



NEWSLETTER 3

WORKING GROUP II SOCIAL POLICY AND EMPLOYMENT

Preparatory meeting

Date: 23.01.2019

Attending: Prof. Mileva Gjurovska, National coordinator of NCEU-MK, State secretary Jovana Trenchevska, co-chair of NCEU-MK, and representatives of the Department for Gender Equality and Equal Opportunities from the Ministry of Labor and Social Policy.

The meeting, took place at the premises of the Ministry of Labor and Social Policy. Ms. Trenchevska proposed that the upcoming session 4 should focus on gender inequalities, as it is a major problem related with discrimination, but also to touch on others forms of discrimination. The Council agreed on a draft Agenda for session 4. Ms Trencevska spoke about the new Law on Prevention and Against Discrimination, which is in parliamentary procedure. The law envisages a new body (COMMISSION) that will be of a professional character. In order to complete the agenda, communication with representatives of associations active in this domain was established.



Fourth Session of Working group 2 –
Social policy and Employment

NON-DISCRIMINATION AND EQUAL OPPORTUNITIES: EUROPEAN LEGISLATION IN NATIONAL POLICIES AND PRACTICES

The 4th session of the NCEU-MK Working Group 2 Social Policy and Employment (Chapter 19) took place at the MP's Club in Skopje on February 19, 2019. The topic of the session was "Non-Discrimination and Equal Opportunities: European Legislation in National Policies and Practices". This session was attended by more than 50 representatives from different stakeholders in this area, such as representatives from Ministry of Labor and Social Policy, non-governmental organizations and associations, entrepreneurs, professors and experts from the country and abroad.

Ms Marija Risteska (co-chair), opened the session pointing out the uniqueness of the National Convention, a platform that unites all stakeholders.





Ms. Jovana Trencevska, State Secretary in the Ministry of Labor and Social Policy, addressed the audience next. She reiterated that the topic of the session is extremely important and that it is one of the priorities of the Government and the Ministry of Labor and Social Policy. The State Secretary stated that in talking of non-discrimination, we are talking about human rights and the exercise of those rights. As we fight for a just society, it is important not to equate equal treatment with equal opportunity. Different individuals in our society have different needs and priorities. The Government must ensure that it gives every citizen an equal treatment and protection. Ms Trencevska noted that a confirmation that the Government is on the right path is the signing and later the ratification of the Istanbul Convention, which focuses on violence against women and the protection of women's rights.

Furthermore, there is regulation in the Republic of North Macedonia that is aims towards equality between men and women, however it is still not implemented properly. It is important for the institutions to have a budget so they can implement the action plans and tasks outlined in the legislation. Currently, there is a draft law that is in accordance with all standards, but it is still waiting in Parliamentary procedure. If adopted, it will allow better protection and prevention. The Strategy for Gender Equality is a strategic document adopted by the Ministry of Labor and Social Policy, in which other ministries are also involved. The principle and concept of gender responsive budgeting is a very important tool that contributes to the realization of the imagined programs, which contributes to a better life of the citizens

Ms Jarmila Lajcakova, senior fellow in the Centre for the Research of Ethnicity and Culture, in Slovakia, was the guest expert for the 4th Session.



At the beginning of her address, she saluted the ratification and implementation of the Istanbul convention in North Macedonia, and noted that the very topic of the Istanbul Convention in Slovakia was a contested topic in political circles in Slovakia. Ms Lajcakova's presentation focused on ethnicity and gender equality in Slovakia. She stated that during the EU accession process, in Slovakia there was a big debate on how to implement all the directives. She explained the some of the challenges the Slovak Republic faced. The Law and equality took 4 years to draft, and even when it was finally finished, it still was discriminating to the certain groups of people, because the Law did not cover freedom of sexual orientation.

One of the main nondiscrimination challenges Slovakia faces is Roma integration policy. Slovakia prepared integration strategy based on equality of opportunity. This was the Slovak way of affirmative action policy.



