

***MOBILEurope: Collective bargaining for mobile workers in Europe under the
COVID-19 pandemic - cases of frontier, seasonal and migrant workers***

National report for the Republic of North Macedonia

**Ss. Cyril and Methodius University– Skopje
Faculty of Law "Justinian The First"**

Authors:

Lazar Jovevski, PhD

Dimitar Galev, PhD

Biljana Petrevska, PhD

March 2024



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Table of contents

Introduction.....	3
1. Definition of the term “mobile workers”	4
2. Existence of social dialog and/or a collective bargaining system and the way in which mobile workers can be included	6
3. Analysis of results of conducted surveys.....	8
4. Analysis of results of conducted focus groups.....	17
Conclusions and recommendations.....	21



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Introduction

The pivotal events which unfolded in the previous years, including the pandemic, the war in Ukraine, and the economic crisis, all served to shift the focus to the mobile work force. Despite the fact that mobile workers have always represented a substantial segment of the work force, they undoubtedly took center stage at the beginning of the COVID-19 pandemic and during the ensuing closing of borders. Seasonal workers were faced with uncertainty during the pandemic, which was primarily reflected in inadequate working conditions, sparse accommodation, and lack of awareness of their rights in the country in which they had been employed.

As a distinct group of mobile workers, seasonal workers contribute to the increase in the supply of work force, particularly during the period of the year characterized by a higher demand for work force than the one that the domestic market can supply; as a result, mobile workers represent the key link in the functioning of the European labor market. This enables industrial sectors such as agriculture, tourism and hospitality, to supplement their work force by introducing foreign workers in situations where they are unable to fill vacancies by hiring local workers, or by typically taking on migrant workers.

Furthermore, these industrial sectors also employ large numbers of frontier workers, which reflects the opportunities afforded by the EU single market. Employers make up for the deficit of work force in their local work force by hiring workers from other countries - EU member countries, who typically live in neighboring countries from which they travel to the country of employment on a daily level. These regular movements of workers were interrupted precisely due to the closing of borders and imposed restrictions, where all types of mobile workers, regardless of nationality, were impacted by the closings of borders which also took place along internal EU borders.

When it comes to the number of workers coming to work in our country, it is much lower than the number of our workers departing in order to work abroad. However, a certain deficit of work force nevertheless occurs in certain sectors and with regard to certain jobs, as a result of the tendency of our work force to migrate elsewhere. The increased shortage of work force makes it more than likely that Macedonia too will be faced with the need to start “importing” foreign manpower in order to make up for the deficit of workers.

In recent years, the Republic of North Macedonia has been “exporting” more and more of its work force, meaning that a substantial part of the working age population is in fact employed abroad, be it temporarily or permanently. It is worth mentioning posted workers who have



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

been temporarily posted by their companies to provide services within the scope of their job descriptions in another country which is an EU member country. It is precisely the placement of the labor market on the national level, as well as the regional and European fluctuations of work force, that require an adequate analysis of the state of affairs within the scope of this project.

For this reason, this analysis aims to identify the impact of the crisis brought on by the COVID-19 pandemic on frontier, seasonal, and migrant workers in terms of employment, working conditions, and social security, as well as on their overall representation on the labor market in the Republic of North Macedonia, and their participation in trade unions and collective bargaining processes. The conducted surveys and focus groups serve to provide a more in-depth analysis of the work modalities and working conditions of mobile workers during the crisis caused by the COVID-19 pandemic from the aspect of trade union representatives and employer representatives. Particular attention was paid to the process of collective bargaining, with special emphasis on past, present and future roles and activities of all key participants in the social dialog with regard to issues concerning mobile workers.

1. Definition of the term “mobile workers”

Within the scope of this project, the term “mobile workers” implies frontier, seasonal, and migrant workers. There are numerous explanations and definitions for each of the above types of workers; however, the definitions provided within the scope of directives and other statutory provisions of the European Union and the United Nations will be used as the basis for defining these terms.

Regulation (EC) No 883/2004 of the European Parliament and of the Council defines a frontier worker as “a person who carries out activities in a member country as an employed or self-employed person who retains his/her habitual residence in a neighboring State to which he or she normally returns every day or at least once a week “. Frontier workers often have dual citizenship, i.e., both the citizenship of their country of origin, and citizenship based on their place of residence and work. Unlike them, migrant workers ultimately leave their country of origin in order to live and work in another country. This Regulation refers to the equal application of and access to all benefits, as well as discharging of obligations for all categories of workers to which it applies, unless specified otherwise within the Regulation itself.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Frontier workers essentially convey the sense of the open market within the European Union, which, as a rule, enables free movement of work force from one member country to another. From this point of view, frontier workers are of ultimate importance and their protection deserves particular attention. During the COVID-19 pandemic, they were undoubtedly faced with a large number of challenges, primarily due to the closing of borders within European Union countries themselves.

When we discuss frontier workers in terms of the Macedonian landscape, we most often refer to those workers who have permanent residence in cities in the vicinity of the border, or those employed in neighboring countries such as Serbia, Bulgaria, Albania, Kosovo or Greece. Having in mind the proximity of the above countries, this type of workers typically travels from one country to the other and vice versa on a daily basis, crossing borders up to two times a day. On the other hand, the number of workers coming to North Macedonia to work from neighboring countries is significantly lower.

The next category of workers included within the scope of this project are migrant workers. Within the framework of the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a migrant worker has been relatively extensively defined as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

In the past, but also in more recent times, the Republic of North Macedonia has often had contact with migrants from other countries, primarily due to its location along the migrant route from their countries of origin, mostly African countries, to Europe. Macedonia was last faced with a major migration wave in 2015, when borders were flooded with migrants wishing to cross the southern border with Greece in an attempt to reach the northern border with Serbia. It is worth noting that for migrants, our country is merely a stop along the way, and not the ultimate destination. Hence, the majority of migrants simply passes through Macedonian territory without staying or becoming integrated into its population. The above serves to enable us to conclude that there is a relatively small number of migrant workers who actually remain in the Republic of North Macedonia with the intention of working.

