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LABOR RELATIONS LAW

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I. GENERAL PROVISIONS

Scope of the Law

Article 1

(1) This Law shall regulate labour relations which are entered into on the basis of an employment contract concluded between the employees and the employers.

(2) The labour relation shall be stipulated by this and another Law, Collective Agreement and Employment Contract.

Aim of the Law

Article 2

The aim of this Law shall be to involve employees in the working process and to ensure a harmonized running of the working process, during which the right of employees to have freedom of labour, dignity and protection of interests are to be honoured.

Regulation of Labour Relations

Article 3

(1) Unless stipulated otherwise by a special Law, this Law shall also regulate labour relations of employees employed with state bodies, bodies of the units of local self-government, institutions, public enterprises, bureaus, funds, organizations, and other legal entities and natural persons carrying out a public service.

(2) Labour relation may be terminated solely in a manner and under conditions stipulated by Law and Collective Agreement.

(3) Each of the parties shall be obliged to fulfil the rights, obligations and responsibilities that are agreed upon and stipulated in the labour relation.

Application of the Law

Article 4

(1) This Law shall be applied to labour relations between employers established or residing in the Republic of North Macedonia and the employees employed by them, when they continually perform work on the territory of the Republic of North Macedonia, as well as in cases when the employer temporarily appoints the employee to perform work abroad.

(2) This Law shall also be applied to labour relations between employers from the territory of the European Union and employer from the territory of a state that is not a member of the European Union and the employees employed in them concluded on the basis of an employment contract for performing work on the territory of the Republic of North Macedonia.

(3) The provisions of this Law and other laws that regulate the work hours, daily rest and annual vacations, night shifts, minimum annual vacation days, minimum salary, protection and safety at work and special protection of the employees shall be applied to employees who are referred to a temporary work assignment in the Republic of North Macedonia based on an employment contract in line with foreign law by an employer from the territory of a member state of the European Union or from a state that is not a member of the European Union.

(4) This Law shall apply to the work relations of the employees sent by their employer to perform services for another employer from the territory a member state of the European Union on the territory of the Republic of North Macedonia and an employer from the territory of a state that is not a member state of the European Union.

(5) This Law shall not apply to the navy personnel and the trade- navy enterprises, plane crew members and foreign citizens employed in the companies for passenger and rail road traffic that have registered headquarters abroad.

Definitions

Article 5

(1) Certain terms applied in this Law have the following meaning:

1. "Labour relation" shall be a contractual relation between the employee and the employer whereby the employee is voluntarily included in the employer's organized work process, in which he for remuneration continuously carries out work in person according to the instructions and under supervision of the employer.

2. "Employee" shall be any natural person who has entered into a labour relation on the basis of a concluded employment contract.

3. "Definite time period employee" shall be a person employed with an employment contract concluded between the employer and the employee, whereby the expiry of the employment contract shall be determined from objective reasons such as the upcoming of a certain date, completion of a certain assignment or the occurrence of a certain event.

4. "Indefinite time period employee" shall be a person who has signed an employment contract on an indefinite time duration.

5. *"Sent operator" shall be an employee who for a limited time duration works on the territory of a members state, other than the state in which he/ she is regularly employed.* (Terminated by a Decision from the Constitutional Court of the Republic of Macedonia published in "Official gazette of the Republic of Macedonia no. 132/10);

6. "Employer" shall be a legal entity and natural person or another entity (state body, body of a local self-government unit, subsidiary of a foreign company, a diplomatic and consular representative offices) employing employees on the basis of an employment contract;

7. "Smaller employer" shall be an employer employing 50 or less employees.

8. "Work time" shall be the time during which the employee works and performs their tasks and works assignments in accordance with law, a collective agreement and the employment contract.

9. "Rest time" shall be each period outside the work time;

10. “work in shifts” shall be each method of organization of the work in shifts during which the employees substitute each other subsequently on the same work post in compliance with a defined plan that may be continues or interrupted, including the need of the employees to work different hours in a certain period of days or weeks;

11. “Publishing a public announcement” shall be each announcement of the need of an employee, filling a vacancy, regardless of whether the announcement is published in the daily press or other public information media, printed or electronic with charge or free of charge in the employment mediation service on the web page of the Agency;

12. “Shift operator” shall be each employee whose work schedule is a part from the work in shifts;

13. “Enterprise” shall be a public enterprise, trade company or an owner- operator performing an activity, regardless whether for profit or not, that is situated on the territory of the member states;

14. “Institution” shall be a business unit defined in compliance with law that is situated on the territory of a member stated where the economic activity is being currently implemented with human and material resources.

15. “Collective agreements or decisions of arbitration that have been declared as generally valid” shall imply collective agreements or decision of arbitration which must be respected by all enterprises in a certain geographic area and a certain professional calling or branch of economy and

16. “Representatives of the employees” shall be representatives of the employees envisaged by law and the laws of the member states of the European Union.

(2) The terms employee and employer used in the text of this Law written in a masculine gender have neutral meaning and encompass feminine gender too, i.e. refer to both male and female.

Ban on Discrimination

Article 6

(1) The employer must not treat unequally the job seeker (hereinafter referred as the applicant) in gaining employment or the employee on the basis of race, colour of skin, gender, age, health or disability, religious, political or other conviction, membership in trade unions, national or social origin, family status, property and financial situation, sexual orientation or other personal circumstances.

(2) Women and men must have equal opportunities and equal treatment regarding the following:

1) approach to employment, including promotions and professional training in the work;

2) work conditions;

3) equal salary for equal work;

4) professional schematics for social security;

5) work leave

6) work time and

7) cancelation of the employment contract

(3) The equal treatment principle shall imply a prohibition for direct and/ or indirect discrimination, within the scope of paragraphs (1) and (2) of this Article.

Direct and Indirect Discrimination

Article 7

(1) The ban on direct or indirect discrimination in cases referred to in Article 6 of this Law shall refer to discrimination of the applicant and the employee.

(2) Direct discrimination, in terms of paragraph (1) of this Article, shall be any action that is subject to grounds referred to in Article 6 of this Law by which the person was, is or could be treated less favourably in comparison with other persons in similar cases.

(3) Indirect discrimination, in terms of this Law, shall be when an apparently neutral provision, criterion or practice, puts or would put the applicant or employee in more unfavourable position in respect to the other persons due to a certain distinction, status, orientation or conviction referred to in Article 6 of this Law.

(4) Discrimination, in terms of Article 6 of this Law, shall be banned in respect to the following:

1. Employment requirements, including the criteria and requirements for selection of the candidates for performance of a certain work, in any type of business in accordance with the National Classification of activities at all levels of professional hierarchy,

2. Promotion at work,

3. Access to all types and levels of professional training, retraining and further improvement of skills,

4. Operational and work conditions and all labour relation rights and rights pertaining to labour relation, including equality of salaries,

5. Termination of the employment contract, and

6. Rights of the members and the activities in the associations of employees and employers or in any other professional organization, including the privileges resulting from that membership.

(5) The provisions of the collective agreements and the employment contracts that determine discrimination of some of the grounds referred to in Article 6 of this Law shall be null and void.

Exceptions from the Ban on Discrimination

Article 8

(1) Making distinction, exclusion or giving priority in respect to certain work shall not be considered to be a discrimination when the disposition of the work is such, or the work is performed in such conditions that the characteristics related to some of the cases referred to in Article 6 of this Law represent real and determining condition for carrying out the work, under condition that the goal that is aimed to be accomplished is justified and the condition is balanced.

(2) All measures anticipated by this Law or another law and the provisions of this Law or other laws, collective agreements and the employment contracts that are related to special protection and aid to specific category of employees, especially to those for protection of disabled persons, elderly employees, pregnant women and women that use some of the rights for protection of motherhood, as well as the provisions related to the special rights of parents, adoptive parents and the dependents are neither considered discrimination nor they may be considered basis for discrimination.

(3) Regarding the employment conditions, and the rights and obligations emerging from the labour relation, the definite time duration employees shall not be treated in a less favourable manner from the indefinite time duration employees only because they have an employment agreement on an indefinite time duration, unless the different treatment is justified from objective reasons.

(4) The period of acquiry of qualifications regarding certain conditions shall be the same upon employment of the employees for indefinite time duration, as for the employees on definite time duration, unless the period for acquiry of qualifications is longer than the definite time duration employment contract.

Harassment and Sexual Harassment

Article 9

(1) Harassment and sexual harassment shall be prohibited.

(2) In terms of Article 6 of this Law, harassment and sexual harassment shall represent discrimination.

(3) Harassment, pursuant to this Law, shall be considered any undesired behaviour caused by some of the cases referred to in Article 6 of this Law that aims at or signifies harm to the dignity of the applicant or the employee, and which causes fear or creates hostile, humiliating or offensive conduct.

(4) Sexual harassment, pursuant to this Law, shall be considered any verbal, non-verbal or physical behaviour that has a sexual character and that aims at or represents harm to the dignity of the applicant or employee, and which causes fear or creates hostile, humiliating or offensive conduct.

Psychological harassment (mobbing)

Article 9-a

(1) All types of psychological harassment (mobbing) at the work post shall be prohibited.

(2) The psychological harassment at the work post (mobbing) shall be discrimination within the scope of Article 6 of the present Law.

(3) Psychological harassment at the work post (mobbing) within the sense of the present Law shall be each negative behaviour of an individual or a group that is frequently repeated (in a period of at least six months) and represents a violation of the dignity, integrity, image and honour of the employees and provokes fear or creates unfriendly, humiliating or offensive behaviour the end goal of which may be termination of the labor relation or resignation from the work post.

(4) The performer of the psychological harassment on the work post (mobbing) may be one person or more with negative behaviour within the sense of paragraph (3) of this Article, regardless of their capacity (employer as a natural entity, responsible person or an employee).

Protection against discrimination of female employee on grounds of pregnancy, childbirth and motherhood

Article 9-b

(1) All types of discrimination of a female employee due to pregnancy, childbirth and motherhood shall be prohibited, regardless of the time duration and the type of the established in compliance with law.

(2) The prohibition of discrimination from paragraph (1) of this Article shall refer to the approach to employment, the work conditions and all rights within the labor relation as well as the cancelation of the employment contract to female employees who are pregnant or use rights that emerge from childbirth or motherhood.

Indemnification for Discrimination

Article 10

In cases of discrimination referred to in Article 6 of this Law, the applicant or the employee shall have the right to claim indemnification in accordance with the Law on Obligation Relations.

Responsibility to Provide Proofs in Case of Dispute

Article 11

(1) If the applicant, and/or the employee, in case of dispute presents facts that that the employer acted contrary to Articles 6 and 9 of this Law, the employer shall undertake the responsibility to provide proofs that there was not any type of discrimination, i.e. that the employer proceeded in compliance with Articles 6 and 9 of this Law, except if he proves that the different treatment was made due to exceptions referred to in Article 8 of this Law.

(2) In case of dispute, when it has been acted contrary to Article 9-a from this Law, the assignment of proving shall fall on an individual or a group against who the dispute for psychological harassment at the work post (mobbing) is being initiated, unless they provide evidence that the different treatment incurred due to the exceptions referred to in Article 8 of this Law.

(3) Due to the initiation of a legal protection procedure, because of psychological harassment at the work post (mobbing), as well as the testimonies during the procedure, the employee cannot in a direct or indirect manner be exposed to worsen work conditions, i.e. cannot be put in an unfavourable position, especially by decreasing their salary, transfer to another work post or prevention from professional advancement or specialisation.

(4) In case of dispute, when acted contrary to Article 9- b from this Law, the assignment to provide evidence shall fall on the employer.

Limiting the Autonomy of the Contracting Parties

Article 12

(1) In entering into and terminating an employment contract as well as during the labour relation, the employer and the employee must comply with the provisions of this Law and other laws, international agreements that oblige the Republic of North Macedonia and other regulations, collective agreements and acts of the employer.

(2) The employment contract, and/or collective agreement, may not define fewer rights than the rights stipulated by law, and if they contain such provisions they shall be considered null and void and relevant provisions of the law shall be applied.

(3) The employment contract, and/or collective agreement may lay down rights which are more favourable for the employees than those laid down in this Law.

(4) Labour relation rights defined by the Constitution, law and collective agreement may not be deprived or constrained by s and actions of the employer.

II. EMPLOYMENT CONTRACT

Employment Contract

Article 13

(1) Labour relation between the employee and employer is entered into by signing an employment contract.

(2) The rights, obligations and responsibilities based on the performance of work arising from the labour relation and the inclusion in the obligatory social insurance based on the labour relation shall begin to be exercised on the day of commencement of work agreed in the employment contract.

(3) The employer shall be obliged to submit a registration/ cancelation (electronic template M1/ M2 printed by the system within the employment Agency of the Republic of North Macedonia) for the employer to the mandatory social security (pension and disability, health insurance and insurance in case of unemployment), in accordance with the special prescriptions in the Employment Agency of the Republic of North Macedonia, by submitting a PPR template, authorization of the authorized person with a list of persons that are being registered/cancelled stating the name, surname, unique personal number, as well as the number of employment contract and the date of conclusion of the employment contract one day prior to the employees first work day and for urgent matters at least one hour before the employee starts working. A certified copy of the registration or certificate from a computer record from the information system of the Agency shall be handed to the employee within three days from the entry to work.

(4) The Employment agency of the Republic of North Macedonia, the Pension and disability fund of the Republic of North Macedonia and the Health Insurance Fund of the Republic of North Macedonia shall be obliged to keep and permanently store the records of the registrations and cancelations in the social security and at the request of the person to issue data on the state and changes regarding the social security of the employee.

(5) The Employment agency of the Republic of North Macedonia, the Pension and disability fund of the Republic of North Macedonia and the Health Insurance Fund of the Republic of North Macedonia shall exchange data regarding the social security.

(6) If the date of commencement of work is not determined, the next day from the date of signing the employment contract shall be considered the date of commencement of work and the employee shall be registered in the employment Agency of the Republic of North Macedonia on the day of conclusion of the employment contract.

(7) The employee may not commence to work prior to the conclusion of the employment contract and prior to the moment when the employer registers him to the obligatory social insurance.

(8) The rights, obligations and responsibilities based on carrying out work arising from the labour relation and registration in the obligatory social insurance on the basis of the labor relation shall start being exercised on the date of commencement of work, even in case the employee does not begin to work on that date due to justified reasons.

(9) According to this Law, justified reasons due to which the employee does not begin to work on the date determined by the employment contract are cases when the employee is excusably absent from work pursuant to law, collective agreement and the employment contract.

(10) If the employee is absent from work for no justified reason on the first day, the day defined as the day of commencement to work, in accordance with paragraph (4) of this Article, the labour relation shall be considered not established.

(11) If the employer after the termination of the labour relation, does not cancel the obligatory social security of the employee within eight days, the cancelation may be performed upon request of the employee based on a previously submitted minutes from the Labour Inspector to the Employment Agency of the Republic of North Macedonia.

Employment Contract for Indefinite and Definite Period of Time

Article 14

(1) Employment contract shall be concluded for a period of time which duration has not been defined in advance (employment for indefinite period of time).

(2) Employment contract may also be concluded for a period of time which duration has been defined in advance (definite time period employment).

(3) The employment contract not determining the time for which it has been concluded, shall be considered as an indefinite time period employment contract.

Form of Employment Contract

Article 15

(1) The employment contract shall be concluded in a written form.

(2) The employment contract shall be kept in the business premises of the employer that employs the employee.

(3) Copy of the concluded employment contract shall be handed to the employee on the date of signing the employment contract.

Parties of the Employment Contract

Article 16

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

Employer – Legal Entity or another 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 the representative laid down by law or founding act or statute, or by the person authorized in writing by the employer.

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

(3) When concluding the employment contract with persons with special authorizations and responsibilities, the employer shall be represented by a body laid down by law, founding act or statute.

(4) When concluding the employment contract with a managerial person during the period of founding of the employer, the latter shall be represented by the founder.

Eligibility to Conclude Employment Contract

Article 18

(1) An employment contract may be concluded by person who has reached the age of 18 and is in a good state of health.

(2) It is prohibited for a child under the age of 15 or a chid that has not yet finished the mandatory education to work, unless for a participation in activates for which the law stipulates that the child may perform, but no longer than two hours a day, but not over 12 hours a week, and during the summer break, not longer than six hours a day, i.e. not over 30 hours a week, whereby two subsequent vacation weeks are to be mandatorily provided.

(3) The employer shall be obliged to provide protection for the young persons from economic exploitation and any type of work that may have adverse consequences for their safety, health, physical, mental, moral or social development or it may endanger their education.

(4) A child under the age of 15 may, with payment of compensation, in exceptional situations participate in activities that by their scope and character do not influence harmfully to the health, safety, development and education such as: participation in cultural and artistic activities, sports events and advertisement activities.

(5) The approval for performance of the activities stipulated in paragraph (3) of this Article shall be issued by the state administration body competent for labour inspection based on request of the organized of the activities referred to in paragraph (4) of the present Article, upon previous

consent from the legal representative of the child and performed examination by the labour inspection of the location where the activities are to be performed.

(6) A young person shall be considered any person that may conclude an employment contract, who is at least 15 years old but under 18 and is not covered in the mandatory education, for the performance of tasks that are not harmful for their health and safety.

(7) The maximum number of work hours for the young person at the age under 16 shall be 30 hours a week applying also in case when the young person is employed with more employees simultaneously.

(8) The maximum number of work hours for a young person over the age of 16 shall be 37 hours and 45 minutes per week applying also in case when the young person is employed with more employees simultaneously.

(9) The work time of the young person must not exceed eight hours within a time period of 24 hours.

(10) The time the young person spends in professional training within the theory and practical classes shall be considered as work time.

(11) The work the young person performs at an employer for which they are remunerated, shall be considered participation in training.

(12) The employer must not use the award method in order to increase the scope of work, endangering the safety and health of the young person.

Conditions for Concluding the Employment Contract

Article 19

(1) An employee who concludes the employment contract must meet the prescribed conditions for carrying out work defined by law, employer’s act and/or conditions required by the employer.

(2) The employer must lay down, by an act, the specific conditions for carrying out job of each position. Smaller employers shall not be subject to this obligation.

(3) A disabled person trained to carry out certain work shall be regarded as a person who is in a good state of health to conclude an employment contract for such work.

Foreigners and Persons without Citizenship

Article 20

(1) A foreigner or a person without citizenship may conclude an employment contract if he fulfils the conditions laid down by this Law and the conditions determined by special Law regulating employment of foreigners.

(2) An employment contract concluded contrary to paragraph (1) of this Article shall be considered null and void.

Freedom of Contract

Article 21

Taking account of the legal bans, the employer shall have the right to freely decide on which applicant, who fulfils prescribed, agreed and/or conditions required by the employer for carrying out work (hereinafter referred as conditions for carrying out work), to conclude employment contract with.

III. RIGHTS AND OBLIGATIONS OF THE PARTIES WHEN CONCLUDING EMPLOYMENT CONTRACT

Manner of Recruiting Employees

Article 22

(1) The employer shall recruit employees in one of the following manners:

1. By publishing a public advertisement of vacancies in the daily newspapers for which the employer bears the expenses;

2. By publishing in the relevant employment mediation agency, free of charge, in accordance with law;

3. By mediation of the relevant employment mediation agency by directing persons for employment from the registered lest of unemployed persons;

4. Via employment mediation agency by charging the employer, in compliance with law, by previous entry of the public announcement in the electronic system of the Employment Agency of the Republic of North Macedonia.

(2) The realization of the need of employees by public announcement in accordance with paragraph (1), item 1) of this Article shall be performed by previous entry of the public announcement in the electronic system of the employment agency of the Republic of North Macedonia prior to the publishment of the public announcement.

(3) During the process of employment in a public institution, public enterprise and other legal entity that performs public services, governmental authority and body of the local self-government unit, the principle of proper and just involvement of members of all ethnic communities in the Republic of North Macedonia, and/or in the local self-government units, without breaking the criteria for professionalism and competence shall be applied.

(4) The need of employee in a public institution, public enterprise and other legal entity that performs public services, governmental authority and body of the local self-government unit, shall be expressed by publishing public announcement in at least two daily newspapers from which at least one is to be in Macedonian language and the other in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian.

(5) On exceptional basis, the employer referred to in paragraph (3) of this Article, for urgent and pressing duties may also enter into labour relation without public advertisement, but for a period not longer than 30 days, by mediation of the relevant employment mediation agency.

(6) Notwithstanding paragraph (1) item 1 of the Present Article, for performance of seasonal work, an employment contract may be concluded without public announcement, but for a maximum of 90 days, by mediation of the service competent for employment mediation.

Public Advertisement of Vacancies

Article 23

(1) When the employer recruits employees via public advertisement, the public advertisement of vacancy must contain the following:

- Title of the work post;

- The conditions required to perform the professional tasks;
- The beginning and end of the daily and weekly work time;
- The work schedule;
- The amount of the basic net salary or cash amount ranging from the lowest to the highest amount of the net salary for the work post an employee is needed;
- The time limit for application that must not be under three work days;
- The time limit within which the selection shall be made and
- Accurate data on the employer (name, headquarters, telephone number, contact person and address at which the applications are to be submitted)

(2) If up to 200 applicants for one work post responded to the public announcement referred to in paragraph (1) of this Article, the selection shall be made within 45 days, in the number of responders is from 201 to 500 for one work post, the selection shall be made in 90 days and if the number of responders for one work post is over 500 the selection shall be made within 120 days from the day of expiry of the application time limit.

(3) Within the duration of the public announcement, the employer cannot publish a new announcement for the same work post.

(4) The public announcement shall end with selection, or its lack, or with the expiry of the time limit referred to in paragraphs (1) and (2) of this Article.

(5) If for a certain work post an employee is needed having certain authorizations, the public announcement should state that the work post requires special authorizations.

(6) The announcement in the premises of the service authorized for employment mediation shall be considered a public announcement.

(7) If the employer announces the vacancy in the mass media, the time limit for application shall start from the day of the last announcement.

Gender Equality when Advertising Vacancies

Article 24

(1) The employer must not advertise a vacancy only for men or only for women, unless the particular gender is the essential condition for carrying out work.

(2) An advertisement of vacancy must not suggest that in recruiting the particular gender is given priority by the employer, except in cases referred to in paragraph (1) of this Article.

Employer's Rights and Obligations

Article 25

(1) The employer may only demand the applicant to submit documents proving the fulfilment of required conditions for carrying out work.

(2) When concluding the employment contract, the employer must not demand the applicant to provide information on the family, i.e. marital status and family planning, i.e. submission of other documents and evidence that are not directly connected with the labour relation.

(3) The prohibition for submission of other documents and evidence mentioned in paragraph (2) of the present Article shall include also a pregnancy test or confirmation for such test when concluding the employment contract with a female employer, regardless pf the work post for which the labour relation is being established.

