

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Items	Regulations in force on 1 January 2015
1: Notification procedures in the case of individual dismissal of a worker with a regular contract	The employer is obliged to communicate the end of the employment contract to the employee in writing (Art. 74, Labour Law)
2: Delay involved before notice can start	3 days
3: Length of notice period at different tenure durations (a)	If the employer terminates the employment contract of the individual worker or of few workers, the notice period is one month. The notice period is two months in the case of termination of the employment contract of more than 150 workers, or 5% of the total number workers (art. 88(2) Labour Law).
4: Severance pay at different tenure durations (a)	In case of cancellation of the employment agreement for business reasons, the employer will need to compensate the employee as follows (Art. 97 Labour Law): <ul style="list-style-type: none"> 1) up to five years in employment – 1 month net salary 2) 5-10 years in employment: 2 months net salary 3) 10-15 years in employment: 3 months net salary 4) 15-20 years they spend to employment – 4 months net salary 5) 20-25 year they spend to employment – 5 months net salary 6) 25 years+ - 6 months net salary Calculation: average of personal reasons and redundancy
5: Definition of unfair dismissal (b)	The employer may terminate the employment contract only if there is a founded reasons for dismissal linked to 1) personal reasons (when the employee is not able to carry out tasks etc.); 2) when the employee has violated some obligations; 3) business reasons (Art. 71 Labour Law). Before dismissing for business reasons, the employer must offer either a new job or suitable vocational training to the worker (Art. 96 Labour Law)
6: Length of trial period (c)	6 months (Art. 60 Labour Law)
7: Compensation following unfair dismissal (d)	According to Article 102 (2), if the court establishes that the dismissal was unlawful, the employer is obliged to pay the worker the amount (gross salary) which he would have had if he/she was at work (minus the income he/she earned in other employment). Reinstatement is always made available if the worker requests so and the court establishes that the dismissal was unlawful. If it is unacceptable for the employee to be reinstated, the court, at the employee's request, specifies the date of termination of employment and order that the employer pays wages in accordance with Art. 102(2) (Art. 102(4) Labour Law).
8: Reinstatement option for the employee following unfair dismissal (b)	Article 102(1) says that if the Court rules that the employment contract was unlawfully terminated, the employee must be reinstated if he/she requests so.
9: Maximum time period after dismissal up to which an unfair dismissal claim can be made (e)	Article 93 Labour Law states that the employee has 8 days to file the appeal (after receiving the decision of termination of the employment contract).
10: Valid cases for use of standard fixed term contracts	Article 46 Labour Law states that: <ul style="list-style-type: none"> (1) The employment contract may be concluded for a definite duration to perform the same work, with or without breaks, for a maximum of five years. (2) A contract of employment for a definite time to replace a temporarily absent worker may be concluded for the whole period of absence of that worker. (3) The employment contract of definite duration, except for performing seasonal work, is transformed into a permanent contract if the employee continues to work after the expiration of the time limit indicated above

11: Maximum number of successive standard FTCs (initial contract plus renewals and/or prolongations)	The Labour Law does not foresee any limitation to the number of successive fixed term contracts.
12: Maximum cumulated duration of successive standard FTCs	5 year (Art. 46(1) Labour Law)
13: Types of work for which temporary work agency (TWA) employment is legal	Allowed but only for the following reasons (Art. 4 Law on the agencies for temporary employment): 1) replacement of temporary absent employee 2) temporary increase of activity 3) seasonal or project work 4) specific non-continuous work outside the scope of the main activity of the firm 5) unpredictable short-term tasks within the main activity of the firm.
14: Are there restrictions on the number of renewals and/or prolongations of TWA assignments? (f)	There are no restrictions on the number of renewals of TWA contracts.
15: Maximum cumulated duration of TWA assignments (f)	One year for assignments, with or without interruptions (Art. 4, 3 rd and 4 th paragraphs, Law on the agencies for temporary employment).
16: Does the set-up of a TWA require authorisation or reporting obligations?	Both authorization and reporting requirements (Art. 5 and Art. 13 Law on the agencies for temporary employment)
17: Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	Equal treatment regarding pay and working conditions (Art. 14 and Art. 15 Law on the agencies for temporary employment)
18: Definition of collective dismissal (b)	If the employer intends to terminate employment contracts for a large number of workers for business reasons (for at least 20 workers in a period of 90 days) regardless of the total number of workers, this is considered collective dismissal for business reasons. (Art. 95(1) Labour Law)
19: Additional notification requirements in cases of collective dismissal (g)	In the case of collective dismissal, the Employment Mediation Agency as well as the worker's representatives need to be notified. (Art. 95 Labour Law)
20: Additional delays involved in cases of collective dismissal (h)	When an employer intends to carry out collective dismissals, he/she is obliged to begin the process of consultation with workers' representatives, at least one month before the collective dismissal and to provide them with all relevant information before the start of consultations in order to achieve an agreement. The employer shall (after consultation with representatives) send written notice to the office in charge of employment mediation. The employer is obliged to submit the collective dismissal notice to the employment mediation agency, no later than 30 days before the final decision of the termination of workers. The office in charge of mediation can extend the last deadline to 60 days (Art. 95 Labour Law). If the dismissal concerns at least 150 workers (or 5% of the workforce) the individual notice period is also extended to 2 months (Art. 88(2) Labour Law). <u>Calculation:</u> average of large and small collective dismissals and with or without agreement with representatives (in the latter case an extension of the deadline is assumed), minus values reported in Item 2: $30/2+60/2+30/2-3=58$ days
21: Other special costs to employers in case of collective dismissals (i)	No additional requirements.

Legend: d: days; w: weeks; m: months; y: years. For example "1m < 3y" means "1 month of notice (or severance) pay is required when length of service is below 3 years".

Notes:

a) Three tenure durations (9 months, 4 years, 20 years). Case of a regular employee with tenure beyond any trial period, dismissed on personal grounds or economic redundancy, but without fault (where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years

old at the start of employment). Averages are taken where different situations apply – e.g. blue collar and white collar; dismissals for personal reasons and for redundancy.

b) Based also on case law, if court practice tends to be more (or less) restrictive than what specified in legislation.

c) Initial period within which regular contracts are not fully covered by employment protection provisions and unfair dismissal claims cannot usually be made.

d) Typical compensation at 20 years of tenure, including back pay and other compensation (e.g. for future lost earnings in lieu of reinstatement or psychological injury), but excluding ordinary severance pay and pay in lieu of notice. Where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment and that a court case takes 6 months on average. Description based also on case law.

e) Maximum time period after dismissal up to which an unfair dismissal claim can be made.

f) Description based on both regulations on number and duration of the contract(s) between the temporary work agency and the employee and regulations on the number and duration of the assignment(s) with the same user firm.

g) Notification requirements to works councils (or employee representatives), and to government authorities such as public employment offices. Only requirements on top of those requirements applying to individual redundancy dismissal count for the OECD EPL indicators (cf. Item 1).

h) Additional delays and notice periods in the case of collective dismissal (only delays on top of those required for individual dismissals – as reported in Items 2 and 3 – count for the OECD EPL indicators).

i) This refers to whether there are additional severance pay requirements and whether social compensation plans (detailing measures of reemployment, retraining, outplacement, etc.) are obligatory or common practice.