A fact which is worrying is the glaringly evident need for workers, which Macedonian employers are intending to meet by engaging workers, third-country nationals, who have effectively left their country of origin in order to live and work in another country, i.e., migrant workers.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

The final category of mobile workers which we have analyzed within the scope of this project, are seasonal workers. It is safe to conclude that this group of workers is the most represented compared to other categories. The term “seasonal worker” denotes a third-country national who retains his/her habitual residence in the given country. These workers have a legal temporary residence in a member country for the purpose of carrying out seasonal work under one or more definite-term employment contracts, directly concluded between the third-country national and the employer established within the given member country. Namely, a significant number of Macedonian workers continually travels, in search of seasonal work, to neighboring countries, but also to EU member countries in general, which are typically more developed in terms of tourism, thus requiring additional workers, and they also relocate to European Union member countries. Although this happens much less frequently, as a result of the work force migration, certain sectors with the need to engage seasonal workers must resort to engaging foreign workers.

2. Existence of social dialog and/or a collective bargaining system and the way in which mobile workers can be included

In a situation characterized by labor shortage, which is becoming more current and acute, the Macedonian labor market will need to employ workers from abroad, who will belong to the group of mobile workers to a certain extent, giving rise to the need to integrate these workers into trade unions, as well as into society as a whole, in addition to the need for standardizing the rights and obligations connected to the work of these types of workers.

Trade unions are encountering major difficulties in locating mobile workers, primarily due to the fact that they are often engaged without a proper contract in place, i.e., illegally, which is precisely why their involvement in trade unions, if such trade unions even exist on the employer or sectoral/branch level, is practically impossible. Mobile workers are typically engaged in hospitality services, tourism, construction, agriculture, i.e., in the private sector. This having been said, it is necessary for mobile workers to be included in the General collective agreement for the private sector of the economy, and accordingly, in all other branch-level collective agreements.

Needless to say, collective bargaining in the Republic of North Macedonia is severely inadequate, having in mind that the General collective agreement does not contain any



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

provisions related to mobile workers, nor does it specify provisions related to the employment and work of foreign nationals in our country. The above collective agreement was concluded more than 10 years ago, which makes the fact that it does not contain provisions related to these categories of workers somewhat understandable, as they were practically a non-existent category of workers at the time.

However, given the absence of possibilities for concluding a new collective agreement for the private sector, the only logical solution would be to change and amend the existing agreement by introducing basic provisions related to the rights of mobile workers. Following that, these provisions would be elaborated and amended in branch-level collective agreements, particularly in those branches characterized by a distinct need to employ these categories of workers.

The involvement of mobile workers in trade unions will improve their position, primarily by affording them a chance to receive a form of education regarding the protection of their rights, while simultaneously providing them with the opportunity to be informed and consulted with regard to all of the issues pertaining to their work.

In this way, workers from this marginalized group will take on a more active role in collective bargaining processes and creating a social dialog. Enabling worker participation and consultation creates a culture in which relationships between employers and employees are based on principles of cooperation, trust, openness, transparency, integrity, mutual respect, and joint problem-solving.

3. Analysis of results of conducted surveys

This project also included a survey in which 20 mobile workers, from within all three categories, were interviewed. The survey participants come from different sectors, and despite not being a representative number, they nevertheless led us to certain conclusions.

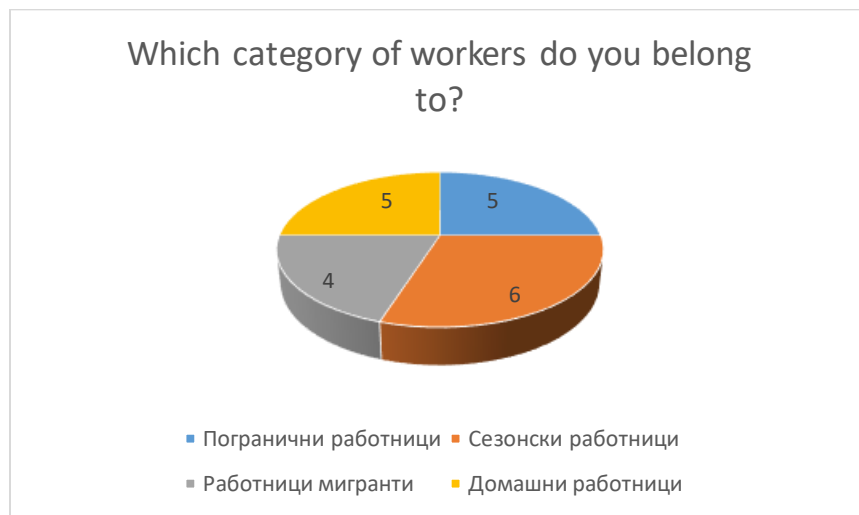
When asked, “Which category of mobile workers would you say you belong to?”, six respondents said that they were seasonal workers (a person working in a country other than the country in which he/she is a national, whose work is dependent on seasonal conditions, and who returns to his/her habitual residence in his/her country of origin during the “off-season”), five respondents said that they were frontier workers (a person working in a country other than



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

the country in which he/she is a national, who normally returns every day or at least once a week to his/her habitual residence in his/her country of origin), four respondents said that they were migrant workers (a person who works in a country other than the country in which he/she is a national, and who spends the major part of the year in the country of employment/host country), whereas the remaining five workers were domestic workers.



