's schedule of work.

Eligibility to annual leave
Article 139

The employee who establishes employment for the first time shall become entitled to use the full annual leave after an uninterrupted period of service of at least six months with the same employer, notwithstanding whether the employee is working full-time or part-time.

Entitlement to a proportionate part of the annual leave
Article 140

The employee shall be entitled to use a proportionate part of the annual leave in the duration of two working days for each month of service, if:

1) the employee has not become eligible to use the full annual leave in the calendar year when he entered into employment;

2) his employment was terminated prior to the expiry of the period required to become eligible to use the full annual leave.

Use of the annual leave
Article 141

(1) The annual leave shall be used, by rule, in the course of the calendar year.

(2) The annual leave may be used in several parts, in agreement with the employer, where one part of the annual leave have to be in duration of at least two uninterrupted work weeks.

(3) The employer shall be obligated to ensure to the employee to use the 12 days of the annual leave by the end of the current calendar year, and the remainder until 30th June the following year.

(4) The employee shall be entitled to use the annual leave that has not been used in the current calendar year due to absence of the employee for the reason of illness or injury, maternity leave or childcare leave by 30th June the following calendar year.

(5) The employee working abroad may use his full annual leave until the end of the following calendar year, if it is stipulated so in the collective agreement at employer level.

Determining and using the annual leave in the field of education and science
Article 142

The duration and the manner of use of the annual leave by the employees of the institutions in the field of education and science shall be defined by the regulations in the field of education and science.

Use of annual leave in the event of entering into employment contract with another employer
Article 143

(1) The employer shall use the annual leave at the employer where he acquired the right to use it, unless otherwise agreed with the employer.

(2) Upon termination of the employment, the employer shall be obliged to provide the employee a certificate concerning the use of the annual leave.

Manner of use of the annual leave
Article 144

(1) The annual leave shall be used taking into consideration the requirements of the work process, as well as the possibilities for rest and recreation of the employee, taking into account his family obligations.

(2) The employee shall be entitled to use one day of the annual leave on a day that he shall determine on his own, provided it does not jeopardize the work process, and he shall notify the employer no later than three days before such use.

Article 145

(1) The employee shall be entitled to a compensation for the unused part of the annual leave prior to the termination of employment, if he has requested to use the annual leave and such request was denied, and his employment has not been terminated at his initiative or due to his fault.

(2) Any agreement stipulating that the employee should waive his right to annual leave shall be null and void.

Paid leave

Article 146

(1) The employee shall have the right to a paid leave due to personal and family circumstances (entering into marriage, birth of a child (only for the father) and/or death of a close relative) in the duration of up to seven working days.

(2) The days of the paid leave referred to in paragraph (1) of the present article shall be determined by collective agreement and shall not exceed seven working days upon any of the grounds referred to in paragraph (1) of the present article.

Unpaid leave

Article 147

(1) The employee may take an unpaid leave without salary and social security contributions, in the cases and under the conditions laid down in the collective agreement, with a duration that shall not exceed three months in the course of the calendar year.

(2) The employee's rights and obligations arising from employment shall be suspended for the duration of the unpaid leave.

Absence from work due to holidays

Article 148

(1) The employee shall be entitled to absence from work with salary compensation on public holidays of the Republic of Macedonia, specified as non-working days, and on other statutory non-working days.

(2) The employee’s entitlement referred to in paragraph (1) of the present article if the work, i.e. production process is carried out uninterruptedly, or if the nature of work requires its performance on public holidays as well.

(3) In the cases referred to in paragraph (2) of the present article, the employer shall be obliged to notify in advance, in writing, the regional labour inspector about each introduction of work on a public holiday.

Leave from work due to incapacity for work for reasons of illness or injury

Article 149

The employee shall be entitled to a leave from work with salary compensation in the cases of temporary incapacity for work due to illness or injury and in other cases in accordance with the health insurance regulations.

Leave from work for the purpose of performing tasks and obligations under specific laws.

Article 150

(1) The employee shall be entitled to a leave from work with salary compensation for the purposes of pursuing a function not in professional capacity, to which the employee has been elected at direct national elections, functions, i.e., duties to which the employee has been appointed by the court, as well in the case when the employee has been drafted as a military conscript, pursue activities concerning the national defense and protection and rescue duties, with the exception of serving a term in the army, or when summoned, not in the capacity of a defendant, by administrative or judicial authorities (state advisors, members of municipal councils, lay judges, appraisers, translators, interpreters, military conscripts, etc.) at the expense of the body or institution where the relevant employee shall pursue the function, i.e., perform the duty under the specific law.

(2) The employee who is a voluntary blood donor shall be entitled to leave from work in the duration of two consecutive days for each blood donation.

Suspension of employment of an employee who has been elected or appointed to state or public office

Article 151

The employment of the employee who has been elected or appointed to state or public office, in accordance with the law, the performance of which requires from the employee to temporarily cease to work for the employer, shall be suspended for the term of office and such employee shall be entitled, within a period of 15 days upon the end of his term of office, to return to work with the employer to an appropriate position in accordance with his professional qualifications.

Suspension of employment of an employee assigned to work abroad

Article 152

(1) An employee who has been assigned to work abroad within the framework of an international technical or educational, cultural and scientific co-operation, to diplomatic or consular representative offices, or for purposes of education or training shall have his employment suspended and shall be entitled, within a period of 15 days upon the termination of the work abroad, to return to work with the employer to an appropriate position in accordance with his professional qualifications.

(2) Healthcare employees and associates employed in healthcare institutions, assigned to humanitarian or peacekeeping operations in medical teams outside the territory of the Republic of Macedonia, and military personnel from the military reserves of the Army of the Republic of Macedonia - active reserve personnel, engaged in the units of the Army of RM for participation in peacekeeping operations outside the territory of the Republic of Macedonia, in accordance with law, the assignment, i.e., engagement of whom requires them to stop working for the employer within a period of eight months, shall be entitled, within a period of 15 days upon termination of the assignment, i.e. engagement to return to work with the employer at an appropriate position in accordance with their professional qualifications.

(3) The employment contract of an employee whose spouse has been assigned to work abroad in the cases referred to in paragraph (1) of the present article shall be suspended and such employee shall be entitled, within a period of 15 days upon the termination of his spouse's assignment abroad, to return to work return to work with the employer to an appropriate position in accordance with his professional qualifications.

Obligation to perform other work in exceptional circumstances (natural disasters and other emergencies)

Article 153

In cases of natural disasters or other emergencies, when such emergency is expected, or in other exceptional circumstances that endanger the life and health of people or the property of the employer, the type of work or the place where the work is performed, as laid down in the employment contract, may be temporarily modified without the consent of the employee, but solely for the duration of such circumstances.

Education of the employees
Article 154

(1) The employee shall have the right and the obligation to continuing education and training in accordance with the requirements of the working process, for the purpose of maintaining, i.e. improving his capacity for work at the workplace and keeping his employment.

(2) The employer shall be obliged to provide for the education and training of the employees if that is required by the work process, or if the education and training may prevent the termination of employment contract for personal or economic reason. In accordance with the needs for education and training, the employer shall be entitled to refer the employee to education and training, and the employee shall be entitled to apply for education and training on his own initiative.

(3) The duration of the education and training of the employees, as well as the rights and obligations of the contracting parties prior to and after the completion of the education and training, shall be laid down in a special contract or a collective agreement.

(4) The employee and the employees' representative shall be entitled to trade union education, in accordance with a collective agreement.

Right to paid leave educational leave
Article 155

(1) The employee who is attending education or training in accordance with article 154 of the present law, as well as the employee who is attending education or training in his own interest, shall be entitled to a paid leave from work to take exams.

(2) If the collective agreement, the employment contract or the special contract relating to education does not contain a specific provision on the right to education and training referred to in paragraph (1) of the present article, the employee shall be entitled to a paid leave for the days when he shall take the exams for the first time.

XI COMPENSATION OF DAMAGES
Employees' liability for damages
Article 156

(1) The employee who shall cause damage to the employer at work or relating thereto, intentionally or due to gross negligence, shall be obliged to compensate such damage.

(2) If the damage has been caused by several employees, each of them shall assume the liability for the part of the damage caused by him.

(3) If it is not possible to assess the damage caused by each individual employee, all employees shall be held jointly liable and shall compensate the damage in equal parts.

(4) If several employees have caused damage by intentionally committing an offense, they shall be held jointly liable for the damage.

(5) If the employee causes damage to a third party at work or in relation thereto, intentionally or due to gross negligence, the employer shall be obliged to compensate the damages to such party, and the employee shall be obliged to compensate the damage to the employer.

Lump sum compensation of damages
Article 157

In the event where the assessment of the damage would result in disproportionate costs, the compensation of damages may be determined as a lump sum amount, if the damaging acts by the employee and the amount of the lump sum compensation of damages are laid down in the collective agreement.

Reduction of the compensation of damages and cancelling the payment of the compensation of damages

Article 158

The collective agreement may stipulate the manner and conditions for reduced or cancelled compensation of damages by the employee.

Employer's liability for damages

Article 159

(1) If the employee has suffered damage at work or in relation to work, the employer shall be obliged to compensate the damage in accordance with the general principles of liability for damages.

(2) The employers' liability for damages shall also apply to the damage caused by the employer by violating the employee's rights arising from employment.

XII SPECIAL PROTECTION

Prohibition to perform underground work

Article 160

(1) The female employees shall not perform underground work in mines.

(2) The prohibition under paragraph (1) of the present article shall not apply to female employees:

1) who are holding positions of management, i.e. who manage work units and are authorized to make fully effective decisions independently;

2) who, in the course of their studies, have to spend a period of training performing underground work in mines, and

3) who are employed in health or welfare services, and in other cases, when they have to occasionally enter the underground parts of a mine for the purposes of performing non-manual work.

Protection of employees on the grounds of pregnancy and parenthood

Article 161

(1) The employees shall be entitled to special employment protection on the grounds of pregnancy and parenthood.

(2) The employer shall be obliged to enable the employees to reconcile more easily their work and family responsibilities.

Prohibition to perform work during pregnancy, after childbirth and to workers belonging to specific groups at risk

Article 162

(1) A female employee shall not perform work during pregnancy and one year following childbirth if such work entails higher risk to her health or the health of her child.

(2) The types of work referred to in paragraph (1) of the present article shall be prescribed by minister with competencies in the field of labour in agreement with the minister with competencies in the field of healthcare.

(3) Pregnant female employees who work with hazardous chemicals should be informed about the additional risks that such substances may pose to them and their unborn children.

(4) In addition to the employees referred to in paragraph (1) of the present article, young people, older employees and persons with disabilities shall also be deemed to belong to specific groups at risk.

(5) The employer shall be obliged to make an assessment of the risks to the health and safety about all work posts involving a specific risk of exposure of the employees belonging to the specific groups at risk to the harmful effects of physical, chemical and biological factors, effects and processes and, in accordance with the professional medical assessment of the health and capacity for work of the workers belonging to the specific groups at risk, to decide on the introduction of appropriate measures.