(4) If the work creates a great risk on the health of the mother and her child, and such risks have been envisaged in accordance with the prescriptions in the field of work health and safety referring to pregnant female employees, employees that recently gave birth or are breastfeeding, the employer referred to in paragraph (2) of the present Article shall be obliged to notify the female employee on the dangers emerging from the work upon the conclusion of the employment contract.

(5) The employer must not condition the conclusion of the employment contract with data from paragraph (2) of the present Article or with signing an agreement regarding the termination of the labour relation.

(6) When concluding the employment contract, the employer may examine the knowledge i.e. the capability of the applicant for the performance of the work for which the employment contract is being concluded.

(7) When concluding the employment contract the applicant shall not be obliged to submit evidence for their health condition, unless the employer on own account sends the applicant to a medical examination.

(8) The check of knowledge, and/or abilities of the applicant or examination of his health condition must not be related to circumstances which are not of direct relevance for work at the position for which the employment contract is to be concluded.

(9) Before concluding an employment contract, the employer must inform the applicant on the work, the working conditions, as well as the employees' rights related to carrying out work at the position for which the employment contract is to be concluded.

(10) The employer shall be obliged to inform the definite time period employees on the vacancies through announcement on a visible location within the employer, to ensure them that they have the same indefinite time duration employment opportunity as do the rest of the employees.

(11) The employer shall as much as possible facilitate the approach of the definite time duration employees to proper training opportunities to improve their capabilities, the carrier development and the professional mobility.

Rights and Obligations of the Applicant

Article 26

(1) When concluding the employment contract, the applicant shall be obliged to submit to the employer the documents proving the fulfilment of conditions for carrying out work and inform the employer of all the facts known to the applicant, relevant for the employment, as well as of the diseases or any other circumstances that may prevent or substantially limit him in fulfilling the obligations arising from the contract, or which may jeopardise the life or health of the persons he is in contact with in executing the obligations.

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

Rights of the Unselected Applicants

Article 27

(1) Within five work days after concluding the employment contract, the employer must notify in writing the applicant who was not been selected of the fact that they were not selected and which applicant was selected and return to them all the submitted document as evidence for fulfilment of the required conditions for the performance of the work.

(2) Within three days, the employer shall be obliged to return to the applicant who was not selected all the documents that he submitted as proof of fulfilment of required conditions for carrying out work.

Contents of the Employment Contract

Article 28

(1) The employment contract shall contain:

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

- date of commencement of work;

- title of the position or data on the type of work for which the employee concludes the employment contract including a brief description of the work he is to carry out pursuant to the employment contract;

- provisions on the responsibility of the employer to inform the employee on the risky work posts and special professional qualifications or knowledge or necessary special medical supervision, in compliance with law, by stating the special risks that, according to the legal prescriptions may be a work consequence.

- place where the work is to be carried out. If the exact place is not stated, it shall be presumed that the employee carries out the work at the employer's registered office;

- duration of the employment, when a definite time employment contact is concluded;

- stipulation stating whether the employment is part or full-time;

- stipulation on regular daily or weekly work hours and the organization of work hours;

- stipulation on the amount of the basic salary the employee shall receive as remuneration for carrying out work in accordance with law, collective agreement and employment contract;

- stipulation on other compensations the employee is entitled to for carrying out work according to law and collective agreement;

- stipulation on annual leave, i.e. the manner of determining the annual leave; and

- list of the employer's general acts which stipulate the employee's conditions of work.

(2) The employment contract may also contain other rights and obligations laid down in this Law and in other law and collective agreement.

(3) Regarding certain issues in the employment contract, the parties may refer to laws, collective agreements and employer's acts.

Article 28- a

(1) Modifications of the employment contract may be suggested by the employer or employee.

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

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

(4) The modifications of the employment contract may be made if both parties agree on that.

Invalid Provisions of the Employment Contract

Article 29

(1) The stipulation of the employment contract that is contrary to the general provisions on rights, obligations and responsibilities of the contracting parties laid down by law, collective agreement, and/or employer's act shall become null and void at the moment of conclusion of the employment contract.

(2) The provisions of law, collective agreements, and/or employer's general acts which partially lay down the contents of the employment contract, shall be integral part of and amendments to this employment contract or shall be directly implemented.

IV. OBLIGATIONS OF THE EMPLOYEE

Employee's Obligations in Respect to Carrying out Work

Article 30

(1) The employee must carry out work with due diligence at the position for which he has concluded the employment contract, during the working hours and at the location set down for carrying out work respecting the organization of work and business activity of the employer.

(2) In cases laid down by law and collective agreement, the employee shall be obliged to perform other work as well that is not stipulated in the employment agreement if it is within the framework of his professional training.

Observing the Employer's Instructions

Article 31

The employee shall be obliged to follow the requirements and instructions of the employer in relation to fulfilment of working duties arising from the labour relation.

Respecting the Regulations on Safety and Health at Work

Article 32

(1) The employee shall be obliged to respect and implement the regulations on safety and health at work in order to protect their own life and health, as well as the life and health of others. It is the right and responsibility of each employee to take care of their own safety and the safety of the other persons employed in the same organization, in accordance with the trainings and instructions given by the employer, to be familiarized with the work health and safety measures and to be trained on their application, in compliance with the work health and safety prescriptions.

(2) The employee shall be entitled to reject to work if there is a direct threat upon their life and health due to non-implementation of the prescribed measures for protection at work and ask for their removal.

Obligation of Informing

Article 33

(1) The employee shall be obliged to inform the employer of relevant circumstances which affect or might affect the fulfilment of his contractual obligations.

(2) The employee shall be obliged to inform the employer through the immediate superior employee or another authorized person within the employer (hereinafter: employers' representatives) in writing or orally on the occurrence of material damage and omission, safety and health danger or another incident that may endanger their safety and health and the safety and health of the other employees, in line with the prescriptions for work health and safety.

Ban on Harmful Actions

Article 34

The employee shall be obliged to refrain from all actions which, in view of the nature of work he carries out at the employer, cause damage or might harm the interests of the employer.

Obligation for Keeping Business Secret

Article 35

(1) The employee must not exploit for their private use nor disclose to a third party the employer's business secrets defined as such by the employer's special act, which were entrusted to the employee or of which they have learnt in any other way.

(2) The employee shall be liable for disclosing a business secret if he knew or should have known for such nature of data.

(3) Each employee who has contact with materials, information and data that are classified shall be obliged to keep them secret.

(4) The representatives of the employees and all experts aiding them, must not discover any information to the employees or third persons that are of the employer's business interest and have been clearly confined to them. This obligation shall continue to be valid after the termination of their term of office.

(5) In certain cases, according to the conditions and limitations defined by law, it may be determined that the employer shall not be obliged to transfer information or to consult when the nature of such information of consultations is such, that according to objective criteria it would seriously harm or bring into question the functioning of the employer.

Ban on Competition – Legal Ban on Competitive Activity

Article 36

(1) During the labour relation, the employee must not for his own account or for a third-party account carry out work nor conclude business covered by the activity which is actually carried out by the employer and represents or might represent competition to the employer without employer's consent.

(2) The employer may demand compensation for the damage caused due to the employee's actions contrary to those referred to in paragraph (1) of this Article within three months from the day he learnt of the carrying-out of such work or conclusion of such business, and/or within two years after the work was completed or the business was concluded.

Competition Clause – Contractual Ban on Competitive Activity

Article 37

(1) If in carrying out work or in relation to work the employee gains technical, production or business knowledge and business relations, the employee and the employer may lay down in the employment contract the ban on competition activities after the termination of the labour relation (hereinafter referred to as "competition clause").

(2) The competition clause may be agreed for a period not longer than two years after termination of the employment contract and only in cases the employee's employment contract was terminated at his own will or due to his fault.

(3) The competition clause must not exclude the possibility of employment for the employee.

(4) If the competition clause is not laid down in writing, it shall be assumed not to be agreed.

Compensation for Respecting the Competition Clause

Article 38

(1) If respecting the competition clause referred to in Article 37 paragraph (1) of this Law prevents the employee from gaining appropriate earnings, the employer shall be obliged to pay him compensation in cash during the whole period of respecting the ban.

(2) The compensation in cash for respecting the competition clause has to be laid down in the employment contract and shall monthly amount to at least a half of the average employee's salary during the past 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 termination of the competition clause validity.

(2) Should the employee terminate the employment contract due to the employer's violation of its provisions, the competition clause shall cease to have effect if the employee, within one month after the day of termination of the employment contract, notifies in writing his former employer that he is not bound by the contract.

IV. OBLIGATIONS OF THE EMPLOYER

Providing Work

Article 40

(1) The employer must provide the employee with work agreed by the parties in the employment contract.

(2) Unless agreed otherwise, the employer must provide the employee with all the necessary means and material for work he requires in order to fulfil his obligations uninterruptedly and ensure him access to business premises.

Obligation of Remuneration

Article 41

The employer must ensure the employee appropriate remuneration for his work in accordance with the provisions of Articles 105 through 114 of this Law.

Obligation for Ensuring Health and Life Safety Working Conditions

Article 42

(1) The employer shall be obliged to provide the conditions for health and life safety of employees in accordance with special regulations on health and safety at work and to undertake the necessary measures guaranteeing that each employee has been sufficiently trained for the special characteristics of the work, considering their professional training and experience.

(2) The employer should make a risk assessment within the systematic examination of all aspects of the operation, with the purpose of identifying the possible reasons for injuries or damage of the employee's health or the safety conditions.

(3) After the obtainment of the notification that some female employee is pregnant, during the different stages of the pregnancy, the employer shall be obliged to conduct multiple risk assessments for the risks that may affect the pregnant women, her unborn child or recently born child. Additional risk assessment shall be applied in case of modification of the work conditions, equipment or machines.

(4) After proper consultations and consent from the woman, depending on the nature, intensity and duration of the risk, the employer should introduce measures for improvement of the health and safety of the pregnant employee, employee who recently gave birth or is breastfeeding as well as elimination or decreasement of the danger of the risk from:

- Irreversible effects;
- Cancer;
- Hereditary genetic damages ;
- Damages to the unborn child and damages to the child's nutrition.

(5) If no risk is discovered during the assessment, the employer should inform all employees on the potential risks. Also, the employer should explain what is to be done to ensure that their pregnant employees shall not be exposed to risks that may damage their health and safety.

Obligation to Protect the Employee's Personality

Article 43

(1) The employer shall be obliged to protect and respect employee's personality and dignity, as well as to take into account and protect the employee's privacy.

(2) The employer shall be obliged to provide such a working environment in which none of the employees is subject to any, including sexual, harassing.

Protection of Employee's Personal Data

Article 44

(1) Personal data of employees may be collected, processed, used and provided to third parties only if this Law or another law stipulates that, or if it is necessary in order to exercise the rights and obligations arising from or related to the labour relation.

(2) Personal data of employees may only be collected, processed, used and provided to third parties by the employer or the employee who is specially authorized to do so by the employer.

(3) If the legal basis for collecting personal data of employees does not exist anymore, they must be immediately deleted and no more used.

(4) The provisions referred to in paragraphs (1) and (2) of this Article shall also apply to personal data of applicants.

Suspension of Rights and Obligations Arising from the Employment Contract

Article 45

(1) In cases when the employee temporarily stops to work in order to serve a prison sentence or due to an imposed educational, safety or protective measure which prevents him from working for six months or less, or due to conscription or civil serving with compensation payment, detention and in other cases laid down by law, the employment contract shall not cease to have effect and the employer must not terminate it, unless a procedure for termination of the employer was initiated, for which period the employment contract shall be suspended.

(2) During suspension of the employment contract, contractual and other rights and obligations arising from the labour relation which are directly related to carrying out work shall be suspended.

(3) The employee shall have the right and obligation to return to work at latest within five days after the grounds for suspension of the contract ceased. On that day, the suspension of the contract shall end.

Fixed-term Employment Contact

Article 46

(1) A definite time duration employment contract may be concluded for carrying out the same work with or without interruption up until five years.

(2) The definite time duration employment contract for a substitution for a temporarily absent employee may be concluded until the return of the temporarily absent employee.

(3) The labour relation based on a definite time duration employment contract, except for seasonal work, shall be transformed in an employment contract for indefinite period of time if the employee continues to work after expiration of the period referred to in paragraph (1) of this Article, under conditions and in a manner determined by law.

(4) As an exception, the labor relation established with definite time duration employment contact may be transformed in an indefinite time labour relation, prior to the expiry of the time limit referred to in paragraph (1) of the present Article, if the employer works more than two years on the same work post being vacant on the ground of retirement or other basis for which financial means have been provided under the conditions and manner stipulated by law.

Seasonal Work

Article 47

(1) Seasonal work is work that due to the climate or natural conditions is not performed during the entire year, but within certain periods- seasons and does not exceed eight in a period of 12 consequent months.

(2) If an employee carries out seasonal work and/or works under uneven distribution of work time on the basis of the definite time duration employment contract without interruptions for at least three months in a year and accumulates more work hours than it is laid down for full-time work, the work hours shall be at his request calculated into work days with full work hours.

(3) Work days calculated according to paragraph (1) of this Article, shall be included in the employee's years of service as if they had spent them at work. In such calculation, the total period of service in a calendar year may not exceed 12 months.

Part-time Employment Contact

Article 48

(1) An employment contract may also be concluded for work time that is shorter than full work hours (part-time work hours).

(2) Part-time shall be considered the work time shorter than the full work hours in force with the employer.

(3) The employee who concluded a part-time employment contract shall have the same contractual and other rights and obligations arising from labour relation as the employee who works full time, and shall exercise these rights and obligations proportionally to the time for which he concluded the employment contract, with the exception of those for which it is otherwise stipulated by law.

(4) The employee shall be entitled to annual leave with minimum duration of ten work days.

(5) Unless otherwise stipulated in the employment contract, the employer must not impose on the part-time employee the work exceeding the agreed work hours, except in the cases referred to in Article 119 of this Law.

(6) In the part time employment contract, the employer shall be obliged to determine the commencement and end of the part time daily operation of the employer and to keep special records on the part time employees. Employment Agency of the Republic of North Macedonia shall once a month notify the State Labour Inspectorate on the concluded part time employment contracts.

Part-time Employment Contract Concluded with Several Employers

Article 49

(1) The employee may conclude a part-time employment contract with several employers and thus achieve the full work hours stipulated by law.

(2) The employee shall be obliged to make an agreement with the employers on the work time, on the way of using annual leave and on other absences from work.

(3) Employers employing the part-time employee shall be obliged to assure the employee simultaneous using of annual leave and other absences from work, unless that would cause damage to them.

(4) Obligations of the employer and of the employee referred to in paragraph (2) of this Article shall be integral part of the part-time employment contract.

Employment Contract for Working at Home

Article 50

(1) The work carried out by the employer at his home or in premises by his choice, which are outside the employer's business premises, shall be considered as working at home.

(2) In the employment contract for working at home, the employer and the employee may agree that the employee carries out the work, which falls within the employer's activity or which is necessary for the performance of the employer's activity, at home.

(3) The employer shall be obliged to submit the employment contract for working at home to the labour inspector within three days from the date of concluding the contract.

(4) The employment contract between the employer and the employee shall regulate the rights, obligations and conditions which depend on the nature of work carried out at home.

(5) The employee shall be entitled to reimbursement for his own resources used for work at home. The reimbursement amount shall be stipulated by the employer and the employee in the employment contract.

(6) The employer shall be obliged to assure safe working conditions for health and safety when working at home.

Ban on Working at Home

Article 51

The labour inspector may ban the employer to organize work at home if it is harmful to the employees working at home or to the living and working environment where the work is carried out.

Works not Allowed to be Carried out at Home

Article 52

Law or another regulation may determine the works which are not allowed to be carried out at home.

Employment Contract with Housekeepers

Article 53

(1) An employment contract may be concluded for carrying out housekeeping works.

(2) The employment contract referred to paragraph (1) of this Article may stipulate that providing food and accommodation for the employee with the employer is part of the employee's salary, which part must be stated in money in the contract.

(3) The contract referred to in paragraph (1) of this Article shall be registered in the relevant employment mediation agency.

(4) The lowest salary amount which is obligatorily calculated and disbursed in cash shall be stipulated in the employment contract and it may not be lower than 50% of the employee's earnings.

Employment Contract with Managerial Staff

(Management Contacts)

Article 54

In the case of concluding an employment contract with managerial staff (managers), the parties to the employment contract may differently regulate the rights, obligations and responsibilities arising from labour relation, especially regarding to:

1. conditions and limitations of the fixed-term labour relation;

2. working hours;

3. assurance of daily breaks and annual leave;

4. remuneration for work;

5. termination of the employment contract validity.

Exercising the Rights and Obligations Arising from Labour Relation of the Executive Body (Manager)

Article 55

The Executive Body (Manager) shall exercise the rights and obligations arising from labour relation during the period he is appointed to, i.e. selected for that position at the employer where he is appointed, i.e. selected, in accordance with the provisions of this or another law, collective agreement and employment contract.

V. ON-THE-JOB TRAINING, VOLUNTARY AND TRIAL PERIOD

On-the-job Training Period

Article 56

(1) Law, other regulation or collective agreement on the activity level may stipulate concluding of an employment contract as a trainee, who for the first time starts carrying out work according to the type and degree of professional training, aiming at making the employee capable for carrying out independently the work within the labour relation.

(2) The trainee who completed successfully the program for professional training shall be capable for carrying out the work within the labour relation independently, according to the type and degree of his professional training.

Duration of the On-the-job Training Period

Article 57

(1) The on-the-job training period may last no longer than one year, unless it is otherwise stipulated by law.

(2) The on-the-job training period can be proportionally extended if the trainee's working hours are shorter than the full-time working hours, but not longer than six months.

(3) The on-the-job training period duration shall be extended for the time of justifiable absence lasting longer than 20 working days, except for the annual leave period.

(4) The on-the-job training period may be shortened at a proposal of the responsible person, but only to one third of the originally determined period.

Carrying out the On-the-job Training

Article 58

(1) During the on-the-job training period, the employer must provide for the trainee, according to the program, training for the purpose of qualifying him to carry out work independently.

(2) Law, other regulations or collective agreement on the activity level shall determine the duration and the course of the on-the-job training period as well as the program and the manner of monitoring and evaluating the on-the-job training period.

(3) At the end of the on-the-job training period, the trainee must take an examination, which shall be an integral part of the on-the-job training period and shall be taken prior to the expiration of the on-the-job training period.

Restriction for Notice by the Employer to the Trainee

Article 59

In the course of the internship, the employer must not terminate the employment contract to the trainee, except in case of conducting proceedings for ceasing of existence of the employer, in case of violation of work order and discipline or the work obligations, in line with law.

Trial Work

Article 60

(1) When concluding the employment contract, the employee and employer may agree on trial work.

(2) In addition to all rights and obligations from labour relation, the employment contract shall stipulate the salary amount and the trial period duration which may not exceed four months. The trial period may be extended in case of justified absence from work (illness and the like).

(3) In the performance of a seasonal work, the trial work may be of duration of three work days.

(4) The employer may terminate the trial work employment agreement for the performance of seasonal work, within three days from the day of conclusion of the trial work employment agreement.

(5) During the trial period, the employee may terminate the employment contract with a notice period of three work days. On the basis of an evaluation for failure in completion of the trial work, the employer may terminate the employment contract after the expiration of the trial period.

Voluntary Period

Article 61

(1) If the voluntary period is a condition for taking expert examination or examination for independent performance of activity, in accordance with a special law, it should be conducted by concluding a voluntary period contract between the employer and the volunteer. The provisions of this Law on duration and performance of the on-the-job training period, limitation of the working hours, daily breaks and annual leaves, responsibility for reimbursement, as well as providing health and safety at work, in accordance with law, shall be applied to the volunteer.

(2) The voluntary period contract must be concluded in writing, and a copy of it must be submitted to the labour inspection within three days from its signing.

Modes of Termination of Employment Contract

Article 62

The employment contract shall be terminated:

- upon the expiration of the period for which it was concluded;

- upon the death of the employee or the employer (natural person);

- due to proceedings by which the employer ceased to exist in accordance with law;

- with a consensual cancellation;

- with a notice of dismissal;

- by a court judgement; and

- in other cases stipulated by law.

Return of Documents and Issue of Certificate

Article 63

(1) Upon the termination of the labour relation, not later than within three days, the employer must return to the employee all his original documents and issue him a certificate on the type of work he had been carrying out.

(2) In the certificate nothing shall be stated by the employer that would aggravate the employee to conclude a new employment contract.

Termination of the Fixed-term Employment Contact

Article 64

The fixed-term employment contract shall terminate upon expiry of the period for which it was concluded or upon the completion of the agreed work or upon the cessation of the reason for which the contract was concluded.

Termination of Employment Contract Due to the Death if the Employee or the Employer (Natural Person)

Article 65

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

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

Termination of Employment Contract Due to Starting Proceedings for Termination of the Employer

Article 66

In cases of starting proceedings for termination of the employer, the employment contract shall terminate, in accordance with law.

Employees' Rights

Article 67

(1) The employees who are not paid salaries and contributions by the employer three months consecutively shall be entitled to present an initiative before the competent court for termination of the employer.

(2) The employees, whose employment contract is terminated in accordance with law due to the termination of the employer, shall also be entitled to payment of:

1. Net salaries, pension and disability insurance contributions, and remunerations for the period of the last three months prior to starting the proceedings for termination of the employer;

2. compensation for injuries at work that the employee sustained with the employer, as well as for occupational diseases; and

3. unpaid salary remuneration for the unused regular annual leave for the current calendar year.

Change of Employer

Article 68

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

(2) The new employer shall be obliged to assure to the employees all rights, obligations and responsibilities referred to in paragraph (1) of this Article for at least one year or until expiration of the employment contract or collective agreement which bound the previous employer.

(3) If due to change of the employer, rights under the employment contract deteriorate for objective reasons and the employee therefore terminates the employment contract, the employee shall have the same rights as if the employment contract was terminated for business reasons. When stipulating the period of notice and the right to severance pay, the employee's period of service with both employers shall be taken into account.

(4) The previous and the new employer shall be jointly liable to compensate the employee for damages related to all claims which occurred due to termination of the employment contract referred to in paragraph (3) of this Article.

(5) If the employer, on the basis of a legal transaction (lease, rent), temporarily transfers the overall or part of the activity to another employer, after the termination of the validity of this legal transaction, the employees shall again the transferred to the previous employer or to the new employer that is taking over the activity.

Protection of the employees in case of termination of the trade company or its parts

Article 68- a

(1) The transfer of rights and responsibilities emerging from a labor relation may be done only in the cases determined with this Law, or other prescriptions, in all cases the transfer of the trade company or its parts to another employer shall be made as a result of a legal transfer or merge.

(2) The term transfer, within the paragraph (1) of the present Article shall imply transfer of a business entity that shall retain its identity, i.e. organized resource grouping in order to perform its economic activity, regardless of whether that activity is the primary or secondary.

(4) Within the meaning of paragraph (1) of the present Article, the administrative reorganization of the state bodies and the public service institutions or the transfer of the administrative functions among the state bodies and public service institutions, shall not be considered as transfer.

