

Analysis of Legislation for Gender-Responsive Family Policies in North Macedonia



**Expanding
Choices** through
Family-Friendly Policies



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Abbreviations

ECSR European Committee of Social Rights

EU European Union

ILO International Labour Organization



Introduction

In Eastern Europe, including the Western Balkans, persistent gender inequalities and discrimination continue to affect family dynamics and society as a whole. These harmful norms and practices discriminate against women and girls, resulting in low female employment rates across the region. The Western Balkans in particular show significant gender disparities in labour force participation, pay and the burden of unpaid care work. The rate of women's labour force participation in North Macedonia in 2023 amounted to 42.6 per cent, while the rate among men was 62.8 per cent.¹ The low level of activity and under-representation of women in the labour force represent untapped potential for the country's economy.

Contributing factors to these disparities include the lack of affordable care services, limited flexible working arrangements and family policies that do not address gender inequalities. Moreover, the region is undergoing demographic shifts, characterized by declining fertility rates and an ageing population, shifts that countries will struggle to address, with persistent inequalities for women in income, education and employment opportunities. To address these challenges, it is crucial to implement gender-responsive family policies that prioritize the involvement of fathers and provide comprehensive support to both parents. However, existing policies focus primarily on supporting mothers, resulting in inconsistent provisions for maternity, paternity and parental leave, as well as carer's leave.

To address these policy gaps, UNFPA, the United Nations Population Fund in Eastern Europe and Central Asia is implementing the second phase of its Expanding Choices project² in Albania, Bosnia and Herzegovina, North Macedonia, Serbia and Kosovo^{3*}. The project aims to have a substantial impact by enabling women to fully participate in the labour market and make informed decisions on their family and work life, leading to more gender-responsive and

sustainable development. The desired outcome of the project is to promote gender-responsive family policies in the private sector through legislative and normative frameworks, creating inclusive labour conditions and opportunities. This objective aligns with the priorities outlined in the Austrian Development Agency's Regional Strategy for the Western Balkans Region, which emphasizes sustainable economic development and improved conditions in the labour market for the most vulnerable populations.

By addressing challenges such as unpaid care work and maternity policies, the project aims to establish gender-responsive family policies that support caregivers, redistribute unpaid care work and promote work-life balance. Furthermore, the project supports governance and the rule of law by engaging with duty bearers and advocating for business-friendly public services and equal opportunities. The project is pursuing three key outputs: (1) enhancing the capacity of governments to design and monitor gender-responsive family policies, (2) encouraging private sector actors to implement such policies, and (3) fostering regional collaboration and knowledge-sharing on gender-responsive family policies and their connection to gender equality and economic development.

The project's primary beneficiaries are the populations residing in the target areas, particularly working parents, caregivers and their families, with a specific focus on traditionally excluded groups in the Western Balkans. These groups include women facing various vulnerabilities, such as women with young children, single mothers, female heads of households and caregivers for children with disabilities or special needs. By removing barriers to women's labour force participation and promoting work-life balance and an equitable distribution of unpaid care work, gender-responsive family policies will benefit not only women but the entire population. The project will directly

1 World Bank, "North Macedonia", Gender Data Portal. Available at <https://tinyurl.com/2b2et863> (accessed on 27 December 2024).

2 UNFPA, "Expanding Choices through Family-Friendly Policies". Available at <https://eeca.unfpa.org/en/expanding-choices-0> (accessed on 27 December 2024).

3 * Hereafter referred to in the context of United Nations Security Council Resolution 1244 (1999).

impact over 15,000 employees as well as their families across the region through the involvement of 40 champion companies.

To ensure diversity and inclusivity, the project will target various types of companies, including those employing vulnerable populations, such as companies with a high proportion of female or youth workers, rural-based companies and companies hiring people with disabilities. Furthermore, the project will engage and collaborate with private sector actors, government officials, policymakers, parliamentary groups, governmental bodies, civil society organizations, trade unions, media organizations, academic institutions and human resources associations. These stakeholders will receive capacity-building assistance and support to advance gender-responsive family policies and foster inclusive labour market conditions.

The analysis in this report seeks to delineate the efficacy of existing policies, identify areas for improvement and chart a roadmap for fostering a culture of inclusivity and support within the Macedonian labour market. Furthermore, the analysis is poised to serve as a catalyst for dialogue and action, galvanizing stakeholders across sectors to prioritize the integration of family-friendly policies and gender responsiveness into organizational frameworks. By cultivating an environment that values work–life balance, promotes gender equality and prioritizes the well-being of employees and their families, North Macedonia can unlock untapped potential, drive sustainable growth and chart a course towards a brighter, more equitable future.

North Macedonia stands poised at the intersection of tradition and progress, facing the pressing need to foster inclusive environments conducive to the holistic development of its workforce. Recognizing the pivotal role of gender-responsive family policies in achieving these objectives, this analysis embarks on an exploratory journey into the landscape of family-supportive initiatives within the national context. The

analysis of the legislation for gender-responsive family policies in North Macedonia is aimed at providing the basis for further interventions within the private and the public sectors.

In recent years, the scarcity of workers and talent has become one of the key concerns for the Macedonian economy, especially because of unfavourable demographic developments in recent decades, rising demand in the labour market, as well as the mass emigration of a young, productive and highly educated workforce and whole young families to more developed countries in Europe and overseas.⁴

The International Labour Organization (ILO)⁵ notes that, according to the latest census results from 2021, the country lost almost 10 per cent of its 1.8 million resident population between 2002 and 2021 and is one of several depopulation hotspots in Eastern and South-eastern Europe, mainly due to unfavourable fertility and family trends, an ageing population and continued emigration. According to the State Statistical Office,⁶ the labour force in 2002 numbered 808,078 (59.4 per cent men and 40.6 women), 692,034 (58.5 per cent men and 41.5 per cent women) of whom were employed, and 116,045 were unemployed (64.8 per cent men and 35.2 per cent women).

As stated in the latest ILO Decent Work Country Programme,⁷ the Macedonian labour market is characterized by high unemployment and low employment and participation rates despite improvements that could be observed in the past decade, owing to the large amount of foreign investment in industrial free zones.

The gender gap in the activity and employment rates has been persistent. The activity rate (ages 15–64) in 2022 was 66.4 per cent, with an activity gender gap of 24.1 percentage points (78.4 per cent for men versus 54.3 per cent for women). The lack of paternity and parental leave and flexible working arrangements as well as the limited availability of early childhood care

4 Net pres, „Pari“ analiza: Što ja namaluva nevrabotenosta, iseluvanjeto, demografijata ili novite rabotni mesta?, 28 March 2023. Available at <https://tinyurl.com/24ncjx37> (accessed on 27 December 2024).

5 International Labour Organization Office for Central and Eastern Europe, *Decent Work Country Programme: North Macedonia – 2023–2025*. Available at <https://tinyurl.com/2nrmz9> (accessed on 27 December 2024).

6 Republic of North Macedonia, State Statistical Office, “Active population in the Republic of North Macedonia - revised data from the Labor Force Survey, for 2020 and by quarter”, 1 August 2024. Available at https://www.stat.gov.mk/pdf/2024/2.1.24.32_mk.pdf (accessed on 27 December 2024).

7 International Labour Organization Office for Central and Eastern Europe, *Decent Work Country Programme: North Macedonia – 2023–2025*

and education are key reasons for this gap. In 2022, the employment rate (ages 15–64) was 56.7 per cent, still far behind the EU average (69.8 per cent). The employment gap between men and women amounts to 18.4 percentage points and is almost twice as high as in the EU. The employment rate for young people (ages 15–29) was 34 per cent, well below the EU rate of 49.2 per cent.⁸

The Expanding Choices initiative⁹ developed a family-friendly workplace model to support women, including those who are unemployed and inactive, by collaborating with the private sector and governments to promote gender-responsive family policies in workplaces. These policies aim to empower women and men to pursue their career goals while also achieving their family and fertility aspirations. By enabling more inactive women to enter the workforce and public life, these measures help countries better utilize the talents and skills of their respective population.

Additionally, the initiative encourages a shift in social norms, promoting a more equitable distribution of caregiving responsibilities between men and women. This approach not only removes barriers to fulfilling family intentions but also helps societies prepare for demographic shifts.

Research shows that gender-responsive family policies positively impact children’s development, enhancing health, education and overall well-being for individuals and families. These policies enable both women and

men to balance their professional duties with family, caregiving and household responsibilities. They typically address time management, financial support and essential services for parents and caregivers. By promoting the equal sharing of unpaid care and domestic work, they help avoid reinforcing harmful gender stereotypes and contribute to long-term sustainable growth and gender equality.¹⁰

The success of family-friendly workplace initiatives in the private sector, as promoted by the Expanding Choices project, depends largely on management’s commitment and how well these efforts align with the company’s broader strategy. Implementing such initiatives can yield significant benefits, such as enhancing employer branding, which makes it easier to attract and retain top talent, and improving public relations by showcasing the company’s values in its communications. Additionally, they can lead to better health outcomes, reducing sick leave and absenteeism costs, while fostering greater gender equality and a more inclusive workplace, which in turn boosts productivity, innovation and employee engagement.

In essence, the journey towards fostering family-friendly workplaces in North Macedonia is not merely a pursuit of policy reform; it is a collective transformational process to cultivate a culture of empathy, empowerment, and resilience – a testament to the commitment of building a society where every individual can thrive, both personally and professionally.

8 Ibid.

9 UNFPA Eastern Europe and Central Asia Regional Office, *Gender-Responsive Family Policies for the Private Sector in the Western Balkans and Moldova: The Family-Friendly Workplace Model* (Istanbul, 2023).

10 UN Women and UNFPA, *Analytical brief: baseline study on stereotypes in Eastern Partnership countries* (UN Women and UNFPA, 2022). Available at https://eeeca.unfpa.org/sites/default/files/pub-pdf/analytical_brief.pdf (accessed on 27 December 2024).



Methodology

The analysis in this report delves into the contemporary landscape, complexity and barriers surrounding the implementation of gender-responsive family policies and the pursuit of gender equality in both the public and private sectors in North Macedonia. It aims to provide insightful recommendations geared towards enhancing these spheres in the foreseeable future. The report provides an overview of the legal environment in the country in reference to gender-responsive family policies and regulations related to gender equality.

The report explores the existing gender-responsive family policies in North Macedonia based on available sources, including national labour, gender equality and anti-discrimination laws, as well as the collective labour agreements negotiated between employers and trade unions. The report aims to provide a comprehensive overview of the regulatory framework governing gender-responsive family policies in the country.

The analysis in the report extends beyond national legislation, incorporating sub-legal acts such as ministerial regulations, national strategies and strategic plans. It also covers some of the provisions in the proposed work programme of the new Government of the Republic of North Macedonia that was established after the elections in May 2024.

The analysis of the legal framework continues by examining international conventions, agreements and EU legislation that North Macedonia aims to align with as a UN Member State and in its process of EU accession. The report highlights the relevant components that support gender-responsive family policies, gender equality and anti-discrimination in the workplace. International guidelines from UNFPA's Expanding Choices project and the ILO, reports from other UN agencies and the Council of Europe and EU directives served as the basis for the analysis.

The report used the public policy scan tool¹¹ developed within the Expanding Choices project to strengthen gender-responsive family policies. The purpose of the

tool is to assess what gender-responsive family policies are in place and where gaps still remain that UNFPA country offices could help governments address.

Gender-responsive family policies help women and men balance work responsibilities with family, care and domestic obligations. These policies typically focus on time, finances and/or the services parents and caregivers need. When they are gender-responsive, these policies support the equal redistribution of unpaid care and domestic work without perpetuating harmful gender norms and roles and contribute to sustainable growth and gender equality.

All areas of public family support that should be investigated in a public policy scan are aimed at promoting gender equality, social sustainability and inclusion in the workplace and in societies, but most important is that all aspects of support need to be connected with each other and create a whole. If all allowances are paid and adapted to salary levels, a well-functioning system may achieve the above-mentioned aims. To enable all families, regardless of their situation and the economy, to have and raise children, a minimum level of economic support is recommended.

The tool provides a framework for identifying the key areas of a government's family policies and questions for determining whether they are gender-responsive and capable of meeting the needs of families and caregivers in the country. The tool provides a four-step methodology:

1. conduct desk research;
2. validate the mapping with relevant public officials;
3. identify the main areas that are lacking in policies or gaps in gender-responsiveness; and
4. prioritize which gaps to address first and what evidence will be needed for policy advocacy and policy development.

11 UNFPA, Expanding Choices through Family-Friendly Policies, "Publications". Available at <https://eeca.unfpa.org/en/conferences/169002/listing/publications#tab> (accessed on 28 December 2024).