Translation:

- marked in blue: Frontier workers
- marked in grey: Migrant workers
- marked in orange: Seasonal workers
- marked in yellow: Domestic workers

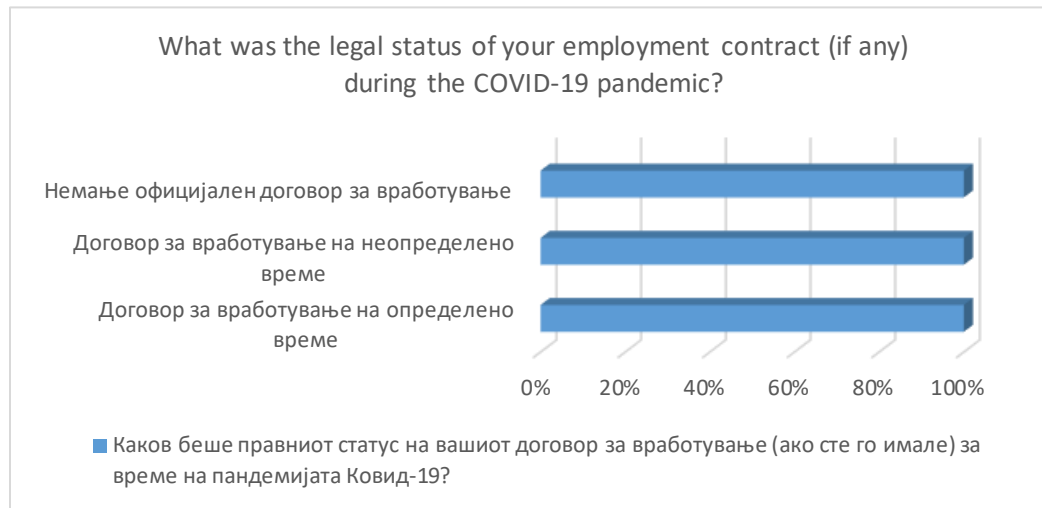
As far as the question “Which sector of the economy does your work activity belong to?” is concerned, we can conclude that several sectors are present, including: 5 - Health and social care; 4 - Services sector; 2 - IT sector; 1 - Public institution; 1 - Finance; 1 - Local self-government; 5 - Construction and infrastructure; 1 - Education.

The next question was related to the legal status of employment contracts (if any) during the COVID-19 pandemic. Out of a total of 20 respondents, 8 said that they had had a definite-term employment contract, 9 said that they had had an indefinite-term employment contract, while 3 respondents said that they did not have any formal contract of employment at that time.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.



Translation of image under title question:

- There was no formal employment contract in place
- Indefinite-term employment contract
- Definite-term employment contract

Marked in blue: What was the legal status of your employment contract (if any) during the COVID-19 pandemic?

The next question analyzes the legal status of the employment contracts of respondents at the time (if any). The answers to this questions vary, thus: 12 respondents said that they had a definite-term employment contract, 6 - an indefinite-term employment contract, 1 - I had no formal employment contract at the time, and 1 - self-employed.

When asked, “Did anyone explain the contents of your employment contract (if any) to you before signing?”, 6 respondents said that their employment contract had been explained to them in detail in terms of its contents, 9 respondents had signed the employment contract without receiving any explanation of its contents, 4 respondents said that they had received a general description of their employment contract, whereas 1 respondent said that he/she had not been given a formal employment contract.

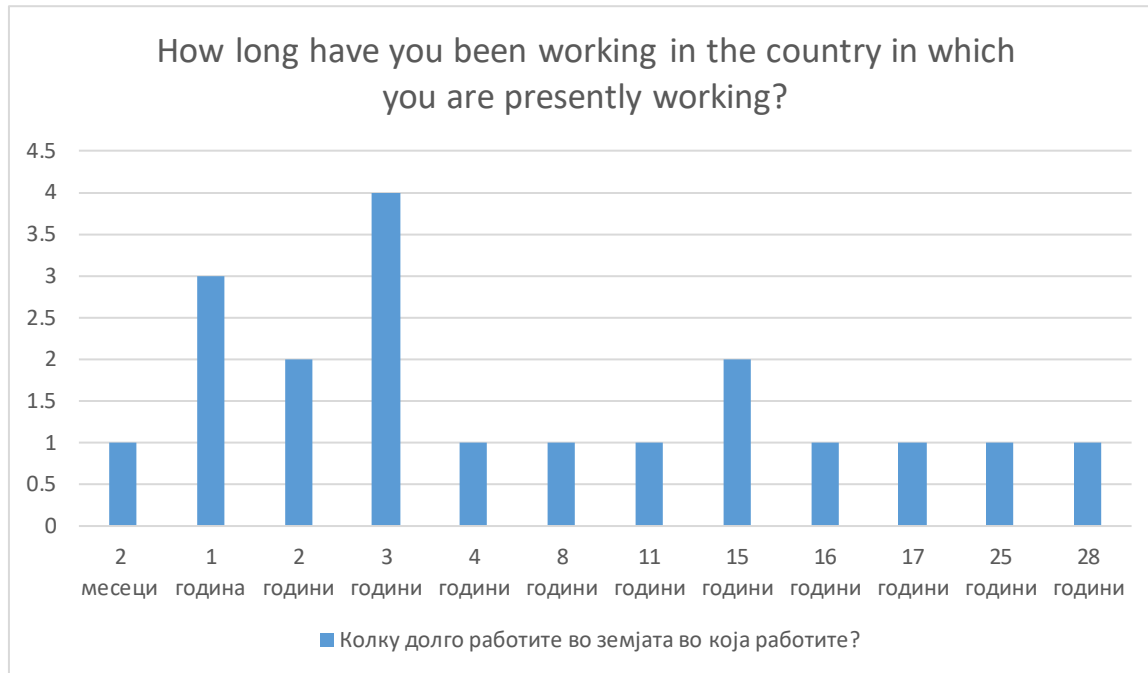
When asked, “Do the working conditions correspond to the terms of your employment contract (if any)?”, the majority of respondents, 11 out of a total of 20, said that the working conditions partially corresponded to the terms of their employment contract, 5 respondents confirmed that the working conditions fully corresponded to the terms of their employment contracts, 3 respondents felt that the working conditions did not correspond to the terms of their employment contract at all, whereas 1 respondent again responded that he/she had been given no formal employment contract.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

When asked, “How long have you been working in this country (the country in which you are presently working)?”, respondents provided a variety of answers, ranging from several months to 30 years, whereas one respondent did not respond to this question.