(5) In case of transfer of activities of the trade company or parts of the trade company or in case of transfer of tasks or a part, from the employer- the transferor to another employer- acquirer, the rights and obligations that emerge from the labor relation shall entirely fall on the employer acquirer when the transfer is made. Tasks or activities of the employer shall mean tasks and activities related to the production or providence of services or similar activities interconnected in accordance

with other statuary provisions by a legal or physical entity in own behalf and own responsibility in facilities or premises intended for their performance. Regardless of the legal reason for such transfer and regardless of the fact whether the ownership rights have been transferred, the acquirer shall be deemed a legal or natural entity which shall be competent to continue as employer in the performance of the tasks or activities of the previous employer in similar tasks or activities for a period not shorter than one year.

(6) The rights and obligations of the employer- transferor of their employees the labor relation of who has terminated, until the day of transfer, shall remain unchanged, unless otherwise stipulated by other provisions.

(7) Transferor shall mean each natural or legal entity that due to the transfer referred to in paragraph (1) of the present Article shall cease to be an employer of the trade company or its parts.

(8) Acquirer shall mean each natural or legal entity that due to the transfer referred to in paragraph (1) of the present Article, has become an employer of the trade company or its parts.

Article 68- b

(1) Prior to the transfer of the rights and obligations emerging from the labor relation of the employees of the employer- transferor to the employer acquirer, the transferor and the acquirer shall be obliged to previously inform the trade union organizations on this fact and consult them in order to achieve agreement on the following:

1. The determined or suggested date of transfer;

2. The reasons for such transfer;

3. The legal economic and social implications on the employees and

4. The envisaged measures regarding the employees.

(2) The transferor shall be obliged, to timely inform the representatives from the trade union organizations for their employees about the transfer, prior to the execution of the transfer;

(3) The acquirer shall be obliged to timely inform the representatives of the trade union organizations of their employees about the transfer, in each case before the employees become directly involved, regarding their work and employment conditions.

(4) When the transferor or the acquirer envisage measures regarding their employees, the transferor or the acquirer shall be obliged to timely consult the representatives of the trade union organizations of their employees regarding such measures in order to achieve agreement.

(5) When the law envisages approach of the representatives of the employees to the arbitration board to adopt a decision on the measures that need to be undertaken regarding the employees, the

obligations may be restricted with paragraphs (1) and (2) of this Article, in case when the caring out provokes a modification in the operation for which there is a possibility to invoke serious difficulties for a certain number of employees.

(6) The informing and consultation shall cover the measures envisaged regarding the transfer of the employees and must be implemented prior to the occurrence if the operation modification as stated in paragraph (1) of the present Article, regardless of whether the transfer decision has been adopted by the employer or the person controlling the employer.

(7) Obligation for notification from paragraph (1) from the present Article shall refer to the employees within the employer within which the employees do not have any trade union organization.

Article 68-c

The provisions from Articles 68- a and 68- b of this Law shall refer also to cases falling within the competence of a higher body deciding on the transfer of the tasks or activities or their part, from the employer- transferor to the employer- acquirer.

Article 68-d

(1) In case when the trade company ceases to exist due to division of the trade company, the deciding body on the division of the trade company shall determine which from the new established trade companies shall undertake the rights and obligations from the labor relation of the previous employer.

(2) In case the trade company ceases to exist, the deciding body on the termination of the trade company shall determine which trade company shall be obliged to fulfill the rights and obligations of the employees in such trade company or which trade company shall demand the rights in the behalf of the trade company that ceased to exist. When the termination of the trade company is related to its liquidation, the liquidation procedure shall be implemented in accordance with the legal prescriptions and statutory provisions.

(3) In case the transfer of the trade company occurs during the expiry of the period for which it has been established or during the performance of tasks which were its purpose and when the performance of the tasks of this trade company has been controlled by a higher body, referred to Article 68-b from this Law, the higher body shall assign another trade company to which the rights and obligations emerging from the labor relations shall be transferred.

(4) The transfer of the trade company or parts of the trade company, shall not, in itself, give grounds to fire the employees, unless the firings are made due to economy, technology or organization reasons imposing staff modification.

(5) Provided that the trade company or its parts retain its independence, the status and function of the trade union representatives or the representatives of the employees affected by the transfer shall remain under the same conditions that existed prior to the day of transfer, based on the law, regulations, administrative provision and agreement, if the conditions needed to forma trade union of the employed employees are met.

Article 68- e

The employees and representative of the trade unions of the employees that consider that they have been damaged due to failure to fulfill the obligations emerging from the transfer, may seek judicial protection.

Consensual Cancellation of Employment Contract

Article 69

(1) The employment contact may be cancelled any time by a written agreement which must include a provision about the consequences for the employee due to the consensual cancellation in exercising the rights arising from the unemployment insurance.

(2) The agreement referred to paragraph (1) of the present Article shall be signed on the day of cancelation of the labour relation and it shall contain handwritten name and surname of the employer and the employee, handwritten date of cancelation of the labour relation and personal signature of the employee and the employer.

(3) In case the agreement for cancelation of the employment contract is concluded contrary to paragraph (1) and (2) of this Article, it shall be considered null and void.

VI. TERMINATION OF EMPLOYMENT CONTRACT WITH NOTICE BY THE EMPLOYEE AND THE EMPLOYER

Termination of Employment Contract with and without Notice Period

Article 70

(1) Contracting parties may terminate the employment contract with a period of notice.

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

(3) Every party may only terminate the employment contract in its entirety.

Admissibility of Termination

Article 71

(1) The employee may terminate the employment contract if they state in writing that they want to terminate the employment contract.

(2) The employer may only terminate the employment contract if there is a justified reason for termination related to the conduct of the employee (personal reason of the employee), due to violation of the work order and discipline or the work responsibilities (fault reason) or if the reason is based on the needs of employer's functioning (business reason).

(3) The employee and the employer may terminate the employment contract in the cases and/or for the reasons stipulated by law, collective agreement, the rules for work order and discipline and the employment contract.

(4) The termination of the employment contract which puts directly or indirectly the employee in less favourable position based upon any of the grounds stipulated in Article 6 of this Law, shall be null and void from the moment of handing the notice.

Burden of Proof

Article 72

If the employer terminates the employment contract, the employer shall be obliged to mention the main ground for the termination, stipulated by law, collective agreement and employer's act and to prove the groundness of the reason that justifies the termination.

Procedure Prior to the Termination Due to Personal Reasons of the Employee

Article 73

Prior to the termination of the employment contract due to employee's personal reasons, under the conditions stipulated in Article 80 of the present Law, the employer must, in writing, warn on the non-fulfilment of the obligations and to the possibility of termination in case they fail to improve their operation.

Form and Contents of the Notice of Termination

Article 74

(1) The termination of the employment contract shall obligatorily be in writing.

(2) The employer shall be obliged to explain the reason for termination of the employment contract in writing, as well as to call the employee's attention to the legal remedies and his rights arising from the insurance in case of unemployment, in accordance with law.

Handing over the Notice of Termination

Article 75

(1) The notice of termination of the employment contract must be handed over to the contracting party whose employment contract is being terminated.

(2) The employer shall be obliged to hand the notice of termination of the employment contract to the employee in person, as a rule in the employer's premises or at the address of living, i.e. residence from which the employee daily comes to work.

(3) If the employee cannot be reached at the address of residence from which he daily comes to work (except in cases of justified absence from work) or he has no permanent or temporary residence in the Republic of North Macedonia or refuses to receive the notice, the termination of the employment contract shall be made public on the notice board in the employer's registered office. After the expiration of eight working days from making the termination public on the notice board, the handing over shall be considered implemented.

Founded Reasons for Termination

Article 76

(1) The reasons for termination of the employment contract to the employee by the employer, when there is no possibility to extend the labour relation, are the following:

1. if the employee due to his conduct, lack of knowledge or capabilities or due to non-achievement of special conditions defined by law is incapable to carry out the contractual or other obligations arising from the labour relation (personal reason), or

2. if the employee violates the contractual or other obligations arising from the labour relation (fault reason), and

3. if the need for carrying out certain work ceases under the conditions stipulated in the employment contract due to economic, organizational, technological, structural or similar reasons on the employer's side (business reasons).

(2) The termination of the labour relation from paragraph (1), item 3) of the present Article, shall be performed based on the need for efficient functioning of the operation of the employer, the professional training and qualification of the employee, their work experience, successfulness of the operation, type and significance if the work post, the years of service and other criteria determined with a collective agreement, as well as criteria for protection of persons with disabilities, single parents and parents of children with special needs the labour relation of which terminates on the same basis.

Unfounded Reasons for Termination

Article 77

Unfounded reasons for termination of an employment contract shall be the following:

1. membership of the employee in a trade union or participation in trade union activities in accordance with law and collective agreement;

2. bringing charges or participating the proceedings against the employer due to allegation of having violated the contractual and other obligations arising from labour relation before the arbitration, court or administrative authorities;

3. approved absence from work due to inability to work because of disease or injury, pregnancy, childbirth and parenthood, care for a family member and unpaid parenthood leave;

4. using approved absence from work and annual leave;

5. serving military obligation or military exercise; and

6. other cases of suspension of the employment contract stipulated by this Law.

Offering a New Modified Contract Prior to Termination

Article 78

(1) The provisions of this Law relating to the employment contract shall also be applied when the employer terminates the employment contract and simultaneously offers the employee to conclude a new modified employment contract.

(2) The employee must express his views about the conclusion of the new modified employment contract within 15 days from the date of receiving the offer.

(3) If the employee in the case referred to in paragraph (1) of this Article accepts the offer by the employer, they shall not be entitled to severance pay due to termination of the previous employment contract, but they shall reserve the right to dispute the grounds of the reason for modifying the employment contract before the competent court.

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 work obligations stipulated 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 Employer

Article 80

The employer may terminate the employment contract of the employee due to personal reasons of the employee, if the employee is provided with the necessary work conditions and is given appropriate instructions, guidelines and warning in written form by the employer regarding the fact that the employer is not satisfied with the manner of performing the duties, and in case the employee does not improve his work after the given warning within the period determined by the employer, which cannot be under 15 days from the day of receipt of the written request in cases stipulated by the collective agreement i.e. sector, i.e. employer level.

Termination of the Employment Contract Due to Violation of the Working Order and Discipline or Working Obligations with Notice Period

Article 81

(1) The employer may terminate the employment contract of the employee due to violation of the working order and discipline and non-fulfilment of the obligations stipulated by law, collective agreement, act of the employer and the employment contract with notice period, especially if the employee:

1. does not observe the working order and discipline pursuant to the rules prescribed by the employer;

2. fails to fulfil the working obligations or fulfils them irresponsibly and untimely;

3. does not observe the regulations valid for fulfilling the duties at his position;

4. does not observe the working time, the schedule and the use of working hours

5. does not request absence or does not notify the employer on time regarding the absence;

6. is absent from work due to disease or justifiable reasons, and does not notify the employer in writing thereof within 48 hours;

7. does not treat the means of work responsibly or in accordance with the technical operating instructions;

8. damage, mistake in operations or loss occurs, and he does not notify the employer on that immediately;

9. does not observe the regulations for safety at work or does not maintain the means and equipment for safety at work;

10. causes disorder and acts violently during the working hours, and

11. uses the means of the employer Illegally or without authorization.

(2) Other cases of violation of the working order and discipline may also be stipulated by law, collective agreement and the rules of the employer for working order and discipline.

(3) The employer shall be obliged to post the rules for working order and discipline on a noticeable place in the business premises of the employer and to submit them to the Trade Union.

Termination of the Employment Contract Due to Violation of the Working Order and Discipline or Working Obligations without Notice Period

Article 82

(1) The employer may terminate the employment contract of the employee without notice period in cases of violation of the working order and discipline or non-fulfilment of the working obligations determined by this Law or other law, collective agreement, the rules for working order and discipline, and the employment contract, especially if the employee:

1. is unjustifiably absent from work three consecutive working days or five working days during one year;

2. misuses the sick leave;

3. does not observe the regulations for health protection, safety at work, protection from fire, explosion, harmful effect of poisons and other dangerous materials and violates the regulations for environment protection;

4. takes in, uses or is under influence of alcohol and narcotics;

5. commits theft, or intentionally or by extreme carelessness causes damage to the employer; in connection with the work and

6. discloses business, official or state secret.

(2) Other cases of violation of the working order and discipline and working obligations may also be determined by law and collective agreement for which the employer terminates the employment contract without notice period.

Suspension from Duty with the Employer until Passing Decision on Termination of the Employment Contract

Article 83

Upon assessment of the employer, by written order of the authorized person with the employer, the employee is suspended from the duty with the employer by compensation in the amount of 50 % of the total amount of the employee's net salary received in the previous month until passing the decision on termination of the employment contract, if:

1. the employee by his presence with the employer endangers the life or health of the employees or other persons or means of higher value are being damaged;

2. the employee's presence with the employer has negative influence on the employer's operations;

3. the employee's presence hinders the determination of the responsibility for violation of the working obligations; and

4. criminal charges have been brought against the employee by competent authority for criminal act committed at work or in connection with work.

Fine

Article 84

Depending on the responsibility level of the employee, the terms and conditions under which the work obligations and work order and discipline were violated, the employee's former work and conduct, the violation degree and consequences, the employer may, instead of termination of the employment contract, impose a fine to the employee which may not be higher than 15% of the last paid monthly net salary of the employee for a period from one to six months.

Form of the Decision on Termination of the Employment Contract, and/or the Decision on Fine

Article 85

The Decision on termination of the employment contract, and/or the Decision on pronouncing fine shall obligatorily be given in written form, along with explanatory note regarding the basis and the reason for termination of the employment contract, i.e. the reason for pronouncing the fine, including legal remedy.

Competent Body for Pronouncing Termination of the Employment Contract and Fine

Article 86

The decision on termination of the employment contract and on pronouncing fine shall be passed by the employer or the employee authorized by him.

Periods of Notice

Article 87

The employee and the employer may terminate the employment contract within a legally or contractually stipulated notice period. When making the decision the parties must take into account the minimum duration of period of the notice stipulated by this Law, the branch and/or employer's collective agreement.

Minimum Period of Notice

Article 88

(1) If the employment contract is terminated by the employee, the notice period shall be one month, except for the cases determined in Article 100 paragraph (1) of the present Law. The employment contract or the collective agreement may stipulate a longer period of notice, but it may not exceed three months.

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

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

Running of the Period of Notice

Article 89

The period of notice shall start running on the day following the day of handing over the decision on termination of the employment contract.

Pecuniary Compensation Instead of Notice Period

Article 90

(1) The employer and the employee may agree on pecuniary compensation instead of a notice period.

(2) If agreement on pecuniary compensation instead of notice period is reached, the employer shall be obliged to pay the pecuniary compensation to the employee for the entire period of notice upon handing over the notice, as of the date of the employment termination.

Complaint against the Decision on Revoking the Decision on Termination of Employment Contract without Notice Period or on Suspension from Duty with the Employer

Article 91

(1) Against the employment contract termination decision that has been made with no termination notice or the decision for suspension from the employer, the employee shall have the right to appeal to the managing body or the employer.

(2) The appeal shall be submitted within eight days from the day of receipt of the decision for employment agreement termination without termination notice or the decision for suspension from the employer.

(3) The decision following the appeal shall be adopted within eight days from the day of submission of the appeal.

(4) The appeal against the decision for employment agreement termination without termination notice or the decision for suspension from the employer, within the meaning of Articles 82 and 83 from the present Law, shall not keep the termination decision, i.e. the written order from being executed.

(5) When no decision, regarding the appeal from paragraph (3) of the present Article, has not been adopted, or in case the employer is not satisfied with the decision adopted upon the appeal, the employee has the right to initiate a dispute before the competent court within 15 days.

(6) Upon request of the employ, the trade union may represent the employee in the appeal procedure.

Rights and Obligations of the Contractual Parties during the Period of Notice

Article 92

(1) During the period of notice, the employer shall be obliged to provide to the employee absence from work for four hours per working week for the purpose of seeking for new employment.

(2) During the absence form work referred to in paragraph (1) of this Article, the employee shall be entitled to salary compensation, according to collective agreement.

Complaint against the Decision on Termination of the Employment Contract with Period of Notice

Article 93

(1) The employee shall be entitled to lodge a complaint to the Management Body, i.e. employer against the decision on termination of the employment contract with notice period.

(2) The complaint shall be lodged within eight days from the date of receiving the decision on termination of the employment contract.

(3) The complaint shall delay the enforcement of the decision on termination until making a final decision upon the compliant, which shall be passed within eight days from the date of lodging the complaint.

(4) When the decision under the complaint is not passed within the period referred to in paragraph (3) of this Article or when the employer is not satisfied with the Decision passed under the complaint, he shall be entitled to initiate a dispute at competent court.

(5) At an employee's request, the trade union may represent the employee in the proceedings upon complaint.

Obsoleteness

Article 94

(1) The employer may terminate the employment contract due to personal reasons on the part of the employee within three months from the date of learning the facts presenting grounds for termination, and/or within six months from the date when the facts which are grounds for termination appeared.

(2) The employer may terminate the employment contract to the employee due fault reasons on the part of the employee, the employer may give the employee a period of three months from the day of learning the facts being bases for the termination, i.e. six months from the day of occurrence of the facts being basis for the termination.

(3) The employer may terminate the employment contract to the employee due to committed criminal act at work or related to the work, latest until the expiry of the obsoleteness term determined by law, for the committed criminal act.

Notification of and consultation with the employees

Article 94-a

(1) The notification of the employees shall mean transfer of information by the employer to the representatives of the employees so that they could be familiarized with them and explore them.

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

(3) The obligation for notification and consultation shall refer to the trade company, public enterprise and other legal entity containing over 50 employees and institutions containing over 20 employees.

(4) The notification and consultation shall comprise information on the related and probable trends of the activities of the trade company, public enterprise and another legal entity or institution and their economic state, the state, structure and probable course of employment in the trade company, public enterprise and another legal entity or institution and on every envisaged measure, especially when there is a threat for the employments, decisions that may bring essential changes in the organization of the work or the contractual obligations.

(5) The information shall be given in a period, manner and contents appropriate to enable the representatives of the employees to implement its proper analysis and where necessary prepare for consultations.

(6) Consultations shall be implemented:

1. When their timing, method and contents are appropriate;

2. At a relevant level of management and representation, depending on the matters being consulted;

3. Based on the information being provided by the employer regarding the informing and opinion of the representatives of the employers;

4. In a manner that would enable the representatives of the employees to meet the employer and obtain response for each opinion they may prepare and

5. Regarding the possibility to achieve agreement on the decisions within the employer's authorizations.

(7) The provisions referred to in Article 94- a of this Law shall not refer to the personnel working on ships sailing at open see.

Obligations for Notifying in the Event of Termination to a Larger Number of Employees due to Business Reasons

Article 95

(1) Should the employer intend to adopt a decision to terminate the labour relation to a bigger number of employees for business reasons, i.e. to at least 20 employees for a period of 90 days with each termination of the labour relation regardless of the total number of employees with the employer, it shall be considered as collective termination for business reasons.

(2) In case when the employer intends to execute collective terminations, they shall be obliged to initiate consultation procedure with the representatives of the employees, at least a month in

advance, prior to the commencement of the collective termination and provide all relevant information prior to the commencement of the consultations, in order to achieve agreement.

(3) The consultations from paragraph (2) of this Article shall least cover the manners and means for avoidance of collective terminations, decreasement of the number of terminated employees or mitigation of the consequences through resorting toward associated social measure with the purpose of aiding the terminated employees to find another employment or training.

(4) In order to enable the representatives of the employees to prepare constructive propositions, the employers during the consultations, shall timely provide them with all relevant information such as:

1. The reasons on the planned terminations;

2. The number and categories of employees being terminated;

3. Total number and categories of employees being employed and

4. The period during which the planned terminations are to take place.

(5) The obligations for informing and consultations shall apply regardless of whether the decision for collective termination is adopted by the employer or a person controlling the employer. The review of the alleged violation of the notification and consultation obligations, shall not consider each justification by the employer based on the fact that the trade company, public enterprise and other legal entity which adopted the decision for collective terminations did not provide the employer with the required information.

(6) The employer shall be obliged, after the completion of the consultations referred to in paragraph (2) of the present Article, to notify the service competent for employment mediation in writing, due to assistance and services in the employment mediation area, as provided by law. This notification shall contain all relevant information regarding the planned collective terminations and consultations with the representatives of the employees envisaged with paragraph (3) of this Article, especially on the reasons for termination, the number of employees being terminated, the total number of employees with the employer and the period the terminations are to take place.

(7) The employers shall submit a copy from the notification submitted to the service competent for employment mediation to the representatives of the employees, after which the representatives of the employees may submit their propositions to the service competent for employment mediation.

(8) The notification for the planned collective terminations, the employer shall be obliged to submit to the service competent for employment mediation, latest until 30 days prior to the adoption of the decision for termination of the labour relation of the employees.

(9) If the term stipulated in paragraph (7) of the present Article is less than 60 days, the employment mediation service may ask extension of the dead line up to 60 days following the

notification, if the problems emerging from the planned collective terminations cannot be solved within the initial period.

(10) The provisions from the present Article shall not apply in case of collective terminations that emerge from the termination of the activities of the institution due to court order, the fixed- term employment contracts and in the public administration bodies.

Rights and Obligations in case of Termination due to Business Reasons

Article 96

(1) The employer, prior to termination of the employment contract due to business reasons (technological, economic, organizational, or similar changes) that lead to ceasing the need of carrying out specific work, may offer to the employee:

1. employment with another employer, without previous advertisement, by transfer and conclusion of employment contract for carrying out works corresponding to his professional training and/or 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 referred to in paragraph (1), items 1, 2 and 3 of this Article shall not refer to transfer from a trade company, and/or from an individual tradesman into a State authority, public enterprise, public institution, unit of local self-government and the City of Skopje, Funds, agencies, bureaus and other legal entities founded by law.

(3) If the employer cancels the employment agreement, due to business reasons, they cannot employ another employee for the same assignments, with the same professional training and occupation, within a two-year period after the day of termination of the labour relation.

(4) If prior to the expiry of the period determined under paragraph (3) of the present Article, a need emerges for the performance of the same assignment, the employee whose labour relation was terminated shall have the seniority to conclude an employment agreement.

Severance Pay

Article 97

(1) The employer who terminates the employment contract due to business reasons shall be obliged to pay the employee a severance pay as follows:

1. up to five years of employment – in the amount of one net salary;

2. from five to ten years of employment – in the amount of two and a half net salaries;

3. from ten to 15 years of employment - in the amount of three and a half net salaries;

4. from 15 to 20 years of employment - in the amount of four and a half net salaries;

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

6. over 25 years of employment – in the amount of seven net salaries.

(2) The basis for calculation of the severance pay shall be the average monthly salary which was received by the employee in the last six months before the termination, however it is not to be lower than 50% of the net salary paid per employee in the Republic within the last month prior to the termination.

