



Confederation of free trade unions

National consultation meeting in Skopje, North Macedonia was organized on 10<sup>th</sup> of October 2019

**EWC – “processing financial information as a key factor for effective communication and negotiation”**

**Project VS/2019/0025**

# First Part

- The meeting started with a welcoming speech and introducing present participants to the project
- Afterwards, the NLE introduced the questionnaire which had previously been translated and sent to all participants.
- According to the Agenda, the NLE prepared a presentation in order to make the principles of Directive **2009/38/EC** more understandable

## SECOND PART

- Introducing the National legislation and putting special emphasis on national law EWC which has postponed implementation.
- Introducing the current Law for Labor Relations (LLR) as the one and only available legal tool for obtaining information and consultation of the employees
- Questions were asked and an open discussion was held on how this legal opportunity is used by the employees.

# Questionnaires EWC

- Questions in the questionnaires were adequately changed in accordance with the national legislation since North Macedonia (NM) still does not have EWC.
- Hence, 100% of participants answered with “NO” to the question on whether there are EWC representatives in their organization/institution



# Questionnaires EWC

- According to the analysis of the answers given, the question “Are you familiar whether there are EWC representatives in North Macedonia and how many of them?” was answered with **NOT FAMILIAR** by **all** of the participants

- - 100% of the participants consider that establishment of the EWC representatives in NM will increase the level of transmission of the important information from the manager board to the employees
- **Conclusions:** NM does not have a strategy which will increase the awareness and understanding of the purpose of EWC representatives.
- Trade unions are reluctant and suspicious towards the foundation of EWC.
- Employees have hope that establishment of EWC will increase the possibility of processing the information

# Information and consultation of the employees

- According to article 94-a from the LLR, the obligation to provide information and consultation applies to trade companies, public enterprises and other legal entities with more than 50 employees and institutions with more than 20 employees.
- The information shall be provided at a time, in a manner and with a content that are appropriate in order to enable the representatives of the employees to analyze the information and prepare for consultations where necessary.

# TYPE OF INFORMATION

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



# CONSULTATION

- The consultations shall be carried out:
- 1) when the time, method and content thereof shall be appropriate;
- 2) at the relevant level of management and representation, depending on the matters within the scope of the consultations;
- 3) in accordance with the information supplied by the employer relating to the information and the opinions of the representatives of the employees;
- 4) in a manner that would enable the representatives of the employees to meet with the employer and receive replies to any opinion they may develop, and
- 5) in view of the possibility to reach an agreement on the decisions within the scope of competences of the employer.
- (7) The provisions of article 94-a of the present law shall not apply to crews of vessels navigating open seas.

# CONCLUSIONS

- Although the current law mandates an obligation for information and consultation, according to the participants this legal provision is not respected by the employers and very often the information is not provided on time or in an adequate manner or sometimes not even provided at all.
- NO court cases were raised as a result of possible breach of this article .
- This article currently may serve as substitution of the Directive in North Macedonia situation

- Lack of the provision which strictly defines what information can be marked as “CONFIDENTIAL” –
- Increase the awareness of the employees on how use the provisions of the LAWS in order to get the information on time. \*( there were answers in questionnaires regarding the confidentiality that are used by the employers to denied requested information)

# THIRD PARD/ewc/ewc Law in NM

- Law on EWC in North Macedonia has postpone implementation ( till now it was two times amended)
- Participants were introduce the structure and the basic outcomes which the Law will bring after its full implementation.
- Interesting part was article 37 of the Law were the transmission of the classified information is prescribed ( in order to the define the classified information this article refers to the agreement for foundation of the EWC)



# Sanctions in EWC

- Sanctions are foreseen in the EWC law in article 40 and the sanctions are rendered by the State Inspectorate for Labor ( which body is assessed as ineffective instrument in protection of the employees rights in many of the strategy analyses.

# CONCLUSION

- Harmonization of the fines defined in the Law on EWC with the sanction foreseen current labor law regarding breach of the right for information and consultation of the employees
- Increasing the effectiveness of State Inspectorate
- Capacity building and raising the awareness of the trade-union regarding the role of EWC