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NEWS REPORT

Country:	FYR of Macedonia
Title:	Ratification of the ILO C171 Night Work Convention
Date:	20 April 2018
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Context	
Issue at stake:	Protection of female workers rights
Ground of discrimination:	Sex
Source:	Legal development
Field:	Employment
Applicable law:	Council Directive 92/85/EEC of 19 October 1992 (Article 7)

Content

Legal development: The Macedonian Parliament ratified the International Labour Organization's Night Work Convention (C171) in January 2018, without any significant debates or discussions.¹

In its reasoning for the proposition of this ratification, the Governmental Cabinet emphasized the importance of the option for female workers to work night shifts and the possibilities this would generate regarding employment without these having an effect on rights related to maternity.

Furthermore, it is envisaged that this ratification would cause amendments to the national law; yet there is no mention of any concrete piece of legislation that should be changed accordingly. The Law on Labour Relations, which is the basic Act covering this field, is not mentioned at all.

Key points of analysis: It is dubious whether the ratification of this Convention will have immediate effects either on the legislation in this area or in practice. The vast majority of the measures envisaged in the Convention are already incorporated in the Macedonian legislation, and in the Law on Labour Relations there are a variety of Articles regulating these issues, some of which are even farther reaching.² For instance, the Convention defines night work as periods of seven hour', while the Macedonian Law envisages eight hours. Certain health rights in the Convention are linked to a worker's request to invoke those rights, while the Macedonian Law envisages mandatory health exams.

However, the Convention stipulates suitable first-aid facilities for workers performing night work (Article 5), and ensuring alternatives for night work for female workers, including protection in cases where it is not possible to perform night shifts and includes the provision of guarantees concerning benefits regarding status, seniority and access to promotion (Article 7), which are completely omitted in the Macedonian Law. These provisions are

¹ <http://sobranie.mk/materialdetails.nsp?materialId=5bf51126-fd05-4a64-a413-23861355e4f6>, accessed 9.02.2018.

² Articles: 106, 127- 131, 164, 175, 180, Law on labour relations, Official Gazette No. 74/2015.

really welcomed, and are in accordance with the Council Directive 92/85/EEC of 19 October 1992 (Article 7).

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<http://sobranie.mk/materialdetails.nspx?materialId=5bf51126-fd05-4a64-a413-23861355e4f6>.