(6) The employer shall be obliged to perform the obligations under paragraph (1) of the present article before assigning the work tasks to the employees belonging to the specific groups at risk and in the event of substantive changes of the working conditions, taking into account in particular the equipment and the layout of the workplace, the nature, extent and duration of exposure to physical, biological, and chemical factors and effects, the type, scope and manner of use of the means of work, procedures and organization of work, the level of professional qualifications and training of the employee.

(7) If any of the risks referred to in paragraph (5) of the present article is identified and cannot be avoided by other means, the employer shall be obliged to change the working conditions or hours, or offer suitable alternative work. If that is not possible, the female worker should be exempted from normal duties for as long as necessary to protect her health and safety and those of her child.

Special protection during pregnancy
Article 163

(1) The employer shall not require any information on the pregnancy of the female employee, unless she submits such information herself for the purposes of exercising her rights during pregnancy.

(2) If the female employee performs work tasks that during her pregnancy may have harmful effects on her health or the health of her child, determined in accordance with article 162 of the present law, the employer shall be obliged to provide her suitable equivalent work and salary, provided this is not less favourable for the female employee.

(3) In any dispute between the employer and the female employee, the opinion of the physician, i.e. medical panel shall be decisive.

Protection during pregnancy and parenting relating to night work and overtime work
Article 164

(1) A female worker who is pregnant or nursing a child under the age of one year shall not work at night or overtime.

(2) The female employee with a child from one to three years of age may be assigned to work at night or overtime solely with her consent in writing.

(3) The rights referred to in paragraphs (1) and (2) of the present article shall also be exercised by the employee - father of the child, i.e. employee providing care for the child in the event when the mother has passed away, abandoned the child or, in accordance of the findings of the competent medical panel, in line with the health insurance regulations, is incapable for independent living and work.

(4) One of the employees - parents of a child under seven years of age, a seriously ill child or a child with physical or mental disabilities and the employee who is a single parent providing care for the child may be assigned to work at night or overtime only with this previous consent in writing.

Leave from work due to pregnancy, childbirth and parenting

Article 165

(1) The female employee shall be entitled to paid leave during pregnancy, childbirth and parenting in the duration of nine uninterrupted months, or 15 months in the case of twins or multiple birth.

(2) Based on an opinion issued by the competent healthcare authority, the female employee may commence the pregnancy, childbirth and maternity leave 45 days prior to delivery, and mandatorily 28 days prior to delivery.

(3) If the female employee shall give birth prematurely, before the term referred to in paragraph (2) of the present article, the pregnancy, childbirth and maternity leave shall commence on the date of the childbirth and shall last until the expiry of the period of time referred to in paragraph (1) of the present article.

(4) If, due to health problems, the child is held for healthcare or treatment in a health institution, and if in the meantime the mother or the father return to work, the maternity and parenting leave shall be terminated and the parents shall be entitled to the remaining unused part of the leave referred to in paragraph (1) of the present article.

(5) The employee shall be obliged to announce to the employer the time of the start and the end of the parental leave no later than 30 days before the start, i.e., the end of the exercise of the right to parental leave.

(6) A female employee who adopts a child shall be entitled to a leave until the child reaches nine months, and if she adopts more than one child (two or more children) a leave of 15 months.

(7) A female employee who adopts a child shall be entitled to a paid leave for the duration of the period of adaptation of the child, in accordance with the regulations on the family.

Return to work after a leave from work due to pregnancy, childbirth and parenting
Article 166

(1) The female employee, who is on pregnancy, childbirth and maternity leave, may return to work, even before expiry of the leave, but not sooner than 45 days following the day of childbirth.

(2) The female employee, referred to in paragraph (1) of the present article, besides the right to salary, shall also be entitled to salary compensation during the pregnancy and maternity leave amounting to 50% of the determined amount of the salary compensation for the leave referred to in paragraph (1) of the present article, in accordance with the healthcare regulations.

(3) At the end of the parental leave the employee shall be entitled to return to the same position, or, if that is not possible, to a suitable position in accordance with the terms of the employment contract.

Use of the parental leave by the father or adoptive parent
Article 167

If the parental leave under article 165 of the present law is not used by the female employee, the right to parental leave shall be used by the father or the adoptive parent of the child.

Extension of the pregnancy, childbirth and parenting leave
Article 168

(1) In the case of a stillbirth or if the child dies prior to the expiry of the pregnancy, childbirth and maternity leave, the female employee shall be entitled to extend the leave for the time required, in accordance with the physicians' opinion, to recover from the childbirth and the emotional state caused by the loss of the child, which shall not be less than 45 days, and during such extension she shall be entitled to rights pertaining to the pregnancy, childbirth and maternity leave.

(2) During the leave referred to in paragraph (1) of the present article and article 165, paragraph (2) of the present law, the employee shall be entitled to salary compensation in accordance with the healthcare regulations.

Reduced hours of work for a parent of a child with developmental problems and special educational needs
Article 169

(1) One of the parents of a child with developmental problems and special educational needs shall be entitled to work half of the full working hours if both parents are employed or in the case of a single parent, in accordance with the finding of a competent medical panel, if the child is not placed in institutional care.

(2) The reduced working hours referred to in paragraph (1) of the present article shall be considered full-time hours of work, and the right to salary compensation shall be exercised in accordance with the social welfare regulations.

Salary compensation
Article 170

(1) The employee who uses a pregnancy, childbirth and parental leave, i.e. a leave to provide care for a child, shall be entitled to salary compensation in accordance with the present law, other laws and collective agreement.

(2) The employee whose part-time employment contract has been terminated due to expiry of the term of validity of the contract and who is using salary compensation during a pregnancy, childbirth and parental leave, shall continue to exercise that right until the end of the leave at the expense of the body with competencies for the implementation of the compulsory health insurance scheme.

Unpaid parental leave
Article 170-a

(1) After the expiry of the pregnancy, childbirth and maternity leave, the female employee shall be entitled to unpaid parental leave with duration of up to three months within the period until the child reaches three years of age, in three parts at the most, for the purpose of providing care for the child.

(2) The female employee who shall get pregnant within the period when she is exercising the right referred to in paragraph (1) of the present article, she shall not lose the right to salary compensation on the grounds of pregnancy, childbirth and maternity.

Rights of breastfeeding mothers
Article 171

The female employee who is breastfeeding her child and, upon expiry of the pregnancy, childbirth and maternity leave, shall start to work full-time, shall be entitled to a paid break during the working hours with a duration of one and a half hours per day, which shall include the daily break. The female employee shall exercise this right until the child reaches one year of age.

XIII PROTECTION OF EMPLOYEES UNDER 18 YEARS OF AGE
Special protection of employees under 18 years of age
Article 172

Employees under 18 years of age shall be afforded special protection in their employment.

Prohibition to perform work
Article 173

(1) The employer shall be prohibited to assign employees under 18 years of age to perform hard manual work, underground or underwater work, work involving exposure to ionizing radiation, and other work that may entail any risks to their health and development taking into account their physical and psychological capacity.

(2) The types of work referred to in paragraph (1) of the present article shall be prescribed by minister with competencies in the field of labour in agreement with the minister with competencies in the field of healthcare.

Working hours, rest period and breaks

Article 174

(1) The working hours of the employee under 18 years of age shall not be in excess of eight hours a day and 40 hours a week.

(2) The employee who is under 18 years of age and is working at least four and a half hours a day shall be entitled to a break during working time of at least 30 minutes.

(3) The employee under 18 years of age shall be entitled to a rest period of 16 consecutive hours within a period of 24 hours.

Prohibition of night work

Article 175

(1) The employee under 18 years of age shall be prohibited to work at night, between 22.00 h and 06.00 h the following day.

(2) By way of derogation, the employee under 18 years of age may be assigned to work at night in an event of force majeure, when such work is of limited duration and has to be performed immediately, and adult employees are not available. In such case the employees under 18 years of age have to be provided rest in the subsequent three days.

(3) In the cases referred in paragraph (2) of the present law the employer has to ensure the supervision by an adult employee.

Extended annual leave

Article 176

The employee under 18 years of age shall be entitled to annual leave extended for seven working days.

XIV PROTECTION OF DISABLED EMPLOYEES ENTITLED TO PROFESSIONAL REHABILITATION

Employment, training or retraining of disabled employees

Article 177

The employer shall ensure the protection of disabled persons in employment, training or retraining in accordance with the present law.

Rights of disabled employees

Article 178

(1) The employer shall be obliged to provide conditions for professional rehabilitation to a disabled employee who is entitled to professional rehabilitation on the grounds of incapacity for work, and to assign such employee to a different full-time job in accordance with the pension and disability insurance regulations.

(2) The employer shall be obliged to assign the employee who is at direct risk of disability to a suitable position and provide salary compensation in the amount of the difference between the salary that the employer received at the position before the assignment and the salary at the new position.

(3) The employee who has been determined to have ability to work reduced by 50%, in accordance with the pension and disability insurance regulations, shall be entitled to work with reduced working time or be reassigned to another suitable position, with the right to remuneration in accordance with the collective agreement.

(4) Risk of disability within the meaning of paragraph (2) of the present article is present when the employee, due to performing certain working tasks, is exposed to working conditions that may affect his health and the ability to work, notwithstanding the measures that are or may be taken, to the extent that it deteriorates his health, which necessitates his reassignment to another position that is suitable to his education and abilities in order to prevent the occurrence of disability.

(5) The presence of the risk of occurrence of disability shall be established by the Commission for assessment of ability to work within the Pension and Disability Insurance Fund of Macedonia.

XV SPECIAL PROTECTION OF OLDER WORKERS

Article 179

Female employees over 57 years of age and male employees over 59 years of age shall be afforded special protection in accordance with the present law and other laws.

Restriction of overtime and night work

Article 180

The employer shall not assign an older worker to overtime or night work without the consent of the employee.

XVI EXERCISE AND PROTECTION OF THE RIGHTS, OBLIGATIONS AND RESPONSIBILITIES ARISING FROM EMPLOYMENT

Exercising the rights with the employer and judicial protection

Article 181

(1) If the employee believes that the employer fails to provide him the rights under employment or violates any of his rights arising from employment, he shall be entitled to submit a request in writing to the employment to remove the violation, i.e. perform his obligations.

(2) If the employee believes that his rights have been violated by a written decision of the employer, he shall be entitled to request from the employer to remedy such violation within a period of eight days upon receipt of the decision violating his rights.

(3) If the employer shall fail to perform his obligations arising from employment within a period of eight days upon the delivery of the employee's request, i.e. fail to remove the violation of the right, the employee shall be entitled to recourse to a competent court within a period of 15 days.

(4) The employee shall be entitled to lodge a complaint against the decision for termination of the employment contract to the managing body or the employer within a period of eight days upon receipt of the decision on the termination of the employment contract.

(5) When no decision is made on the complaint within a period of eight days upon the date when the complaint has been lodged, or when the employee is not satisfied with the decision made on the complaint, the employee shall be entitled to bring proceedings before the competent court within a period of 15 days.

