

Results of the Procedure for Determining the Representativeness of Trade Unions and Employers' Associations in the Republic of Macedonia in 2010 (First count)

Andon MAJHOSEV

e-mail: andon.majhosev@ugd.edu.mk

Jadranka DENKOVA

e-mail: jadranka.denkova@ugd.edu.mk

Abstract

This paper deals with the issue of representation of trade unions and employers' associations in the process of collective bargaining and tripartite bodies and institutions in the Republic of Macedonia, where emphasis is placed on the representative model of representation. The paper analyzes the advantages and disadvantages of majority and representative model of representation. In this context, we analyzed the provisions of the Labor Law pertaining to the criteria of representativeness of trade unions and employers' associations. The paper also deals with the role, responsibilities, and structure of the Commission for Determining for Representation, as well as with overall legal procedure for obtaining the representative status of trade unions and employers' associations. A separate section of the paper presents the results of representation of trade unions and employers' associations in a table. The end of the paper contains the conclusions to which the authors come in their research.

Key words: *representativeness, trade unions, employers' associations, criteria for representativeness, Commission for Determining Representation.*

Introduction

In the period from 1993 to 2005 in Macedonia trade union representation functioned on the majority model. According to this model the union having the majority of membership had the right to collective bargain and participate in tripartite bodies. This model caused conflicts between unions and proved to be dysfunctional. Because of this the model of representation was reformed and a new representative model was introduced. This model was introduced in 2009 with the enactment of the Law on amendments to the Labor Act (Official Gazette 130/09). These, the amendments also introduced the institution of the Commission for Determining Representation. According to this new model, the trade union, or the association of employers that meets the legally established criteria for representativeness, have the right to collective bargain and participate in tripartite bodies. This paper, among other things, will show the overall legal proceedings for acquiring the representative status of the trade union and employers' associations, and the results of the first count of the trade unions and employers' associations in 2010.

Concept of representation

Representative model

Union representation means a characteristic of the union that can be attained if it meets certain condition established by law, which are the condition for obtaining the right to collective bargain and conclude a collective agreement, as well as to participate in tripartite bodies and tripartite delegations.

In terms of trade union pluralism, i.e. the formation of multiple unions at particular enterprise, industry or on a country level, the question is whether each union should be represented in tripartite bodies or have the right to collective bargain, i.e. to sign of the collective agreement. The answer would be that this is impossible for practical reasons, because the giving unions with a small number of members the same weight as those who have very large number of members may create difficulties as the employer must negotiate with a number of unions and conclude a number of collective agreements in one enterprise, one branch or at state level. On the other hand, if we recognize the right of collective bargaining to only one - the majority union, then the

issue of the legitimacy of such a solution arise in terms of the principles of industrial democracy and the representation of the interests of workers affiliated to other unions .

In order to find a fair measure - a model to satisfy the interests of most unions, according to the principle of proportionality, the institution of trade union representativeness is introduced, which implies the fulfillment of certain legal criteria. These criteria vary from state to state, but the accepted criteria for obtaining the status of representation in most states include the following minimum requirements:

- number of union members,
- autonomy of union in relation to the employer,
- number of signed collective agreements at branch level
- number of branch unions
- organization (established structure) at the national level etc.

Representation is established and recognized by the state authority in the field of labor, usually the Ministry of Labor, and it is proved by the deposit of the required number of applications with the competent institution, as well as by proof of payment of union dues. The institution of representativeness plays a very important role in legitimizing the union before the institution of the system, and in reducing mutual conflicts of unions and employers' associations.

The institution of representativeness was first introduced in Macedonia by Labor Law in 2005 (Off. Gazette of RM no. 62/05), where in Article 212 paragraphs 1 and 2 it was determined that the representative trade union authorized to conclude a collective agreement with the employer, branch or state level is the one to which at least 33% of the employer's workers are affiliated, or the union that is a member of the representative trade union at a higher level of organization, i.e. 33% of the total number of employees in the branch or activity for which the collective agreement is signed, or the union is the member of the representative union at a higher level of organization. The Law on changes and amendments to the Labor Law (Official Gazette no.130/09), with Articles 212 and 213 reduces the census for representation

from 33% on 5 to 10% for employers, and 10 to 20% for unions as well as introducing other criteria.

The model of representativeness is the greatest novelty introduced with the Labor Law-which radically changes the concept of representation of entities in collective bargaining and tripartite bodies. It is accepted primarily in countries where there is trade union pluralism and developed pluralistic industrial relations such as Germany, France, Italy, Spain, and Belgium, and in many former socialist countries such as Hungary, the Czech Republic, Slovakia, Croatia, Slovenia, Bulgaria, Serbia, Macedonia and others. Unlike the majority model, the representative model is more democratic, decentralized and it matches the philosophy of tripartism. Union representativeness means that all representative trade unions, can take part in negotiations but only one can conclude a collective agreement and that is the representative union backed by the majority of employees. Regardless of the differences in legal systems that may arise with regard to the criteria for determining union representation, usually the number of members and autonomy in relation to employers are the common criteria. With the acquisition of the capacity of a representative trade union the right to collective bargaining, and the right of representation of employees in tripartite bodies and social security funds, employment agencies and others are also acquired. This means that collective bargaining is no longer the monopoly of one trade union, but that other trade unions can also have this capacity. This model mitigates the sharp inter-union conflicts that arise in terms of expressed trade union pluralism. In the model of the majority trade union, minority unions have no right to participate in the process of concluding collective agreements, which contributes to greater inter-union tension and mutual questioning of legitimacy.