The analysis employed a comprehensive methodology, incorporating documents from various sources alongside desk research concerning the legal framework supporting family-friendly policies. The relevant legal framework encompasses current legislation and a draft version of the new Labour Code. The research also included a review of essential documents from the first phase of the project.¹² The data collected during the research provides insights into the Macedonian economic and social context and the country's support for family-friendly policies.

The study focused on national legislation through the lens of family-friendly policies, with particular attention given to the Labour Relations Law, the general collective agreement and existing branch collective agreements. These documents were examined to assess whether they provided the basis for creating an environment more conducive to supporting families. The findings of the study are significant on a national scale, as they offer a representative depiction of the current conditions.

12 See UNFPA Eastern Europe and Central Asia Regional Office, *The state of gender-responsive family policies in the Eastern Europe and Central Asia region* (Istanbul, 2023).

The national context

In North Macedonia, issues related to the workplace are mainly governed by the Constitution, labour laws and collective labour agreements. In addition, in terms of worker protections, laws especially in the social sector related to anti-discrimination, gender equality and equal opportunities are also relevant for gender-responsive family policies.

The government's latest reforms followed the transfer of the labour division from the former Ministry of Labour and Social Policy to the recently established Ministry of Economy and Labour and the transfer of the social policy division to the new Ministry of Social Policy, Demography and Youth.

Constitution

North Macedonia's Constitution guarantees equal rights and freedoms for all citizens, irrespective of sex, race, skin colour, national and social origin, political or religious beliefs, property or social status. The Constitution also provides for equality between women and men.

North Macedonia upholds a humane population policy aimed at ensuring balanced economic and social development, grounded in the principle that deciding freely on procreation is a human right. The Constitution provides special protections for mothers, children and individuals under 18 years of age, prohibiting employment in roles that can harm their health or psychological well-being and prohibits the employment of individuals younger than 15 years of age. Minors and their mothers are entitled to special workplace protections.

The Constitution emphasizes care and protection for the family and assigns parents the responsibility for raising children, while children are required to take care of their elderly or infirm parents. Special protections are also provided for children without parental care.

The Constitution guarantees everyone the right to work, free choice of employment, workplace protections and material assistance during periods of temporary unemployment and ensures equal access to employment opportunities.

Labour legislation

In addition to the Labour Relations Law, employment relations are also governed by the following legislation:

- the Law on Employment and Unemployment Insurance;
- the Law on Labour Inspection;
- the Law on Employment Records;
- the Law on Employment of Persons with Disabilities;
- the Law on Holidays;
- the Law on Temporary Employment Agencies;
- the Law on Volunteering;
- the Law on Peaceful Settlement of Labour Disputes;
- the Law on Employment and Work of Foreigners;
- the Law on Safety and Health in the Workplace;
- the Law on Minimum Wage;
- the Law on Protection from Harassment in the Workplace; and
- the Law on European Working Councils.

Public Sector employment is governed by the Law on Administrative Officers and the Law for Public Sector Employees.¹³

The Labour Relations Law regulates relations not only between employers that have their headquarters or branches in North Macedonia and employees who work within or outside the country but also between employers headquartered in the European Union or in non-EU countries and employees performing work on a permanent or temporary basis in North Macedonia on the basis of a foreign employment or service contract.

Collective agreements, employers' by-laws and employment contracts cannot provide rights that are less favourable than those established by the Labour Relations Law. If they do contain such provisions, they are deemed null and void, and the appropriate provisions of the law are applied instead. However, employment contracts, employers' by-laws and collective agreements can provide rights that are more favourable for workers than those guaranteed by the Labour Relations Law.

To ensure social protections for employees, the Labour Relations Law stipulates that an employee may not start work before signing an employment contract and before being registered by their employer for mandatory social, pension and unemployment insurance. Employers are required to provide equal requirements in the workplace and to pay equal wages to employees for equal work regardless of their gender.

To qualify for social security, both men and women must have 15 years of work experience and contributions. The standard retirement age is 64 years of age for all citizens, but women may choose to retire at 62. In certain professions in the public sector, such as in the healthcare and higher education sectors, it is possible, under certain circumstances, for employees to continue working until they reach 67 years of age. Pension amounts are based on total years of

employment (and contributions) and the individual's salary level.

A significant amendment was made in 2017 to the Law on Minimum Wage,¹⁴ equalizing the minimum wage in the garment, leather and footwear industries – which employ around 17,000¹⁵ employees, the majority of whom are women – with that of other industries.

From 2022 through 2024, the government worked on drafting a new Labour Relations Law, a process led by the Ministry of Labour and Social Policy. The proposed law¹⁶ focused on the new forms of work, such as flexible employment and other atypical working arrangements. It also revised maternity leave regulations, dividing leave into maternal, paternal and parenthood. Under this framework, mothers would be entitled to up to four months of maternity leave and up to an additional four months of parental leave, while fathers would be entitled to up to four months of parental leave. The law was not submitted to the parliament for adoption before the government changed in May 2024.

Collective labour agreements

Collective bargaining in North Macedonia operates at a general level, the sector-specific level and the level of individual employers, in accordance with the National Classification of Activities. Collective agreements often provide employees with additional rights that go beyond those guaranteed by law, tailored to sectors, industries or professions. Only in very rare cases, however, do they include provisions for family support or gender-sensitive policies.

Two fundamental agreements are in place at the general level:

1. the General Collective Labour Agreement for the Private Sector,¹⁷ negotiated between the Organization of Employers of Macedonia and the Federation of Trade Unions of Macedonia; and

13 Emilija Kelesoska Sholjakovska and Ljupco Cvetkovski, "Macedonia", in *The International Comparative Legal Guide to: Employment and Labour Law 2018*, 8th ed. (London, Global Legal Group, 2018). Available at https://ddklaw.com.mk/new/wp-content/uploads/2018/10/EMP18_Chapter-25_Macedonia.pdf (accessed on 28 December 2024).

14 Official Gazette of the Republic of North Macedonia, Nos. 11/12, 30/14, 180/14, 81/15, 129/15 and 132/17.

15 Republic of Macedonia, "Proposal for a Law Amending and Supplementing the Law on Minimum Wage in the Republic of Macedonia", July 2017. Available at <https://tinyurl.com/3u8jz22b> (accessed on 28 December 2024).

16 Republic of North Macedonia, Ministry of Labour and Social Policy, "Održana desettata javna rasprava za Predlog zakonot za rabotni odnosi vo Ohrid", 2 March 2023. Available at <https://tinyurl.com/2vbrv67m> (accessed on 28 December 2024).

17 Official Gazette of the Republic of Macedonia, Nos. 115/14, 119/15 and 150/16.

II. the General Collective Labour Agreement for the Public Sector,¹⁸ negotiated between the Government of the Republic of North Macedonia and the Federation of Trade Unions of Macedonia.

In addition to the provisions in the law, the collective labour agreements negotiated between employers and trade unions often include additional measures to enhance family-friendly practices in the workplace. These agreements may encompass a wide range of initiatives, such as flexible working arrangements, childcare support and financial assistance for parental leave, tailored to the specific needs of employees and organizations. For example, the Union of Workers from the Administration, Judicial Authorities and the Association of Citizens has proposed introducing a seven-hour workday. It remains to be seen whether the relevant ministry, as a party to the collective bargaining process, will take this initiative into consideration.

The General Collective Labour Agreement for the private and the public sectors include several family-friendly provisions, such as paid leave for familial responsibilities and additional financial support for situations where the employee is required to be separated from their family. For example, in the event of the death of a close family member, an employee is entitled to paid leave and financial assistance equivalent to two net basic salaries.¹⁹

Many sectoral or branch-specific collective agreements are outdated and no longer in force. Collective bargaining thus remains an underutilized mechanism for improving workers' rights and expanding the adoption of gender-responsive family policies.

Non-discrimination and equal opportunities legislation

North Macedonia ratified the Convention on the Elimination of All Forms of Discrimination Against

Women and its Optional Protocol in 1994. This commitment to eliminating discrimination against women led to the adoption of several laws and strategies aimed at gender equality and women's rights, including the following:

- the Law on Equal Opportunities for Women and Men (2006, amended 2015);
- the Law on Prevention and Protection against Discrimination (2010, amended 2020);
- the National Strategy for Gender Equality (2013–2020); and
- the Action Plan for Gender Equality (2018-2020).

The mechanisms established to support these initiatives include the Commission for Protection against Discrimination and the Ombudsman's Office.

At the national level, gender equality and non-discrimination are governed by various legal acts. The cornerstone is the Law on Prevention and Protection against Discrimination (2020),²⁰ which functions as both a general law addressing issues of equality and non-discrimination and a specialized law in the context of labour relations. This law along with the Law on Equal Opportunities for Women and Men²¹ and the Law on the Ombudsperson²² form the primary legal framework for ensuring equality and non-discrimination. Moreover, although not typically classified as equality and non-discrimination legislation, the Law on Prevention and Protection from Violence against Women and Domestic Violence²³ addresses issues closely related to gender equality.

According to the National Development Strategy, North Macedonia recognizes gender equality as one of the key factors for societal prosperity, and the framework is in line with the principles of the UN, the EU, the Council of Europe, the Organization for Security and

18 Official Gazette of the Republic of Macedonia, No. 154/23.

19 Sholjakovska and Cvetkovski.

20 Official Gazette of the Republic of Macedonia, No. 258 of 30 October 2010. Available at <https://tinyurl.com/2c284hvf> (accessed on 28 December 2024).

21 Republic of Macedonia, Law on Equal Opportunities for Women and Men, Official Gazette of the Republic of Macedonia, No. 6/2012. Available at <https://tinyurl.com/yduncs2y> (accessed on 28 December 2024).

22 Republic of Northern Macedonia, Law on the Ombudsperson. Available at <https://tinyurl.com/mryf2dv9> (accessed on 28 December 2024).

23 Official Gazette of the Republic of North Macedonia, No. 24 of 29 January 2021. Available at <https://www.mtsp.gov.mk/content/pdf/2021/1a28a922f364401e94935d4d694b9d75.pdf> (accessed on 28 December 2024).

Co-operation in Europe, and national commitments and policies. Two key strategic documents have been adopted:

- the Strategy for Gender Equality 2022–2027; and
- the Action Plan for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republic of Macedonia 2018–2023.

Additionally, the European Commission’s 2021 country progress report²⁴ recognized legislative improvements, including alignment with the Istanbul Convention and the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence, suggesting a significant improvement in institutional and comprehensive support for victims of gender-based violence. However, progress in the area of gender equality differs considerably across sectors, with remarkably slow progress in agriculture, for example.

The National Action Plan (2018–2023) for implementing the Istanbul Convention led to the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence (2021),²⁵ aligning with the Convention’s recommendations, while the new Law on Prevention and Protection from Discrimination (2020) recognizes intersectional discrimination, including on the basis of gender identity and sexual orientation.

According to the Ministry of Labour and Social Policy,²⁶ the new Law on Prevention and Protection from Discrimination²⁷ recognizes intersectional discrimination as a more severe form of discrimination. In 2022, the new National Strategy for Equality and

Non-discrimination 2022–2026 was adopted. In addition, the National Action Plan for Protection, Promotion and Fulfilment of the Human Rights of Roma Women and Girls 2022–2024 aims to promote intersectional justice, ensuring equal and fair access to rights, opportunities, resources and power in society for Roma women and girls.

Jovanovska Kanurkova²⁸ concludes that gender inequality and discrimination are particularly evident in employment, affecting access to jobs, career progression and job termination. The EU’s 2019 progress report highlighted a significant gender gap in the labour market, with 78 per cent male participation, compared with 52 per cent female participation. In 2018, only 35.8 per cent of women were employed, much lower than the 54.4 per cent of men, and only 44.6 per cent of working-age women were active in the labour market, compared with 69.2 per cent of men. The inactivity rate for women remains high, with around 63 per cent being inactive job seekers over the past three years. Reactor, a think tank,²⁹ highlights that significant changes have occurred in gender equality policies since 2019, with expert analyses recommending reforms of the gender machinery to improve the effectiveness of institutional mechanisms and align with international standards.

The new Strategy for Gender Equality for the period 2022–2027,³⁰ which builds on the Strategy for Gender Equality 2013–2020, is the basic strategic document in the field of gender equality, establishing institutional goals and activities promoting gender equality and advancement of the status of women. For the private sector, it prioritizes activating women’s participation in the labour market, improving women’s job quality through formal and full-time employment and through measures to balance private and professional

24 European Commission, Commission Staff Working Document, “North Macedonia 2021 Report”, 19 October 2021, SWD(2021) 294 final.