Translation underneath the chart:

2 months - 1 year - 2 years - 3 years - 4 years - 8 years - 11 years - 15 years - 17 years - 25 years - 28 years
Marked in blue: How long have you been working in the country in which you are presently working?

The next question was related to the changes which had been brought on by the COVID-19 pandemic, i.e., whether the work organization had encountered any serious difficulties during the crisis caused by the COVID-19 pandemic. In response to this question, 5 respondents answered that their work organization had discontinued operations for a certain period of time, 10 respondents felt that the COVID-19 pandemic had had no impact on the functioning of their work organization, 4 respondents responded that their work organizations had expanded their activities during the COVID-19 pandemic, whereas one respondent responded with “I do not know.”

Responding to the question of whether any changes had been made to the workers’ employment contracts, 10 respondents responded that their indefinite-term employment contract had not been altered, 4 respondents responded that their definite-term employment contract had not been altered, 2 respondents responded that they did not have a formal



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

employment contract (and still do not have one) and 2 respondents said that they did not have a formal employment contract (but now have it), whereas one respondent indicated that his/her employment contract had been canceled. Furthermore, one respondent responded that his/her employment contract had been changed from a definite-term to an indefinite-term employment contract.

When asked how many working hours a week they had been engaged and spent working during the COVID-19 pandemic, 12 respondents responded that they had had 40-hour work weeks, 2 respondents responded that they had worked 20-hour work weeks, 3 respondents responded that they had had 0 hours of work (or did not respond to this question), whereas one respondent each responded that he/she had been working 4-hour work weeks, 30-hour work weeks, and more than 40 hours a week, respectively.

The next question was related to the total duration of working hours of respondents, where 14 respondents responded that they had been working in line with the legal maximum working hours, i.e., 40 hours a week, whereas the remaining 6 respondents each responded differently, citing 8-hour, 48-hour, 20-hour, 42-hour, 30-hour, and 45-hour work weeks.

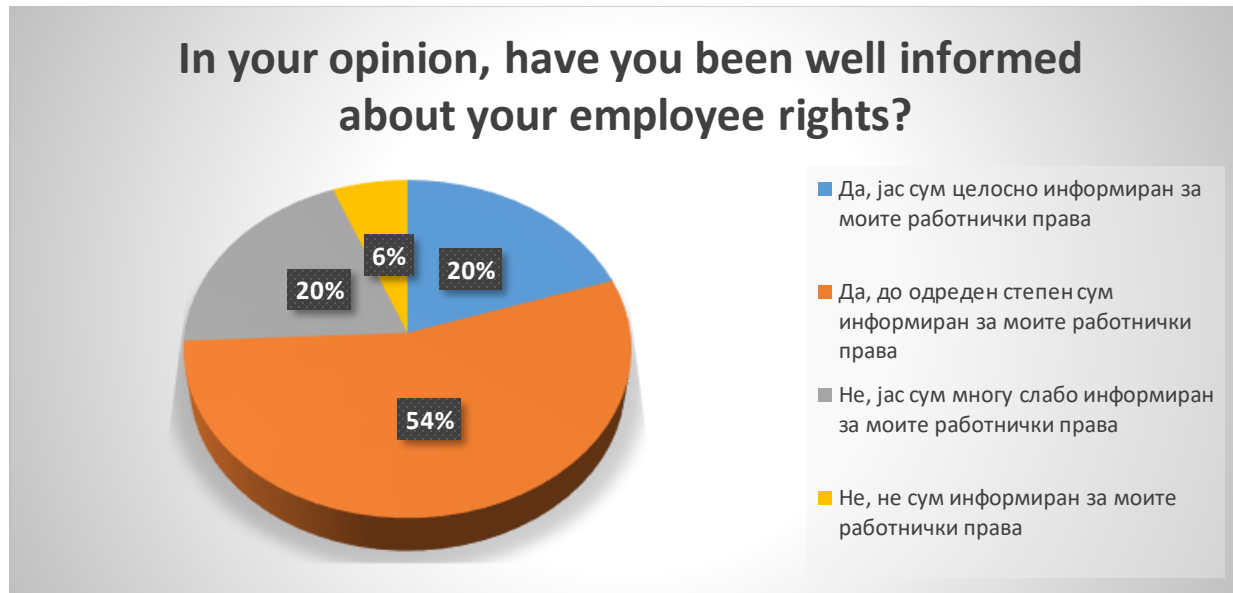
Respondents were also asked whether they had experienced any reduction of working hours and salary during the COVID-19 pandemic, to which they all answered differently, with 3 respondents saying that their working hours had been reduced, but the salary had remained the same, 2 respondents pointed out that their remuneration had been increased, 7 respondents reported that both their working hours and earnings had remained unchanged, 6 respondents said that both their working hours and remuneration had been reduced, whereas only one respondent responded that his/her working hours had remained the same, but the salary had been reduced.

The question “Did you experience any issues related to social security in your workplace during the COVID-19 pandemic, when it comes to the following aspects?” elicited the following responses: 9 respondents responded with “no”, 6 respondents had experienced problems with being approved a paid sick leave / health insurance / pension insurance, 4 respondents had encountered issues being approved paid days off, whereas one respondent had had difficulties in being approved a paid vacation.

