

Labour Inspection Structure and organization

Name of institution that manage work issues

[Ministry of Labour and Social Policy \(MLSP\)](#)

Department(s) in charge of Labour Inspection

The State Labour Inspectorate (SLI) is in charge of the effective enforcement of the labour legislation which aims to decrease the number of illegally employed persons, to protect the legal rights of workers, and to ensure safe and healthy working conditions. The Director of the SLI is appointed by the government and reports to both the government and the Minister. There are three sectors within the SLI, one sector for Labour Relations Inspection, one for OSH inspection and one for OSH Legislation.

The Ministry of Justice has administrative inspectors who supervise the implementation of the legal provisions within the public authorities; the Ministry of Economy has mining inspectors who supervise occupational safety and health in the mines according to the Law on Mining; the Ministry of Environment is entrusted with radiation protection, which is monitored by nuclear safety inspectors, and environmental inspectors; the Ministry of Health has sanitary inspectors who enforce sanitary legislation and protect public health according to the Law on Health Protection. There are also market inspectors.

Laws that cover organization and functional composition

- Law on Labour Inspection (No. 35 of 1997)
- Labour Relations Law (No. 65 of 2005)
- Law on Occupational Safety and Health (No. 92 of 2007)
- Law on Civil Servants and State Employees (No. 50 of 2000)
- Law on Employment and Work of Foreigners (No. 70 of 2007)
- Law on Volunteers (2007)
- Law on Trade (2004)
- Law on Protection Against Smoking (1995, amended 2003)

Scope of labour inspection

The Sector for Labour Relations inspection deals with the implementation of standards with regards to labour relations, employment and social insurance in all sectors of the economy, including mining, public administration and self-employed. The sector for OSH inspection covers the field of occupational safety and health in all public and private sectors, with the sole exception of the mining industry.

Local divisions

Within the sector for Labour Relations there are three departments covering Region 1 (Central: Skopje, Veles, Kavadarci and Negotino), Region 2 (Eastern: Kumanovo, Kriva Palanka, Kratovo, Probistip, Sveti Nikole, Stip, Radovis, Valandovo, Strumica, Gevgelija, Kocani, Vinica, Breovo, and Delchevo), Region 3 (Western: Tetovo, Gostivar, Kicevo, Debar, Struga, Ohrid, Resen, Bitola, Makedonski Brod, Demir Hisar, Krusevo and Prilep). Each Region has a Head of Department. The Sector for OSH Inspection has two departments covering Region 1 (Skopje, Prilep, Kavadarci, Bitola, Resen, Struga and Debar) and Region 2 (Kumanovo, Veles, Stip, Kocani, Strumica, Delcevo, Probistip, Tetovo and Gostivar). Each department has a Head of Department. The sector for OSH Legislation has only one officer at central level.

Of the 30 regional offices, only 16 of them have both labour relations and OSH inspectors, in the rest they only have labour relations inspectors. In offices where there is only one labour relations inspector, the inspector performs both labour relations and OSH functions without having received specific OSH training.

Programming and communication

Inspectors in regional offices act with considerable autonomy, just reporting to the Heads of Departments. There are also Coordinators in the regional offices who are in charge of communicating with the Heads of Departments.

Current reforms

During the June 2009 audit, the new Sector of Coordination, Training and Administrative Execution was in the process of being set up at the central level of the SLI. A new OSH Sector in the MLSP had been recently set up at the central level. The Government was also in the process of setting up a National Occupational Safety and Health Policy.

Human Resources and career development

Permanency of inspectors

The employment of inspectors cannot be temporary. Their performance is evaluated annually by their immediate superior. An inspector can lose his/her position upon receiving a negative evaluation three times over a period of five years or in two consecutive years. No inspector has received a negative evaluation in the past 5 years.

Inspectors are not ranked in different levels, grades or titles. There is no room for promotion. The only way to be appointed for a higher position is to win a public competition for the vacancy. The inspectors experience in the labour inspection field does not give them any privilege over other public servants in the competition process.

There is no individual training plan for inspectors, no training unit and no training coordinator in the SLI. Workshops that span a couple of days are held once every few months. New recruits are paired with more experienced inspectors in the first three months and are not obliged to report on any inspection activity.

Selection process

Once a position becomes vacant, a public announcement is made by the Agency of Civil Servants (ACS). Applicants are selected based on eligibility. This is followed by a professional examination, in multiple choice format which consists of two parts: a general section and a section testing the knowledge and skills for a specific position. The five most successful candidates are then put through an interview. The interviews are conducted by a Commission, appointed by the State Secretary, which is made up of one representative from each of the following departments: the Human Resources Department of the MLSP, the SLI and the ACS. A final list with the candidates' ratings (from 1 to 10), together with minutes of the selection process are submitted to the ACS. The State Secretary has the final decision-making authority.

Background required

In line with the Law on Civil Servants, inspectors must be citizens of the former Yugoslav Republic of Macedonia, of legal age, with adequate level of education and working experience, they must not have an injunction issued against them banning them from exercising a profession, business or office, and should be in good health. Labour relations inspectors are all lawyers, with a minimum of 3 years of experience, who have all passed the professional exam for work in the administration. OSH inspectors are graduate engineers in one of five technical fields: mechanics, civil engineering, architecture, electrical engineering, technology and labour protection. They must also possess a minimum of 3 years of work experience and have to pass the professional exam.