25 Official Gazette of the Republic of North Macedonia, No. 24/21.

26 Republic of North Macedonia, Ministry of Labour and Social Policy, “Zakonot za sprečuvanje i zaštita od diskriminacija beše pobeda za site građani i ednakvosta, MTSP ostanuva posveteno na borbata za sloboden i dostoinstven život i počituvanje na različnostite”. Available at Republic of North Macedonia, Ministry of Labour and Social Policy, “Zakonot za sprečuvanje i zaštita od diskriminacija beše pobeda za site građani i ednakvosta, MTSP ostanuva posveteno na borbata za sloboden i dostoinstven život i počituvanje na različnostite”. Available at <https://tinyurl.com/mpdec6ku> (accessed on 28 December 2024).

27 Official Gazette of the Republic of North Macedonia, No. 258/2020.

28 Jovana Jovanovska Kanurkova, *Kako do pogolema zaštita na samovrabotenite bremenite ženi i bremenite soprugi i životnite partnerki na samovrabotenii lica: Predizvicate za usoglasuvanje na Direktivata 2010/41/EU vo oblasta na socijalna zaštita i nadomestoci pri majčinstvo vo Republika Severna Makedonija* (Skopje, MARGINI Skopje and Network for Protection against Discrimination, 2020). Available at <https://tinyurl.com/2y5yuj8y> (accessed on 28 December 2024).

29 Reactor, *Shadow Report on the Implementation of the Gender Equality Strategy 2018/2019* (Skopje, 2021). Available at <https://tinyurl.com/3yh3ys4p> (accessed on 28 December 2024).

30 Official Gazette of the Republic of North Macedonia, No. 170, 28 July 2022. Available at <https://tinyurl.com/3dfa3fwn> (accessed on 28 December 2024).

life. Key measures include allowing flexible working hours, providing parental leave for men, improving the quality of employment contracts, reducing the gender pay gap (which is also reflected in pensions and disrupts women's lives after retirement), reducing gender segregation in the workplace, and improving access to the quality of childcare services.

Development perspectives: Government programme (2024–2028)³¹

In recognition of demographic challenges and declining fertility rates, the government's proposed programme for 2024–2028 aims to provide additional support for parents through increased one-time financial assistance for a family's firstborn child and a significant increase in support for every subsequent child and for twins.³² In accordance, employed mothers would receive financial support through

income tax refunds based on the number of children they have. In addition, employers who hire mothers of three or more children would receive exemptions on health insurance, unemployment contributions and personal income tax³³ for three years, provided the mother remains employed during this period.

The government plans to introduce policies and measures to enhance women's economic activity, including investment in social infrastructure, such as increasing the quantity and quality of childcare services in kindergartens and eldercare services. Shared parental leave will also be introduced to encourage greater involvement of fathers in early childcare and their increased participation in unpaid domestic work. To support families with multiple children and adolescents, the government plans to adopt measures to ensure accessible education, promote job stability and create entrepreneurial opportunities. The aim of these initiatives is to improve living standards and reduce emigration from North Macedonia.

31 Khristijan Mickoski, "Programa za rabota na vladata na Republika Severna Makedonija (2024 – 2028)", June 2024. Available at <https://vlada.mk/sites/default/files/dokumenti/programa-na-vladata-2024-2028.pdf> (accessed on 28 December 2024).

32 In 2009, the Government introduced a so-called Third Child Policy to address negative demographic trends. The policy provides a monthly benefit of approximately MKD 8,500 (USD 145) for every third and subsequent child born after 1 May 2009. The benefit was provided regardless of household income and continued until the child reached the age of 10. Throughout this period, the national fertility rate remained relatively stable, ranging between 1.5 and 1.6. The allowance for the third child was discontinued in 2018, and under revised child protection laws, a one-time allowance is now granted for each newborn child.

33 While the responsibility for personal income tax ultimately lies with the employee, the employer handles the calculation and payment of this tax during the salary disbursement process.



Policies in Macedonian laws related to the creation of a family-friendly workplace

North Macedonia has established comprehensive labour laws that serve as the primary instrument governing employment relations in the country. Some provisions focus on gender-responsive family policies in the workplace and support work-life balance for employees. These laws outline protections for workers' rights and well-being through provisions on maternity leave, paternity leave and parental leave; compensation; flexible working hours; and remote work. These measures are aligned with the constitutional declaration that North Macedonia is a social state where every citizen has the right to work.

The following sections provide a structured analysis of family-supportive and gender-sensitive policies outlined in Macedonian labour laws as well as the international legal framework.

Non-discrimination

The Labour Relations Law prohibits employers from discriminating against job applicants or employees based on their racial or ethnic origin; skin colour; sex; age; health condition or disability; religious, political or other beliefs; union membership; national or social origin; family status; economic status; sexual orientation; or other personal circumstances.³⁴ . In accordance with the law, women and men must be granted equal opportunities and equal treatment. The principle of equal treatment implies a ban on both direct and indirect discrimination.

Discrimination on the basis of sex is expressly prohibited in the following aspects of employment:

- employment access, including career and professional development;
- working conditions;
- equal pay for equal work;
- professional social insurance schemes;
- absence from work;
- working time; and
- termination of employment contracts.

However, the Labour Relations Law permits distinctions, exclusions and preferences for particular jobs if the nature of the work requires certain characteristics, provided that these conditions are decisive and justified by the requirements for the position.. Employers are prohibited from advertising vacancies exclusively for men or women unless a particular gender is a necessary requirement for the job. Job postings must not suggest that the employer prefers a certain gender except in legally permitted cases.

All measures provided by the Labour Relations Law or other laws, collective agreements and labour agreements that provide special protections and assistance for certain categories of workers – especially protections for disabled workers, older workers, pregnant women and mothers – as well as special rights for parents, adoptive parents and wards are not considered discriminatory.³⁵

34 Article 6 of the Labour Relations Law. Available at <https://tinyurl.com/4c6w6czc> (accessed on 29 December 2024).

35 Article 8(2) of the Labour Relations Law.

The Labour Relations Law also addresses gender equality in job postings, prohibiting the announcement of vacancies exclusively for women or men except where a particular gender is an essential requirement for the job. The same principle applies to giving preference to a specific gender.

The Labour Relations Law mandates that all workers receive equal pay for work of equal value, regardless of their gender. It further stipulates that any provisions in employment contracts, collective agreements or other employer regulations that contradict this principle are null and void.

Children and workers under 18 years of age

An employment contract may be concluded with an individual under 18 years of age if they are in good general health. For additional protection of young workers, employment is prohibited for children under 15 years of age and for children who have not finished compulsory schooling (secondary education or high school), except for participation in activities that are permitted by law and not for longer than four hours a day. Employers are required to protect young people from economic exploitation and from any work that could have a detrimental effect on their safety, health, physical, mental, moral or social development or that could jeopardize their education.

As an exception, children younger than 15 years of age can participate in, and get paid for, activities that do not adversely affect their health, safety, development or education, such as cultural and artistic activities, sports events and advertising activities. The participation of a child under 15 years of age requires a request from the organizer, prior consent from the child's legal guardian and a prior inspection of the place where the activities will be carried out by the labour inspectorate.

Children under 16 years of age may work a maximum of 30 hours per week, provided the individual is not working for more than one employer simultaneously. The maximum number of working hours for those 16 or older is 37.75 hours. The working time for a young person must not exceed 8 hours within a period of 24 hours.

The time a young person spends in professional preparation, including theoretical and practical training, is considered work. Participation in vocational training for which monetary compensation is provided by an employer will be considered work. Employers are prohibited from using reward systems for the purpose of increasing a young person's work, which could jeopardize the young person's safety and health.

Female workers and pregnant women

According to the law, female workers enjoy the same rights as male workers, and any discrimination based on gender is prohibited. However, considering the specific role of women during childbirth and in the family when raising children, and the risks to their health, some provisions stipulate additional protections for female workers compared with male workers.

For example, female workers are not allowed to perform underground work in mines except for female workers (i) who are managers, lead work units and have the authority to make independent, authoritative decisions; (ii) who have to gain a certain amount of practical underground mining experience as part of their professional education; and (iii) who are employed in health or social services or other roles that require non-physical labour in an underground mine.

In the event of pregnancy or parenthood, workers are entitled to special protections in their employment relationship. Employers are required to help workers balance their family and professional obligations. During pregnancy and for one year after childbirth, female workers may not perform duties that pose a risk to their health or the health of their child, as determined by the minister of labour in coordination with the minister of health.

To ensure a safe work environment, the Labour Relations Law includes provisions to protect women during pregnancy. After receiving notification that a worker is pregnant, employers are required to conduct multiple assessments – during the various stages of pregnancy – of the risks to the pregnant woman and her unborn or newborn child.

An additional risk assessment is also required when there are changes to working conditions, equipment or machinery. Following consultations with pregnant workers and upon receiving their consent, and depending on the nature, intensity and duration of the risk, employers must take measures to improve the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding. In addition, employers must also remove or reduce the following risks:

- hazards that could cause irreversible harm;
- carcinogens;
- hereditary genetic damage;
- harm to the unborn child; and
- harm to the child's nutrition.

If no risks are found during the risk assessment, employers should inform all employees about the potential risks. Employers should explain what will be done to ensure that pregnant workers are not exposed to risks that could harm their health and safety.

Employers are required to ensure that special protections are in place before assigning duties to workers from specific risk groups in the event of a substantial change in their working conditions, taking into account the equipment and layout of the job; the nature, degree and duration of exposure to potential harms; the type and scope of work instruments and the method for using such instruments; work procedures and organization; and each worker's level of professional preparation and competencies. If a risk cannot be eliminated, the employer is required to alter the working conditions, adjust the working hours or offer a suitable alternative job. If none of these alternatives are feasible, the worker must be exempted from her normal duties for the time necessary to

protect her health and safety and that of her child.

Employers are not permitted to request any information about a female worker's pregnancy unless she discloses it voluntarily in order to exercise her rights during her pregnancy. If a female worker performs work during her pregnancy that could adversely affect her health or the health of her child, the employer must assign her a more appropriate role with a salary that is equal to or better than that of her original role.

Although the legal framework provides the basis for equality, research by the think tank Reactor³⁶ from 2021 shows that discrimination occurs against women during pregnancy and maternity leave – and even before. Namely, 56 per cent of women, compared with 41 per cent of men, were asked at job interviews about their marital status, and 43 per cent of women and 28 per cent of men were asked if they had children. Fourteen per cent of the surveyed women were deprived of financial compensation during maternity leave. This problem was more prevalent in the private sector (30 per cent) than in the public sector (12 per cent). Twelve per cent of women reported that they had been pressured to return to work prior to the end of their maternity leave, and 9 per cent reported some form of unfavourable treatment upon their return, such as a lower salary or changes in their responsibilities, etc.

According to the Law on Pension and Disability Insurance,³⁷ female workers enjoy a better position when it comes to pension calculations. Female workers receive 40 per cent of the calculated pension base, compared with 30 per cent for males for the minimum required work experience of 15 years. Women can reach the maximum amount of 80 per cent of the calculated pension base after 35 years of work experience, whereas men require 40 years of work experience to reach the maximum percentage. A similar pattern applies to the calculations for disability pensions.

36 Reactor, "Rodovo-bazirana diskriminacija i radnički prava vo Severna Makedonija", 2022. Available at <https://tinyurl.com/54cb7sbt> (accessed on 29 December 2024).

37 Law on Pension and Disability Insurance. Available at https://www.mtsp.gov.mk/content/pdf/pravilniciPenzii/10.11_zpio.pdf (accessed on 29 December 2024).

However, the European Commission's 2021 assessment of pension adequacy³⁸ shows that older women have lower pensions than men in North Macedonia and less access to the pension system. The gender gap in pension income among those aged 65–79 is 22.7 per cent, while the coverage gap is 22.1 per cent.

Family and parenthood

Female workers are entitled to paid leave during pregnancy, childbirth and parenthood for a period of nine continuous months or for one year if they give birth to several children at once (twins, triplets, etc.). Based on a finding from the competent health authority, leave for pregnancy, birth or parenthood may begin 45 days before the birth and is mandatory at least 28 days before childbirth. If the birth occurs earlier than expected, the leave will begin on the day of childbirth until the end of the designated term.

A female worker who adopts a child is entitled to parental leave until the child reaches the age of nine months or 1 year if she has adopted two or more children. A worker who adopts a child is entitled to paid leave for the duration of the child's adaptation period, in accordance with family regulations. If a female worker does not use her parental leave, the right to parental leave is transferred to the child's father or adoptive parent.

A worker who uses pregnancy, birth or parenthood may return to work earlier than required upon their own request but not before 45 days has elapsed from the day of the child's birth. In addition to the regular salary, the worker is also entitled to salary compensation during pregnancy and parental leave in the amount of 50 per cent of the required compensation according to health-care regulations. At the end of parental leave, the worker has the right to return to the same job or, if this is not possible, to a suitable position pursuant to the terms of their employment contract.

