



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

NEWS REPORT

Country:	Former Yugoslav Republic of Macedonia
Title:	Court decision on discrimination due to pregnancy
Date:	6 January 2017
Expert:	Mirjana Najchevska
Update of news report nr:	29-MK-GE-2016-Pregnancy discrimination
<u>Context</u>	
Issue at stake:	Firing of a pregnant women
Ground of discrimination:	Sex
Source:	National court decision
Field:	Employment / pregnancy and maternity
Applicable law:	Law on Prevention and Protection from Discrimination; Law on Labour Relations; and European Convention on Human Rights

Content

Case development: For six months a woman worked for an employer based on a limited time working contract. After that period, the contract was extended for another year. During that second working period the woman got pregnant and took pregnancy leave. Although the employer first claimed that the woman could come back to work, and he would employ only a temporary substitute on her place, two weeks after the pregnancy leave he started the procedure to fire her.

Decision of the Court: The First Level Civic Court of Skopje II adopted a verdict accepting the woman's law suit, concluding that there was a discrimination based on social status / pregnancy, and decided the procedural expenses to be paid by the employer. The verdict is based on the European Convention on Human rights and on the Macedonian Law on Prevention and Protection from Discrimination and the Law on Labour Relations. However, the Court did not order that she be rehired.

Key points of analysis: As in the previous case of April 2016, the same specialized electronic legal review "Akademik" published the story. Out of the Court Verdict no. 3 RO-144/16, adopted on October 27 2016, the attempt of the Court to comprehensively cover all the relevant issues is visible, basing it not only to the Law on Prevention and Protection from Discrimination and Law on Labour Relations as national law *in strictu sensu* but also on the European Convention on Human Rights and its Protocol No. 12 regarding discrimination.

Internet link sources:

Akademik article: <http://www.akademik.mk/donesena-e-prvata-presuda-so-koja-se-utvrduva-diskriminatsija-vrz-osnova-na-lichen-status-bremenost/>

Explanation of the court decision:

<http://www.akademik.mk/samohrana-majka-koja-poradi-bremenosta-bila-diskriminirana-na-rabotnoto-mesto-ja-dobi-pravdata-na-sud/>, accessed 22 December 2016.