(6) Notwithstanding the time limits referred to in paragraphs (2) and (3) of the present article, the employee shall be entitled to seek enforcement of the pecuniary claims arising from employment directly from the competent court.

(7) A job applicant who has not been selected and believes that the selection has been made in violation of the prohibition of discrimination shall be entitled to claim damages before the competent court within a period of 15 days upon receipt of the notification from the employer.

XVII AMICABLE SETTLEMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES

Amicable settlement of individual and collective labour disputes

Article 182

In case of an individual or collective labour dispute, the employer and the employee may agree to assign the resolution of the dispute to a special body established by law.

Amicable settlement of collective disputes by way of arbitration

Article 183

(1) The collective agreement may stipulate that the collective labour disputes shall be resolved by way of arbitration.

(2) The collective agreement shall lay down the composition, the procedure and other issues relevant to the process of arbitration.

(3) If the employer and the employee agree on settling the labour dispute through arbitration, the arbitration award shall be final and binding for both parties.

(4) A dispute against the arbitration award before the competent court shall not be allowed.

XVIII TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

Associations of employees and employers

Article 184

(1) The employees shall be entitled to establish or join a trade union of their choosing, under the terms and conditions set forth by the Statute or by the rules of that trade union.

(2) The trade union is an autonomous, independent and democratic organization of the employees, which they join voluntarily for the purposes of representation, promotion and protection of their economic, social and other individual and collective interests.

(3) The employers shall be entitled to establish or join an association of their choosing, under the terms and conditions set forth by the Statute or by the rules of that association.

(4) The employers' association is an autonomous, independent and democratic organization of the employees, which they join voluntarily for the purposes of representation, promotion and protection of their economic, social and other interests.

(5) The trade unions and associations referred to in paragraphs (1) and (3) of the present article may be established without previous authorization.

Voluntary membership in the trade unions and employers' associations

Article 185

(1) The employee and/or the employer shall be free to decide on his own joining and leaving the trade union and/or employers' association.

(2) No one may be put in a less favourable position because of his membership or non-membership in the trade union and/or employers' association, i.e. participation or non-participation in the activity of the trade union and/or employers' association.

Protection of the trade union and the employers' association

Article 186

(1) The trade union, i.e., employers' organization may not be dissolved or their activity may not be suspended by administrative measures, if they are established and pursue their activity in compliance with law.

(2) The activity of the trade union and its representative may not be restricted by an act of the employer, provided it is in compliance with the law and the collective agreement.

Association at higher levels

Article 187

(1) The trade unions, i.e., employers' associations may establish their own federations or other forms of association in which their interests shall be associated at a higher level (trade unions and employers' associations at a higher level).

(2) The trade unions and employers' associations at higher level shall exercise all rights and freedoms guaranteed to the trade unions, i.e., employers' associations.

(3) The trade unions and employers' associations shall be entitled to freely associate and cooperate with international organizations established for the purposes of exercising their rights and interests.

Statute of the trade unions, i.e., employers' associations

Article 188

(1) The trade union, the employers' association, i.e., the trade unions and the employers' associations at higher level, must have a statute that is based and enacted according to the principles of the democratic representation and respect of the will of their members.

(2) The statute shall lay down: the purpose of the establishment of the trade union, i.e., employers' association, the internal organization of the trade union, i.e. employers' association, the name, registered office, scope of operation, insignia, bodies of the trade union, i.e., employers' association, the manner of election and dissolution of such bodies, their terms of office, the authorizations of the bodies, the procedure for entering into membership and its termination, the manner of assessment of the membership fee, the manner of adopting and amending the statute, rules and other general acts, the manner of acquisition and disposal of the property, the conditions and bodies deciding on the division of the property of the trade union, i.e., employers' organization if the trade union, i.e., employers' association ceases operation, and the termination of the operation of the trade union, i.e., employers' association.

(3) The statute shall contain provisions relating to the bodies that are authorized to enter into collective agreements.

(4) The name of the trade union, i.e., employers' association at higher level shall be clearly distinct from the name of already registered trade unions, employers' associations, that is, registered trade unions, or associations at higher level.

Legal personality of trade unions, i.e., employers' associations

Article 189

A trade union, i.e., employers' association at higher level shall assume legal personal as of the day of its entry in the Central Register of the Republic of Macedonia, upon previous entry in the register or trade unions, i.e., register of employers' associations.

Register of trade unions and employers' associations

Article 190

(1) The trade unions and employers' associations at higher level shall be entered in the register of trade unions, i.e., employers' associations maintained by the ministry with competencies in the field of labour.

(2) The register shall contain the following data: date of establishment, name, registered office, field of activity, name of the executive body, name of the person authorized for representation and termination of activities, the termination of the authorization of an affiliate or another form of internal organization in the legal transactions.

Application for entry in the register

Article 191

(1) The entry in the register referred to in article 190, paragraph (1) shall be made based on an application by a trade union, i.e., employers' association at a higher level.

(2) The following shall be enclosed with the application for entry: decision on the establishment, the minutes of the founding assembly, the statute, the name of the founder and the members of the executive body, the name and surname of the authorized representative or representatives and information on the number of members evident from the record of membership dues.

(3) The form of the application referred to in paragraph (1) of the present article shall be prescribed by minister with competencies in the field of labour in agreement with the minister of information society and administration.

Decision on the application for entry in the register
Article 192

(1) Upon the application for entry of the trade union at a higher level, i.e. employers' association in the register, a decision shall be made within a period of 15 days upon the date of submmission of the application referred to in article 191, paragraph (1) of the present article, and a copy thereof shall be notified to the Central Register of the Republic of Macedonia.

(2) The decision referred to in paragraph (1) of the present article shall contain: date, entry and a registration number of the trade union, i.e. employers' association in the register, the name of the trade union, i.e. employers' association, registered office and name and surname of the authorized representative.

Notification of changes of data
Article 193

(1) Any change in the name of the trade union and/or employers' association and/or affiliate or other form of internal organization, the registered office, field of activity, name of the executive body, the authorized representative, termination of activity and/or authorizations in legal operations, shall be notified in the register.

(2) The person authorized to represent the trade union, i.e. employers' association shall be obliged to notify the changes referred to in paragraph (1) of the present article to the authority maintaining the register, within a period of 30 days upon the date when the changes occurred.

Property of the trade union and the employers' association
Article 194

(1) The trade union, i.e., employers' association may charge a registration fee and a membership fee, and can acquire property by purchasing it, receiving it as a donation, or in any other legal way, without any prior authorization.

(2) The immovable and the movable property of the trade union, i.e., employers' association, required for holding meetings, may not a subject to forcible enforcement.

(3) If the trade union, i.e. employers' organization ceases its activity, the property of the trade union, i.e. employers' association shall be treated in the manner and under the terms and conditions laid down by the statute of the trade union, i.e. employers' association.

Activities of the trade union, i.e. employers' association and prohibition of supervision of the other party
Article 195

The employers and their associations shall not be allowed to supervise the establishment and the functioning of the trade unions, i.e., higher level associations thereof, nor they shall be allowed to finance or otherwise support the trade unions, i.e., higher level associations thereof, for the purposes of such supervision.

Judicial protection of the rights arising from membership
Article 196

A member of the trade union, i.e. employers' association may seek legal recourse in case of violation of his rights laid down in the statute or other rules of the trade union, i.e. employers' association.

Judicial protection of the right to associate
Article 197

(1) The trade union, i.e. employers' association and the higher level association thereof may require from the court to prohibit an activity that is contrary to the freedom of association of the employees, i.e., employers.

(2) The trade union, i.e. employers' association and higher level associations thereof may claim compensation of damages incurred due to activities under paragraph (1) of the present article.

Prohibition of unequal treatment on the grounds of membership in and activities of trade unions
Article 198

(1) The employee must not be put in less favorable position compared to other employees due to trade union membership, and particularly it shall not be allowed:

1) to make the entering into an employment contract subject to the condition that the employee shall not join or shall relinquish membership of the trade union, and

2) to terminate the employment contract, or otherwise place the employee in a less favourable position by reason of membership in a trade union or because of participation in trade union activities outside of the working hours, and, with the consent of the employer, within working hours.

(2) Membership in a trade union or participation in trade union activities shall not be circumstances upon which the employer grounds the decision to enter into an employment contract, reassign the employee to another job position or workplace, as well as any decisions concerning the employee's education and training, promotion, remuneration, social contributions and termination of employment.

(3) The employer, manager or any other body and employer's representative shall not use coercion against any trade union.

Trade union representative
Article 199

(1) Trade unions shall independently decide on the manner of their representation at the employer.

(2) Trade unions that have members employed by certain employer, may appoint or elect one or more trade union representatives to represent them at that employer.

(3) Trade union representatives shall be entitled to protect and promote the rights and interests of trade union members at the employer.

(4) The employer shall be obliged to provide premises to pursue the activity to the most numerous representative trade union.

(5) The employer shall be obliged to enable the trade unions and their representatives a timely and efficient exercise of the rights referred to in paragraph (3) of the present article and access to information of relevance for the exercise of that right.

(6) The trade union representative shall be obliged to exercise the rights referred to in paragraph (3) of the present article at the time and in the manner laid down in the collective agreement.

(7) The trade union shall notify the employer about the appointment of the trade union representative.

Protection of trade union representatives

Article 200

(1) The trade union representative shall be protected against termination of employment in accordance with the present law.

(2) The reduction of the salary or the termination of the employment contract of the trade union representative for reasons related to trade union activity shall be prohibited.

(3) The employer may terminate the employment contract of the trade union representative while he is holding office only by prior consent of the trade union.

(4) If the trade union shall fail to state whether it gives its consent or not within a period of eight days, it shall be deemed that it agrees with the employer's decision.

(5) If the trade union does not give its consent, such consent may be obtained by a court decision.

(6) The protection against termination of employment of the persons referred to in paragraph (1) of the present article shall be applicable for the duration of their terms of office and at least two years upon the expiry of such terms of office.

(7) The trade union members who have been elected or appointed to hold an office in the trade union's bodies which requires a suspension of their employment with the employer shall be entitled, within a period of 5 days upon the expiry of such a term of office, to reestablish their former employment with the employer, at a position that corresponds to their professional qualifications.

Dissolution of trade unions, i.e. employers' associations

Article 201

The trade union, i.e., employers' associations shall cease to operate only by a decision to that effect by the competent body of the trade union or the employers' association, which by statute is authorized to decide on the termination of operation of the trade union or employers' association.

Prohibition of the activity of a trade union, i.e. employers' association

Article 202

(1) The activities of the trade union, i.e. employers' association shall be prohibited by a decision of the regular court of original jurisdiction according to the registered office of the trade union, i.e. employers' association, if the activities of the trade union, i.e. employers' association are contrary to the Constitution and the law.

(2) The procedure to prohibit the activity of the trade union, i.e. employers' association shall be initiated upon the request of the competent registration authority or the competent court.

(3) The rationale of the judgment prohibiting the activity of the trade union, i.e. employers' association shall indicate the activities that merited the prohibition of the activity of the trade union, i.e. employers' association.