Additional challenges Slovakia faces in the area of nondiscrimination are multiple discrimination, limits on training of judges to distinguish direct from indirect discrimination, and the limited capacities of public prosecutors, schools and labor inspectors. Limited access to legal aid by the victims is another major challenge. It is possible the EU will take Slovakia to the ECJ because Slovakia did nothing to prevent segregation. The facts are not on Slovakia's side. Some studies have shown that there is a 0.6% chance that children born in Roma settlements will finish university. However, there are also some sustainable and positive affirmative action policies trying to curb discrimination in Slovakia, and those should be noted and built upon.

As a final comment, Ms Lajckova said that in order to advance changes, it is important to move beyond legislation and focus on its implementation.

The next speaker was Mr Nano Ruzin, professor at the FON University. He noted that the concept of equality of chance is a social economic theme. The first discrimination is of social nature. The market is insensitive and creates differences between people on various grounds.

According to him, we should go back to improving the social status of the individual. The Internet offers unlimited possibilities. If women or Roma, know how to work online, as categories where there is higher unemployment, they are not dependent on the state and the chances that it provides, but have a whole world of opportunities. He proposed to set up a special institution for equal opportunities, naming Belgium and France as examples. The State Secretary of the Ministry of Labour and Social Policy, Ms Jovana Trencevska immediately responded that such a body exists and it will soon even have its status raised to the level of a Secretariat in the Government.

As discrimination is a very wide topic that covers a lot of areas there was a lot of interested discussants. Ms Elena Gacheva from EMRM asked about the burden of proof in discrimination cases. The experts explained the legal procedure in North Macedonia, explaining why it was necessary to change the legal procedure and shift the burden of proof from the plaintiff to the defendant.



They gave few examples from ongoing cases of discrimination. Minorities such as Roma people are commonly discriminated. Professor Gjurovska, national coordinator of NCEU-MK, asked the Slovak Expert to share the experience in this domain, as a Slovakia has already been through some of the things that North Macedonia should go through during the accession process. According to Ms Jarmila Lajcakova, first the society should come together on things such as discrimination and have a homogeneous view. If this happens, the European commission will not be making any problems regarding this topic.



Preparatory meeting

Date: 21 May 2019

Attending: Mileva Gjurovska, Prof. Dr Jovan Ananiev, Dean at the Faculty of Law, Goce Delcev University - Shtip, Mile Stojanovski, Labor Adviser at the Ministry of Labor and Social Policy, Prof. Dr Konstantin Minoski - Coordinator of the WG2, Professor Nano Ruzin - Expert in WG2, Elena Gaceva, Nikola Jazadziski, Neda Dojcinovska, Secretariat for European Affairs.

The preparatory meeting took place at the Ministry of Labour and Social Policy. The representative from the Ministry, Mile Stojanovski opened the meeting addressing the main points of discussion within the topic:

- Flexibility of the Labor Market (Directive 93/104), in particular the achievement of flexibility in the private sector.
- Restriction of non-social work time, that is, the working time outside of legal working hours (ILO - Workers with Family Responsibilities Convention)
- The informal economy i.e. informal employment is a significant problem in our country and it is necessary to pay due attention to the implementation of the Strategy for Formalisation of the Informal Economy 2018-2022. Having in mind that 23% of the total number of employees is not reported, it is necessary to act with special mechanisms to address this issue.

Implementation of the National Program for Decent Work, and what are the most appropriate instruments for its realisation.

All participants took part in the discussion, each identifying the different issues. Mileva Gjurovska stressed that a balance between work and private life is at the core of the contemporary approach of the European Union to Social Policy and creation of conditions for achieving the principle of equal opportunities for men and women. However, the scope is very broad and important issues need to be drawn from the national context.

Jovan Ananiev, pointed out the problem of employing students while they are studying, and recommended that special regulations is developed in order to increase their self-financing opportunities during their studies. It was noted that with the new legal regulations there is a possibility for paid internship, with the support of the state funds.