According to the law, female workers may not work overtime or at night during pregnancy or while caring

for a child up to 1 year of age. A female worker who has a child from 1 to 3 years of age may be required to work overtime or at night only with her prior written consent. These protections also apply to male workers who are responsible for caring for a child or if the mother dies, abandons the child or is deemed unable to live and work independently by a competent medical commission in accordance with the health insurance regulations.

In addition to absence from work due to pregnancy, childbirth and parenthood, the Labour Relations Law grants mothers the right to unpaid parental leave of up to three months until the child reaches 3 years of age, to be taken in up to three separate periods, for the purpose of childcare. If a female worker becomes pregnant during this period of unpaid leave, she retains her right to salary compensation for pregnancy, childbirth and parenthood.

In cases of stillbirth or the death of a child before the end of pregnancy, childbirth and parenthood, the workers are entitled to an extension of their leave for as long as deemed necessary by a physician, but for at least 45 days, for recovery. During this period, the worker is entitled to all rights associated with pregnancy, childbirth and parenthood, including salary compensation pursuant to health-care regulations.

Workers who breastfeed and return to work full-time following pregnancy, childbirth and parenthood are entitled to a paid break of one and a half hours per day during their regular working hours, including their daily break, until the child reaches 1 year of age.

Workers on paid pregnancy, childbirth and parenthood, are entitled to salary compensation in accordance with the relevant laws and collective agreements. However, workers who are not covered pursuant to the Labour Relations Law, such as those in the agriculture sector, are not entitled to compensation. The think tank Reactor³⁹ states that women working in agriculture (17.5 per cent) or engaged in other forms of income-generating work are not entitled to maternity leave, and women who are unemployed do not receive any financial compensation. This system disproportionately

38 Maja Gorevska Mitev, "Assessment of pension adequacy: North Macedonia", European Commission, European Social Policy Network, 2021. Available at <https://tinyurl.com/yc2pvjdk> (accessed on 29 December 2024).

39 Reactor, "Za sećie dobro – Kon nov model za roditeljsko odsustvo", 2019. Available at <https://tinyurl.com/2kh6rk8f> (accessed on 29 December 2024).

affects the most marginalized women in the country. Once the right to paid maternity leave is granted, it remains guaranteed. Women who lose their jobs during maternity leave, whether due to the expiration of a fixed-term contract or the employer's bankruptcy, do not lose their right to receive compensation.

After considerable advocacy from women's rights organizations and the National Association of Farmers, an interim solution to this discriminatory practice was found in 2023. According to the Ministry of Labour and Social Policy,⁴⁰ female farmers are entitled to maternity benefits through the Programme for Social Security Support, adopted by the government on 7 February 2023. This programme provides maternity benefits to female farmers during periods when they cannot perform agricultural work due to childbirth, a right not previously covered by existing paid maternity leave regulations for female farmers.

The programme provides maternity benefits in the amount of MKD 81,000 (USD 1,375) for nine months to insured female farmers under the Law on Pension and Disability Insurance. These are farmers not recognized by employment laws as employees and are thus ineligible for paid maternity leave.

Financial support was to be given to women who had given birth between 1 December 2022 and 1 December 2023, provided they met several conditions. These conditions included being registered as the head or a member of an agricultural household in the national register of agricultural households, having received at least MKD 100,000 (USD 1,700) in financial support through the Agricultural Financial Support Programme for 2021 or have earned an income of at least MKD 300,000 (USD 5,100) from agricultural activities. Additionally, they had to have uninterrupted status as an insured individual farmer under the Law on Pension and Disability Insurance for 12 months prior to the child's birth. Although this is a positive initiative, the rights of female farmers to maternity leave need to be established in a systematic manner, through legal provisions, not an annual programme.

Fathers may use a portion of their partner's parental leave entitlement starting no earlier than 45 days after

the child's birth if the mother decides to return to work before the end of her paid parental leave entitlement. Workers also have an annual entitlement of up to seven days of employer-paid leave during the year for family reasons, such as marriage, the marriage of a child, the birth or adoption of a child, the death of a family member or employment-related exams. Based on the General Collective Labour Agreement, fathers are entitled to up to two days of employer-paid leave in case of the birth or adoption of a child.

Reactor⁴¹ considers the model for parental leave in Macedonian legislation to be outdated, as the law considers parental responsibilities to lie exclusively with the mother, allowing the father to use parental leave only when the mother declines to do so. Reactor has proposed models in which fathers would be entitled to paternity leave immediately after childbirth and shared parental leave arrangements for both parents.

Rights of parents of children with special needs

Workers who have a child under the age of 7 or a seriously ill child or a child with a physical or intellectual disability and who live alone with the child and are solely responsible for the child's upbringing and protection may be required to perform overtime work or work at night only with their prior written consent.

One of the parents of a child with developmental problems and special educational needs has the right to work part-time if both parents are employed or if the parent is single, based on the findings of a competent medical committee, as long as the child has not been placed in an institution for social and health care. Part-time work under these conditions will be considered full-time, and salary compensation is paid according to the social protection regulations.

If a child requires care or treatment in a health-care facility and if either parent returns to work during this period, childbirth and parental leave are terminated, but they retain the right to use the unused portion of the leave at a later date. Workers are required to inform their employer of the start and end of their

40 Republic of North Macedonia, Ministry of Labour and Social Policy, "Promocija na Programata za podrška za socijalna sigurnost na ženite koi vršat zemjodelska aktivnost", 10 March 2023. Available at <https://tinyurl.com/ms855j7b> (accessed on 29 December 2024).

41 Reactor, "Za sećie dobro – Kon nov model za roditelsko otsustvo".

parental leave 30 days before the start or end of parental leave.

An employee who is sent abroad for work for purposes of international technical cooperation; educational, cultural or scientific cooperation; diplomatic and consular missions; professional development or education, with the consent and for the needs of the employer, is entitled to pause their employment relationship and, within 15 days from the date of termination, to return to work for their original employer in a role commensurate with their professional qualifications. An employee whose spouse is sent abroad for work may request a pause in their employment relationship and, within 15 days from the date of termination of the spouse's work abroad, has the right to return to work for their original employer in a role commensurate with their professional qualifications.

Self-employed parents do not receive cash benefits during parental leave.

Absences, daily rest, breaks and leave

Any permitted absence because of illness or injury, pregnancy, childbirth, parental leave or to care for a family member does not constitute legal grounds for termination of an employment contract. Employers are prohibited from terminating an employee's employment contract during periods of pregnancy, childbirth, parental leave or other absence for the care and adoption of children.

Employees are entitled to salary compensation during their entire absence from work in cases and for the duration specified by law, including in cases where they are prevented from working by their employer. Employers are required to pay salary compensation to employees who are absent from work for annual leave, paid extraordinary leave, additional training, legal holidays, other days off and in cases where the employee is prevented from working by the employer.

Employers must pay salary compensation to employees who are unable to work due to illness or injury for up to 21 days, after which compensation is covered by the health insurance fund. If an employee takes sick leave within three days of the conclusion of

the employee's most recent sick leave, the employer has the right to request confirmation by a medical committee of the grounds for the new sick leave or to extend the most recent sick leave.

If an employee is unable to work due to force majeure circumstances, they are entitled to half of the salary they would otherwise be entitled to if they were able to work. Unless specified otherwise by law, the employee is entitled to salary compensation equal to their average salary from the previous 12 months. If the employee did not receive a salary during this period, they are entitled to compensation equal to the lowest salary. Employers are required to pay employees salary compensation for days and hours when their work obligations were not fulfilled for justified reasons. In cases where the work process is interrupted for business reasons, employers are required to issue a decision to affected employees and to pay them 70 per cent of their salary for up to three months in the current year.

If a child is being treated in a health-care facility and the child's mother or father returns to work in the meantime, the parent's childbirth and parental leave are terminated, but they retain the right to the unused portion of their leave at a later date. Employees are required to inform their employer of the start and end of their parental leave at least 30 days before the start or end of said leave.

Employees who work for six or more hours a day have the right to a paid 30-minute break. Employees who work at least four hours per day but less than six have the right to a 15-minute break. The length of breaks for employees working unequal or temporarily redistributed working time is determined in proportion to the length of their daily working hours. Employees may take breaks no earlier than two hours after starting work and no later than three hours before the end of their working hours. Breaktime is considered part of the working day and is included in the employee's salary.

Employees are entitled to daily rest of at least 12 continuous hours during a 24-hour period and to weekly rest of at least 24 continuous hours plus 12 hours of daily rest. The weekly rest day is usually Sunday, but it may be another day of the week. In cases where it is not possible to schedule working time in advance, such as the case of managers, employees

with independent decision-making authority and employees who work from home, where employees schedule their working time independently, the employer is not required to take into account the provisions of the law regarding restrictions on working hours, night work and rest periods, provided that required protections are provided during working hours.

Employees are entitled to paid annual leave of at least 20 working days. Annual leave may be extended to up to 26 working days based on a collective agreement or employment contract and factors such as work experience, work complexity, working conditions, health conditions and age. Older workers (57 for women and 59 for men), disabled workers, workers who have sustained physical damage to at least 60 per cent of their body and workers who care for a child with a physical or intellectual disability are entitled to three additional days of leave. Public holidays, weekends and other days off, absences due to illness, as well as other justified absences from work are not counted as annual leave. An annual leave day for a specific employee is considered any working day that falls within the employer's scheduled working hours.

Annual leave is typically taken during the calendar year and may be taken in two parts, with the first part lasting at least 12 working days. Employers are required to provide employees with at least 12 days of annual leave to be taken by the end of the current calendar year, with any remaining days to be taken before 30 June of the following year. The employee has the right to use the annual leave that was not used in the current calendar year due to illness or injury, maternity leave or leave for care and adoption of a child until June 30 of the next calendar year. Employees who work abroad may use their entire annual leave before the end of the next calendar year if permitted by a collective agreement or employer by-laws. Specific regulations govern the duration and use of annual leave in educational and scientific institutions.

Employees should plan their annual leave to balance the needs of the work process with opportunities for rest and recreation, taking into account their family obligations. Employees are entitled to use one day of annual leave at their own discretion if doing so does not seriously endanger the work process, and the employer must be notified at least three days in advance. Upon termination of the employment

relationship on any grounds, the employee has the right to compensation for any unused vacation days. Agreements in which an employee waives this right are deemed null and void.

Employees are entitled to up to seven days of paid leave for personal and family circumstances, such as marriage, the marriage of a child, divorce, childbirth, preparation for an exam or the death of a close family member). The total number of paid leave days is determined by a collective agreement and may not exceed 10 working days in a year. Some companies offer parents paid leave for their children's first day of school, birthdays or other types of family celebrations. These positive practices reflect the cultural background and societal factors, enabling employees to balance their work and family responsibilities.

Additionally, employees may take unpaid leave not exceeding three calendar months per year, pursuant to a collective agreement or employer by-laws, to care for a family member, build or renovate a home, participate in cultural or sport events, attend congresses or conferences or to receive personal health care.

Overtime and night work

There are circumstances under which an employer may not require that an employee work beyond their standard working hours. In particular, these provisions provide protection for the following categories of employees:

- workers who are pregnant, about to give birth or on parental leave;
- mothers with a child up to 3 years of age and single parents with a child up to 6 years of age unless they provide a written statement that they voluntarily agree to work overtime;
- older workers (57 years of age for women and 59 for men);
- employees younger than the age of 18;
- employees whose health condition, according to a medical committee, could worsen if they were to work overtime;

- employees whose full-time jobs require less than 36 hours per week due to their hazardous nature, where there are greater risks of injury or health impairment; and
- employees who work part-time in accordance with the pension and disability insurance regulations (disability), health insurance regulations (medical rehabilitation) or other regulations (parental responsibilities).

The regulations governing overtime also apply in cases of the unequal distribution or redistribution of working hours.

Surveys carried out by Reactor⁴² in 2018 and 2021 suggested that men were paid for overtime much more often than women, with 28 per cent of men receiving overtime pay in 2018, compared with 19 per cent of women, and 25 per cent of men receiving overtime pay in 2021, versus 17 per cent of women.

In addition to general protections for employees who work at night, female workers in the industry and construction sectors may not be assigned to night work if it would prevent them from resting for at least seven hours between 10:00 p.m. and 5:00 a.m. the following day. This prohibition does not apply to female workers who have special powers and responsibilities or whose roles involve health, social and other protections for employees.

As an exception, workers may be assigned night work when it is necessary to continue work interrupted by force majeure circumstances and to prevent damage to raw materials or other resources. Workers may also be assigned night work when it is required under particularly serious economic, social and similar circumstances, provided that the employer obtains consent for night work from the state labour administration authority.

