



Funded by the European Union

Co-funded by the Swedish International Development Cooperation Agency



Sweden Sverige

# GENDER-BASED DISCRIMINATION AND LABOUR IN NORTH MACEDONIA



Implemented by:



Gender Alliance for Development Center  
Qendra Aleanca Gjimore për Zhvillim



KVINNA KVINNA

REACH-OR  
research in action



WOMEN'S RIGHTS CENTER  
CENTAR ZA ŽENSKA PRAVA



# GENDER-BASED DISCRIMINATION AND LABOUR IN NORTH MACEDONIA (II)

Reactor - Research in Action

Skopje, 2022

## **Gender-based Discrimination and Labour in North Macedonia**

### **Publisher:**

Reactor - Research in Action

### **For the Publisher:**

Tanja Ivanova

### **Authors:**

Vaska Leshoska

Irina Jolevska

Biljana Kotevska (Legal Analysis section)

Blazen Maleski

### **Print:**

Print Centar

### **Circulation:**

30 copies

Free/Non-commercial Copy

© Reactor-Research in Action, 2022

All rights reserved. Licensed to the European Union under conditions. This publication was produced with the financial support of the European Union and co-funded by the Swedish International Development Cooperation Agency (Sida). Its contents are the sole responsibility of Reactor-Research in Action and do not necessarily reflect the views of the European Union or Sida.

CIP - Каталогизација во публикација

Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

316.647.82-055.2:349.2(497.7)(047.31)

316.647.82-055.2:331(497.7)(047.31)

GENDER-based discrimination and labour in North Macedonia 2 /

[authors Vaska Leshoska ... и др.]. - Скопје : Reactor - research in action, 2022. - 118 стр. : табели, граф. прикази ; 21 см

Фусноти кон текстот. - Други автори: Irina Jolevska, Biljana Kotevska, Blazen Maleski. - Содржи и: Annexes

ISBN 978-608-4684-42-8

1. Kotevska, Biljana [автор] 2. Maleski, Blazen [автор]

а) Повреда на човековите права и слободи -- Дискриминација -- Жени -- Работнички права -- Македонија -- Истражувања

COBISS.MK-ID 56654853

---

## **Acknowledgements**

Reactor-Research in Action (Reactor) would like to express its gratitude to the people who were involved in this research and contributed to this analysis. This includes citizens who participated in the survey and interviewed representatives from relevant institutions and civil society organisations.

Reactor thanks Nicole Farnsworth and the Kosovo Women's Network (as the organisation leading our shared action) for the cooperation, support and valuable feedback provided during the entire process of the preparation of this analysis.

Reactor would also like to thank Martina Dimovska for her valuable support with the interviews.

# Table of Contents

<b>Gender-based discrimination and labour in north macedonia (ii)</b> .....	3
<b>Acronyms</b> .....	8
<b>Executive summary</b> .....	9
<b>Introduction</b> .....	11
Gender gaps and gender-based discrimination in labour.....	11
COVID-19 crisis and workers' rights .....	15
Methodology .....	20
About This Report .....	21
<b>Legal analysis</b> .....	22
International Law .....	23
Constitutional Law.....	24
Equality and Non-Discrimination Legislation.....	25
Law on Prevention and Protection against Discrimination .....	25
Forms of discrimination.....	26
Unequal treatment not considered to constitute discrimination .....	26
Equality body.....	26
Ending the patchwork national legislative framework: harmonization obligation .....	27
Novelties introduced by the new ADL.....	27
Law on Equal Opportunities of Women and Men.....	28
Labour Law.....	29
Law on Labour Relations.....	29
General anti-discrimination principles.....	29
Forms of discrimination.....	30
Unequal treatment that will not be considered to constitute discrimination .....	30
Vacancy adds.....	30
Equal pay .....	31
Nightwork regulation .....	31
Part-time workers.....	31
Protection for Pregnancy, Birth and Parenthood .....	31
Social security schemes and legislation .....	33
Law on Prevention and Protection against Violence against Women and Domestic Violence .....	34
Criminal Law.....	34
Responsible Institutions.....	35
The Judiciary .....	35
The National Human Rights Institutions .....	36
Commission for Prevention and Protection against Discrimination .....	36
The Ombudsperson .....	38
The Sector for Equal Opportunities at the Ministry of Labour and Social Policy – Legal Representative.....	39
Labour Inspectorate .....	39
Peaceful Resolution of Disputes.....	39
Sanctions.....	40
Conclusion .....	40
<b>People's awareness and reporting of gender-based discrimination</b> .....	41
People's Awareness about Gender-based Discrimination .....	42

Conclusion .....	43
<b>Prevalence of and experiences with discrimination</b> .....	44
Thoughts on Overall Prevalence .....	44
Types of Discrimination.....	50
Discrimination in Hiring.....	50
Discrimination in Promotion .....	53
Violations of Contracts .....	54
Violations of the Right to Equal Pay for Equal Work.....	55
Violations of Pregnancy and Maternity Leave Rights.....	57
Violations of Rights to Paternity Leave .....	59
Sexual Harassment at Work .....	60
Labour Unions.....	65
Gender-based discrimination and Workers’ Rights amid COVID-19 .....	66
Conclusion .....	76
<b>The institutional response to gender-based discrimination in labour</b> .....	78
The Ombudsperson Institution .....	78
Commission for Prevention and Protection Against Discrimination .....	79
State Labour Inspectorate.....	81
Civil Courts .....	83
Official data on court cases of gender-based discrimination in labour relations .....	84
CSOs.....	85
Employers’ Associations .....	87
Trade Unions.....	88
Types of Discrimination based on Specific Protected Grounds .....	89
Gender-based Discrimination against Minority Ethnic Groups .....	89
Gender-based Discrimination against LGBTIQIA+ Persons .....	89
Gender-based Discrimination against Persons with Different Abilities.....	89
Discrimination in Specific Sectors.....	90
Gender-based Discrimination in the Textile Industry .....	90
Conclusions .....	90
<b>Recommendations</b> .....	92
<b>Annexes</b> .....	96
Annex 1. Demographic Information about the Sample.....	96
Annex 2. Survey.....	103

# ACRONYMS

ADL	The Law on Prevention and Protection against Discrimination (Anti-discrimination Law)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEO	Chief Executive Officer
CPAD	Commission for Protection against Discrimination
CPPD	Commission for Prevention and Protection Against Discrimination
CSO	Civil society organisation
EU	European Union
EU-LFS	European Labour Force Survey
FOI	Freedom of Information
GBD	Gender-based discrimination
GBVDVL	Law on Prevention and Protection against Violence against Women and Domestic Violence
GDP	Gross Domestic Product
ILO	International Labour Organisation
KWN	Kosovo Women's Network
LGBTQIA+	Lesbian, gay, bisexual, trans*, queer/questioning, intersex, asexual and other identifying persons
LL	Labour Law
MLSP	Ministry of Labour and Social Policy
NHRI	National human rights institutions
NM	North Macedonia
OEM	Organisation of Employers of Macedonia
WCOSOs	Women's rights civil society organisations

# EXECUTIVE SUMMARY

This report examines gender-based discrimination and labour in North Macedonia (NM), as part of a regional initiative to address such gender-based discrimination in six Western Balkan countries, supported by the European Union (EU) and co-funded by the Swedish International Development Cooperation Agency (Sida). The research aimed to provide information about shortcomings in the relevant legal framework; the prevalence and nature of gender-based discrimination related to labour; the extent to which people have filed claims; and how institutions have treated such cases. The research sought to inform actions of Reactor-Research in Action, the Kosovo Women's Network (KWN) and its partner organisations, among others. Conducted in 2018 and replicated in 2021, the research involved mixed methods, including a desk review, online survey, and interviews.

Regarding the legal framework, the new ADL brought national law fully in line with EU equality law standards and well beyond it. The ADL expanded the list of explicitly protected grounds, including gender identity, as well as the list of proscribed forms of discrimination. The definitions of the forms of discrimination in the Labour Law differ from the ones in the ADL and should be aligned in this respect. The Labour Law should be harmonized with the EU Work-Life Balance Directive and the concept of parental leave and right to paternity leave should be introduced. Moreover, the ban on termination of employment during an approved leave for pregnancy, birth and parenthood should be amended so that it protects workers from non-extension of their fixed term employments contracts.

Both the 2018 and 2021 survey data indicated that gender-based discrimination and violations of workers' rights are still prevalent but are often unreported or underreported to relevant institutions and mechanisms.

The sampling method of the survey restrains us from generalisation of the gender-based differences, but the analysis of the anonymous experiences shared in the online survey show that sexism and gender stereotypes appear to fuel the gender-based discrimination that women face in hiring, in promotion and in general in the workplace. Most women reported that they had experienced job interview questions that might imply discrimination, most related to marriage and parenting status or future plans for starting a family. Pregnancy remains a risky career move, and women often have been forced to choose between having paid employment or caring for children. This is further confirmed with the cases of women workers who asked free legal aid from CSOs, sharing their experiences with discrimination related to violations of their workers' rights related to pregnancy (e.g. termination of employment contract while being on sick leave for risky pregnancy) or parenting (e.g. being paid below minimum wage because she used the Government's measure to be released from work as a parent of a child under ten years of age).

In addition to the discrimination related to stereotypes about motherhood and caring responsibilities, working women are still subjected to sexual harassment at work. Perpetrators have tended to be men in higher-ranking positions, implying that power imbalances are inherent in workplace sexual harassment.

While less common, men may encounter discrimination as a consequence of gender preconceptions about acceptable jobs for men and men's supposed physical strength. When men thought they were subjected to discrimination because women were promoted or given "privileged" treatment, sexual objectification or harassment of the "privileged" female co-worker was suggested.

The COVID-19 pandemic-induced crisis significantly affected workers who faced job losses, decreased salaries and closure of work facilities. Significant evidence exists of violations of workers' rights. Closures of schools and kindergartens coupled with the "new" reality of working from home, challenged the balancing of personal and professional life; workers especially women faced the stress of juggling care responsibilities with work schedules, and also faced difficulties related to working from home.

Regarding the sector of employment, gender-based discrimination is more prevalent in the private sector. Not sufficient information exists regarding work-related gender-based discrimination among persons with disabilities, minority ethnic groups and persons with various gender identities and sexual orientations. The qualitative analysis of respondents' experiences with gender-based discrimination suggests insufficient knowledge regarding what constitutes gender-based discrimination and this could affect the rate of reported experience.

Conducted interviews suggests that not all representatives from relevant institutions demonstrated sufficient knowledge and understanding of gender-based discrimination related to labour. The representatives from the Ombudsperson and the CPPD were rather knowledgeable regarding the legislation but have had very few cases so far. Judges had limited knowledge of the relevant legal framework and labour inspectors seemed to have difficulties differentiating between gender-based discrimination and violations of workers' rights in general. Both in 2018 and 2021, representatives from CSOs were not only very knowledgeable about the relevant legal framework but also have had most practical experience working on cases of gender-based discrimination. In general, both in 2018 and in 2021, diverse respondents observed that proper implementation of the legal framework on gender-based discrimination at work is lacking.

# INTRODUCTION

## GENDER GAPS AND GENDER-BASED DISCRIMINATION IN LABOUR

Women in NM face deeply rooted discrimination evidenced by large and persistent gender gaps in employment and labour force participation. Nearly half (46%) of the working age women consistently have been out of the labour force compared to 23.3% of men<sup>1</sup>. The gender gap in participation in NM has persisted in the last decade and has remained nearly twice as high as the EU-27 average. For example, in 2020 the gender gap in labour force participation was 22.7 percentage points (p.p.) compared to the EU-27's 10.7 p.p. Moreover, NM's gap has been significantly larger than that of some of the other WB countries, such as Montenegro at 13.6 p.p. and Serbia at 13.8 p.p.

Activity rates

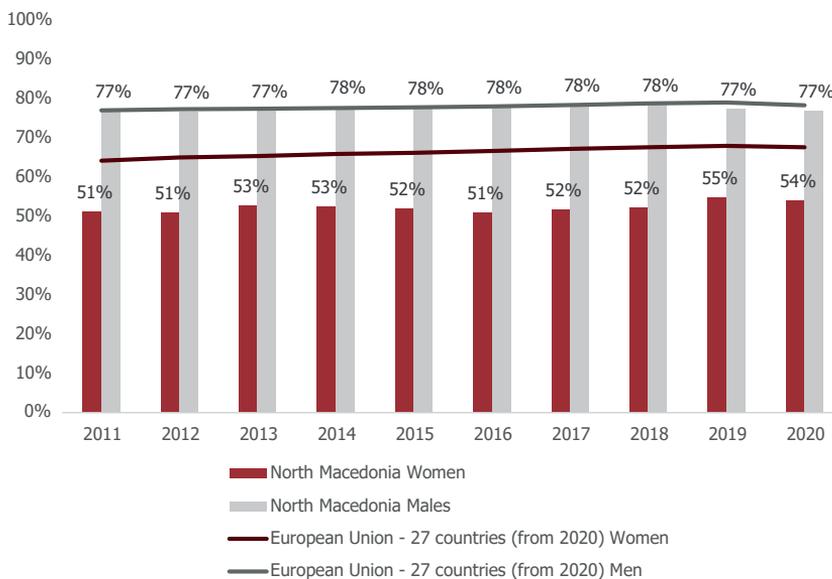


Figure 1. Activity rates among women and men (from 15 to 64 years) in North Macedonia and the EU-27, from 2011 to 2020. Source: European Labour Force Survey, Eurostat.

<sup>1</sup> Eurostat (last update: 10/09/2021 23:00). Activity rates by sex, age and citizenship (%), selected year 2020, age cohort 15 to 64 years. Available at: [https://ec.europa.eu/eurostat/databrowser/view/LFSA\\_ARGAN\\_\\_custom\\_1300916/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/LFSA_ARGAN__custom_1300916/default/table?lang=en).

More than half (59%) of the women have remained out of the labour force because of responsibilities related to caring of children, adult persons in need or other family responsibilities, compared to only 2% of men<sup>2</sup>. The unequal involvement of men and women in caring responsibilities as reasons of inactivity at the labour market has been evident in the EU as well, but the divide has been far less striking (21.9% of women compared to 2.9% of men)<sup>3</sup>. In addition, according to the official statistic, women in NM undertook 72%<sup>4</sup> of the unpaid domestic and care work further confirming the unequal divide in unpaid labour that hinders equal access to paid jobs for women.

Of the working age women 45.3% were employed compared to 63.7% of men in 2020. Although the employment rates of both men and women have increased over the years, the gender gap has persisted and remained almost twice as high the European average in 2020 (NM=18.4 p.p. compared to EU-27= 10.3 p.p.)<sup>5</sup>.

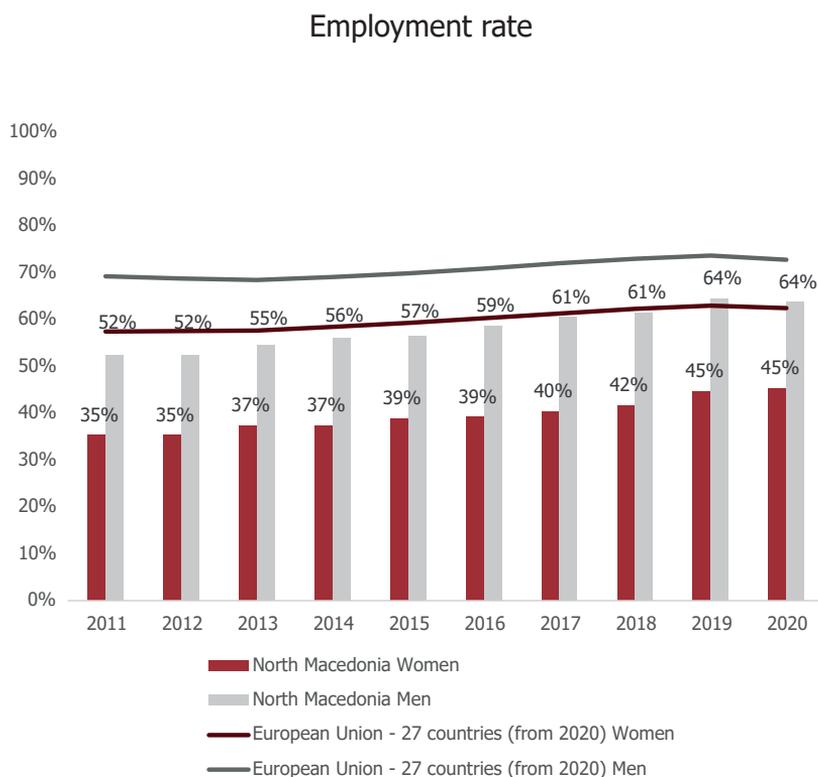


Figure 2. Employment rates among women and men (from 15 to 64 years) in North Macedonia and the EU-27, from 2011 to 2020. Source: European Labour Force Survey, Eurostat.

2 Eurostat (last update: 10/09/2021 23:00). Inactive population due to caring responsibilities by sex. Available at: [https://ec.europa.eu/eurostat/databrowser/view/sdg\\_05\\_40/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/sdg_05_40/default/table?lang=en).

3 Ibid.

4 Charmes, J. (2019). The Unpaid Care Work and the Labour Market. An analysis of time use data based on the latest World Compilation of Time-use Surveys. International Labour Office – Geneva: ILO, 2019. Available at: <https://bit.ly/3824AoA>. The author's calculations are based on data in the State Statistical Office (2015). Time use survey, 2014/2015.

5 Eurostat (Last update: 10-09-2021). Employment rates by sex, age and educational attainment level (%), selected year 2020, age cohort 15 to 64 years. Available at: <https://appsso.eurostat.ec.europa.eu/nui/setupDownloads.do>.

Among rural men and women, the difference in employment rates has remained even greater (24 p.p.)<sup>6</sup>, implying multi-layered barriers for some women and potentially intersectional discrimination<sup>7</sup>. Furthermore, women from rural areas are more likely to engage in informal work.<sup>8</sup> Meanwhile, the gender gap has remained only 5.3 p.p. among women and men in tertiary education<sup>9</sup>, confirming inherent gender-based discrimination and the fact that women need to “work harder” to be able to have access to paid employment.

Mirroring the unequal divide in unpaid labour, the gender gap in employment has remained even larger among parents, from 14.4 p.p. among those without children to 32.4 p.p. among those with children younger than six years old (data from 2020).<sup>10</sup> As evidenced, the traditional gender roles in which men are the primary breadwinners and women’s careers is more prevalent among parents. This further confirms that unpaid care work seems to contribute directly to inequalities in women’s labour force participation. Because men are not equally involved in domestic work and caring responsibilities for children and family, women are either completely excluded from the labor market or carry the double burden of paid and unpaid labor.

Moreover, the current Labour Law (LL) recognises the responsibility of early childcare as an exclusive responsibility of mothers i.e. women workers (please see the chapter on the legal framework), and 87% of children younger than 3 years are NOT in formal childcare facilities (compared to 64.7% in the EU-27).

---

6 Eurostat (last update: 10-09-2021 23:00). Employment rates by sex, age and degree of urbanisation (%). Available at: [https://ec.europa.eu/eurostat/databrowser/view/LFST\\_R\\_ERGAU\\_\\_custom\\_1301016/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/LFST_R_ERGAU__custom_1301016/default/table?lang=en).

7 Intersectional discrimination – happens when two or multiple grounds operate simultaneously and interact in an inseparable manner, producing distinct and specific forms of discrimination. A young Roma woman, for example, experiences labor market discrimination because she is Roma and thus considered ‘dangerous,’ because she is a woman and so ‘likely to have children soon,’ and because she is young and thus inexperienced. See: Intersectionality and Multiple Discrimination, Council of Europe. Available at: <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>

8 ILO in collaboration with EBRD (28 May 2020). COVID-19 and the World of Work: Rapid Assessment of the Employment Impacts and Policy Responses. NORTH MACEDONIA. Available at: [https://www.ilo.org/budapest/what-we-do/publications/WCMS\\_746124/lang--en/index.htm](https://www.ilo.org/budapest/what-we-do/publications/WCMS_746124/lang--en/index.htm).

9 Eurostat (last update: 10-09-2021 23:00). Employment rates by sex, age and educational attainment level (%). Available at: [https://ec.europa.eu/eurostat/databrowser/view/lfsa\\_ergaed/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/lfsa_ergaed/default/table?lang=en).

10 Eurostat (Last update: 02-06-2021). Employment rate of adults by sex, age groups, educational attainment level, number of children and age of youngest child (%). Available at: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>.

## Inactive population due to caring responsibilities

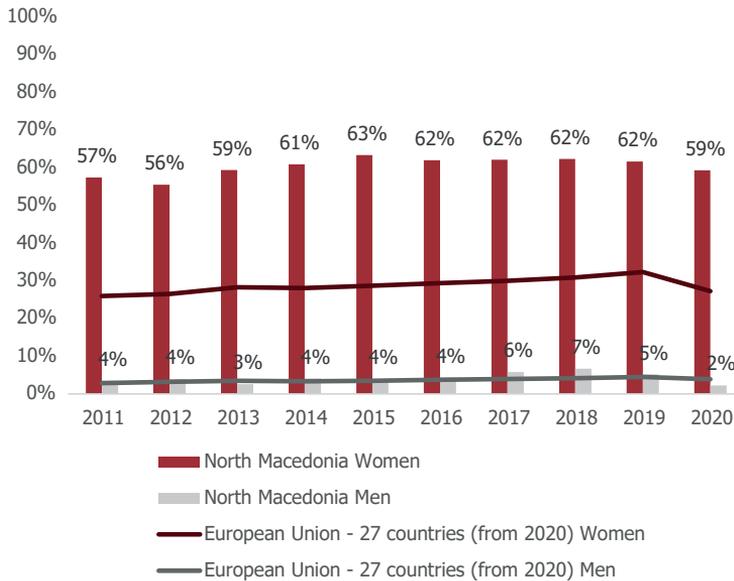


Figure 3. Inactive women and men (from 20 to 64 years) due to care responsibilities (percentage of population outside the labour force). Source: European Labour Force Survey, Eurostat.

In addition to gaps in employment, women in the labour market have tended to be more vulnerable, as they are overrepresented in labour intensive and precarious industries<sup>11</sup>. For example, women comprised 80% of employees in the textile, leather and garment industry where violations of rights have remained a common practice and salaries are below the median average<sup>12</sup>. In addition, women have been overrepresented among unpaid family workers (e.g. in agricultural or other family businesses). While contributing with their labour, these workers, like stay-at-home parents or spouses, have remained economically dependent on the household, making them more vulnerable to economic violence and old age without pension benefits.

In terms of vertical segregation, men have comprised the majority of employers (78.8% men and 21.2 women)<sup>13</sup>. In addition, 100% of the Chief Executive Officers (CEOs) of the largest listed companies are men<sup>14</sup>. These inequalities could not be explained by differences in educational attainment, since, as mentioned previously, a higher percentage of employed women have tertiary education. Beyond the effects of this glass ceiling, which has undermined the value of women's labour, gendered power asymmetries in the workplace have further contributed to sexual harassment.<sup>15</sup>

11 ILO in collaboration with EBRD (28-04-2020). COVID-19 and the World of Work: Rapid Assessment of the Employment Impacts and Policy Responses. NORTH MACEDONIA. Available at: [https://www.ilo.org/budapest/what-we-do/publications/WCMS\\_746124/lang--en/index.htm](https://www.ilo.org/budapest/what-we-do/publications/WCMS_746124/lang--en/index.htm).

12 Ibid.

13 State Statistical Office, MakStat data base. Employed by economic status and gender, 2020. annual Available at: [http://makstat.stat.gov.mk/PXWeb/pxweb/en/MakStat/MakStat\\_\\_PazarNaTrud\\_\\_AktivnosNaNaselenie/030\\_PazTrud\\_Mk\\_EkoStat\\_ang.px/table/tableViewLayout2/?rxid=46ee0f64-2992-4b45-a2d9-cb4e5f7ec5ef](http://makstat.stat.gov.mk/PXWeb/pxweb/en/MakStat/MakStat__PazarNaTrud__AktivnosNaNaselenie/030_PazTrud_Mk_EkoStat_ang.px/table/tableViewLayout2/?rxid=46ee0f64-2992-4b45-a2d9-cb4e5f7ec5ef)

14 EIGE, Gender Statistics Database (Last update on 15-12-2021). Largest listed companies: CEOs, executives and non-executives.

15 Wilson, F., & Thompson, P. (2001). Sexual harassment as an exercise of power. *Gender, Work & Organization*, 8(1), 61-83.

In summary, official statistics suggest deeply rooted and persistent gender inequalities, implying discrimination in access to paid employment and decent work, as well as unequal division of unpaid labour.

## COVID-19 CRISIS AND WORKERS' RIGHTS

The first case of COVID-19 in North Macedonia was registered on 26 February 2020<sup>16</sup>, opening the possibility for concrete measures from state institutions for the safety of citizens and prevention of the spread of the virus. The pandemic arrived in North Macedonia amid a pre-existing political crisis. The announced early elections and dissolution of the parliament occurred only days before the first COVID-19 case was reported.<sup>17</sup> The absence of a parliament hindered any quick legislative reactions from the government and legislators to adapt to the new situation and limit the effects of the pandemic on the labour market. This institutional crisis lasted until the President of North Macedonia invoked Article 127 of the Constitution<sup>18</sup>, proclaiming an emergency in the entire territory of the country and giving legislative powers to the government, since the parliament could not be assembled.<sup>19</sup> This allowed the government to rule by decree, changing or adopting any new law in the country. This rule by decree lasted until the last proclamation of a state of emergency by the President on 8 June 2020<sup>20</sup> for an additional eight days, after which the standard dates and requirements for parliamentary elections started applying. Elections were held on 15 July 2020. Following elections, a government was formed on 31 August 2020<sup>21</sup>, with which the institutional balance of decision-making on legislation was brought back to the parliament.

Between 18 March 2020, when the first state of emergency was declared, and 22 June 2020, when the state of emergency was lifted, 250 government decrees with legal force were issued.<sup>22</sup> To buffer the socio-economic effects of the COVID-19 crisis, the Government has adopted six sets of economic measures so far, amounting to around 1.1 billion euros, which included four interest-free credit lines.<sup>23</sup> No indications exist that the Government utilised gender analyses to inform the relief measures, and the report on the

16 Anadolu Agency, "First case of Covid-19 in North Macedonia", 26.02.2020 <https://bit.ly/2VVLfVo>.

17 Radio Liberty Europe, "The parliament dissolved, the pathway to (parliamentary) elections is opened", published on 16.02.2020, at: <https://bit.ly/3g0mIWG>.

18 "The President proclaimed an emergency state of affairs in the country", Akademik.mk, published on 18.02.2020 <https://akademik.mk/pretsedatelot-pendarovski-proglasi-vonredna-sostojba/>

19 Constitution of Republic of North Macedonia, articles 126, 127 and 128, at: <https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf>.

20 "President Pendarovski proclaimed a new state of emergency which will last 8 days", Radio MOF, published on 16.06.2020, at: <https://www.radiomof.mk/pretsedatelot-pendarovski-proglasi-nova-vonredna-sostojba-od-8-dena-pobaranje-na-vladata/>.

21 Press statement by the Prime Minister of the Republic of North Macedonia, published on 31.08.2020, <https://vlada.mk/node/22321>.

22 Hadži-Zafirov, Ž., Kocevski, G., Amet, S., Stojanoska, M., Petrovska, N., Kamberi, I. (2020) Analysis of the government decrees during the state of emergency in North Macedonia, Blueprint group for reforms in the judiciary. Available at: [https://epi.org.mk/wp-content/uploads/analiza-na-donesenite-uredbi-so-zakonska-sila-za-vreme-na-vonrednata-sosto%D1%98ba-vo-2020\\_bluprint.pdf](https://epi.org.mk/wp-content/uploads/analiza-na-donesenite-uredbi-so-zakonska-sila-za-vreme-na-vonrednata-sosto%D1%98ba-vo-2020_bluprint.pdf).

23 Ministry of Finance (July 7, 2021). "Deputy Prime Minister Bytyqi, Minister Besimi and Director Naumov promoted "COVID 4" credit line – EUR 10 million interest-free loans available to the business sector". Available at: <https://finance.gov.mk/2021/07/07/deputy-prime-minister-bytyqi-minister-besimi-and-director-naumov-promoted-covid-4-credit-line-eur-10-million-interest-free-loans-available-to-the-business-sector/?lang=en>.

implementation of the first four sets of measures does not provide gender-disaggregated data.<sup>24</sup> Most government measures issued from the beginning of the pandemic to the end of July 2020 have been gender neutral, that is, they ignore the existing inequalities between men and women, thus maintaining the status quo and reinforcing gender-based discrimination. According to one systematic assessment, out of 46 analysed measures, only two measures could be regarded as gender transformative; meanwhile, 14 measures acknowledged the gender dimension, but did not address the root causes of gender inequalities.<sup>25</sup> In addition, labour unions and civil society organisations have criticized the Government, concerned that the economic relief measures have been more supportive of the business sector, leaving workers in the hands of employers who prioritise profit over workers' wellbeing.<sup>26</sup>

One of the crucial measures designed by the Government for employment retention was financial support for wage subsidies. Eligible companies that experienced significant loss because of the COVID-19 crisis could apply for financial support for minimum wage for each employee or for subsidies amounting to 50% of the mandatory social contributions per employee.<sup>27</sup> Even though the measure was intended to save jobs and protect workers' income, the Public Revenue Office issued an official statement noting that as of 4 October 2021, 5,713 companies that had received government financial support for workers' wages had not paid the salaries of 14,829 workers.<sup>28</sup> Blockages and warnings were announced to be issued for companies that misused the government's measures.

In addition to the direct financial support for private sector employers, minimum wage for the first two months of the crisis or some form of financial support after, was granted to sole proprietors, artisans, registered farmers, and other persons treated as own-account workers. This economic measure covered farmers, but only those registered through firms, or as sole proprietors, under the Law on Agricultural activity.<sup>29</sup> It thus omitted farmers registered through the Law on Pension and Disability Insurance<sup>30</sup>, many of whom are unpaid family workers. Notably, according to official statistics, in 2020, men comprised the majority of own-account workers (self-employed) (76%), whereas women

---

24 Government of the Republic of North Macedonia (Accessed 07.10.2021) Report with the status of realization of economic measures to deal with the COVID-19 crisis. Available: [https:// bit.ly/3Dfde2M](https://bit.ly/3Dfde2M)

25 OSCE Mission to North Macedonia (2020), "Analysis of the influence of Covid-19 on gender", available at: <http://www.crpm.org.mk/wp-content/uploads/2021/03/OSCE-Analiza-na-vlijanijata-od-Kovid-Sars-19-MK-FINAL.pdf>.

26 Union of Trade Unions of Macedonia (SSM), Confederation of Trade Unions of Macedonia (KSOM), Independent Academic Union (NAKS), Independent Union of Journalists and Media Workers (SSNM), Union of Culture of the Republic of Macedonia (SKRM), Macedonian Diplomatic Service Union (SMDS), Helsinki Committee for Human Rights, Association of Citizens "Loud Textile Worker", Left-wing Movement "Solidarity" CORE – Association of Independent Cultural Scene, Association of Citizens "Prestu Exit" Skopje, Counterpoint Association (13.04 and 29.04.2020). Requests to the government for the protection of workers and the poor. Available at: <https://bit.ly/35j7KEt>

27 Regulation with legal force for financial support of private sector employers affected by the health-economic crisis caused by the COVID-19 virus due to payment of salaries for months April and May 2020. Official Gazette of RSM, No. 93/20, Published on 28.04.2020. Available at: <https://bit.ly/2KIYZKu>

28 Free Europe, 08.10.2021. UJP: 5,713 employers do not have salaries paid to 14,829 employees. Available at: <https://bit.ly/3x1xH9L>.

29 Law on Agricultural activity "Official Gazette of North Macedonia" no. 11/02, 89/08, 116/10, 53/11 и 39/16 and "Official Gazette of North Macedonia" no. 110/21.

30 Law on Pension and Disability Insurance, „Official Gazette of North Macedonia“ 6p. 98/12, 166/12, 15/13, 170/13, 43/14, 44/14, 97/14, 113/14, 160/14, 188/14, 20/15, 61/15, 97/15, 129/15, 147/15, 154/15, 173/15, 217/15, 27/16, 120/16, 132/16, 35/18, 220/18 и 245/18 and „ Official Gazette of North Macedonia “no. 180/19, 275/19, 31/20 и 267/20

were overrepresented among unpaid family workers (64%).<sup>31</sup> Additionally, athletes<sup>32</sup> and sports workers, culture and entertainment workers, and youth organisations, among others, were specifically targeted with minimum wage support.