(3) Employment, according to paragraph (1) of this Article shall be considered the period the employee was employed with the same employer and the period of employment with the previous employer, whose legal successor is the last employer, due to the occurred status change.

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

(5) The requesting and/or giving consent for abandoning the right to severance pay by the employer and/or the employee shall be null and void.

(6) The severance pay shall not be paid in case of termination of the employment contract due to business reasons to an employee who performs seasonal work that has a three-month duration.

Rights and Obligations in Termination of the Employment Contract due to Business Reasons

Article 98 is deleted

Termination by the Employer

Article 99

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

1. the employee is prohibited by a final judgement to carry out certain works within the employment or if he is pronounced a corrective, protection or safety measure on the basis of which he cannot carry 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 carry out the trial work successfully.

Termination by the Employee

Article 100

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

1. the employer failed to assure him the work for more than three months and also failed to pay him the stipulated salary;

2. he was not enabled to perform the work due to a decision by the competent inspection on a ban on performing the work process or on a ban on using the means of work for longer than 30 days, and the employer failed to pay him the legally stipulated salary remuneration;

3. for at least three months, the employer paid him lower remuneration for work;

4. three times successively or within a period of six months, the employer failed to pay him remuneration pursuant to the legally and/or contractually stipulated time limit;

5. the employer failed to assure the employee’s occupational health and safety at work, and the employee previously requested from the employer to eliminate the immediate and unavoidable danger threatening the life and health;

6. the employer offended him or behaved violently towards him or if the employer, despite the employee’s warnings, failed to prevent such treatment by other employees;

7. the employer failed to assure the employee equal treatment regarding the employee’s gender; and

8. the employer failed to assure the employee any protection against sexual harassment.

(2) In case of termination due to the actions referred to in paragraph (1) of this Article, the employee shall be entitled to severance pay and reimbursement amounting to not less than the amount of the unpaid remuneration during the period of the notice.

Ban on Termination due to Pregnancy, Childbirth and Parenthood

Article 101

(1) The employer must not terminate the employment contract to the female employees during the period of pregnancy, childbirth and parenthood during the period of settling a child with a foster parent, paternity leave or leave of a foster parent and shorter work time due to care of a child with developmental problems and special education needs and prevention for care of a child under the age of 3.

(2) The termination of the employment contract shall be null and void, if on the day of handing out of the termination the employer has been familiarized with the circumstances from paragraph (1) of this Article or if the employee, within 15 days from the handing out of termination, notifies the employer on the existence of the circumstances from paragraph (1) of this Article by submitting a proper confirmation from an authorized doctor or a competent body.

(3) The circumstances from paragraph (1) of the present Article shall not prevent the termination of the employment contract concluded on a fixed- term duration, with the expiration of the time for which the contract has been concluded.

(4) The termination ban referred to paragraph (1) of this Article shall not refer to the cancelation of the employment agreement due to serious violations of the contractual obligations, i.e. due to violation of the work order and discipline or the work obligations for which a termination without notice is given, in accordance with law or the collective agreement.

(5) The employer may terminate the employment contract due to the grounds regulated with paragraph (4) of the present Article, only by previous consent by a trade union a member of which is the employer being protected from termination.

(6) If the trade union within eight days does not state its consent to terminate the contract referred to in paragraph (5) from this Article, by giving or failing to give consent, it shall be deemed as consensual with the decision of the employer.

(7) If the trade union does not give its consent to terminate the employment contract of the employee referred to in paragraph (1) of this Article, the employer may, within 15 days from the day of submission of the statement for failing to give consent, to initiate a procedure for public examination or arbitral decision.

(8) The procedure for examination of the consent from paragraph (7) of the present Article shall be implemented by the competent court within 30 days from the day of the submission of the appeal by the employer.

(9) If a trade union has not been established with the employer, or the employee from paragraph (1) of the present Article is not a trade union member, a previous consent for the employment agreement termination shall be issued by the competent labour inspector.

(10) During the procedure for previous consent the competent labour inspector participates in, the time limits and actions referred to in paragraphs (6), (7) and (8) of the present Article shall apply.

Termination of Employment Contract on the Basis of a Court Verdict

Article 102

(1) If the court passes an enforceable decision which determines that the employment contract was illegally terminated to the employee, the employee shall be entitled to return at work if they request that.

(2) Besides returning to work, the employer shall be obliged to pay compensation for damage to the employee amounting to 70% of the lost earnings, in accordance with law, collective agreement and the employment contract, decreased in the amount of the income the employee would have earned on the basis of work after the labour relation termination.

(2) The employee who disputes the notice may request from the court to order that he returns to work temporarily until completion of the dispute.

(3) If the court establishes by an enforceable decision that the termination of the employment contract to the employee is illegal, and it is unacceptable for the employee to continue the employment, upon employee's request, the court shall fix the date of the termination of labour relation and assign compensation for damages.

(4) The court may also pass the decision referred to in paragraph 1 of this Article at a request of the employer if there are circumstances which justifiably show that the extension of the employment by taking into consideration the interests of the both contracting parties is not possible.

(5) The employer and the employee may submit the request for termination of the employment contract until completion of the main hearing before the court of first instance.

Termination of the Employment Contract due to Established Permanent Working Disability

Article 103

The employment contract shall be terminated if under the conditions and according to law it is established that the employee has lost his working ability as of the day of submitting an enforceable decision on establishing the lost working ability.

Termination of the Employment Contract due to Employee's Age

Article 104

(1) The employer shall be entitled to terminate the employment contract to the employee when the employee is 64 years of age and has completed 15 years of service, unless otherwise determend by other laws.

VIII. REMUNERATION

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) Remuneration for work carried out on the basis of the employment contract must always be paid in money. Upon disbursement, the employer must take account of the minimum amount laid down by collective agreement, in accordance with law, which binds them directly.

(3) The salary shall comprise basic salary, part of the salary for business performance and extra payments, unless otherwise stipulated by another law.

(4) The employer may pay to the employee a 13th salary, of the employer can.

Basic Salary, Job Performance and Extra Payments

Article 106

(1) The basic salary shall be laid down according to the level of difficulty of work for which the employee has concluded the employment contract.

(2) The work performance of the employee shall be determined according to the business-like conduct, quality and volume of the performed work, for which the employee has concluded the employment contract.

(3) Extra payments shall be laid down for special work conditions, arising from the distribution of work time, such as work in shifts, split work, night work, duty work, in accordance with law, work on a Sunday, extended work, work on a weekend day, work during holidays determined by law and remuneration contribution for years of service.

Minimum salary

Article 107

The employee's salary for carrying out full-time work may not be lower than the minimum salary determined by law and collective agreement.

Equal Remuneration of Male and Female Employees

Article 108

(1) The employer shall be obliged to pay equal salary to employees for equal work with equal responsibilities at the position, regardless of their gender.

(2) The provisions of the employment contract, collective agreement, and/or general act of the employer, which are contrary to paragraph (1) of this Article, shall be null and void.

Day of Payment

Article 109

(1) Salary shall be paid for periods that must not be longer than one month.

(2) Salary shall be paid not later than 15 days after expiration of the payment period.

(3) If the payday is a non-working day, salary shall be paid at the latest on the first following working day.

(4) The employer shall be obliged to notify the employees previously in writing of the payday and of every change in the payday.

Place and Manner of Salary Payment

Article 110

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

(2) The employer shall be obliged to issue to the employee, upon every salary payment, as well as until 31st of January of the new calendar year, a written salary calculation, salary contributions and salary compensations, for the payment period, and for the previous year, respectively, which also show the calculation and payment of income tax and contributions.

(3) The expenses regarding payment of salary shall be paid by the employer.

Withholding and Settlement of Salary Payment

Article 111

(1) The employer may withhold the salary payment only in cases stipulated by law. All provisions of the employment contract that determine other manners of salary withholding shall be null and void.

(2) The employer must not settle his claims on the employee with the liability to pay the salary without employee's written consent.

(3) The employee must not give the consent referred to in paragraph (2) of this Article before the employers' claims occur.

Salary Compensation

Article 112

(1) The employee shall be entitled to salary compensation for the whole period of absence in cases and duration stipulated by law, as well as in cases when they do not carry out the work due to reasons on the side of the employer.

(2) The employer shall be obliged to pay 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 due to reasons on the side of the employer.

(3) The employer shall pay salary compensation also in cases of employee's incapability to work due to disease or injury for a period of up to 30 days, and if the absence lasts for more than 30 days, the salary compensation shall be paid to the debit of the health insurance. In case of starting new sick leave within three days after the expiration of the previous sick leave, the employer shall be entitled to request from the first instance medical commission to confirm the new sick leave or to extend the previously expired sick leave.

(4) Notwithstanding paragraph (3) from this Article, in case of disability of the employer to work due to injuries that occurred due to lack of safety measures, determined with the prescriptions from the field of work health and safety, made by the employer the employer shall pay a compensation to the salary within more than 30 days based on minutes made by the state administration body, competent for the matters of the labour inspection. The inspector after the performed examination with the employer shall be obliged to state whether the injury in question occurred due to lack of measures for work health and safety made by the employer. The labour inspector shall submit a copy of the minutes to the Health Insurance Fund of the Republic of North Macedonia.

(5) In the cases from paragraph (4) from this Article, the remuneration for the temporary agency workers who by a transfer contract through the Temporary employment Agency have been transferred with an employer- user, shall be obligation of the employer- user.

(6) The employer may pay the salary remuneration at the burden of the other payer, in case when stipulated by law or other prescription.

(7) If the employee is not able to perform his work due to force majeure, they shall be entitled to half of the salary, which they would have received if they were working.

(8) Unless stipulated otherwise by this or another law, the employee shall be entitled to salary compensation in the amount of his average salary during the past 12 months. If the employee was not receiving salary within that period, they shall be entitled to salary compensation in the amount of the minimum salary.

(9) The employer shall be obliged to pay salary compensation to the employee for the days and the number of hours that correspond to the employee's work hours when they do not work due to justified reasons.

(10) In case of interruption of the operating process due to business reasons, the employer shall be obliged to hand down the employee a decision and to pay them 70% of the salary during a period of three months in the current year.

Compensation for Expenses Related to Work

Article 113

(1) The employee shall be entitled to compensation for the following expenses related to work:

1. Business trip;

2. Field allowance;

3. Use of private vehicle for business trips;

4. Separation allowance business trip;

5. Death of the employee or of a member of their family.

(2) The employee is entitled to severance pay at the time of their going into retirement, as well as to jubilee awards.

(3) The amount, basis and period of calculating and disbursing the compensation for these expenses shall be regulated by collective agreement.

(4) The employer, at own cost, may organize the transport for the employees to and from the work place, as well as nutrition during work.

(5) The costs for nutrition referred to in paragraph (4) of the present Article may amount up to 20% of the average net salary per employee paid during the previous year, and the costs for transportation in the amount of the actual costs in the public transportation.

Remuneration of Trainees

Article 114

The employee – trainee shall be entitled to salary determined by law and collective agreement, but not lower than 70% of the minimum salary of the job for which he has been trained.

Expiry of Claims Arising from Labour Relation

Article 115

The expiry period of the claims arising from labour relation shall be three years from the date of liability occurrence.

IX. WORKING TIME

Full Working Time

Article 116

(1) Full work time must not exceed 40 hours a week.

(2) As a rule, the work week lasts five working days.

(3) The law and/or collective agreement may stipulate the work time which is shorter than 40 hours a week, however not shorter than 36 hours a week, as full working time.

(4) The Law or other regulations in accordance with law or collective agreement may stipulate the full work time for jobs incorporating greater danger from injuries or health deterioration to be shorter than 36 hours a week.

(5) If the full work time is not stipulated by law or collective agreement, the work time of 40 hours per week shall be considered as full work time.

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

(7) The employer that has over 25 employees, and the operation process is performed at one location or several locations, shall be obliged to keep electronic recording of the full work time and overtime work.

(8) The employer that has under 25 employees shall be obliged to keep a record sheet for the attendance of the employees by stating data on the beginning and end of the work time.

(9) The manner and keeping of the electronic records for the full work time and overtime work referred to in paragraph (7) of this Article shall be prescribed by the Minister competent for labour affairs.

Overtime Work

Article 117

(1) At employer’s request, the employee shall be obliged to carry out work exceeding the full working time (overtime work):

1. in cases of exceptional increase of the volume of operation;

2. in case of need for continuation of the business or production process;

3. if it is necessary to avert damaging to the work equipment, which would otherwise result in suspension of work;

4. if it is necessary to provide safety of persons and property and security of turnover and 5. in other cases, stipulated by law or collective agreement.

(2) Overtime work may last no longer than eight hours a week, and maximum 190 hours a year, except for work which cannot be terminated due to specific process of operation or for work

without conditions and possibilities to be organized in shifts. The overtime work within three months cannot exceed eight hours per week, in average.

(3) (3) For the employees from the Ministry of Interior and the employees in the Agency for National Safety, performing duties and authorizations in accordance with special laws, the overtime work may last longer than 190 hours a year, due to performance of urgent and pressing operations by previously issued written consent by the employee.

(4) The employer shall be obliged to pay except the extra payment, a bonus in the amount of one average salary in the Republic, to the employee who worked over 150 hours longer than the full working time, and was not absent form work more than 21 days during the year with the same employer.

(5) The employer shall be obliged to keep special records of the overtime work and to specify separately the hours of overtime work in the monthly calculation of the employee's salary.

(6) The employer shall be obliged for each introduction of overtime work to previously and in writing notify the regional state labour inspector.

(7) If the employer introduces overtime work longer than the one referred to in paragraph (2) of this Article, he shall be obliged to reorganize the working hours or to introduce new shifts.

Over-time Work in Health Sector (On-Duty)

Article 118

The on-duty work in health institutions as overtime work shall be regulated by the regulations in the health sector.

Additional Work in Cases of Natural or Other Disasters

Article 119

The employee shall be obliged to work over the full or agreed shorter working time at his workplace or other works, related to elimination or prevention of consequences in cases of natural or

other disasters, if the disasters are directly expected. Such work may last as long as it is necessary to rescue human lives, protect people's health or prevent irreparable material damage.

Ban on Performing Work beyond the Full Work Hours

Article 120

The employer must not impose performing work beyond the full work hours:

1. if the work may be carried out by appropriate organization or distribution of duties, by organization of the work hours or by introducing new shifts;

2. to a female employee, in accordance with the provisions of this Law, for the purpose of protecting pregnancy, childbirth and parenthood;

3. to a mother with a child under the age of three and self-supporting parent with a child under the age of six, except if the employee gives a written statement declaring that he is willing to work overtime;

4. to an older employee without their consent;

5. to an employee under the age of 18;

6. to the employee whose health condition will deteriorate due to such work, according to a medical commission opinion;

7. to the employee with full work hours shorter than 36 hours a week, due to work at position which includes higher risks of injuries or damages to health; and

8. to the employee who works shorter than the full working hours, (part-time work) in compliance with the provisions on pension and disability insurance (disability), the provisions on health insurance (medical rehabilitation) or other regulations (parental responsibilities).

Supplementary Work

Article 121

(1) The employee, who works full time may, as an exception, conclude a part-time employment contract with another employer, however, for not more than ten hours a week, after previous consent of the employers by which he is employed on a full-time basis.

(2) An obligatory integral part of the employment contract, in accordance with paragraph (1) of this Article, shall be the agreement on the manner of exercising the rights and obligations arising from this labour relation regarding the rights and obligations of the employee with the employer, where he is employed on a full-time basis.

(3) The employee's employment contract concluded according to paragraph (1) of this Article shall cease to be valid in accordance with this Law, after the expiry of the agreed time, or after the withdrawal of the consent of the employer where the employee is employed full time.

Shorter Working Hours in Exceptional Cases

Article 122

(1) The employee, who works less than the full working hours (part-time work), shall be entitled to the same rights arising from the compulsory social insurance as if he was working full-time, in accordance with the regulations on pension and disability insurance (disability), and the regulations on health care insurance (medical rehabilitation).

(2) The employee referred to in paragraph (1) of this Article who works less than the full working hours shall have the right to payment for work in accordance with the actual working obligations, as well as to other rights and obligations arising from the labour relation as the employee who works full time, unless otherwise stipulated by this Law.

Shorter work time in special conditions

Article 122-a

(1) The employee that performs tasks that are especially hard and harmful for the health and the adverse impact of which on the health, i.e. work ability cannot be fully eliminated with the protection measures, shall have a shorter work time, proportionate to the adverse impact to their health, i.e. work ability in accordance with the law or collective agreement.

(2) When realizing the right to salary and other rights emerging from the labour relation, the shorter work time referred to in paragraph (1) from the present Article shall be equal with the full work time.

(3) The following tasks shall be considered as especially hard and harmful for the health of the employee: especially hard physical works, work under increased atmospheric pressure, work under increased noise, work in water or wetness, exposure to ionising radiation, work with sick persons containing contagious diseases involving contact with infectious materials, work involving surgical interventions in operating rooms, work in the field of psychiatry, work with persons with hardest impediments in their psychological development, work in medical jurisprudence and pathologic anatomy, work with abrasive materials, work of a fly personnel, ballet performances, musicians playing wind instruments, dancers and opera singers, work near voltage or under voltage and work in a high or deep terrain.

(4) The Minister competent for matters in the labour are shall issue permission of shorter work time of employees performing the tasks stated in paragraph (3) of the present Article, based on a previous opinion given by a healthcare institution that performs tasks in the labour medicine field and an opinion given by the labour inspection.

(5) The employee or the trade union organization, to the employer, may initiate a request for commencement of a procedure to obtain permission for shorter work time.

(6) The healthcare institution that performs activities in the labour medicine field and the labour inspection shall submit the opinion referred to in paragraph (4) of this Article based on an elaborate previously prepared and submitted by the employer.

(7) The employer, to the Ministry competent for labour affairs, shall submit a request for permission for shorter work time.

(8) The employer shall enclose an opinion given by a healthcare institution performing activities in the labour medicine field and the labour inspection to the request for permission referred in paragraph (4) of this Article.

(9) If the labour inspection determines that the conditions referred to in paragraph (1) of this Article actually exist, by a decision shall order the employer to initiate a procedure for determination of the shorter work time.

(10) The employer who performs tasks from paragraph (1) of this Article must not perform those tasks during the overtime work, nor may be employed with another employer with the same tasks, for which they work with a shorter work time.

Distribution of Working Hours

Article 123

(1) The distribution and conditions for temporary redistribution of working hours shall be defined by Law, collective agreement or employment contract.

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

(3) When distributing the full-time work, the employee must not be distributed to less than four working days in a week.

(4) The working hours shall be distributed in accordance with the nature or organization of the work, or the needs of the customers. In the course of distributing and temporary redistributing of the full-time work, the working hours must not exceed 40 hours a week or be shorter than four hours a day.

(5) In the course of distribution and temporary redistribution of the working hours, the working time as an average work obligation in the period, which must not be longer than six months, shall be taken into account.

(6) The provision referred to in Article 120 of this Law on the ban on performing work beyond the full working hours shall also apply in case of uneven distribution or redistribution of working hours.

Redistribution of Working Hours

Article 124

(1) The work hours may be redistributed when required by the nature of activities, i.e. works and duties.

(2) In cases referred to in paragraph (1) of this Article, the redistribution of work hours shall be made in such a way that the total work time on average of the employee is no longer than 40 hours per week in the course of the year.

(3) In the redistribution of the work time for the performance of seasonal work, the work time cannot be longer than 12 hours a day, or 55 hours a week, during a period no longer than four months.

(4) The work time referred to in paragraph (3) of this Article that is longer than 40 hours in the work week, shall be calculated and remunerated in a shorter work time in other work days or in off- work days during the validity of the employment contract.

(5) The redistributed work hours shall not be considered as overtime work for which a contribution to the salary is paid.

(6) It is prohibited for an underage employee, a person with disability- employee, a pregnant employee, an employee performing constant care for a child under the age of three, a self- supporting parent performing constant care for a child under the age of 15 to work with redistributed work hours.

Shift work

Article 124- a

(1) The employer may organize the shift work.

(2) Shift work shall mean each method of organization of the shift work in which the employees substitute each other subsequently on the same work post, following a certain plan which may progress continuously or interrupted, including the need of the employees to work at a different time within a certain period of days or weeks.

(3) The plan referred to in paragraph (2) of this Article shall be submitted to the trade union organization with the employer, at least ten work days prior to the application of the plan.

Schedule of Working Hours

Article 125

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

(2) The working hours schedule in the field of traffic and communications, turnover of goods, health care, social and child security, education and other public institutions, public utility activities, catering, tourism and handicrafts, shall be defined by a decision of the government authority in the relevant field.

Calculation of Working Hours

Article 126

(1) The employee who, due to redistribution of working hours, and who in the time prior to termination of the labour relation during a calendar year, accumulates more working hours at work than it is determined for a full-time work, may request to have his surplus hours converted into full-time working time.

(2) In accordance with paragraph (1) of this Article, the calculated days shall be included in the employee's years of service, as if he had spent them at work. The total period of service in the course of one calendar year must not exceed 12 months.

Night Work

Article 127

(1) Night work shall be the work during the night.

(2) Night work shall mean work between 22:00 and 06:00 the following day.

(3) The employer, who regularly uses employees for 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 at least three hours of his daily work time, and/or the employee who works at night one third of his full annual work time, shall have the right to special protection for night work.

(2) If, according to the opinion of a medical commission, such work could deteriorate the employee's health, the employer shall be obliged to transfer them to a suitable day work.

(3) The employer shall be obliged to ensure the employees who work at night the following:

1. Longer leave,

2. Adequate food or reimbursement of expenses for food in the amount of 20% of the average net salary per employee, paid in the Republic of North Macedonia in the previous year, proportionally for the days when the employee worked at night.

3. Professional management of work and/or production process.

4. Medical check-ups, prior to their engagement in the night work and in regular time intervals determined by law.

(4) If the work is organized in shifts, the employer shall be obliged to ensure periodical rotation of employees.

(5) If there is no public transportation, the employer must not assign an employee to night shift work if the transportation to and from the work is not provided.

Limitations of Night Work

Article 129

(1) The work time of the employee who works at night must not last longer than eight hours every 24 hours, on average. (Nullified with the Decision by the Constitutional Court of the Republic of North Macedonia, published in "Official gazette of the Republic of North Macedonia", no. 132/ 10).

(2) The work time of the employee who works at night at position entailing higher risk of injuries or damage to health, must not exceed eight hours a day.

Consultation 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 to consult the representative

trade union at the employer, and if there is no such, the employees' representative, about determining the time considered as night work, about the forms of organization of the night work, about the measures of health and safety at work, as well as about social security measures.

Night Work of Female Employees in Industry and Construction

Article 131

(1) The female employee in the field of industry and construction may not be assigned to a night work if that work does not allow her to rest at least seven hours between 22: 00 and 05:00 the following day.