Nano Ruzin, added that the state should also stimulate private companies in the direction of achieving a balance between work and private life for their workers. There should be more public debates on these issues so that good practices and experiences from the region can disseminated. Employers are a vital part of the changes in the field of labor.

Neda Dojcinovska, the representative of SEA pointed out that this area is very complex and that it is necessary to define the points of the negotiations. She gave detailed information regarding the conclusions from the Explanatory Screening in Chapter 19, and promised to provide the Convention with all necessary documents that they can share. The meeting lasted for more than three hours, with productive discussion all for the purposes of preparing for the upcoming Session.

Fifth Session of Working group 2 – Social policy and Employment

WORK – LIFE BALANCE, BETTER WORKING CONDITIONS – BETTER LIFE

The Fifth Session of the WG2 titled: "Work– life balance, better working conditions – better life" was held on 27 June 2019 at the Faculty of Law at the University Goce Delchev in Stip. The participants of the Session were as follows: Jovan Ananiev, Dean of the Law Faculty " Goce Delchev "in Stip, Jovana Trancevska - State Secretary of the Ministry of Labor and Social Policy, Svetlana Trbojevic, Professor at the Faculty of Philosophy - Skopje, Maria Risteska, Director of the Center for Research and Policy Making, Andon Majhoshev, Professor of Law School "Goce Delchev" in Stip, Angel Dimitrov, President of the Employers Organization, the Slovak expert Daniel Gerber,



and the moderator Mileva Gjurovska, national coordinator of NCEU-MK. More than 30 members attended the Session: representatives of relevant state institutions, trade unions, professors from the Faculty of Law and experts. The focus of the debate was work life balance.

Mileva Gjurovska opened the Session giving a brief general introduction to the work and significance of the National Convention, and also the significance of Chapter 19. She emphasised that expert debate was necessary in order to define problems and propose solutions. She pointed out that European integration is not only a part of the government and the work of politicians, or only the citizens of the capital, but it is a matter of all and therefore we must all express our opinion together. It is not by coincidence that this Session is held in Stip since it is one of the towns where change in terms of improving the working conditions and living conditions is most necessary as it is a large industrial centre of Republic of North Macedonia employing thousands of female workers in the textile industry.

Stip seems to be the right place to discuss work life balance because the textile industry is a dominant female branch and problems are clearly visible here. She added that if Stip made that change possible, it would be possible anywhere. With the new EU Directives regarding Chapter 19, the EU is becoming more active in this area, which until now in terms of law was mainly based on the so-called soft law.

Next was the Dean of the Faculty of Law "Goce Delchev", Jovan Ananiev. First of all, he thanked the NCEU-MK for including the eastern part of the country in the debate. He pointed out that European integration did not only mean joining the European Union, but it also meant integration of European standards and values into our legal system and legal and political culture through institutional reforms. These reforms must take place at the local level, not just at central level. Regarding flexible working hours, he thinks that it is an interesting concept, which will contribute to greater involvement of women, which will also mean women emancipation. In addition, he briefly presented the research conducted with the students in Strumica and Stip, on topics related to working issues. The conclusion from these surveys is that the state can and has to do something about it, however employers play a key role, but they are not interested at all in any talks or debates.

Employers refused to participate in this working Session, which is another proof of that. Finally, Prof. Ananiev praised the concept of NCEU-MK as a forum for all relevant stakeholders, whose goal is to produce recommendations that the state will hear and implement.



Jovana Trenchevska, State Secretary at the Ministry of Labor and Social Policy, first expressed her satisfaction that this topic was chosen for discussion because she had been working in the field of equal opportunities between men and women for more than 20 years. Labor law reforms and reforms in equality and non-discrimination policies are currently the focus of the ministry and all previous recommendations, and of course the recommendations of this Session, will be seriously considered as to become part of the new law. In reference to work life balance, the goal is for workers to be happier and more productive, but without any negative consequences for the employers.