One of the measures that was assessed to be gender-transformative, among those intended to provide financial support to companies, was the Interest-free loans for micro and small enterprises through the Development Bank of North Macedonia, in the amount of 31 million euros, including 30% non-refundable funds for those companies that are run or established by women or employ young people, are export-oriented or introduce innovation and digitalisation in their work. No publicly available data exists on how many women applied for or utilized this measure.

Although the Government issued measures to financially support companies and their liquidity, many workers lost their jobs. Among the more severely hit sectors were the labour-intensive low-paid industries like textile, leather, and shoe industries, where, as mentioned, women comprise 80% of employees. Based on official data, experts assessed that the Gross Domestic Product (GDP) in these industries decreased by 29.4% in the second quarter of 2020, which was more than double the national average<sup>33</sup>. As a result, thousands of workers lost their jobs. The number of employed in the textile industry was reduced by an estimated 22% to 28% and in the leather industry by 55%<sup>34</sup>. Another analysis assessed the effect of the COVID-19 crisis on precarious workers (e.g., low-paid workers, unpaid family workers, paid domestic workers, workers with atypical working contracts and informal workers). It evaluated the total job loss during the pandemic to be about 7,5 thousand annually and that the most affected were low-paid workers, which included a large share of paid domestic workers and informal workers.<sup>35</sup>

---

31 MakStat database (last updated -26.05.2021). Employed by economic status, gender, net pay and year. Available at: [http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStatPazarNaTrudAktivnosNaNaselenie/033\\_Vrab](http://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStatPazarNaTrudAktivnosNaNaselenie/033_Vrab).

32 Official Gazette of Republic of North Macedonia, "The decree with force of law for financial support for athletes, sports workers and sports administration during the state of emergency". Available at: [https://koronavirus.gov.mk/wp-content/uploads/2020/04/Merka\\_2-Uredba\\_2.pdf](https://koronavirus.gov.mk/wp-content/uploads/2020/04/Merka_2-Uredba_2.pdf).

33 Ampeva, K., Popovski, N., Stamenkov, D., Kostovska S., Edited by: Vuchkova, V., (2020). The impact of COVID - 19 on low-paid and labor-intensive branches. Available at: <https://bit.ly/2ZpzZTC>.

34 Ibid.

35 Tumanoska, D., Petreski, B., Petreski, M., (2021). The effect of covid-19 on precarious workers in North Macedonia: Tracking low-pay workers, unpaid family workers, paid domestic workers, workers with atypical working contracts and informal workers. Available at: <https://www.financethink.mk/wp-content/uploads/2021/06/The-effect-of-Covid-19-on-precarious-workers-in-North-Macedonia-1.pdf>.

Figure 4 presents data on employment in North Macedonia from the European Labour Force Survey (EU-LFS). The data is seasonally adjusted and illustrates trends in 2019, before the COVID-19 crisis, and in 2020, during the COVID-19 crisis. In 2020, employment steadily declined, among both men and women. However, in the last quartile (Q4) of 2020, men's employment rose but women's did not.

#### Total employment (resident population concept - LFS, seasonally adjusted data)

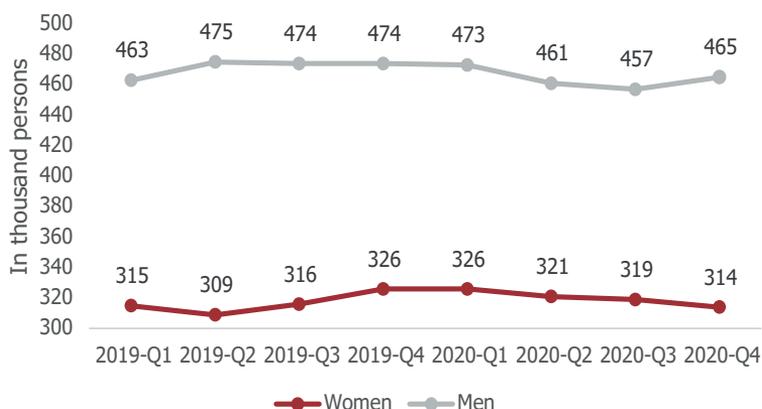


Figure 4. Employment of women and men (from 15 to 64 years), in thousand persons- quarterly data, seasonally adjusted data, not calendar adjusted data. Source: European Labour Force Survey (EU-LFS), Eurostat.

Workers who lost their job due to COVID-19 were granted unemployment benefits according to the existing Law on Employment and Insurance. However, with an additional decree some of the application deadlines were frozen during the state of emergency, allowing people to apply for a longer period.<sup>36</sup> With an additional Decree on the application of the Law on Social Protection,<sup>37</sup> the Government relaxed the criteria for guaranteed minimum assistance. This enabled "quick" access to social protection for households with a member who was removed from the unemployed persons records due to irregular registration, or to people whose employment was terminated by agreement or by dismissal from the employer. Although this was brought in response to violations in practice, which deprived workers from monetary compensation due to amicable dismissals, the guaranteed minimum wage is a household income, not an individual income, and is determined based on the material deprivation of the household.<sup>38</sup>

Access to paid leave was granted to the chronically ill, pregnant women and people with disabilities. To compensate for the kindergartens and school closures,<sup>39</sup> release from

<sup>36</sup> Уредба со законска сила за примена на Законот за вработувањето и осигурување во случај на невработеност за време на вонредна состојба. Службен весник на РСМ, бр: 89/20, Објавено на: 3.04.2020. Достапно на: <https://bit.ly/3bRpTff>.

<sup>37</sup> Уредба со законска сила за изменување и дополнување на Уредбата со законска сила за примена на Законот за социјалната заштита за време на вонредна состојба. Службен весник на РСМ, бр: 108, Објавено на: 3.04.2020. <https://bit.ly/2KJzatO>.

<sup>38</sup> Reactor-Research in Action (2020). Paid and unpaid work, gender-based discrimination and labor rights in the time of COVID-19. Available at: <https://bit.ly/3p5Ugqe>.

<sup>39</sup> DECREE WITH LEGAL FORCE FOR APPLICATION OF THE LAW ON ELEMENTARY EDUCATION, Public Gazette of NMK, no. 76/2020 and changes no. 116/ on 05.04.2020 and no. 128 on 18.05.2020.

work obligations was also granted to parents of children up to age of ten<sup>40</sup>. Although the measure was designed to be gender-transformative, it was used almost exclusively by women.<sup>41</sup> Meanwhile, employers pressured women workers, especially in the private sector and the precarious industries, to return to work when they had no one to care for their children or they were “sanctioned” with payments below the minimum wage, dismissals, or threats of dismissal<sup>42, 43</sup>. Traditional gender roles remained omnipresent; when one of the parents had to “give up” access to paid employment, “naturally” it was the mother.

Civil society organisations that provide free legal aid published reports evidencing multiple violations of workers’ rights during the pandemic. Workers’ rights violations increased steeply during the COVID-19 crisis, especially during the beginning of the pandemic. During the first four months of the pandemic, the Helsinki Committee noted 197 cases of labour rights violations, affecting 2,735 workers<sup>44</sup>. Additionally, during the first three months of the crisis, the Association Loud Textile Worker received 95 complaints of rights violations and unsafe working conditions, affecting more than 4,000 workers, predominantly in textile factories<sup>45</sup>.

Employers laid off workers by forcing them to sign a “blank dismissal note” or a termination of employment contract by agreement. This left workers without a right to seek monetary compensation from the Employment Agency during the first few months of the crisis because legally they were treated like they voluntarily quit their jobs<sup>46</sup>. Based on their needs, some employers did not extend fixed-term employment contracts to some workers and some reports evidenced that women were the first to be let go amid layoffs<sup>47</sup>. Some workers were dismissed without a notice period, and some were laid off while being on sick leave or involuntary leave due to reductions in production. Some workers were paid less than the minimum wage, and some received threats of cancellation or unpaid days. Vulnerable workers like the chronically ill, people with disabilities and pregnant workers who used their right to paid leave granted under the Government’s temporary measures to protect public health were at greater risk of receiving pay under minimum wage or threat of dismissal.<sup>48</sup>

---

40 Decree with legal force for application of the Law on Labour Relations during a state of emergency. Official Gazette of RSM, No. 90, Published on: 4.04.2020. Available at: <https://bit.ly/2KJzatO>.

41 OSCE Mission to North Macedonia (2020), “Analysis of the influence of Covid-19 on gender”. Available at: <http://www.crpm.org.mk/wp-content/uploads/2021/03/OSCE-Analiza-na-vlijanjata-od-Kovid-Sars-19-MK-FINAL.pdf>.

42 Ampeva, K., Popovski, N., Stamenkov, D., Kostovska S., Edited by: Vuchkova, V., (2020). The impact of COVID - 19 on low-paid and labor-intensive branches. Available at: <https://bit.ly/2ZpzZTC>.

43 Helsinki Committee for Human Rights in North Macedonia (2020), “Overview on governmental measures for prevention and safety from Covid-19 and its impact on labour rights”, available at: [https://mhc.org.mk/wp-content/uploads/2020/11/overview\\_mk.pdf](https://mhc.org.mk/wp-content/uploads/2020/11/overview_mk.pdf).

44 Ibid.

45 Ampeva, K., Popovski, N., Stamenkov, D., Kostovska S., Edited by: Vuchkova, V., (2020). The impact of COVID - 19 on low-paid and labor-intensive branches. Available at: <https://bit.ly/2ZpzZTC>.

46 Reactor-Research in Action (2020). Paid and unpaid work, gender-based discrimination and labor rights in the time of COVID-19. Available at: <https://bit.ly/3p5Ugqe>.

47 ILO in collaboration with EBRD (28-04-2020). COVID-19 and the World of Work: Rapid Assessment of the Employment Impacts and Policy Responses. North Macedonia. Available at: [https://www.ilo.org/budapest/what-we-do/publications/WCMS\\_746124/lang--en/index.htm](https://www.ilo.org/budapest/what-we-do/publications/WCMS_746124/lang--en/index.htm).

48 Ampeva, K., Popovski, N., Stamenkov, D., Kostovska S., Edited by: Vuchkova, V. (2020). The impact of COVID - 19 on low-paid and labor-intensive branches. Available at: <https://bit.ly/2ZpzZTC>.

Meanwhile, workers' health and lives were also at risk. Some employers did not ensure compliance with COVID-19 protection protocols at the workplace; nor did they reduce organised work transport capacity by 50%. During COVID-19, some factories reduced working hours, but others pressured employees to work during the quarantine and curfew hours<sup>49</sup>.

## METHODOLOGY

Since 2018, Reactor - Research in Action has cooperated with women's rights civil society organisations (hereafter, "WCSOs") from five other Western Balkan countries towards addressing gender-based discrimination in relation to labour. Following baseline research conducted in 2018, Reactor has repeated this research in 2021, partly to assess progress over time. This research report is one of six country reports and an accompanying, comprehensive regional report that examine gender-based discrimination as it relates to labour. This research seeks to continue to inform the WCSO partners', among others', awareness-raising efforts, and advocacy initiatives, towards decreasing the prevalence of gender-based discrimination in labour. The research aims to provide improved information about the prevalence and nature of gender-based discrimination related to labour; the extent to which people have filed gender-based discrimination claims; and how institutions have treated such cases. More specifically, this 2021 research aimed to answer the following research questions:

- I. To what extent is the legal and policy framework relating to gender-based discrimination complete in accordance with relevant EU directives and adequate protections?
- II. How many work-related gender-based discrimination cases have been reported to different types of institutions in 2008-2020?
- III. For what reasons have few discrimination cases been reported and/or filed? Related, to what extent are people aware of various forms of discrimination and how to report them, and how has this awareness changed over time?
- IV. How have relevant institutions treated discrimination cases to date, and how has this changed over time, if at all?

In order to answer the aforementioned questions, Reactor-Research in Action conducted research from March to December 2018 for the first edition of this report, and again from the end of March to June 2021 for this second edition. The research involved mixed research methods.

First, a legal analysis was conducted to examine and assess current anti-discrimination legislation in place in North Macedonia, including any shortcomings in aligning national legislation with the *Acquis Communautaire*, with a specific focus on gender equality related legislation. It examines international laws, treaties and conventions, the Constitution of the Republic of North Macedonia, relevant national laws, and secondary legislation. The legal analysis also served to identify the relevant institutions, their roles, and responsibilities. Second, existing literature of available data on discrimination was reviewed.

---

<sup>49</sup> Ibid.

Third, existing data related to discrimination cases, disaggregated by gender, was requested, and collected from several institutions that have a legal responsibility related to addressing discrimination (the State Labour Inspectorate, Ombudsperson Institution of North Macedonia, Civil courts and the Commission for Protection and Prevention of Discrimination). Moreover, representatives from these institutions, were interviewed using a semi-structured interview guide to measure their knowledge, awareness, and experiences with gender-based discrimination in labour.

Lastly, using Lime Survey, an anonymous online survey in three languages (Macedonian, Albanian, and English) aimed to collect input from diverse women and men regarding their knowledge of anti-discrimination legislation, attitudes, personal experiences with discrimination, whether such cases were reported and the reasons as to why they did not report discrimination when it occurred. The survey was promoted broadly, targeting under-represented groups, including through media, email and Facebook boosting. For further information about the methodology, please see Annex 1.

## **ABOUT THIS REPORT**

This report first analyses the relevant legal framework, presenting the findings of the Legal Analysis. Then, it examines people's awareness, attitudes, and reporting of gender-based discrimination, drawing from any existing research, survey findings and interviews. The report proceeds to discuss prevalence and different types of gender-based discrimination, including that affecting different groups of people. Then, the responses of various institutions to gender-based discrimination are examined. The report concludes with recommendations targeted to relevant institutions and actors. Annexes include the methodology, demographic information about survey respondents, the survey tool, and an example interview guide.

# LEGAL ANALYSIS

This chapter analyses the legal framework relevant to discrimination on the grounds of gender in the field of labour relations. The analysis was conducted primarily as a critical gender analysis of primary materials,<sup>50</sup> focusing on laws. It involved a comparative analysis of national law vis-à-vis EU law, supported by findings from secondary materials, such as analyses by international and national governmental and non-governmental organisations.<sup>51</sup>

- Within national law, the following pieces of legislation are important for regulating gender equality and protection against discrimination on the grounds of gender in labour relations:
- Constitutional law:
  - Constitution of the Republic of North Macedonia (the Constitution) and its amendments
- International law<sup>52</sup>
- Equality and non-discrimination law:
  - Law on Equal Opportunities between Women and Men
  - Law on Prevention and Protection against Discrimination
  - Law on Prevention and Protection against Violence against Women and Domestic Violence
  - Law on the Ombudsperson
- Labour law:
  - Law on Labour Relations
- Criminal law:
  - Criminal Code and relevant amendments

The chapter first examines relevant international law. It, then, turns to the relevant national law. It starts with the constitutional provisions, moves on to equality and non-discrimination legislation, labour law and finishes with criminal law. Following this, the chapter presents the relevant procedural pathways for bringing discrimination-based claims, by focusing on the responsible institutions. It ends with a brief overview of relevant sanctions.

---

50 All primary and secondary sources are duly referenced throughout the text.

51 Notably, the main body of knowledge was generated by non-profits in the country, both directly by publishing analyses and reports, and indirectly by taking cases to competent institutions and by advocating for legislative changes.

52 Under the Constitution, all international treaties ratified in line with the Constitution are part of national law, and, in the legal hierarchy, are above national laws and bylaws (Source: Constitution of the Republic of North Macedonia. Official Website of the Assembly of the Republic of North Macedonia, [www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx](http://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx), Art. 118. All hyperlinks accessed on: 16.02.2021).

## INTERNATIONAL LAW

This section lists the international law instruments that are relevant to gender-based discrimination at work and which, as ratified in line with the Constitution,<sup>53</sup> are considered part of the national law. No reservations relevant for the present discussion have been logged upon ratification of these instruments.

- **United Nations:**<sup>54</sup> Universal Declaration of Human Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol related to individual complaints and investigation procedures; Convention on the Rights of the Child; International Covenant on Civil and Political Rights and the Optional Protocol; International Covenant on Economic, Social and Cultural Rights and the Optional Protocol; Convention on the Rights of Persons with Disabilities.
- **Council of Europe:** Convention on Preventing and Combating Violence against Women and Domestic Violence (also referred to as the Istanbul Convention); Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (also referred to as the ECHR); European Social Charter - Revised.
- **International Labour Organization:** C111 Discrimination (Employment and Occupation) Convention, C171 Night Work Convention.

In June 2019, at the Centenary Conference of the ILO, the Convention 190 on Eliminating Violence and Harassment in the World of Work and its accompanying Recommendation 206 were adopted. For the first time in international law, Convention 190 establishes the right of everyone to a world of work free from violence and harassment, while setting out an obligation for member-states to respect, promote and realize this right. Convention 190 provides the first international definition of violence and harassment in the world of work as a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.<sup>55</sup> The Convention goes on to define gender-based violence and harassment as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.<sup>56</sup> Convention 190 has not been ratified by North Macedonia yet.

---

53 Please note that the term "ratified" is used loosely here to refer to both instruments that were ratified and those that were acceded by succession from the former Yugoslav federation.

54 See also: Beijing Declaration and Platform for Action (1995).

55 C190 – Violence and Harassment Convention, 2019 (No. 190), Official website of the International Labour Organization, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190, Art.1, para.1 \(a\).](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190, Art.1, para.1 (a).)

56 Ibid, Art.1, para.1 (b).

## CONSTITUTIONAL LAW

The principle of equality is a fundamental value of the 1991 Constitution of the Republic of North Macedonia (hereinafter the Constitution). Article 8, which lists these values, includes:

*'the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; the free expression of national identity, equitable representation of citizens belonging to all communities in the bodies of state authority and the other public institutions at all levels.'*<sup>57</sup>

Further, Article 9 regulates the right to equality. It provides that:

*'Citizens of the Republic of North Macedonia are equal in their freedoms and rights, regardless of **sex**, race, colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law. (Emphasis added.)'*<sup>58</sup>

Notably, no separate special provision regulates the equality of women and men and the Constitution does not reference gender.

The Constitution stipulates the "right to work, free choice of employment, protection at work and material assistance during temporary unemployment" for every person (Art. 32, para. 1). Further, it establishes that all jobs are open to all and under equal conditions (Art. 32, para.2). Considering Article 9, both provisions should be read to include equality on grounds of sex. Articles 40 - 42 regulate rights related to family, freedom to decide on procreation and children and confers special protection to mothers and minors at work.

These (and other) constitutional rights and freedoms can be restricted, but not in a way which will discriminate "on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status" (emphasis added).<sup>59</sup> The protection of these constitutional rights and freedoms, including the prohibition of discrimination "on the grounds of sex, race, religious, national, social and political affiliation" (emphasis added)<sup>60</sup> is part of the competences of the Constitutional Court, the institution primarily tasked with "protecting constitutionality and legality".<sup>61</sup> Although Article 110 of the Constitution states "sex" the case law of the Constitutional Court suggests that it actually reads this ground as including both sex and gender.

---

57 Constitution of the Republic of North Macedonia. Official Website of the Assembly of the Republic of North Macedonia, [www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx](http://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia.nspx), Art. 8.

58 Ibid, Art. 9, paras. 1 and 2.

59 Ibid. Art. 54.

60 Ibid. Art. 110, para. 1(3).

61 Ibid. Art. 108.

## EQUALITY AND NON-DISCRIMINATION LEGISLATION

At the national level, equality and non-discrimination on the basis of gender is regulated in different legal acts. The Law on Prevention and Protection against Discrimination is *lex generalis* (i.e., general law) dealing with equality and non-discrimination issues. Therefore, it is discussed first in this analysis. It is also a *lex specialis* (i.e., law governing a specific subject matter) on equality and non-discrimination issues treated under other laws, including the key law on employment: the Law on Labour Relations (discussed in the next section). Together with the Law on Equal Opportunities of Women and Men and the Law on the Ombudsperson, these comprise the main legal framework on equality and non-discrimination, regulating the personal and material scope of protection, procedural aspects, fines and the institutional framework. The Law on the Ombudsperson is discussed in the 'Institutional Framework' section, whereas the other two laws are discussed herein. Finally, although not a typical equality and non-discrimination piece of legislation, the Law on Prevention and Protection against Violence against Women and Domestic Violence is of importance for this analysis due to the fact that it regulates a subject which is rooted in, and aims to address, the same social dynamics. Thus, it is included in this section of the analysis.

### Law on Prevention and Protection against Discrimination

After many years of public pressure (mainly from CSOs, but also from international organisations), a new Law on Prevention and Protection against Discrimination (Anti-discrimination Law, ADL) was adopted and entered into force in October 2020.<sup>62</sup> This law followed the annulled 2019 anti-discrimination law and the first anti-discrimination law from 2010.<sup>63</sup>

According to the ADL, discrimination is:

*'any distinction, exclusion, restriction or preference based upon any grounds of discrimination [which according to Article 3 includes sex, gender and gender identity], by committing or not committing a certain act, aiming at or resulting in preventing, restricting, acknowledging, enjoying or exercising the rights and freedoms of a certain person or group on equal terms as everyone else. The foregoing comprises all forms of discrimination, including disabling reasonable accommodation and disabling the accessibility and availability of infrastructure, goods and services.'*<sup>64</sup>

This prohibition applies with a wide personal and material scope. It explicitly includes twenty-two discrimination grounds,<sup>65</sup> including sex, gender and gender identity. The list of protected grounds goes well beyond the grounds enlisted in all EU equality directives.

62 Закон за спречување и заштita од diskriminacija 2020 (Службен весник на РСМ, бр: 258/2020) (Law on Prevention and Protection against Discrimination 2020)..

63 European Equality Law Network, 'Anti-discrimination Law (re)adopted by Parliament, following annulment by the Constitutional Court' (01.12.2020), at: <https://www.equalitylaw.eu/downloads/5306-north-macedonia-anti-discrimination-law-re-adopted-by-parliament-following-annulment-by-the-constitutional-court-89-kb>.

64 Закон за спречување и заштita од diskriminacija 2020 [Law on Prevention and Protection against Discrimination], Art. 6.

65 Ibid. Art. 5.

The ADL also includes all fields as per the EU equality directives, including the one of main interest for this analysis, employment, and provides a wider, open-ended list.<sup>66</sup>

## Forms of discrimination

The ADL prohibits the following forms of discrimination: direct discrimination; indirect discrimination; harassment; sexual harassment; encouragement, incitement and instruction of discrimination; victimisation; and segregation. The new Law also proscribes discrimination by association and discrimination by perception, and considers lack of reasonable accommodation to constitute discrimination.<sup>67</sup> In addition, the Law defines the so-called grave forms of discrimination, within which it proscribes multiple discrimination, intersectional discrimination, repeated discrimination and extended discrimination.<sup>68</sup> The definitions are in line with EU law and with other international standards. Some even go beyond the EU directives requirements, such as the definition of reasonable accommodation as a form of discrimination.

## Unequal treatment not considered to constitute discrimination

The ADL prescribes three measures and actions that do not constitute discrimination: affirmative action, different treatment of citizens arising on grounds of holding Macedonian citizenship, and genuine and determining occupational requirement.<sup>69</sup> These exceptions are formulated in line with the standard required by EU law.

## Equality body

The first equality body in the country, the Commission for Protection against Discrimination (CPAD), established under the 2010 law, has been replaced under the 2020 law with a Commission for Prevention and Protection Against Discrimination (CPPD). Like its predecessor, it is to serve as an independent national human rights institution with an equality mandate in both the public and the private sphere and as an equality body as per the requirements of EU directives.

While the procedure for the appointment of the members of the CPPD was more transparent than the procedures for the previous two compositions of the CPAD, it was not unproblematic. First and foremost, the Parliament, despite the request of the largest opposition party, did not conduct an administrative check of whether the candidates satisfied the minimal criteria set under the law. These criteria included seven years of overall experience in human rights, including five in non-discrimination issues. In the end, not all of the appointed persons fulfilled this criterion.

---

66 Ibid. Art. 3.

67 Ibid. Art. 4, paras. 4, 8 and 9.

68 Ibid. Art. 13.

69 Ibid. Art. 7.

The legislative requirement for gender balance among the commissioners also was not observed. With only two<sup>70</sup> of seven members being women, the CPPD has followed in the footsteps of its predecessor regarding unequal gender representation (the last CPAD had only one woman).

The mandate of the CPPD is in line with EU law. Also, in comparison to its predecessor, the CPPD's position has improved because of the clear legal basis for establishing an administrative division in the CPPD for the commissioners,<sup>71</sup> unlike the previous body in which the commissioners were to conduct all administrative and technical tasks themselves.

## **Ending the patchwork national legislative framework: harmonization obligation**

Provisions on equality and non-discrimination are scattered throughout various laws at the national level. A 2015 analysis found that these provisions are often not in line with the 2010 ADL.<sup>72</sup> This situation should be resolved with the new ADL as it contains a transitory provision mandating a process of harmonisation of other national laws with the ADL. Article 48 of the ADL requires all laws containing provisions on the protection and prevention of discrimination to be aligned with the ADL within two years.

## **Novelties introduced by the new ADL**

The new ADL is a welcome improvement in the legislative framework. It brought the national law fully in line with EU equality law standards and well beyond it. The 2010 anti-discrimination law, although the first comprehensive equality law in the country,<sup>73</sup> was widely criticised on many accounts, including for failing to meet the minimal standards required by EU law.<sup>74</sup> The new ADL expanded the list of explicitly protected grounds, including gender identity. It preserved the wide material scope. The ADL expanded the list of proscribed forms of discrimination to include segregation, assumed discrimination, associated discrimination, and intersectional discrimination. The position of the equality body under the law has improved significantly, as have certain procedural aspects, such as in relation to the shifting of the burden of proof and possibilities for seeking court protection.

---

70 At the time of writing of this analysis, one of these two members filed her resignation for personal reasons. Source: Neda Calovska Dimovska, Communication to the Parliament of the Republic of North Macedonia "Subject: Resignation" (11.02.2021), <https://www.sobranie.mk//materialdetails.nsp?materialId=c0645f4a-1fac-4a3e-9d4c-32b29a94697b>. This will leave room for potentially less equal gender representation.

71 Ibid. Art. 22.

72 Biljana Kotevska, 'Analysis of the Harmonisation of the National Equality and Non-Discrimination Legislation' (OSCE 2015).

73 The Law on Equal Opportunities of Women and Men from 2006 cannot be considered such a law since it does not cover many equality law institutes, which one would expect to find in a comprehensive law.

74 For a summary of the critique of this law, see: Vaska Leshoska et al, Gender-Based Discrimination and Labour in North Macedonia (Reactor, 2019), pp. 14-37, <https://reactor.org.mk/en/publication-all/gender-based-discrimination-and-labour-in-north-macedonia/>.

## Law on Equal Opportunities of Women and Men

The general legislation for mainstreaming gender equality is the Law on Equal Opportunities of Women and Men,<sup>75</sup> adopted in 2012.<sup>76</sup> The main aim of the 2012 Law is to establish equal opportunities for women and men in all spheres of life, in both the private and public sector and to eliminate barriers to achieving full gender equality. 'Equal opportunities' is understood to mean promotion of the principle of including equal participation of women and men in all spheres of the public and private sector, equal status and treatment in the exercising of all rights and in the development of their individual potential and equal access to the results from this development. Thus, the Law provides a framework for gender mainstreaming and aims to overcome the current unfavourable social position of women and men, which is 'a result of systematic discrimination or structural gender inequality resulting from historical and socio-cultural conditions'. It provides legal grounds for introducing special measures (positive, encouraging and program measures) for achieving *de facto* gender equality.

Positive measures include giving priority to the less represented gender under equal conditions until equal representation is achieved. The encouraging measures ensure special motivation to introduce special benefits to eliminate conditions that lead to inequality. Program measures are those focused on awareness-raising, organising activities and developing and implementing action plans for equal opportunities. The main responsible entities for implementing all these measures are the Parliament, the Government, state bodies, the Ministry of Labour and Social Policy, the Ombudsperson, units of local self-government, political parties and media. The Law specifically prohibits discrimination, harassment and sexual harassment.

Assessments of the implementation of this Law at the central and local level conducted in 2019 identified a number of issues, including a need for significant legislative and institutional changes, such as establishing a new central gender equality institution – Secretariat on Gender Equality in the Government, revision of the gender coordinators' position into a full-time position and clarifying and enhancing the position of the Parliament with regards to gender equality.<sup>77</sup> A working group has been established and is working on preparing a draft for a new gender equality law in line with the assessments' findings.<sup>78</sup>

---

75 Law on Equal Opportunities of Women and Men, Official Gazette, No. 6, 13.01.2012.

76 This text was preceded by the 2006 legislation with the same title. However, this Law was found to be ineffective in many respects. So, the 2012 law was adopted. Source: Mirjana Najčevska and Biljana Kotevska, 'Country Report on Gender Equality - Macedonia' (European Commission 2019).

77 Неда Чаловска-Димовска, 'Извештај За Проценката На Имплементацијата На Законот За Еднакви Можности На Жените и Мажите На Централно Ниво' [Monitoring Report of the Implementation of the Law on Equal Opportunities of Women and Men at a Central Level](Министерство за труд и социјална политика и Организација за безбедност и соработка во Европа 2019); Марија Савовска, 'Извештај За Проценката На Имплементацијата На Законот За Еднакви Можности На Жените и Мажите На Локално Ниво' [Monitoring Report of the Implementation of the Law on Equal Opportunities of Women and Men within the Local Self-Government] (Министерство за труд и социјална политика и Организација за безбедност и соработка во Европа 2019).

78 At the time of writing, this draft had not been released to the public yet.

# LABOUR LAW

The key piece of legislation in relation to labour law is the Law on Labour Relations, which is discussed in detail in this section. Another important law related to labour rights is the Law on Employment of Persons with Disabilities (2000 and subsequent amendments), which regulates special conditions for the employment and work of disabled persons (Art. 1). While this legislation is, of course, applicable to women with disabilities, it has no provisions pertaining explicitly to gender, so it is not further discussed here. It should be noted that there is also the Law on Protection from Harassment in the Workplace. However, this Law explicitly states that 'any type of unjustified differentiation during an unequal treatment of an employee on whatever ground of discrimination, which is prohibited and in view of which protection is provided, in accordance with law', does not fall within the material scope of this Law.<sup>79</sup> Thus, this law clearly falls outside of the scope of this legal analysis.

## Law on Labour Relations

The Law on Labour Relations, adopted in 2005 and amended many times afterwards (hereinafter Labour Law), regulates labour relations between workers and employers, established by an employment contract (Art. 1). A working group has been working on a draft for a new labour law; however, at the time of writing, this draft has not been released to the public yet.

The Labour Law contains several equality and non-discrimination provisions, including provisions specifically prohibiting discrimination against women and discrimination in relation to pregnancy. The Law applies to both the public and the private sphere, to both part-time and full-time work, and to self-employment.

## General anti-discrimination principles

The Labour Law prohibits employers from discriminating against a job applicant or employee based on 'racial or ethnic origin, colour, sex, age, health condition or disability, religious, political or other beliefs, union membership, national or social origin, family status, property status, sexual orientation or other personal circumstances' (emphasis added).<sup>80</sup> It stipulates that:

*Women and men must be ensured equal opportunities and equal treatment in relation to: (1) Access to Employment, including advancement and technical and professional on-the-job training; (2) Work Conditions; (3) Equal Pay for Equal Work [which is further codified in Article 108]; (4) Professional packages for Social Insurance; (5) Leave; (6) Working hours; (7) Terminating the employment contract.<sup>81</sup>*

79 Law on Protection against Harassment in the Workplace (Official Gazette of the Republic of Slovenia, No. 108/13, 147/2015) Art.8(3).

80 Закон за работните односи (Службен весник на РМ, бр: 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 149/2009, 50/2010, 52/2010, 124/2010, 47/2011, 11/2012, 39/2012, 13/2013, 25/2013, 170/2013, 187/2013, 113/2014, 20/2015, 33/2015, 72/2015, 129/2015, 27/2016, 134/2016, 120/2018 and Службен весник на РСМ 110/2019, 267/2020; Constitutional Court Decisions: U.no 139/2005, U.no 161/2005, U.no 134/2005, U.no 187/2005, U.no 111/2006, U.no 188/2006, U.no 170/2006, U.no 200/2008, U.no 20/2009, U.no 176/2009, U.no 263/2009, U.no 62/2013, U.no114/2014) Art.6(1). Labour law, Art.6(1).