(2) The ban referred to in paragraph (1) of this Article, shall not refer to a female employee that has special authorizations and responsibilities or carries out works related to health care, social security and other protection of employees.

(3) As an exception to the provision referred to in paragraph (1) of this Article, the female employee may be assigned to night work when it is indispensable to continue the work interrupted by force majeure, and when it is necessary to prevent damage to raw or other materials.

(4) The female employee may also be assigned to night work when it is required by especially serious economic, social and similar circumstances, under the condition the employer to receive consent for introducing such work from the government authority in charge of labour issues.

X. BREAKS AND RESTS

Break during Working Hours

Article 132

(1) The employee, who works six hours or longer, shall be entitled to a daily break of 30 minutes during daily working hours.

(2) The employee who works part time, but at least four hours a day, shall have the right to a break of 15 minutes.

(3) In case of uneven distribution or temporary redistribution working hours, the break time shall be fixed in proportion to the length of daily working time.

(4) The break may be determined not earlier after two hours of work and not later than three hours before the end of the working time.

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

Rest between Two Successive Working Days

Article 133

(1) The employee shall have the right to a rest of at least 12 uninterrupted hours between two successive working days in a 24-hour period.

Weekly Rest

Article 134

(1) The employee shall have the right to a weekly rest of at least 24 uninterrupted hours., plus 12 hours of daily rest referred to Article 133 of this Law.

(2) Sunday shall be weekly rest day.

(3) Notwithstanding paragraph (2) of this Article, the employees, working with employers having a work process that cannot be interrupted due to technical and technological processes and the work needs to be continuous, shall have a weekly rest day other than Sunday if they work in the following industries:

- animal breeding,

- mixed farming,
- coal and lignite excavation,
- metal ore excavation,
- newspaper printing and publishing,
- production of bread, fresh sweets and crackers,
- beer production, only in the boiling-related processes, yeast preparation and monitoring, fermentation, filtration and energy support of these processes,
- production of the main pharmaceutical products and pharmaceutical preparations,
- manufacturing plates, sheets, pipes and profiles of plastic raw materials,
- industrial gas production,
- metal production,
- pharmacies,
- electricity, gas, steam and air-conditioning supply,
- water supply, waste waters disposal, waste management and environmental repairment activities,
- land, pipeline, water and air transport,
- storage and other auxiliary transport activities,
- accommodation facilities,
- meal preparation and food serving activities,
- cinematographic activities, and video and television programming activities,
- program airing,
- telecommunication,
- information service activities (hosting, data processing, internet portals etc.),
- movie projections,
- photography- related activities,

- veterinary activities,

- motor vehicles renting and leasing,

- private protection activities and protection services with security systems,

- call center activities,

- general public administration activities, only for urgent and unpostponable matters related to sessions, inspection supervisions, forest keeping, which are vital for state and public interest,

- defense- related affairs,

- judicial and law-related affairs,

- public order and safety- related affairs,

- fire department activities,

- healthcare activities,

- accommodation under social protection,

- creative, artistic and entertainment activities,

- museum activities,

- zoo and nature reserve activities,

- sports, entertainment and recreation activities,

- funeral-related and similar activities,

- customs administration at the border crossing points,

- activities that have characteristics of auxiliary or accompanying activities whose purpose is unobstructed functioning of the activities of this paragraph, based on a concluded agreement with the employer from the activities of this paragraph and
- work posts from other industries not covered with this paragraph having characteristics of auxiliary or accompanying activities the purpose of which is unobstructed performance of the main activity of the employer.

(4) The employees working with the retail and wholesale employers shall use the weekly rest day from paragraph (2) of this Article in accordance with the Trade Law.

(5) In case of a natural or another disaster or wreckage and in case of prevention of the consequences thereof, or in case when such an occurrence is being expected shortly, the employee

shall be obliged to work on a Sunday, at the request of the employer, in order to protect the human life and health and prevent irretrievable material damage.

(6) In addition to the right to salary contribution for working on a Sunday, the employee working in the industries from paragraphs (3), (4) and (5) of this Article, shall have the right to use weekly rest in the following seven days. The Sunday work salary contribution shall be at least 50% for each working hour, unless the law and the collective agreement envisage a higher contribution amount.

(7) In the cases from (3), (4) and (5) of this Article, the employer shall be obliged to inform the State Labor Inspectorate prior to the commencement of the work activities.

(8) The activities and assignments from paragraph (3) lines 42 and 43 of this Article, shall be prescribed by the minister competent for labor affairs.

(9) The form and content of the notification from paragraph (7) of this Article and the manner of its submission, shall be prescribed by the minister competent for labor affairs.

Particularities of the Manner of Carrying Out Work

Article 135

In cases when the working time may not be distributed in advance, and/or when the employee organizes his working time independently (managerial staff, employees who are responsible for work units and are authorized to make autonomous decisions and employees who work at home), the employer shall not be obliged to take into account the provisions of this Law, concerning the restrictions of working time, night work, annual vacation, daily and weekly rest, under the condition the employees are provided with health and safety at work.

Possibilities of Different Regulation by Collective Agreements

Article 136

(1) The collective agreements may stipulate the time limitation of working obligations of the employee performing night work, determined by Article 129 of this Law, to be regarded as an average limitation within a period longer than four months, but not longer than six months.

(2) The collective agreements may stipulate the average minimum daily and weekly rests, as determined by law, in cases of shift work, to be provided within a longer period of time, which must not exceed six months.

(3) In activities and/or positions or occupations in cases referred to in paragraph (4) of this Article, the average minimum daily and weekly rests, determined by law, shall be assured within a longer period of time, which must not exceed six months.

(4) In accordance with paragraph (3) of this Article, the right to daily and weekly rest may be provided in the activities and/or at the positions and occupations in the following cases:

1. When the nature of work requires permanent presence, or

2. When the nature of activity requires continuous provision of work or services, or

3. When uneven or increased volume of work is foreseen.

Annual Leave

Article 137

(1) The employee shall have the right to annual leave in duration of at least 20 work days.

(2) The annual leave referred to in paragraph (1) of this Article may be prolonged to 26 work days with a collective agreement or an employment agreement.

(3) An older employee referred to in Article 179 of this Law, a disabled employee, an employee with at least 60% of physical impairment, and employee who takes care of a physically or mentally handicapped child, shall have the right to additional three work days of annual leave.

(4) The employer shall be obliged to hand down the employee a decision on his right to annual leave.

Defining the Duration of Annual Leave

Article 138

(1) The duration of the annual leave, stipulated by Article 137 of this Law, shall be determined in accordance with the years of service, working conditions, and other criteria established by the collective agreement.

(2) Holidays, Saturdays and Sundays, days off work, absences from work due to disease, as well as other cases of justified absence from work, shall not be counted in the days of annual leave.

Eligibility to Annual Leave

Article 139

The employee shall become eligible to a full annual leave after an uninterrupted period of service which may not exceed six months, regardless of whether the employee works full time or part time.

Right to Proportionate Part of Annual Leave

Article 140

(1) The employee shall be entitled to a proportionate part of the annual leave totalling two days for each month of work if:

1. he has not become eligible to full annual leave during the calendar year in which the labour relation was established;

2. his labour relation terminated prior to the expiry of the period after which he would acquire the right to full annual leave; and

Use of Annual Leave

Article 141

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

(2) The annual leave may also be used in several parts in agreement with the employee under the condition that one part of the annual leave must last for at least two continuous work weeks.

(3) The employer shall be obliged to assure that the employee uses two subsequent work weeks of their annual leave until the end of the current calendar year, whereas the remaining part until 30 June the following year.

(4) The employee shall have the right to use the annual leave which has not been used in the current calendar year as a result of absence due to disease or injury, maternity leave or childcare leave, by 30 June of 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 such defined by the employer's collective agreement.

Determination and Use of Annual Leave in the Field of Education and Science

Article 142

The length and manner of using the annual leave in the institutions in the field of education and science shall be stipulated by the regulations in the education and science sector.

Use of Annual Leave in Case of Concluding an Employment Contract with another Employer

Article 143

(1) The employee shall use his annual leave with the employer where he has acquired the right to its use, unless otherwise agreed with the employer.

(2) After the termination of the labour relation, the employer shall be obliged to provide the employee with a certificate for used annual leave.

Manner of Annual Leave Use

Article 144

(1) The annual leave shall be used taking into account the requirements of the working process, as well as the employee's opportunities for rest and recreation, by taking into consideration their family obligations.

(2) The employee shall have the right to use one day of their annual leave on the day they themselves determines, if this does not jeopardize the work process seriously, whereof the employee shall be obliged to notify the employer no later than three days before the use.

Payment of the Unused Part of the Annual Leave

Article 145

(1) After the termination of the labour relation, the employee shall have the right to indemnity for the unused part of the annual leave prior to the termination of the labour relation, it they previously requested use of the annual leave which has not been provided to them, and their labour relation has terminated not due to their own will or fault.

(2) Any agreement, by which the employee would waive his right to annual leave *or indemnity for annual leave in the cases referred to in paragraph (1) of this Article*, shall be null and void.

(Nullified by a Decision from the Constitutional Court of the Republic of Macedonia published in "Official gazette of the Republic of Macedonia" no. 63/ 2009)

Paid Absence

Article 146

(1) The employee shall have the right to a paid absence from work due to personal or family circumstances [his own marriage, child birth (only for the father) and/or death of immediate family member] up to seven working days.

(2) The days of the paid absence from work referred to in paragraph (1) of this Article shall be determined by collective agreement, and upon all bases stated in paragraph (1) of this Article, they may not be more than seven working days.

Unpaid Absence

Article 147

(1) The employee may be absent from work without salary compensation and contributions in cases and under conditions determined by collective agreement, but not exceeding three months in one calendar year.

(2) During the unpaid absence from work, all employee's rights and obligations under the labour relation shall be at standstill.

Absence form Work due to Public Holidays

Article 148

(1) The employee shall have the right to absence form work with salary compensation on public holidays of the Republic of North Macedonia, specified as work-free days, and on other work-free days defined as such by law.

(2) The employee's right referred to in paragraph (1) of this Article may be restricted, if the work and/or production process is carried out uninterruptedly or if the nature of work requires its performance also on public holidays.

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

Absence form Work due to Incapability for Work as a Result of Disease or Injury

Article 149

The employee shall have the right to absence form work with salary compensation, in cases of temporary incapability for work as a result of disease or injury, and in other cases in accordance with the health insurance regulations.

Absence form Work Due to Performance of Functions or Obligations under Special Laws

Article 150

(1) The right to absence from work with salary compensation shall be enjoyed by an employee due to performance of non-professional function, to which he has been elected at direct national elections, functions and/or duties to which he has been appointed by the court, as well as the employee, who has been called to carry out the duty of national serviceman and to perform the duties of defence and the duties of protection and rescue, with the exception of doing military service, or has been summoned by administrative or judicial bodies without being guilty (state counsellors, members of municipal councils, municipal counsellors, judges - jurors, court experts, appraisers, translators, national servicemen, etc.), at the expense of the body or institution where he performs the function and/or where he fulfils the obligation under a special law.

(2) The employee shall have the right to absence from work due to voluntary blood donation of two consecutive working days for every blood donation.

Standstill of Labour Relation of Employee Elected or Appointed to Government or Public Position

Article 151

The labour relation of the employee, who has been elected or appointed to a government or public position, determined by law, and the performance of which requires that he does not work with the employer temporarily, shall be at standstill for the period he performs duty at the position, and the employee shall be entitled, within 15 days after his work at the position ends, to return to work with the employer for carrying out duties that correspond to his professional training.

Standstill of Labour Relation of Employee Assigned to Work Abroad

Article 152

(1) The labour relation of the employee, who has been assigned to work abroad within the frameworks of international and technical cooperation, educational, cultural and scientific cooperation, in diplomatic and consular representative offices, specialization or education by consent and for the needs of the employer, shall be at standstill and the employee shall have the right, within 15 days after the date of termination of his work abroad, to return to work with the employer for carrying out works that correspond to his professional training.

(2) The labour relation of healthcare workers, healthcare associates employed in healthcare institutions referred in humanitarian or peace operations within medical teams outside the territory of the Republic of North Macedonia and the military professionals from the reserve of the Army of the Republic of North Macedonia – active reserve personnel, engaged in the units of the Army of the Republic of North Macedonia, due to participance in peace operations outside the territory of the Republic of North Macedonia in accordance with law, the referral of which, i.e. engagement demands their temporary termination of work with the employer within duration of up to eight months, shall be at a stand steel during their referral, i.e. engagement and have the right within 15 days from the termination of the referral, i.e. engagement to return to the employer for the performance of tasks proper to their degree of professional education.

(3) The labour relation of the employee, whose spouse has been assigned to work abroad in the cases referred to in paragraph (1) of this Article, shall be at standstill at their request, and the employee shall have the right, within 15 days after the termination of his spouse's work abroad, to return to work with the employer for carrying out works that correspond to his professional training.

Obligation to Carry Out Other Work Due to Exceptional Circumstances (Natural and Other Disasters)

Article 153

In cases of natural and other disasters, if such disaster is expected or in other exceptional circumstances, when human life and health, as well as the employer's assets are at risk, the type or place of carrying out the work, defined by the employment contract, may be temporarily changed even without employee's consent, but only until such circumstances are present.

Education of Employees

Article 154

(1) The employee shall have the right and the obligation to continuous education, advanced training and training in accordance with the requirements of the working process, for the purpose of maintaining and/or improving his working capacities at the position, as well as keeping his employment.

(2) The employer shall be obliged to provide education, advanced training and training of employees, if so required by the needs of the working process or, if the education, advanced training or training may prevent the termination of the employment contract due to personal or business-related reasons. In accordance with the needs for education, advanced training or training of employees, the employer shall have the right to send the employee to acquire education, advanced training or training, whereas the employee shall have the right to apply for this himself.

(3) The duration period of the education, advanced training and training of employees, as well as the rights and obligations of the contracting parties prior to and after completing the education, advanced training and training of employees, shall be determined by special contract or by collective agreement.

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

Right to Paid Absence from Work due to Education

Article 155

(1) The employee, who is in the process of education, advanced training or training, in accordance with article 154 of this Law, as well as the employee, who is in the process of education, advanced training or training in his own interest, shall have the right to paid absence from work in order to take examinations.

(2) If the collective agreement, the employment contract or a special contract on education does not precisely determine the right referred to in paragraph (1) of this Article, the employee shall have the right to paid absence from work on the days when he takes the examinations for the first time.

XI. COMPENSATION FOR DAMAGES

Employees' Liability for Damages

Article 156

(1) The employee, who at work or in relation to work causes damage to the employer, deliberately or out of serious negligence, shall be obliged to compensate for the damage.

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

(3) If it is not possible to assess the part of the damage caused by an individual employee, all employees shall equally assume the responsibility and shall compensate for the caused damage in equal parts.

(4) If several employees cause damage by intentionally committed action sanctioned by law, the employees shall jointly bear the responsibility for the caused damage.

(5) If the employee, in the process of work or in relation with work, deliberately or out of serious negligence, causes damage to a third party, the employer shall be obliged to compensate that party for the damage and the employee shall be obliged to compensate the employer for the damage.

Lump-Sum Compensation

Article 157

If the assessment of the damage amount causes disproportionate costs, the compensation may be determined at a lump-sum amount, provided that the cases of damaging acts by the employee and the amount of the lump-sum compensation are stipulated by a collective agreement.

Reduction of Compensation and Exemption from Payment of Compensation

Article 158

The manner and conditions for reduction or exemption of the employee from payment of compensation may be stipulated by collective agreement.

Employer’s Liability for Compensation

Article 159

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

(2) The employer’s liability for compensation shall also refer to the damage caused by the employer by violating the rights of the employee arising from the labour relation.

XII. SPECIAL PROTECTION

Ban on Carrying Out Underground Works

Article 160

(1) Female employees must not carry out underground works in mines.

(2) The ban referred to in paragraph (1) of this Article shall not refer to female employees:

1. who are at managerial positions and/or who manage work units and are authorized to bring valid decisions independently,

2. who must spend a certain period of their practice doing underground work in mines for the purpose of their professional training,

3. who are employed in health or social services and in other cases, when they must go underground to perform non-manual work in mines.

Protection of Employees due to Pregnancy and Parenthood

Article 161

(1) The employees shall be entitled to special protection in labour relation due to pregnancy and parenthood.

(2) The employer shall be obliged to enable the employees easier coordination of family and professional obligations.

Ban on Carrying Out Works during Pregnancy and After Childbirth and for employees from specific and high-risk groups

Article 162

(1) The female employee must not carry out works during pregnancy and one year following the childbirth, if the works significantly endanger her health or the health of the child.

(2 The works referred to in paragraph (1) of this Article shall be determined by the minister in charge of labour affairs in agreement with the minister in charge of health affairs.

(3) The pregnant female employees who work with dangerous chemical substances should be acquainted with the additional risks from these substances for them and their unborn children.

(4) Aside to the employees referred to paragraph (1) of this Article as specific and high-risk groups shall include the young persons and elderly employees and persons with disabilities.

(5) The employer shall be obliged to decide to implement proper measures for all works and work posts related to specific risk of exposure of the employees belonging to the specific high risk groups to harmful influences of the physical, chemical and biological factors, influences and processes , to evaluate all risks for their safety and health based on a professional assessment made by a proper medical specialist on the health condition, readiness of the employees belonging to the specific high risk groups.

(6) The employer shall be obliged to perform the obligations referred to in paragraph (1) of this Article prior to the assignment of the work tasks to the employees belonging to the specific high risk groups and on a significant change of the work conditions taking into special consideration the equipment and the schedule of the work posy, the nature, degree and duration of the exposure on the physical biological and chemical factors and influences, type, scope and manner of use of the work materials, procedures and organization of the work, the level of professional education and training of the employee.

(7) If determined that some of the risks referred to in paragraph (5) of this Article cannot be eliminated in another manner, the employer shall be obliged to change the work conditions or work hours or offer proper alternative work. If that also is not possible, it is necessary that the employee be exempt from the regular course of operation for the duration necessary to protect the health and safety of the pregnant employee and her child.

Special Protection during Pregnancy

Article 163

(1) The employer must not require any data on the pregnancy of the female employee, unless she submits them herself for the purpose of achieving her rights during pregnancy.

(2) If the female employee during pregnancy carries out work which can have a negative impact on her health or on the health of her child, determined in accordance with Article 162 of this Law, the employer shall be obliged to assign her to another adequate position and salary, as if she was carrying out her own work, if this proofs to be more favourable for her.

(3) In any dispute between the employer and the female employee the opinion of the chosen doctor or of the medical commission should prevail.

Protection during Pregnancy and Parenthood Referring to Night Work and Overtime Work

Article 164

(1) The female employee must not carry out overtime or night work during pregnancy or with a child up to the age of one.

(2) The female employee, who takes care of a child from one to three years of age, may be ordered to work overtime or at night only by her previous written consent.

(3) The right referred to in paragraphs (1) and (2) of this Article shall be enjoyed by the employee - father of the child and/or the employee who takes care of the child if the mother passes away, abandons the child or is incapable to live and work independently according to the opinion of the competent medical commission and the health insurance regulations.

(4) One of the employees – parents, who has a child under the age of seven, or severely ill child or physically or mentally disabled child, and who is a single parent and individually takes care of the upbringing and protection of the child, may be ordered to work overtime or at night only by his previous written consent.

Absence from Work due to Pregnancy, Childbirth and Parenthood

Article 165

(1) The female employee shall be entitled to a continuous nine-month paid leave in the period of her pregnancy, childbirth and maternity, and, if she gives birth to more than one child (twins, triplets etc.), to a continuous paid leave of 15 months.

(2) On the basis of the opinion issued by the competent healthcare body, the female employee may begin her maternity leave 45 days, and obligatorily, 28 days before childbirth.

(3) If the female employee gives birth prior to the term determined with paragraph (2) of the present Article, she shall start using the maternity and childbirth leave on the day of birth of the child until the expiry of the time limit referred to in paragraph (1) of this Article.

(4) If, due to health reasons, the child has been detained to be cared for or treated in a healthcare institution and if in the meantime the mother or the father return to work, the leave due to childbirth and parenthood shall cease with the parent retaining the rights to use the unused part of the leave referred to paragraph (1) the present Article.

(5) The employee shall be obliged to announce the time of the commencement and end of the parenthood leave to the employer 30 days prior its commencement, i.e. its ending.

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

(7) The female employee, who adopts a child, shall be entitled to paid leave during the period of the child’s adaptation, in accordance with the regulations on family.

Return to Work after Absence due to Pregnancy, Childbirth and Parenthood

Article 166

(1) The female employee, who is on pregnancy, childbirth and maternity leave, may return to work, on her own decision, even before the expiry of the maternity leave, but not as early as 45 days since the birth of the child.

(2) The female employee, referred to in paragraph (1) of this Article, besides the right to salary, shall also have the right to salary remuneration for absence due to pregnancy and parenthood amounting to 50% of the determined amount of the remuneration, referred to in paragraph (1) of this Article, in accordance with the healthcare regulations.

(3) At the end of the parenthood leave, the employee shall have the right to return to the same work post or, if that is not possible to a proper work post according to the conditions stipulated in the employment contract.

A Father or an Adoptive Parent as a Leave Beneficiary

Article 167

If the female employee does not use the maternity leave, referred to in Article 165 of this Law, the child's father or the adoptive parent shall be entitled to parenthood leave.

Extension of the Pregnancy, Childbirth and Parenthood Leave

Article 168

(1) If a female employee gives birth to a stillborn child or if the child passes away before the expiry of the maternity leave, she shall be entitled to extend the maternity leave for a period which is, according to the doctor's finding, necessary for her to recover after the childbirth and from the emotional situation caused by the loss of her child, of at least 45 days, when she shall be entitled to all rights pertaining to the maternity leave.

(2) In the course of the leave, referred to in paragraph (1) of this Article and in Article 165, paragraph (2) of this Law, the female employee shall be entitled to salary compensation, according to the healthcare regulations.

Part-time Work of a Parent of a Child with Development Problems and Special Educational Needs

Article 169

(1) One of the parents of a child with development problems and special educational needs shall be entitled to work half of the full working time if both parents are employed or if the parent is self-supporting, on the basis of the finding by a competent medical commission, if the child is not at a social or healthcare institution.

(2) The part-time working hours referred to in paragraph (1) of this Article shall be considered as full-time working hours, and the entitled salary compensation shall be paid in accordance with the social security regulations.

Salary Compensation

Article 170

(1) The employee, who is on a parental leave due to pregnancy, childbirth and parenting, i.e. taking care and protecting the child, shall be entitled to salary compensation, in accordance with this and other law and collective agreement.

(2) The employee whose fixed- term employment contract has terminated due to expiry of the contract and uses remuneration to salary during pregnancy, childbirth and parenthood leave, shall continue to use the right up until the expiry of the leave at the burden of the body competent for the implementation of the compulsory healthcare insurance.