Transposing these measures means approximating the Macedonian legislation to European legislation, and these measures will stimulate higher employment of women and youth, which is of great importance. The policies to be adopted have to be acceptable to both workers and employers. The problem that is being discussed today is a problem for many European, highly developed states. The role of EU in terms of work life balance focused mostly on the equality of men and women and many strategic documents developed from this. The EU Directive on work life balance (2019) is of particular importance. Macedonia has a solid legal framework, as well as a solid framework for strategic documents, and it is necessary to work on measures and policies for work life balance. The percent of women employment is continuously lower than men's, a fact confirmed by the data the ministry has available. This data confirms the traditional structure of the society where we live, that is, women do more unpaid work, which means household chores and care for the family. Therefore, it is more than necessary that the EU Directive on work life balance (2019) is implemented through the introduction of various forms of work, such as flexible working hours, part-time or home-based work. All these problems, according to Trenchevska, will be addressed in the new Law on Labor Relations that is being drafted now.

Moreover, the new Law will prescribe benefits for men, too, and they will be able to use parental leave, which will be paid. This parental leave can be used in the first 45 days of the birth of the child, a period considered to be the most challenging one, when the support of the father is most needed. With regards to flexible working hours, it was highlighted that in practice many companies had introduced flexible working hours, like EVN, a company which has a combination of flexible and fixed working hours. She concluded that the Ministry will work in the direction of creating conditions for employees to have more free time for their private life.

Andon Majhoshev, a professor at the Faculty of Law "GoceDelchev" in Stip discussed the views of social partners regarding flexible working hours, especially trade unions. He mentioned the historic strike of the Chicago workers that influenced the division of the day into three parts: 8 hours of work, 8 hours of rest and 8 hours of sleep.



Trade unions significantly contributed to reducing the working hours from 10-12 hours per day to 8 hours, i.e. 40 hours per week. Flexible working hours is a dream of every employee, especially if s/he is a parent or if s/he needs time for other personal obligations. According to him, the employment rate of women does not go at the same pace as men's employment. He supported his statement with new statistical data.

The gender pay gap in the Republic of North Macedonia is 12-18% depending on the sector where the analysis is made. However, this is an improvement from the past where this gap was up to 24%, and even more. The flexible working hours project in our country is successfully implemented in the administration, the banks, as well as part of the private sector. Furthermore, he presented an analysis of trade union views regarding flexible working hours, concluding that the unions are either against this measure or have no position at all.

Thus, in terms of flexibility, the unions are conservative, which is not the case with the examples from the EU where flexibility is appreciated both by trade unions and employers. European research shows that the introduction of flexible working hours increased employee productivity by 18%. However, many employers have a positive experience and have introduced flexible working hours in order to meet the needs of employees and retain the best employees for themselves.



It is necessary to engage in an intensive social dialogue about flexible working hours, and it should be prescribed by labor law. Moreover, part-time work must be defined, and shall be discussed in the social dialogue between partners. Angel Dimitrov, President of the Organisation of Employers expressed his negative attitude towards the EU Directive on work life balance. According to him, the regulation scarcely regulates anything and the reason for this is the lack of compromise between employers and trade unions, which is the main problem. He said that the Directive should be implemented, but a clear dialogue and accommodation of our conditions to the Directive itself was necessary. He pointed out that most of the issues covered by the Directive are in relation to maternity leave and modalities of leave for both parents. Since this Directive is expected to be integrated in the new Law on Labor Relations, firstly, it should be well-developed and harmonized with all stakeholders.



The Directive provides more opportunities for paid employees' absence, such as 5 working days of careers' leave per year. All this is good, but it reminds us again that laws which are difficult to implement in practice should not be adopted. He pointed to the problem of violating workers' rights, which leads to non-violent competition of companies.

According to him, trade unions are conservative and oppose flexibility, in general, because of fear of abuse of workers. Therefore, many of the flexible forms of work, such as work from home, work for multiple employers and other ones, are not prescribed by law. There were cases of such practices in Europe at the beginning of the 20th century. Particularly important is the problem with employment for a definite period of time, which usually goes through the Temporary employment agencies, where the obligations of the agency and the employers are not precisely defined. He pointed out that employers are motivated to enter into indefinite contracts to retain good workers.