81 Ibid, Art. 6(2).

The principle of equal treatment is defined as a “ban of direct and/or indirect discrimination” in relation to the two previously mentioned provisions.<sup>82</sup>

Two enforcement aspects are important for processing discrimination claims. First, the Labour Law stipulates that shifting the burden of proof applies to discrimination cases. The definition is in line with EU directives, requiring only facts in order to show a prima facie case of discrimination (i.e., present enough evidence to create a rebuttable presumption that the matter asserted is true), following which the burden of proof shifts to the defendant.<sup>83</sup> In addition to this, in the event of discrimination, the employee is entitled to compensation in accordance with the Law on Obligation Relations.<sup>84</sup>

## Forms of discrimination

The Labour Law defines the following forms of discrimination: direct discrimination, indirect discrimination, harassment, sexual harassment, psychological harassment and discrimination of a female employee<sup>85</sup> on the grounds of pregnancy, giving birth and parenthood.<sup>86</sup> These definitions differ from the ones in the ADL. Additionally, the definition of indirect discrimination does not include the element of objective justification. The definition of indirect discrimination from the ADL, however, can be used to read this element into the Labour Law. In any case, the Labour Law should be aligned with the ADL in this respect.

## Unequal treatment that will not be considered to constitute discrimination

Under the Labour Law, there are a few “exceptions to the ban of discrimination”. These are the genuine occupational requirement, special protection of specific categories of employees (elderly, persons with a disability, women) including pregnancy-related exceptions and objective reasons for distinguishing between persons employed with fixed duration contracts, compared to those with indefinite contracts.<sup>87</sup>

## Vacancy ads

One article of the Labour Law deals with gender equality in vacancy advertisements. It bans announcing vacancies only for women or for men ‘unless the particular gender is an essential requirement for carrying out the work’. The same applies for giving priority to a particular gender.<sup>88</sup> The inability to prioritise hiring persons of a given gender might be interpreted as a provision preventing the adoption and implementation of measures

---

82 *ibid* Art.6(3).

83 *ibid* Art.11.

84 *ibid* Art.10. Also, for more on this, please see the section ‘Sanctions’.

85 As can be read, the Labour Law limits protection in relation to pregnancy to women alone. Thus, it does not include here, nor in any of the other pregnancy and birth-related provisions, the protection of pregnant men or men that have given birth. The trans\* exclusive language in this part of the analysis reflects the content of the law and not the opinion of the author on this issue. In the opinion of the author, this is one more point in relation to which the Labour Law should be amended to include all pregnant people and people that have given birth.

86 Law on Labour Relations, 2005, Arts. 7, 9, 9a and 9b

87 *ibid* Art.8.

88 *ibid* Art.24.

towards gender equality, such as, for example, by introducing quotas. Read together with Article 8, on 'exceptions from discrimination', at present, the Labour Law might be read as not allowing for quotas or other affirmative measures. This point should be rectified by amending the Law.

## Equal pay

Under the Labour Law, there is an obligation to pay all workers an equal salary 'for equal work with equal job requirements, regardless of their gender'. This law also proscribes as null and void all provisions which are contrary to this, be they from employment contracts, collective agreements, or other general regulations of the employer.<sup>89</sup>

## Nightwork regulation

The Labour Law still contains some gender-regressive provisions related to nightwork in industry and construction. Namely, it provides that a

*female employee in industry and construction may not be assigned to night work if that work does not allow her to rest at least seven hours between 22:00 and 05:00 the following day [with the exception of a] female employee that has special authorizations and responsibilities or carries out works related to health care, social and other protection of employees.*

It also excludes force majeure events and 'especially serious economic, social and similar circumstances'.<sup>90</sup> This provision has nothing to do with pregnancy and does not relate specifically to pregnant women. This provision has not been challenged as discriminatory on the grounds of sex in front of the Constitutional Court yet. With the recent ratification and forthcoming entering into force of the International Labour Organisation (ILO) convention in relation to nightwork, this provision will have to change.

## Part-time workers

The Law equalises the rights of part-time workers with those of full-time workers. Part-time contracts are defined as contracts that are with shorter working hours than the full 40 hours per week contract. The Labour Law foresees the exception of introducing this principle into 'occupations that are regulated by other laws'<sup>91</sup>.

## Protection for Pregnancy, Birth and Parenthood

The Labour Law does not recognise or include the concept of 'parental leave'. Instead, it focuses on maternity leave and provides only seven days of leave for fathers. Fathers can use leave only if mothers decide not to. Aside from Article 96 (which was already discussed), the Labour Law explicitly adds an article prohibiting the termination of an employment contract during an approved leave for pregnancy, birth and parenthood

89 *ibid* Art.108.

90 *ibid* Art.131.

91 *ibid* Art.48(3).

(including by adoption and for fathers), as well as for caring for a family member (including explicitly caring for children 'with special needs' until the age of three<sup>92</sup>) and unpaid parental leave.<sup>93</sup> However, this protection is not extended if the contract expires while the person is on such leave.

A provision declares that special care will be afforded to vulnerable workers and includes pregnancy, birth and parenthood as such cases. It stipulates an obligation for the employer to facilitate a work-private life balance for the worker,<sup>94</sup> to create a safe working environment or to exempt vulnerable workers from work until safety can be guaranteed,<sup>95</sup> and prohibits assigning a pregnant worker to work if her health or the baby's health can be affected by the work assignment.<sup>96</sup> Pregnant workers who work with hazardous chemicals have the right to be informed of the risks.

The special protection of women during pregnancy, birth and parenthood is defined in Articles 163 to 170 (with the exception of Article 167 which ensures that the father is entitled to take the parental leave if the mother is not using it). A woman is entitled to nine consecutive months of maternity leave (or 15 for multiple births/adoptions). The leave may begin 45 days before her due date but must begin 28 days before her due date. The remuneration is 100% of the pregnant woman's salary and it is paid by the Fund for Health Insurance for the duration of this leave. Should the pregnant woman return to work before the end of these nine months, she is entitled to additional remuneration in the amount of 50% of her salary, paid in addition to her salary by the employer. In relation to this, no study has been conducted to date as to the effect on the practice of hiring women.

In addition to paid leave, the worker is entitled to up to three additional months of unpaid leave. However, anecdotal evidence suggests that employers do not have adequate knowledge on how to handle such requests, and there is evidence that workers have their contracts terminated for three months as they seemingly have no other recourse.<sup>97</sup> At the end of the leave, the worker is entitled to be returned to the same position or to an equivalent one and according to terms and conditions that are equally favourable (Article 166, Law on Labour Relations). However, the Law is not explicit when it comes to any potential improvement in working conditions to which pregnant women would be entitled during their absence. Article 9-b, which is specifically on protection against discrimination against female employees on the grounds of pregnancy, giving birth and parenthood, might be useful in this regard. It proscribes:

*all forms of discrimination of a female employee on grounds of pregnancy, giving birth and parenthood, no matter the duration and the type of employment established in accordance with the law [...] [in relation] to the access to employment, the*

92 For such cases, the Law also prohibits working overtime and extends this to single parents with a child up to six years old, unless the employee accepts the overtime work. Source: *ibid* Art.120.

93 *ibid* Art.77, 101.

94 *ibid* Art.161.

95 *ibid* Art.162.

96 Posts which fall within this prohibition are established by a list drafted jointly by the ministers of health and of labour and social policy.

97 Information provided by Reactor's staff.

*working conditions and all the rights under the employment and the termination of the employment contract of female employees that are pregnant or exercise rights resulting from giving birth and parenthood.*<sup>98</sup>

In addition, judicial interpretation might establish that the provisions regulating abeyance (Articles 45 and 147) can serve as grounds to claim the right to benefit from such improvements.

Article 171 regulates the right of female workers that are breastfeeding. The Article states that female workers have a right to an hour and a half paid break in order to breastfeed their children until age one.

## Social security schemes and legislation

The national pension system consists of three separate pillars regulated by the following laws (one for each pillar): Law on Pension and Disability Insurance (regulates the first pillar of mandatory contributions, managed by the state Pension Fund), Law on Mandatory Financed Insurance (regulates the second pillar of mandatory contributions, managed by hedge funds and banks) and Law on Voluntary Financed Pension insurance (regulates the third pillar of voluntary extra contributions, managed by hedge funds and banks). However, only the Law regulating the third pillar has a non-discrimination provision, proscribing discrimination in this type of pension insurance as 'discrimination on the basis of sex, colour of skin, language, religion, political or any other affiliation, national or social heritage, members of national or ethnic minorities, or on the basis of owned capital, family affiliation, health situation or age' (emphasis added).<sup>99</sup> Since the ADL has this field of law within its material scope, the lack of discrimination provisions does not mean that the other two pillars are not covered by the prohibition of discrimination.

Both women and men need to have 15 years of work experience (and contributions) to qualify for social security. However, the age when one becomes eligible to receive pensions differs based on gender, with women being able to retire at 62 and men at 64 years of age. This is the only gender distinction in the way that pensions are awarded and calculated. The pension is calculated based on the years spent in employment (and paying contributions) and the amount of the person's salary.<sup>100</sup>

Another aspect of social security deals with social protection and assistance.<sup>101</sup> Most beneficiaries qualify by not being employed, by working in the grey economy, by performing jobs that are not economically gainful, by undertaking care responsibilities and the like. The new Law on Social Protection proscribes discrimination, including on grounds of sex, gender and gender identity, and contains a provision directing parties to the ADL for all matters related to prevention and protection against discrimination.<sup>102</sup>

98 Закон за работните односи Art.96.

99 Закон за доброволно капитално финансирано пензиско осигурување (Службен весник на РМ, бр: 7/2008, 124/2010, 17/2011, 13/2013, Constitutional Court Decisions: У.но 117/2008, У.но 162/2008) Art.3.

100 Закон за пензиско и инвалидско осигурување (Службен весник на РМ, бр: 98/2012, 166/2012, 15/2013, 170/2013, 43/2014, 44/2014, 97/2014, 113/2014, 160/2014, 188/2014, 20/2015, 61/2015, 97/2015, 129/2015, 147/2015, 154/2015, 173/2015, 217/2015, 27/2016, 120/2016, 132/2016, 27/2018, 35/2018, 220/2018, 245/2018, 180/2019, 275/2019, 31/2020, 267/2020).

101 Analysing these changes should be the subject of a separate analysis.

102 Закон за социјална заштита (Службен весник на РСМ, бр: 104/2019, 146/2019, 275/2019, 302/2020, 311/2020). Art.16.

## Law on Prevention and Protection against Violence against Women and Domestic Violence

The Law on Prevention and Protection against Violence against Women and Domestic Violence (GBVDVL)<sup>103</sup> was adopted on 29 January 2021 and entered into force on 6 May 2021. While including certain equality and non-discrimination concepts, this Law does not aim to regulate these concepts *per se*. However, the GBVDVL regulates a subject which is rooted in and aims to address the same social dynamics, and it includes non-discrimination and the prohibition of victimisation as principles. Moreover, the GBVDVL defines violence against women as, *inter alia*, discrimination against women (Article 3). Gender-based violence against women is defined as violence targeting women because they are women or violence that has a disproportionately higher effect on women. It applies to both the private and the public sector. This would also include the area of labour relations.

The Law provides useful definitions of sex, gender and transgender persons, which may be useful in other contexts (such as the ADL). Sex is understood to include 'physical characteristics of an individual (reproductive system, chromosomes, hormones) according to which the sex of the individual is established upon birth by a combination of body characteristics and internal reproductive organs' (Article 3(6)). Gender is understood to refer to the socially constructed roles, behaviours, activities and attributes that a society considers to be appropriate for women and men (Article 3(7)), while a transgender person is a person that does not identify with the sex assigned to them at birth (Article 3(8)).

The GBVDVL foresees different services for women victims of gender-based violence and domestic violence (Chapter X) including free legal aid (Article 97), reparations (Article 87), prohibition of mandatory alternative dispute resolution processes (Article 86) and for court proceedings, including via lawsuit for establishing responsibility for a breach of due diligence (Articles 82 and 83). An important procedural safeguard that may boost the effectiveness of this Law is the introduction of shifting the burden of proof, whereby the claimant is only to provide facts from which it may be presumed that there was a breach of the due diligence obligation (Article 85).

### CRIMINAL LAW

Since 1996, the Criminal Code has proscribed discrimination as a criminal offence. This code contains the prohibition of discrimination (Arts. 137(1) and 417).<sup>104</sup> The former proscribes the breach of equality among citizens on, *inter alia*, grounds of sex, as a criminal act on its own, whereas the latter does this in relation to rights acknowledged by the international community.<sup>105</sup> In addition, two other articles (Arts. 319(1) and 394-r)

103 Закон за спречување и заштита од nasilstvo vrz ženite i semejnoto nasilstvo (Службен весник на РСМ, бр:24/2021).

104 Najčevska and Kotevska (n 24).

105 Though 'rights acknowledged by the international community' might sound ambiguous, it is, in fact, just referring to the heading in the Criminal Law in which the article is based, which talks about crimes such as genocide, slavery, and so on.

refer to the spread of hatred and other crimes, and they include sex and gender among the proscribed grounds. Sexual harassment has not been included as a criminal offence yet. Amendments to align the Criminal Code with the Istanbul Convention have been proposed, but they are still not adopted by the Parliament.

## Responsible Institutions

Different institutions share legal competences related to prevention, promotion, protection and advancement of the principle of equality. In relation to protection and bringing discrimination claims, persons can take their claim to the following:

- The judiciary:
  - Constitutional court (for natural persons only and only if the discrimination is among the discrimination grounds enlisted in the Constitution)
  - Regular courts (civil, administrative and criminal, depending on the type of claim)
- National human rights institutions (NHRIs):
  - Commission for Prevention and Protection against Discrimination (in both the public and the private sector)
  - Ombudsperson (in the public sector only)
- Administrative bodies:
  - Legal representative on gender equality
  - Labour inspectorates
  - Peaceful resolution of disputes

The procedural options are considered here in the order of these relevant institutions.

## The Judiciary

Persons claiming discrimination can go to either the Constitutional Court or to regular courts. At the Constitutional Court, natural persons can file a Request for protection of their fundamental rights and freedoms based on any of the discrimination grounds (i.e., sex) and in relation to any of the constitutional rights (i.e., labour relations, within the scope discussed above). In regular courts, they can file (1) criminal charges, (2) labour claims or other civil law claims, or (3) administrative claims. The shifting of the burden of proof applies to all judicial processes, save for criminal and misdemeanour proceedings.

However, courts are not the usual venue for potential victims of discrimination for two reasons. First, they are not financially accessible; legal representation fees and court taxes make costs high, although the Law on Free Legal Aid does help the persons who qualify for free legal aid.<sup>106</sup> In cases when a discrimination claim is raised in relation to a lost job, the claimant must pay all these fees without having any secure income. Second, court proceedings tend to last long.

---

106 Under the 2020ADL, no court taxes are to be charged for persons filing discrimination cases.

Only one court case was published in which the court found the employer guilty of discrimination in relation to pregnancy, for which the applicant argued based on the ground of personal or societal status, family and relationship status. The applicant was a pregnant woman who was fired from her job once the employer learned of her pregnancy.<sup>107</sup>

## The National Human Rights Institutions

Two national human rights institutions (NHRIs) have a mandate in relation to gender equality and non-discrimination, as discussed below. These are the Commission for Prevention and Protection against Discrimination (in both the public and the private sector) and the Ombudsperson (in the public sector only). In general, NHRIs in North Macedonia have been found to be ineffective. A quantitative assessment of the effectiveness of NHRIs in the Western Balkans in the form of an index has placed the CPPD at the last place among the sixteen NHRIs in the region, whereas the Ombudsperson fared slightly better, fairing a bit above the regional average score.<sup>108</sup> Reports focusing on qualitative aspects of the work of these two institutions since 2010 also criticize the work of these two institutions for a number of reasons,<sup>109</sup> as discussed below.

### Commission for Prevention and Protection against Discrimination

Every person who believes that they have been discriminated against can submit a complaint to the CPPD. Such applications can be made by individual persons, groups of persons, or by organisations with legitimate interest on behalf of individuals. *Actio popularis* (i.e., action for protection against discrimination of public interest) is a novelty and a new option under the 2020 ADL.<sup>110</sup>

According to the Law, the applicant must submit an application to the CPPD within six months of learning of the potentially discriminatory act or within a year of the act itself. The applicant is to submit facts from which the CPPD can establish a *prima facie* case of discrimination. The CPPD has 60 days to process the claim and issue an opinion. It can address the potential discriminator(s) and ask for a response and supporting evidence. If an opinion is issued establishing discrimination, the discriminator has to act upon it within 30 days (longer in case of justified circumstances, but not longer than six months). This does not mean that the opinions of the CPPD are legally binding, since they are not.

107 This case was part of larger strategic litigation efforts by the Young Lawyers Association of Macedonia, an NGO providing legal aid. Source: Академик, 'The First Court Judgment on a Case of Discrimination against a Pregnant Person Is Very Important for the Workers Rights' (2016) at: <https://www.akademik.mk/prvata-presuda-za-diskriminatsija-vrz-osnova-na-bremenost-e-mnogu-vazhna-za-ostvaruvaneto-na-rabotnichkite-prava-advokat-sofija-bojkovska/>.

108 The regional average score is 4.54 whereas the Ombudsperson has scored 4.71. Source: Malinka Risteska Jordanova and Biljana Kotevska, Effectiveness of National Human Rights Institutions in the Western Balkans - (What is behind and) Beyond the average?, Comparative Report – Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia (upcoming - Civil Right Defenders).

109 Igor Jadrovski, Jovana Jovanovska Kanurkova and Marija Gelevska, 'Извештај за имплементација на Законот за спречување и заштита од дискриминација [Monitoring Report on the Implementation of the Law on Prevention and Protection Against Discrimination] (Мрежа за заштита од дискриминација 2019); Stojan Mishev and Sanja Jovanovikj – Рапева, Извештај од набљудување на работата на Народниот правобранител со фокус на спречувањето и заштитата од дискриминација (2010 – 2019) [Monitoring Report on the Work of the Ombudsperson with Focus on Prevention and Protection Against Discrimination 2010-2019] (Мрежа за заштита од дискриминација 2020).

110 Закон за спречување и заштита од дискриминација (2020), Art.35.

However, if the discriminator does not act upon its opinion, the CPPD can bring the case to the competent misdemeanour court.<sup>111</sup>

The CPPD can issue General Recommendations.<sup>112</sup> According to the Law, general recommendations for protection against discrimination can be issued in discrimination cases affecting a larger number of persons. In the past, the CPAD (the predecessor to the CPPD) did not have a competence to issue such recommendations, but it still did so. The first such recommendation related to wearing religious clothing (face veils) in places of education. However, the CPAD approached this issue as an issue of religious discrimination alone, disregarding the intersectional aspects of it, which involve important gender aspects to consider.

The last available statistics about cases received and processed by the CPAD are for 2018. In that year, the CPAD received 132 cases. Of the applicants, natural persons, 31.91% were women and 29.08% were men. The rest, 39.01%, were applications submitted by CSOs. The grounds on which persons reported facing discrimination included: "personal or other social status 25%; political affiliation 21.97 %; health status 9.09 %; sex 9.09 %; belonging to a marginalised group 8.33 %; ethnicity 7.58 %; age 6.06 %; "mental" or physical disability 3.79 %; gender 3.03 %; family or marital status 3.03 %; religion or religious belief 2.27 %; sexual orientation 2.27 %, etc."<sup>113</sup> Most cases were reported in the field of employment and labour relations (49.24 %), followed by access to goods and services (19.70 %), judiciary and administration (8.33 %), education, science and sport (6.82 %), social security (3.79 %), public information and media (2.27 %), and housing (0.76). In 3.79% of cases, no field was stated, and in 6.82% involved other fields established under the law.<sup>114</sup> Table one summarises the number of applications the CPAD received based on grounds of sex and gender in 2011-2018.<sup>115</sup>

**Table 1:** Number of applications the CPAD has received in total and on grounds of sex and gender in 2011-2018

Ground/Year	2011	2012	2013	2014	2015	2016	2017	2018 <sup>116</sup>
Sex	4	5	9	10	2	8	11	12
Gender	5	2	0	4	1			
All	60	75	84	106	70	60	59	132

Source: Annual reports of the CPAD for 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.<sup>117</sup>

111 Ibid. Art.27, para.4.

112 Ibid. Art.28.

113 Комисија за заштита од дискриминација (Commission for Protection against Discrimination), Годишен извештај за 2018 година (Annual report for 2018) (2019), available at: [www.sobranie.mk/materialdetails.nsp?materialId=a554ee4c-74e0-44a2-a5bb-04b4e411c353](http://www.sobranie.mk/materialdetails.nsp?materialId=a554ee4c-74e0-44a2-a5bb-04b4e411c353).

114 Ibid.

115 Please note that, at the national level, pregnancy discrimination and trans\* discrimination cases often are reported under other grounds as well (mostly on 'personal or other societal status' for the former or 'marginalised group' or 'other status' for the later). Thus, these numbers do not necessarily include all cases, which, under EU law, would be treated under the grounds of sex and gender. In addition, considering that sex and gender grounds were not well delineated under the national law and practice, the reader should not read much into the differences in numbers reported between these two grounds. In fact, it might be more accurate to present the sum of these grounds, rather than individual reporting.

116 The CPAD did not include numbers of applications, only percentages. Thus, the number of cases submitted on the grounds of sex and gender included herein was calculated as a percentage of the total number of cases.

117 The annual reports can be found on the website of the Parliament: [sobranie.mk](http://sobranie.mk).

## The Ombudsperson

The Ombudsperson of the Republic of North Macedonia (hereinafter the Ombudsperson) is a national human rights institution, established under the Constitution.<sup>118</sup> It is established for the purpose of protecting the constitutional and legal rights of citizens in the public sector. This means it can process cases where bodies of the state administration and other bodies and organisations with public powers reportedly have committed a potential violation of rights. The Ombudsperson also has competences in relation to equality on grounds of ethnicity. Namely, under the Constitution, the Ombudsperson 'gives particular attention to safeguarding the principles of non-discrimination and equitable representation of members of communities in the bodies of state authority, in the bodies of local self-government units and in the public institutions and services'<sup>119</sup>.

The Law on the Ombudsperson was amended several times to expand its mandate, including on matters of importance for equality. So, at present, this Institution has a special division dealing with non-discrimination issues (including on grounds of sex, as per the Constitution). One of the deputy-Ombudspersons at the national level covers the theme of non-discrimination.<sup>120</sup> In 2012, the then International Coordinating Committee of National Human Rights Institutions (now the Global Alliance of National Human Rights Institutions) evaluated the Ombudsperson as a NHRI with a B status because it lacked a promotional mandate. Until that point, the Ombudsperson conducted promotional activities, but it lacked legal grounds for these; this contributed to uncertainty as to the future prospect of continuing these activities under a new head of this Institution.<sup>121</sup> So, the Law was amended to grant the Institution with such a mandate.<sup>122</sup>

The annual reports of the Ombudsperson show a slight drop in the overall number of cases reported to the Institution (receiving 3,453 cases in 2019, compared to 3,458 in 2018, following an increase from 3,224 cases in 2017). The number of cases on non-discrimination and equitable representation dropped to 60 cases (1.7% of the total number of cases), compared to 2018 (77 cases).<sup>123</sup>

---

118 Constitution of the Republic of North Macedonia (n8), Amendment XI.

119 Ibid.

120 Ицет Мемети, 'Народен Правобранител На Република Македонија' (2012) 16 Списание за европски прашања 'Евродијалог' 61.

121 Bijlana Kotevska, "National Human Rights Institutions in Macedonia: Normative Models and Challenges" (Studiorum 2012).

122 Bijlana Kotevska, 'Country Report on Measures to Combat Discrimination – Macedonia' (European Commission 2018).

123 Народен правобранител (Ombudsperson), Годишен извештај за степенот на обезбедувањето почитување, унапредување и заштита на човековите слободи и права 2019 (Annual report on the degree of ensuring, respecting, advancing and protecting human rights and freedoms 2019) (2020), available at: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2019/GI-2019.pdf>.

## The Sector for Equal Opportunities at the Ministry of Labour and Social Policy – Legal Representative

The Law on Equal Opportunities for Women and Men established the post of a Legal Representative in the Sector for Equal Opportunities at the Ministry of Labour and Social Policy (MLSP). This representative has the competence to decide in individual claims on unequal treatment between women and men and to cooperate with other protection mechanisms (the Ombudsperson, the CPPD, state inspection bodies, etc). The Legal Representative can also initiate *ex officio* (i.e., automatically) unequal treatment investigations, which provides an opportunity for anonymous reporting.

Besides the obvious issues of independence, stemming from the positioning of the Legal Representative within a ministry, the Representative has faced serious issues, such as lack of visibility and underreporting,<sup>124</sup> as confirmed in the 2019 version of this research.<sup>125</sup> This was confirmed in the assessment of the implementation of the Law on Equal Opportunities of Women and Men. As per the assessment, under the current Law, the Representative was first appointed in 2012, when it received four cases. This dropped to zero cases in 2013, whereas no person was appointed to the position from 2014 to 2018. In 2018, only one case was received, which was forwarded to the Representative by the CPAD.<sup>126</sup> In conclusion, the Institution has a weak position under the Law and no visibility which contributes to next to no reporting.

### Labour Inspectorate

The Labour Inspectorate can process a claim that it has received based on the grounds of both the ADL and the Law on Equal Opportunities for Women and Men. If it finds unjustified unequal treatment, it can issue a fine.<sup>127</sup> It also can issue a recommendation so that future violations can be prevented.

### Peaceful Resolution of Disputes

Under the Law on Peaceful Resolution of Labour Disputes, adopted in 2007 and as per subsequent amendments, peaceful resolution can be sought in collective and individual cases regarding rights and obligations and other labour relations disputes. In individual cases, the peaceful resolution mechanism is available if the dispute relates to termination of a working contract or unpaid salaries. The disputes are decided by a Board. In the case of collective disputes, the Board issues a recommendation, whereas in individual disputes an arbitrator adopts a decision.<sup>128</sup> In a collective dispute, if the parties accept the recommendation of the Board, they conclude an agreement. If the subject of the dispute

124 Najčevska and Kotevska (n 24).

125 Leshoska et al (n 14).

126 Neda Calovska Dimovska, "Assessment of the Implementation of the Law on Equal Opportunities of Women and Men" (2019), available at: <https://www.mtsp.gov.mk/rodova-ramnopravnost.nsp.x>.

127 On the range of fines, see the next section: '8. Sanctions'.

128 Закон за мирно решавање на работните спорови [Law on peaceful settlement of labour disputes] (Службен весник на РМ, бр: 87/2007, 27/2014, 102/2014, 30/2016).

is a collective agreement, the new agreement becomes an integral part of the collective agreement. However, if the subject of the dispute is not a particular collective agreement, the agreement to resolve the dispute concluded by the parties has the force of a judicial settlement. In individual disputes, the decision of the arbitrator is legally binding and enforceable. For collective disputes, the deadline is 20 days from the start of the dispute, and for individual disputes, the deadline is 30 days from the start of the procedure, which makes this an advantageous procedure compared to lengthy court cases.<sup>129</sup>

## SANCTIONS

Sanctions and remedies vary according to the law, grounds on which a discrimination claim is filed and the procedure in which it is processed. Under the ADL, sanctions vary according to the procedure, with administrative procedures offering the possibility of reversing an original decision and rectifying the violation within 30 days. The misdemeanour procedure envisages fines ranging from 50 to 10,000 euros depending on the particularities of the case, whereas litigation provides for possible compensation. Pecuniary and non-pecuniary damages can be claimed if processing a discrimination claim in labour cases and in other civil court litigation.<sup>130</sup> Yet, overall, even under the new Law on Misdemeanours,<sup>131</sup> it cannot be said that the anti-discrimination sanctions satisfy the EU criteria of being effective, proportionate, and dissuasive.<sup>132</sup>

## Conclusion

The new ADL brought national law fully in line with EU equality law standards and well beyond it. The ADL expanded the list of explicitly protected grounds, including gender identity, as well as the list of proscribed forms of discrimination. The definitions of the forms of discrimination in the Labour Law differ from the ones in the ADL and should be aligned in this respect. The Labour Law should be harmonized with the EU Work-Life Balance Directive and the concept of parental leave and right to paternity leave should be introduced. Moreover, the ban on termination of employment during an approved leave for pregnancy, birth and parenthood should be amended so that it protects workers from non-extension of their fixed term employments contracts.

---

129 More information on this mechanism is available on the website of the MLSP: <http://www.mtsp.gov.mk/mirno-reshavanje-na-rabotni-sporovi-baner.nsp.x>.

130 Закон за работните односи [Law on labour relations] Arts.264-266.

131 Закон за прекршоците (Службен весник на РСМ, бр:96/2019).

132 Biljana Kotevska, 'Analysis of the Harmonisation of the National Equality and Non-Discrimination Legislation' (OSCE 2015).

# PEOPLE'S AWARENESS AND REPORTING OF GENDER-BASED DISCRIMINATION

This chapter examines people's awareness regarding gender-based discrimination. The findings draw from the anonymous online survey conducted in 2018 and replicated in 2021. The survey was disseminated on social media and participants were self-selected. Considering that the online survey samples are convenient and non-representative, readers should bear in mind that percentages reported do not reflect the prevalence of the explored phenomena in the general population in North Macedonia. Further, the evidenced increase or decrease in percentages between 2018 and 2021 do not necessarily reflect actual changes in prevalence of experiences or attitudes; interpretations are inevitably constrained by the method which involved non-probability sampling. Nevertheless, they do provide meaningful, qualitative indications of existence of gender-based discrimination related to labour in North Macedonia.

Both in 2018 and in 2021 men are underrepresented as participants in the sample (21% in 2018 and 17% in 2021). Beyond the non-probability sampling, the gender disproportion in the samples further limits the possibility of concluding gender-based differences. Nevertheless, all survey responses are processed and presented disaggregated by gender, and, if indicative, established relationships such as gender-based differences are interpreted. Again, however, the conclusions are restrained in terms of generalisability.

In terms of non-representability, it must be noted that both in 2018 and 2021 women and men with higher educational attainment and those with full-time employment are overrepresented in the sample. Underrepresented are rural women and men and ethnic minorities. The reader is advised to consult the socio-demographic distributions of both samples presented in annexes.

## PEOPLE'S AWARENESS ABOUT GENDER-BASED DISCRIMINATION

In 2018, more than half of the online survey participants (68%) agreed that gender-based discrimination is against the law. More than every tenth (13%) thought it is not and nearly every fifth (19%) did not know. In 2021, those who recognise that gender-based discrimination is against the law has increased slightly, and those who think it is legal has decreased slightly. Considering the sampling constraints, this change does not necessarily reflect a change in awareness within the population. In addition, still nearly every fifth respondent (19%) in 2021 does not know that gender-based discrimination is legally punishable.

Is discriminating against someone at work because they are a woman or a man illegal in Macedonia?

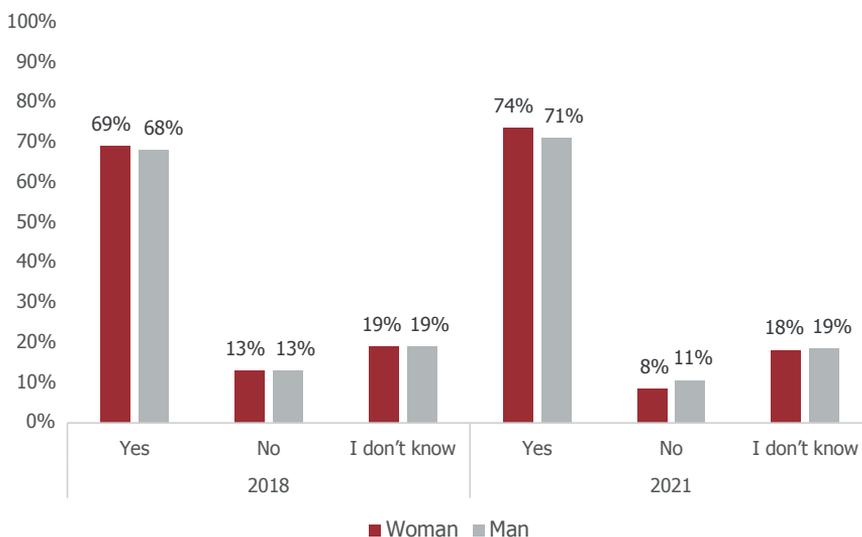


Figure 5. Awareness about laws related to gender-based discrimination at work, by gender (2018 women = 739, men = 156; 2021 women = 784, men = 200)

The data from 2018 indicated that higher educational attainment and higher income relate to awareness about the legal framework on gender-based discrimination at work. This 'stratification of awareness' is especially noticeable when comparing the distribution of answers by educational level. While most survey respondents with a Master's degree (84%) agreed that discriminating against someone at work because of the person's gender is illegal in North Macedonia, 54% of participants with a secondary education and 47% of participants with a primary or incomplete primary education said that gender-based discrimination is illegal. The relationship with educational attainment and monthly net salary was replicated in the 2021 sample, further confirming these indications. Although the data is not representative for the respective populations (e.g., people with lower educational levels are underrepresented in both the 2018 and 2021 sample), the evidenced relationships may indicate that workers who are socioeconomically more marginalised are even more vulnerable to violations, considering that they may not have the resources to recognise and thus utilise legal mechanisms.