Unpaid parenthood leave

Article 170- a

(1) After the ending of the leave due to pregnancy, childbirth and parenthood the employee shall have the right to an unpaid parenthood leave up to three months within the period of until the child is three years of age, in at post three parts, due to care for the child.

(2) If during the time of use of the right referred to paragraph (1) of this Article, the female employee is pregnant again, she shall not lose the right to contribution to salary on the basis of pregnancy, childbirth and parenthood.

Right of a Breast-feeding Mother

Article 171

The female employee, who continues to breast-feed her child after the expiry of the maternity leave and returns to work full time, shall be entitled to a recess within the working time in duration of one and a half hour a day, including the daily break. The female employee shall enjoy this right until the child reaches one year of age.

XIII. PROTECTION OF EMPLOYEES UNDER THE AGE OF 18

Special Protection of Employees under the Age of 18

Article 172

Employees, who are still under the age of 18, shall enjoy special protection in their labour relation.

Ban on Carrying Out Works

Article 173

(1) The employees under the age of 18 must not be ordered by the employer to carry out hard manual labour, works carried our underground or underwater, works connected with sources of ionizing radiations and other works, which can have harmful and dangerous impact on the health condition and development, which are beyond their physical and psychological capacity.

(2) The works referred to in paragraph (1) of this Article shall be determined by the minister in charge of labour affairs, in coordination with the minister in charge of health affairs.

Working Hours, Rest and Break

Article 174

(1) The work time of the employee under the age of 18 must not exceed eight hours a day and 40 hours a week.

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

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

Ban on Night Work

Article 175

(1) The employee under the age of 18 must not work at night between 22:00 and 06:00 the following day.

(2) The employee under the age of 18 may exceptionally be allowed to work at night in case of force majeure, when such work lasts a determined period of time and must be carried out

immediately and the adult employees are not available. In that case, the employees under the age of 18 must be provided with adequate rest during the following three days.

(3) In the cases referred to in paragraph (2) of this Article, the employer must provide supervision by an adult employee.

Extended Annual Leave

Article 176

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

XIV. PROTECTION OF DISABLED EMPLOYEES WITH THE RIGHT TO A PROFESSIONAL REHABILITATION

Employment, Training and Retraining of Disabled Persons

Article 177

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

Rights of Disabled Employees

Article 178

(1) The employer shall be obliged to provide the employee - a disabled person, with the right to a professional rehabilitation on the basis of professional incapacity to work, with conditions to

perform the professional rehabilitation and to appoint them on another work post with a full work time in line with the prescriptions from the pension and disability insurance fund.

(2) The employer shall be obliged to assign the employee, who is at direct risk of disablement, to another adequate position, as well as to grant him appropriate salary compensation pertaining to the achievement of this right prior to the assignment and the salary on the new work post.

(3) The employee with a determined decreased work capability of 50%, in accordance with the prescriptions for pension and disability insurance, shall have the right to a shorter work time or to be assigned to a different work post, with the right to salary in accordance with the collective agreement.

(4) Danger of disablement within paragraph (2) of this Article shall exist when the employee who due to performance pf certain tasks, is affected by the work conditions regardless of the measures applied and may be applied, the conditions affect the health condition of the employ to an extent of visible deterioration of their health condition, and there is a valid need of reassignment of the employee to a different work post, proper for their education and ability, due to prevention of disability.

(5) The Commission for Estimation of the Work Ability within the Pension and Disability Insurance fund shall determine the existence of the danger of disability occurrence, with a finding, assessment and opinion.

XV. SPECIAL PROTECTION OF OLDER EMPLOYEES

Article 179

The employees aged over 57 for female and 59 for male shall enjoy special protection, in accordance with this and other law.

Restriction of Overtime and Night Work

Article 180

The employer shall not be allowed to assign an older employee to overtime or night work without employee’s consent.

XVI. ACHIEVEMENT AND PROTECTION OF RIGHTS, OBLIGATIONS AND RESPONSIBILITIES ARISING FROM LABOUR RELATION

Achieving the Rights with the Employer and Judicial Protection

Article 181

(1) If the employee thinks that the employer does not provide them with the rights arising from the labour relation or that the employer violates any of their rights arising from the labour relation, they shall have the right to submit a written request to the employer to eliminate that violation and/or to fulfil their obligations as employer.

(2) If the employee thinks that their right has been violated by a written decision of the employer, he shall have the right to request from the employer to eliminate that violation, within eight days from handing the decision by which the right has been violated.

(3) If the employer does not fulfil his obligations arising from the labour relation, and/or does not eliminate the violation within a further period of eight days after the submission of the employee' written request, the employee may request judicial protection before the competent court within a period of 15 days.

(4) The employee may lodge a complaint before the competent court against the decision on terminating the employment contract within eight days from its handing by the employer.

(5) When no decision has been adopted upon the appeal, within eight days from the day of submission of the appeal or in case when the employee is not satisfied with the decision adopted upon the appeal, within 15 days from the receipt of the decision upon the appeal, the employee has the right to initiate a dispute before a competent court.

(6) Regardless of the time limit referred to in paragraphs (2) and (3) of this Article, the employee may enforce his pecuniary claims arising from the labour relation directly before the competent court.

(7) The applicant, who has not been selected for employment and who thinks that the discrimination ban has been violated during the selection, may request compensation for damages before the competent court within 15 days from the receipt of the employer's notification.

XVII. AMICABLE SETTLEMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES

Amicable Settlement of Individual and Collective Labour Disputes (by Mediation)

Article 182

In case of individual or collective labour dispute the employer and the employee may agree that the dispute is settled by a special body determined by law.

Amicable Settlement of Collective Labour Disputes (by Arbitration)

Article 183

(1) The collective agreement may stipulate arbitration for settling collective labour disputes.

(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 by arbitration, the arbitration decision shall be final and compulsory for both parties.

(4) A dispute against the arbitration decision 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 have the right to constitute a trade union and become members thereof at their own free choice, under the conditions set forth by the Statute or by the rules of that trade union.

(2) The trade union is an independent and democratic organization of employees, which they join voluntarily for the purpose of representing, promoting, protecting and acting on behalf of their economic, social and other individual and collective interests.

(3) The employers shall have the right to constitute an association and become members thereof at their own free choice, under the conditions set forth by the Statute or by the rules of that association.

(4) The employers' association is an independent and democratic organization, which they join voluntarily for purpose of representing, promoting and protecting their economic, social and other interests.

(5) The trade unions and associations referred to in paragraphs (1) and (3) of this Article may be constituted without any previous approval.

Voluntary Membership in the Trade Union and the Employers' Association

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 Employers' Association

Article 186

(1) The trade union and/or employers' association may not be dismissed or their activity may not be ceased by administrative measures, if they are constituted and perform their activity in compliance with law.

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

Associations at Higher Levels

Article 187

(1) The trade unions and/or employers' associations may constitute their own unions or other forms of associations 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 enjoy all rights and freedoms guaranteed to the trade union and/or employers' association.

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

Statute of the Trade Unions and/or Employers' Associations

Article 188

(1) The trade union, the employers' association and/or the trade unions and the employers' associations at higher level, must have a statute based and brought into force according to the principles of the democratic representation and democratic respect of the will of their members.

(2) The statute shall determine: the purpose of associating into the trade union and/or employers' association, the internal organization of the trade union and/or association, the name, head office, field of activity, symbol, bodies of the trade union and/or association, manner of election and release of those bodies, their term of office, authorizations of the bodies, procedure for entering into membership and its termination, manner of defining the membership fee, manner of bringing into force and amending the statute, rules and other general acts, manner of acquisition, disposal and supervision of the property and termination of the trade union and/or employers' association activity.

(3) The Statute must contain provisions concerning the bodies authorized to conclude collective agreements.

(4) The name of the trade union and/or employers' association at higher level must be clearly different from the name of the already registered trade unions, employers' associations, i.e. registered trade unions and/or associations at higher level.

Legal Status of the Trade Unions and/or Employers' Associations

Article 189

The trade union and/or employers' association and their associations at higher level shall assume the status of legal entity on the date of entering into the Central Registry of the Republic of North Macedonia, upon prior entry into the register of trade unions and/or into the register of the employers' associations, respectively.

Register of Trade Unions and Employers' Associations

Article 190

(1) The trade unions and employers' associations at higher level are entered into the register of trade unions, i.e. the register of employer's associations being kept by the ministry competent for labour affairs.

(2) The register shall contain: the date of foundation, name, head office, field of activity, name of the executive body, name of the person in charge of representation and termination of the activities, termination of the authorizations of the affiliates and/or of the other form of internal organization in the legal operations.

Request for Entering into the Register

Article 191

(1) The entry into the register referred to in Article 190, paragraph (1) of the present Law, shall be made on the basis of a request issued by a higher-level trade union, i.e. higher-level employer's association.

(2) The following documents must be enclosed to the entry request: decision on founding, minutes taken at the founding assembly, the statute, name of the founder and members of the executive body, name/s and surname/s of the person or persons authorized for representing, and data on the number of trade union members based on paid membership fee.

(3) The template of the request referred to in paragraph (1) of this Article shall be prescribed by the minister competent for labour affairs in compliance with the Minister for Information Society and Administration.

Decision on the Request for Entering into the Register

Article 192

(1) After the request for entry of the higher-level trade union, i.e. higher-level employer's association into the registry, a decision is adopted within 15 days from the day of submission of the request referred to Article 191, paragraph (1) from the present Law, one copy of which shall be submitted to the Central Registry of the Republic of North Macedonia.

(2) The decision referred to in paragraph (1) of this Article contains: date and entry, as well as the number under which the trade union and/or employers' association is entered in the register, name of the trade union and/or employers' association, head office and name/s and surname/s of the person or persons authorized for representing.

Reporting Data Changes

Article 193

(1) Every change in the name of the trade union and/or employers' association and/or affiliate or other form of internal organization, the head office, field of activity, name of the executive bodies, person authorized for representing, termination of activity and/or authorizations in legal operations, must be reported in the register.

(2) The person authorized to represent the trade union and/or employers' association shall be obliged to report the changes referred to in paragraph (1) of this Article, to the body which keeps the register within a period of 30 days after the date the changes occurred.

Property of the Trade Union and Employers' Association

Article 194

(1) The trade union and/or employer's association may collect enrolment and membership fee, and acquire property by purchasing, receiving a gift as property or in any legal way without prior approval.

(2) Coerced enforcement may not be implemented on the real estate or movables of the trade union and/or employer's association necessary for holding meetings.

(3) If the trade union and/or association ceases its activity, the property of the trade union and/or association shall be treated in a manner prescribed in the Statute of the trade union and/or association.

Trade Union and/or Employers' Association Activities and Ban on Supervision over the Other Party

Article 195

The employers and their associations shall neither be allowed to supervise the founding and activity of the trade unions and/or their associations at higher level, nor finance or support the trade unions and their associations at higher level in another ways for the purpose of such supervision.

Court Protection of Members' Rights

Article 196

The member of the trade union and/or employers' association may require court protection in case of violating his rights stipulated by the Statute or other rules of the trade union and/or association.

Court Protection of the Right to Association

Article 197

(1) The trade union and/or employers' association and their associations at higher level may require from the court to prohibit the activity which is contrary to the right to free association of employees and/or employers.

(2) The trade union and/or the association and their association at higher level may require compensation for damages caused by activities referred to in paragraph (1) of this Article.

Ban on Unequal Treatment Due to Trade Union Membership or Activities

Article 198

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

1) To conclude employment contract with a particular employee under the condition that that employee does not join the trade union or resign from the trade union,

2) To cancel the employment contract or in another manner put the employee in a less favourable position than the other employees due to his membership in the trade union or participation in trade union activities after the working time and also within the working time by employer's consent.

(3) The membership in the trade union or participation in trade union activities must not be basis for the employer's decision on concluding employment contract, on changing the position and/or work place, professional training, promotion, payments, social insurance contributions and termination of employment contract.

(4) The employer, the manager or any other body and employer's representative must not use forced measures 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 adequate premises to the most numerous representative trade union for performing its activities.

(5) The employer shall be obliged to enable the trade unions and their representatives timely and efficient exercise of the rights referred to in paragraph (3) of this Article and access to data important for exercising that right.

(6) The trade union representative shall be obliged to exercise the right referred to in paragraph (3) of this Article in a period and manner in accordance with collective agreement.

(7) The trade union shall be obliged to notify the employer on the appointment of the trade union representative.

Protection of Trade Union Representatives

Article 200

(1) The trade union representative shall be protected against dismissal in accordance with this Law.

(2) The salary of the trade union representative may not be reduced or his employment contract may not be terminated due to trade union activities.

(3) The employer may terminate the employment contract of the trade union representative in the course of performing the duty only by prior consent of the trade union.

(4) Should the trade union not express its attitude for or against giving consent within eight days, it shall be deemed to have agreed with the employer’s decision.

(5) If the trade union does not give consent, the consent may be attained by court decision.

(6) The persons referred to in paragraph (1) of this Article shall be protected against dismissal during the whole period of their term of office, and at least two years after expiration of their term of office.

(7) The labour relation of the employee, elected or appointed to trade union position determined by the Statute and for which it is necessary to stop working temporarily with the employer, shall remain at standstill, and he shall have the right to return to work within five days after leaving the position ha used to perform, for carrying out works which correspond to his level of professional training.

Termination the Activities of the Trade Unions and/or Employers' Associations

Article 201

The trade union and/or employers' association shall terminate its activity if the trade union and/or employers' association executive body, authorized by the Statute to decide on termination of trade union and/or association activity, makes such decision.

Ban on Activities of the Trade Union and/or Employers' Association

Article 202

(1) The activities of the trade union and/or employers' association shall be banned by a decision of the regular court, competent according to the head office of the trade union and/or employers' association, if its activity is contrary to the Constitution and law.

(2) The proceedings for ban on activities of the trade union and/or employers' association shall be initiated at a request of the body authorized for registration or competent court.

(3) The explanatory note of the verdict on ban on activities of the trade union and/or employers' association shall obligatorily contain the activities, due to which the trade union and/or employers' association activities have been banned.

(4) The court shall be obliged to decide on the property of the trade union and/or association by the verdict that bans the trade union and/or employers' association activity, in accordance with the Statute of the trade union and/or association.

(5) The enforceable verdict on ban on trade union and/or association activity shall be published in the "Official Gazette of the Republic of North Macedonia".

(6) Based on an enforceable decision, the registry keeping body shall erase the organizations from the registry.

(7) A copy of the enforceable verdict referred to in paragraph (5) of the present Article shall be submitted to the Central Registry of the Republic of North Macedonia.

XIX. COLLECTIVE AGREEMENTS

Types of Collective Agreements

Article 203

Collective agreement is concluded as general at a country level, as separate at a branch level and as individual at employer level.

General Collective Agreement

Article 204

(1) At the level of the Republic of North Macedonia shall be concluded:

1) General collective agreement for the private sector in the field of economy; and

2) General collective agreement for public sector.

(2) The general collective agreement for the public sector shall refer to the bodies of the state government and other state bodies, the local self- government units, institutions, public enterprises, institutes, funds and other legal entities performing a public interest activity.

Application and Validity of the Collective Agreements

Article 205

(1) The general collective agreement in the private sector in the field of economy shall apply immediately and is compulsory for the employees and employers in the private sector.

(2) The general collective agreement in the public sector in the field of economy shall apply immediately and is compulsory for the employees and employers in the public sector.

(3) The branch collective agreement, in line with the National Classification of Activities, shall apply directly and shall be obligatory for employers that are members of employers' association, signatories of the collective agreement or those that joined the association additionally.

Subject of Collective Agreement

Article 206

(1) The collective agreements stipulate the rights and obligations of the contracting parties which concluded that agreement and they may also include legal regulations stipulating the conclusion, contents and termination of labour relations and other matters arising from or related to labour relations.

(2) Legal standards incorporated in the collective agreement shall apply directly and shall be obligatory for all parties to which the collective agreement is applied, in accordance with the provisions of this Law.

Obligations for Collective Negotiation

Article 207

Entities that, according to this Law, may be parties of the collective agreement shall be obliged to negotiate in *bona fide* for concluding a collective agreement in reference with the issues which according to this Law may be subject of the collective agreement.

Entities Bound with the Collective Agreement

Article 208

(1) The collective agreement shall be binding for all parties that concluded it and for all parties that at the time of concluding the collective agreement had been or additionally became members of associations that concluded the collective agreement.

(2) The collective agreement shall also be binding for all parties that joined it and for all parties that additionally became members of the associations which joined the collective agreement.

(3) The individual collective agreement shall also be binging – valid for the employees who are not members of a trade union or of the trade union - signatory of the collective agreement.

Form of the Collective Agreement

Article 209

It is compulsory the collective agreement to be concluded in written form.

Participants in Concluding the Collective Agreement

Article 210

(1) The collective agreement shall be concluded between the employer or the representative employers' association and the representative trade union.

(2) When a request has been submitted to determine the representativeness, not meeting the representativeness conditions referred to in Article 212 paragraphs (1) item 2, (2), (3) and (4) and Article 213 paragraphs (1), item 2, (2) and (3) from the present Law regarding the percentage of the members to the fulfilment of the percentage conditions for members and determination of the representation, the collective agreement shall be concluded between the employer or the employers'

association and the trade union containing the highest number of members based on the list submitted with the request for determination of representation.

(3) A collective agreement, in line with paragraph (2) of the present Article shall be concluded upon receipt of a notification from the Ministry of Labour and Social Policy to the trade union, i.e. the employers submitting the request for determination of representativeness from the trade union, i.e. the employers having the highest number of members.

(4) The participants in concluding collective agreement shall be obliged to negotiate.

(5) If in the course of the negotiations referred to in paragraph (2) of this Article consent for conclusion of a collective agreement is not reached, the participants may establish arbitration to settle the disputable issues.

Representativeness Aspect of the Trade Union

Article 211

(1) The trade union's representativeness for the territory of the Republic of North Macedonia, i.e. the association of employer's association for the territory of the Republic of North Macedonia shall be determined due to participance in three- party bodies for social partnership and three-party delegations of the social partners:

(2) Representativeness of a trade union at the public-sector level shall be determined due to participation in collective agreement process at the public-sector level.

(3) The representativeness of a trade union, i.e. employer's association at the private sector level from the economy area, shall be determined due to participance in collective agreement process at the private sector level in the economy area.

(4) The representativeness of a trade union i.e. employers' association, at brunch level, i.e. sector shall be determined due to participance in a collective agreement process at a brunch i.e. sector level.

(5) The representativeness of a trade union i.e. employers' association, at employer level shall be determined due to participance in a collective agreement process at employer level.

Conditions for Determining the Trade Union's Representation Aspect

Article 212

(1) Representative trade union on the territory of the Republic of North Macedonia shall be a trade union meeting the following conditions:

1) Has been entered in the trade union registry being kept by the ministry competent for labour affairs;

2) Has at least 10% of the total number of the employed persons in the Republic of North Macedonia as members that pay membership fee.

3) Covers at least three trade unions at national level from three different brunches, i.e. sectors entered in the trade union registry being kept in the ministry competent for labour affairs;

4) Acts at national level and has registered members in at least 1/5 of the municipalities in the Republic of North Macedonia;

5) Acts in accordance with its statute and the principles of democracy and

6) Covers trade unions that have signed and accessed at least three collective agreements at brunch, i.e. sector level.

(2) A representative trade union at a public-sector level shall be the trade union entered in the trade union registry being kept by the ministry competent for labour affairs having at least 20% of the total number of employed persons in the public sector as its members paying membership fee.

(3) A representative trade union at a private sector level shall be the trade union entered in the trade union registry being kept by the ministry competent for labour affairs having at least 20% of the total number of employed persons in the private sector as its members paying membership fee.

(4) A representative trade union at a brunch level shall be the trade union having at least 20% of the total number of employed persons with the employer as its members paying membership fee.

(5) A representative trade union at employer level shall be the trade union entered in the trade union registry being kept by the ministry competent for labour affairs having at least 20% of the total number of employed persons in the brunch as its members paying membership fee.

Conditions for Determining the Employers' Representation Aspect

Article 213

(1) Representative employer' association on the territory of the Republic of North Macedonia shall be a trade union meeting the following conditions:

1) Has been entered in the employer' association registry being kept by the ministry competent for labour affairs;

2) Has at least 5% of the total number of the employers in the private sector in the Republic of North Macedonia in the field of economy or the employers members employ at least 5% of the total number of employed persons in the private sector in the Republic of North Macedonia as members that pay membership fee.

3) Covers at least three employers from three different brunches, i.e. sectors;

4) Has own members in at least 1/5 of the municipalities in the Republic of North Macedonia;

5) Acts in accordance with its statute and the principles of democracy and

6) Has signed or accessed at least three collective agreements at brunch, i.e. sector level.

7) A representative Has at least 5% of the total number of the employers in the private sector in the Republic of North Macedonia in the field of economy or the employers members employ at least 5% of the total number of employed persons in the private sector in the Republic of North Macedonia as members that pay membership fee.

(2) A representative employer' association at a private sector level shall be the employer' association entered in the employer' association registry being kept by the ministry competent for labour affairs having at least 10% of the total number of employers in the private sector or the employers members employ at least 10 % of the total number of employed persons in the private sector in the Republic of North Macedonia as its members paying membership fee.

(3) A representative employer' association at a brunch level shall be the employer' association entered in the employer' association registry being kept by the ministry competent for labour affairs having at least 10% of the total number of employers in the private sector or the employers members employ at least 10 % of the total number of employed persons in the brunch in the Republic of North Macedonia as its members paying membership fee.

Body competent for representativeness determination

Article 213- a

The representativeness of the trade union/ employer's association at state level, the Republic of North Macedonia, at the public-sector level, at the private sector level form the economy field and the brunch level i.e. sector level, in accordance with the National Classification of activities shall be determined by the ministry competent for labour affairs, at the proposal of the Commission for representativeness determination (hereinafter: Commission) in compliance with this Law.

Composition and manner of operation of the Commission

Article 213- b

(1) The Commission shall be composed of nine members, one from each of the following ministries: The Ministry of Labour and Social; Policy, the Ministry of Justice and the Ministry of Economy; three representatives shall be appointed by the representation employers' associations and three representatives from the representative trade unions, members of the Economy and Social Council.

(2) The registered trade unions and employers' associations at national level may determine their own representative attending the Commission operation.

(3) The representatives from the ministries from paragraph (1) of the present Article shall be determined by the Government of the Republic of North Macedonia, upon a proposal from the minister competent for labour affairs.

(4) The administrative and- expert activities necessary for the operation of the Commission shall be performed by the Ministry of Labour and Social Policy.

(5) The manner of operation of the Commission shall be defined with a Rules of Procedure for the Operation of the Commission.