Criteria for trade union representation

In the Republic of Macedonia the principle of representativeness of trade unions is innovated with the Law on Changes and Amendments of the Labor Law (Off. Gazette of RM No. 130/09) which introduced new criteria follows:

1). Representative trade union for the territory of the Republic of Macedonia is the union that meets the following conditions:

Results of the procedure for determining the representativeness of trade...

1. that it is registered in the register of trade unions run by the ministry responsible for affairs in the area of labor;
2. that its members comprise at least 10% of the total number of employees in the Republic of Macedonia who pay union dues;
3. that it associates with at least three trade unions at national level from different branches;
4. that it acts nationwide and has registered members in at least 1/5 of the municipalities in the country;
5. that it acts in accordance with its statute and democratic principles, and
6. that its members are trade unions that have signed or acceded to at least three collective agreements at the branch or department level.

2). A representative trade union at the *public sector* level is the trade union registered in the Register of Trade Unions run by the ministry responsible for affairs in the area of labor, and whose members comprise at least 20% of the number of public sector employees paying union dues.

3). A representative trade union at the *private sector* level in the area of economy is the trade union registered in a register kept by the ministry responsible for affairs in the area of labor, and whose members comprise at least 20% of the number of employees in the private sector of the economy paying union dues.

4). A representative trade union at the branch or department level is the trade union registered in the register kept by the ministry responsible for affairs in the area of labor, and whose members comprise at least 20% of the number of employees in the branch or department paying union dues.

5). A representative trade union at the employer's level is the trade union whose members comprise at least 20% of the number of the employer's employees paying union dues.

Dispute among trade unions in the Republic of Macedonia about representativeness

Basically, the principle of representativeness in one country is introduced to reduce conflicts and disputes among trade unions concerning the negotiating legitimacy of trade unions before employers and state institutions. Although the legislation of this model aspired to introduce modern European practices of representation, i.e. to ensure equitable distribution of social power in proportion to the number of members, the application of this principle, instead of calming passions among unions, has further flared them up, even leading to mutual disqualification and denial of legitimacy. An example of this is the open conflict between the Federation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Namely, several trade unions and SSM expressed strong disagreement with the decision to recognize the status of representativeness of the Confederation of Free Trade Unions by the Ministry of Labor and Social Policy. Yet, in the end, the General Collective Agreement in the public sector was signed by the Minister of Labor and Social Policy and the Confederation of Free Trade Unions, which was incomprehensible and unacceptable to SSM, since it has approximately 67,000 members out of 75,000 persons in the public sector."¹SSM called the Minister Meshkov to negotiations, no later than 31.01.2008 and, if he ignored their request, then "*they will inform the Council of Europe, EU Ambassador to Macedonia, Mr. Erwan Fouere, ILO, as well as European and international trade union organizations about the situation.*"² In connection with the mentioned collective agreement strong reactions by the Conference of Independent Trade Unions of Macedonia (KSOM) were expressed.

Next SSM declared its interest in not recognizing the status of representativeness in the public sector by sending *protest letter*³ to the International Confederation of Trade Unions in the public sector (*PSI*), with which it reacts to the gross violation of the Labor Law. This international organization is asked to respond in front of the Government of RM about the breach of the provisions of law relating to the criteria for representativeness (33%).As arguments, SSM submitted to PDI the data on the number of

¹Време, 26/27/01.2008, p. 5.

²Шпиц, *Ваков колективен договор нема ни во Руанда*, dated 26/27.01.2008, p. 6.

³Written communication no. 08-51 / 1 dated 6.02.2008 to Mr. Peter Vilford, President of *PSI*, which expressed a heated reaction in relation to social dialogue in Macedonia.

members of each independent trade union⁴-member of SSM individually, which, according to them, is 71.263 persons total, which is more than 50% of the number of employees in this sector.

The above reactions of these particular unions indicate that the process of collective bargaining is a complex and contradictory one resting on the respect of the provisions of national labor laws and international conventions in determining the appropriate procedures and criteria for determining the representative status of trade unions. In addition, in order to reduce trade union disputes in collective bargaining, the GCA for the economy of RM was given the opportunity for the participation of all representative trade unions by forming the Committee for negotiations⁵ the structure of which is determined by the representative trade unions.

