

# EWCs role in accessing transitional level information and day-to-day EWC functioning in Republic of North Macedonia

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On 8<sup>th</sup> of September 1991 citizens of Republic of Macedonia voted for independence

On 17<sup>th</sup> of November 1991 the first Macedonian Constitution was adopted by the Parliament.

In 1997 Republic of North Macedonia named as FYROM signed the Stabilization and Association Agreement between the European Communities and their Member States, since than Macedonian authorities are urged to succeed in better harmonization of national legislation with the EU acquis communautaire

# Constitution of RNM

- Article 32 from the Constitution explicitly prescribes that:
- Everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment. Every job is open to all under equal conditions. Every employee has a right to appropriate remuneration. Every employee has the right to paid daily, weekly and annual leave. Employees cannot waive this right. The exercise of the rights of employees and their position are regulated by law and collective agreements.

- Article 37 from the Constitution regulates the position of the Trade unions in the country saying that:
- In order to exercise their economic and social rights, citizens have the right to establish trade unions. Trade unions can constitute confederations and become members of international trade union organizations.
- The Law may restrict the conditions for the exercise of the right to trade union organization in the armed forces, the police and administrative bodies.

# LAW ON LABOUR RELATIONS

- Current Law on Labor Relation regulates the process of Information and consultation of the employees in article 94-a where the obligation of the employers to inform and consult is applying only in trade companies, public enterprises and other legal entities with more than 50 employees and institutions with more than 20 employees.
- Although the Labour Law mentions the possibility of companies having representatives, the Labour Law does not regulate this institution further.

# What does the process of information and consultation means according to LLR

- The consultation must include information about the imminent and future trends in the company's activities, and their economic situation, about the situation, structure and possible course of employment in the trade company, and about each planned measure, especially when there is a threat to employment, about any decisions that may lead to essential changes in the work organization or in the contractual obligations.
- The information must be given in a time frame, in a manner and with such contents suitable for enabling the staff representatives to conduct an appropriate analysis, and when needed to prepare for consultation.
- Although the Labour Law mentions the possibility of companies having representatives, the Labour Law does not regulate this institution further.

# NEW DRAFT LAW on LLR is in the process of adoption

- In April 2021 as result of the very strong and permanent efforts of the Trade unions in NM changes of the Law on LR are proposed.
- Mostly are regard the Sundays which according to new changes shall be considered to be as day of week leave, which was not practice in the past.
- Unfortunately no other changes are proposed in regard of implementing provisions of EWC position which shall put the national law closer to EU law

# Directive on Establishment of European Works Council 2009/38/EC

- Law on European Works Council is adopted in 2012 and changed in 2015 aimed to incorporate the EU DIRECTIVE in the national legislation, but its implementation is postponed till accession of North Macedonia towards EU.
- So far the legal provisions regarding consultation and information stipulated in LLR are considered as solely way in exchange of information and coordination in the representational process of the employees in the companies.
- No fines are prescribed if the employers do not respect or follow the proper process of consultation and information .
- And although there are several multinational companies established in the RNM, European Work Councils (EWC) are not recognized as effective instrument by the national legislation
- Therefore my personal opinion is that the transposition of the Directive 2009/38/EC in the national law is inefficient in order to keep low quality of employee representation.

# CONCLUSIONS

- Transposition of the Directive shall be part of LLR which will give position of EWC to be used as effective instrument in the process of consultation and information of the employees.
- These provisions would be aimed to improve and increase the quality of employee representation and the efficient use of the European Work Councils (EWC) instrument by the stakeholders and will increase the efficiency of employee representation in multinational companies;
- Otherwise we do have Law which transposes the Directive but is not effective in the consultation and information of the employees;



**THANK YOU FOR YOUR  
ATTENTION**