Request for representativeness determination

Article 213- c

(1) The request for representativeness determination shall be submitted by the trade union/ the employers' association at higher level to the Commission

(2) With the request, evidence for fulfilment of the representativeness conditions shall also be submitted such as:

1) A decision from the entry in the registry of trade unions/ employers' association;

2) A list of the members of the trade union paying membership fee certified by an authorized representative of the trade union and the employer, i.e. evidence for membership of the employers in the employers' association;

3) A list of concluded collective agreements or collective agreements being accessed by the trade union/ employers' association;

4) A list of trade union- members by brunches, i.e. sectors, i.e. list of employer- members by brunches, i.e. sectors and

5) A list of the local trade union- members, i.e. employers by municipalities with headquarters and address.

(3) After the finalization of the procedure for determination of representativeness, the consents from paragraph (2) of the present Article shall be returned to the trade unions. (Nullified with a Decision from the constitutional Court of the Republic of Macedonia published in the "Official gazette of the Republic of Macedonia" number 106/14).

(4) The employer shall be obliged, at the request of the trade union, to issue a certificate with the list of the members of the trade union being employed with them and pay membership fee.

(5) The template from the request from paragraph (1) of this Article shall be prescribed by the minister competent for labour affairs in agreement with the Minister of Information Society and Administration.

Procedure upon request

Article 213 –e

(1) The Commission shall determine whether the request and the submitted evidence are in compliance with this Law.

(2) The ministry competent for operations in the labour area, at proposal of the Commission shall adopt a Decision for representativeness within 15 days from the day of adoption of the proposal of the commission.

(3) For the Decision for representativeness from paragraph)2) of this Article an appeal may be filed within 15 days from the receipt of the Decision to the State Commission for decision making in administrative procedure of a labour relation in the second instance.

(4) Against the Decision from paragraph (3) of this Article an administrative dispute before a competent court may be initiated.

Representativeness examination

Article 213- f

(1) The representativeness shall be determined for a period of three years from the day of adoption of the Decision.

(2) The trade union and the employers' association may submit a request for examination of the representativeness after the expiration of the one-year period from the day of adoption of the Decision for determination of the representativeness.

(3) The request for examination of the representativeness being submitted to the Commission shall contain the name of the trade union or the employers' association, the number of the registration decision, the reasons for examination of representativeness and evidence.

(4) The Commission shall initiate a procedure for representativeness determination in line with Article 213- d from the present Law.

Decision publishing

Article 213-g

The Decision shall be published in the "Official gazette of the Republic of North Macedonia".

Agreement for Association for the Purpose of Participation in Concluding Collective Agreements

Article 214

If neither of the trade unions and/or employers' association fulfils the representational conditions according to this Law, the trade unions and/or employers' association may conclude agreement for association for the purpose of participation in concluding the collective agreement.

Jurisdiction in Settling the Disputes Regarding the Representation Aspect of the Trade Union and/or Employers' Association

Article 215

Any dispute regarding the representation aspect of the trade union and/or employers' association shall be settled within eight days by the court of original jurisdiction, in accordance with Law.

Contracting Parties of a General Collective Agreement

Article 216

(1) The general collective agreement for the private sector shall be concluded between the representative employers' association and the representative trade union for the private sector in the economy area.

(2) The general collective agreement for the public sector shall be concluded between the presentative public-sector trade union and the minister competent for labour affairs after previous authorization by the Government of the Republic of North Macedonia.

Contracting Parties of a Special Collective Agreement for Branch and/or Activity

Article 217

The special collective agreement for branch/ sector shall be concluded between the representative trade union and the representative employers' association at the level of branch/ sector.

Contracting Parties of a Special Collective Agreement for Public Enterprises and Public Institutions

Article 218

(1) The special collective agreement for public enterprises and public institutions shall be concluded between the founder or the body authorized by it and the representative trade union.

(2) The special collective agreement for persons who independently perform activities in the field of art and culture (freelance artists) shall be concluded between the representative trade union and the representative employers' association.

Contracting Parties of Individual Collective Agreement

Article 219

(1) Individual collective agreement shall be concluded between the representative trade union at the employer and a person authorized by the employer.

(2) If several representative trade unions participate in concluding the collective agreement referred to in paragraph (1) of this Article, a negotiation board shall be established.

(3) The members of the board referred to in paragraph (2) of this Article shall be appointed by the representative trade unions.

Contracting Parties of an Individual Collective Agreement for Public Enterprises and Public Institutions

Article 220

The Individual collective agreement for public enterprises and public institutions shall be concluded between the founder or the body authorized by it and the representative trade union at the employer.

Negotiation Board

Article 221

If several representative trade unions and/or employers' associations participate in concluding the collective agreement for the territory of the Republic of North Macedonia and/or branch level, a negotiation board shall be established, the members of which shall be determined by the representative trade unions and/or representative employers' associations.

Authorisation for Concluding Collective Agreement

Article 222

The representatives of the trade unions and the employers' associations which participate in the negotiations for concluding collective agreement and which conclude the collective agreement must have authorization by their bodies.

Responsibility for Fulfilling the Obligations Arising from the Collective Agreement

Article 223

(1) The parties of the collective agreement and persons that it is applied to shall be obliged to fulfil the provisions thereof.

(2) Due to violation of the obligations arising from the collective agreement, the party or person that has suffered damage and to which it applies may require indemnification.

Indicating the Persons and/or Field of Application

Article 224

The persons and the field of its application shall be obligatorily indicated in the collective agreement.

Authorization to Negotiate and Conclude a Collective Agreement

Article 225

(1) Persons representing the parties in the collective agreement must have authorization to conduct collective negotiations and conclude a collective agreement.

(2) If a legal entity is a party of the collective agreement, the authorization referred to in paragraph (1) of this Article must be issued in accordance with the Statute of the legal entity.

Timeframe of Concluded Collective Agreement

Article 226

The collective agreement may be concluded for a definite period of time of two years, with possibility of its extension by written consent of the contracting parties.

Termination of Collective Agreement Validity

Article 227

(1) The validity of the collective agreement concluded for a definite period of time shall terminate after the expiry of the period for which it was concluded.

(2) The validity of the collective agreement may also terminate by agreement of all contracting parties or by cancellation in the manner determined by the collective agreement.

Extension of the Validity of the Collective Agreement

Article 228

(1) When the validity of the collective agreement is extended by agreement of the contracting parties, the agreement shall be concluded not later than 30 days prior to expiry of the validity of the collective agreement.

(2) Unless otherwise stipulated by the collective agreement, after expiry of the period for which the collective agreement is concluded, the provisions thereof shall continue to be applied until concluding a new collective agreement.

Termination of the Collective Agreement

Article 229

(1) The collective agreement must contain provisions on the notice period and proceedings for termination and amendments to the collective agreement.

(2) The collective agreement concluded for a definite period may only terminate if such possibility is provided for in the agreement.

(3) The notice of termination of the collective agreement must be submitted to the other contracting parties.

(4) In case of termination, the collective agreement shall be applied not longer than six months from the date of submitting the notice of termination, unless otherwise determined by Law, and the participants shall be obliged to start negotiations not longer than within 15 days from the date of submitting the notice of termination.

(5) After expiration of the period referred to in paragraph (4) of this Article, the collective agreement shall cease to be valid, unless the contracting parties agree otherwise.

Influence of the Status Changes on the Application of the Collective Agreement

Article 230

In case of status change of the employer, the collective agreement applied at the time when the status change occurred, shall continue to be applied to the employees until concluding a new collective agreement, but no longer than a year.

Submission and Registration of the Collective Agreements

Article 231

(1) Every general and branch collective agreement and every change (modification, amendment, termination or joining) of the collective agreement must be submitted for registration to the ministry in charge of labour affairs prior to their publishing.

(2) The collective agreement or its modification shall be submitted to the competent body by the first stated party in that agreement or by the party that terminates the collective agreement.

(3) A notification for conclusion of the collective agreement at an employer level and the time for which the collective agreement is concluded shall be submitted to the ministry competent of labour affairs within eight days from its conclusion.

(4) The minister in charge of labour affairs shall prescribe the procedure for submission and registration of the collective agreements and their modifications to the competent government authority, as well as the manner of keeping records of the submitted collective agreements and their modifications.

Publishing of the Collective Agreements

Article 232

(1) The collective agreements must be announced in public.

(2) The general and branch collective agreements and their modifications shall be published in the "Official Gazette of the Republic of North Macedonia".

(3) The individual collective agreement shall be published in a manner determined by the agreement.

Entering into the Collective Agreements

Article 233

(1) Entities, which according to the provisions of this Law may be a party of the collective agreement, may additionally enter into the collective agreement.

(2) The statement of entering into the collective agreement must be submitted to all parties, signatories of the same and to entities that additionally entered into the collective agreement.

(4) The entities that additionally entered into the collective agreement shall have the same rights and obligations as the parties that concluded it.

Court Protection of the Rights Arising from the Collective Agreement

Article 234

Party of a collective agreement may lodge a complaint before the competent court requesting protection of the rights arising from the collective agreement.

Settling of the Collective Labour Disputes

Article 235

(1) Any possible disputes in the procedure for concluding and modifying the collective agreement shall be settled amicably.

(2) The disputing parties may agree that the arbitration settles the collective labour dispute.

XX. STRIKE

Rights and Obligations during Strike

Article 236

(1) The trade union and its associations at a higher level shall have the right to call for strike and to start it in order to protect the economic and social rights its members arising from the labour relation, in accordance with law.

(2) The employer and/or employers' association against which the strike is directed must be informed in writing on the strike, and the employer where the sympathetic strike is organized must be informed on that strike in writing.

(3) The strike must not start prior to completion of the mediation and negotiation proceedings according to this Law. The obligation for amicable settling the dispute must not limit the right to strike, when such proceedings are anticipated by this Law, i.e. prior to conducting other proceedings for amicable settling the dispute, on which the parties have agreed.

(4) The sympathetic strike may start without conducting proceedings for amicable settling the dispute, but not prior to expiration of two days from the date of starting the strike for which support it is organized.

(5) The letter of strike announcement must contain the reasons, place and duration of the strike, as well as the date and time of starting the strike.

(6) The strike must be organized so as neither to disable or impede organizing and performing the working process for the employees who do not participate in the strike, nor to forbid entrance to the employees and responsible persons into the employer's business premises.

Excluding from the Working Process

Article 237

(1) The employer may exclude employees from the working process only as response to already started strike.

(2) The number of employees excluded from work must not be higher than 2% of the number of employees involved in the strike.

(3) The employer may exclude form work only those employees who stimulate violent and undemocratic behaviour, thus impeding the negotiations between the employees and the employer.

(4) The employer shall be obliged to pay the contributions determined by the special regulations as lowest basic amount for paying the contributions to the employees excluded from work for the period they are excluded from work.

Rules for the Works That Must Not Be Interrupted During Strike

Article 238

(1) At employer's proposal, the trade union and the employer shall prepare and adopt rules by their mutual consent, intended for production, maintenance and indispensable works which must not be interrupted during the strike.

(2) The rules referred to in paragraph (1) of this Article shall contain especially provisions for works and number of employees who must cover those works during the strike, for the purpose of enabling continuation of the work after the strike termination (production and maintenance works), and/or for the purpose of conducting works which are necessary in order to prevent endangering of the life, personal safety or health of the citizens (indispensable works).

(3) The determination of the works referred to in paragraph (1) of this Article must not deny or substantially restrict the right to strike.

(4) If the trade union and the employer do not reach agreement within 15 days after submitting the employer's proposal to the trade union for determining the works referred to in paragraph (1) of this Article, the employer or the trade union may demand that the arbitration makes decision on those works within the following 15 days.

Consequences from Organizing and Participating in Strike

Article 239

(1) The organizing or participating in strike organized in accordance with the provisions of this Law and collective agreement shall not be considered violation of the employment contract.

(2) The employee must not be put less favourable position than the other employees due to organizing or participating in strike, organized in accordance with the provisions of law and collective agreement.

(3) The employee may be dismissed if he organized or participated in a strike which is not organized in compliance with law and collective agreement, or if he committed another serious violation of the employment contract during the strike.

(4) The employee must not in any way be forced to participate in the strike.

Salary Contributions

Article 240

The employer shall be obliged to pay salary contributions, determined by the special regulations as lowest basic amount for contribution payment, to the employees who participate in a strike during their participation in the strike.

Salary Remuneration during Strike by the Strike Organizer

Article 241

The strike organizer may allocate own funds in order to provide salary remuneration for the employees who participate in the strike for the period of the strike.

Court Ban on Illegal Strike and Compensation for Damages

Article 242

(1) The employer and/or employer's association may demand from the competent court to ban organizing and conducting strike contrary to the provisions of law.

(2) The employer may request compensation for damages that it suffered from the strike organized and conducted not in compliance with law.

Court Ban on Illegal Exclusion from Work and Compensation for Damages

Article 243

(1) The trade union may demand from the competent court to ban exclusion from work during strike contrary to the provisions of law.

(2) The trade union may request compensation for damages that it or the employees suffered due to the exclusion from work during strike which has not been conducted in compliance with law.

Court Jurisdiction for Ban on Strike and Exclusion from Work

Article 244

(1) Making a decision on ban on strike shall be under jurisdiction of the first instance court for labour disputes.

(2) The competent court shall decide upon a complaint against the decision referred to in paragraph (1) of this Article.

(3) The proceedings upon the request for ban on strike and/or excluding from work shall compel immediate action.

Strike in the Military Forces, Police, Government Administration and Public Institutions

Article 245

The strike in the military forces, police, government administration, public enterprises and public institutions shall be stipulated 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 performing coordinated activities in order to protect and promote the economic and social rights and/or employees' and employers' interests, to carry out coordinated economic, development and social policy, to stimulate social dialog and to conclude and implement collective agreements and to comply them with the measures of economic, social and development policy.

(2) The activity of the Economic and Social Council shall be based on the need for trilateral cooperation among the Government of the Republic of North Macedonia (hereinafter referred to as the Government), trade unions and employers' associations, in order to resolve the economic and social issues and problems.

(3) The Economic and Social Council shall:

1) monitor, analyze and evaluate the influence of the economic policy and the measures of economic policy on social stability and development;

2) monitor, analyze and evaluate the influence of the social policy and the measures of social policy on economic stability and development;

3) monitor, analyze and evaluate the influence of the changes in prices and salaries on the economic stability and development;

4) give elaborated opinion to the Minister of Labour on issues and problems related to concluding and implementing the collective agreements;

5) propose to the Government, employers and trade unions and/or their associations at a higher level to carry out coordinated policy of prices and salaries;

6) give opinions on draft laws in the field of labour and social welfare;

7) promote and stimulate the need for trilateral cooperation (trilateral social dialog) among the social partners for resolving economic and social issues and problems;

8) stimulate the amicable settling of collective labour disputes; and

9) give opinions and proposals to the Minister of Labour regarding other issues stipulated by this Law.

(4) The Economic and Social Council shall be established by agreement among the Government, the trade union and the employer's association on the territory of the Republic of North Macedonia and the representative associations of employers of the territory of the Republic of North Macedonia.

(5) The agreement for establishing Economic and Social Council shall define the authorizations thereof more specifically.

(6) The Economic and Social Council may establish boards and commissions for particular issues within their sphere of activity.

(7) The Economic and Social Council shall pass Rules of Procedure which shall regulate its manner of operation.

Composition of the Economic and Social Council

Article 247

(1) The composition of the Economic and Social Council shall be determined by the agreement for its establishing.

(2) When determining the composition, it must be taken into account that the social partners are appropriately involved.

XXII. WORKS CARRIED OUT ABROAD

Posting an Employee to Work Abroad

Article 248

(1) In accordance with the employment contract, the employer may post the employee to work abroad. The length of the transfer shall be calculated based on a referential period of one year from the day of transfer.

(2) The employee may refuse the posting abroad due to justified reasons, such as:

1) pregnancy;

2) disability;

3) health problems;

4) care of a child under the age of seven;

5) care of a child under the age of 15, if the employee is a single parent living alone with the child and taking care of his education and protection; and

6) other reasons determined by the employment contract and/or by the collective agreement, which are directly binding on the employer.

(3) If the employment contract does not stipulate the possibility of work abroad, the employer and the employee shall be obliged to conclude a new, amended employment contract. The contract may be concluded for a period necessary to complete the project and/or for a period of completing the works carried out by the employee posted to work abroad.

Employment Contract for Carrying Out Works Abroad

Article 249

(1) If the employee concludes a fixed-term employment contract for carrying out works abroad, and within that period the foreign regulations according to the international private law are also applied regarding the rights and obligations arising from business relation, the employment contract, apart from the obligatory principles in accordance with this Law, must also contain provisions on:

1) duration of the work abroad;

2) holidays and days off work;

3) minimum annual leave;

4) salary amount and currency in which it is disbursed;

5) other incomes in cash, to which the employee is entitled during his work abroad; and

6) conditions of return to their native country.

(2) Instead of the provisions referred to in paragraph (1) items 4) and 5) of this Article, the employment contract may refer to another law, regulation or collective agreement that regulates this issue.

Transfer of employees within service providing

Article 249- a

(1) The labour and legal relations of the employees being transferred by their employer to perform tasks of service providing for another employer within the territory of EU member- state in

the territory of the Republic of North Macedonia have been determined within this Law, special rules or a relevant collective agreement regulating:

1) The duration of the work time and rest periods;

2) The minimal salary, minimal salary demands and overtime earnings rate;

3) Work health and safety;

4) Conditions for work of women, young persons and female employees taking care of a child under the age of three and

5) Equal treatment of men and women and discrimination ban.

(2) The remunerations related to the work post shall be considered a part of the minimum salary, unless a compensation for the expenses that emerge from the work post are paid, such as travel expenses, accommodation expenses and food.

(3) When it comes to equitable assembly and/ or initial installation of goods, it shall be an integral part of some contract for goods supply and it is necessary to use the goods being supplied when that is performed by qualified and/ or professional employees of the enterprise being the supplier. Items 1 and 2 from paragraph (1) of this Article shall not apply it the employee is being transferred for period no longer than eight days.

(4) The State Labour Inspectorate shall provide information on the conditions for work in line with the special rights, mainly regarding the managing of the construction works including assemblies, regulation of field, assembly and disassembly of buildings, repairment of technical, technological, production and construction equipment, demolition and maintenance, cooperation with authorized bodies of the EU and member states of the European union for identification, control and estimation of the work conditions from this paragraph and providence of relevant work conditions information.

(5) The provisions from paragraph (1) of this Article shall not prevent the implementation of the principles and conditions for employment to be favourable for the employees.

XXIII. WORK OF CHILDREN UNDER THE AGE OF 15, SECONDARY SCHOOL AND UNIVERSITY STUDENTS

Article 250

(1) School children over the age of 14 and college students may perform practical work within their school curriculum with the employer.

(2) In the cases referred to in paragraph (1) of this Article, the provisions of this Law on the work time, rests and breaks, special protection of employees under the age of 18, as well as liability for compensation for damages, shall be appropriately applied.

Apprentices

Article 251

The provisions of this Law and other law stipulating special protection of employees under the age of 18, distribution of work time, break during working time, weekly rest, paid leave, absence from work due to holidays, absence from work due to disease, absence from work due to performing function or obligations according to special laws and liability for compensation for damages shall be applied to the apprentice during his vocational training with the employer.

Special Contracts

Article 252

(1) The employer may conclude a contract with a specific person for carrying out works out of the employer's operations, which scope of activity is independent manufacture or repair of certain things, independent performance of certain manual or intellectual work.

(2) The contract referred to in paragraph (1) of this Article may also be concluded for cultural and artistic works with a person who performs cultural and artistic activities.

Article 253 is deleted

Article 254 is deleted

Article 255 is deleted

XXV. SUPERVISION BY THE LABOUR INSPECTION IN THE FIELD OF LABOUR RELATIONS

Supervision by the Labour Inspection

Article 256

(1) Supervision over implementation of this Law, other laws and regulations on labour relations, collective agreements and employment contracts which stipulate the employee's and employer's rights and obligations arising from the labour relation, shall be conducted by a government administration body competent for labour inspection activities.

(2) The supervision activities of the labour inspection referred to in paragraph (1) of this Article shall be conducted by the labour inspector.

Authorizations of the Labour Inspection

Article 257

(1) When conducting the supervision, the labour inspector shall have the authorizations stipulated by law and regulations adopted on the basis of law.

(2) The employee, the trade union and the employer may require from the labour inspector to conduct supervision regarding labour relations inspection.

Notice to Eliminate Violation of Law and Other Regulations

Article 258

(1) If during the inspection supervision the competent inspector determines that the subject to inspection committed a violation established under Articles 265, 265-a and 266 of this Law, it shall be obliged to compose a minutes, in accordance with law and impose an inspection measure-reprimand to the subject of inspection by a decision and set a period within which it shall be obliged to eliminate the determined irregularities and omissions.

(2) The decision from paragraph (1) of this Article shall be adopted immediately, and latest within eight days from the day the minutes has been composed, as laid down by the law.

(3) The inspectorate shall stop the procedure with a conclusion entered in the minutes, as laid down by the law when, during the inspection supervision, no irregularities are determined as well as other violations of the law or another prescription or the determined irregularities have been eliminated during the inspection supervision or within the period set in the decision referred to in paragraph (1) of this Article

(4) As provided by law, notwithstanding paragraph (3) of this Article, the inspector can pronounce an inspection measure with an oral decision stated in the minutes.

(5) In the case of paragraph (4) of this Article, the inspectorate shall be obliged to immediately, and latest within eight days, adopt a written decision to pronounce an inspection measure, in accordance with law.

(6) An appeal can be filed, against the decision referred to in paragraphs (1) and (5) of this Article, within 15 days as of the receipt of the decision, to the competent second- instance decision- making body, as laid down by the law.

(7) The appeal shall not postpone the execution of the decision referred to in paragraphs (1) and (5) of this Article.

(8) The competent inspection body shall keep records on the imposed reprimands in a manner prescribed by the minister competent for the affairs within the labour area.

Article 258- a

(1) If the competent inspector determines a violation of a law, another prescription, collective agreement, an employment contract and other acts, over the application of which the inspection has been conducted, and an inspection measure has been pronounced for that violation, as per Article 258 from this Law, the inspectorate shall order the employer, by a decision, to adopt or annul an act and take other actions toward elimination of the determined irregularities and omissions.

(2) As an exception, if the inspector determines that the subject to inspection supervision has committed a violation determined under Article 264 of this Law, they shall be obliged to adopt a decision with the inspection measure- order.

(3) The employer shall be obliged to notify the labour inspector on the actions taken regarding the adopted decision.

(4) An appeal may be filed against the decision from paragraphs (1) and (2) of this Article within 15 days as of the day of receipt of the decision to the competent second instance decision- making body, as per the law.

(5) The appeal shall not postpone the execution of the decision from paragraphs (1) and (2) of this Article.

Article 258- b

The Ministry of Labor and Social Policy- the State Labor Inspectorate, shall prepare quarterly reports on the performed controls and shall publish them on the web- site of the Ministry of Labor and Social Policy and the State Labor Inspectorate.