In the context of the question of whether they were currently dealing with any issues related to social security in the workplace, 13 respondents said that they had not experienced any issues, 5 respondents were still encountering problems in being approved paid days off, whereas 1 respondent each was having problems with health insurance and paid sick leave, respectively.



The next segment of questions was related to workers' rights, workers' involvement in decision-making, etc. Thus, when asked whether they had been sufficiently informed of their workers' rights, 4 respondents responded with - Yes, I have been fully informed of my employee rights, 11 - Yes, I have been informed of my employee rights to some extent, 4 - No, I have received very limited information about my employee rights, whereas one worker felt that he/she had been insufficiently informed of his/her employee rights.



Translation of image:

- marked in blue: Yes, I have been fully informed of my employee rights
- marked in orange: Yes, I have been informed of my employee rights to a certain extent
- marked in grey: No, I have received very little information about my employee rights
- marked in yellow: No, I have not been informed of my employee rights

Depending on the sources from which they received information about their rights, the respondents responded differently. Namely, 3 respondents responded that they had received information from their employer, while 5 each responded that they had been informed by the trade union or by the trade union and the media, one respondent stated that he/she had not requested information about employee rights, whereas the remaining respondents responded that they had received information from their employer, trade unions and the media (2), online (1), and from the press (1).

The questionnaire also contained a question related to whether the respondents had encountered any issues regarding transportation to and from work during the COVID-19 pandemic. In response to this question, 12 respondents said that the COVID-19 pandemic had



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

not affected their transportation to/from work at all, 3 respondents said that they had experienced minor problems in traveling to/from work during the COVID-19 pandemic, 2 respondents had encountered serious difficulties in traveling to/from work during the COVID-19 pandemic, one respondent stated that he had worked from home, one respondent stated that he had been unable to travel to/from work during the pandemic, and one respondent stated that the work organization had suspended its operations at the height of the pandemic.

As regards the question of whether respondents had been informed of their rights related to lodgings, education, personal safety, legal status, relationship with the police/border officials, army, personal documents, etc., 9 responded that they had not been informed of their personal or social rights, 5 had been informed by their employer, 3 had received information from the trade union, while 3 had been informed both by the trade union and by their employer.

“Did you encounter any issues related to occupational health and safety during the COVID-19 pandemic?” - 5 respondents stated that their health and safety had been seriously compromised during the COVID-19 pandemic, 6 respondents felt that their health and safety had been somewhat jeopardized during the COVID-19 pandemic, 8 respondents stated that their occupational health and safety had not been at risk during the COVID-19 pandemic, whereas only one respondent stated that his/her work organization had suspended its operations during the most critical period of the COVID-19 pandemic.

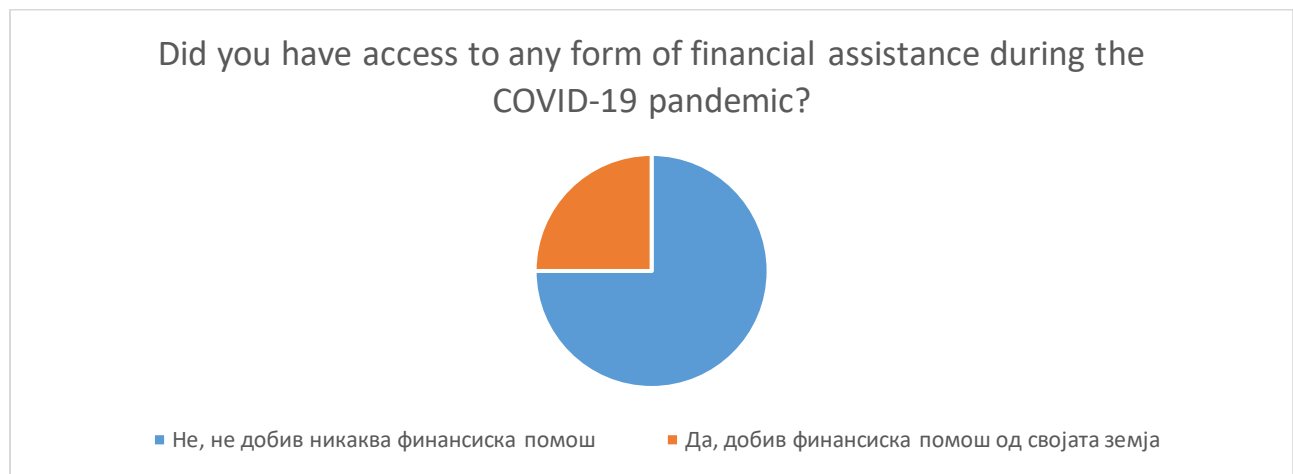
As far as whether the employer had provided any information in a suitable manner and/or organized trainings dedicated to preventing the spread of COVID-19 at their workplace, the answers were mixed. Namely, 5 respondents answered that their employer had not provided any information and/or trainings related to preventing the spread of COVID-19 at the workplace, 3 respondents stated that their work organization had suspended its operations during the peak of the COVID-19 pandemic, 8 respondents confirmed that their employer had provided some information and/or trainings dedicated to preventing the spread of COVID-19 at the workplace, whereas only 4 respondents stated that their employer had provided substantial information and/or organized trainings dedicated to preventing the spread of COVID-19 at the workplace.

When asked about personal protective gear, and whether their employer had provided them with the adequate personal protective equipment (PPE) to use while at work during the COVID-19 pandemic, 6 respondents responded that their employer had not provided them with any personal protection equipment (PPE) at all, 5 respondents said that their employer had provided the necessary gear, 7 respondents felt that the equipment provided by their employer had not been completely adequate, one respondent stated that his/her work organization had



suspended its operations at the height of the COVID-19 pandemic, whereas one respondent emphasized that his/her employer had handed out basic protective gear (face masks and hygiene products) on a single occasion.