However, it is very wrong to discuss these issues in general. In some cases, it is possible to introduce flexible working hours, but not everywhere since the work has to be synchronised. Regarding the work life balance, he thinks that people who own and run their own business face the greatest challenges, that is, micro and small businesses, facing challenges in their work and life balance if they want to succeed in business.

Maria Risteska, Executive Director of the Center for Research and Policy Making. She highlighted the challenges that follow the EU directives and regulations. She pointed out that debates on work life balance had been going on for more than 15 years, and that the new Directive represented the most transformative instrument of gender relations that was established at EU level. The Directive contributes to overcoming of discrimination based on one's family status, secondly, it regulates the right to maternity or paternity leave, thirdly it relates to the flexibility of work due to work family balance, and fourthly, it identifies the need for care and child care services for children (kindergartens, nursing rooms and the like).

Risteska emphasised that the Law on Labor Relations was in general in line with the previous conventions, especially the one of ILO. It is important to underline that the law recognises the gender imbalance and that it is a transformative element.

At this point, the law institutionalises the mother as the person who takes care of the child's development through several Articles. This generates employment discrimination because the employer perceives the woman as responsible for child development. The Directive alters the root model, that is, the principle of "dual earner, dual carer" is introduced, that is, both earn and both care for all who need care.

The analysis of the law shows that it offers 3 types of leave in order to have better balance. The mother will no longer be the only one who takes care of the family, but it is a shared responsibility, so the employer will not have any chance of discriminating against mothers. According to Risteska, part-time work must be redefined, which is regulated with only 1 option, i.e. half working hours. With greater flexibility, it would be possible for many people to be more active at different periods of their life if they would like to contribute more or less. She also pointed out that the option for second or additional work is not regulated, which is followed by not paying taxes, and stimulation of the grey economy. This claim was backed up by a presentation of an analysis of 2018, where this problem was detected, alleging that people receive a pay, which is undeclared. People trying to earn a living are forced to work more, and this is not regulated in terms of social protection.



Daniel Gerbery, an expert from Slovakia addressed the audience via video call giving general overview of the European social model, which consists of the key values and goals, as well as the normative principles based on the close relation between the economy and the social policy specific of the EU. He discussed the founding treaties of the EU and the way the social rights are regulated in them. He mentioned the European Pillar of Social Rights, which was adopted in 2017 and it defines 20 basic principles that should guide all reforms in relation to social and employment policies for the EU members. One of the most important parts of the implementation of this pillar is the Directive of work – life balance, the contents of which were already addressed by the previous speakers. The Directive can be successfully implemented through several factors. He pointed out 3 major lessons from Slovakia's experience.

Firstly, the directives have been designed as a minimum standard in the field, which means that more rights than the ones envisaged in the regulation should be foreseen and it is important that people benefit from them. Not everything that Brussels imposes should be accepted. Secondly, all relevant stakeholders should be involved. The implementation must be based on a social dialogue. Thirdly, it always takes time to implement these measures. Employers should not be faced with big and sudden shocks, but a timeframe should be given within which these changes would occur.

After this presentation, a debate was opened, and the first to speak was Verica Taseva, a representative of the Trade Union of the Workers from the Administration, the Judiciary Bodies and Citizens Associations of the Republic of North Macedonia in Stip. She noted that the flexible working hours that were already implemented in the administration were achieved by the demands of this trade union. She also underlined the new demand for a 7 hour-working day or 35 hours a week, which has already been implemented in several European countries. According to her, we already had part of the regulation in the past, that is to say in Yugoslavia and we already have such experience, mentioning that the kindergarten in Stip is still known as the Astibo kindergarten (a textile factory in Stip).