Work from home

Prior to the COVID-19 pandemic, the Labour Relations Law included provisions relating to remote work but

only as a possibility, without specifying its manner or duration. Some employers introduced hybrid and flexible working arrangements within employment agreements to offer employees greater flexibility as an added benefit, as these models demonstrated efficiency in at least some industries.⁴³

The Labour Relations Law stipulates that an employer and employee can agree to include terms on remote working arrangements in the employee's employment contract. Such terms stipulate that the employee will perform work related to the employer's operations or that is required as part of the employer's business from their home or at another location of their choice that is outside the employer's business premises. The employment contract must specify the rights, obligations and conditions specific to the nature of the work to be performed remotely. Employers are required to ensure that employees have safe conditions when working from home. Employees are entitled to compensation for the use of their personal resources when working from home, as specified in their employment contract.

Employers are required to submit an employment contract stipulating that work is to be performed from home to the labour inspector within three days of the conclusion of the contract. The labour inspector may prohibit the employer from offering remote working arrangements if it is deemed that the work will be harmful to the employees or to the living and working environment where the work is to be performed. Remote working arrangements may be prohibited by law or other regulations for certain jobs.

In cases where it is not possible to predetermine working hours or where employees set their own schedules independently (such as managerial staff, workers in charge of specific units with decision-making authority or employees working from home), employers are not required to adhere to the provisions of the law regarding limitations on working hours, night work and daily and weekly rest periods. However, this exemption is conditional upon the employer's provision of adequate protection for employees while they perform their duties.

42 Reactor, "Rodovo-bazirana diskriminacija i radnički prava vo Severna Makedonija".

43 Emilija Kelesoska Sholjakovska and Ema Dimitrieska, "North Macedonia", in *Employment and Labour Law 2023*, 11th ed. (Global Legal Group). Available at https://ddklaw.com.mk/new/wp-content/uploads/2023/06/GLIEMP23_Chapter-15_North-Macedonia.pdf (accessed on 29 December 2023).

Harassment, including sexual harassment, in the workplace

According to the Labour Relations Law, any form of harassment, including sexual harassment, is prohibited and constitutes discrimination. Harassment, as defined by the law, is any unwanted discriminatory behaviour that violates the dignity of a candidate for employment or of an employee, causing fear or creating a hostile, humiliating or abusive environment. Likewise, sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature intended to violate the dignity of a candidate for employment or of an employee, causing fear or creating a hostile, humiliating or abusive environment.

Any type of psychological harassment in the workplace (mobbing) is also prohibited. This sort of harassment constitutes discrimination and involves negative behaviour by an individual or group that is repeated over a period of at least six months that violates an employee's dignity, integrity, reputation and honour and causes fear or creates a hostile, degrading or offensive environment. The ultimate purpose of such conduct may be to force the employee to resign. Mobbing can be perpetrated by one or more individuals, regardless of their position within the workplace (employer, manager, or worker), who engage in negative behavior towards a target.

In cases of discrimination, candidates for employment and employees are entitled to seek compensation in accordance with the Law on Obligatory Relations. Anyone initiating legal proceedings to protect themselves against mobbing as well as those who testify during the proceedings are protected against retaliation, such as a reduction in salary, a transfer to another job position or blocked career advancement.

The Law on Protection from Harassment in the Workplace⁴⁴ (2013, amended in 2015 and 2021) provides a comprehensive framework to protect employees and create a healthy, harassment-free workplace. The law is designed to distinguish between harassment and other workplace behaviours and activities that might not rise to the level of harassment, ensuring that both employees and employers have

clear guidelines on what constitutes unacceptable behaviour, including the following:

- psychological harassment: any conduct that degrades or humiliates a person, undermines their dignity, or creates an intimidating, hostile or offensive environment, whether conducted repeatedly or as a single serious act; and
- sexual harassment: any unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when such conduct affects employment decisions or creates an intimidating, hostile or offensive environment.

Certain matters are explicitly not considered harassment under the Law on Protection from Harassment in the Workplace, such as the following:

- reasonable and legitimate actions taken by employers: actions that are part of the employer's legitimate managerial functions, such as performance evaluations, disciplinary actions and decisions related to employment termination, provided they are conducted in a lawful and respectful manner;
- conflicts of a personal nature: disputes and conflicts arising from personal relationships that do not pertain to professional interactions and responsibilities; and
- incidental and non-recurring incidents: one-time incidents that, while potentially inappropriate or unwelcome, do not amount to harassment due to their isolated nature.

The implementation of the law has had several notable effects, particularly increased awareness and reporting; improved workplace policies; an enhanced legal framework, including an improved ability on the part of victims to seek justice and hold perpetrators accountable; and support services for victims, including counselling, legal assistance and hotlines run by organizations such as the Helsinki Committee for Human Rights and the Macedonian Women's Rights Centre.

44 Law on Protection from Harassment in the Workplace. Available at <https://tinyurl.com/mwmzbt4e> (accessed on 29 December 2024).

According to the National Action Plan for Open Government Partnership of the Ministry of Information Society and Administration,⁴⁵ the country lacks statistics on the number of victims of workplace harassment. According to ILO research, however, over 4 per cent of workers experience psychological violence, 2 per cent are subjected to sexual harassment, and 8 per cent face intimidation and bullying. Based on this data, it is estimated that there have been approximately 112,000 victims of mobbing in the country. From when the Law on Protection from Harassment in the Workplace was enacted in 2013 until December 2022, only two cases were successfully resolved, and one is still ongoing. According to data from the workplace harassment helpline, in just two months of 2020, there were 65 calls for help and support, more than half of which were from women. This situation stems from a lack of awareness among workers of this issue, including of the available protection mechanisms. The mediators assigned by employers for such cases are often insufficiently trained regarding their role in the worker protection system.

Despite the increased number of cases reported to the ombudsman,⁴⁶ the low number of registered and processed court cases (only two⁴⁷) indicates that there are still challenges when it comes to implementation of the law, including insufficient resources for enforcement, a lack of training for the officials responsible for handling complaints and cultural barriers that discourage victims from coming forward.

A report of by the Macedonian Information Agency⁴⁸ states that three years after the enactment of the Law on Protection from Harassment in the Workplace, the first verdict for psychological harassment at work was issued, whereby the defendants were required to stop their psychological harassment and to enable an appropriate evaluation of the plaintiff's work. From 2016 until 2021, a total of 70 cases of harassment at work were filed at only 6 of the 26 basic courts. In 51.5 per cent of the cases, women were the plaintiffs. In 26 cases, the lawsuits were rejected as unfounded, while 8 were accepted, 2 requests were partially accepted, 19 cases were ongoing, 1 was suspended, and 14 lawsuits were withdrawn. In the same period, 30 appeals were filed in trade unions, and the State Labour Inspectorate issued 608 decisions following regular and extraordinary (in response to a report) inspections. The inspectorate's activity peaked in 2017, when it issued a total of 223 decisions, followed by 2018, 163; 2019, 133; 2020, 51; and from January until October 2021, 38.

The latest reports from Glasen Tekstilec⁴⁹ show that there is a need for action to raise awareness among employees of how to recognize and report harassment in the workplace, to strengthen the competencies of human resources departments and other officials who provide front-line support, to improve the legislation and its implementation, to reduce the required six-month period of continued mobbing, which leads to prolonged suffering on the part of the victims, and to accept more types of evidence (e.g. video or audio recordings).

45 Republic of North Macedonia, Ministry of Information Society and Administration, "Unapreduvanje na mehanizmite za zaštita na žrtvite na voznemiruvanje na rabotno mesto". Available at <https://tinyurl.com/4sy2shuf> (accessed on 29 December 2024).

46 Republic of North Macedonia, Ombudsman, "Konferencija na tema: 'Dali Makedonija e fer zemja? Kako instituciiite da ja unapredat borbata protiv diskriminacijata'", 28 February 2023. Available at <https://tinyurl.com/mrxhnmah> (accessed on 29 December 2024). <https://kajgana.com/samo-dve-sudski-presudi-na-48-prijavi-za-mobing-na-rabotnoto-mesto>, (assessed on 29 December 2024).

47 <https://tinyurl.com/muj7y7pe>, (assessed on 29 December 2024).

49 Maja Ristova, "Istražuvanje za načinot, opsegot i vlijanieto na voznemiruvanjeto vrz žrtvite na mobing", Združenie za zaštita na rabotničkite prava „Glasen Tekstilec“ – Štip. Available at <https://glasentekstilec.mk/wp-content/uploads/2021/05/Istrazhuvanje-mobing-print.pdf> (accessed on 29 December 2024).

Review of the international legal framework

ILO conventions

North Macedonia has ratified 81 ILO conventions,⁵⁰ including all 10 fundamental conventions, which cover essential principles such as freedom of association, the right to collective bargaining, and the elimination of forced labour, child labour and discrimination in employment. Additionally, North Macedonia has ratified 4 out of 4 governance conventions and 67 technical conventions. One convention has been denounced, and seven instruments have been abrogated.⁵¹

The following conventions related to gender and family-supportive policies have been ratified:

1. Convention No. 100 (**Equal Remuneration Convention, 1951**): promotes equal pay for men and women for work of equal value;
2. Convention No. 111 (**Discrimination [Employment and Occupation] Convention, 1958**): prohibits discrimination in employment and occupation based on gender and other criteria;
3. Convention No. 156 (**Workers with Family Responsibilities Convention, 1981**): addresses the needs of workers with family responsibilities;
4. Convention No. 183 (**Maternity Protection Convention, 2000**): provides maternity leave and protection for pregnant and nursing mothers; and
5. Convention No. 190: **establishes the right to a world of work free from violence and harassment, including gender-based violence and harassment.**

The transposition of these conventions into Macedonian legislation has been part of the country's efforts to align with international labour standards. The Ministry of Labour and Social Policy,⁵² along with other state institutions and social partners, has been actively working on integrating these standards into national laws and policies.

Throughout the years, a number of measures have been taken to address gender discrimination in the workplace, aligning with the principles of Conventions No. 100 and No. 111, as described in the National Context chapter.

Furthermore, North Macedonia is one of 44 countries that have ratified ILO Convention No. 190, on eliminating violence and harassment in the world of work. This convention addresses issues of gender-based violence and harassment, which are often barriers to achieving equal remuneration. The convention entered into force on 24 October 2024.⁵³

To implement ILO Convention No. 183, on maternity protection, which focuses on ensuring maternity leave, health protection and non-discrimination for working mothers, provisions addressing the following areas were incorporated into domestic legislation:

- maternity leave;
- health protection and workplace safety;
- non-discrimination and employment protection; and
- cash and medical benefits.

50 International Labour Organization, C190 - Violence and Harassment Convention, 2019 (No. 190). Available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190 (accessed on 30 December 2024).

51 International Labour Organization, Republic of North Macedonia. Available at <https://www.ilo.org/republic-north-macedonia> (accessed 30 December 2024).

52 Following the formation of a new government in the wake of elections in May 2024, the former Ministry of Labour and Social Policy was reformed as the Ministry of Social Policy, Demography and Youth, and the labour function was transferred to the Ministry of Economy.

53 International Labour Organization, Republic of North Macedonia.

These provisions highlight the country's commitment to aligning with international labour standards and ensuring a gender-equitable workplace. Collaboration with the ILO, particularly through the Decent Work Country Programme, has been instrumental in these efforts. This programme has provided support in areas such as employment, social dialogue and labour legislation, helping to ensure the effective application of ratified conventions.⁵⁴

The ILO's latest Decent Work Country Programme for North Macedonia⁵⁵ identifies the following key challenges: insufficient employment opportunities; inadequate earnings and unproductive work; a lack of stability and security at work; unequal opportunities and treatment in employment for women and men, unsafe work environments, including gender-based violence and harassment at work; and a lack of voice through representation.

Comparative analysis of European legislation

In its efforts to join the European Union, North Macedonia has been actively working to close the gap in gender and family-supportive policies to align with EU directives. The country has engaged in several initiatives and reforms, primarily focused on gender equality. However, the reforms needed to introduce shared parental leave, equal remuneration for equal work and work of equal value, and work-life balance are still uncertain due to the ongoing process of drafting the new Labour Relations Law.⁵⁶

The country is working on implementing the EU Gender Action Plan III, which aims to mainstream gender equality and women's empowerment across all policies and actions. The EU Delegation in North Macedonia, in coordination with EU Member States' embassies,

has created a Country-Level Implementation Plan⁵⁷ to ensure effective implementation of national and international legal frameworks on gender equality and women's rights.

To monitor its progress in gender equality, North Macedonia publishes a Gender Equality Index,⁵⁸ based on the methodology of the European Institute for Gender Equality. The index monitors progress across seven domains: work, money, knowledge, time, power, health and violence. The country improved from 62 points in 2019 to 64.5 points in 2022, with progress in employment rates, financial access, education and political power. Although it remains ahead of its Western Balkan neighbours, it lags 3.5 points behind the EU average, with significant gaps in the domains of money and time. However, stagnation in the domain of time and minimal health improvements suggest a slow pace, requiring nearly 57 years to achieve full gender equality.