Ban on Performance of the Employer's Operations

Article 259

(1) If the competent inspector finds a person working at the employer with which no labour relation has been established, according to the law, and such person has not been registered in the mandatory social insurance, shall with a decision order the employer to within eight days as of the receipt of the decision, establish a permanent employment contract with the said person or another one, without a public announcement and to keep the same number of employees during the following three months. In addition, the inspector shall propose settlement to the employer by issuing misdemeanor payment order, in accordance with the Law on Misdemeanors. If the employer does not accept the misdemeanor payment order, the competent inspector shall submit a request to initiate a misdemeanor procedure.

(2) If the employer repeats the violation from paragraph (1) of this Article, the competent inspector shall, within a year by a decision, prohibit operation in the operation premises of the employer, i.e. business premises, in duration of 15 days and shall file a request for initiation of a misdemeanor procedure, as laid down by the law.

(3) During the prohibition to work of the employer from paragraph (2) of this Article, the employer shall be obliged to pay the employees at least 90% of the salary of the employee paid for the previous month, as well as the salary contributions and shall not be permitted to decrease the number of employees during the duration of the prohibition.

(4) The authorized officials shall be obliged to keep records for the issued misdemeanor payment orders and the outcome of the initiated procedures.

(5) The records from paragraph (4) of this Article shall contain, store and process the following data: name and surname, i.e. name of the violator, permanent/ temporary residence, headquarters, type of violation, number of the issued misdemeanor payment order and the outcome of the procedure.

(6) The personal data from paragraph (5) of this Article shall be stored for five years as of the day they were entered into the records.

(7) The minister competent for the affairs within the labour area shall prescribe the form and content of the misdemeanor payment order.

(8) An appeal can be filed against the decision from paragraphs (1) and (2) of this Article within 15 days as of the receipt of the decision to the competent second instance decision- making body as laid down by the law.

(9) The appeal shall not postpone the execution of the decision from paragraph (2) of this Article.

Article 259- a

(1) The state administration bodies competent for inspection supervision affairs shall be obliged to cooperate and exchange data on the ban for operation of the employer.

(2) The inspection Council shall coordinate the inspection services on acting upon the provisions from Article 259 of the present Law.

Article 259-b

(1) Notwithstanding Article 258 paragraph (1) of this Law, if the labor inspector, during the inspection supervision, concludes that an employee works on a Sunday contrary to Article 134 of this Law, they shall, with a decision, prohibit the performance of the professional activities of the employer within the business premises or the work space where the irregularity has been determined, with duration of 15 days and they will also issue the employer a misdemeanor payment order. If the employer doesn’t accept the misdemeanor payment order or they fail to pay it, the competent inspector shall submit a request for initiation of a misdemeanor procedure in accordance with the Law on Misdemeanors.

(2) If the employer repeats the violation from paragraph (1) of this Article, the inspector shall, with a decision, prohibit the professional activities within the business premises or the work space

where the irregularity has been stablished, within 30 days and they shall submit a request for initiation of a misdemeanor procedure in accordance with the Law on Misdemeanors.

(3) During the prohibition to work referred to in paragraphs (1) and (2) of this Article, the employer shall be obliged to pay the employees' salary in the amount of the salary paid to the employees in the previous month, as well as the contributions to the salary and must not reduce the number of employees during the prohibition period.

(4) An appeal may be filed against the decisions referred to in paragraphs (1) and (2) of this Article, within 15 days of the day of receipt of the decision, to the organ competent for secondary decision-making, in accordance with the law.

(5) The appeal shall not postpone the execution of the decision from paragraphs (1) and (2) of this Article.

(6) The authorized officials shall be obliged to keep records of the issued misdemeanor payment orders and on the outcomes of the initiated procedures.

(7) The following data shall be gathered, processed and stored in the records referred to in paragraph (6) of this Article: name and surname, i.e. title of the perpetrator of the violation, permanent residence, i.e. temporary residence, headquarters, type of misdemeanor, number of the issued misdemeanor payment order and procedure outcome.

(8) The personal information from paragraph (7) of this Article, shall be stored for five years as of the day of entry into records.

Authorizations of the Public Revenues Office

Article 260

(1) The organization competent for public revenues shall be obliged to notify the competent labour inspector of the employers that have not calculated and paid salaries and/or minimum salary for the previous month.

(2) The notification referred to in paragraph (1) of this Article shall be submitted to the labour inspector according to the employer's head office.

Initiating Misdemeanour Proceedings

Article 261

The labour inspector shall submit a request for initiating misdemeanour proceedings, if he ascertains that the employer and/or person in charge committed misdemeanour by violating law or other regulations, collective agreements and employment contract that stipulate the labour relations.

Article 261- a

The Marker, Sanitary and Health Inspector and the Technical Inspection Inspector, should they determine that the employer acted contrary to Article 13, paragraphs (1), (2), (3) and (7) from this Law, shall submit a request for initiation of a misdemeanour procedure.

Postponing the Implementation of a Decision

Article 262

(1) If the labour inspector ascertains that employee's right has been violated by final decision of the employer, at the employee's request, by decision he shall postpone the implementation of that decision until passing enforceable court decision, if the employee has initiated a labour dispute.

(2) The employee referred to in paragraph (1) of this Article, may submit the request to the labour inspector within 30 days from the date of initiating the labour dispute before the competent court.

(3) Administrative dispute may not be initiated against the final decision of the labour inspection referred to in paragraph (1) of this Article.

Right to Appeal

Article 263

(1) An appeal can be filed against the decision of the competent inspector, adopted in line with Article 262, within 15 days as of the day of receipt of the decision to the competent second instance decision-making bodies, as laid down by the law.

(2) The appeal against the decision from paragraph (1) of this Article shall not postpone the execution.

XXVI. PENAL PROVISIONS

Article 264

(1) A fine in the amount between 500 and 1.000 euro in denar equivalent shall be imposed to the micro and small employer- legal entity, a fine in the amount between 1.000 and 2.000 euro in denar equivalent to the medium employer- legal entity and a fine in the amount between 2.000 and 3.000 euro in denar equivalent to the large employer- legal entity if it:

- fails to provide safety conditions regarding the employee's life and health in accordance with the prescriptions for safety and health on the work place (Article 42);

- fails to introduce the employee with the work place safety measures and fail to train them on the application of such measures, as per the prescriptions for safety and health at the work place (Article 32);

- fails to protect and respect the personality, dignity, privacy of the employee and takes no care to protect the personal data of the employee (Article 43 paragraphs (1) and (2) and Article 44 paragraphs (1), (2), (3) and (4));

- disables or tries to disable the labour inspector in the conducting of the inspection supervision (Articles 256 and 257);

- fails to protect the rights in case of transfer of the entire or parts of the company (Articles 68-a through 68-e);

- orders a female employee to perform underground work and fails to grant the right to special protection to a female employee, father and adoptive parent to a child with major development impairments, in accordance with law (Articles from 160 through 171);

- fails to provide protection to employees still under the age of 18, in accordance with law (Articles 172 through 176);

- fails to provide protection to the disabled and elderly employees in accordance with law (Articles 177 through 180) and

- organizes child, school children and student employment contrary to this Law (Articles 250 and 251).

(2) A fine in the amount of 250 euro in denar equivalent shall be imposed for the violation from paragraph (1) of this Article to the responsible official within the legal entity at the micro and small employer, a fine in the amount of 400 euro in denar equivalent at the medium employer and a fine in the amount of 500 euro in denar equivalent at the large employer.

(3) A fine in the amount of 250 euro in denar equivalent shall be imposed for the violation from paragraph (1) of this Article to the employer- natural person.

(4) The competent court shall administer the procedure and impose the misdemeanor sanction for the violations from paragraphs (1), (2) and (3) of this Article.

Article 264-a is deleted

Article 265

(1) A fine in the amount between 200 and 400 euro in denar equivalent shall be imposed to the micro and small employer- legal entity, a fine in the amount between 300 and 600 euro in denar equivalent to the medium employer- legal entity and a fine in the amount between 600 and 1000 euro in denar equivalent to the large employer- legal entity if:

- an employment contract has not been concluded between the employee and the employer and the employer failed to enter the employee in the mandatory pension and disability insurance the healthcare insurance and insurance in case of unemployment prior to the commencement of the employment (Article 13 paragraphs(1), (2), (3) и (7));

- the employment contract is not stored in the business premises in the employer's headquarters and the employee has not been given a copy of the employment contract (Article 15 paragraphs (2) and (3));

- the employer concludes an employment contract with a person who is still under the age of 15 and does not have a suitable general health condition (Article 18);

- it concludes an employment contract with or engages young persons to work contrary to Article 18 of this Law or concludes an employment contract contrary to this Law (Article 19 paragraphs (1), (2) and (3));

- it concludes an employment contract with a foreign citizen who does not meet the conditions set out under this or another law (Article 20);

- it fails to conclude a contract with a foreign citizen or a person without citizenship (Article 20);

- it makes a public announcement on the vacant work post contrary to this Law (Articles 22, 23 and 24);

- it fails to notify the candidate who has not been selected (Article 27);

- it acts contrary to Article 25 of this Law while concluding an employment contract;

- the employment contract does not contain the necessary legal elements (Article 28);

- it amends the employment contract contrary to this Law (Article 28-a paragraphs (2), (3) and (4));

- it enters provisions in the employment contract which are contrary to the law and the collective agreement (Article 29);

- it orders the employee to perform other work assignments contrary to the law (Article 30);

- it determines the competitiveness clause contrary to the law (Articles 36 through 39);

- it fails to provide the employee with the work for which the employment contract has been concluded (Article 40);

- it fails to provide the employee with a standstill of the labour relation, in accordance with the law (Article 45);

- it fails to transform the labour relation in accordance with the law (Article 46);

- it fails to provide the seasonal employee with the corresponding rights in accordance with the law (Article 47);

- it orders the part time employee to work longer hours than the agreed ones (Articles 48 through 60);

- it fails to provide the intern with the corresponding rights, in accordance with law (Articles 56 through 59);

- it cancels the employment contract (Articles 70 through 83);

- it makes an agreement contrary to this Law or deregisteres the employee without a previous agreement (Article 68);

- it imposes a monetary fine contrary to this Law (Articles 84 and 85);

- it fails to observe the employment cancelation periods (Articles 88 and 89);

- it cancels the employment contract after the expiry of the period from this Law (Article 94);

- it fails to provide the employee with information and consultation in terms of Articles 94-a and 95 of this Law;

- it fails to provide the corresponding rights and fails to pay severance in accordance with law (Articles 96 and 97);

- it fails to act upon the warning and cancelation of the employment contract given by the employee (Article 100);

- it cancels the employment contract contrary to Article 101 of this Law;

- it fails to pay salary, salary contributions and compensations in accordance with the law and the collective agreement (Articles 105 through 114);

- it orders the employee to work longer hours than the work time laid down by the law, fails to keep or keeps irregular records of the work time and overtime work, fails to pay bonus to the regular salary and fails to inform the inspector on the introduction of overtime work (Articles 116, 117, 119 and 120);

- it fails to continue the employment contract (Article 104);

- it fails to provide the employee with additional work, in accordance with the law (Article 121);

- it fails to provide the corresponding rights provided by law (Article 122-a);

- it organizes shift work contrary to the law (Article 124-a);

- it calculates the work time contrary to this Law (Article 126);

- it fails to observe the prescriptions for segmentation and timetable of the work time (Articles 123, 124 and 125);

- it organizes the night work contrary to Articles 127 through 131 of this Law, i.e. fails to inform the inspector on the introduction of night work;

- it fails to provide the employee with a break during the work time, rest between two consecutive days, weekly and annual vacation leave, in accordance with this Law, fails to pay annual vacation leave compensation, fails to provide unpaid leave, in accordance with law, fails to return the employee to the work post after the labour relation standstill period, fails to provide leave due to education and training, determined under this Law and fails to issue an annual leave decision (Articles 132 through 155);

- it decreases the salary of the union representative or cancels the employment contract contrary to this Law (Article 200);

- it organizes the performance of work assignments abroad contrary to the Law (Articles 248, 249 and 249-a) and

- it fails to act upon the decision of the inspector on elimination of a violation of the law or another prescription or following an order issued by the labour inspector on ban of operation (Articles 256 through 263).

(2) A fine in the amount of 150 euro in denar equivalent shall be imposed for the violation from paragraph (1) of this Article to the responsible official within the legal entity with the micro and small employer, a fine in the amount of 300 euro in denar equivalent with the medium employer and a fine of 400 euro in denar equivalent with a large employer.

(3) A fine in the amount of 250 in denar equivalence shall be imposed for the misdemeanor from paragraph (1) of this Article to the employer- natural person.

(4) The misdemeanor sanctions from paragraphs (1), (2) and (3) of this Article shall fall within the competence of the misdemeanor commission established by the minister competent for the labour affairs.

(5) The exercising of the right to legal remedy against the decision of the misdemeanor commission from paragraph (4) of this Article shall be implemented in accordance with the Law on Misdemeanors.

Article 265- a

(1) A fine in the amount between 200 and 300 euro in denar equivalent shall be imposed to the small employer – legal entity, a fine in the amount between 300 and 400 euro in denar equivalent to the medium employer- legal entity and a fine in the amount between 400 and 600 euro in denar equivalent to the large employer legal entity if it:

- fails to adhere to the prescribed and agreed conditions on the performance of the work assignments laid down by the law, collective agreement, employer's acts, i.e. requested by the employer (Article 19);

- fails to provide the labour inspector with a copy of the employment contract regarding the performance of those assignments and send it to their home address (Article 50);

- attempts to perform or performs unauthorized monitoring over the trade union (Article 195);

- fails to issue a confirmation accompanied by a list, or issues a confirmation along with a list containing partial data on the employees who are trade union members and pay membership fee (Article 213-c);

- poses the employee, who took part in a legally organized strike, in a less favorable position compared to the other employees (Article 239);

- fails to express the cancelation of the employment contract in written form and content, in accordance with the law and fails to hand it over (Articles 74 and 75);

- fails to participate in a dispute resolution procedure when under such obligation (Articles 182 and 183) and

- concludes a contract contrary to Article 252 of this Law.

(2) A fine in the amount of 100 euro in denar equivalent shall be imposed for the misdemeanor from paragraph (1) of this Article to the responsible official within the legal entity at the micro and small employer, in the amount of 250 euro in denar equivalent at the medium employer and in the amount of 350 at the large employer.

(3) A fine in the amount of 200 euro in denar equivalent shall be imposed for the misdemeanor from paragraph (1) of this Article to the employer- natural person.

(4) The misdemeanor sanctions from paragraphs (1), (2) and (3) of this Article shall fall within the competence of the misdemeanor commission established by the Minister of Labour and Social Policy.

(5) The exercising of the right to legal remedy against the decision of the misdemeanor commission from paragraph (4) of this Article shall be implemented in accordance with the Law on Misdemeanors.

Article 266

(1) A fine in the amount between 800 and 1.000 euro in denar equivalent shall be imposed to the trade union for a violation, i.e. the upper level trade union and the employers' association 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, head office, field of activity, name of authorities and bodies, persons authorized for representing, 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 this 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 mediation and arbitration proceedings stipulated by this Law, and/or prior to conducting other proceedings for amicable settling of the dispute by mediation and negotiation (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 of announcing the strike (Article 236 paragraph (5)).

7) A fine amounting from 25 to 50 euro in denar equivalent shall be imposed for a misdemeanour to the official person should they fail to adopt a decision for representativeness determination within 15 days from the submission of the proposition by the Commission (Article 213- d, paragraph 2)

8) A competent body for imposition of the misdemeanour sanctions in paragraphs (1) and (2) of this Article shall be the competent court.

Misdemeanour body

266- a

(1) For the misdemeanours determined in Articles 264, 264- a, 265 and 265- a from this Law, the misdemeanour procedure shall be lead and the misdemeanour sanction shall be imposed by the state administration body competent for he labour affairs (hereinafter: Misdemeanours Body).

(2) The misdemeanor body within the state administration competent for economy and healthcare affairs, as well as technical issues shall administer the misdemeanor procedure and shall impose a misdemeanor sanction for the violations determined in Article 265 paragraph (1) item 1) and paragraphs (2) and (3) of this Law.

(3) The misdemeanour procedure from paragraph (1) of this Article before the misdemeanour body shall be led by the Commission for Deciding upon Misdemeanours (hereinafter Misdemeanours Commission).

(4) The misdemeanour Commission shall decide upon misdemeanours determined with this or other law and shall impose misdemeanour sanctions determined with this or other law.

(5) The exercising of the right to legal remedy against the decision of the misdemeanor commission from paragraph (4) of this Article shall be conducted in accordance with the Law on Misdemeanors.

Formation and
Operation of the Misdemeanours Commission

Article 266- b

(1) The Misdemeanours Commission may be established by the minister competent for labour affairs. The minister may establish several misdemeanour commissions competent for leading a misdemeanour procedure for certain areas or fields in the Republic of North Macedonia.

(2) The Misdemeanours commission shall be composed of a president and two members from the line of civil servants employed in the body of the state administration competent for labour affairs. The president of the commission shall be a Bachelor in Legal Sciences with a passed bar exam.

(3) The Misdemeanours Commission shall be appointed for a period of three years with the right to reappointment of the members.

4) The President and a member of the Misdemeanours Commission may be dismissed in the following cases:

1) With the expiration of the term of office;

2) Upon request;

3) With fulfilment of the conditions for age pension in line with the law;

4) If sentenced with an enforceable decision for a criminal act (nullified by a Decision from the Constitutional Court of the Republic of Macedonia published in the "Official gazette of the Republic of Macedonia" number 10/10).

5) If a permanent disability is determined;

6) If, by an enforceable decision, it has been determined that they have violated the prescriptions for misdemeanour procedure;

7) If they fail to meet the obligations emerging from the operation in the Misdemeanours Commission and

8) If they fail to report the existence of a conflict of interests for a case being decided by the Misdemeanours Commission.

(5) The Misdemeanours Commission shall have the right to exhibit evidence and gather data being necessary for the determination of the misdemeanour, as well as performing other tasks and undertake actions determined with this Law, Law on Misdemeanours and another law.

(6) The members of the Misdemeanours Commission shall be independent in the work of the Misdemeanours Commission and shall decide on the basis of their professional knowledge and independent reasoning.

(7) The Misdemeanour Commission shall work at a session and decides with the majority of votes from the total number of members.

(8) The Misdemeanours Commission members shall have the right to award for their work in the Misdemeanours Commission being determined by the minister competent for labour affairs. (Nullified by a Decision from the Constitutional Court of the Republic of Macedonia published in the "Official gazette of the Republic of Macedonia" no. 10/10).

(9) The minister competent for labour affairs shall adopt Rules of Procedure and expense list for the operation of the Misdemeanours Commission.

(10) The Misdemeanours Commission shall keep single records of the misdemeanours, imposed sanctions and adopted decisions in a manner prescribed by the minister competent for labour affairs.

Levelling

Article 266- c

(1) The inspector from Article 261 shall be obliged to, prior to submitting a request to initiate a misdemeanor procedure for the violations from Articles 264, 265, 265-a and 266 of this Law and the inspector from Article 261-a, for the misdemeanor determined in Article 265 paragraph (1) line 1 of this Law, issue a misdemeanor payment order to the responsible official or the person authorized by them at the employer, in accordance with the Law on Misdemeanors.

(2) If the violator pays the fine within eight days as of the day of issuance of the misdemeanor payment order, they shall pay half of the envisaged fine amount, and if they fail to pay within the envisaged period, the authorized official shall submit a request for initiation of the misdemeanor payment order to the competent body.

(3) The form and content of the misdemeanor payment order shall be prescribed by the Minister of Labour and Social Policy.

Article 266- d is deleted.

XXVII. TRANSITIONAL AND FINAL PROVISIONS

Application of the Provisions of this Law to the Initiated Proceedings for Protection of Rights

Article 267

The proceedings for exercise and protection of rights initiated prior to the date of coming into force of this 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 this Law are more favourable for the employee.

Passing By-laws

Article 268

(1) The minister in charge of labour affairs shall pass the by-laws for implementation of this Law within six months from the date of coming into force of this Law.

(2) The existing regulations will be applied until the date of coming into force of the by-laws referred to in paragraph (1) of this Article.

Compliance of the Regulations

Article 269

(1) The existing collective agreements and acts of the employer will comply with this Law not later than within six months from the date of coming into force of this Law.

(2) The collective agreements that will not be complied within the period determined in paragraph (1) of this Article shall cease to be valid.

(3) The provisions of this Law will be directly applied until the collective agreements are concluded and employer’s acts are passed in accordance with this Law.

(4) The existing employment contracts concluded before the coming into force of this Law shall be deemed to be employment contracts.

Deadline for Electronic Recording of Working Time

Article 270

The obligation of the employer for electronic recording of full time and overtime work, referred to in Article 116 paragraph (7) of this Law, will start to be implemented from 1 January 2006.

Termination of the Validity of Laws

Article 271

The coming into force of this Law shall invalidate 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 of the Law published in "Official Gazette of the Republic of Macedonia" No. 3/94, 59/97 and 34/2000 and the Law on Strike ("Official Gazette of SFRY" No. 23/91).

Article 272

The existing youth cooperatives will be transformed and their operation will be complied with law until 31 December 2005.

Coming into Force

Article 273

This Law shall come into force on the eighth day from the date of its publishing in the "Official Gazette of the Republic of Macedonia ".

VALID AND TRANSITIONAL PROVISIONS FROM THE REFERENCES TO THE LAW

I. **"Official Gazette of the Republic of Macedonia" no. 129/15**

Article 10

The calculation of the amount of the fine for the legal entity shall be made according to the Law on Misdemeanours.

II. **"Official Gazette of the Republic of Macedonia" no. 27/16**

Article 9

The initiated procedures up until the day of application of the present Law shall finish in accordance with the law they were initiated by.

III. **"Official Gazette of the Republic of Macedonia" no. 120/18**

Article 18

The duration of the trial work up until the day of enforcement of the present Law shall finish in accordance with the law by which the employment contract has been concluded determining the duration of the trial work.

Article 19

The initiated procedures for payment of the severance pay in case of termination of the employment contract due to business reasons, until the day of enforcement of the present Law, shall finish in accordance with the law they were initiated by.

The initiated procedures for salary payment of the employee- probationary, up until the day of enforcement of the present Law, shall finish in accordance with the law and collective agreement they were initiated by.

IV. "Official Gazette of the Republic of Macedonia" no. 151/21

Article 2

The provisions of the Labor Relations Law ("Official Gazette of the Republic of Macedonia" No.62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16, 120/18 and "Official Gazette of the Republic of North Macedonia" No.110/19 and 267/20) shall be applied to the statements for extension of the employment contract submitted until August 31, 2021.

The employment contract referred to in paragraph 1 of this Article shall be valid until the expiration of the period for which it has been extended, and no later than June 30, 2022.

V. "Official Gazette of the Republic of North Macedonia" no. 288/21

Article 4

The bylaws envisaged with this Law shall be adopted within 60 days of the day this Law enters into force.