(4) The judgment prohibiting the activity of the trade union, i.e. employers' association shall include a decision on the property of the trade union, i.e. employers' association in accordance with the statute of the trade union, i.e. employers' association.

(5) The disposition of the effective judgment on the prohibition of the activity of the trade union, i.e. employers' association shall be published in the "Official Gazette of the Republic of Macedonia".

(6) Based on the effective judgment, the competent authority maintaining the register shall delete the organization from the register.

(7) A copy of the effective judgment referred to in paragraph (5) of the present article shall be forwarded to the Central Register of the Republic of Macedonia.

XIX COLLECTIVE AGREEMENTS

Types of collective agreements

Article 203

The collective agreement shall be entered into as a general collective agreement at national level, a specific collective agreement at the level of a branch, i.e., sector, in line with the National Classification of Activities, and collective agreement at employer level.

General collective agreement

Article 204

(1) The following collective agreements shall be entered into at the level of the Republic of Macedonia:

1) General collective agreement for the private sector in the field of economy, and

2) General collective agreement for the public sector.

(2) The General collective agreement for the public sector shall be binding for the public administration bodies and other state authorities, the bodies of the local self-government units, institutions, public enterprises, offices, agencies, funds and other legal persons pursuing activities of public interest.

Application and validity of collective agreements

Article 205

(1) The General collective agreement for the private sector in the field of economy shall apply directly and shall be binding for the employers and employees in the private sector.

(2) The general collective agreement for the public sector shall apply directly and shall be binding for the employer and the employees in the public sector.

(3) The collective agreement at branch, i.e. sector level, in accordance with the National Classification of Activities, shall apply directly and shall be binding for the employers that are members of employers' association, signatory of the collective agreement or those that joined the association additionally.

The scope of collective bargaining

Article 206

(1) The collective agreements shall regulate the rights and obligations of the contracting parties which entered into the agreement, and may also include legal rules governing the entering into, contents and termination of employment, and other issues arising from or in relation to employment.

(2) The legal standards incorporated in the collective agreement shall be directly applicable and binding for all persons who, in accordance with the provisions of the present law, fall within the scope of application of the collective agreement.

Obligation for collective bargaining

Article 207

The persons who, in accordance with the present law, may be parties of the collective agreement shall be obliged to bargain in good faith for the purpose of entering into a collective agreement concerning the issues which, in accordance with the present law, may fall within the scope of the collective agreement.

Persons bound by the collective agreement

Article 208

(1) The collective agreement shall be binding for the parties which have entered into it and for all persons who have subsequently become members of the associations that have entered into the collective agreements.

(2) The collective agreement shall be binding for the parties which have acceded to it and for all persons who have subsequently become members of the associations that have acceded to the collective agreement.

(3) The collective agreement at employer level shall also apply to the employees of the relevant employer who are not unionized or members of the trade union that signed the collective agreement.

The format of the collective agreement
Article 209

The collective agreement shall be mandatorily entered into in writing.

Parties to a collective agreement
Article 210

(1) The collective agreement shall be entered into by the employer or the representative employers' association and the representative trade union.

(2) When an application to establish the representativeness has been lodged and the representativeness criteria under article 212, paragraph (1), item 2, paragraphs (2), (3) and (4) and article 213, paragraph (1), item 2, and paragraphs (2) and (3) of the present law in terms of the percentage of members, until the relevant criteria concerning the percentage are met and the representativeness is established, the collective agreement shall be entered into by the employer or employers' association and the trade union with the greatest number or members, in accordance with the list of members attached to the application for establishing the representativeness.

(3) The collective agreement under paragraph (2) of the present article shall be entered into upon receipt of the notification from the Ministry of Labour and Social Policy to the trade union, i.e. the employers who have submitted the application to establish the representativeness of the trade union, i.e. the employers with the greatest number of members.

(4) The parties to the collective agreement shall be obliged to enter negotiations.

(5) If they shall fail to agree to enter into a collective agreement in the course of the negotiations referred to in paragraph (2) of the present article, the parties may refer the settlement of the disputes issues to arbitration.

Representativeness of the trade union and the employers' association
Article 211

(1) The representativeness of a trade union or an organization of employers for the territory of the Republic of Macedonia shall be established for the purposes of participation in tripartite social partnership bodies and tripartite delegations of the social partners.

(2)The representativeness of the trade unions at the level of the public sector is established for the purposes of participation in the collective bargaining at public sector level.

(3)The representativeness of the trade unions at the level of the private sector in the field of economy shall be established for the purposes of participation in the collective bargaining at the level of the private sector in the field of economy.

(4) The representativeness of the trade unions, i.e., employers' organizations at branch, i.e., sector level shall be established for the purposes of participation in the collective bargaining at branch, i.e. sector level.

(5) The representativeness of the trade unions at employer level shall be established for the purposes of participation in the collective bargaining at employer level.

Criteria for establishment of the representativeness of the trade union
Article 212

(1) A representative trade union for the territory of the Republic of Macedonia shall be the trade union that meets the following criteria:

1) it should be entered in the register of trade unions, which is maintained by the ministry with competencies in the field of labour;

2) it shall represents at least 10% of the total number of employees in the Republic of Macedonia who pay a membership fee to the trade union;

3) it shall associate at least three trade unions at national level from different branches, i.e. sectors, which are entered in the register of trade unions maintained by the ministry with competencies in the field of labour;

4) it shall pursue activity at national level and have registered members in at least 1/5 of the municipalities in the Republic of Macedonia;

5) it should operate in accordance with its statute and the democratic principles, and

6) it shall have as members trade unions that have signed or acceded to at least three collective agreements at branch, i.e., sector level.

(2) A representative trade union at the level of a public sector shall be the trade union that is entered in the register of trade unions, which is maintained by the ministry with competencies in the field of labour, and has as members at least 20% of the total number of employees in the public sector who pay a membership fee.

(3) A representative trade union at the level of a private sector in the field of economy shall be the trade union that is entered in the register of trade unions, which is maintained by the ministry with competencies in the field of labour, and has as members at least 20% of the total number of employees in the private sector in the field of economy who pay a membership fee.

(4) A representative trade union at branch level shall be the trade union that is entered in the register of trade unions, which is maintained by the ministry with competencies in the field of labour, and has as members at least 20% of the total number of employees in the branch who pay a membership fee.

(5) A representative trade union at employer level shall be the trade union which has as members at least 20% of the total number of employees by the employer who pay a membership fee.

Criteria for establishment of the representativeness of the employers

Article 213

(1) A representative employers' association on the territory of the Republic of Macedonia shall be the association that meets the following criteria:

1) it should be entered in the register of employers' association, which is maintained by the ministry with competencies in the field of labour;

2) the association's membership should include at least 5% of the total number of employers from the private sector in the field of economy in the Republic of Macedonia, or the employers - members of the association should employ at least 5% of the total number of employees in the private sector in the Republic of Macedonia;

3) the members of the association should be employers from at least three branches, i.e., sectors;

4) the organization should have members in at least 1/5 of the municipalities in the Republic of Macedonia;

5) it should have entered into or acceded to at least three collective agreements at branch, i.e., sector level, and

6) it should operate in accordance with its statute and the democratic principles.

(2) A representative employers' association at the level of a private sector in the field of economy shall be the employers' association that is entered in the register maintained by the ministry with competencies in the field of labour and has as members at least 10% of the total

number of employers in the private sector or the employers - members of the association should employ at least 10% of the total number of employees in the private sector.

(3) A representative employers' association at the level of a branch, i.e., sector shall be the employers' association that is entered in the register maintained by the ministry with competencies in the field of labour and has as members at least 10% of the total number of employers in the branch, i.e., sector or the employers - members of the association should employ at least 10% of the total number of employees in the branch, i.e., sector.

Competent body for determining the representativity

Article 213-a

The representativeness of the trade union, i.e., employers' association at the level of the Republic of Macedonia, at the level of the public sector, at the level of a private sector in the field of economy and at the level of branch, i.e., sector in accordance with the National Classification of Activities shall be determined by the minister with competencies in the field of labour, on proposal by the Committee determining the representativeness of trade unions and employers' associations (hereinafter: the Committee), in accordance with the present law.

Composition and manner of operation of the Committee

Article 213-b

(1) The Committee shall be composed of nine members, of whom the Ministry of Labour and Social Policy, Ministry of Justice, and the Ministry of Economy shall each have one representative, three representatives shall be appointed by the representative employers' associations and three representatives by the representative trade unions, members of the Economic and Social Council.

(2) The registered trade unions and employers' associations at national level may appoint their representative who shall attend the meetings of the Committee.

(3) The representatives of the ministries referred to in paragraph (1) of the present article shall be appointed by the Government of the Republic of Macedonia, on proposal by the minister with competencies in the field of labour.

(4) The administrative and technical work for the purposes of the Committee shall be carried out by the Ministry of Labour and Social Policy.

(5) The manner of operation of the Committee shall be stipulated in Rules of Procedure of the Committee.

Application for establishment of representativeness

Article 213-c

(1) The application for establishment of representativeness shall be submitted to the Committee by a trade union, i.e., employers' association at higher level.

(2) The application shall enclose evidence on the fulfillment of the representativeness criteria, in particular:

1) decision on the entry in the register of trade unions, i.e., decision on the entry in the register of employers' associations;

2) list of the trade union members who pay membership fee, verified by an authorized representatives of the trade union and the employer, i.e., proof of membership in the employers' association;

3) list of collective agreements entered into, or acceded to by the trade union, i.e., employers' association;

4) list of trade unions - members of the trade union by branches, i.e. sectors, that is, list of employers - member by branches, i.e., sectors, and

5) list of local trade unions - members, that is employers by municipalities, with information on registered offices and addresses.

(3) Repealed by Decision of the Constitutional Court of the Republic of Macedonia, U.no. 62/2013 ("Official Gazette of Republic of Macedonia" no. 106/2014).

(4) The employer shall be obliged, upon request of the trade union, to issue a certificate with the list of trade union members who are employed by him and pay the membership fee.

(5) The form of the application referred to in paragraph (1) of the present article shall be prescribed by minister with competencies in the field of labour in agreement with the minister of information society and administration.

Procedure upon the application
Article 213-d

(1) The Committee shall determine whether the application and the enclosed evidence are in compliance with the present law.

(2) The ministry with competencies in the field of labour, upon a proposal by the Committee, shall adopt a decision on the representativeness within a period of 15 days upon the date of the Committee's proposal.

(3) A complaint against the decision on the representativeness referred to in paragraph (2) of the present article may be lodged to the State Committee deciding in administrative procedures and labour procedures in the second instance within 15 days upon receipt of the decision.

(4) The decision referred to in paragraph (3) of the present article may be contested by initiating an administrative dispute in front of the competent court.

Review of the representativeness
Article 213-e

(1) The representativeness shall be established for a period of three years, as of the date of adoption of the decision.

(2) A trade union and an employers' association may file an application for review of the representativeness following the expiry of a period of one year upon the date of adoption of the decision establishing the representativeness.