When asked to which institutions they could report gender-based discrimination at work, both in 2018 and 2021, more than half identified the Labour Inspectorate. Approximately one-fourth of the respondents in 2018 (25% of women and 30% of men), and one-third in 2021 (31% of women and 32% of men), knew they could report discrimination to the Ombudsperson Institution. Approximately one-third (35% of women and 30% of men) in 2018 and a quarter (26% of women and 29% of men) in 2021 said it could be reported to the employer.

If it happens, this type of discrimination at work should be reported to [please check all that apply]:

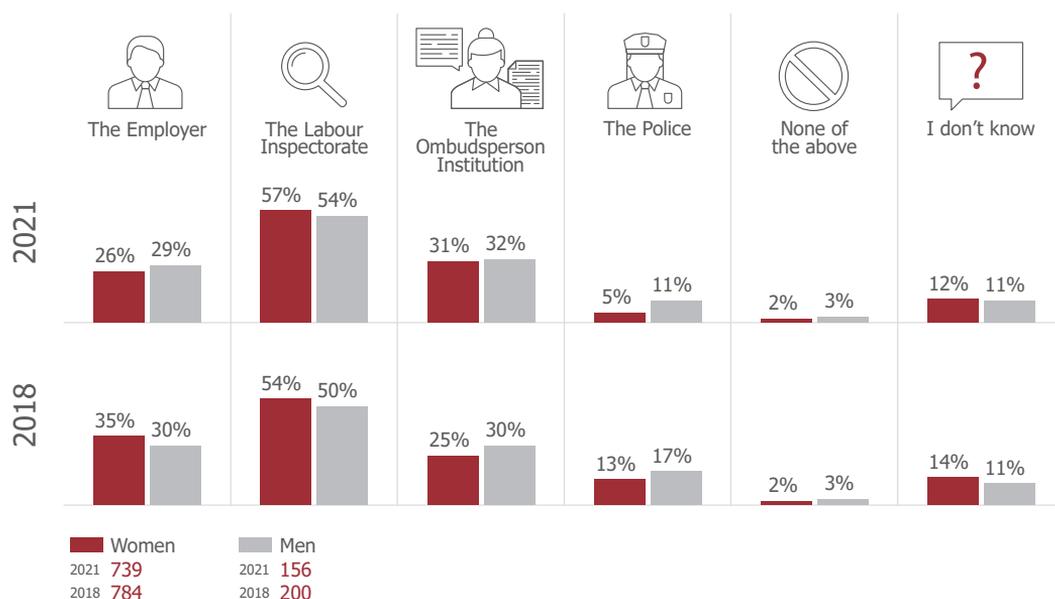


Figure 6. Recognising available mechanisms for protection against gender-based discrimination related to labour (2018 women = 739, men = 156; 2021 women = 784, men = 200)

The qualitative analysis of respondents' experiences with gender-based discrimination (further elaborated in the next chapter) suggests insufficient knowledge regarding what constitutes gender-based discrimination, and this could affect the rate of reported experience.

## Conclusion

In conclusion, in both 2018 and 2021, several respondents have remained unaware that gender-based discrimination is illegal, and nearly one in ten believed that discriminating against someone because of the person's gender is not legally sanctioned. The data suggest a slight increase in awareness in 2021 but we can't be conclusive if a real change happened in peoples attitudes. This suggests a need to continue raising awareness about gender-based discrimination in labour. The findings also suggest that workers with lower educational attainment and lower income should be prioritised in empowerment efforts, as both 2018 and 2021 findings implied that workers who are socioeconomically more marginalised are even more vulnerable to violations, considering that they may not have the resources to recognise discrimination and thus utilise protective mechanisms.

# PREVALENCE OF AND EXPERIENCES WITH DISCRIMINATION

This chapter presents general findings related to the self-reported prevalence of gender-based discrimination in labour and various forms of gender-based discrimination in relation to labour. Based on the survey results from 2018 and 2021 we discuss gender-based discrimination in hiring and promotion, worker's right violations, violations of maternity leave rights, sexual harassment at work and workers' right during COVID-19.

## THOUGHTS ON OVERALL PREVALENCE

The precise prevalence of gender-based discrimination cannot be known given that many cases are never reported. Online survey participants were asked to reflect on whether they think that they have been treated differently (discriminated against), because they are a woman or a man.

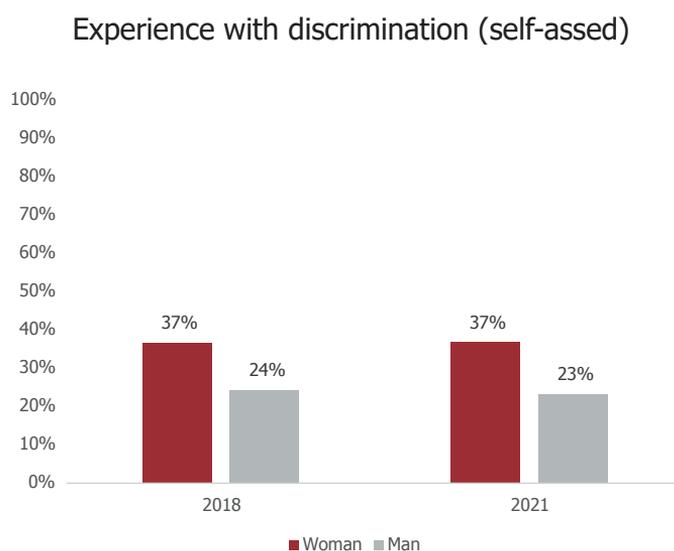


Figure 7. Experience with gender-based discrimination, by gender (2018 women = 524, men = 107; 2021 women = 627, men = 164)

Overall, 37% of women in 2018 and in 2021 stated that they have experienced gender-based discrimination at work compared to 24% of men in 2018 and 23% in 2021. In 2018, when controlling for other demographic characteristics, sector of employment, work position and monthly net salary, women had two times (2.15) greater odds of experiencing gender-based discrimination at work than men did. The assessment of

multivariate<sup>133</sup> relation also suggested that workers with higher educational levels were more likely to have experienced gender-based discrimination at work. However, it may be argued that more educated persons are more inclined to recognise discrimination, meaning that perhaps persons with lower levels of education experienced discrimination but were not aware that they had. Regarding the sector of employment, in 2018 more than half of the workers who experienced gender-based discrimination (61%) were working in the private sector when they experienced discrimination.

To better understand the nature of the experienced gender-based discrimination respondents' recollections of these experiences were analysed. The qualitative analysis of reported experiences suggested that even in a professional work environment, women are reduced to gender stereotypes, such as that of a housewife:

*They force you to clean because you are a woman. (Woman, 48, Urban, 2018)*

Women have been 'cast' in traditional gender roles that are perceived as incongruent with the professional context. Moreover, women may have to choose between family and career. Often, the choice is made for them:

*At a job interview, they asked me if I am married and whether I plan to have children in the near future [...] I was not hired, and a man got the position. (Woman, 36, Urban, 2018)*

*I was going to sign an employment contract and they asked me: "Do you plan to be pregnant in the next 2 years?". The contract was not concluded because I did not give a clear "No" to the question about future plans for children. (Woman, 31, Urban, 2021)*

*I was not hired (although I had excellent skills and relevant experience for that position) just because I had recently gotten married, and the employer assumed I was pregnant. He asked me. I said I was not. Then he asked me when I was planning. I got up and left. (Woman, 27, Urban, 2021)*

The 'burden of choice' lurks even when women get the job:

*I worked 4 to 5 years with a temporary service contract. When I got married, I was told that I should be very careful with my childbearing plans [...] because my job position is not secure (I repeat this happened after 4 or 5 years working in that company). After this talk with my supervisor, I decided to quit. (Woman, 36, Urban, 2021)*

133 The assessment of multivariate relationships was done via logistic regression allowing us to consider the predictive value of more than one sociodemographic variable simultaneously.

The experiences collected through the online survey confirmed that pregnancy is a critical event in a woman's career and often the terminal point in her career path:

*I lost my job due to pregnancy, and I worked three years in [the company]. I was four months pregnant when I announced that I was pregnant. I lost my job in a week. (Woman, 24, Urban, 2018)*

*I was demoted just because I was pregnant. (Woman, 32, Urban, 2018)*

*Not to lose my job, I was forced to return to work 14 days after I gave birth. (Woman, 40, Urban, 2018)*

*Due to pregnancy I was fired twice, with both of my pregnancies. (Woman, 39, Urban, 2021)*

In addition to housewife and child-bearer stereotypes, working women faced coercion and sexism in the form of objectification:

*I was fired three weeks after I decided not to sleep with my boss. I was very good at my job, and he didn't give me a reason why he fired me. He just said they don't need me anymore. (Woman, 28, Urban, 2018)*

*I don't want to go into details, but I was offered a higher working position in exchange for sex. (Woman, 27, Urban, 2018)*

*All the directors where I currently work are men. In meetings, mostly men take the floor. In the previous job, superiors allowed themselves to make obscene comments, related to appearance, the possibility of flirting, meeting in hotels, etc. (but it was always framed borderline, so that it could be interpreted as just "ordinary courtship"). (Woman, 44, Urban, 2021)*

Given gender roles, women also have been perceived as less competent than their male colleagues:

*At a job interview, I was told that the work they do could not be performed by women because women are less intelligent than men. (Woman, 22, Urban, 2021)*

*My boss prefers male colleagues for promotions and business deals. (Woman, 32, Urban, 2021)*

*My new manager downgraded my position although I had been in the company for seven years, since it was established and I have 25 years of working experience. His words were: 'I am satisfied with your work, but because you are a woman, you will have to work at a lower position. It is for your own good'. (Woman, 44, Urban, 2018)*

*In the first interview with the CEO of my previous job, he said, I quote: "Write me this and that, I do not believe you are literate enough since you are a girl" ...*

*"Given your age, why don't you have an intimate relationship?" (Woman, 25, Urban, 2021)*

*I work in energetics, a predominantly male environment, and my male colleagues consciously give me easier tasks, while the important ones that lead to promotion are shared among themselves. They form work relationship and bonds in taverns and pubs after work, which gives them an advantage. (Woman, 54, Urban, 2021)*

Thus, women also are perceived as less deserving of equal pay for equal work:

*In the same working position, with the same work responsibilities and the same level of education, I received 3,000 denars less than my male colleague. When I pointed out that it is discrimination, we started to receive equal salaries. (Woman, 29, Urban, 2018)*

*I have a lower salary compared to my male colleagues, with whom I work on the same hierarchical level. (Woman, 45, Urban, 2021)*

*The additional engagements that are paid are always given to men. Unpaid extra work remains for women. (Woman, 43, Urban, 2021)*

The sample of men who shared their experiences with gender-based discrimination was inconclusively small, but it could be observed that men also faced discrimination when the job position is stereotypically gender-segregated.

*'That's not a job for a man; people like to see young girls working in that position'. (Man, 30, Urban, 2018).*

As per traditional gender roles, men at the workplace have been perceived as those who need “to do the heavy lifting” and perform work that involves physical strength:

*I am constantly required to perform difficult physical tasks because I am the only man in the office where I was called “amal” (porter) by the bosses several times. I am a relatively weak man with health problems that prevent me from lifting heavy things. (Man, 26, Urban, 2021)*

*Absolutely every physical work is left to me even when it comes to everyday things like “bring the box” which weighs no more than 5 kg. (Man, 33, Urban, 2021)*

When men stated that they have faced discrimination because women received promotions or “privileged” treatment, often survey respondents implied sexual objectification or harassment of the “privileged” women co-workers:

*If you are a woman, you have more benefits and you can easily get what you want from the boss. If you are a man, he shouts at you, etc. You have nothing to offer in return if you are a man. (Man, 37, Urban, 2021)*

*Women are promoted but most likely they are sexual abused by superiors. (Man, 50, Urban, 2021)*

*When I applied to work as a receptionist, they said: “A man would not fit into our team; we prefer young people and women.” (Men, 41, Urban, 2021)*

Although several workers reported experiencing gender-based discrimination, alarmingly, few reported their experience to an institution or official mechanism. When asked what institutions they contacted regarding what happened to them, 85% in 2018 and 86% in 2021 said that they did not contact any of the listed institutions. Both in 2018 and 2021 only 5% contacted the Labour Inspectorate, less than 5% contacted other institutions or mechanisms. Only 12 women and two men, that is 7% of those who experienced gender-based discrimination, were involved in court actions related to discrimination at work in 2018, while only one man and seven women (3%) were involved in court actions related to discrimination at work in 2021.

### With which institutions were you in contact regarding what happened to you?

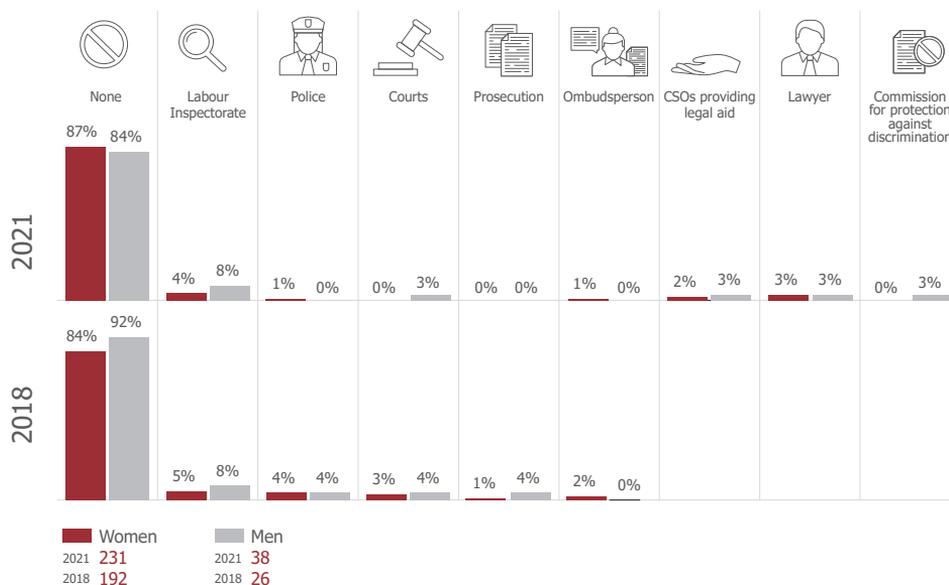


Figure 8. Institutions contacted for the gender-based discrimination experienced at work (2018, women = 192, men = 26; 2021 women = 231, men = 38)

In conclusion, the experiences shared anonymously through the online survey show that sexism and gender stereotypes appear to fuel gender-based discrimination that women and men face at work. Women, in particular, have been forced to make a “choice” between having children and employment. Pregnancy has remained an “obstacle” for women during the hiring process, and working mothers risk losing their jobs or being denied employment altogether because employers have perceived them as less committed or inflexible employees. Additionally, working women have faced sexual harassment and experienced being treated as sexual objects by their bosses or male coworkers. Some men have experienced discrimination based on gender stereotypes, particularly concerning their “inherent biological strength”. When men have felt that they faced discrimination as a result of women being promoted or receiving “privileged” treatment, they implied sexual objectification or harassment of the “privileged” woman coworker.

Alarmingly, in both 2018 and 2021, the vast majority of survey participants who had experienced gender-based discrimination did not contact any relevant institutions for support or justice. Only 5% contacted the Labour Inspectorate and less than 5% contacted other institutions or mechanisms.

## TYPES OF DISCRIMINATION

This subsection examines different forms of gender-based discrimination related to labour, including discrimination in hiring, promotion, contracts, pay, working conditions, maternity leave, paternity leave and sexual harassment at work, respectively. It then discussed additional forms of discrimination that survey respondents reported occurring during the COVID-19 pandemic.

### Discrimination in Hiring

The 2018 and 2021 survey findings both suggested that questions on marital and parental status of the applicant, and related future plans for marriage and children, are very common during job interviews. Women tended to be more likely to be 'interrogated' on such matters, though these are unrelated to their skills and competences. In 2018, 65% of women and 47% of men who had participated in a job interview in the last ten years were asked whether they are married, while 30% of women and 21% of men were asked whether they plan to marry. The same was true in 2021; again, more than half (56%) of women and 41% of men who had at least one job interview in the last three years were asked about marriage status or marriage plans. The observed decrease in the percentage of women who experienced potentially discriminative questions related to marriage status might imply some change in recent years. However, it also could be attributed to the decrease in the reference period from the "last 10 years" to the "last 3 years" and the decrease of the percentage of those who answered the question. For these questions. For example, in 2018, when the reference period was 10 years, 75% of women and 70% of the men had at least one interview, while in 2021 when the reference period was three years, 55% of women and 43% of men had at least one interview.

Related to parenting status, in 2018, 43% of the women who had participated in a job interview were asked whether they have children (compared to 28% of men); and 36% were asked whether they plan to have children (compared to 21% of men). Meanwhile, 8% of the women were asked for medical proof that they were not pregnant. In 2021, 50% of the women were asked whether they have or plan to have children (compared to 33% of men), and 4% were asked for medical proof that they were not pregnant.

In total, 74% of the women who had participated in an interview (compared to 54% of men) in 2018, and 64% of women (compared to 52% of men) in 2021 had experience with interview questions that might imply discrimination. Again, decreases in such experiences should be interpreted in the context of the changed reference period and the slightly changed sub-questions.

In a job interview have you ever been asked questions concerning:

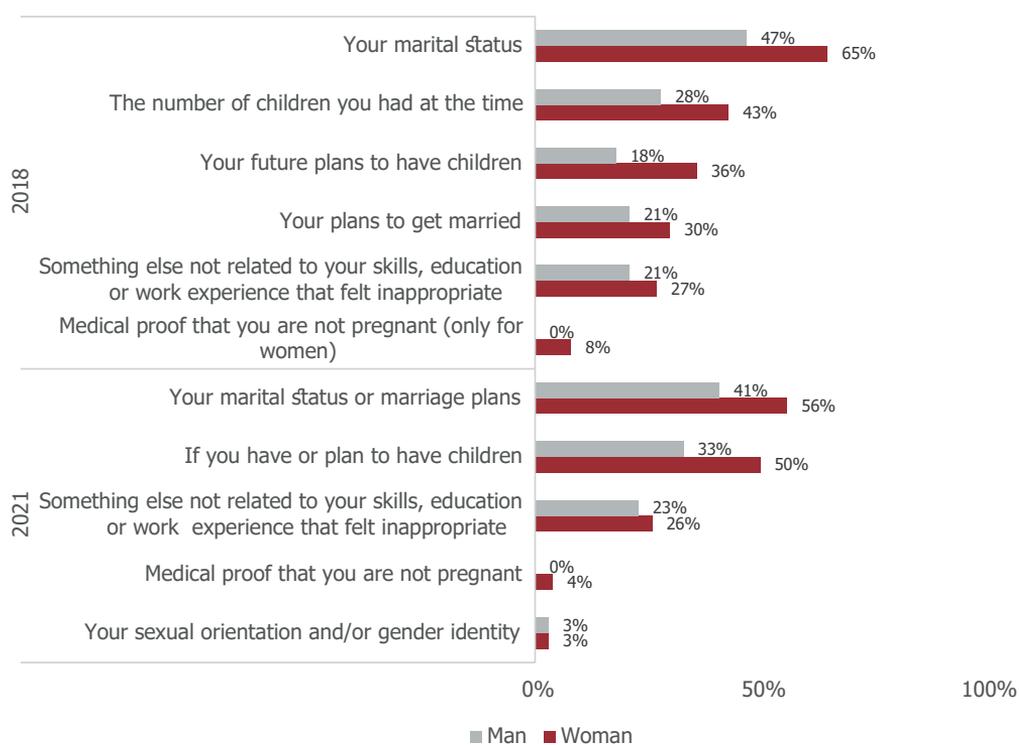


Figure 9. Experience with potentially discriminatory interview questions among workers who had at least one job interview in the last ten years, by gender (2018, women = 445, men = 96; 2021 women = 383, men = 80)

For both women and men, the most frequently faced type of discrimination in hiring was age-based discrimination (40% in 2018 and 34% in 2021). It is interesting to mention that in 2018 a larger percentage of women indicated to have been discriminated against based on age, and in 2021 a larger percentage men did so, but again we could not conclusively infer gender differences considering the survey sample. Meanwhile, a quarter (25% in 2021) or more (27% in 2018) thought that they had been discriminated against based on gender. Although, women and men in the survey samples (2018 and 2021) did not differ in their perception of experienced gender-based discrimination, both surveys suggested that significantly more women have been discriminated against in hiring because they have children or plan to have children. As figure 10 illustrates, in 2021, compared to 4% of men, every fifth (21%) woman expressed that she had been discriminated against in hiring based on her parenting status or future plans to have children.

In your opinion, have you ever not gotten a job that you applied for because:

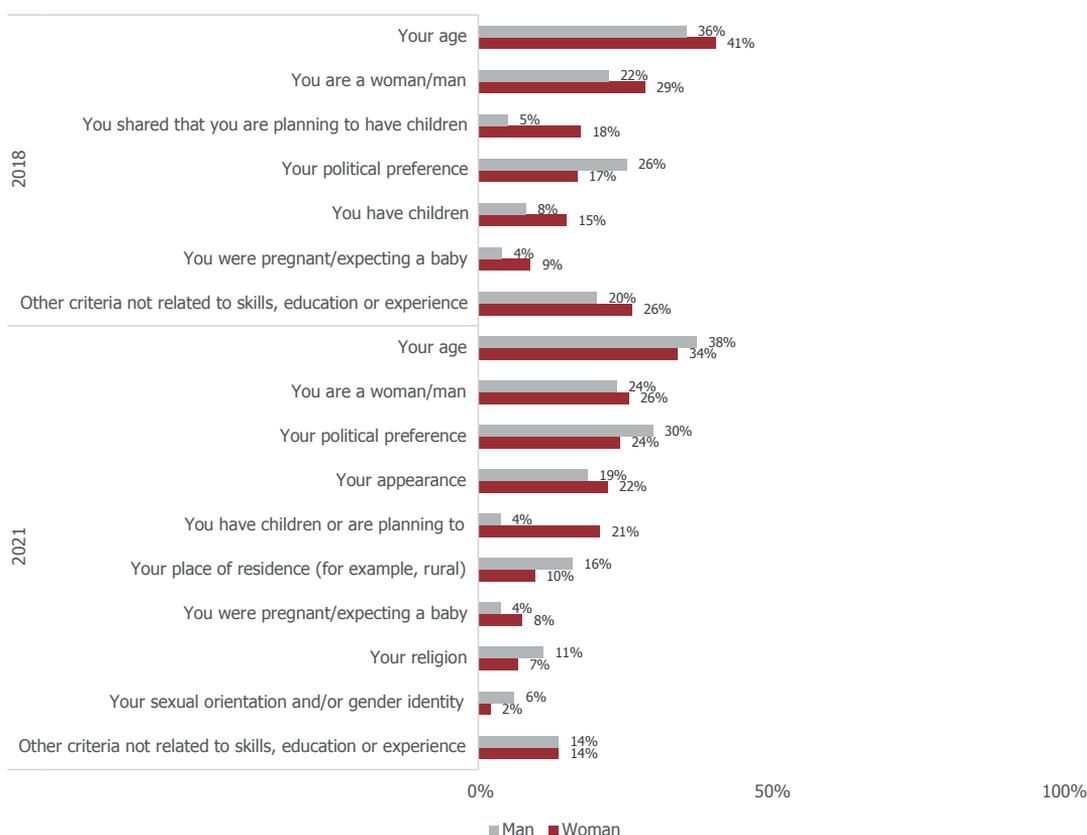


Figure 10. Experiences with discrimination in hiring among workers who had at least one job interview in the last ten years, by gender (2018 women = 427, men = 96; 2021 women = 383, men = 80)

When all listed grounds of discrimination were considered, among the women who had at least one job interview (in the last 10 years for 2018 and 3 years for 2021), 68% in 2018 and 65% in 2021 thought that they had been discriminated against in hiring. Among men, this increased from 58% in 2018 to 64% in 2021; this could be attributed in part to the newly introduced “place of residence” and “religion” as possible discriminatory signifiers in the 2021 survey. Notably, in 2021, more men indicated to have been discriminated against on grounds of sexual orientation and/or gender identity.

In conclusion, most of the surveyed women reported that they had experiences with job interview questions that might imply discrimination, most commonly related to marriage, parenting status or future plans for starting a family. When asked if they have experienced discrimination in hiring, both women and men reported ageism and gender-based discrimination. However, data suggest that women are more likely than men to be discriminated against because they are mothers or planning a family. This supports the previous conclusion that the imposed family-career conflict fuels gender-based discrimination against women.

## Discrimination in Promotion

The online survey assessed workers' perceptions and experiences with discrimination in promotion. Both in 2018 and 2021 more women than men respondents tended to face gender-based discrimination (14% of women and 5% of men in 2018; and 10% of women and 4% of men in 2021). In the 2021 sample, women also were more likely to experience ageism in promotion (12% of women, 7% of men); while in the 2018 sample men were more likely to face discrimination based on their ethnicity (7% of women, 15% of men) or religion (2% of women, 9% of men).

Has it ever happened to you that your employer didn't consider you for a promotion because... (please check all that apply)

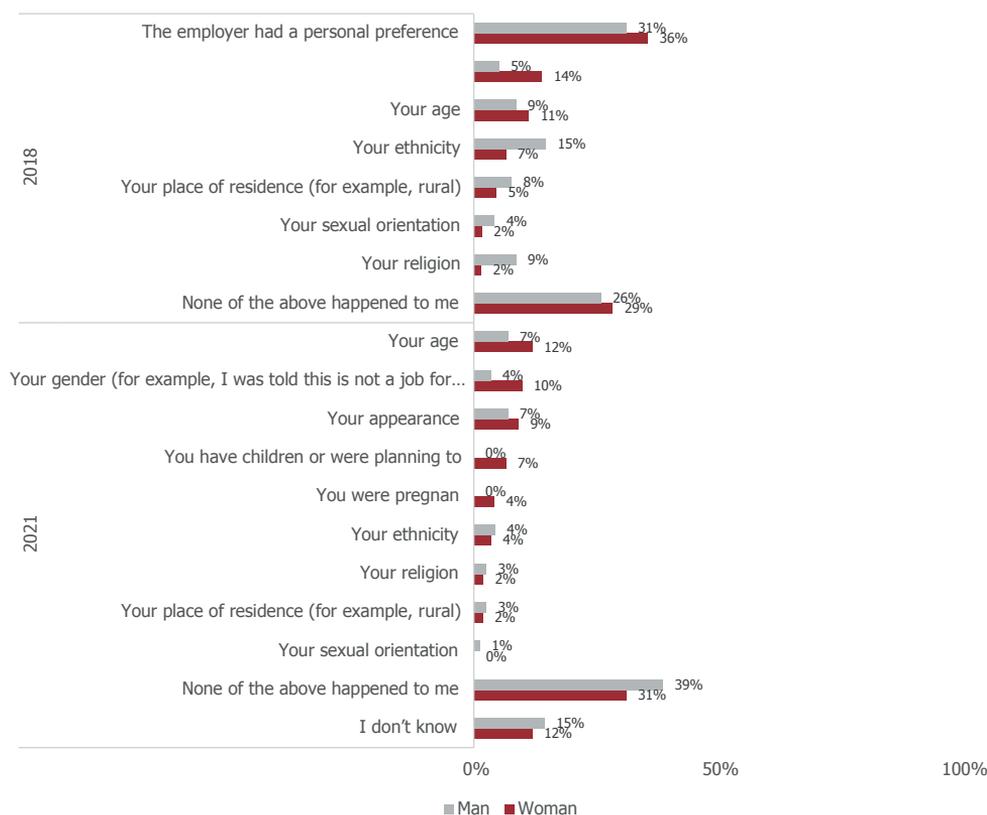


Figure 11. Experiences with discrimination in promotion among persons who worked in the last ten years, by gender (2018 women = 331, men = 89; 2021 women = 885, men = 227)

When all potential grounds for discrimination were considered, findings from the 2018 survey suggested that women and men were equally likely to experience discrimination in promotion (54% of women, 55% of men), while in 2021, women were more likely to face discrimination in promotion (28% of women, 16% of men). The decrease in the percentage of survey respondents reportedly facing discrimination in promotion in 2021 compared to 2018 should be interpreted in context of the fact that “personal preference of the employer” was omitted as a possible type of discrimination in the 2021 survey due to its vagueness. This may have contributed to fewer respondents stating that they experienced a form of discrimination.

## Violations of Contracts

The online survey also sought to assess the extensiveness of labour rights violations and conditions that may perpetuate them, focusing on potential gender-based differences that may imply gender inequalities.

In the 2018 survey, 36% of those who had worked in the last ten years had been asked to work regularly without a contract; and 31% indicated that at least once they had been asked to sign an employment contract without being allowed to read and understand the terms of the contract. In 2021, 15% had been asked to work without a contract and 19% were asked to sign an employment contract without being allowed to read and understand the terms of the contract. Although there is a decrease in percentages of those who experienced such violations related to employment contracts, notably, the reference period in 2018 was “the last ten years”, while in 2021 this was “the last three years”.

Of the currently working survey respondents, 11% in 2018 and 9% in 2021 did not have an employment contract. Regarding the contract duration, distributions have remained similar in 2018 and 2021. Among the participants who have had an employment contract, more than half (53% in 2018 and 60% in 2021) had indefinite contracts, while approximately one-third (35% in 2018 and 29% in 2021) had an employment contract with a duration of less than a year. A nontrivial minority of workers (15% in 2018 and 13% in 2021) had an employment contract with a duration of three months or less.

The survey also assessed the perceptions of employed participants regarding who tends to have longer work contracts: women, men or whether it is the same for both. More than half of the respondents (56% in 2018 and 66% in 2021) stated that it is the same for both men and women, and 29% in 2018 and 23% in 2021 did not know. From the rest of the participants, similar percentages thought that men (5% in 2018 and 4% in 2021) or women (4% both in 2018 and 2021) have longer contracts.

Regarding working hours, half of the respondents (52% in 2018 and 50% in 2021) stated that they usually work between 21 and 40 hours per week. Meanwhile, 44% in 2018 and 48% in 2021 said that they usually work overtime, that is, more than 40 hours per week. The 2018 and 2021 surveys both suggested that the sector of employment significantly determines the probability of overtime work, and that overtime work is more prominent among workers in the private sector; half (51%) in 2018 or more than half (56%) in 2021 of those employed in the private sector worked more than 40 hours per week compared

to approximately every third person (34% in 2018) or more than every third person (39% in 2021) working in the public sector.

The 2018 and 2021 surveys both suggested that men have been compensated for overtime work more often than women have. A comparably larger percentage of men were paid for their extra time worked (28% in 2018, 25% in 2021) than women (19% in 2018, 17% in 2021).

In conclusion, in both surveyes, consistently a significant minority of workers have had employment contracts lasting for three months or less, and one in ten has not had any employment contract, placing them in a precarious position of being fired when the employer no longer requires their services. More than half of private sector workers worked overtime, but not all were paid for it. Men were more likely to be paid for their extra time worked, according to data from 2018 and 2021.

## Violations of the Right to Equal Pay for Equal Work

The survey data does not allow for explicit inference of violations of the right to equal pay for equal work, but it is indicative of possible gender-based income inequalities. Gender disaggregated data from the State Statistical Office is available for 2010, 2014 and 2018 and we can observe that in average men have receive higher monthly net salary. The last available data on gender pay gap from the State Statistical Office suggest 9 p.p. gap for 2014, however other independent research suggest suggests that the gender pay gap in North Macedonia is 18-19%<sup>134</sup>. More intriguingly, the study finds that when personal and labor market characteristics (such as education and work experience) are taken into account, the gender gap actually widens, implying that wage disparities reflect persistent gender-based discrimination on the job market. Unfortunately, there is no updated data on adjusted gender pay gap. Comparatively, North Macedonia is ranked third lowest among EU member states in the domain of money, which measures gender inequalities in financial resources and economic situation, according to the Gender Equality Index.