Visits and functions

Types of visits

Inspectors can make scheduled visits in accordance with the Annual Plan, follow up on complaints or make visits out of their own initiative. The reported minimum number of monthly visits for both OSH and labour relations inspectors is 60. Complaints initiate around 4% of the total number of visits made by labour relations inspectors. Workers can submit requests in writing or orally, these requests can be made anonymously. A call centre has been set up to receive such requests.

Role of preventive measures

It was noted in the Convention 155 Article 22 direct request files that there is a lack of information on preventative measures that have been implemented in The former Yugoslav Republic of Macedonia.

Programming

Inspectors are obliged to carry out inspections at least once a year at employer premises in the following fields: industrial, trade, construction, agriculture, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops and laboratories used for professional practice. In all other fields inspections are carried out at least once every three years. Visits are poorly prepared mainly because of lack of registers, data and time. Inspectors do not use any procedural manuals, checklists or templates in their visits.

Joint inspections between labour relations and OSH inspectors constitute about 10-20% of all inspections, but they write their own reports.

Registries and reporting of accidents/diseases at work

There is currently no registry that exists in the MLSP. Some public institutions such as the Central Register of Enterprises, the Taxation Authority, the Employment Agency, the State Statistics Office, the Health

Insurance Fund and the Pension and Disability Fund have computerized systems at their disposal. However inspectors are not provided access to these databases.

Inspection visits are recorded on paper and kept at respective regional offices, the information is not shared by different offices. Inspectors provide monthly reports on visits made, but these only contain the name of the company and very brief information on the results of the inspection.

In practice, compliance with the legal obligation of reporting accidents is very low. In some cases, OSH inspectors receive information about lethal or serious workplace injuries from the Ministry of Interior or the Police or from the Former Yugoslav Republic of Macedonia Occupational Safety and Health Association (MOSHA). In case of lethal, collective or serious injury, the OSH inspector is duty bound to conduct investigation on the spot. After gathering all the relevant data, the inspector must write a report on whether the prescribed OSH measures that led to the injury have or have not been implemented.

Sanction and administrative processes

According to the Law on Occupational Health and Safety, there are three categories of misdemeanours. Each category is outlined in a separate provision with different penal amounts ranging from 1000€-8000€. According to the Law on Labour Relations, fines can range from 160€ to 3200€ for violations of different severity. There are two types of procedures for handling violations. The first one is called the Settlement Procedure and applies to violations of Article 56 of the Law on Occupational Safety and Health and Articles 264 and 265 of the Law on Labour Relations. The inspector has to write the most important elements of the misdemeanour, such as the time, place and manner of perpetration, description of the misdemeanour and the witnesses. The minutes have to be signed by both the inspector and the perpetrator. The perpetrator is given 8 days to pay the fine. If he/she pays before the deadline, the amount of the fine is halved. This is still a new procedure in Macedonia and up till June 2009 of the audit report, no one had made use of this “early-bird” system yet. The second procedure is called the Mediation Procedure which applies to violations of Article 264 and 265 of the Law on Labour Relations. Both parties sign the minutes, which are then submitted by the SLI to the Mediation Commission. The issue is dealt with in the next 48 hours. If an agreement is reached, the perpetrator may pay half the fine, if an agreement is not reached, the Commission may initiate a Misdemeanour procedure through the SLI.

The OSH inspector is empowered to impose spot fines of 50€ to employees who fail to use personal protective equipment; suspend operations when they discover an immediate threat to the life or health of employees; send files to the Public Prosecutor in case of criminal violations. Labour inspectors may also suspend activities when they discover one of the following conditions: someone working illegally, the employer is not paying social contributions or the minimum wage, the employer has not paid wages for three months, the employer is not observing working hours or does not keep electronic records of working time and overtime. The suspension will be for seven days in the case of failure to observe working time. If an employer is found to have repeated the following contraventions, another suspension for a period of one to five years shall be imposed, and the inspector will submit a declaration that court proceedings are being initiated. Employers usually have the right to appeal to the MLSP within 8 days. In case of obstruction, inspectors can send a fine to the Misdemeanour Commission or call the Police. The latter however does not react immediately.

Social partners and labour inspection

Social partners from the workers’ side include the Federation of Trade Unions of The former Yugoslav Republic of Macedonia (FTUM/SSM), Confederation of Free Trade Unions of The former Yugoslav Republic of Macedonia (CFTUM/KSS), Confederation of Trade Union Organizations of the former Yugoslav Republic of Macedonia (CTUOM), Union of Independent and Autonomous Trade Unions of the former Yugoslav Republic of Macedonia (UIATUM). Social partners from the employers’ side include the Confederation of Employers of the Republic of the former Yugoslav Republic of Macedonia, Organization of Employers of the Republic of the former Yugoslav Republic of Macedonia, National Federation of Temporary Work Agencies, Association of Employers in Traffic and Communications.

The Economic and Social Council was established in 2006. It consists of representatives of the MLSP, Minister of Finance, Deputy Minister of the Economy, FTUM and Organization of Employers of the Republic of the former Yugoslav Republic of Macedonia. The ESC has no sub-commission relating to labour inspection, however discussions on labour inspection methods have been held.

There is a Council of Occupational Safety and Health with 15 representatives from employers (4), trade unions (4), government (3) and other field experts (4). The Council met monthly in the past, but no meetings were reported to have been conducted at the time of the audit report in June 2009.

ILO Conventions ratified

The former Yugoslav Republic of Macedonia ratified Conventions No. 81, 129 and 155 in 1991. The government has yet to ratify Convention No. 150.