

Law on Amending and Revising the Law on Labor Relations  
(Official Gazette of the Republic of Macedonia No. 21/98)

Article 1

In the Law on Labor Relations “Official Gazette of the Republic of Macedonia” No. 80/93, 3/94, 14/95, 53/97 and 59/97) after Article 58 a new Article 58-a is added and reads:

“Article 58-a

Female employees using maternity leave may, if they wish so, return to work prior to the expiration of the maternity leave.

In addition to being entitled to salary, the female employees referred to in paragraph 1 of this Article are also entitled to reimbursement of maternity leave pay at 50% of the amount determined for maternity leave pay, pursuant to the health care regulations.”

Article 2

In Article 90 a new paragraph 2 is added and reads:

“The employers collective bargaining agreements may determine lower or higher rights for the employees than those determined with the branch agreements, but in no case lower than the rights determined with the law.”

Article 3

Article 118 is amended and reads:

“The decision on the termination of the employment shall be rendered by the employer or by the employee authorized by the employer.”

Article 4

Articles 119 and 120 are deleted.

Article 5

In Article 122 paragraph 1, after the word ‘employees’: “absence from work of four hours in the course of the working week” are added, the coma after the word “employment” is replaced with a full stop, and the words to the end of the sentence are deleted.

Article 6

In Article 125 after paragraph 1 a new paragraph 2 is added and reads:

“In cases of termination of employment referred to in paragraph 1 of this Article, the employer shall be entitled to decide at his discretion which employees shall have their employment terminated when the termination of employments bears on less than 20 employees or 20% of the total number of employees employed with the employer.”

#### Article 7

In Article 138 paragraph 1 the full stop is replaced with a coma and the words: “except for the purposes of evaluation of the need and justification of the employment termination due to economic, technological, structural or other changes of a similar kind.”

#### Article 8

This Law shall enter into force on the eight day following its publication in the “Official Gazette of the Republic of Macedonia”.

**Law on Amending and Revising the Law on Labor Relations**  
(Official Gazette of the Republic of Macedonia No. 25/2000)

**Article 1**

Paragraph 2 of Article 84 of the Law on Labor Relations (“Official Gazette of the Republic of Macedonia” No. 80/93, 3/94, 14/95, 53/97, 59/97 and 21/98) is deleted.

**Article 2**

In Article 88 after paragraph 2 a new paragraph 3 is added and reads:

“The general collective bargaining agreement referred to in paragraphs 1 and 2 of this Article shall be applied directly and shall be mandatory for the signatory organizations of the employees and employers and for all the employees and employers on whose behalf such agreement was signed.”

**Article 3**

In Article 89 a new paragraph 2 is added and reads:

“The branch collective bargaining agreements shall be applied directly and be mandatory for the signatory organizations of employers and employees, except for the employers and employees not members of the respective signatory organizations of employers and employees.”

**Article 4**

In Article 90, the full stop after the word “employees” is replaced with a coma and the words “which shall be applied directly and shall be mandatory for the parties to the agreement” are added.

**Article 5**

Article 128 is deleted.

**Article 6**

Article 129 is amended and reads:

“The structure of the employees whose employment shall be terminated with dismissal notice due to economic, technological, structural or other similar changes, shall be determined on the basis of the criteria defined by the employers collective bargaining agreement, or by a branch collective bargaining agreement in the cases when the employers are signatories to such agreements.”

## Article 7

Article 130 is amended and reads:

“Should the employee’s employment terminate due to economic, technological, structural or similar changes, the employer shall ensure that one of the following rights of the employee be exercised:

1. Employment with another employer, not subject to job position announcement, by way of a transfer of the employee and employment contract for a position fitting his/her professional qualifications; or
2. Professional training, re-qualification or additional qualification enabling such employee to work with other employees; or
3. Single payment of severance pay in the amount of the employee’s one-month salary as paid in the month preceding the day of the employment termination for every two-years of employment with the employer terminating the employee’s employment, amounting to a total of max. 12 salaries, payable as of the day of the employment termination on these grounds.

## Article 8

In Article 138 after paragraph 1 a new paragraph 2 is added and reads:

“In the procedure for the protection of the employee against termination of employment due to economic, technological, structural and similar changes, the court having jurisdiction shall appraise only whether the employment was terminated under the conditions and in the manner specified by the law, the collective bargaining agreement and the employment contract, and shall not appraise the need and the justification of the termination of the employment on such grounds.”

Paragraphs 2 and 3 become paragraphs 3 and 4.

## Article 9

“This Law comes into force as of the eight day following its publication in the “Official Gazette of the Republic of Macedonia”.

**Law on Amending and Revising the Law on Labor Relations**  
(Official Gazette of the Republic of Macedonia No. 3/2001)

**Article 1**

In the Law on Labor Relations “Official Gazette of the Republic of Macedonia” No. 80/93, 3/94, 14/95, 53/97, 59/97, 21/98, 25/2000 and 34/2000) in Article 1 paragraph 1 the full stop at the end of the sentence is deleted and the words “and establishment or termination of employment, unless otherwise determined by the law” are added.

**Article 2**

In Article 3, paragraph 2 is deleted.

**Article 3**

In Article 105 paragraph 1 item 4 the conjunction “and” is replaced with a coma, and in item 5 after the words “or similar changes” the full stop at the end is replaced with “and”, and after item 5 a new item 6 is added and reads:

“6. notice resulting from the company’s needs.”

**Article 4**

In Chapter VII, Termination of Employment, after Article 133 a new title and three new Articles 133-a, 133-b and 133-c are added.

“6. Termination of Employment Through Notice Resulting from the Company’s Needs”

**Article 133-a**

The employment shall terminate with a dismissal notice in consequence of the company’s needs when the government bodies, the bodies of the local self-management units and the City of Skopje, public enterprises, public institutions, foundations and other organizations and institutions founded by the Republic of Macedonia and owned by the Republic of Macedonia or owned by the state, as well as the foundations, organizations and institutions founded by a law, will cease their operation, through abolishment or through changes in the internal organization, reduction of competences and scope of work and other organizational transformations causing elimination of the job position.

**Article 133-b**

The employment of the employee shall be terminated pursuant to Article 133-a of this Law following previous decision by the employer.

When the a professional body is established by law with an employer, the decision referred to in paragraph 1 of this Article shall be made on the basis of a previously acquired opinion by such body.

#### Article 133-c

The employee whose employment terminates pursuant to Article 133-a of this Law shall be entitled to:

- retirement pension in cases when the employee lacks 5 years at the most to the fulfillment of the conditions for the acquisition of the right to retirement pension and severance pay as a result of their retiring in accordance with the collective bargaining, or
- single reimbursement in the form of severance pay of 12 monthly salaries in the net amount of the employee's salary paid in the last month prior to the termination of his/her employment.

The right referred to in paragraph 1 of this Article, as chosen by the employee, shall be effectuated upon the decision for the termination of the employment.

#### Article 5

The Legislative Committee at the Assembly of the Republic of Macedonia is hereby authorized to determine the final text of the Law on Labor Relations.

#### Article 6

This Law shall enter into force on the eight day following its publication in the "Official Gazette of the Republic of Macedonia".