When asked whether they had had any access to financial assistance during the pandemic, 15 respondents said NO, whereas the remaining 5 had received some sort of financial assistance from their country.



Translation of image:

- marked in blue: No, I did not receive any financial assistance
- marked in orange: Yes, I received financial assistance from my country

When asked, “In your opinion (regardless of trade union affiliation), in which ways can trade unions help migrants?”, 13 respondents feel that the trade union can help by providing support and information regarding workers’ rights and occupational safety, offering legal aid and representing migrant workers faced with discrimination or exploitation, advocating for a just treatment and equal opportunities for all, 2 respondents said they felt that the trade union could help by creating networks and communities of migrant workers, aimed at ensuring mutual support and resources, 3 respondents felt that the trade union ought to make an effort through collective bargaining, and negotiating with employers on behalf of migrant workers for better pay and working conditions, whereas one respondent feels that the role of the trade union ought to be focused on establishing cooperation with the local community in order to provide support for the social and economic integration of migrant workers.



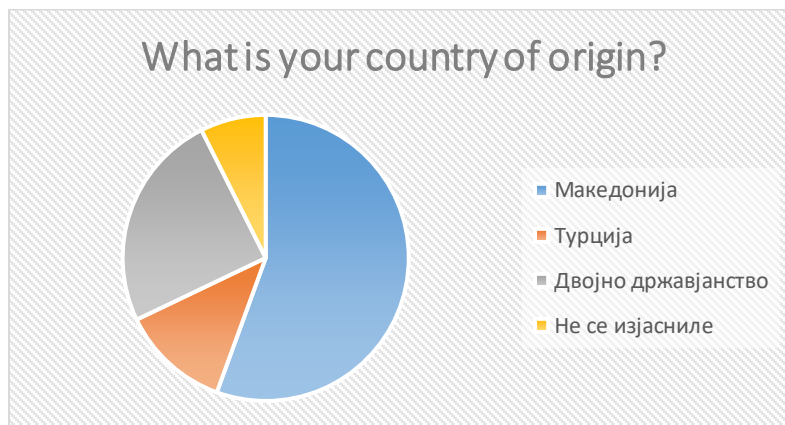
Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

The remainder of the questionnaire contained general, generic questions pertaining to respondents and their personal information. As part of this report, these questions have been presented as follows:

- What is your country of origin?

9 respondents answered with Macedonia, 2 with Turkey, 4 said that they had dual citizenship, whereas 5 respondents did not reply to this question.



Translation of image:

- marked in blue: Macedonia
- marked in orange: Turkey
- marked in grey: Dual citizenship
- marked in yellow: Did not provide a response

- Which age group do you belong to?

Four respondents said they belonged to the group aged between 25 and 34, 12 respondents said they belonged to the group aged 35 to 44, whereas 4 respondents said they belonged to the group aged 45 to 54.

- What is your highest level of education?

Two respondents said that they held a master's degree, 9 had completed higher education or held a bachelor's degree, 8 had completed secondary education, whereas one had completed doctoral studies and held a PhD degree.

- Are you a trade union member?



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

In response to this question, 15 persons stated that they were trade union members, 3 said that they were not trade union members, but would like to be, whereas one respondent said that he/she was not a trade union member and was not planning on becoming one.



Translation of the chart:

Yes, I am a trade union member

No, I am not a trade union member, but I would like to be one

No, I am not a trade union member, nor do I plan on becoming one

Are you a trade union member?

- What is your gender?

The ratio is 10 male to 10 female respondents.



Translation of image:

- marked in blue: Men

- marked in orange: Women



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

- Describe your marital/relationship status

10 respondents answered that they were married, 7 that they were unmarried, and one respondent each answered that they were widowed, divorced and living with an unmarried partner, respectively.

- If you are married/living in an unmarried relationship, where does your spouse or unmarried partner live?

8 respondents said that they were living together in their country of origin, 3 responded that they were living in the host country while their spouse/unmarried partner was living in the country of origin, while 2 responded that they were living together in the host country.

- How many children do you have? (If you do not have children, please write 0)

Four respondents had one child, seven respondents had two children each, two respondents had three children each, one respondent had four children, whereas six respondents said that they did not have any children.

- If you have children, where do they live?

Ten respondents said that they were all living together in their country of origin, three responded that they were living in the host country while their spouse or unmarried partner was living in their country of origin with their children, one respondent said that they were living in the host country, whereas six respondents did not answer this additional question, i.e., wrote in zero.

4. Analysis of results of conducted focus groups

Three focus groups, with a total of 30 participants, were carried out as part of this project. Half of the respondents in the conducted focus groups were employee representatives, whereas the remaining half were either employers or representatives of employers' organizations.

In response to the introductory question, regarding the category to which each respondent belongs, six respondents said that they were trade union members, ten respondents were listed as trade union presidents or leaders, four respondents were representatives / belonged to an employers' association, whereas ten respondents said that they were employers.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

As far as the sector to which each respondent belongs is concerned, the answers are as follows: four respondents from the agricultural sector, two respondents from the food-processing industry, three from the construction sector, two from hospitality services and tourism, three from the services sector, one respondent said that he/she was an administrative worker, and five respondents each responded that they were engaged in the IT sector, in the health care sector, and in the social services sector, respectively.

The next question pertained to the typical (most dominant) form of employment for mobile workers (frontier workers, seasonal workers and migrant workers) in our country. The employment contract was labeled the most dominant form of employment, with emphasis on the definite-term employment contract and the seasonal employment contract. Nevertheless, one of the respondents stated that workers of this type were mostly employed illegally. The same responses were provided to the question intended to identify the dominant form of employment within the sector to which each respondent belonged.