(3) The application for review of the representativeness that is submitted to the Committee shall contain the name of the trade union or the employers' association, the level of establishment, the number of the registration decision, the reasons for the application for the review of representativeness and relevant evidence.

(4) The Committee shall carry out the procedure to establish the representativeness in accordance with article 213-d of the present law.

Publication of the decision
Article 213-f

The decision on the representativeness shall be published in the "Official Gazette of the Republic of Macedonia".

Agreement on association for the purposes of participation in entering into a collective agreement
Article 214

If none of the trade unions, i.e., employers' associations meet the representativeness criteria, within the meaning of the present law, the trade unions, i.e., employers' associations may enter into association agreements for the purposes of participation in the entering of the collective agreement.

Competence for settlement of disputes relating to the representativeness of the trade unions, i.e., employers' associations
Article 215

Any dispute relating to the representativeness of the trade union, i.e., employers' association shall be settled within eight days by the court of original jurisdiction, in accordance with the law.

Contracting parties of a general collective agreement
Article 216

(1) The general collective agreement in the private sector shall be entered into by the representative employers' association and the representative trade union for the private sector in the field of economy.

(2) The general collective agreement for the public sector shall be entered into by the representative trade union in the public sector and the minister with competencies in the field of labour, with previous authorization of the Government of the Republic of Macedonia.

Contracting parties to a specific collective agreement at branch, i.e., sector level
Article 217

The specific collective agreement for the branch, i.e., sector shall be entered into by the representative trade union and the representative employers' association at branch, i.e., sector level.

Parties to a specific collective agreement for public enterprises and public institutions
Article 218

(1) The specific collective agreement for public enterprises and public institutions shall be entered into by the founder or the body authorized by it and the representative trade union.

(2) The specific collective agreement for the persons who independently perform activities in the field of art and culture (freelance artists) shall be entered into by the representative trade union and the representative employers' association.

Parties to a collective agreement at employer level
Article 219

(1) The collective agreement at employer level shall be entered into by the representative union at the employer and the person authorized by the employer.

(2) If several representative trade unions appear as parties to the collective agreement referred to in paragraph (1) of the present article, a bargaining board shall be established.

(3) The members of the board referred to in paragraph (2) of the present article shall be appointed by the representative trade unions.

Parties to a specific collective agreement at employer level for public enterprises and public institutions
Article 220

A specific collective agreement at employer level for public enterprises and public institutions shall be entered into by the founder or the body authorized by it and the representative trade union at the employer.

Bargaining board
Article 221

If several representative trade unions, i.e., employers' associations are parties to the collective agreement for the territory of the Republic of Macedonia at branch, i.e. sector level, according to the National Classification of Activities, a bargaining board shall be established, the members of which shall be appointed by the representative trade unions, i.e., representative employers' associations.

Authorization for entering into collective agreement

Article 222

The representatives of the trade unions and employers' association who participate in the collective bargaining and enter into a collective agreement shall be authorized by their relevant bodies.

Responsibility for the performance of the obligations under the collective agreement

Article 223

(1) The parties to the collective agreement and the persons within its scope of application shall be obliged to comply with its provisions.

(2) The injured party or person within the scope of application of the collective agreement shall be entitled to claim damages due to a default of the obligations under the collective agreement.

Designation of the persons, i.e., the scope of application

Article 224

The collective agreement shall mandatorily designate the persons and the scope of its application.

Authorization to bargain and enter into a collective agreement

Article 225

(1) The persons who represent the parties to the collective agreement shall be authorized to bargain and enter into the collective agreement.

(2) If the party to the collective agreement is a legal entity, the authorization referred to in paragraph (1) of the present article shall be issued in accordance with the statute of the legal entity.

Term of validity of the collective agreement

Article 226

The collective agreement may be entered into for a definite period of time of two years, with possibility to extend the validity by written consent of the contracting parties.

Termination of the collective agreement

Article 227

(1) The collective agreement that is entered into for a definite period of time shall be terminated by the expiry of such period.

(2) The collective agreement may also be terminated by agreement of all parties or by cancellation, in the manner laid down in the collective agreement.

Extension of the term of validity of the collective agreement

Article 228

(1) The term of validity of the collective agreement shall be extended by mutual agreement of the parties, where such agreement shall be entered into no later than 30 days prior to the expiry of the collective agreement.

(2) Unless otherwise stipulated in the contract agreement, following the expiry of the term of validity of the collective agreement, its provisions shall remain applicable until the parties enter into a new collective agreement.

Termination of the collective agreement

Article 229

(1) The collective agreement shall contain provisions on its termination and the procedure to terminate, amend and supplement the collective agreement.

(2) The collective agreement entered into for a definite period of time may be terminated solely if such possibility is provided for in the agreement.

(3) The notice of termination of the agreement shall be delivered to other parties to the agreement.

(4) In case of termination, the collective agreement shall apply not longer than six months upon the date of delivery of the notice of termination, unless otherwise stipulated by law, and the parties shall be obliged to start negotiations no later than 15 days upon the date of delivery of the notice of termination.

(5) Following the expiry of the period referred to in paragraph (4) of the present article, the collective agreement shall be terminated unless the parties agree otherwise.

The effect of status changes on the application of the collective agreement

Article 230

In case of a status change of the employer, the collective agreement that applied for the employees at the time of the status change shall continue to apply for them until the parties enter into a new collective agreement, but not longer than one year.

Notification and registration of collective agreements

Article 231

(1) Any general and branch collective agreement and any change (modification, amendment, termination or accession) of the collective agreement shall be notified for registration to the ministry with competencies in the field of labour prior to publication.

(2) The collective agreement or the change thereto shall be notified to the competent authority by the party stated first in the agreement, i.e., by the party that terminates the collective agreement.

(3) A notification on entering into a collective agreement at employer level and its term of validity shall be sent to the ministry with competencies in the field of labour within a period of eight days upon the day of entering into it.

(4) The minister with competencies in the field of labour shall prescribe the procedure for notification and registration of collective agreements and changes thereof to the competent state authority and the manner of keeping records of the notified collective agreements and changes thereof.

Publication of collective agreements

Article 232

(1) The collective agreement shall be made publicly available.

(2) The general and branch collective agreements and amendments thereof shall be published in the "Official Gazette of the Republic of Macedonia".

(3) The collective agreement at employer level shall be published in the manner stipulated in the agreement.

Accession to a collective agreement

Article 233

(1) Persons who are eligible to be parties of a collective agreement in accordance with the present law may accede to the collective agreement.

(2) The statement of accession to the collective agreement shall be notified to all parties that entered into the collective agreement and the persons who acceded to the collective agreement.

(3) The persons who acceded to the collective agreement shall have the same rights and obligations as the parties that entered into the agreement.

Judicial protection of the rights arising from collective agreement

Article 234

A party to the collective agreement may lodge a complaint before the competent court seeking protection of its rights arising from the collective agreement.

Settlement of collective labour disputes

Article 235

(1) Any dispute that may arise in the procedure for entering into and amending the collective agreement shall be settled amicably.

(2) The disputing parties may agree to refer the settlement of the collective labour dispute to arbitration.

XX STRIKE

Rights and obligation during a strike action

Article 236

(1) The trade union and its associations at higher level shall be entitled to call a strike action and to start a strike in order to protect the economic and social rights of its members arising from employment, in accordance with the law.

(2) The strike shall be announced in writing to the employer, i.e., employers' association against which it is taken, and the solidarity action shall be announced to the employer where the strike action is organized.

(3) The strike action shall not be called before the completion of the conciliation procedure in accordance with the present law. The obligation for conciliation, i.e., any other procedure for amicable settlement of the dispute shall not restrict the right to strike action, when such procedure is laid down in the present law.

(4) The solidarity action may start without conducting a conciliation procedure, but in any case not before the expiry of two days upon the day of the start of the strike action in support of which it is organized.

(5) The letter announcing the strike action shall state the reason, place, day and starting time of the strike action.

(6) The strike action shall be organized in a manner that shall not prevent or interfere with the organization and performance of the work process for the non-strikers, or prevent the employees and the management to enter the business premises of the employer.

Lockout

Article 237

(1) The employer may lock out the employees only in response to a strike action that has already started.

(2) The number of locked out employees shall not exceed 2% of the number of employees who participate in the strike action.

(3) The employer may lock out only those employees who, by their conduct, are inciting a violent and undemocratic behavior, thus impeding the negotiations between the employees and the employer.

(4) The employer shall be obliged to pay the contributions laid down by the special regulations at the lowest rate for payment of contributions for the employers who have been locked out for the duration of the lockout.

Rules on operations that shall not be interrupted during the strike

Article 238

(1) On proposal by the employer, the trade union shall mutually agree and adopt rules on the minimum services to be maintained for the duration of the strike action.

(2) The rules referred to in paragraph (1) of the present article shall contain, in particular, provisions on the operations and the number of employees who need to perform such operations

during the strike action, in order to ensure the continuation of the work after the end of the strike action (minimum services to be maintained), i.e. for the performance of the operations that are necessary for the purposes of preventing the threats to the life, safety and health of the citizens (essential services).

(3) The determination of the operations referred to in paragraph (1) of the present article shall not prevent or significantly restrict the right to strike.

(4) If the trade union and the employer fail to reach an agreement, within a period of 15 days upon the day of delivery of the employer's proposal to the trade union for determination of the operations referred to in paragraph (1) of the present article, the employer or the trade union may request, within a period of 15 days, resolution of the issue by way of arbitration.

Consequences of the organization and participation in a strike

Article 239

(1) The organization or participation in a strike action organized in accordance with the provisions of the present law and collective agreement shall not be deemed a breach of the employment contract.

(2) The employee shall not be placed in a less favourable position than other employees due to organization or participation in a strike action organized in accordance with the provisions of law and collective agreement.

(3) The employee may be dismissed only if he organized or participated in a strike action that has not been organized in accordance with law and collective agreement, or if he had committed another serious violation of the employment contract during the strike action.

(4) The employee shall not be coerced to participate in the strike action in any way.

Social security contributions

Article 240

For the duration of the strike action, the employer shall be obliged to pay the contributions laid down by the special regulations at the lowest rate for payment of contributions for the employees who participate in the strike action.

Salary compensation by the strike organizer for the duration of the strike

Article 241

The organizer of the strike may provide salary compensation to the employees who participated in the strike at his own expense.

Court prohibition of illegal strikes and compensation of damages

Article 242

(1) The employer, i.e., employers' association may request from the competent court to prohibit the organization of a strike contrary to the provisions of the law.

(2) The employer may claim compensation of damages incurred due to a strike that has not been organized and conducted in accordance with the present law.

Court prohibition for illegal lockout and compensation of damages

Article 243

(1) The trade union may request from the competent court to prohibit the lockout during a strike contrary to the provisions of the law.

(2) The trade union may claim compensation of damages that it or the employees incurred due to being locked out from work during a strike contrary to the law.