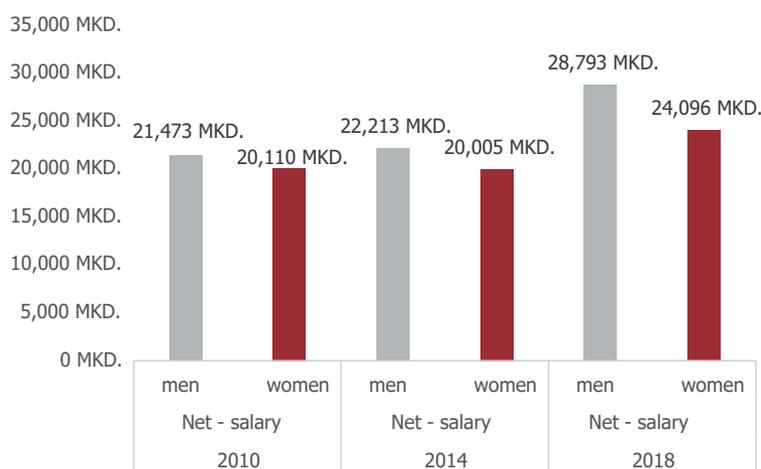


Figure 12. Monthly net salary, by gender (Source: State Statistical Office)

134 Petreski, M. and Mojsoska Blazevski, N., 2015. "The gender and motherhood wage gap in the Former Yugoslav Republic of Macedonia: An econometric analysis", Working Paper No. 6 / 2015, ILO.

## Case 1

A woman working as a member of a special police crime unit since 2013 did not receive the same wage as her male colleagues with the same rank from the same unit, even though she had good results in her work throughout the entire period as a member of this unit, she was always evaluated positively by her superiors, and she also obtained a master's degree in law. Aside from the lesser pay, she was subjected to sexual harassment by her co-workers and her boss. After taking steps to protect herself against discrimination, she was demoted to a lower-ranking and lower-paying post than her prior one. She filed a complaint with the Ombudsperson's office, and it was determined that there was sex discrimination. In July 2021, she filed a lawsuit for protection against discrimination against the Ministry of Interior.

This case illustrates an example of gender-based discrimination in relation pay, as well as sexual harassment. Moreover, it illustrates victimisation, that is consequences suffered for reporting discrimination, even though victimisation is illegal under the legal framework.

When asked about any experience with their employer incorrectly declaring their salary (such as to avoid paying taxes or pensions), 12% in 2018 and 8% in 2021 indicated that their employer does not declare their actual salary to state authorities and, 15% (both in 2018 and 2021) did not know if this was the case. The data indicates that workers who have experiences with incorrectly declared salaries, on average, have smaller salaries. In the sample of 2018, more than every fifth (22%) worker with a monthly net salary between 12,001 and 15,000 Macedonian denars had experience with a wrongly declared salary, compared to 3% of workers with a monthly net salary between 20,001 and 25,000 denars. In the sample of 2021, 17% of the workers with a monthly net salary between 12,001 and 15,000 Macedonian denars had experience with a wrongly declared salary compared to 2% of those with monthly net salary between 30,000 and 35,000 denars.

The sector of employment is also a significant determinant; data suggested that persons employed in the private sector have been more likely to have experiences with incorrectly declared salaries. In 2018, compared to 4% of persons employed in the public sector, one-fifth (20%) of those employed in the private sector stated that their employer does not declare their actual salary. In 2021, this relationship was confirmed, with 16% of those employed in the private sector having experienced mis-declared salaries, compared to 1% of those in the public sector and civil society.

Moreover, employers have asked 10% in 2018 and 6% in 2021 of the employed survey respondents to return part of their salary. In 2018, it was evident that this occurs significantly less often in the public sector (5%) than in the private sector (13%). In 2021, this was confirmed; compared to 2% in the public sector, 8% in the private sector and 10% in civil society had been asked to return part of their salary to their employer. The data in 2018 also suggested that a comparably larger percentage of men (16%) reported that they had been asked to return part of their salary than had women (8%), but this was not the case in 2021.

Both in 2018 and 2021 a significantly higher percentage of workers with lower wages had been asked to return part of their salary to their employer. Although the number of participants with low wages was small in the sample, the finding is indicative. In 2018, 10 of 24 participants with low salaries or less than the minimum wage (42%) have been asked to return part of their salary to their employer. In 2021, 12 of 64 (19%) of these workers have been asked to return part of their salary, compared to 2 of 91 (2%) of those with salaries between 30,000- 35,000 Macedonian denars.

In conclusion, the online survey findings indicate that a significant minority of workers reported that their employer does not declare the full amount of their salary to the authorities or/and asks workers to return part of their salary to their employer. Both the 2018 and 2021 surveys suggest that these violations occur more often in the private sector. Alarming, workers in the lowest pay range, including those receiving less than the minimum wage, seem to be significantly more affected.

## **Violations of Pregnancy and Maternity Leave Rights**

Of the women surveyed in 2018, 30% were pregnant while employed at least once in the last ten years, and for 17% of those women, the right to paid maternity leave was denied; they neither were paid nor received a government benefit during their maternity leave. In 2021, 14% of the surveyed women were pregnant while employed in the last three years and 14% of them were denied the right to paid maternity leave. In 2018, the probability of not receiving a government benefit during maternity leave tended to be higher for women working in the private sector; 30% of women in the private sector were neither paid nor received a government benefit, compared to 12% of those employed in the public sector. However, in 2021 this did not hold true. This could be related to the smaller sample size due to the decreased reference period from ten to three years. Nevertheless, findings suggest that some women workers have continued to be denied their right to paid maternity leave.

After their maternity leave, 71% of the women in 2018 and 74% in 2021 returned to their previous place of employment. In 2018, 22% indicated that they were pressured to return to work earlier than planned. In 2021, this decreased, and 12% reported such pressure from their boss or superior. When they returned to work, 29% in 2018 and 33% in 2021 felt that their peers or boss treated them differently because they took the leave.

### **Case 2**

In February 2020, a pregnant worker addressed the Helsinki Committee for Human Rights of North Macedonia regarding a violation of her labour rights; her employment contract was terminated while she was on sick leave due to a high-risk pregnancy. Namely, in January the worker informed her supervisor by Viber about her condition regarding the pregnancy. She also informed by email her colleague from the medical staff.

The same day, when she informed her colleagues about her condition, she received a telephone call from the Human Resource Manager and was invited to a meeting where she was notified that her employment contract would be terminated due to unjustified days of absence from work in the past period.

Regarding these claims, the worker had never received any warnings from the Human Resources Manager or her supervisor. The next day, the Human Resource Manager asked the worker to sign an agreement for termination of her employment. She was told that if she would not sign the agreement, she would be dismissed the same day. She refused to sign the agreement. Therefore, her laptop, cell phone and work card were taken from her. This situation caused the worker substantial stress. As a result, due to her condition, she was transferred to a hospital because of bleeding. She was incapable of working and was placed on sick leave for 14 days. The same day when she was put on sick leave, she was dismissed from work and unregistered from Compulsory Social Insurance hitherto paid by the employer. She had informed the employer regarding her condition and the fact that she was on sick leave.

A pregnant worker is specially protected by the Macedonian labour law. According to Article 101 of The Law on Labour Relations, the employer cannot terminate a pregnant worker's employment contract. If the worker seriously violated the contractual obligations, she could be dismissed only with an agreement by a labour trade or with an approval by The State Labour Inspectorate. The Helsinki Committee and the worker reported the case in The State Labour Inspectorate. After the report, The Inspectorate conducted an inspection. The Labour Inspectorate determined that the employer had violated provisions of The Law on Labour Relations and ordered the employer to take back the pregnant worker to her workplace and to re-register her as employed in the Employment Agency and Compulsory Social Insurance.

*"It's frustrating that access to judicial justice is expensive and slow," she said.*

*"I wouldn't be motivated to initiate court proceeding by myself."*

*"You gave me motivation, willingness and financial security to initiate the court procedure," she said regarding the support received from the Helsinki Committee for Human Rights.*

When asked specifically about the 'before and after treatment', 8% in 2018 and 9% in 2021 stated that they had lower pay after they took their leave; one-fifth (22% in 2018 and 2021) thought they had more responsibilities when they returned, and 6% (in 2018 and 2021) said that they had fewer responsibilities. Moreover, 3% (in 2018 and 2021) said they had fewer working hours after their maternity leave, while 8% in 2018 and 4% in 2021 stated that they had more working hours. Unless explicitly requested by the employees, different treatment after maternity leave suggests a form of gender-based discrimination and a violation of workers' labour rights.

## Violations of Rights to Paternity Leave

According to the Law on Labour Relations, fathers may take up to seven days leave, (depending on the collective agreement in different industries and sectors) when they have a new-born or adopted child or children. The Law does not consider this paternity leave, but rather leave for family matters<sup>135</sup> and it is compensated by the employer<sup>136</sup>. Labour legislation does not provide paternity leave as a granted right for employed fathers (or partners), as is the case for maternity leave.<sup>137</sup> Fathers can use paid leave only if mothers are unable to take their maternity leave, or decide to grant their right to maternity leave to fathers (their partners).<sup>138</sup>

The online survey also explored attitudes towards paternity leave and actual experiences. Regarding attitudes, the distributions of answer are similar in 2018 and 2021. However, the percentage of men who agreed that men should have more paid time off for paternity leave has decreased from 67% in 2018 to 54% in 2021. Consequently, the percentage of men who are reserved or neutral (19% in 2018 and 27% in 2021) and those who are against (13% in 2018 and 19% in 2021) has increased slightly. Again, considering the sample sizes and the non-probability sampling, this difference could be attributed to sampling error and not describe an actual shift in attitudes. In any case, consistently a majority of surveyed men have supported the idea of men having more paid paternity leave, which suggests rather widespread support for legal changes in line with the EU Work-Life Balance Directive.

Contemplating the possibility of receiving paternity leave, approximately half of the employed men in the sample did not know if their employer would allow them to take paternity leave (48% in 2018 and 53% in 2021). Meanwhile, the other half of the participants was split; 24% in 2018 and 30% in 2021 thought that they could receive paid paternity leave, whereas 22% in 2018 and 15% in 2021 were convinced that they would not be allowed to take it. A few respondents (5% in 2018 and 2% in 2021) stated that they could have paternity leave, but that it would be unpaid.

Regarding actual experiences, both in 2018 and 2021, the samples of men who had a new-born child while employed is too small to be indicative (41 in 2018 and 13 in 2021). Nonetheless, the results suggested that the majority (80% in 2018 and 85% in 2021) received at least one day off when their child was born.

---

135 Law on Labour Relations, Official Gazette 62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 149/2009, 50/2010, 52/2010, 124/2010, 47/2011, 11/2012, 39/2012, 13/2013, 25/2013, 170/2013, 187/2013, 113/2014, 20/2015, 33/2015, 72/2015, 129/2015, 27/2016; Constitutional Court Decisions: U.no 139/2005, U.no 161/2005, U.no 134/2005, U.no 187/2005, U.no 111/2006, U.no 188/2006, U.no 170/2006, U.no 200/2008, U.no 20/2009, U.no 176/2009, U.no 263/2009, U.no 62/2013, U.no114/2014.

136 Whereas, for mothers, maternity leave is compensated by the Health Insurance Fund.

137 Ibid.

138 Ibid.

## Sexual Harassment at Work

The online survey explored the pervasiveness of sexual harassment as a form of gender-based discrimination at work, the incidence of different forms, the share of reported experiences and the attributes of the 'typical perpetrator', such as work position asymmetries (power relations) and gender.

In 2018, nearly half of the women respondents (47%) and 44% of men respondents reported that they have been subjected to sexual harassment at work. In 2021, similar percentages were observed: 44% of women and 41% of men had experienced at least one of the listed forms of sexual harassment at work. Although this suggests that women and men in the sample were equally vulnerable to sexual harassment, it is important to note that the first sub question can be interpreted as relating to experience with witnessing sexual gestures, jokes, or sounds rather than experiencing this type of harassment first-hand. Both men and women have witnessed sexual gestures, jokes, or sounds made by other colleagues (41% in both years). When all the other listed forms (except sexual gestures ect.) are considered for example in 2021, 23% of women and 12% of men have experienced at least one of them. Survey data indicated that women have been exposed to different forms of sexual harassment at work more often than have men. The qualitative analysis of respondents' answers also suggested that women have been treated as sexual objects at work.

*In an ocean type office, with many colleagues, seating two meters apart from me, a male colleague stared at me saying that he masturbates and that he wants to fuck. (Women, 39, Urban)*

*While I was working in my office, one of the superiors came and started cuddling me, asking me when he and I will arrange a meeting without anyone knowing, saying that something might happen after that. I said there is no need for that, and I left the office angry. (Women, 29, Urban)*

As Figure 13 illustrates, more women than men had received emails or text messages of a sexual nature from colleague or superior; had been subjected to inappropriate touching, such as their bottom or breasts; and had received a proposal for sexual relations from a colleague or superior. Although the percentages are small, an intriguingly similar percentage of men and women said that they were forced to have sex by a colleague or superior.

Please indicate if the following has ever happened to you at work:

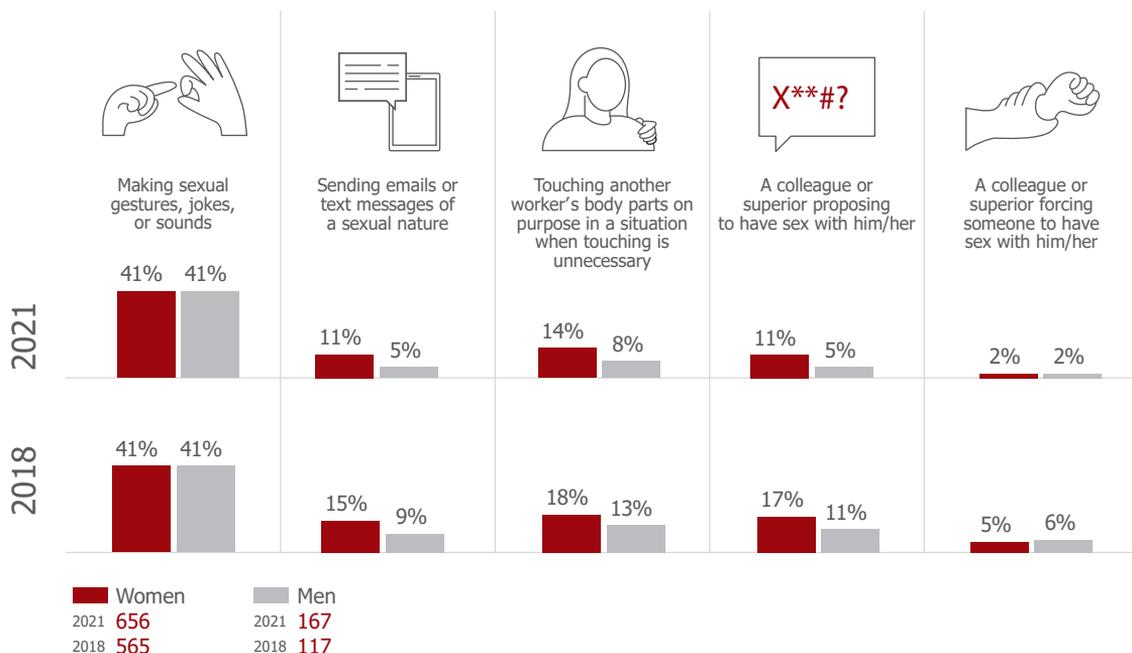


Figure 13. Forms of sexual harassment experienced at work, by gender (2018 women = 565, men = 117; 2021 women = 656, men = 167)

As presented in Figure 14, data from 2018 and 2021 suggested that women have suffered sexual harassment at work mostly from men perpetrators. Of the women who were victims of sexual harassment at work, 77% in 2018 and 76% in 2021 stated that the perpetrators were only men. The rest of the survivors had experienced harassment from both men and women (13% in 2018 and 18% in 2021) or only from women (10% in 2018 and 5% in 2021)

The sample of men subjected to sexual harassment at work was comparatively smaller (only 50 participants in 2018 and 69 in 2021). While there is a change in distributions, this could be due to sampling error. In 2018, 40% of these men said that the perpetrator was a woman, while in 2021 the percentage decreased to 28%. The percentage of men who experienced harassment from men increased from 28% in 2018 to 36% in 2021; whereas similar percentages of men experienced sexual harassment from both men and women in 2018 (32%) and 2021 (36%).

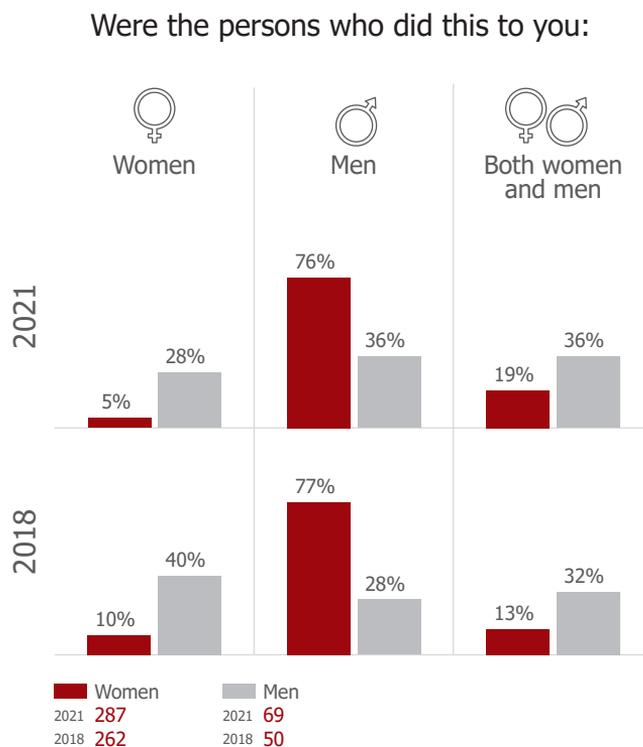


Figure 14. Gender of perpetrators, by the gender of workers who experienced sexual harassment (2018 women = 262, men = 50; 2021 women = 287, men = 69)

When asked about the position of perpetrators, similar distributions of answers existed in 2018 and 2021, with the majority being harassed by perpetrators employed at a higher level than the survivors. This implies that power asymmetries at work are inherent to sexual harassment. However, a significant percentage of participants experienced sexual harassment from a colleague at the same level of the hierarchy or from a perpetrator who was employed at a lower position than them. Interestingly, in 2018 a comparably larger percentage of men were harassed by persons in lower positions than them (12% of women, 26% of men), while in 2021 the difference decreased though it was still present.

Were the persons who did this in (please check all that apply):

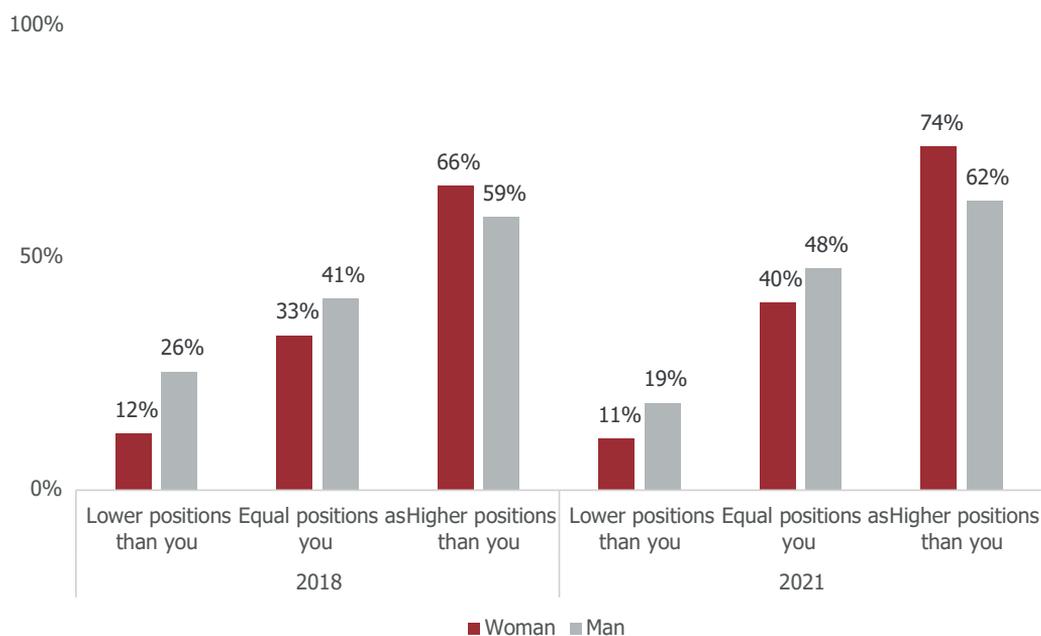


Figure 15. Position of perpetrators by gender of workers who experienced sexual harassment (2018 women = 264, men = 51; 2021 women = 151, men = 20)

The sample of women and men who suffered sexual harassment and told someone about their experience is relatively small to be indicative. However, of the women who suffered sexual harassment at work, 43% in 2018 and 35% in 2021 did not share or report the experience; both years, nearly a third told a friend or acquaintance; and every fifth woman in 2018 and every fourth in 2021 shared the experience with a family member. A smaller percentage reported the experience to a more formal instance: every tenth told their manager; 4% in 2018 and 6% in 2021 used an official reporting mechanism at their workplace; and 1% informed police in both years.

Although the sample of men participants who experienced sexual harassment was too small for inferring gender-based differences, a comparably larger percentage of men did not report or share their experience (in 2018 43% of women compared to 57% of men; in 2021 35% of women compared to 58% of men).

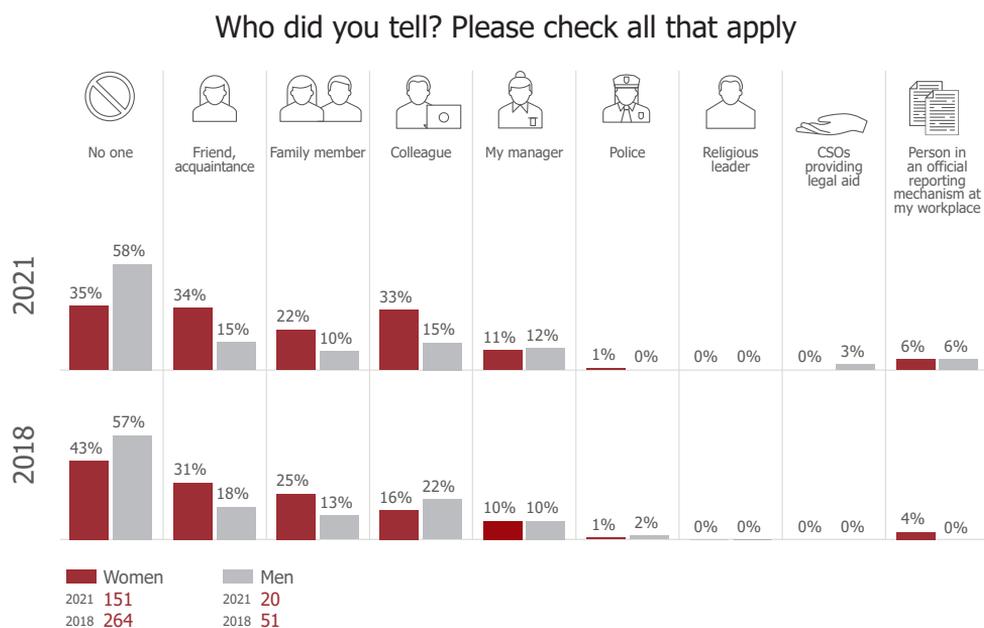


Figure 16. With whom did they share experiences of sexual harassment, by gender (2018 women = 264, men = 51; 2021 women = 151, men = 20)

Both in 2018 and 2021 the most frequently stated reason as to why people did not report sexual harassment was that they thought harassment should be handled privately, by themselves (44% in 2018 and 52% in 2021). Notably, every fourth woman (26%) in 2018 and every fifth woman (22%) in 2021 did not report their experience of sexual harassment because she was ashamed; and every fifth (22%) in 2018 and every fourth (26%) in 2021 did not report it out of fear of losing her job.

In conclusion, survey findings suggest that women are more often exposed to different forms of sexual harassment at work than are men. Perpetrators have tended to be men colleagues in higher-ranking work positions (positions of power). Fewer than half of the women who suffered sexual harassment have reported these violations to relevant instances largely because harassment continues to be seen as a private or shameful issue, or due to fear of job loss.

## Labour Unions

Asked about workers' unions in Macedonia, nearly half i.e. 49% in 2018 and 39% in 2021 think that there are not any that represents their interest and 29% in 2018 and 31 in 2021 do not know if they exist. Comparably larger percentage of men think that there are not any workers' unions that represent their interest while comparably larger percentage of women do not know if in Macedonia exist workers' unions that could represent their interests although we could not generalize this conclusion beyond the survey sample.

Do any workers' unions exist, which could represent your interests, by Gender

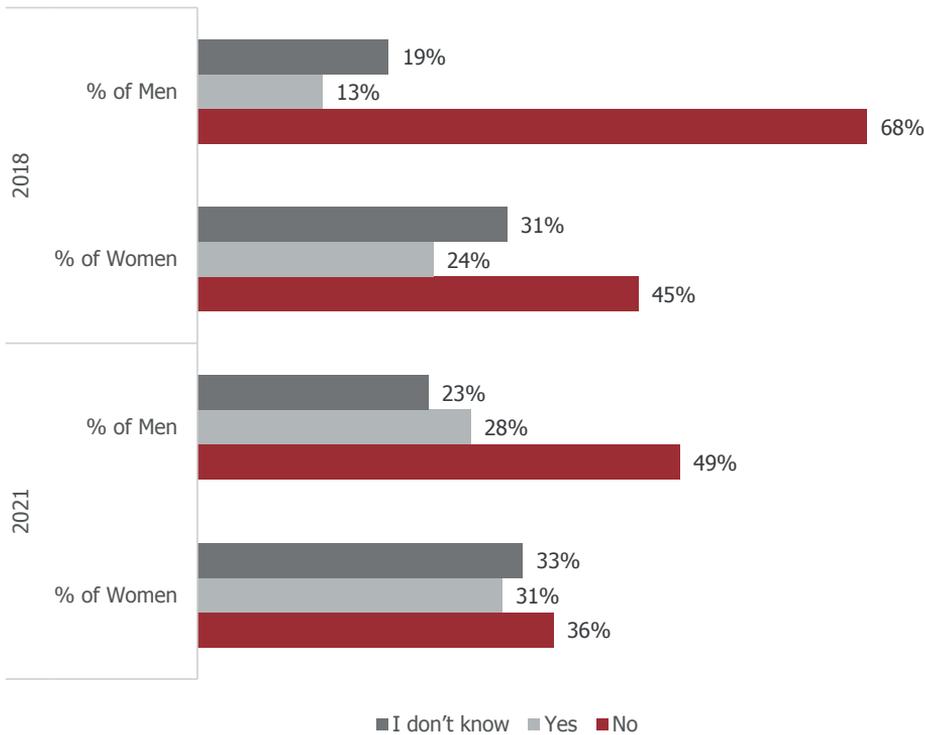


Figure 17. Knowledge on workers' unions (2018 women = 698, men = 184; 2021 women = 624, men = 134)

Although significant portion of the workers in the sample do not know if workers' unions exist or think that there are not any that represent their interest, 34% in 2018 and 40% in 2021 are members in a workers' union.

How well do you feel that your workers' union represents your interests, by Gender

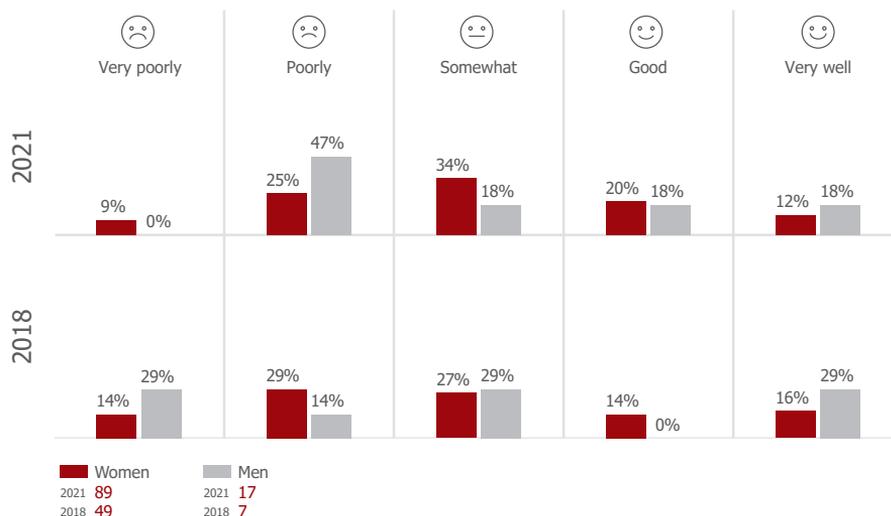


Figure 18. Attitudes toward workers' union, by gender (2018 women = 49, men = 7; 2021 women = 89, men = 17).

Asked about their attitude towards workers' union, 43% in 2018 and 36% in 2021 think that workers' unions represent poorly or very poorly their interests, while 30% in 2018 and 33% in 2021 think that they represent well or very well their interests.

## Gender-based discrimination and Workers' Rights amid COVID-19

The 2021 online survey included a section on the effects of the COVID-19 crisis, covering occupational safety, job losses, reasons for layoffs, the effects of lockdowns and remote working on work-life balance, salary reductions and general violations of workers' rights. From the surveyed who were employed, 8% (8% of women, 7% of men) lost their jobs because of the COVID-19 crisis. In most cases, workers lost their jobs because of general layoffs of all workers or because their employment contract was not renewed.

### Case 3

In June 2020, a woman worker employed in the textile industry informed the Helsinki Committee for Human Rights of North Macedonia, that as a mother of children under 10 years of age, in accordance with the Governmental measure, she had been released from work. However, because she was using the governmental measure, the employer reduced her salary in April and May to only 50% of the total salary. Therefore, she was paid only 7,500 denars (approximately 120 euros), which is below the minimum wage and far from sufficient for the worker's everyday costs, considering that she lives in a four-member household with two children.

The Helsinki Committee for Human Rights of North Macedonia in July 2020 submitted a complaint to the State Labour Inspectorate. After conducting an inspection, the Inspectorate found irregularities in the employer's work and ordered him to pay the employee the full amount of salary. This was paid to the employee.

*"With the Helsinki Committee's help the employer paid me the full amount of my salary for the months when I had to stay at home and take care of my child."*

### Case 4

A pregnant textile worker who wanted to realise her right to be released from work obligations according to the temporary measures adopted by the Government was pressured by her employer to return to work. In addition, she was paid less than the minimum wage.

*"I'm seven months pregnant. Yet, my boss forces me to work throughout the pandemic, despite the fact that it puts the baby and myself in danger. I am paid less than the minimum wage."*

She asked for free legal aid from the Association Loud Textile Worker, and the legal team filed a complaint with the State Labour Inspectorate.

Following the submitted requests for extraordinary inspection, the state Labour Inspectorate visited the legal subject and found irregularities. The state Labour Inspectorate Issued a decision ordering the employer to pay the difference in salary and the employers acted upon the instructions of the state Labour Inspectorate.

However, in some cases workers were pressured to quit or were fired because they had to take care of their children due to school and kindergarten closures. Alarmingly, some workers who did not have formal employment, such as those with no employment contract, were dismissed without notice; their employers simply told them to stop the work they were doing. Unfortunately, due to sampling, the survey data does not allow us to conclude gender-based differences although report form CSOs who offer free legal aid suggest that women workers were more prone to experience this kind of violations.

The Employment Agency has granted unemployment benefits, and governmental relief measures tried to relax eligibility conditions for workers to qualify for such relief. However, workers who “voluntarily” resigned, like those pressured by their employers and workers with non-standard employment (i.e., without contracts), have not been entitled to any unemployment benefits. Therefore, they have been left unprotected during COVID-19. There is some evidence that women were more vulnerable to these violations.

If you lost your job as a result of COVID-19, what were the named reason(s)? Please check all that apply.