Taseva mentioned that the employers did not adhere to the legal regulations and therefore we must start first with the conditions for protection and safety of the workers. She also asked whether the minimum wage should be the same for companies employing 1 employee and those employing 1000 employees, knowing that large companies have much bigger profit. She also agreed that the extra working hours must be regulated, which currently require the consent of the company where the candidate for extra working hours fulfils 40 hours.

Biljana Todorova, an associate professor at Goce Delchev University asked to take the floor and she started her discussion with the importance of the Directive on work life balance. Apart from feminists who debate about the inequality of women and the distribution of family responsibilities, the term "work life balance" has been already entered in the employment policies, which is progressive.



Family responsibilities affect the involvement of women in the labour market because women usually do most of the unpaid household chores and they take care of the children. The degree and form of women's participation in the labour market is often associated with whether they have small children or other people in their household that need care.

The initiative taken in Macedonia to extend the duration of the maternity leave resulted from the fact that there are no suitable conditions to take care of small children in the kindergartens. Improving the quality of the kindergartens is a key requirement for establishing a balance between the work and family life and it activates women in the labour market. During the first days after childbirth a woman really needs the presence of the other parent, which is not possible for now – she said. The measure, parental leave gives the husband an opportunity to feel as a parent in the first days.

Regarding the flexible forms of employment, she shared the opinion with Majhoshev that in circumstances like these, the law can be easily violated because there is low level of control. The collective agreements can reduce the vulnerability of the workers in nonstandard forms of employment.

Allowances are a very significant measure in the policies for work family balance (family allowances and one-time allowances in case of childbirth, as well as various other financial – tax reliefs for families with children).

Marijan Kostadinovski, representative of the Independent Trade Union for Education, Science and Culture from Stip. He discussed the problem of women who have been fired when their maternity leave ended and he asked if there were any analyses of this. He pointed out that these Sessions were needed in places outside Skopje, so that these places could feel as part of the process, too.

During the debate a discussion developed regarding the Economic Social Councils and their functionality, the local Economic social councils were also debated, pointing out the role of the Mayor in this council as crucial. He must show the will to gather all relevant stakeholders at the same table so that these councils would function.

Svetlana Trbojevic, an expert in NCEU-MK joined the discussion adding that many improvements are needed in workers' lives, starting with respect for the rights guaranteed to them by the Law and the Constitution, then investing in decent work and leisure facilities, taking care of the food for the employees in places where there are no nearby facilities where employees could eat and so on.

She then presented the recommendations and explained the need for each one of them.



According to Marija Risteska, the regulation of the extra working hours must be a priority and allow the extra working hours to have greater benefits through the pension and health insurance. Judge Hilda Meshkova from the Primary Court – Skopje 2, firstly agreed with everything that was said until then and according to her, the implementation of the regulations is very important. However, every law is as good as much it is obeyed, and this is not the case here, based on her experience. In her opinion, it is so, because everybody sticks to their guns. To overcome this, we must be realistic. The court is an institution that is unique and which does not have its own side, and she proposed to add the court procedure, i.e. the protection of these rights by the court, especially when adopting new laws, where according to her, judges working on the matter must be consulted.

The last to speak was Mileva Gjurovska, NCEU-MK coordinator who greeted all participants who contributed to the extremely interesting debate and the affirmation of the EU Directive on work-life balance. She noted that some of the issues that were discussed during the debate were very important and a way must be found to bring them closer to the public. We must not forget. We should not forget that the battle of the business is cruel because it is fought on the world stage. According to her, better working conditions bring benefit not only to workers but also to employers because all analyses lead to the fact that productivity is greater if workers are satisfied, even on a shorter working day, because in that case workers give their maximum. She reiterated that the only way to resolve the problems is a dialogue and pointed out the National Convention as the right place for that debate to be continued. In the last 2 years, the institutions have shown openness and desire to increase their knowledge, but also openness for a debate, which should be welcomed. We are not talking about the political dimension. Institutions must function and be strong, because they are the state.

In the end, the recommendations were adopted with additional suggestions regarding the content of some of them.