Jurisdiction for prohibition of strikes and lockouts

Article 244

(1) The decision on the prohibition of a strike shall be made by the competent court of first instance for labour disputes.

(2) The competent court shall decide upon any complaints against the decision referred to in paragraph (1) of the present article.

(3) The request for prohibition of a strike, i.e., lockout shall be decided in an urgency procedure.

Strike action in the armed forces, police, public administration bodies and other public services

Article 245

The strike action in the armed forces, police, public administration bodies, public enterprises and public institutions shall be governed by a special law.

XXI ECONOMIC AND SOCIAL COUNCIL

Authorizations of the Economic and Social Council

Article 246

(1) The Economic and Social Council shall be established for the purpose of defining and implementing coordinated activities with the aim to protect and promote the economic and social rights, i.e., employees' and employers' interests, maintain a coordinated economic, developmental, and social policy, encourage the social dialogue, negotiate and enforce collective agreements and align them with the economic, social and developmental policy measures.

(2) The activity of the Economic and Social Council has its grounds in the need for tripartite cooperation among the Government of the Republic of Macedonia (hereinafter: the Government), the trade unions and the employers' association in view of resolving the economic and social issues and problems.

(3) The Economic and Social Council:

1) shall monitor, analyze and evaluate the impact of the economic policy and its measures on the social stability and development;

shall monitor, analyze and evaluate the impact of the economic policy and its measures on the economic stability and development;

3) shall monitor, analyze and evaluate the impact of the changes in the prices and salaries on the economic stability and development;

4) shall issue an elaborated opinion to the labour minister on issues and problems relating to the negotiation and enforcement of collective agreements;

5) shall make proposals to the Government, the employers and trade unions, i.e. their associations at higher level, to run a coordinated policy on pricing and salaries;

6) shall issue opinions on draft laws in the field of labour and social welfare;

7) shall promote and encourage the need for a tripartite cooperation (tripartite social dialogue) among the social partners in view of resolving the economic and social issues and problems;

8) shall encourage the amicable settlement of collective labour disputes, and

9) shall issue opinions and proposals to the labour minister relating to other matters governed by the present law.

(4) The Economic and Social Council shall be established by an Agreement entered into by the Government, the representative trade unions on the territory of the Republic of Macedonia and the representative employers' associations on the territory of the Republic of Macedonia.

(5) The agreement on the establishment of the Economic and Social Council shall define in greater detail its authorizations.

(6) The Economic and Social Council may establish boards and committees on specific issues within its scope of competencies.

(7) The Economic and Social Council shall adopt Rules of procedure that govern the manner of operation of the Council.

Composition of the Economic and Social Council

Article 247

(1) The agreement on the establishment of the Economic and Social Council shall define its composition.

(2) The provisions on the composition of the Economic and Social Council shall take into account the appropriate representation of the social partners.

XXII WORK CARRIED OUT ABROAD

Assignment of an employee to work abroad

Article 248

(1) In accordance with the employment contract, the employer may assign the employee to work abroad.The duration of the assignment shall be calculated based on a reference period of one year upon the date of the assignment.

(2) The employee may refuse the assignment to work abroad for justified reasons, such as:

1) pregnancy;

2) disability;

3) health-related reasons;

4) care for a child under seven years of age;

5) care for a child under 15 years of age, if the employee is a single parent and provides for its education and protection, and

6) other reasons laid down in the employment contract, i.e., collective agreement that is directly binding for the employer.

(3) If the employment contract does not stipulate a possibility for work abroad, the employer and the employee shall be obliged to enter into a new, modified employment contract. The contract may be entered into for the period until the completion of the project, i.e., the completion of the tasks for which the employee is assigned to work abroad.

Employment contract for performance of work abroad

Article 249

(1) If the employee enters an employment contract to carry work abroad and within the relevant period the rights and obligations arising from employment shall be governed by the foreign regulations in accordance with the international private law, the employment contract, in addition to the mandatory provisions under the present law, shall also contain provisions on:

1) duration of the assignment abroad;

2) holidays and days off work;

3) minimum annual leave;

4) the amount of the salary and the currency in which it shall be disbursed;

5) other monetary earnings to which the employee shall be entitled during his assignment abroad, and

6) the conditions for repatriation.

(2) In lieu of the provisions referred to in paragraph (1), items 4 and 5 of the present article, the employment contract may include references to another law, regulation or collective agreement that governs such matters.

Assignment of employees for the purposes of provision of services

Article 249-a

(1)The status and the labour relations of employees assigned by their employers to render services for another employer from the territory of a Member State of the European Union within the territory of the Republic of Macedonia shall be laid down by the present law, special rules or a relevant collective agreement that regulates:

1) hours of work and rest periods;

2) minimum wage, minimum contributions and overtime rate;
3) occupational safety and health;
4) the working conditions for women, young persons and female employees provide care for a child under three years of age, and
5) equal treatment of men and women and prohibition of discrimination.

(2) The allowances that are specific to the job shall be deemed an integral part of the minimum wage, unless they are paid as reimbursement of expenses actually incurred on the account of the job, such as travel expenses and food and accommodation expenses.

(3) In the case of initial assembly and/or first installation of goods, where this is an integral part of a contract for the supply of goods and necessary for commissioning of the goods being supplied and where it is carried out by skilled and/or specialist workers of the supplying undertaking. Items 1 and 2 of paragraph (1) of the present article shall not apply if the assignment period is less than eight days.

(4) The State Labour Inspectorate shall provide information on the working conditions in accordance with the special rules, primarily in relation to the construction activities, including assembly works, excavation and earthmoving works, assembly and dismantling of prefabricated buildings, repair of technical and technological equipment and manufacture of construction equipment, demolition and maintenance, cooperation with the authorised bodies from the European Union and the EU Member States on the identification, control and assessment of the working conditions under the present paragraph and provide relevant information for the working conditions.

(5) The provisions under paragraph (1) of the present article shall not preclude the compliance with principles and conditions for employment that are more favorable for the employees.

XXIII WORK OF CHILDREN UNDER 15 YEARS OF AGE, SECONDARY SCHOOL AND UNIVERSITY STUDENTS

Article 250

(1) Secondary school students of at least 14 years of age and university students may perform practical training within the framework of their educational programmes with the employer.

(2) The provisions of the present law relating to the hours of work, rest periods and breaks, the special protection of employers under 18 years of age, and those on the liability for compensation of damages shall apply in the cases referred to in paragraph (1) of the present article.

Apprentices

Article 251

The provisions of the present law and other laws that stipulate special protection of employees under 18 years of age, the schedule of working hours, breaks during the working hours, weekly rest periods, paid annual leave, leave from work for holidays, sick leave, leave for purposes of performing tasks and obligations under specific laws, and liability for damages shall apply to apprentices during their vocational training with the employer.

Special contracts

Article 252

(1) The employer may enter into a contract with a particular person for the purposes of performing work that does not fall within the scope of activities of the employer and relate to independent manufacture or repair of certain items, independent performance of certain manual or intellectual labour.

(2) The contract referred to in paragraph (1) of the present article may be entered into for the performance of work in the field of arts and culture with a person pursuing an activity in the field of arts and culture.

(Chapter XXIV EMPLOYMENT BOOKLET and articles 253, 254 and 255 are deleted)

XXV INSPECTION SUPERVISION IN THE FIELD OF LABOUR RELATIONS

Supervision by the labour inspection

Article 256

(1) The supervision over the enforcement of the present law, the regulations on employment and other regulations in the field of labour, collective agreements and employment contracts governing the rights and obligations of the employee and the employer arising from employment and other contracts that stipulate remuneration for the work performed higher than the minimum wage laid down by law, shall be carried out by the public administration body with competencies in the field of labour inspection.

(2) The tasks relating to the inspection supervision referred to in paragraph (1) of the present article shall be carried out by the labour inspector.

Authorizations of the labour inspection

Article 257

(1) When conducting the supervision, the labour inspector shall have the authorizations laid down by law and regulations adopted in accordance with the law.

(2) The employee, trade union and the employer may request from the labour inspector to conduct inspection supervision.

Notice to remedy violations of the law and other regulations

Article 258

(1) If the labour inspector finds a violation of a law, other regulation, collective agreement, employment contract and other acts the enforcement of which falls within the scope of the inspection supervision, it shall instruct the employer by a decision to adopt or revoke an act in order to remove the irregularities and deficiencies found.

(2) The employer shall be obliged to notify the labour inspector on the actions taken upon the decision.

Article 258-a

(1) Should the labour inspector determine in the course of the inspection supervision a failure to comply with articles 19, 23, 24, 50, 70, 71, 182, 183, 195, 213-c, and 252 of the present law, the inspector shall be obliged to make minutes and note therein the irregularity established, indicating that the relevant irregularity should be removed within a period of eight days and invite the person or the employer where the irregularity has been established during the inspection supervision to an educational exercise.

(2)The format and the content of the invitation for the educational exercise, including the manner of its implementation, shall be prescribed by the minister with competencies in the field of labour.

(3) The educational exercise shall be organized and carried out by the State Labour Inspectorate within a period of eight days upon the date of the inspection supervision.

(4) The educational exercise may be carried out for several identical or similar irregularities for a single or several employers.

(5) If the person or the employer to whom the educational exercise pertains shall fail to attend the educational exercise at the scheduled time, it shall be deemed that the educational exercise has been completed.

(6) If the person or the employer to whom the educational exercise pertains shall attend and complete the scheduled educational exercise, it shall be deemed that he/she has been educated concerning the established irregularity.

(7) Should the labour inspector, in the course of the follow-up visit, determine that the irregularities established under paragraph (1) of the present article have been removed, he shall adopt a decision to suspend the inspection supervision procedure.

(8) Should the labour inspector, in the course of the follow-up visit, determine that the irregularities established under paragraph (1) of the present article have not been removed, he shall file a motion to initiate misdemeanor proceedings before the misdemeanor commission.

(9) The State Labour Inspectorate that conducted the inspection supervison shall keep records on the educational exercises in accordance with the Law on general administrative procedure.

Article 258-b

The Ministry of Labour and Social Policy - the State Labour Inspectorate shall draft quarterly reports on the carried out inspection supervisions and publish them at the web pages of the Ministry of Labour and Social Policy and the State Labour Inspectorate using a uniform quarterly review template.

Prohibition to pursue activity issued to the employer

Article 259

(1) If the labour inspector finds at the employer's workplace persons who are working without an appropriate employment contract and without being registered for the compulsory social insurance scheme he shall order by a decision the responsible person at the employer to enter into permanent employment contract with the persons found within eight days of the receipt of the decision and not to reduce the total number of employees in the next three months and shall issue a proposal for settlement by issuing a misdemeanor sanction payment order to the responsible person of the employer or a person authorized by him in accordance with the Law on Misdemeanors. If the employer rejects the misdemeanor sanction payment order, the competent inspector shall file a motion for initiation of misdemeanor proceedings.

(2) If the employer shall repeat the misdemeanor referred to in paragraph (1) of the present article within a period of one year, the labour inspector shall issue a decision prohibiting the employer to pursue activity at the workplace within a period of 30 days and shall file a motion for initiating a misdemeanor procedure in accordance with the law.