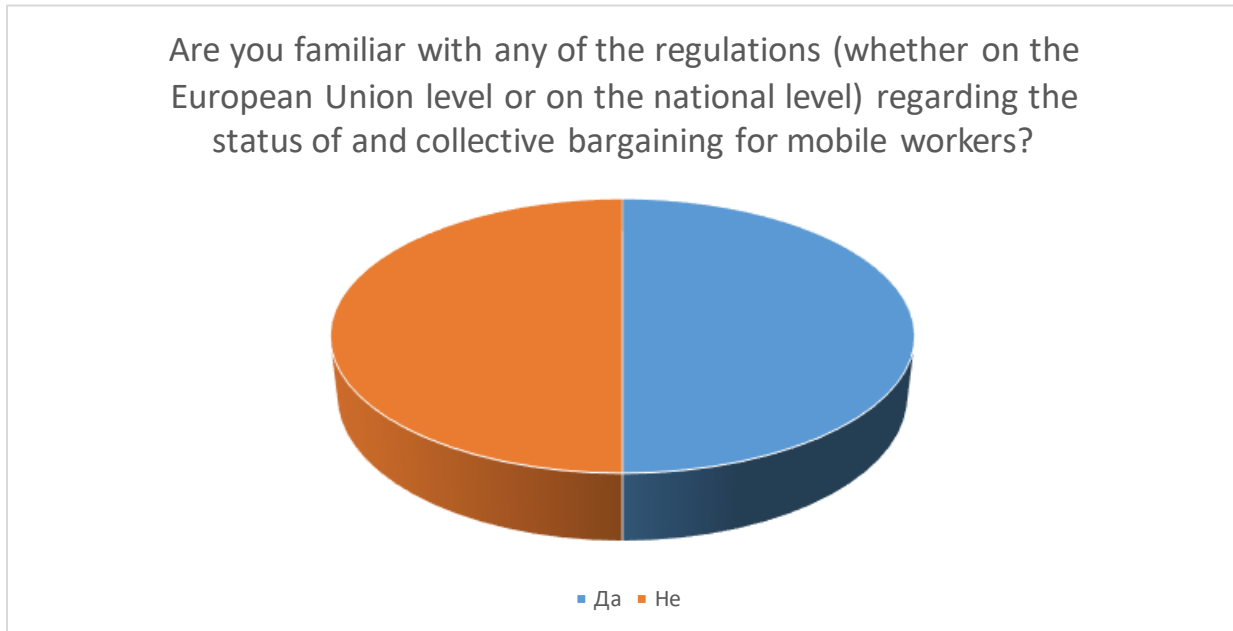
In the context of how the rights of mobile workers differ from the rights of domestic workers in your country (provided that there are any differences), respondents highlighted the fact that mobile workers typically have fewer rights, particularly in terms of lower pay, unpaid contributions, lack of social security, and that they are usually not covered by statutory provisions which would refer to them if they were, for example, trade union members. On the other hand, 12 respondents out of the total number of respondents feel that there are no significant differences between mobile workers and domestic workers.

The next question that respondents were asked to answer pertains to the challenges faced by mobile workers in terms of workplace security, benefits, social security, etc., compared to domestic workers in your country. The absence of social security and health protection, failure to obtain official work documents, absence of trade union protection due to lack of trade union membership, absence of health, social, and pension insurance, as well as a language and cultural barrier, are some of the challenges pointed out by respondents. Part of the respondents feels that they have not encountered any challenges and that they have the same rights as domestic employees.

When asked, “Are there any specific sectors or branches within which mobile workers in your country typically have more or less advantageous rights and terms (compared to domestic workers)?” - 14 respondents stated that they were not familiar with such information, whereas several respondents felt that there was a difference in relation to the construction sector, and that employed mobile workers - foreigners received a higher salary compared to regular domestic workers.



The next question pertained to the extent to which the respondents were familiar with regulations (either on the European Union level or on the national level) regarding the status of and collective bargaining for mobile workers (frontier, seasonal, and migrant workers) before, during, and after the COVID-19 pandemic, and the responses were equally distributed, with 15 respondents answering affirmatively, and 15 respondents answering negatively.



Translation of image:
- marked in blue: Yes
- marked in orange: No

When it comes to whether the above regulations have a positive effect, answers vary, with five respondents stating that they have the same (relatively) positive effect, two respondents stating that they believe that they would be efficient if properly implemented, four respondents stating that they believe that they have no effect whatsoever, while the other respondents did not provide an answer.

In terms of the manner in which trade unions could provide assistance to mobile workers, emphasis was placed on providing legal aid, trade union membership, informing, education about their rights and providing legal assistance, concluding an international memorandum on cooperation with trade unions from other countries, as well as concluding collective agreements and adopting new statutory changes.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Regarding the measures taken by a trade union/association/institution (if applicable) over the last few years (before, during, and after the COVID-19 pandemic) regarding the position of and collective bargaining for mobile workers, the majority of respondents said that no measures had been undertaken, whereas those respondents who stated that certain measures had been implemented, highlighted requests for working from home, tax credit for companies, creating the necessary infrastructure for payments, changes of statutory regulations, trade union assistance, as well as signing an agreement on cooperation with other trade unions from other countries.

Asked about how the trade union/association/institution had handled the issue of salaries, employment contracts, and dismissals of mobile workers over the past few years (before, during, and after the COVID-19 pandemic), respondents indicated that there were few such workers and that operations were in any event aligned with statutory provisions. Part of the respondents answered that they had not handled these issues at all, while others indicated that they had received legal aid and spoken advice and support, counseling, trainings, and that certain trade union activities had been carried out.

Asked about how the trade union/association/company/institution had handled the issue of social security and taxation of mobile workers over the past several years (before, during, and after the COVID-19 pandemic), responses varied, from those stating that assistance had been provided within their organization when it came to handling such matters, primarily in the form of advice and via the Ministry of Labor and Social Policy, whereas other respondents concluded that such matters had never actually received the proper attention.