In 2019, the European Committee of Social Rights (ECSR) assessed North Macedonia's compliance with the European Social Charter⁵⁹ (a 1965 Council of Europe initiative) on several key issues related to employment and labour rights. The assessment found that North Macedonia's policies on the right to work were satisfactory thanks to the adoption of a range of measures to enhance employment opportunities, particularly for vulnerable groups such as youth and women. These measures included vocational training programmes, financial incentives for employers to hire long-term unemployed individuals and job placement services aimed at reducing the unemployment rate.

Regarding working conditions, the country's labour laws were found to be in line with the charter's requirements. The laws set the maximum workweek at 40 hours, with overtime limited to 8 hours per week and compensated at 135 per cent of the regular hourly

54 International Labour Organization, About the ILO in North Macedonia. Available at <https://www.ilo.org/resource/other/about-ilo-north-macedonia> (accessed on 30 December 2024).

55 International Labour Organization. *Decent Work Country Programme 2023–2025: North Macedonia*. Available at <https://www.ilo.org/resource/decent-work-country-programme-2023-25-north-macedonia> (accessed on 30 December 2024).

56 Marija Bashevska, *Gender Equality Index for North Macedonia 2022* (Skopje, Ministry of Labour and Social Policy and State Statistical Office, 2022). Available at <https://tinyurl.com/bdzm7xbx> (accessed on 30 December 2024).

57 Delegation of the European Union to the Republic of North Macedonia, *Gender Action Plan III – 2021-2025, Country Level Implementation Plan – CLIP for the Republic of North Macedonia*, 4 April 2022, Ref. Ares(2022)2523876. Available at <https://tinyurl.com/4rp6xs8y> (accessed on 30 December 2024).

58 Bashevska, *Gender Equality Index for North Macedonia 2022*

59 Council of Europe, *European Social Charter, European Committee of Social Rights, "Conclusions 2019: North Macedonia"*, March 2020. Available at Council of Europe, *European Social Charter, European Committee of Social Rights, "Conclusions 2019: North Macedonia"*, March 2020. Available at <https://rm.coe.int/rapport-mkd-en/16809cfa90> (accessed on 31 December 2024).

wage, ensuring fair pay for additional working hours. Employees are also entitled to paid leave on public holidays and a minimum of 20 days of paid annual leave, meeting the charter's standards. Additionally, workers are guaranteed a minimum of 24 consecutive hours of rest each week, typically on Sundays, ensuring compliance with the charter's standards concerning the right to weekly rest.

In terms of fair remuneration, the legal mechanism for the minimum wage is designed to ensure a decent standard of living, with periodic reviews and adjustments to reflect changes in inflation and the cost of living. The legal framework also supports the right to organize. Workers and employers are free to form and join trade unions and organizations of their choice. This provision allows for collective action and representation, and workers are protected against discrimination based on their union membership or activities.

The country has taken steps to combat child labour, but there are still gaps in enforcement and protection measures. According to the ECSR, while the legal framework prohibits employment for children under the age of 15 and restricts hazardous work for those under 18, implementation and monitoring need improvement. Some children, particularly those in rural areas and from marginalized communities, were still found to be working in conditions that violated the charter's standards. The ECSR encouraged North Macedonia to strengthen its enforcement mechanisms and provide more resources for monitoring and addressing violations.

North Macedonia provides several benefits and protections for pregnant workers and new mothers, including paid maternity leave, protection against dismissal during pregnancy and maternity leave and breastfeeding breaks during work hours. The law ensures that women receive at least 70 per cent of their salary during maternity leave and prohibits employers from assigning pregnant workers to night shifts or overtime work. However, the country needs to improve the enforcement of these provisions and ensure that all women, including those in the informal sector, are adequately protected and supported.

Access to information about rights and protections for pregnant workers and new mothers and more robust legal measures to prevent discrimination are areas that need to be addressed.

The 2018 ECSR assessment highlighted that the country had made significant progress in ensuring fair working conditions, remuneration and the right to organize. However, challenges remain in collective bargaining, the right to strike, and protections against unfair dismissal, child labour and maternity rights.

In North Macedonia's Second Report on the Non-accepted Provisions of the Revised European Social Charter from 2022,⁶⁰ on the right of workers with family responsibilities to equal opportunities and equal treatment, the government stated that the new Labour Relations Law, which was being drafted, aimed to align national legislation with international standards, such as EU Directive 2019/1158 on work-life balance for parents and carers, as well as the ILO Maternity Protection Convention (No. 183) and Recommendation (No. 191). Alignment efforts would include the introduction of measures to encourage improvements in workplace safety and health for pregnant workers and workers who had recently given birth or were breastfeeding.

The new text of the Labour Relations Law, which was prepared by an intersectoral working group, contains provisions aimed at balancing the professional and private life of workers; improving equal opportunities for workers with family responsibilities, particularly by enhancing work-life balance in line with Directive 2019/1158; and encouraging greater involvement of men in family care, through mandatory paternity and parental leave and flexible work arrangements. These measures are designed to promote gender equality in the labour market, reduce wage disparities and enable women to return to work and advance their careers more quickly.

To enhance work-life balance and increase women's labour market participation, the Ministry of Labour and Social Policy has continued to invest in expanding national preschool education and care capacities. In

60 North Macedonia, Ministry of Labor and Social Policy, "Second Report on the Non-accepted Provisions of the Revised European Social Charter", December 2022. Available at <https://rm.coe.int/second-report-non-accepted-prov-n-macedonia-2022-en/1680aa8296> (accessed on 30 December 2024).

2021, these capacities were increased by 754 places, with an additional 696 places added in newly opened facilities by November 2022. According to Reactor’s analysis,⁶¹ the availability of state kindergarten services has a major impact on women’s economic activity. Reactor reports that, in municipalities where there is at least one kindergarten, there are 7 employed women for every 10 employed men (the inactivity rate of women is 21 per cent), and in municipalities where there are no state kindergartens, there are only 5 employed women for every 10 employed men (an inactivity rate of 40 per cent).

Additionally, the limited availability of eldercare services, particularly in rural areas, continues to restrict women’s economic participation. To address this barrier, ongoing efforts have focused on developing services such as home-based care, personal assistance, and residential facilities for those who are elderly and frail.

In 2023, the ECSR highlighted certain non-conformities with the charter or missing information in North Macedonia’s labour practices related to family-friendly workplaces.⁶² Under Article 7, concerns included a lack of information on labour inspections and protections for young workers under 18 in hazardous jobs, vocational training hours, paid holidays, night work, medical exams and protection from digital exploitation. Under Article 8, issues were noted with maternity protections, such as missing data on minimum maternity benefits, night-work risks and compensation for women required to take leave due to dangerous or arduous work. Under Article 16, concerns were raised about the equal treatment of foreign nationals regarding family benefits, limited family benefit coverage, and missing data on childcare costs, housing support, evictions and the living conditions of Roma families in informal settlements.

Table 1. Comparison of family-friendly policies in EU directives and North Macedonian legislation

EU DIRECTIVES	NORTH MACEDONIAN LEGAL FRAMEWORK
1. Maternity Leave	
EU Directive 92/85/EEC mandates a minimum of 14 weeks of maternity leave.	A minimum of 73 days for pregnancy, birth and parental paid leave, to a maximum of 9 months, extended up to 15 months for births of 2 or more children.
2. Paternity Leave	
EU Directive 2019/1158 requires that Member States provide at least 10 working days of leave for fathers / second parents around the time of birth or adoption.	Based on the Labour Relations Law, fathers may use a portion of their partner’s parental leave entitlement not earlier than 45 days after the birth of their child if the mother decides not to use her full entitlement and returns to work before the end of the paid parental leave period. Employees in North Macedonia receive paid leave for family reasons, with private sector workers receiving 7 days and public sector workers receiving 10 days annually. This leave can be used for events such as marriage, childbirth or adoption, death in the family, and employment-related exams. Within this family leave, fathers are entitled to 2 days of paid leave in the private sector and 3 days in the public sector specifically for the birth or adoption of a child, as per the respective General Collective Labour Agreements.

61 Reactor, “Dostapnost na gradinki i rodova ednakvost na pazarot na trud - Analiza na povrzanosta po opštini”, 2024. Available at <https://tinyurl.com/2jrwku2v> (accessed on 31 December 2024).

62 Council of Europe, European Social Charter (Revised), European Committee of Social Rights, “Conclusions 2023: North Macedonia”, March 2024. Available at <https://rm.coe.int/conclusions-2023-north-macedonia-en-2765-1450-1897-1/1680aedd16> (accessed on 30 December 2024).

3. Parental Leave

Directive 2019/1158 establishes a minimum of four months of parental leave per parent, of which two months are non-transferable.

Current provisions focus on female workers' pregnancy, childbirth and parental leave rather than a structured parental leave policy. Fathers and adoptive parents are able to access this entitlement in the exceptional event when the mother is unable to use, or decides not to use, her right to parental leave.

Mothers can use 3 months of unpaid parental leave for children up to 3 years of age in a maximum of 3 parts.

4. Carer's leave

Directive 2019/1158 requires that Member States provide at least five days of carer's leave per year.

Up to 3 months of unpaid leave is available to take care of a family member.

5. Protection from discrimination

Equal pay and equal treatment: Directive 2006/54/EC addresses equal treatment and equal pay for men and women in employment and occupation.

Harassment: Directive 2002/73/EC amends the framework for addressing sexual harassment in the workplace.

Equal pay: The Labour Relations Law ensures equal pay for equal work for both men and women.

Anti-discrimination: The Law on Prevention and Protection against Discrimination includes provisions to combat workplace harassment and discrimination.

Harassment: a special law on harassment in the workplace provides more detailed procedures in such cases.

6. Work-life balance

Work-life balance: Directive 2019/1158 aims to improve work-life balance for parents and caregivers by introducing paternity leave, parental leave and flexible working arrangements.

Flexible working arrangements: while the Labour Relations Law includes provisions for part-time and remote work, more structured provisions for paternity and parental leave are needed.

A further comparison of several gender-responsive family-supportive policies between EU directives and Macedonian legislation is provided in the following sections.

Pregnant women

EU Directive 92/85/EEC is aimed at safeguarding the health and safety of pregnant workers, recent mothers and those breastfeeding, by regulating maternity leave and workplace conditions. It requires employers to assess risks and make necessary adjustments to protect these workers, including altering working conditions, adjusting working hours or temporarily transferring them to different roles if necessary. The directive mandates a minimum of 14 weeks of maternity

leave, with at least 2 weeks before and after childbirth, and paid breaks for breastfeeding or expressing milk. It ensures that these workers are not exposed to harmful conditions, ensuring their right to safe and fair employment without discrimination. Macedonian laws provide similar protections, including additional daily breaks for breastfeeding mothers.

Maternity, paternity and parental leave and compensation

The legislation on protections for pregnant workers and workers who have recently given birth or are breastfeeding in North Macedonia is broadly aligned with the EU's Directive on Pregnant Workers. The Labour Relations Law prohibits the dismissal

of pregnant workers and workers on maternity leave. It also requires employers to mitigate risks in the workplace for these categories of workers. In comparison with the EU's directives, pregnant workers in North Macedonia are entitled to 270 days of paid maternity leave, greatly exceeding the 14 weeks stipulated by the EU directive.

A 2017 study by the Parliamentary Institute of North Macedonia⁶³ compared maternity and parental leave policies in Croatia, Finland, Germany, North Macedonia, Poland, Slovenia and Sweden. The total leave for childbirth varies, ranging from 9 months in North Macedonia to 2 years in Sweden, with most countries offering at least 1 year. Leave typically combines maternity and parental leave, which can be shared by the parents. For multiple children, leave ranges from 4 to 80 weeks. Most countries offer 100 per cent salary compensation for mothers during basic maternity leave, and all ensure job protection after leave.

The most recent research conducted through the UNFPA's Expanding Choices Programme⁶⁴ shows that every country in Eastern Europe and Central Asia has legal provisions in place for maternity leave, ranging from 16 to 52 weeks. Most countries offer 18–20 weeks, while North Macedonia grants 39 weeks. Adoptive mothers in the region typically have shorter maternity leave than biological parents, with North Macedonia offering 6 months, while the Republic of Moldova and Türkiye provide just 56 calendar days and 3 working days, respectively. Five countries, including North Macedonia, allow the partial or full transfer of maternity leave to the father, compensating for the fact that there is only limited or no parental leave in some cases.

In nine countries, maternity leave can be transferred to fathers only in exceptional circumstances, such as the mother's death or illness, while three countries – Armenia, Kazakhstan and Türkiye – do not allow such transfers at all. Only eight countries, including North Macedonia, provide 100 per cent of the mother's

previous earnings during maternity leave, while others, such as Albania and Türkiye, progressively reduce earnings throughout the leave period.

