



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Former Yugoslav Republic of Macedonia
<b>Title:</b>	Court decision on discrimination due to pregnancy
<b>Date:</b>	24 May 2016
<b>Expert:</b>	Mirjana Najchevska
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Firing pregnant women
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	National court decision
<b>Field:</b>	Employment / pregnancy and maternity
<b>Applicable law:</b>	Law on Prevention and Protection from Discrimination

### **Content**

**Case development:** Over a period of nine months, a woman worked for an employer based on a limited time working contract – first for a one month period, and then on three-month extensions to the contract. Once it was discovered that the woman was pregnant, the employer fired her by way of not extending the time limited contract or concluding a new contract. On 17 April 2015, the woman lodged suit against her employer.

**Decision of the Court:** The First Level Civic Court of Skopje, after four hearings, adopted a verdict on 3 March 2016 accepting the woman's lawsuit. The Court concluded that there was discrimination based on social status / pregnancy, and decided upon certain damages to be paid to the woman. The Court, however, did not order that the woman be rehired. The verdict was based on the European Convention on Human Rights and on the Macedonian Law on Prevention and Protection from Discrimination. It does not mention the Law on Labour Relations. As the national legal remedies are not yet exhausted, the final outcome is yet to be seen.

**Key points of analysis:** On 27 April 2016, the specialized electronic legal review "Akademik" published a story on this case and the success of the woman's lawyer, who was supported by the NGO "Association of Young Lawyers". The article claims that it is the first verdict on discrimination due to pregnancy, stressing that the Law on Labour Relations, in Article 101/3, waves the ban on firing a pregnant worker (stipulated in the same Law under Article 101/1) in cases of time limited working contracts. To be more precise, the provision does not put an obligation on the employer of extending or renewing a time limited contract, while the ban is valid during the encompassed period of the working contract - meaning that the employer cannot terminate time limited contract due to pregnancy.

The lawyer claims that there are many more cases in the real life like this one and that they hope this case will encourage many other women to seek legal remedy

**Internet link sources:**

Explanation of the court decision: <http://www.akademik.mk/donesena-e-prvata-presuda-so-koja-se-utvrduva-diskriminatsija-vrz-osnova-na-lichen-status-bremenost/>, accessed 17 May 2016.

Court decision: <http://www.akademik.mk/wp-content/uploads/2016/04/Presuda-diskriminacija-OSS2-bremenost.pdf>, accessed 17 May 2016.

Article in "Akademik": <http://www.akademik.mk/donesena-e-prvata-presuda-so-koja-se-utvrduva-diskriminatsija-vrz-osnova-na-lichen-status-bremenost/>, accessed 17 May 2016.

Discussion on the legal protection of workers - victims of discrimination because of pregnancy, childbirth or parenting:

<http://www.akademik.mk/pravnata-zashtita-na-rabotnichkite-zhrtvi-na-diskriminatsija-poradi-bremenost-ragane-ili-roditelstvo/>, accessed 24 May 2016.