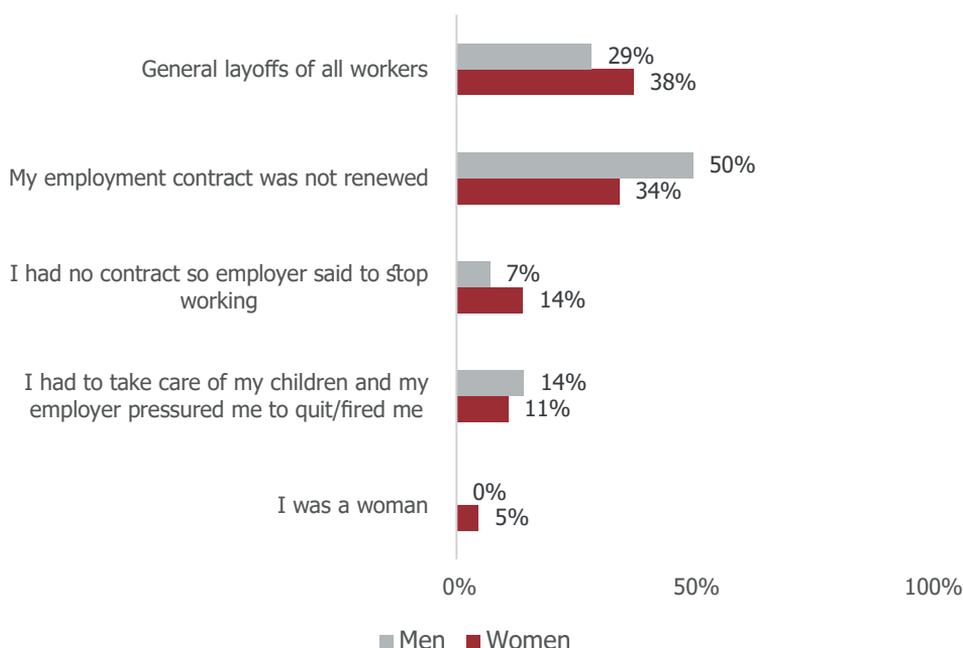


Figure 19. Among those who lost their job, the named reasons, by gender (2021 women = 64, men = 14)

From the surveyed workers, 21% said that their salary was decreased as a result of COVID-19. Persons employed in the public sector (7%) and in civil society (8%) were less affected by salary reductions than persons employed in the private sector, of which 31% reported decreased salaries due to COVID-19. Persons working with employment contracts that lasted less than six months also seemed more vulnerable, as 40% of them reported decreased salaries due to COVID-19.

COVID-19 posed severe risks to workers' health and occupational safety. Employers were obliged to respect protection measures and to provide the necessary conditions for workers' safety. However, every fifth working survey participant (21%) said that their employer did not provide masks, gloves, hand sanitiser and/or other protection measures against COVID-19; and every third (32%) said that their employer only sometimes supplied these.

Did your employer provide a mask, gloves, hand sanitizers and other protection measures against COVID-19?

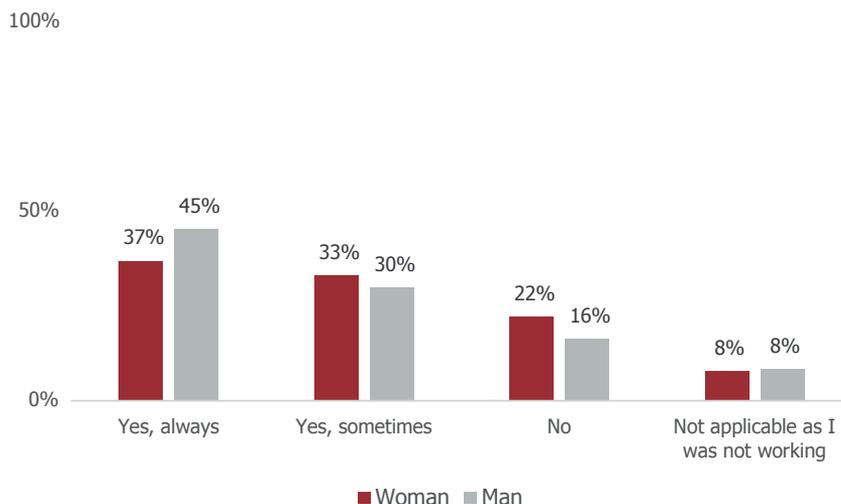


Figure 20. Workers' perceptions about employers' compliance with protection measures, by gender (2021 women = 722, men = 190)

Only half of the surveyed answered that they qualified for the Government's relief measures. Among those who qualified, 7% of women and 4% of men experienced violations of their right to use paid leave for a parent of a child age 10 or under; 2% of women and 4% of men were not paid financial support for social security contributions or salaries, though their employer received these from the Government; 3% of women and 2% of men experienced violations of their right to monetary compensation from the Employment Agency for citizens who lost their jobs;

Of the Government's relief measures related to COVID-19, have you been DENIED the right to any of the following (meaning you didn't receive the benefit)?

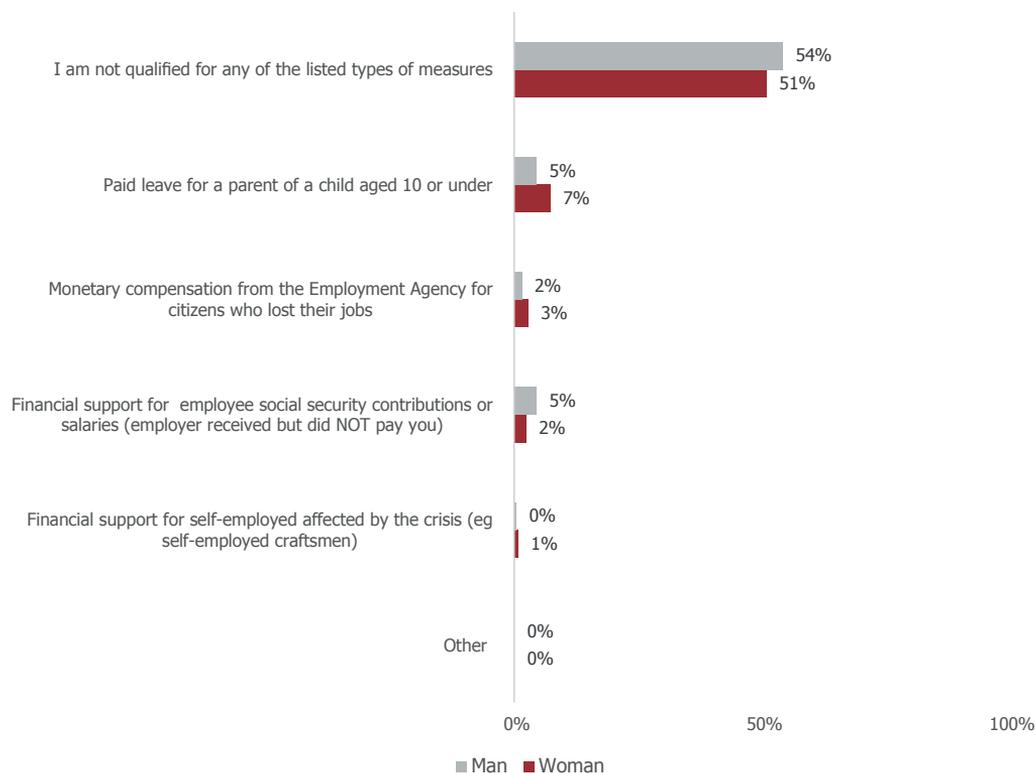


Figure 21. Workers who experienced violations of their right to a Government relief measure, by gender (2021 women = 1026, men = 269)

Of the employed, 27% reported not being able to work because their workplace was closed due to isolation or other measures related to COVID-19. Nearly every fifth (17%) reported that their workplace was closed more than a month.

During COVID-19, for how long were you not working at home or your workplace because your workplace was closed due to isolation or other measures?

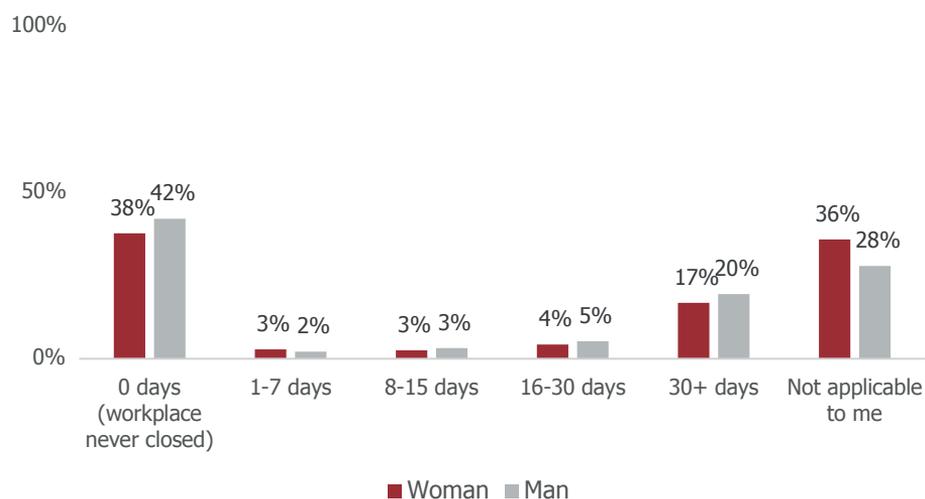


Figure 22. Workers who experienced workplace closures due to COVID-19, by gender (2021 women = 721, men = 190)

The closure of work facilities had a direct impact on workers' salaries, and 45% of the surveyed workers were not paid at their actual salary during the closure; more specifically, 10% were not paid at all, while 35% were paid at a reduced salary. A significant difference existed between the private sector where 70% of the surveyed were not paid their actual salary, and the public sector where 11% were not paid the actual salary, or civil society where 20% were not paid.

During this period, how were you compensated if at all?

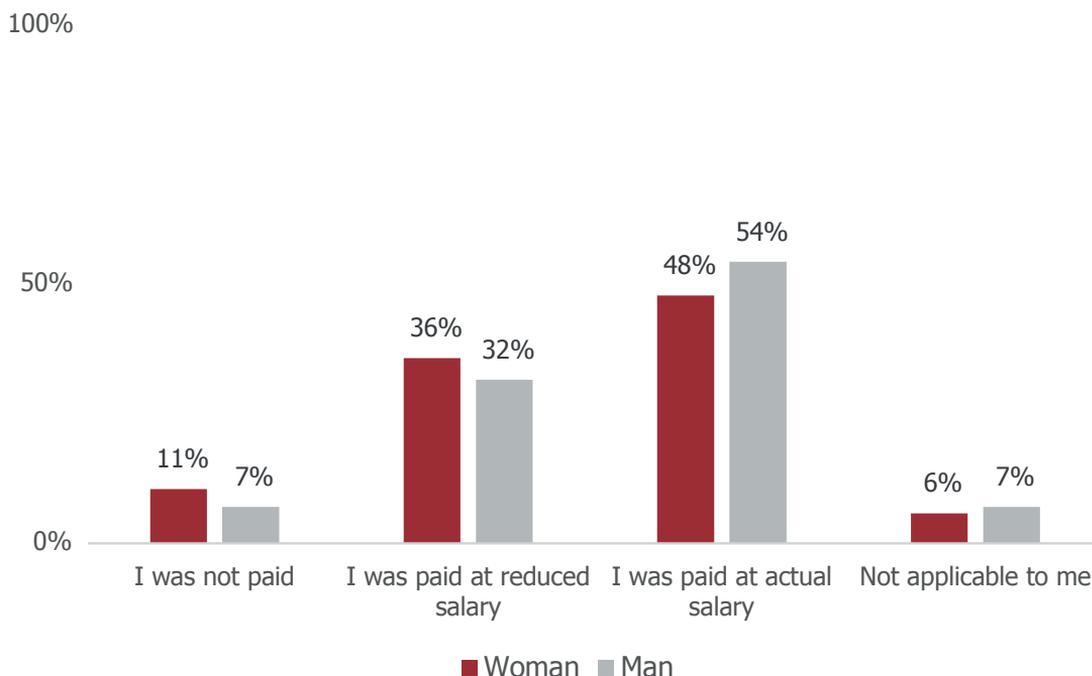


Figure 23. Distributions of workers by type of compensation received during workplace closures, by gender (2021 women = 190, men = 57)

Remote work or work from home was part of the new reality imposed by the COVID-19 crisis. Of the surveyed workers, 54% were allowed to work from home. Here too a significant difference existed between the private sector, where 46% of respondents were allowed to work from home, compared to the public sector, where 62% and civil society, where 94% of those employed could work from home.

Since the COVID-19 outbreak, has your employer allowed you to work from home?

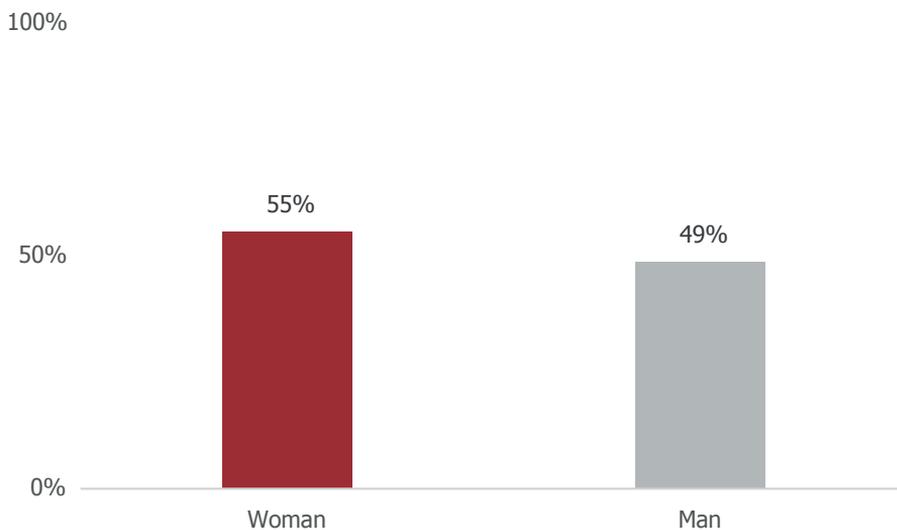


Figure 24. Workers who were allowed to work from home during COVID-19, by gender (2021 women = 863, men = 217)

During COVID-19, the most often reported challenges to balancing personal and work life related to caring responsibilities and stress. Survey participants also reported difficulties related to working from home (e.g., living and working in a small space with others). Men seem far more likely to report that they did not experience any challenges, compared to women. Whereas more women than men seem to have experienced challenges related to care responsibilities, difficulties balancing private and professional life (difficulties going offline, living and working in small spaces) and stress.

During COVID-19, what challenges did you face in balancing your personal and work life, if any? (Please check all that apply)

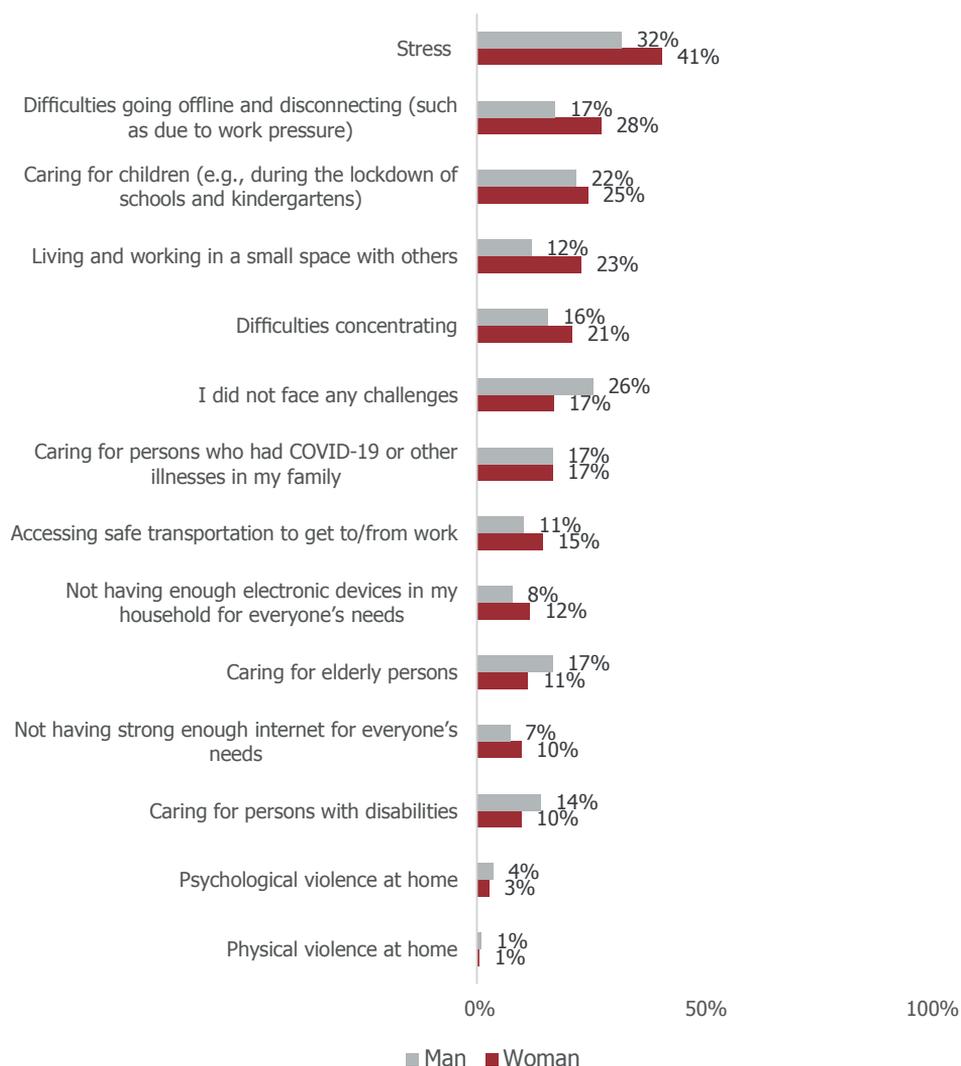


Figure 25. Distribution of workers by challenges faced in balancing personal and work life, by gender (2021 women = 720, men = 190)

A fourth (25%) of the working survey participants had COVID-19, and most (87%) were allowed to take off work when they had the virus. Although the sample is small, notably 71% of those who did not have an employment contract were allowed to take off work compared to 91% of those who had a contract. From those who were allowed to take off days because of COVID-19, 78% took 11 to 30 days off from work, and for half of these cases it was treated as fully paid medical leave. The samples are not representative, but surveyed women (20%) were more likely than men (5%) to have partially paid medical leave, whereas men (20%) were more likely to take annual vacation days than women (9%) to cover their absence because they had COVID-19.

How did your employer treat your leave related to COVID-19? (please select all that apply)

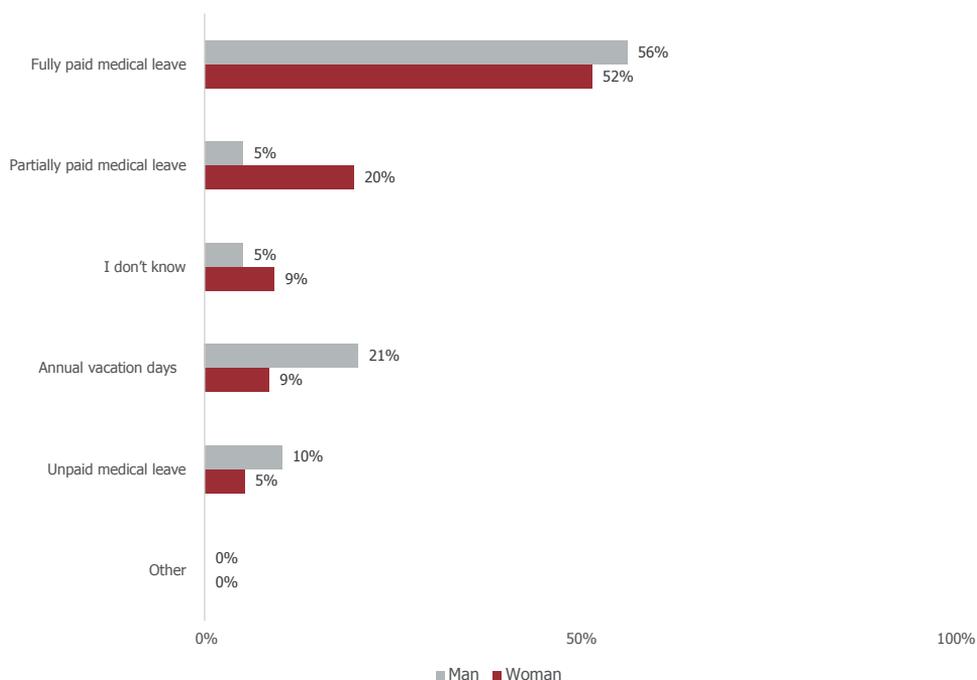


Figure 26. Workers who took leave related to COVID-19, by gender (women = 151, men = 39)

## Conclusion

Survey findings from 2021 corroborate conclusions from 2018. The anonymous experiences shared in the online survey show that sexism and gender stereotypes appear to fuel the gender-based discrimination that women face in hiring, in promotion and in general in the workplace. Most women reported that they had experienced job interview questions that might imply discrimination, most commonly related to marriage and parenting status or future plans for starting a family. Pregnancy remains a risky career move, and women often have been forced to choose between having paid employment or caring for children. This is in line with official statistics that show a large gender gap in activity rates because of reasons related to care, and an increase in the employment rate gap between women and men who are parents of children younger than 6 years old.

While less widespread, men may also face discrimination in hiring and in workplace responsibilities as a result of traditional gender stereotypes regarding appropriate careers for men and men's assumed physical strength. When men believed they had faced discrimination because women were promoted or received "privileged" treatment, sexual objectification or harassment of the "privileged" woman co-worker was implied.

Working women have continued to face sexual harassment at work. Perpetrators have tended to be men in higher-ranking work positions, which implies that power asymmetries are inherent to sexual harassment at work. Some men also reported facing sexual harassment at work but those men suffered harassment from men as well from women.

Alarming, survey findings suggest that although prevalent, gender-based discrimination remains largely unreported. Most women (85% in 2018 and 86% in 2021) who said they had experienced discrimination did not contact representatives from the legally available mechanisms for protection against discrimination. Only 5% contacted the Labour Inspectorate, and fewer than 5% contacted other institutions or mechanisms in both years.

Regarding other workers' rights violations, both surveys implied that a significant minority of workers worked without contracts or had contracts lasting three months or less. This has placed them in a precarious position of being fired when the employer no longer requires their services. A significant minority of workers also suspected that their employer was not declaring the full amount of their salaries to the authorities, which could have negative implications for their pensions later in life; or/and they have been asked to return part of their salary to the employer. Both the 2018 and 2021 surveys suggested that these violations occur more often in the private sector. Alarming, workers in the lowest pay range have been significantly more affected.

The COVID-19 pandemic-induced crisis significantly affected workers. Significant evidence exists of violations of workers' rights. Nearly every tenth lost her/his job and every fifth reported that her/his salary was decreased as a result of COVID-19. The closure of work facilities had a severe effect on workers' salaries, and 45% of the surveyed workers were not paid at their actual salary during the closure. Closures of schools and kindergartens coupled with the "new" reality of working from home, challenged the balancing of

personal and professional life; workers faced the stress of juggling care responsibilities with work schedules, and also faced difficulties related to working from home.

Workers' health also was at risk, as every fifth surveyed worker said that their employer did not provide masks, gloves, hand sanitizer and other protection measures against COVID-19. Every third said that their employer only sometimes supplied these required means for protection.

In conclusion, both the 2018 and 2021 survey findings have confirmed that gender-based discrimination and workers' rights violations remain pervasive, but also unreported or underreported to relevant institutions and mechanisms.

# THE INSTITUTIONAL RESPONSE TO GENDER-BASED DISCRIMINATION IN LABOUR

This chapter analyses the institutional response to gender-based discrimination in labour. It examines the knowledge, awareness, attitudes, experiences, and treatment of gender-based discrimination cases by relevant institutions. Ten interviews were conducted with representatives from the main institutions and organisations engaged in addressing gender-based discrimination in labour in North Macedonia. The chapter is organised by responsible institution including the Ombudsperson, the Commission for Prevention and Protection against Discrimination, the State Labour Inspectorate and Civil Courts. Civil society organisations (CSOs), trade unions and employers' associations work towards addressing gender-based discrimination related to labour is discussed as well.

## THE OMBUDSPERSON INSTITUTION

The Ombudsperson is an independent institution, established for the purpose of promoting and protecting individual and citizens' constitutional and legal rights, particularly in cases when state administration bodies, local self-government units or other public institutions and agencies potentially violated rights.<sup>139</sup> This institution has a special department dedicated to non-discrimination and adequate and equitable representation. When a right has been infringed upon by national authorities, including cases of gender-based discrimination at work, the Ombudsperson Institution has a mandate to investigate, give recommendations, initiate disciplinary proceedings against an official, and submit a request to the Public Prosecutor's Office when there is reasonable suspicion that a criminal act has been committed.

The interviewed representative from the Ombudsperson Institution was quite knowledgeable about the legal framework and his responsibilities regarding gender-based discrimination. The interviewee observed that only one person is in the department for non-discrimination. Therefore, he considered that the institution lacks human resources to properly carry out its mandate and hold institutions accountable for violations.

*We follow the actions that are in our hands when it comes to gender-based discrimination or any discrimination. However, we have little power to hold institutions accountable.* – Representative from the Ombudsperson Institution

Very few cases of gender-based discrimination in the public sector have been reported to the Ombudsperson in the past three years. The interviewee thought that one reason for not receiving complaints may be the lengthy process that this institution requires. As

---

<sup>139</sup> Law on the Ombudsperson, Official Gazette of the Republic of Macedonia No. 60/03, 114/09, 181/16 and 35/18. Art. 2.

the interviewed representative observed, the procedure could sometimes last up to six months. The complaints received by the Ombudsperson in the past three years mainly dealt with discrimination in promotion, faced by women, and maternity leave violations. Even if it was not explicitly identified as such by the respondent, from the responses given, there were indications that the Ombudsperson Institution also has dealt with cases of intersectional discrimination affecting Roma women and women of other ethnic minorities. According to the Law on Prevention and Protection against Discrimination (Anti-discrimination Law, ADL), intersectional discrimination is defined as a grave form of discrimination. Further, the Ombudsperson Institution representative indicated that almost all reported cases of gender-based discrimination in the workplace in the public sector came from the Ministry of Interior.

*Almost all the complaints come from the police services. What is worrying is that we see that in instances where their own mechanisms must step up and protect women, they do not. It seems that they do not understand discrimination.* – Representative from the Ombudsperson Institution In 2020, the Ombudsperson Institution received 62 petitions in the area of non-discrimination and adequate and equitable representation, only two petitions more than 2019.<sup>140</sup> Most of these cases involved discrimination at work.<sup>141</sup> Even though the Ombudsperson Institution records data based on the area of discrimination as per the ADL, the Annual Report for 2020 did not contain any statistical data presented in line with the discriminatory grounds under Article 5 of the ADL. Therefore, there was no way to assess how many of these petitions received by the Ombudsperson Institution were related to gender-based discrimination at work.

Some CSO interviewees mentioned a recent trend in positive outcomes from cases presented to the Ombudsperson Institution. The respondents from CSOs considered the Ombudsperson a solid, out-of-court alternative to costly court procedures; cases brought to court are accompanied by the risk of paying the defendant's legal expenses if the judgement is in their favour. One CSO representative suggested a way in which the Ombudsperson could intervene, even in cases of gender-based discrimination in the private sector: when a gender-based discrimination complaint is lodged to the Labour Inspectorate - a state institution, the Ombudsperson Institution may get involved and follow the case by monitoring the work of the labour inspectors. Nevertheless, some of the participants believed that both the Ombudsperson and the Labour Inspectorate have a long way to go in order to be able to recognise cases of gender-based discrimination in the workplace as such.

## **COMMISSION FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION**

The Commission for Prevention and Protection Against Discrimination (CPPD) is an autonomous and independent body, with an equality mandate in both the public and the private sphere. The CPPD has a mandate to undertake activities for promotion,

---

140 Ombudsperson (2021). Annual Report on the Degree of Provision, Respect, Advancement and Protection of Human Rights and Freedoms 2020. Available at: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2020/GI-2020.pdf>.

141 Ibid.

prevention and protection regarding equality, human rights and non-discrimination, as well as to initiate *ex officio* proceedings for protection against discrimination and issue opinions and recommendations on the implementation of the ADL.<sup>142</sup> The CPPD also has the right to initiate and appear as an intervener in court proceedings for protection against discrimination.<sup>143</sup>

The representative of the CPPD was very knowledgeable and informed about gender-based discrimination. However, his expertise was based on his previous work experience in a CSO that provides free legal aid in North Macedonia. At the time of the interview, the newly formed CPPD was “one month old” and had received only one complaint. Further, based on the lack of institutional memory, the interviewee could not comment on established practices of the previous equality body, the Commission for Protection Against Discrimination (CPAD).

The interviewed member of the CPPD suggested that the legal framework on gender-based discrimination is mostly complete, as the new ADL clearly recognises gender discrimination and intersectional discrimination with gender as one of the discriminatory grounds. Nevertheless, they pointed out the lack of harmonisation between the ADL and other laws which are part of the non-discrimination legal framework. These inconsistencies, in his opinion, often promote systemic discrimination. All laws containing provisions relating to the prevention and protection against discrimination must be harmonised with the new ADL within two years upon its entry into force.<sup>144</sup> One of the examples used by the interviewee was the Law on Labour Relations which does not protect pregnant workers and workers on parental leave with fixed-term employment contracts. The Labour Relations Law contains a ban on termination due to pregnancy, childbirth, and parenthood. However, the ban does not prevent the termination of a fixed-term employment contract, with the expiration of the time for which the contract has been concluded.<sup>145</sup>

*The non-extension of fixed-term contracts of pregnant workers is “legal” in terms of the existing Labour Law, although it’s a clear case of discrimination if a pregnant worker loses her job because her employment contract was not extended just because she is pregnant. – CPPD representative.*

The interviewee discussed cases of fired pregnant workers, pointing out that, thus far, there is only one court verdict where the employer was found guilty. The respondent also highlighted that, to date, there is no precedent for a case in front of any relevant institution for the violation of “equal pay for equal work” and “equal pay for work of equal value”, which are forms of gender-based discrimination recognised by the EU. The CPPD representative suggested that there is a lot of room for improvement in terms of systemic sanctioning of gender-based discrimination.

---

142 Law for Prevention and Protection against Discrimination, Official Gazette of the Republic of North Macedonia No. 258/2020. Art. 21.

143 Ibid.

144 Ibid. Art. 48.

145 Labour Relations Law, Official Gazette of the Republic of Macedonia Np. 62/05, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16, 120/18 and Official Gazette of the Republic of North Macedonia No. 110/19, 267/20 and 151/21. Art. 101, paragraph 3.

As the respondent observed, the CPPD does not have an overview of how many legal proceedings for gender-based discrimination at work are initiated in front of civil courts. The reason is that the Automated Court Case Management Information System (ACCMIS) logs cases of gender-based discrimination as labour disputes with a code for labour relations and not as cases of discrimination.

Regarding data collection and management, according to the new ADL, the CPPD has a legal obligation not only to collect disaggregated data, but also to publish quarterly reports. The Commissioner shared that, in the new act on systematisation of the administrative service of the CPPD, it is foreseen that one worker shall be responsible for collecting and publishing disaggregated data on processed cases of discrimination. The National Coordinative Body for Protection and Prevention against Discrimination, an intersectoral body constituted of representatives from national institutions, members of the CPPD and CSOs, has prepared a methodology for data collection on discrimination by all state administrative bodies. This unified approach to data collection, as the CPPD representative noted, should enable the CPPD to have more comprehensive insight and to follow discrimination trends, including when and where discrimination happens and what could be done to address it.

## STATE LABOUR INSPECTORATE

The State Labour Inspectorate (SLI) is a body within the Ministry of Labour and Social Policy. The SLI carries out inspections and supervises the application of laws and other regulations on labour relations, as well as on the application of collective agreements, employment contracts and other acts regulating rights and responsibilities of workers and employers.<sup>146</sup> Inspection and supervision are carried out by labour inspectors.<sup>147</sup> The labour inspectors are authorised to enter the premises of the employer at any time during the day or at night, inspect the workplace, take statements from workers, give oral or written orders, temporarily seize documents, point out determined irregularities and set a time limit for their elimination, prohibit the operations of the employer, as well as initiate misdemeanour proceedings.<sup>148</sup> The inspector is obliged to act upon each submitted request and to inform in writing the person who has submitted it of the situation found.<sup>149</sup>

The interviewed labour inspectors were somewhat knowledgeable regarding the legal framework on gender-based discrimination and their legal mandate. When discussing the legislation, respondents tended to focus their answers on the Law on Labour Relations, disregarding the ADL as the law governing the specific subject matter of discrimination (*lex specialis*). One respondent considered that there is no legal framework that protects workers specifically from discrimination based on gender.