Work–life balance

The Work-Life Balance Directive⁶⁵ introduces a set of legislative actions designed to modernize the existing EU legal and policy frameworks. The aim is to support work–life balance for parents and caregivers, encouraging the equal sharing of parental leave between men and women and addressing women's under-representation in the labour market.

The general objective of the directive is to guarantee the implementation of the principle of gender equality in labour market opportunities and treatment at work. Furthermore, the directive aims to improve access to leave and flexible working arrangements and increase men's engagement in family-related leave and flexible working arrangements.

On the other hand, North Macedonia has been implementing practices for work–life balance for several years, especially during and after the COVID-19 crisis, even without a formal legal basis. During this period, many challenges arose in terms of implementation and enforcement.

Regarding flexible working arrangements, Macedonian legislation provides the right for parents of children up to the age of 3 to request part-time work. An analysis shows that the implementation of this right is uneven, and employers often resist granting such requests. However, the working group established by a recent government (2022–2024) recognized the need to improve work–life balance and took steps to align legislation with the EU's Work-Life Balance Directive in the latest draft of the new Labour Relations Law. The draft includes plans to introduce five days of carer's leave and extend the right to request flexible working arrangements to parents of children up to the age of 8.

63 Ivana Arsovska Trajanovik, "Porodilno odsustvo i drugi vidovi na roditelski odsustva: Komparativen pregled", *Sobranie na Republika Makedonija, Parlamentaren Institut*. Available at <https://tinyurl.com/2pcuu488> (accessed on 30 December 2024).

64 UNFPA Eastern Europe and Central Asia Regional Office, *The state of gender-responsive family policies in the Eastern Europe and Central Asia region*

65 European Parliament and Council of the European Union, "Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU", *Official Journal of the European Union*, L 188/79, 12 July 2019. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158> (accessed on 30 December 2024). (accessed on 30 December 2024).

Self-employed workers

EU Directive 2010/41/EU focuses on ensuring equal treatment of men and women engaged in self-employed activities. The directive mandates that female self-employed workers and spouses are entitled to at least 14 weeks of maternity allowance, enabling them to interrupt their occupational activities due to pregnancy or motherhood. Additionally, the directive encourages EU Member States to adopt positive actions, such as promoting business initiatives among women, to ensure full equality in practice between working men and women.

Jovanovska Kanurkova⁶⁶ identifies three key issues in applying the principle of equal treatment in self-employment: (1) the lack of a clear definition and regulation of self-employment, (2) the failure to recognize life partnerships in social protection policies, and (3) the failure to meet the directive's standards concerning maternity-related compensation.

The Law on Contributions from Compulsory Social Insurance defines a self-employed person as an individual performing an independent economic activity or professional service generating income, and the Law on Employment and Insurance during Unemployment provides a similar definition. However, the Labour Relations Law, which should encompass all workers, does not define self-employment as a form of employment or recognize self-employed individuals as a category of workers, contradicting its purpose to protect and include all workers.

Furthermore, Macedonian legislation does not recognize life partners as a legal category, distinguishing only between married and unmarried partners, which creates challenges in regulating social protection and benefits for spouses and life partners of self-employed individuals. Addressing these challenges requires amendments to the Law on Family or the adoption of a separate civil partnership law.

Furthermore, while the EU directive encourages positive measures to promote business initiatives among women, North Macedonia's labour laws, though comprehensive in providing maternity and parental leave for employees, lack specific measures

or initiatives to promote female entrepreneurship and support self-employed women. The directive emphasizes practical equality between men and women in self-employment, while the national framework focuses more on employees.

Equal treatment and equal opportunities in the workplace

EU Directive 2006/54/EC focuses on implementing the principle of equal treatment and equal opportunities for men and women concerning employment and occupational matters. The directive aims to eliminate gender-based discrimination, ensuring equal opportunities and treatment in various aspects of employment, including equal pay, occupational social security, working conditions and maternity, paternity and adoption leave. It also includes provisions for enforcing and promoting equal treatment through dialogue and appropriate remedies for discrimination.

North Macedonia's labour legislation, which includes several laws and regulations, aligns closely with the principles outlined in Directive 2006/54/EC. The Labour Relations Law stipulates that all employees are entitled to equal pay for equal work or work of equal value, regardless of gender, aligning with the directive's emphasis on equal pay. Moreover, Macedonian law ensures equal access to social security schemes, providing comprehensive health and social insurance coverage for all employees, including provisions for maternity and paternity benefits, though the details concerning occupational schemes may vary.

The Labour Relations Law also prohibits gender-based discrimination in recruitment, access to employment, dismissal from employment, vocational training, promotions and membership in worker organizations, ensuring that both men and women have equal opportunities and protections in the workplace, reflecting the directive's provisions on non-discriminatory working conditions.

Regarding leave policies, North Macedonian labour laws provide extensive maternity leave (ranging from 9 to 12 months) and paternity leave, ensuring that employees can return to their jobs or an equivalent

66 Jovanovska Kanurkova, *Kako do pogolema zaštita na samovrabenite bremenite ženi i bremenite sopruzi i životnite partnerki na samovrabeteni lica*, p. 18.

position on no less favourable terms after their leave. The law also provides similar protections for adoption leave, in line with the directive's protections for employees returning from maternity, paternity or adoption leave.

In conclusion, while North Macedonia's labour legislation aligns well with the principles of Directive 2006/54/EC, particularly in terms of equal pay, non-discriminatory working conditions and leave policies, there are areas where further alignment could be beneficial. Enhancing specific provisions related to occupational social security schemes and ensuring enforcement mechanisms could further strengthen the country's commitment to gender equality in employment and occupational matters.

Gender pay gap

Since equal pay for equal work is one of its founding principles, the EU is tackling the gender pay gap from various perspectives. In line with Directive 2023/970, for example, EU countries must eliminate sex-based discrimination in all aspects and conditions of remuneration for the same work or for work of equal value.⁶⁷

In North Macedonia, provisions for equal remuneration of men and women for equal work, stipulated in the ILO Convention 100, were incorporated into the Labour Relations Law in 2015. Unlike in EU countries,

however, Macedonian legislation still does not require employers to report on the pay gap.

Recent reports indicate that the average gender pay gap in the country is around 8.8%,⁶⁸ indicating that women, on average, earn less than men. This gap can be attributed to several factors, including occupational segregation, differences in work experience and educational attainment, as well as the under-representation of women in higher-paying industries and leadership positions.

According to ILO research on the gender and motherhood wage gap,⁶⁹ the so-called motherhood pay gap measures the pay gap between mothers and non-mothers as well as the pay gap between mothers and fathers. The motherhood pay gap differs from the gender pay gap, which measures the pay gap between all women and men in the workforce. The ILO's findings for North Macedonia suggest that women are paid about 18–19 per cent of a man's wages when both pay gaps are taken into account.

Despite legislative efforts and policies aimed at promoting gender equality, such as the Law on Equal Opportunities for Women and Men, the implementation and enforcement of these laws have not fully addressed systemic issues contributing to the wage disparity. Additionally, cultural and societal norms continue to play a role in preserving gender biases and limiting opportunities for women in the workplace.

67 European Union, "EU action for equal pay". Available at <https://tinyurl.com/bdz39xhw> (accessed on 30 December 2024).

68 UN Women, *Country Gender Equality Profile of North Macedonia* (Skopje, 2023). Available at https://eca.unwomen.org/sites/default/files/2023-09/unw_cgep_nmk_eng_web.pdf (accessed on 30 December 2024).

69 Marjan Petreski and Nikica Mojsoska-Blazevski, "The gender and motherhood wage gap in the Former Yugoslav Republic of Macedonia: an econometric analysis", ILO Working Paper No. 6/2015. Available at <https://researchrepository.ilo.org/esploro/outputs/encyclopediaEntry/The-gender-and-motherhood-wage-gap/995321135802676> (accessed on 30 December 2024).

Conclusions and recommendations

The demographic and population trends in Eastern European countries show a transformation from population growth to population ageing. Gender-responsive family policies are increasingly being seen as a powerful tool for supporting families' care responsibilities, redistributing unpaid care work more equally between women and men, and removing barriers to women's full participation in the labour force. Governments are increasingly finding ways to help people balance work and family life more equally. However, there are still some gaps that prevent further improvements.

Based on the UNFPA's Expanding Choices Family-Friendly Workplace Model, on existing gender-responsive family policies and an analysis of the Macedonian legislative framework, as well as the European and international frameworks, the following recommendations aim to enhance current legislation and drive future reforms to enable all women and men to achieve their fertility and career aspirations and to foster demographically resilient societies.

1. Maintain maternity leave provisions and transition to the contemporary model of paternity and parental leave used in many EU countries, systemically aligning these policies for self-employed mothers and women in agriculture. The current, outdated, model, which applies only to mothers who are entitled to paid leave of 9–15 months, needs to be updated. In addition, paternity leave should be incorporated to support the involvement of fathers soon after childbirth. This entitlement could be extended in the form of non-exclusive parental leave. Additionally, categories of female workers who are not currently covered by the law, such as women in agriculture and self-employed women, should enjoy the same maternity rights as women in full-time employment.
2. Introduce paternity leave that is separate from leave for family reasons, with the standard duration as in most EU countries. Paternity leave ensures that fathers can take a period of leave immediately following the birth of a child to

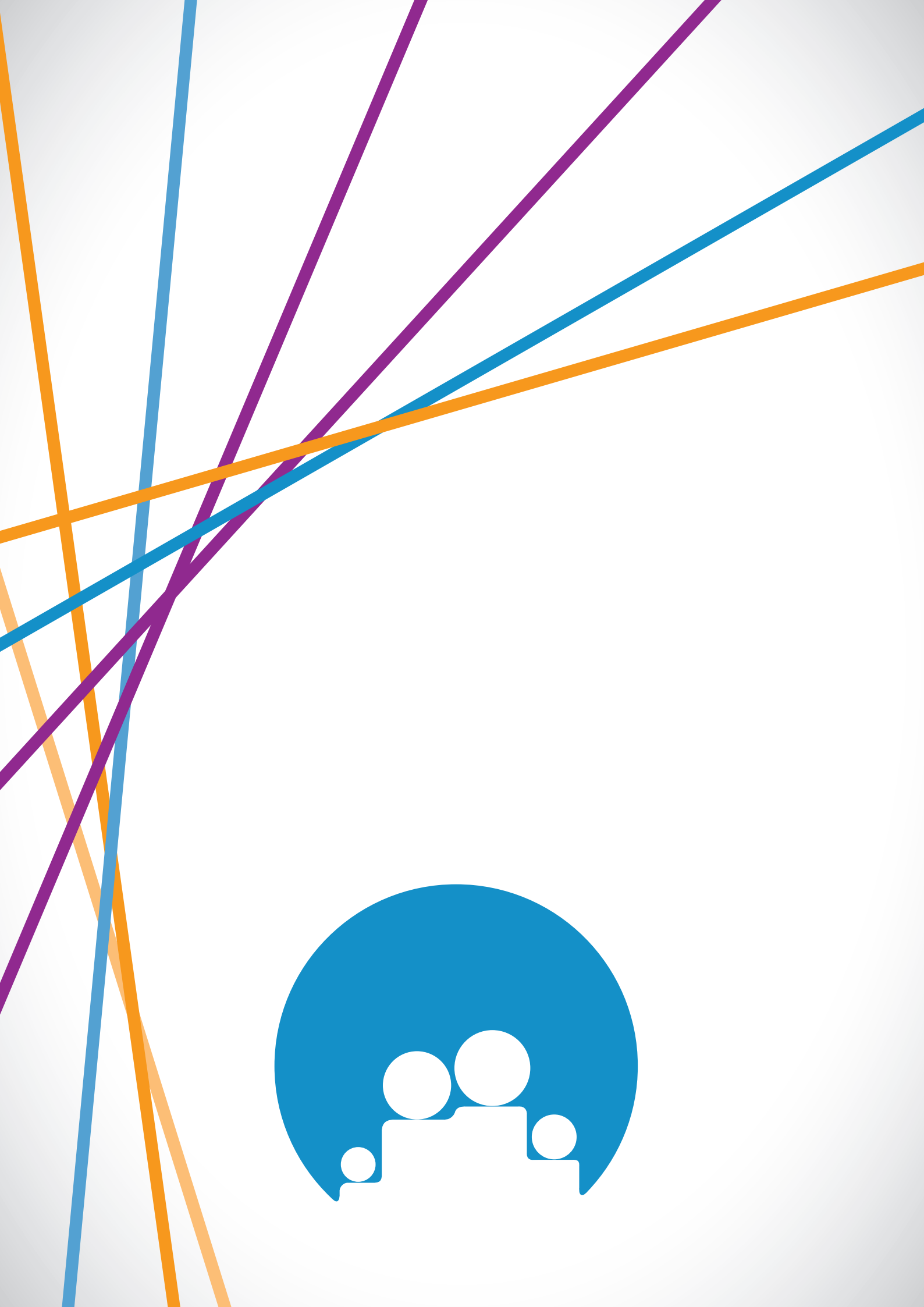
support the mother and the newborn, bond with their baby and equitably share in the unpaid care burden.