(3) The misdemeanor sanction payment order referred to in paragraph (1) of the present article, the decision referred to in paragraphs (1) and (2) of the present article and the motion to initiate misdemeanor proceedings referred to in paragraph (2) of the present article shall be issued, enacted, i.e., filed in accordance with the law and the market inspector, sanitation inspector, health inspector, and the technical inspector shall proceed, each in relation to the provisons of the present law and within their competencies in accordance with the law.

(4) A complaint against the decisions referred to in paragraphs (1) and (2) of the present article shall not stay the execution of the decision.

(5) During the prohibition to pursue activity referred to in paragraph (2) of the present article, the employer shall be obliged to pay the employees a salary compensation in the amount of at least 70% of the salary paid to the employee in the preceding month and social security contributions, and the employer shall not be allowed to reduce the number of employees for the duration of the prohibition.

(6) The authorized officials shall be obliged to keep records of the issues misdemeanor sanction payment orders and the outcomes of the proceedings.

(7) The records referred to in paragraph (6) of the present article shall collect, process and keep the following data: name and surname, i.e., name of the perpetrator of the violation,

permanent residence, i.e. habitual residence, registered office, type of violation, number of the misdemeanor sanction payment order issued and the outcome of the proceedings.

(8) The personal data referred to in paragraph (7) of the present article shall be kept for a period of five years upon their entry in the records.

(9) The minister with competencies in the field of labour shall prescribe the format and the content of the misdemeanor payment order.

Article 259-a

(1) The public administration bodies with competencies in the field of inspection supervision shall be obliged to cooperate and exchane information relating to the prohibition to the employer to pursue activity.

(2) The inspection council shall coordinate the activities of the inspection services enforcing the provisions under article 259 of the present law.

Authorizations of the Public Revenues Office

Article 260

(1) The organization with competencies in the field of public revenues shall be obliged to notify the competent labour inspector about the employers that have failed to calculate and pay salaries, i.e. the minimum wage for the preceding month.

(2) The notification referred to in paragraph (1) of the present article shall be send the competent labour inspector according to the registered office of the employer.

Initiating misdemeanor proceedings

Article 261

The labour inspector shall file a motion for initiating misdemeanor proceedings if he finds that the employer, i.e., the responsible person has committed a misdemeanor by violating the law or other regulations, collective agreements and the employment contract that govern the employment.

Article 261-a

The market inspector, health and sanitation inspector and the technical inspector, if they find that the employer has acted contrary to article 13, paragraphs (1), (2), (3) and (7) of the present law, shall file a motion to initate misdemeanor proceedings.

A stay of execution of a decision

Article 262

(1) If the labour inspector finds that a final decision by the employer has violated the rights of the employee, the inspector shall adopt, at the request of the employee, a decision to stay the enforcement of such decision until the final judgment of the court, provided the employee has initiated a labour dispute.

(2) The employee referred to in paragraph (1) of the present article may submit the request within a period of 30 days upon the date of initiating the labour dispute before the competent court.

(3) An administrative dispute may not be initiated against the final decision of the inspection referred to in paragraph (1) of the present article.

Right to appeal

Article 263

(1) A complaint against the decision of the inspector with competencies to conduct inspection supervision of the enforcement of the provisions of the present law may in accordance with articles 258, 259 and 262 of the present law, may be lodged to the State Committee deciding in administrative procedures and labour procedures in the second instance within a period of eight days upon the day of receipt of the decision.

(2) The appeal against the decision referred to in article 229 shall not stay the enforcement of the decision.

XXVI SANCTIONS

Article 264

(1) A fine in the amount of EUR 7000, in its MKD equivalent value, shall be imposed on the employer - legal person:

1) for failing to enter into an employment contract with the employee, and for failing to register the employee with the compulsory pension and disability insurance scheme, health insurance and insurance in the case of unemployment, before the employee starts to work (article 13, paragraphs (1), (2), (3) and (7));

2) for failing to provide for adequate conditions for the safety and health of the employees in accordance with the occupational safety and health regulations (article 42);

3) for failing to protect and respect the personality, dignity and privacy of the employee and for failing to provide for the protection of the employee's personal data (article 43, paragraphs (1) and (2), and Article 44, paragraphs (1), (2), (3) and (4)), and

4) for preventing or making attempts to prevent the labour inspector in the performance of the inspection supervision (article 256, paragraph (1) and article 257, paragraph (1)).

(2) A fine in the amount of 30% of the fine imposed for the legal person for a violation under paragraph (1) of the present article, shall be imposed on the responsible person of the legal person.

(3) A fine in the amount of EUR 700 to EUR 1500, in its MKD equivalent value, for a violation under paragraph (1) of the present article, shall be imposed on the employer - natural person.

Article 264-a

(1) A fine in the amount of EUR 3000, in its MKD equivalent value, shall be imposed on the employer for failing to extend the employment contract in accordance with article 104, paragraphs (2) and (4).

(2) A fine in the amount of 30% of the fine imposed for the legal person for a violation under paragraph (1) of the present article shall be imposed on the responsible person of the legal person.

Article 265

(1) A fine in the amount of EUR 3000, in its MKD equivalent value, shall be imposed on the employer - legal person:

1) for failing to keep the employment contracts in the registered office of the employer and for failing to provide the employee with a copy of the employment contract (article 15, paragraphs (2) and (3));

2) for entering into an employment contract with a person who is under 15 years or age and with a person lacking general health capacity (article 18);

3) for entering into employment contracts or enabling the work of minors contrary to article 18 of the present law, or for entering into employment contract contrary to the present law (article 19, paragraphs (1), (2) and (3));

4) for entering into an employment contract with a foreign national who does not fulfil

the conditions laid down by the present law or other laws (article 20);

4-a) for announcing a vacancy contrary to the present law (articles 22, 23 and 24);
4-b) for acting contrary to article 25 of the persent law when entering into employment contract;
5) if the employer amends the employment contract contrary to the present law (article 28-a, paragraphs (2), (3) and (4));
6) for failing to inform the employee on the occupational safety and health measures and for failing to provide training on the implementation of such measures, in accordance with the occupational safety and health regulations (article 32);
7) for ordering an employee working with reduced working hours to work longer than the agreed working hours (articles 48 and 60);
8) for failing to protect the employees' rights in the case of assignment of a trade company or parts thereof (articles 68-a, 68-b, 68-c, 68-d, and 68-e);
9) for failing to provide for the information and consultation of employees within the meaning of articles 94-a and 95 of the present law;

9-a) for terminating the employment contract contrary to article 101 of this law;
10) for failing to pay the salary and the social security contributions (articles 105 to 114);
11) for ordering an employee to work longer working hours than those laid down by the law, and for failing to keep records, or for keeping improper records of the working hours and the overtime work, and for failing to notify the labour inspector on the introduction of overtime work (article 116, 117, 119 and 120);
12) for failing to comply with the regulations on the rescheduling and schedules of working hours (articles 124 and 125);
13) for organizing night work contrary to the provisions under articles 127 to 131 of the present law, i.e., for failing to notify the labour inspector about the introduction of night work;
14) for failing to provide the employees breaks during the working hours, rests between two consecutive working days, weekly rests and annual leave in accordance with the present law, and for failing to issue a decision on the annual leave (articles 132-156);
15) for failing to provide the exercise of rights to special protection in accordance with the present law to an employee who is a mother, father, or adoptive parent of a child with severe development difficulties (articles 160 to 171);
16) for failing to provide protection in accordance with the present law to employees under 18 years of age (articles 172 to 176);
17) for failing to provide protection in accordance with the present law to employees with disabilities and to older employees (articles 177 to 180);
18) for organizing the assignment of employees to work abroad contrary to the provisions of the present law (articles 248 and 249);
19) for organizing work for children, pupils and students contrary to the provisions of the present law (article 250);
20) for failing to pay contributions of the compulsory social insurance scheme (article 252, paragraph (2)), and
21) for failing to act upon the decision issued by a labour inspector for removal of any violations of the law or other regulations, or for failing to comply with the labour inspector's notice for prohibition of work (articles 256 to 263).

(2) A fine in the amount of 30% of the fine imposed for the legal person for a violation under paragraph (1) of the present article, shall be imposed on the responsible person of the legal person.

(3) A fine in the amount of EUR 300 to EUR 500, in its MKD equivalent value, for a violation under paragraph (1) of the present article, shall be imposed on the employer - natural person.

Article 265-a

(1) A fine in the amount of EUR 1000, in its MKD equivalent value, shall be imposed on the employer - legal person:

1) For failing to comply with the conditions for the performance of the work laid down by law, collective agreement, act of the employer, i.e., required from the employer (article 19);

2) for failing to deliver to the labour inspector a copy of the employment contract for the performance of the home work (article 50);

3) for attempting to exercise or for exercising control over the operation of the trade union (article 195);

4) for failing to issue a certificate with the list of employees who are members of the trade union and are paying the membership fee, or for issuing a certificate with incomplete data (article 213-c);

5) for placing an employee into a less favourable position in comparison with other employees because of his involvement in the organization of, or for participation in, a strike which was organized in compliance with the law (article 239);

6) for failing to terminate an employment contract in writing, in a form and with contents laid down by the law, and for failing to serve such notice (articles 70 and 71);

7) for failing to participate in a procedure for amicable resolution of labour disputes, when such a procedure is mandatory (articles 182 and 183) and

8) for entering into a contract contrary to the provisions of article 252 of the present law.

(2) A fine in the amount of 30% of the fine imposed for the legal person for a violation under paragraph (1) of the present article, shall be imposed on the responsible person of the legal person.

(3) A fine in the amount of EUR 100 to EUR 150, in its MKD equivalent value, for a violation under paragraph (1) of the present article, shall be imposed on the employer - natural person.

Article 266

(1) A fine in the amount of EUR 1200 in MKD equivalent shall be imposed for a misdemeanour to the trade union, i.e. trade union association and employers' associations, if:

1) the trade union and/or associations of trade unions and employers have not reported the change of the name of the trade union and its associations at higher level, registered office, field of activity, name of authorities and bodies, persons authorized for representation, termination of activity and/or authorizations of legal operations, within 30 days from the date the change occurred (Article 193);

2) the trade union and/or associations of trade unions and employers fail to publish the collective agreement in the prescribed manner (Article 232);

3) when obliged, the trade union and/or associations of trade unions and employers refuse to participate in the mediation and arbitration proceedings stipulated by the present law (articles 182 and 183);

4) the trade union and/or associations of trade unions do not announce a strike (Article 236, paragraph (2));

5) the trade union and/or associations of trade unions start a strike prior to conducting the conciliation proceedings stipulated by the present law, and/or prior to conducting other proceedings for amicable settlement of the dispute (Article 236, paragraph (3)); and

6) the trade union and/or associations of trade unions fail to state the reasons for strike, the place, date and time of its start in the letter announcing the strike (Article 236, paragraph (5)).