*In terms of gender-based discrimination, strictly said, there is no legal framework for protection, meaning that gender discrimination has been incorporated under general discrimination as a wider scope, leaving each individual case on the inspectors to judge*

146 Law on Labour Inspection, Official Gazette of the Republic of Macedonia No. 35/97, 29/02, 36/11, 164/13, 44/14, 33/15, 147/15 and 21/18. Art. 1 and 3.

147 Ibid. Art. 5.

148 Ibid. Art. 10, 11, 17 and 20.

149 Ibid. Art 16.

*if the case should be classified as such.* – Labour inspector

The interviewed representative of the CPPD expressed his concern that some institutions, like the SLI, have limited knowledge regarding their legal mandate related to gender-based discrimination.

*When you mention gender-based discrimination in labour relations, it's unclear to some [regional representatives of the SLI], although the existing Labour Law contains several articles referring to discrimination.* – CPPD representative

Labour inspectors suggested that the Labour Law should offer further protection to pregnant workers with fixed-term employment contracts. They noted that women are protected against discrimination during pregnancy, birth and maternity. However, if a woman's fixed-term contract expires during pregnancy or maternity leave, in their experience, the employer often terminates the employment by not extending or renewing the contract.

Interviewed labour inspectors shared that they found it difficult to differentiate gender-based discrimination from violations of labour rights in general. One respondent observed that gender-based discrimination exists, but it is difficult to prove, and it is usually equated with labour rights violations.

The SLI does not record cases of gender-based discrimination separately; cases are processed only in terms of whether women's labour rights were violated. Therefore, it is difficult to assess the number of such cases reported to or treated by the SLI.

*We do not have cases where formally we had found gender-based discrimination because we process cases in terms of whether women's labour rights were violated or not, for example termination of employment, reassignment to another position, shortening of working hours etc.* – Labour inspector

Labour inspectors thought that very few discrimination cases have been reported for several reasons: lack of trust in institutions, insufficient finances, and lack of awareness on this issue. They noted that workers are not informed about their rights, and, by the time they recognise the violation, it is too late for the labour inspectors to act because of the legally foreseen deadlines.

Some of the interviewed labour inspectors thought that, in some cases, they could not hold employers accountable. They shared an example where if an employer does not pay the salary of the worker, the labour inspector could initiate a misdemeanour procedure and a fine would be imposed; however, the worker must initiate a separate civil court procedure in order to get their unpaid salary.

## CIVIL COURTS

Basic courts in North Macedonia are established to serve one or several municipalities, as courts with basic competence and courts with expanded competence.<sup>150</sup> Basic courts rule in the first instance, and their work is conducted by specialised court divisions.<sup>151</sup> These specialised court divisions are established depending on the type of court and workload, generally in criminal law, juvenile crime, civil law, commercial law and labour relations.<sup>152</sup>

Interviewed judges stated they had little to no experience with cases of gender-based discrimination in the workplace. One of the respondents explained that they had only worked on two cases of discrimination at work in their entire career. Both cases mentioned by this respondent were adjudicated more than ten years ago. In those particular cases, the plaintiffs were women, and the defendants were men, and both cases were concluded with a judgement in favour of the defendant. Although the interviewees had substantial knowledge of the legislation in general, the lack of court proceedings on gender-based discrimination presumably affects the familiarity of judges with the relevant and current legislative framework on discrimination. One of the interviewed court representatives could not identify any act that would constitute gender-based discrimination at work.

*Our job is related to reviewing the legal framework depending on the cases that have been assigned. If there is no case, there is not enough time to review legislation, other than that necessary for assigned cases.* – Civil court judge

One judge stated they had received training on gender-based discrimination organised by the state institution established for delivering professional training to judges and prosecutors called the Academy for Judges and Public Prosecutors, while others have not undergone any training on this topic.

While discussing the possible reasons for the few discrimination cases brought to court, judges noted that, in their experience, it is very difficult to prove that gender-based discrimination occurred in the workplace. A respondent talked about a case where all the witnesses gave statements contrary to the claim of the plaintiff. The judge presumed this was out of fear of repercussions by the employer, or even fear that they might lose their job. Nonetheless, according to both the ADL and the Law on Labour Relations, the burden of proof shifts in discrimination cases.

Regarding people's attitudes towards gender-based discrimination in general, the interviewed judges thought that discrimination is very rarely discussed in North Macedonian society and that people are generally not very knowledgeable about the laws protecting them from discrimination. When talking about discrimination in the workplace, the respondents tended to direct their answers to the prospect of gender-based discrimination in their own institution. The recurring theme was that there was no discrimination by their superiors or any other employee in the court where they were employed and thus there was no need for discussion on this subject amongst their

150 Law on Courts, Official Gazette of the Republic of Macedonia No. 8/06, 62/06, 35/08, 150/10, 83/18, 198/18 and Official Gazette of the Republic of North Macedonia No. 96/19. Art. 23, paragraphs 1 and 2.

151 Ibid. Art. 23, paragraphs 2 and 3.

152 Ibid. Art. 12, paragraph 1.

colleagues. Some judges thought that there was no discrimination in their institution due to the fact that the majority of the employees are women. According to the last official and publicly available data from the Ministry of Information Society and Administration, 62% of the employees in the judiciary in North Macedonia are women.<sup>153</sup>

The opinion of some of the interviewed judges was that, in general, there was room for improvement in data collection and management related to cases involving gender-based discrimination in labour. It was mentioned by several respondents that the courts do not record or label cases specifically as gender-based discrimination in the workplace. The ACCMIS records cases of discrimination in the workplace as labour disputes, with the general code LR (Labour Relations).

*Of course, it [data collection] can always face improvements. For instance, we can label these [gender-based discrimination] cases in a certain way so as to have an easy access to such information in the future. – Civil court judge*

## **Official data on court cases of gender-based discrimination in labour relations**

Freedom of information (FOI) requests for data on discrimination cases were sent to all 28 primary courts both in 2018 and 2021. Gender-disaggregated data on court cases related to gender-based discrimination in labour relations were requested.

The requests sent in 2018 covered a ten-year period from 2008 to 2018 and 16 courts provided responses. The primary court in Skopje 2 sent information that the department for labour disputes in the referenced period evidenced 56 procedures for discrimination related to gender/sex; in eight of them, the court found discrimination, but there was no information on the gender of the plaintiffs and defendants. Further, in the department for labour disputes, five procedures related to discrimination on the basis of pregnancy were initiated; in three of those, the court found discrimination on the basis of pregnancy. The primary court Kavadarci stated that in the referenced period the court found discrimination in three cases (in two of the cases the plaintiff was a man and in one the plaintiff was a woman) but could not confirm whether the discrimination was on the basis of gender and related to labour disputes, though this was clearly requested in the FOI request. The primary court in Stip also had three cases of discrimination in labour relations and in all three cases the plaintiff was a woman. Finally, the primary court of Kumanovo evidenced one case of discrimination related to pregnancy, maternity and parental benefits.

The requests sent in 2021 covered a two-year period from 2018 to 2020. Twelve courts responded. The Primary civil court Skopje had seven cases where the court found discrimination on the basis of gender/sex in labour relations; in four of those cases the plaintiff was a woman and in three the plaintiff was a man. In addition, the court evidenced three cases initiated for discrimination against a woman worker on the basis of pregnancy and in one case the court found discrimination.

<sup>153</sup> Ministry of Information Society and Administration (2021). Report from the Register of Public Sector Employees 2020. Available at: <https://bit.ly/2T3DTxW>.

## CSOS

Many CSOs in North Macedonia work towards addressing gender-based discrimination in labour. Their activities vary, including awareness-raising campaigns, research, advocacy, proposing evidence-based policy alternatives, organising trainings and workshops, monitoring the work of state institutions, as well as providing free legal aid. Currently, 14 CSOs are registered with the Ministry of Justice to provide free primary legal aid,<sup>154</sup> which consists of providing general legal information, general legal advice, assistance with filling forms, assistance with submitting requests for secondary legal aid, writing petitions to the CPPD and to the Ombudsperson, and writing constitutional claims for protection of freedoms and rights of the individual and the citizen.<sup>155</sup>

The civil society sector in North Macedonia proved its resilience amidst the COVID-19 pandemic. During the crisis, CSOs swiftly adapted to the situation and redirected their activities to provide support to their communities, especially to marginalised and vulnerable groups.<sup>156</sup> CSOs continued to provide free legal aid and witnessed gross violations of labour rights, especially in the first two weeks after the state of emergency was declared in North Macedonia; during this period, they registered the largest number of violations of workers' rights.<sup>157</sup> It could be said that the health crisis quickly and inevitably acquired a gender dimension; almost two-thirds of all cases, registered by one of the CSOs providing free legal aid in North Macedonia, were cases of violations of women workers' rights.<sup>158</sup>

Interviewed representatives from the civil society sector were very familiar with the legal framework and could easily point out acts which would constitute gender-based discrimination at work. They were confident in their knowledge and capability to work on cases that address discrimination related to labour. Most respondents believed that the legislation is constantly improving, pointing to the newly adopted Law on Prevention and Protection against Discrimination. One of the main challenges identified by the interviewees was the implementation of the existing laws. They highlighted the need for training public officials who have a mandate to implement the relevant legislation; according to their experience, institutions still register and treat gender-based discrimination only as a violation of labour rights, and not as gender-based discrimination in the workplace.

*We have the law [on Prevention and Protection against Discrimination] now, but it needs to be implemented...we are always talking about the rising need for sensibilization of the people that work on these cases, they need training so that they can address and identify it [gender-based discrimination] appropriately. – CSO representative*

CSOs respondents had extensive experience working on cases of gender-based

154 Ministry of Justice. Register of associations for free legal aid. Available at: <https://www.pravda.gov.mk/bpp>.

155 Law on Free Legal Aid. Official Gazette of the Republic of North Macedonia No.101/19. Art. 6.

156 Civil Society Resource Centre (2020). CSOs' Response to Covid-19. Available at: <https://rcgo.mk/en/news/csos-response-to-covid-19/>.

157 Helsinki Committee for Human Rights (2020). Special report on the situation with human rights during COVID-19. Available at: <https://bit.ly/2UwIUJL>.

158 Ibid.

discrimination at work. One CSO representative shared that they started recording cases of gender-based discrimination separately in March 2020. Since then, their CSO had registered 106 reported cases of discrimination based on gender in the workplace, predominantly in the textile industry. Labour inspectors also corroborated this, noting that violations of women workers rights were more prevalent in the textile industry. Aside from providing free legal aid, some CSOs offer counselling and psychological support to victims in need. The interviewed representatives observed that the victims of gender-based discrimination, in the cases they had worked on, were always women and the perpetrators were mostly men.

A few respondents elaborated some of the gender-based discrimination cases they had worked on. One of the cases discussed involved discrimination against women in promotion. In this case, after submitting a petition to the Ombudsperson, who found gender-based discrimination had occurred, the woman was demoted, and therefore lost the right to a salary allowance. Nonetheless, this encouraged the woman to initiate a procedure against her employer in front of the civil court, which is still in progress.

Another CSO representative talked about a recent case involving a violation of the Government's COVID-19 preventive measures. Namely, on 3 November 2020, the Government adopted a decision for preventive recommendations, temporary measures, protocols, plans and algorithms for protection of the public health.<sup>159</sup> With this decision, among other measures, pregnant women were released from their working duties with physical presence in the workplace until the end of the pandemic.<sup>160</sup> A woman textile worker using this government measure was fired from her job. Supported by the CSO in question, she filed a lawsuit against her employer and won.

Another respondent elaborated on using strategic representation and strategic litigation before civil courts in cases where the fixed-term employment contracts of pregnant women and women on maternity leave were not renewed or extended by their employers. CSOs also have had cases reported to them where women were asked by their employers to sign statements that they will not become pregnant for the following two years from the signature date.

Despite this experience, CSOs still observed that the reporting of cases has remained low. The respondents expressed their views on the reasons for the small number of discrimination cases that are reported or filed by workers. A recurring theme was the lack of trust in institutions, the lack of knowledge of the relevant legal framework protecting them, the inability to recognise what constitutes gender-based discrimination, and the time-consuming and expensive procedures to prove discrimination. The interviewees pointed out that through their activities they try to educate people on gender-based discrimination, as well as about the institutional framework that can protect them. Given the seemingly widespread distrust in public institutions, CSOs have played an important role in encouraging and supporting persons who have experienced discrimination to bring their cases to institutions, where victims may otherwise have hesitated to do so.

---

159 Government of the Republic of North Macedonia. Decision for preventive recommendations, temporary measures, protocols, plans and algorithms for protection of the public health from the infectious disease COVID-19 caused by the virus SARS-CoV-2, cases, and period of use. Official Gazette of the Republic of North Macedonia No.263/2020.

160 Ibid. Art. 13 and 16.

Indeed, interviewed labour inspectors shared that they collaborate and act jointly with CSOs because workers trust them. Additionally, SLI respondents suggested that, more frequently, workers report violations of their labour rights directly to CSOs that provide free legal aid.

CSO research participants identified several challenges to data collection and management related to cases involving discrimination in labour; some believed there are no systems in place to record these cases separately, some thought that the existing databases are not completely useful in terms of gender-based discrimination, others found that part of the problem is that people are not reporting the discrimination and initiating procedures in front of the relevant institutions. One respondent observed that rendering statistical data on cases of gender-based discrimination publicly available could encourage more people to report it.

*The main challenge lies in comprising a general, centralised, institutional database, in which cases of gender-based discrimination can be recorded, at the same time monitored in progress, which will prove the transparency and credibility of the institution to which the case was reported and if that, in some way, is presented before the public and the workers, more people would be encouraged to report gender-based discrimination. – CSO representative*

## **EMPLOYERS' ASSOCIATIONS**

According to the Law on Labour Relations, the employers' association is an independent and democratic organisation constituted for the purpose of representing, promoting and protecting the economic, social and other interests of employers.<sup>161</sup> The representative employers' association has a legitimacy for collective negotiation, a legal right to conclude the general collective agreement in the private sector, as well as to participate in the tripartite social partnership bodies, as the Economic and Social Council. Collective agreements are important as they regulate numerous rights and obligations arising from or related to labour relations. The general collective agreement in the private sector applies directly and is compulsory for all employers and employees in this sector, regardless of the fact if they are members of the representative employers' association or trade union. The Organisation of Employers of Macedonia (OEM) is the representative organisation of the private sector employers in North Macedonia.

The OEM representative mostly discussed the types of discrimination they had encountered to date. They noted that there are still job advertisements where employers state the preferred gender and age of the employee. The interviewee said that his organisation works on raising awareness about this type of hiring discrimination. However, he pointed out that their members are usually bigger companies with Human Resource sectors that, in his opinion, abide by the legal procedures for recruiting employees.

The interviewee seemed to blame workers for the few initiated procedures on harassment

<sup>161</sup> Labour Relations Law. Official Gazette of the Republic of Macedonia Np. 62/05, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16, 120/18 and Official Gazette of the Republic of North Macedonia No. 110/19, 267/20 and 151/21. Art. 184, paragraph 4.

and sexual harassment at work, pointing to workers' lack of awareness. The respondent expressed the need for more awareness-raising campaigns on this issue.

*The public talks about the existence of mobbing, but institutionally no legal proceedings are initiated. I think the reason is lack of awareness. The unions would probably say it is fear [of losing your job], but I think it's lack of awareness among women and men. - OEM representative*

The respondent shared that, several years ago, the OEM with the support of the ILO, analysed gender gaps in earnings and management positions. One finding was that women in the banking sector in North Macedonia were paid less than their male colleagues. The interviewee noted that for years women have been absent in top management positions and more represented in mid-level management.

During the pandemic, the OEM observed gender inequality in the use of the Government preventive measures. Namely, their members reported that the gender-neutral Government measure that allowed parents to take paid leave for taking care of children under the age of 10 was used mostly by women. This is also supported by CSOs' data of reported and registered violations of this measure by employers, that indicated that this measure was used mostly by mothers.<sup>162</sup>

In conclusion, the OEM representative seemed to suggest that workers are to blame for the underreporting of gender-based discrimination cases, pointing to the need for more awareness raising campaigns. During the pandemic, the OEM members noted gender inequalities in some of the seemingly gender-neutral Government preventive measures.

## TRADE UNIONS

Trade unions have an important role in protecting workers' rights, including health and safety, unequal treatment, pay discrepancies and gender-based discrimination at work. Trade unions can also represent employees when it comes to work related disputes, such as contracts, leave and payments. In 2018, representatives of the two interviewed trade unions did not provide any concrete information regarding their role in prevention, awareness-raising and protection from gender-based discrimination at work, nor in terms of cases which they have dealt with. Regarding the legal framework, only one of the representatives of the trade unions in 2018 spoke more coherently about the legislative framework and the rights of workers in terms of gender-based discrimination. Asked about their attitudes towards workers' unions, 43% of the survey respondents in 2018 thought that workers' unions represented poorly or very poorly their interests, 27% were neutral and 30% thought that unions adequately represent their interests. In 2021, representatives of trade unions were contacted for an interview several times. However, they did not respond which may be indicative of their lack of willingness to collaborate with CSOs.

In 2018 the lack of measures on behalf of trade unions to systematically improve

<sup>162</sup> Petkovska, Natasha. 2020. Overview of the government measures for prevention and protection from the coronavirus and their influence on labour rights. Skopje: Helsinki Committee for Human Rights. Available at: [https://mhc.org.mk/wp-content/uploads/2020/11/overview\\_mk.pdf](https://mhc.org.mk/wp-content/uploads/2020/11/overview_mk.pdf)

the knowledge and understanding of employees and employers about gender-based discrimination was noted. In 2020, the Federation of Trade Unions of Macedonia (SSM) launched a campaign to ratify the ILO Violence and Harassment Convention No.190. The proposal of SSM for ratification of the ILO Convention No.190 was unanimously accepted by all social partners of the Economic and Social Council. Nevertheless, the ILO Convention No.190 has not been adopted by the Assembly yet.

## **TYPES OF DISCRIMINATION BASED ON SPECIFIC PROTECTED GROUNDS**

### **Gender-based Discrimination against Minority Ethnic Groups**

Minority ethnic groups, such as Roma persons, were identified as a group that seems to face discrimination more frequently by representatives from the Ombudsperson, SLI, civil courts, and CSOs. A CSO representative thought that Roma persons often face direct discrimination; for example, employers say that they do not want a person in their workplace because of the colour of their skin. However, no respondent provided specific examples of women of ethnic minorities experiencing gender-based discrimination in the workplace.

### **Gender-based Discrimination against LGBTIQIA+ Persons**

Lesbian, gay, bisexual, trans\*, queer/questioning, intersex, asexual +) persons also were mentioned by CSO respondents as a group that often experiences discrimination. LGBTIQIA+ persons often faces discrimination from an early age, and they often leave school early; this later limits their employment opportunities and contributes to <sup>163</sup> A CSO representative suggested that, because they face unequal treatment so frequently, this particular marginalised group is more knowledgeable about gender-based discrimination. Some respondents expressed concern over the treatment of LGBTIQIA+ persons by the police. However, no concrete examples of cases were provided by any interviewee about LGBTIQIA+ persons experiencing discrimination in the workplace.

### **Gender-based Discrimination against Persons with Different Abilities**

In North Macedonia, there is a Law on Employment of Persons with Disabilities, which prescribes special measures for improving the conditions of employment and work of persons with different abilities by providing grants, tax benefits and financial assistance to employers.<sup>164</sup> The aforementioned special measures are financed by a special state

<sup>163</sup> Helsinki Committee for Human Rights (2020). Special report on the situation with human rights during COVID-19. Available at: <https://bit.ly/2UwIUjL>

<sup>164</sup> Law on Employment of Persons with Disabilities. Official Gazette of the Republic of Macedonia No. 44/00, 16/04, 62/05, 113/05, 29/07, 88/08, 161/08, 99/09, 136/11, 129/15, 147/15, 27/16 и 99/18 and Official Gazette of the Republic of North Macedonia NO.103/21. Art. 4.

fund within the Employment Agency.<sup>165</sup> Nevertheless, a CSO representative suggested that employers are only interested in using these measures because of the funds and are not very concerned with really improving the position of this marginalised group in the labour market. At a time of a global health crisis, persons with different abilities have faced multiple challenges. CSOs reported that it was estimated that the “work from home” recommendation in North Macedonia could be implemented by barely 1% of persons with different abilities employed in protective companies.<sup>166</sup> No further information was provided by interviewees referring specifically to gender-based discrimination against persons with different abilities at work.

## DISCRIMINATION IN SPECIFIC SECTORS

### Gender-based Discrimination in the Textile Industry

The textile industry was mentioned by SLI and CSO representatives as a sector in which gender-based discrimination related to labour tends to occur more frequently. One CSO representative shared that, since the beginning of the pandemic, they had registered more than 100 reported cases of discrimination based on gender, the majority of which were in the textile industry. The CSO representative suggested that textile workers still have very limited knowledge regarding which acts would constitute gender-based discrimination at work.

*They have very little knowledge regarding gender-based discrimination and are somewhat used to being asked certain questions or feel that it's normal for them to receive less pay than their male colleagues for the same working position. – CSO representative*

One of the CSOs providing free legal aid has reported a significant increase in the number of cases of violations of the rights of textile workers during the pandemic. In 2020, they provided legal and paralegal aid in 691 cases, compared to the past three years, when the total number of documented cases was 474.<sup>167</sup> In North Macedonia, women represented 80% of the workforce in textile and apparel manufacturing in 2020.<sup>168</sup> Therefore, violations of workers' rights and gender-based discrimination at work in this industry disproportionately affect women.

## CONCLUSIONS

Not all representatives from relevant institutions demonstrated sufficient knowledge and understanding of gender-based discrimination related to labour. The representatives from the Ombudsperson and the CPPD were rather knowledgeable regarding the legislation but have had very few cases so far. Seemingly due to the lack of court proceedings, judges had limited knowledge of the relevant legal framework. The way that cases of gender-

165 Ibid. Art. 15.

166 Helsinki Committee for Human Rights (2020). Special report on the situation with human rights during COVID-19. Available at: <https://bit.ly/2UwIUJL>.

167 Helsinki Committee for Human Rights (2020). Annual report on human rights in the Republic of North Macedonia for 2020. Available at: <https://bit.ly/2UJx2e6>.

168 ILO (2020). Covid-19 and the World of Work NORTH MACEDONIA Rapid Assessment of the Employment Impacts and Policy Responses. Available at: <https://bit.ly/3koXCSx>.

based discrimination in the workplace were discussed by the interviewed representatives of the civil courts left room for doubt whether the institute of shifting the burden of proof was applied by the presiding judges. Labour inspectors seemed to have difficulties differentiating between gender-based discrimination and violations of workers' rights in general and tended to focus strictly on the Law on Labour Relations, disregarding the provisions of the ADL. In contrast, representatives from CSOs were not only very knowledgeable about the relevant legal framework but also have had most practical experience in cases of gender-based discrimination. As diverse respondents suggested, workers seem to trust CSOs more and therefore report cases directly to them.

Regarding the legal framework on gender-based discrimination at work, most respondents seemed to indicate that it is mostly complete and constantly improving but observed problems with its implementation. Another issue that was mentioned was the lack of harmonisation of other laws containing provisions on non-discrimination with the newly adopted ADL. Respondents suggested that one of the most common forms of gender-based discrimination in the workplace is the non-extension of fixed-term contracts of pregnant workers and workers on parental leave and therefore highlighted the need for amendment of the ban on termination provisions in the Law on Labour Relations.

# RECOMMENDATIONS

## For the Legal Framework

- Harmonise other laws containing provisions relating to prevention and protection against discrimination with the ADL and specifically align the Labour Law with the ADL regarding the definition of indirect discrimination;
- Amend the ban on termination due to pregnancy, childbirth and parenthood in the Labour Law so that it protects pregnant workers and workers on parental leave from non-extension of their fixed-term employment contracts;
- Reduce the period for becoming a permanent employee to one year, which also may prevent employers from using short-term contracts to avoid responsibilities related to maternity leave provisions; introduce an explicit statement that cases such as pregnancy and maternity leave will not interrupt the calculation of the duration of this contract;
- Amend the provisions which might be interpreted as preventing the adoption and implementation of measures towards gender equality such as, for example, introducing quotas. Namely, read together with Article 8, on 'exceptions from discrimination', at present, the Labour Law might be read as not allowing for quotas or other affirmative measures;
- Amend the gender-regressive provisions related to nightwork in industry and construction in accordance with the ILO convention in relation to nightwork;
- Introduce the concept of parental leave and right to paternity leave, thus align the Labour Law with the EU law (EU Directive 2019/1158 on work-life balance);
- Ratify ILO Convention No. 190.

## For the Ombudsperson

- Increase the number of employees in the department for non-discrimination and build their capacities to address gender-based discrimination by ensuring they undergo trainings on gender equality and discrimination in general, as well as on gender-based discrimination in the workplace specifically;
- Update, revise and improve the Ombudsperson database to include gender-disaggregated data, as well as data in line with all discriminatory grounds under Article 5 of the ADL, so as to facilitate future monitoring, reporting, research and policy-making;
- Intervene in cases of gender-based discrimination at work in the private sector by closely monitoring the work of labour inspectors to verify that gender-based discrimination in the workplace is addressed correctly;
- Organise regular awareness-raising campaigns to increase the knowledge of both workers and employers on what gender-based discrimination entails, where it can be reported and what kind of support is available to victims.
- For the Commission for Prevention and Protection Against Discrimination

- Collect and present gender-disaggregated data, as well as data in line with all discriminatory grounds under Article 5 of the ADL, so as to facilitate future monitoring, reporting, research and policy-making;
- Organise regular awareness-raising campaigns to increase the knowledge of both workers and employers on what gender-based discrimination entails, where it could be reported and what kind of support is available to victims;
- In close collaboration with CSOs that work on addressing gender-based discrimination in labour, advocate for the harmonisation of other laws containing provisions relating to prevention and protection against discrimination with the ADL, as well as for the amendment of the ban on termination due to pregnancy, childbirth and parenthood in the Law on Labour Relations so that it protects pregnant workers and workers on parental leave from non-extension of their fixed-term employment contracts.

### **For the Commission for Prevention and Protection Against Discrimination**

- Collect and present gender-disaggregated data, as well as data in line with all discriminatory grounds under Article 5 of the ADL, so as to facilitate future monitoring, reporting, research and policy-making;
- Organise regular awareness-raising campaigns to increase the knowledge of both workers and employers on what gender-based discrimination entails, where it could be reported and what kind of support is available to victims;
- In close collaboration with CSOs that work on addressing gender-based discrimination in labour, advocate for the harmonisation of other laws containing provisions relating to prevention and protection against discrimination with the ADL, as well as for the amendment of the ban on termination due to pregnancy, childbirth and parenthood in the Law on Labour Relations so that it protects pregnant workers and workers on parental leave from non-extension of their fixed-term employment contracts.

### **For the State Labour Inspectorate**

- Improve data collection and management systems by collecting data on gender-based discrimination cases in the workplace by the type of violation, the gender of the victim and the gender of the alleged perpetrator;
- Collect and present gender-disaggregated data, as well as data in line with all discriminatory grounds under Article 5 of the ADL, so as to facilitate future monitoring, reporting, research and policy-making;
- Increase the capacities of labour inspectors to address gender-based discrimination by ensuring they undergo regular trainings on gender equality and discrimination in general, as well as on gender-based discrimination in the workplace specifically.

### **For Civil Courts**

- Update, revise and improve the ACCMIS to ensure collection of data on gender-based discrimination cases in the workplace by the type of violation, the gender

of the victim and the gender of the alleged perpetrator;

- Update the ACCMIS to ensure it logs cases of gender-based discrimination in the workplace with a specific designated code and as cases of discrimination, not as labour disputes;
- Ensure judges undergo training on gender-based discrimination in labour so as to better recognise it and address it effectively in court proceedings;
- Consider establishing specialised court divisions on gender-based discrimination in labour relations or designating specialised judges well-trained in discrimination based on gender in labour.

### **For Civil Society Organisations**

- Organise regular awareness-raising campaigns to increase the knowledge of the general population, as well as of more vulnerable marginalised groups, on what gender-based discrimination entails, where it can be reported and what kind of support is available to victims;
- Monitor the work of all responsible and competent institutions to ensure and verify that cases of gender-based discrimination in the workplace are addressed correctly;
- Advocate for the harmonisation of other laws containing provisions relating to prevention and protection against discrimination with the ADL, as well as for the amendment of the ban on termination due to pregnancy, childbirth and parenthood in the Law on Labour Relations so that it protects pregnant workers and workers on parental leave from non-extension of their fixed-term employment contracts.
- Launch campaigns and advocate for the ratification of ILO Convention No.190.

### **For the Employers' Associations**

- Further capacities of and raise awareness among employers on how to integrate policies that would prevent gender-based discrimination at work
- Organise trainings for members about gender-based discrimination at work and urge employers not to use fixed-term employment contracts;
- Support the ratification of ILO Convention No.190.

### **For the Trade Unions**

- Collect data on gender-based discrimination cases related to work by the type of violation, the gender of the person who files the complaint and the person to whom the complaint is addressed;
- Ensure policies against gender-based discrimination and equal opportunities are in place and implemented by employers;
- Provide training for all union representatives regarding the relevant legal framework pertaining to gender-based discrimination at work;
- Launch outreach campaigns to inform workers about the legal framework

pertaining to gender-based discrimination and labour. Collaborate with experienced WCSOs for more effective outreach, including that targets women worker specifically.

- Undertake public outreach to improve people's awareness, understanding and trust in labour unions, including how they can support persons who have experienced gender-based discrimination at work.
- Improve women's participation in unions at all levels, and explicitly target more women to become active union members and collaborate with experienced WCSOs for planning effective outreach.
- Monitor the work of the SLI to verify if gender-based discrimination at work is being addressed correctly.

# ANNEXES

## ANNEX 1. DEMOGRAPHIC INFORMATION ABOUT THE SAMPLE

Of the respondents that completed 90% of the questionnaire, 79% in 2018 and 83% in 2021 were women, and 21% and 17% were men, respectively.

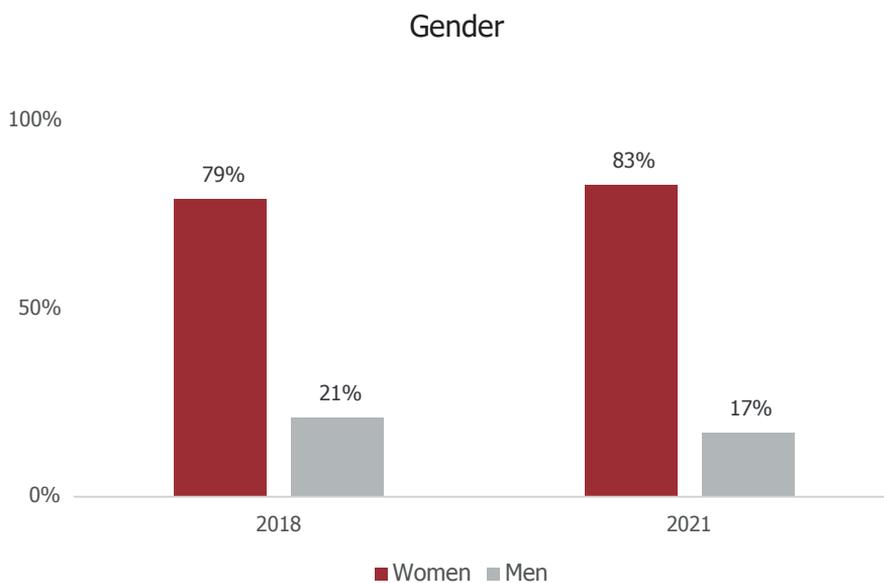


Figure 27. Sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 524, men = 107; 2021 women = 627, men = 164).

As Figure 28 illustrates, in 2018 most participants were ages 18-39 (74% of women and 76% men), while in 2021 most tended to be between 39-49 (66% of women and 58% men). As presented, the sample in 2018 was on average younger, while the 2021 sample was more evenly distributed in terms of age cohorts.