- Introduce obligatory paternity leave days in order to counter low rates of paternity leave uptake. It is essential that paternity leave cash benefits cover 100 per cent of the father's earnings to motivate fathers to utilize it.
 - Ensure that paternity leave is paid and funded by the national social protection system.
 - Ensure that adoptive fathers can enjoy the same paternity leave rights as biological fathers, including the same paternity leave period.
 - Ensure that self-employed fathers have access to paid paternity leave funded by the state.
3. Introduce and strengthen parental leave. Parental leave, usually available to either parent, allows mothers and fathers to take care of their child after their maternity and paternity leave entitlements have expired. Introducing a non-transferable portion that can be used only by fathers will encourage men to use it and will promote their role in unpaid care work. Including shared parental paid leave after childbirth in labour laws, as practised in most EU countries, will create a more conducive environment for women's labour market participation, entrepreneurship and career progression. Women and men should be given equal opportunities, and adequate legislative norms and provisions in terms of work–life balance should be in place so that they can combine the fulfilment of their role as a parent with a suitable career path. Appropriate compensation should be provided for parental leave, similar to maternity leave.
- Provide adequate legal solutions for greater alignment with EU Directive 2010/41/EU by extending benefits to self-employed women and spouses or life partners, ensuring that

they receive similar support and protection during maternity and parental leave that are not covered by the Labour Relations Law.

- Broaden the scope of parental leave and support to cover employed and self-employed individuals to ensure comprehensive protection and benefits for all working parents.
4. Enhance the legal solutions for flexible, remote or hybrid working arrangements, which would mitigate gender-based discrimination in the workplace, which disproportionately affects women due to their traditional primary roles in childcare and domestic work. The implementation of flexible working arrangements that support parents of children up to the age of 8 would address the persistent gender discrepancy in the labour market and the unequal distribution of care responsibilities.
 5. Improve the current legal conditions to encourage greater acceptance of part-time employment agreements, which would help families achieve work–life balance and give women more opportunities to participate in the labour market.
 6. Invest in efficient and accessible public services such as childcare, eldercare, day-care centres, centres for early childhood, reliable transportation, as well as road infrastructure, especially in rural and suburban areas. These services help increase women’s labour market participation, work–life balance and economic growth in communities.
 7. Introduce specific carer’s leave policies to better support employees with family care responsibilities. Aligning with EU directives of the existing legal framework, which focuses primarily on maternity, parental and sick leave, would provide more detailed provisions on leave to take care of a family member who is ill or in need of assistance. The introduction of carer’s leave as a distinct category would emphasize work–life balance for parents and caregivers. It is important to introduce statutory provisions for universal carer’s leave targeting the general working population and working parents specifically, to support the provision of care across generations and over the life course, and to share the care burden more equally. The law should provide at least five working days per year of paid carer’s leave and ensure adequate monetary compensation.
 8. Further explore collective bargaining mechanisms as a tool for the implementation of family-friendly policies in the private sector or in a specific industry or branch or even at the level of individual employers. These mechanisms can provide greater rights for female employees and parents than those stipulated by law as well as suitable family-friendly policies designed for smaller groups and communities of employees.
 9. Promotion of good practices and programmes that demonstrate the benefits of family-friendly workplaces, such as public campaigns showcasing real positive examples, and awards and certifications that verify the effectiveness of measures and encourage commitment on the part of companies and workers. In addition, building further capacity among employers and raising awareness of how to integrate gender-responsive family policies.
 10. Adopt an action plan to support the integration of gender-responsive family policies into national legislation and other strategies and initiatives to provide a structured and coordinated approach to implementation in the private sector and in other areas of the economy. Involve all stakeholders, such as relevant ministries and state institutions, organizations representing employers and workers, other business support organizations and all interested parties who can support implementation of the action plan, to make the Macedonian economy and business more competitive and to improve the competencies and productivity of the workforce.
 11. Conduct national communication campaigns to promote egalitarian gender norms, highlighting the value of involving men in childcare and domestic chores.
 - Engage the private sector to promote gender equality in the workplace and counter negative stereotypes related to employment and leadership.

- Learn from the experiences of other countries to adapt and implement a family-friendly workplace model in the Macedonian environment.
- Raise awareness of the importance of family-friendly policies for the country's economy as well as the workplace, for addressing demographic trends, structural unemployment based on a mismatch between available competencies and business needs, and mass emigration of young, educated workforce and intensive brain-drain of young talent.
- Raise awareness of common gender-related stereotypes in the workplace and in the family, and emphasize how further development of the national culture and mentality could greatly improve the situation throughout society.



Bibliography

Arsovska Trajanovik, Ivana. Porodilno odsustvo i drugi vidovi na roditelski odsustva: Komparativen pregled. Sobranie na Republika Makedonija, Parlamentaren Institut.

Bashevskaja, Marija. Gender Equality Index for North Macedonia 2022. Skopje: Ministry of Labour and Social Policy and State Statistical Office, 2022.

Council of Europe. European Social Charter, European Committee of Social Rights. Conclusions 2019: North Macedonia, March 2020.

European Social Charter (Revised), European Committee of Social Rights. Conclusions 2023: North Macedonia, March 2024.

Delegation of the European Union to the Republic of North Macedonia. Gender Action Plan III – 2021-2025, Country Level Implementation Plan – CLIP for the Republic of North Macedonia, 4 April 2022. Ref. Ares(2022)2523876.

European Commission. Commission Staff Working Document, North Macedonia 2021 Report. 19 October 2021. SWD(2021) 294 final.

European Parliament and Council of the European Union. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. Official Journal of the European Union, L 188/79, 12 July 2019.

European Union. EU action for equal pay, available at <https://tinyurl.com/bdz39xhw>.

[Gorevska Mitev, Maja](#). Assessment of pension adequacy: North Macedonia. European Commission, European Social Policy Network, 2021.

[International Labour Organization](#). C190 - Violence and Harassment Convention, 2019 (No. 190).

[Decent Work Country Programme: North Macedonia – 2023–2025](#), available at <https://www.ilo.org/republic-north-macedonia>.

[Jovanovska Kanurkova, Jovana](#). Kako do pogolema zaštita na samovrabotenite bremenite ženi i bremenite sopruzi i životnitate partnerki na samovrabotenite lica: Predizvicate za usoglasuvanje na Direktivata 2010/41/EU vo oblasta na socijalna zaštita i nadomestoci pri majčinstvo vo Republika Severna Makedonija. Skopje: MARGINI Skopje and Network for Protection against Discrimination, 2020.

Kelesoska Sholjakovska, Emilija, and Ema Dimitrieska. North Macedonia. In Employment and Labour Law 2023, 11th ed. Global Legal Group.

Kelesoska Sholjakovska, Emilija, and Ljupco Cvetkovski. Macedonia. In The International Comparative Legal Guide to: Employment and Labour Law 2018, 8th ed. London: Global Legal Group, 2018.

Macedonia, Republic of. Proposal for a Law Amending and Supplementing the Law on Minimum Wage in the Republic of Macedonia, July 2017.

Mickoski, Khristijan. Programa za rabota na vladata na Republika Severna Makedonija (2024 – 2028), June 2024.

[Net pres. „Pari“ analiza: Što ja namaluva nevrabotenosta, iseluvanjeto, demografijata ili novite rabotni mesta? 28 March 2023.](#)

[Republic of North Macedonia, Ministry of Information Society and Administration.](#) Unapreduvanje na mehanizmite za zaštita na žrtvite na voznemiruvanje na rabotno mesto.

Republic of North Macedonia, Ministry of Labour and Social Policy, Oddržana desettata javna rasprava za Predlog zakonot za rabotni odnosi vo Ohrid, 2 March 2023.

Promocija na Programata za poddrška za socijalna sigurnost na ženite koi vršat zemjodelska aktivnost, 10 March 2023.

Second Report on the Non-accepted Provisions of the Revised European Social Charter, [December 2022.](#)

Zakonot za sprečuvanje i zaštita od diskriminacija beše pobeda za site građani i ednakvosta, MTSP ostanuva posveteno na borbata za sloboden i dostoinstven život i počituvanje na različnostite.

Republic of North Macedonia, Ombudsman. Konferencija na tema: “Dali Makedonija e fer zemja? Kako instituciite da ja unapredat borbata protiv diskriminacijata”, 28 February 2023.

Republic of [North Macedonia, State Statistical Office.](#) Active population in the Republic of North Macedonia - revised data from the Labor Force Survey, [for 2020 and by quarter, 1 August 2024.](#)

[Petreski, Marjan and Nikica Mojsoska-Blazevski.](#) The gender and motherhood wage gap in the Former Yugoslav Republic of Macedonia: an econometric analysis. ILO Working Paper No. 6/2015.

Reactor, Dostapnost na gradinki i rodova ednakvost na pazarot na trud - Analiza na povrzanosta po opštini, 2024.

Rodovo-bazirana diskriminacija i rabotnički prava vo Severna Makedonija, 2022.

Shadow Report on the Implementation of the Gender Equality Strategy 2018/2019. Skopje: 2021.

Za sećie dobro – Kon nov model za roditelsko otsustvo, 2019.

Ristova, Maja. Istražuvanje za načinot, opsegot i vlijanieto na voznemiruvanjeto vrz žrtvite na mobbing. Združenie za zaštita na rabotničkite prava „Glasen Tekstilec“ – Štip.

[UNFPA. Expanding Choices through Family-Friendly Policies. Available at <https://eeca.unfpa.org/en/expanding-choices-0>.](#)

[UNFPA Eastern Europe and Central Asia Regional Office.](#) Gender-Responsive Family Policies for the Private Sector in the Western Balkans and Moldova: The Family-Friendly Workplace Model. [Istanbul: 2023.](#)

The state of gender-responsive family policies in the Eastern Europe and Central Asia region. Istanbul: 2023.

[UN Women](#). Country Gender Equality Profile of North Macedonia. [Skopje: 2023](#).

[UN Women and UNFPA](#). Analytical brief: baseline study on stereotypes in Eastern Partnership countries. [UN Women and UNFPA, 2022](#).

[World Bank](#). North Macedonia. Gender Data Portal. Available at <https://tinyurl.com/2b2et863>.



UNFPA sources on family-friendly workplaces

Dobranja, Dita. Expanding choices through family-friendly policies: Costing maternity, paternity, and parental leave provisions in the Law on Labour. Policy Brief.

Ryan, David J. Expanding choices through family-friendly policies: Kosovo analytical report. Pristina: Kosovo Women's Network, 2021.

UNFPA Eastern Europe and Central Asia Regional Office. Creating family-friendly workplaces: Lessons and results from the Expanding Choices Project in Albania, the Republic of Moldova and Kosovo. Istanbul: 2023.

Empowering employees through gender-responsive family policies. Istanbul: 2023.

Empowering parents and caregivers through gender-responsive family policies: A Moldovan case study. Istanbul: 2023.

Family-friendly workplaces. Gender equality and family-friendly workplaces. Istanbul: 2023.

Gender-responsive family policies: Retaining talent and fostering growth. Istanbul: 2023.

Gender-responsive family policies for the private sector in the Western Balkans and Moldova: Baseline tools – Public policies best practices: Examples from Sweden, Estonia, and Slovenia.

Gender-Responsive Family Policies for the Private Sector in the Western Balkans and Moldova: The Family-Friendly Workplace Model. Istanbul: 2023.

Promoting inclusive practices through the private sector. Istanbul: 2023.

Publications. Available at <https://eeca.unfpa.org/en/publications>.

The state of gender-responsive family policies in the Eastern Europe and Central Asia region. Istanbul: 2023.

What are gender-responsive family policies? Working with the private sector to implement gender-responsive family policies. [Istanbul, 2023](#).

[UNFPA Country Office Albania and DM Consulting Services](#). Champion companies on family-friendly workplaces in Albania. 2020.

UNFPA Country Office Albania and IDRA Research & Consulting. Analysis of Gender-Responsive Family Friendly Policies in Albania. Tirana: 2020.

Implementing Family-Friendly Policies and Gender Equality in the Public and Private Sectors. Tirana: 2022.

Implementing family-friendly policies and gender equality in the public and private sectors: Businesses perspective.

[UN Women and UNFPA](#). Analytical brief: baseline study on stereotypes in Eastern Partnership countries. [UN Women and UNFPA, 2022](#).