With regard to the main trends in terms of occupational health and safety, employment contracts, dismissals (including salary amounts) of frontier, seasonal, and migrant workers in your country during the crisis brought on by the COVID-19 pandemic, the majority of respondents stated that during the pandemic, the majority of measures taken had been related to occupational safety; however, this was simultaneously the period in which the highest number of workers had been dismissed due to a reduced workload. Some of the answers highlighted advocating for COVID-19 to be classified as an occupational disease.

Some of the most frequently cited legal insecurities experienced by mobile workers with regard to the crossing of borders, social security and taxation during the COVID-19 pandemic, include the closing of borders and inability to leave the country, leading to illegal crossing of borders and working in the shadow economy, as well as staying in the country illegally, but also dismissals and instructing workers to take administrative leave.



With regard to the measures taken by the trade union/association/company/institution regarding the position of and collective bargaining for mobile workers in the context of the COVID-19 pandemic, the majority of respondents stated that such measures had not been taken, or that only general state-level recommendations had been applied, while those who responded that certain measures had been undertaken within their organizations pointed out the following: legal aid, providing information about collective bargaining and involvement in the trade union, exercising additional rights, concluding a memorandum of cooperation with other trade unions, providing assistance in regulating residence status, regulating health protection, regulating earnings, providing trainings, organizing informative meet-ups, etc.

Mid-term measures which ought to be taken by institutions, trade unions, associations, and companies, which are relevant for the advancement of collective bargaining and contracts for mobile workers, recommended by the focus-group respondents include the following:

- Trade union membership and continual worker information and consultation
- Regulating the status and rights of mobile workers
- More frequent meetings with chambers of commerce
- Protection and providing decent working conditions
- Regulating rights and protection under new collective agreements, statutory changes, proposals for changes and amendments, etc.
- Continued training and education
- Facilitating movement of labor
- Stricter inspection and supervision
- Improved social security and health protection

The last question asked had to do with highlighting particular examples of good practice or successful activities within the respondents' country or from other regions, when it comes to advancing the position of mobile workers. The majority of respondents stated that they were unfamiliar with such good practice/examples, and those that were mentioned were focused on setting up trade unions, holding regular meetings of the management and the trade union, mutual advising and consulting during and after the entire period of the COVID-19 crisis, signing a memorandum on cooperation between trade unions in three different countries, which actually functions and provides protection for seasonal workers, and an attempt at complete integration into the labor system of hospitality workers by signing a cooperation agreement on the state and trade-union level.



Conclusions and recommendations

As a country, the Republic of North Macedonia is continually faced with a significant outflow of labor and brain drain. That is to say, that for many years a large percentage of the working age population has been leaving the country and going to work in other countries, with only a handful of foreign workers coming to work in the country. This brain drain has led to a serious reduction in the work force and resulted in a deficit of workers, particularly in certain sectors and professions.

More recently, as a result of the growing shortage of workers and numerous vacancies, additional attention has been devoted to the topic of needing to import labor from other countries, with Asian and African countries at the top of the list. Representatives of employers from various sectors and industries feel that they are not to blame. The Macedonian economy continues to be relatively weak, which, in their opinion, attests to the fact that low salaries are not only caused by employers' arbitrariness. Faced with a severe shortage of manpower, they are considering closing their companies to foreign workers which will undoubtedly give rise to certain challenges.

The complicated procedure of employing foreign workers, the process of transporting them to the country, providing them with residence permits, as well as the inability of said workers to become fully integrated within the domestic market and the local population, are but a few of the challenges which await Macedonian employers.

The textile manufacturing and meat industry, as well as agriculture, were highlighted as some of the most critical sectors in terms of labor shortages. The Republic of North Macedonia is an agrarian country facing the prospect of having an insufficient number of workers to meet even the demands of its own population. Up to now, employers have had serious reservations when it comes to engaging foreign manpower; however, this is not an option they have completely ruled out if the situation were to continue deteriorating.

The problem of education persists, as certain professions are faced with a deficit of workers precisely due to the fact that the education system fails to produce the necessary professionals. In this context, the Republic of North Macedonia is in need of a quality educational policy which will ensure that the supply meets the demands of the labor market for skilled individuals. Another aspect which also deserves to be the center of attention, is the ongoing education and upskilling of workers in order to increase their potential.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Furthermore, the big percentage of shadow economy for a country such as the Republic of North Macedonia remains an enormous problem. A large majority of workers who will be coming from abroad will be working outside of formal employment, in poor conditions, for low pay, and without any social rights whatsoever.

There is a growing certainty that Macedonia will be faced with a surge of foreign workers, which is the type of scenario the country must be prepared to deal with. All of the above calls for a planned and systematic approach, with the aim of preserving national interests, the economy, and the labor market, above all.

Recommendations aimed at future improvements:

- Appropriate mapping and involvement of mobile workers in trade unions;
- Education of mobile (foreign) workers regarding their rights and obligations within the Macedonian labor market;
- Observance of national statutory provisions related to trade union organization, information, and consultation;
- Observance of provisions of collective agreements and putting effort into including these types of workers in collective agreements;
- Raising awareness of the need to ensure a greater inclusion of these workers in trade unions, the social dialog, and collective bargaining;
- Continued efforts dedicated to forging mutual relations, cooperation, and inclusion of foreign workers in trade unions which advocate for the interests of all employees;
- Combating illegal migrant trafficking and the abuse of these persons for illegal activities;
- Reducing the shadow economy by ensuring legal employment for all employees, both mobile and domestic;
- Adopting the corresponding statutory changes / improvements in relation to the category of mobile workers;
- Adequate implementation of international directives dedicated to the rights and obligations of mobile workers;
- Harmonizing labor market demand with the educational process in order to create suitable professionals
- Advancing the Macedonian economy.



Co-funded by the
European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.