### Age by gender

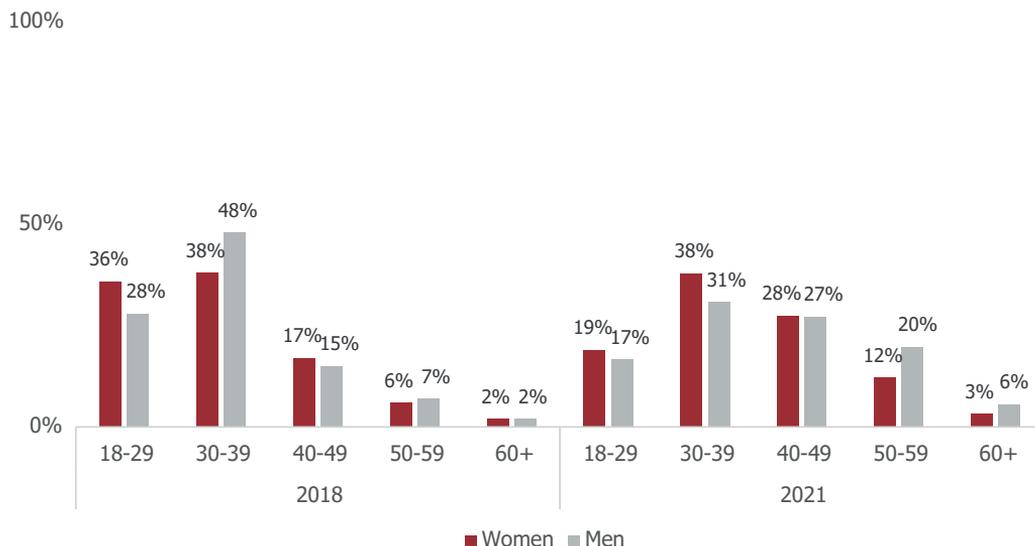


Figure 28. Age cohorts in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 516, men = 104; 2021 women = 627 men = 164).

Concerning ethnicity, both in 2018 and 2021 most respondents were ethnic Macedonians. A larger percentage of men were ethnic Albanians both in 2018 and 2021 samples.

### Ethnicity by gender

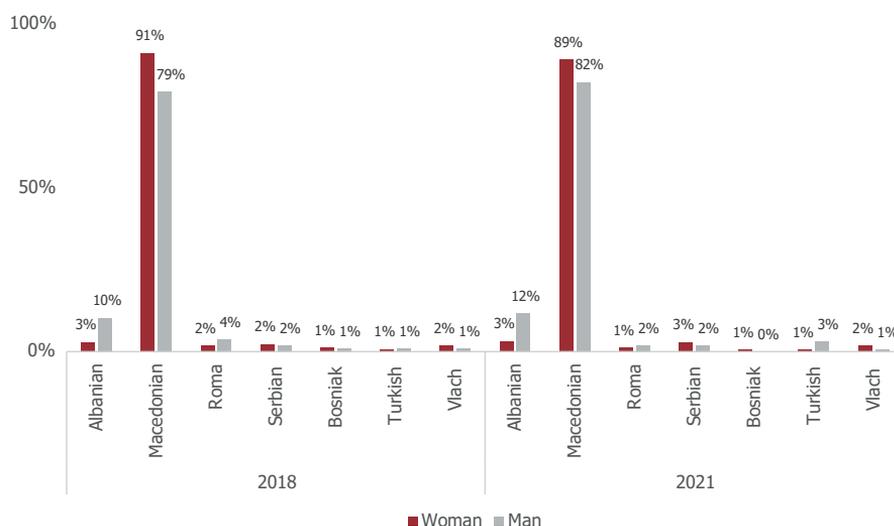


Figure 29. Ethnicities in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 524, men = 107; 2021 women = 627 men = 164).

Thirteen percent (12% of women and 22% of men) in 2018 and six percent in 2021 of respondents considered themselves persons with disabilities (5% of women and 12% of men). Both in 2018 and 2021 the percentage of persons with disabilities was larger among men participants. As Figure 30 illustrates, in 2021 the percentage of those living in rural areas was larger among men (8% of women and 15% of men).

### Residency by gender

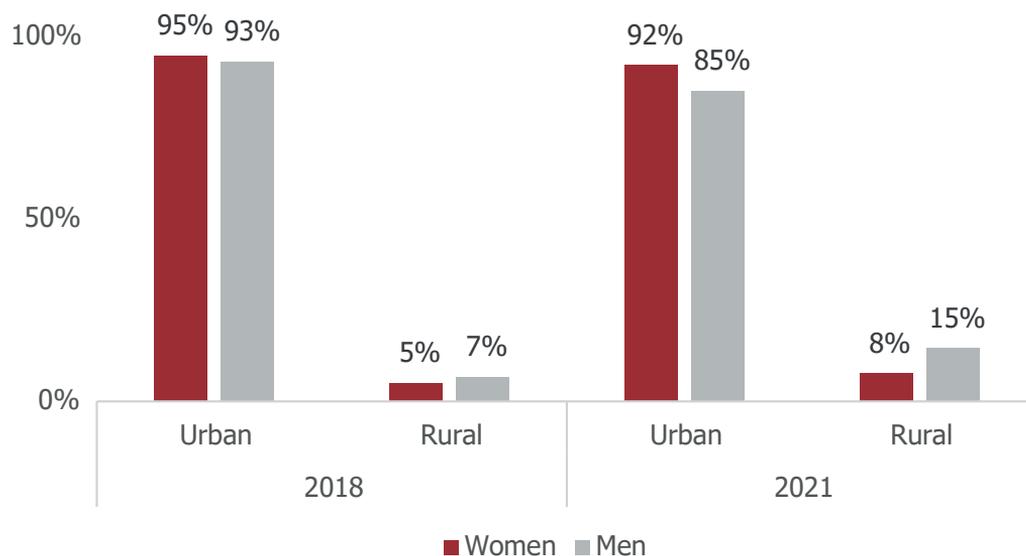


Figure 30. Urban and rural residency distribution in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 522, men = 104; 2021 women = 627 men = 164).

Both in 2018 and 2021, most participants had bachelor's degrees (48% of women and 37% men). Also, both in 2018 and 2021 a higher percentage of women (compared to men) had bachelor's degrees. Among women the percentage of those with bachelor's degree was the same both in 2018 and 2021. However, in 2021 there was an increase in the percentage of participants with master's degrees or PhDs. Among the sample of men in both 2018 and 2021, the distribution remained similar, where 42%/43% had a secondary education, 37% had bachelor's degrees and 21%/24% had a master's degree or PhD.

### Educational level by gender

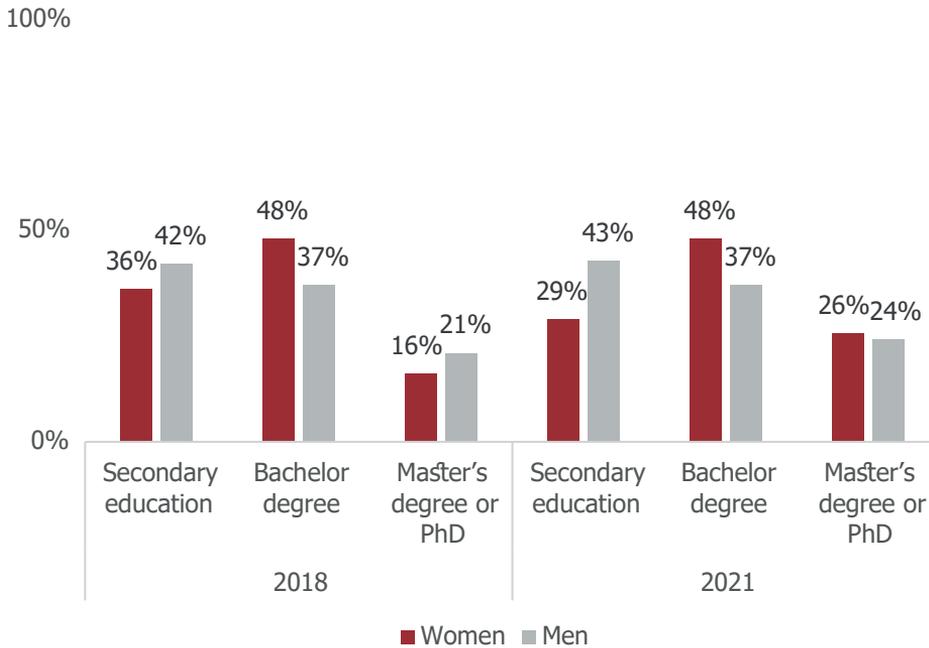


Figure 31. Educational level distribution in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 524, men = 107; 2021 women = 627 men = 164).

## Employment status by gender

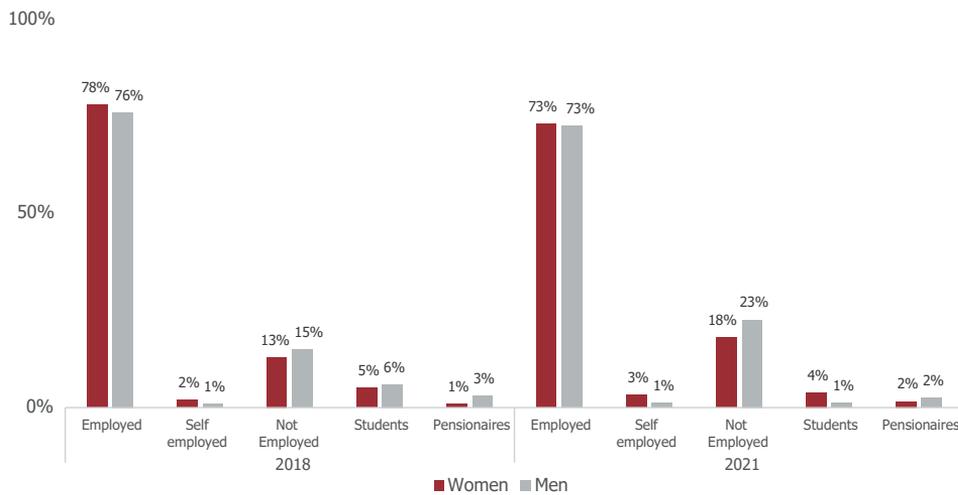


Figure 32. Employment status in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 493, men = 106; 2021 women = 617 men = 163).

Both in 2018 and 2021, most participants were employed (78% women and 76% men in 2018; 73% of both women and men in 2021). In 2021 more unemployed persons participated in the survey, but 2021 reproduced the distribution by employment status.

## Sector of employment by gender

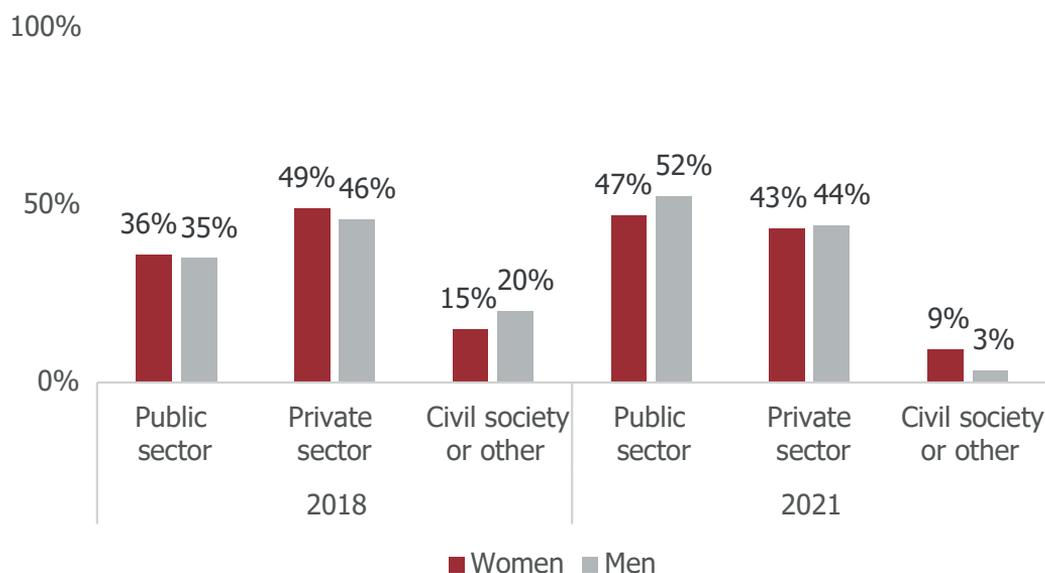


Figure 33. Sector of employment in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 367, men = 76; 2021 women = 525 men = 143).

Regarding the sector of employment, in the 2021 sample, more respondents were employed in the public sector (increasing from 36% to 47% among women; and from 35% to 52% among men). There was a decrease in respondents employed in civil society or other sectors (from 15% to 9% among women; and from 20% to 3% among men). The survey respondents from the private sector remained similar among men (46% in 2018 and 44% in 2021), whereas they decreased slightly among women (49% in 2018 and 43% in 2021).

## Monthly net salary

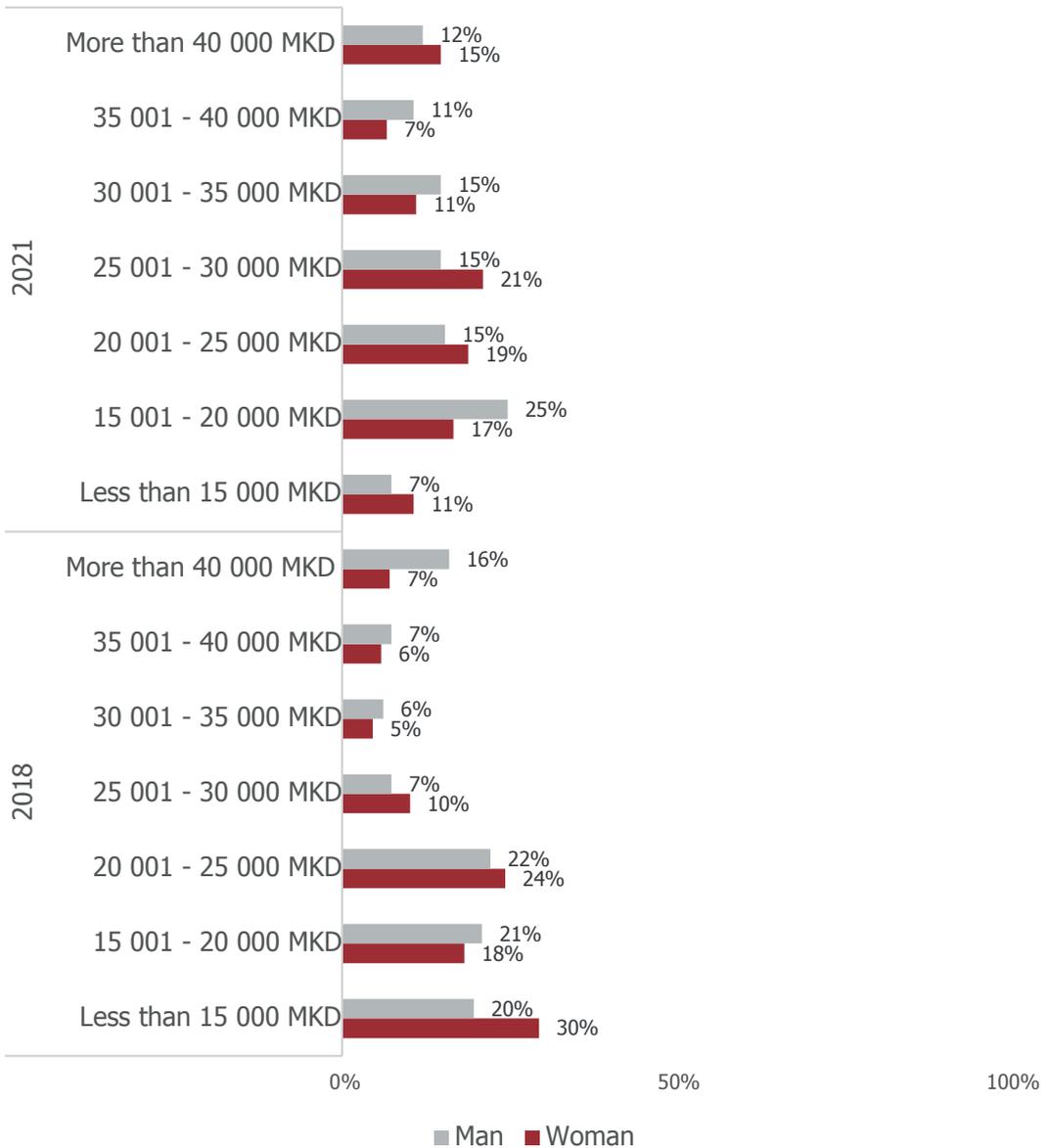


Figure 34. Monthly net salary in the sample of respondents that completed approximately 90% of the questionnaire, by gender (2018 women = 393, men = 81; 2021 women = 540 men = 149).

Compared to the 2018 sample, in 2021 the percentage of women and men receiving salaries in the lower salary range (between less than 15,000 and 25,000 Macedonian denars) decreased. The biggest decrease was in the lowest category of less than 15,000 Macedonian denars per month.

# ANNEX 2. SURVEY

## SURVEY ON DISCRIMINATION AT WORK

Thank you for taking part in this important survey, which aims to identify ways to better address different forms of discrimination that can occur in relation to work. Understanding your thoughts and experiences can support us in identifying actions that can help prevent discrimination, as well as contribute to improved access to justice for discrimination when it occurs. The survey will take approximately 15 minutes. Be assured that all of your answers will be kept strictly confidential. No one will know who you are. If you have any questions or concerns about this survey, please contact: Reactor - Research in action (info@reactor.org.mk). By clicking "Next", you consent to participate in this important research. Thanks so much!

### **Where do you live?**

North Macedonia  
Abroad

## **GENERAL INFORMATION**

### **Do you live in urban or rural area?**

Urban  
Rural

### **In which city or town do you currently live or spend most of your time?**

Aerodrom  
Arachinovo  
Berovo  
Bitola  
Bogdanci  
Bogovinje  
Bosilovo  
Brvenica  
Butel  
Valandovo  
Vasilevo  
Vevchani  
Veles  
Vinica  
Vrapchishte  
Gazi Baba  
Gevgelija  
Gostivar  
Gradsko  
Debar  
Debarca

Delchevo  
Demir Kapija  
Demir Hisar  
Dojran  
Dolneni  
Gjorce Petrov  
Zhelino  
Zelenikovo  
Zrnovci  
Ilinden  
Jegunovce  
Kavadarci  
Karbinci  
Karposh  
Kisela Voda  
Kichevo  
Konche  
Kochani  
Kratovo  
Kriva Palanka  
Krivogashtani  
Krushevo  
Kumanovo  
Lipkovo  
Lozovo  
Mavrovo i Rostusha  
Makedonska Kamenica  
Makednoski Brod  
Mogila  
Negotino  
Novaci  
Novo Selo  
Ohrid  
Petrovec  
Pehchevo  
Plasnica  
Prilep  
Probishtip  
Radovish  
Rankovce  
Resen  
Rosoman  
Saraj  
Sveti Nikole  
Sopishte  
Staro Nagorichane  
Skopje  
Struga

Strumica  
Studenichani  
Tearce  
Tetovo  
Centar  
Centar Zhupa  
Chair  
Chashka  
Cheshinovo-Obleshevo  
Chucher-Sandevo  
Shtip  
Shuto Orizari  
I don't know

**What is your gender?**

Woman  
Man  
Other

**In which year were you born?**

**With which ethnic group do you identify?**

Albanian  
Macedonian  
Roma  
Serbian  
Bosniak  
Turkish  
Vlach  
Other

**What is the highest level of education that you have completed?**

Primary or incomplete primary education  
Secondary education  
Vocational education on the basis of secondary education  
Bachelor degree  
Master's degree  
PhD

**What is your current marital status?**

Single  
Engaged  
Married  
Divorced  
Co-habiting  
Widowed  
Other

**Do you have any children under age 10?**

Yes

No

**Do you consider yourself to have a disability?**

Yes

No

**EMPLOYMENT INFORMATION**

**Are you currently:**

Employed full-time

Employed part-time

Self-employed

Unemployed, looking for work

Unemployed, not looking for work

Unemployed, still studying

Unemployed officially, but I do unpaid work outside the home such as farming, caring for animals like cows or chickens, etc.

On pension

Other

**Why are you not registered in the employment agency to look foremployment?**

You are waiting to be invited to your previous employment

Seasonal type of work

Illness (your personal)

Disability (your personal)

Taking care of children

Taking care of adult disabled person

Other personal or family obligations

School education or training

You think that there is no available job

Other

**In the last 3 years (so since 2018), has any of the following been true for you?**

I was unemployed and not looking for work

I was unemployed and looking for work

I was employed part time

I was employed full time

I was in school/university

I was self-employed

I worked without pay for a family business or farm

**Where do you work?**

Private sector (business, including family business or farm)

Government (including ministry, municipality, health institution, public school, university, etc.)

Publicly owned enterprise in public sector  
Local civil society organization  
International civil society organization  
Other international body (EU, UN, UN agency, foreign embassy, etc.)  
Other

**For how long have you been working in your current position?**

Four months or less  
5-8 months  
9-11 months  
1-3 years  
4–10 years  
11+ years

**Which of the following best describes your current position?**

Entry-level position (e.g., assistant, worker)  
Mid-level position (e.g., coordinator)  
Senior-level position (e.g., manager, director)  
I'm my own boss  
Other

**COVID 19**

**Since 2018, have you ever been denied the right to take off work for any of the following reasons?**

When I was sick with COVID-19  
When a fellow household member was sick with COVID-19  
When I was sick for another reason  
For personal leave (e.g., death in family)  
For national holidays  
For vacation/ annual leave  
None of the above  
Other

**As a result of COVID-19 have you lost your job?**

Yes  
No

**For what reason(s)? Please check all that apply.**

General layoffs of all workers  
I had no contract so employer said to stop working  
My employment contract was not renewed  
I had to take care of my children and my employer pressured me to quit/fired me  
I was a woman  
Other

**During COVID-19, for how long were you not working at home or your workplace because your workplace was closed due to isolation or other measures?**

0 days (workplace never closed)

1-7 days

8-15 days

16-30 days

30+ days

Not applicable to me

**During this period, how were you compensated if at all?**

I was not paid

I was paid at reduced salary

I was paid at actual salary

Not applicable to me

**Since the COVID-19 outbreak, has your employer allowed you to work from home?**

Yes

No

**During COVID-19, what challenges did you face in balancing your personal and work life, if any?**

Caring for persons who had COVID-19 or other illnesses in my family

Caring for children (e.g., during the lockdown of schools and kindergartens)

Caring for persons with disabilities

Caring for elderly persons

Living and working in a small space with others

Not having enough electronic devices in my household for everyone's needs

Not having strong enough internet for everyone's needs

Difficulties concentrating

Psychological violence at home

Physical violence at home

Difficulties going offline and disconnecting (such as due to work pressure)

Stress

Accessing safe transportation to get to/from work

I did not face any challenges

Other

**Have you had COVID-19?**

Yes

No

**Were you allowed to take off work when you had COVID-19?**

Yes

No

**How many days did you take off?**

### **How did your employer treat your leave related to COVID-19?**

- Fully paid medical leave
- Partially paid medical leave
- Unpaid medical leave
- Annual vacation days
- I don't know
- Other

### **Did your employer provide a mask, gloves, hand sanitizers and other protection measures against COVID-19?**

- Yes, always
- Yes, sometimes
- No
- Not applicable as I was not working

### **As a result of COVID-19, did your employer decrease your salary?**

- Yes
- No

### **Of the Government's relief measures related to COVID-19, have you been DENIED the right to any of the following?**

- I am not qualified for any of the listed types of measures
- Paid leave for a parent of a child aged 10 or under
- Financial support for employee social security contributions or salaries (employer received but did NOT pay you)
- Financial support for self-employed affected by the crisis (eg self-employed craftsmen)
- Monetary compensation from the Employment Agency for citizens who lost their jobs
- Other

## **CONTRACTS AND PAY**

### **Since 2018, have you ever been asked to work regularly without a contract (including for a family business)?**

- Yes
- No

### **Do you currently have a contract?**

- Yes
- No

### **What is the length of your current contract (or the last contract that you had) in months?**

- Three months or less
- 4-6 months
- 7-12 months
- 1-3 years
- 4 or more years

Indefinite

I have never had a written contract

**In your workplace, who tends to have longer contracts?**

Women

Men

It's the same for both

Not applicable (only men or only women work here)

I don't know

**Since 2018, have you ever been asked to sign an employment contract without being allowed to read and understand the terms of your contract before signing it?**

Yes

No

**On average, how many hours do you usually work per week?**

1-20

21-40

41-60

More than 61

**Currently, what salary do you actually receive each month (net in EUR)?**

Less than 12 000 Macedonian denars

12 0001 -15 000 Macedonian denars

15 001 - 20 000 Macedonian denars

20 001 - 25 000 Macedonian denars

25 001 - 30 000 Macedonian denars

30 001 - 35 000 Macedonian denars

35 001 - 40 000 Macedonian denars

More than 40 000 Macedonian denars

**Does your employer declare to the state authorities the actual, real salary that you received?**

Yes

No, my employer tells the authorities something else

I don't know

**Has your employer ever asked you to return part of your salary to the employer?**

Yes

No

Other

**Usually, how are you compensated for overtime worked?**

I don't receive anything extra (beyond my regular monthly wage)

I'm paid for the extra time worked at the same rate as my usual wage

I'm paid for the extra time worked with a higher rate than my usual wage

I receive time off

Not applicable: I never work overtime

**In your job, are you entitled to any of the following benefits?** Health insurance  
Social security / pension paid by the employer  
Neither of these

## YOUR VIEWS

**Is discriminating against someone at work because they are a woman or a man illegal in your country?**

Yes

No

I don't know

**If it happens, this type of discrimination at work should be reported to**

The employer

The Labour Inspectorate

The Ombudsperson Institution

The police

None of the above

I don't know

## HIRING

*Now we have some questions about your experiences with hiring processes.*

**How many times have you been in a job interview since 2018?**

Never

Once

2-5 times

More than 5 times

Don't remember

**Since 2018, in a job interview have you ever been asked questions concerning (Please choose the appropriate response for each item, yes or no):**

	Yes	No
Your marital status		
If you have or plan to have children		
Medical proof that you are not pregnant		
Your sexual orientation and/or gender identity		
Something else not related to your skills, education or work experience that felt inappropriate		

**Since 2018, in a job interview have you ever been asked questions concerning:**

	Yes	No
Your marital status or marriage plans		
If you have or plan to have children		
Your sexual orientation and/or gender identity		
Something else not related to your skills, education or work experience that felt inappropriate		

**Since 2018, in your opinion, have you ever not gotten a job that you applied for because:**

	Yes	No
You are a woman		
You were pregnant		
You have children or are planning to		
Your ethnicity		
Your age		
Your appearance		
Your political preference		
Your religion		
Your place of residence (for example, rural)		
Your sexual orientation and/or gender identity		
Other criteria not related to skills, education or experience		

## PROMOTION

*Now we have some questions about access to promotion. All questions refer to the period since 2018 unless otherwise stated*

**Has it ever happened to you that your employer didn't consider you for a promotion because...\***

Your appearance

Your gender (for example, I was told this is not a job for women/men)

You were pregnant

You have children or were planning to

Your ethnicity

Your sexual orientation

Your age

Your religion

Your place of residence (for example, rural)

I don't know

None of the above happened to me

Other

**Do you think your health or safety is at risk because of your work?**

Yes  
No

### **For what reasons do you feel at risk?**

COVID-19  
Bad air quality  
Dangerous chemicals  
Lifting heavy objects  
Not being allowed to use the toilet  
Other

## **PREGNANCY AND MATERNITY LEAVE**

### **Since 2018, have you ever been pregnant when you were employed?**

Yes  
No  
I am currently pregnant but haven't taken up maternity leave yet

### **Has it ever happened that you were neither paid, nor received a government benefit during your maternity leave?**

Yes  
No

### **Did you return to your previous place of employment after your most recent maternity leave?**

Yes  
No  
I am still on maternity leave

### **Why not?**

I did not want to work anymore  
I started a new job  
The employer terminated my contract/fired me  
My contract expired while I was on maternity leave  
The employer decided to employ my replacement instead  
I have no one to take care of my children or childcare is too expensive  
I could not find work  
Due to illness or injury  
Other

### **Has any employer ever pressured you to return to work earlier than you had planned to be on maternity leave?**

Yes  
No

### **When you returned to work, did you have:**

More responsibilities  
Fewer responsibilities

The same responsibilities

**Did you have:**

Higher pay

Lower pay

The same pay

**Did you have:**

More working hours

Less working hours

The same working hours

**When you returned, were you:**

Treated the same as before you left

Treated differently by your peers or boss because you took the leave

**PATERNITY LEAVE**

**Would your employer give you paternity leave?**

Yes, PAID paternity leave

Yes, UNPAID paternity leave

No

I Don't know

**Since 2018, have you ever had a new born child while being employed?**

Yes

No

**How many days did your employer allow you to take off**

**When you returned from leave, were you:**

Treated the same as before you left

Treated differently by your peers or boss because you took the leave

**Do you think that men should have more paid time off for paternity leave?**

Yes

No

I don't know

## SEXUAL HARASSMENT AT WORK

The following is a list of situations that reflect certain behaviours. Please indicate if it ever happened to you at work. Your identity will remain anonymous.

	Yes, this happened to me, more than once.	Yes, this happened to me once.	No, this never happened to me.
Making sexual gestures, jokes, or sounds			
Sending emails or text messages of a sexual nature (including after work hours)			
Touching another worker's body parts on purpose (bottom, breasts, hand, shoulder, back, etc.) in a situation in when touching is unnecessary			
A colleague or superior proposing to have sex with him/her			
A colleague or superior forcing someone to have sex with him/her			

### Were the persons who did this to you:

- Women
- Men
- Both

### Were the persons who did this in:

- Lower positions than you
- Equal positions as you
- Higher positions than you

### Who did you tell? Please check all that apply.

- No one
- Friend, acquaintance
- Family member
- Colleague
- My manager
- Police
- Religious leader
- CSO that provides legal help
- Person in an official reporting mechanism at my workplace
- Other

**For what reason(s) did you decide not to tell anybody about this situation?**

I was ashamed

I'm afraid of losing my job

I did not want to

I think I have to take care of it myself

Other

**UNIONS**

**Do any workers' unions exist in your country, which could represent your interests?**

Yes

No

I don't know

**Are you a member of any workers' union?**

Yes

No

**How well do you feel that your workers' union represents your interests?**

Very well

Good

Somewhat

Poorly

Very poorly

**OVERALL REFLECTIONS**

**Many of the acts we asked about in this survey so far could be considered forms of discrimination. Considering this, would you say that you have ever been treated differently (discriminated against), because you are a woman?**

Yes

No

**Many of the acts we asked about in this survey so far could be considered forms of discrimination. Considering this, would you say that you have ever been treated differently (discriminated against), because you are a man?**

Yes

No

**Do you have any comments, stories or examples you want to share, including cases of discrimination that may have happened to someone you know?**

**Please, can you describe in detail any experience(s) that you have had with discrimination at work since 2018? We greatly appreciate any information you can share. Your identity will remain anonymous.**

**In which sector were you working when this occurred?**

Private sector (business, including family business or farm)

Government (including ministry, municipality, health institution, public school, university, etc.)

Local civil society organization

International civil society organization

Other international body (EU, UN, UN agency, foreign embassy, etc.)

Other

**With which institutions were you in contact regarding what happened to you?**

None

Labour Inspectorate

Police

Courts

Prosecution

Ombudsperson

Commission for protection against discrimination

CSO that provides legal help

Lawyer

Other

**What happened when you reported discrimination to the relevant authorities?**

They would not hear my case

They listened, but said they could not do anything

They listened and tried to assist me

They were very helpful and helped me file the case

Other

**Have you been involved in any court action related to discrimination at work?**

Yes

No

## **FOLLOW-UP**

**The research team may conduct a small number of follow-up interviews lasting up to one hour with respondents this fall. Your identity would be kept confidential and information protected. Such an interview would help us a lot in better understanding what happened, and potentially helping you or others like you in the future. Would you be willing to participate in a follow-up interview?**

Yes

No

**Please enter your e-mail address and phone number so that we can contact you. This information will remain fully confidential.**

Phone

Email

**Thank you for your time and contribution to this important research.**