(2) A fine in the amount of EUR 25 to EUR 50 in denar equivalent shall be imposed for a misdemeanor to the official body if it fails to adopt the decision establishing the representativeness within a period of 15 days upon the date when the Committee issued its proposal (article 213-d, paragraph (2)).

(3) The competent authority imposing the misdemeanour sanctions under paragraphs (1) and (2) of this article shall be the competent court.

Competent body for misdemeanors

266-a

(1) In relation to the misdemeanors stipulated in articles 264, 264-a, 265 и 265-a of the present law, the misdemeanor procedure and the misdemeanour sanction shall fall within the competence of the State administration body in the field of labour relations (hereinafter: the misdemeanor authority).

(2) In relation to the misdemeanors stipulated in articles 264, paragraph (1), item 1), paragraph (2) and (3) of the present law, the misdemeanor procedure and the misdemeanour sanction shall fall within the competence of the State administration body in the field of economy, health and technical affairs.

(3) The misdemeanor procedure from paragraph (1) of the present article shall be conducted by a Committee on misdemeanours (hereinafter: misdemeanor committee).

(4) The misdemeanor committee shall decide upon misdemeanors according to this or other relevant law, and shall impose sanctions as determined by this or other relevant law.

(5) A complaint against the decision on a misdemeanor adopted by the misdemeanor body may be lodged to the State Committee deciding in the second instance in the field of inspection supervision and misdemeanor proceedings.

Establishment and operation of the misdemeanor committee

Article 266-b

(1) The misdemeanor committee shall be established by the minister with competencies in the field of labour. The minister may establish several committees which shall be competent for conducting misdemeanor procedures in different areas or for different regions of the Republic of Macedonia.

(2) The misdemeanour committee shall be composed of chairperson and two members from the ranks of the public servants employed in the public administration body with competencies in the field of labour. The chairperson of the committee shall be a graduated attorney at law who has passed the bar exam.

(3) The misdemeanor committee shall be elected for a term of office of three years, with a right to re-election of its members.

(4) The chairperson and member of the misdemeanor committee may be dismissed in the following cases:

1) after expiry of the term of office for which the person has been appointed;

2) upon the member's own request;

3) upon fulfilling the conditions for retirement in accordance with the relevant law;

4) if it has been established that he is permanently incapable for work;

5) if it has been established by an effective judgment that the regulations for conducting a misdemeanour procedure have been violated;

6) if the person failed to fulfil the obligations arising from the term of office in the misdemeanour committee; and

7) if the member fails to report a conflict of interest in a case being resolved by the misdemeanor committee.

(5) The misdemeanour committee shall be entitled to present evidence and collect data necessary for establishing the misdemeanour, as well as perform other operations and undertake activities, as determined by the present law, the law on misdemeanours or other relevant law.

(6) The members of the misdemeanour committee shall be independent in their operation, and shall adopt decisions according to their professional and independent conviction.

(7) The misdemeanour committee shall work on its sessions, and shall adopt decisions with majority of the votes from the total number of members.

(8) The minister with competencies in the field of labour shall adopt the rules of procedure and a pricelist for the operation of the misdemeanor committee.

(9) The misdemeanour committee shall maintain records for the misdemeanours, issued sanctions and adopted decisions, in a manner prescribed by the Minister with competencies in the field of labour.

Settlement

Article 266-c

(1) The inspector referred to in article 261 of the present law, for the misdemeanors under articles 264, 264-a, 265 and 265 и 265-a of the present law, and the inspector referred to in article 261-a of the present law, for the misdemeanor under article 264, paragraph (1), item 1), paragraph (2) and paragraph (3) of the present law, prior to filing a motion to initiate misdemeanor proceedings, shall be obliged to issue a misdemeanor sanction payment order under the Law on misdemeanors to the responsible person of the employer or a person authorized by him.

(2) When the perpetrator of the misdemeanor agrees with the settlemetn procedure, the inspector referred to in articles 261 and 261-a of the present law shall draft minutes and shall issue a misdemeanor sanction payment order to the responsible person of the employer or a person authorized by him.

(3) The minutes and the payment order shall be signed by the inspector referred to in articles 261 and 261-a of the present law and the perpetrator of the misdemeanor. The signature on receipt of the payment order shall be considered that the party committing the misdemeanour agrees to pay the established fine, within a period of eight days from the day of receipt of the payment order, on the account of the body stated in the payment order.

(4) When the perpetrator of the misdemeanor is a legal person, the minutes and the payment order shall be signed by the responsible person or a person authorized by him.

(5) The person which committed the misdemeanour and who shall pay the established fine within the period determined in paragraph (3) of the present article shall pay only half of the established amount.

(6) If the person who committed the misdemeanor fails to pay the established amount of the fine within the period determine in article (3) of the present article, the inspector referred to in articles 261 and 261-a of the present law shall file a request for initiation of a misdemeanour procedure in front of the competent body for misdemeanours.

The titles of article 266-d and article 266-d have been deleted

XXVII TRANSITIONAL AND FINAL PROVISIONS

Application of the provisions of the present law to the pending procedures for protection of rights

Article 267

(article 267, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

The proceedings for exercise and protection of rights initiated prior to the date of entry into force of the present law shall be completed in accordance with the provisions of the law which was in force at the time of initiating the proceedings, unless the provisions of the present law are more favourable for the employee.

Adoption of bylaws

Article 268

(article 268, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

(1) The minister with competencies in the field of labour shall enact the bylaws for the enforcement of the present law within a period of six months upon the day of entry into force of the present law.

(2) The existing regulations shall remain applicable until the day of entry into force of the bylaws referred to in paragraph (1) of the present law.

Alignment of regulations

Article 269

(article 269, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

(1) The existing collective agreements and acts of the employer shall be aligned with the present law no later than six months upon the day of entry into force of the present law.

(2) The collective agreements that will not be aligned within the period set forth in paragraph (1) of the present article shall cease to take effect.

(3) The provisions of the present law shall be directly applicable until the entering into the collective agreements and the enactment of the employers' acts in accordance with the present law.

(4) The existing employment contracts entered into before the entry into force of the present law shall be deemed to be employment contracts.

Deadline for electronic registration of the working hours

Article 270

(article 270, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

The employers' obligation for electronic registration of the full-time working hours and overtime work under article 116, paragraph (7) of the present law shall enter into force as of 1 January 2006.

Repealed laws

Article 271

(article 271, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

As of the date of entry into force of the present law, the Labour Relations Law ("Official Gazette of the Republic of Macedonia” no. 80/93, 14/95, 53/97, 21/98, 25/2000, 3/2001, 50/2001, 25/2003 and 40/2003) and the corrections to the Law published in the "Official Gazette of the Republic of Macedonia” no. 3/94, 59/97 and 34/2000 and the Law on strikes ("Official Gazette of SFRY" no. 23/91) shall be repealed.

Article 272

(article 272, as published in the “Official Gazette of the Republic of Macedonia” no. 62/05)

The existing youth cooperatives shall be transformed and their operation shall be brought in compliance with the law by 31 December 2005.

Article 273

(article 30, as published in the “Official Gazette of the Republic of Macedonia” no. 106/08)

The employer shall be obliged, within a period of two months upon the entry into force of the present law, to return the employment booklet to the employee.

Article 274

(article 31, as published in the “Official Gazette of the Republic of Macedonia” no. 106/08)

The deadline under article 46 shall be taken into account for contracts entered into after the entry into force of the present law.

Article 275

(article 45, as published in the “Official Gazette of the Republic of Macedonia” no. 130/09)

The trade unions and employers' associations at a higher level, registered before the date of entry into force of the present law, shall be obliged to re-register with the ministry with competencies in the field of labour, in accordance with the present law, within a period of three months from the date of entry into force of the present law.

Article 276

(article 46, as published in the “Official Gazette of the Republic of Macedonia” no. 130/09)

(1) The Committee shall be established within 15 days upon the date of entry into force of the present law.

(2) The trade unions and the employers' associations shall submit requests for establishment of the representativeness within a period of 30 days upon the date of establishment of the Committee.

Article 277

(article 47, as published in the “Official Gazette of the Republic of Macedonia” no. 130/09)

(1) The general collective agreements shall be aligned with the present law no later than six months upon the day of entry into force of the present law.

(2) The collective agreements at branch, i.e., sector level, in accordance with the National Classification of Activities and the collective agreements at employer level shall be aligned with the present law within a period of six months upon the signing of the general collective agreements.

Article 278

(article 48, as published in the “Official Gazette of the Republic of Macedonia” no. 130/09)

The provisions of the collective agreements that shall not be aligned within the period referred to in article 47 of the present law shall cease to take effect.

Article 279

(article 49, as published in the “Official Gazette of the Republic of Macedonia” no. 130/09)

In the whole text of the Law on labour relations, the words “i.e. sector, in accordance with the National classification of activities” shall be added after the word “branch”, i.e. “branches” in singular and plural.

Article 280

(article 44, as published in the “Official Gazette of the Republic of Macedonia” no. 124/10)

The bylaws stipulated in the present law shall be enacted within a period of 15 days upon the day of the entry into force of the present law.

Article 281

(article 12, as published in the “Official Gazette of the Republic of Macedonia” no. 113/14)

The bylaws stipulated in the present law shall be enacted within a period of six months upon the day of the entry into force of the present law.

Article 282

(article 14, as published in the “Official Gazette of the Republic of Macedonia” no. 113/14)

The present law shall enter into force on the eighth day upon its publication in the “Official Gazette of the Republic of Macedonia”, and the provisions under articles 7 and 8 of the present law shall apply as of 1 January 2015.

Article 283

(article 13, as published in the “Official Gazette of the Republic of Macedonia” no. 33/15)

The present law shall enter into force on the eighth day upon its publication in the “Official Gazette of the Republic of Macedonia”, and the provisions under articles5 of the present law shall apply as of 15 March 2015.

Article 284

(article 10, as published in the “Official Gazette of the Republic of Macedonia” no. 129/15)

The assessment of the fine for the legal person shall be made in accordance with the Law on misdemeanors.

Article 285

(article 11, as published in the “Official Gazette of the Republic of Macedonia” no. 129/15)

The bylaw stipulated in the present law shall be enacted within a period of 30 days upon the day of the entry into force of the present law.

Article 286

(article 8, as published in the “Official Gazette of the Republic of Macedonia” no. 27/16)

The bylaws stipulated in the present law shall be enacted within a period of 30 days upon the day of the entry into force of the present law.

Article 287

(article 9, as published in the “Official Gazette of the Republic of Macedonia” no. 27/16)

The procedures pending as of the day of the start of application of the present law shall be completed in accordance with the law that was applicable when such procedures had been initiated.

Article 288

(article 10, as published in the “Official Gazette of the Republic of Macedonia” no. 27/16)

The present law shall enter into force on the eighth day upon its publication in the “Official Gazette of the Republic of Macedonia" and shall start to apply upon the start of application of the Law on general administrative procedure in accordance with article 141 of the Law on general administrative procedure ("Official Gazette of the Republic of Macedonia" no. 124/15).