Some remarks regarding the criteria for representativeness of trade unions in Macedonia are stated in the Report of the European Union 6.11.2007 in Chapter 4:19. that says: *"The structure of the members of the ESC (economic and social council) is not fully in accordance with the provisions of the Labor Law, as work still needs to be done in order to get precise criteria for representativeness of trade union representatives. Lack of precision of the criteria for representativeness prevents further development of social dialogue and its structures"*.⁶

The above statement of the European Union on the progress of social dialogue suggests that Macedonia could hope to soon get a date for negotiations with the EU, only if the Parliament adopts the amendments to the Labor law, that will specify the basic criteria for obtaining the status of

⁴On 28/03/2006 Autonomous Trade Union of Health, Pharmacy and Social Care sent a missive no. 03-63/1 and a list of trade unions, with full name, citizen's unique identification number (also addresses later) of their presidents or 17 978 members, Macedonian police trade union submitted a missive on 29/06/2006, with full names and citizen's unique identification numbers or a total number of 7994 members, on 20/10/2006 the Trade Union UPOZ submitted all required information from MTSP in the missive no. 0302-9/2, and on 17/07/2007 in the letter no. 0302-119/1 the exact number of members who pay dues was submitted, or a total number of 10; with Minutes dated 10/01/2007 SONK of SSM deposited 13 416 original application forms to MTSP, which are counted in the Ministry of Labor and Social Policy. All these unions have 71,263 members and cover over 50% of the total number of employees in this sector.

⁵See Art. 221 of the Collective Agreement for the economy of RM.

⁶EU Report on Macedonia, Chapter 4:19, Employment and Social Policy, p. 1.

representativeness, which in a certain way will both unblock the work of the Economic and Social Council and constitute the other tripartite bodies in the country such as: Council for Safety and Health at Work and the Commission for the Selection of Mediators and Arbitrators. Acting on the comments and recommendations of the Commission, the Parliament of RM in October 2009 adopted amendments to the Labor Law which introduced a special authority (Commission) for implementing the procedure, specified the criteria and procedure for representativeness.

Criteria for employers' representation

With the adoption of the Law on Amendments to the Labor Law (Official Gazette Nr. 130/09) a number of new criteria for representativeness of employers were introduced. Employers' association is considered representative if it meets all the conditions prescribed by the law.

1). Representative employers' association for the territory of the Republic of Macedonia is an association that meets the following conditions:

1. that it is recorded in the register of associations of employers run by the ministry responsible for the affairs in the area of labor;

2.that the association has a membership of at least 5% of employers in the private sector of the economy in the country or that employers – members of the association employ at least 5% of the total number of employees in the private sector in the Republic of Macedonia;

3.that members of the association are employers from at least three branches, i.e. departments;

4. that it has members in at least 1/5 of municipalities in the Republic of Macedonia;

5.that it has signed or acceded to at least three collective agreements at branch or department level, and

6.that it acts in accordance with its statute and democratic principles.

2).Representative association of employers in the private sector of the economy is an association which is registered in the Register kept by the ministry responsible for the affairs in the area of labor and to which at least 10% of the total number of employers are affiliated in the private sector,or that employers - members of the association employ at least 10% of employees in the private sector.

3). Representative Employers' Association at branch or department level is the association which is registered in the Register kept by the ministry responsible for the affairs in the area of labor and to which at least 10% of employers in the branch or department are affiliated, i.e. department or employers - members of the association that employ at least 10% of employees in the branch-department.

The above criteria created a need for redefining and re-composing of the structure of tripartite bodies in the country such as the Economic and Social Council (ESS), the Council for Safety and Health at Work, Managing Board of the Pension Fund for PIOM, Health Insurance Fund (FZO), etc.

Representativeness - the reason for dispute of employers' associations

Apart from trade unions, representation is a stumbling block for organizations and employers as well, but it is expressed in a much milder form. Representation of employers is determined in accordance with Article 213 of the Labor Law. Until the adoption of the new Labor Law (Official Gazette no.62/05) the single representative association of employers in the Republic of Macedonia was the Organization of Employers of Macedonia (ORM) which in 2004 separated from the Economic Chamber of Macedonia. The Organization of Employers of Macedonia (ORM) as a specialized organization that protects the interests of employers in social dialogue, i.e. in collective bargaining, in June 2006 signed the General Collective Agreement for Economy with the Federation of Trade Unions of Macedonia. Meanwhile, in 2005, the Confederation of Employers of Macedonia (KRM) was formed. This Confederation began to exert pressure on the competent institutions to make changes and amendments to several legislative projects, particularly the Labor Law, in the part that regulates the procedure for obtaining the status of

representation, as well as for reducing the high census required for obtaining representativeness. Typically, ORM opposed this in a subtle way in order to delay, the acquisition of a representative status of other Employers' Associations. Besides the Labor Law, the Confederation of Free Trade Unions and the Employers' Confederation launched an initiative for the adoption of other laws such as: Law on Collective Bargaining, Strike law, Law on Trade Unions, as well as amendments to the Agreement on establishment of the Economic and Social Council. The intention of these reforms in labor legislation is to break the union monopoly of SSM, and to liberalize or clarify the criteria for obtaining a representative status, which will allow greater participation and influence of smaller entities (unions and employers' organizations) in the process of collective bargaining and tripartite bodies.

Authority responsible for determining representativeness

With the changes and the amendments to the Labor Law (Official Gazette of the Republic of Macedonia no.130/09) a separate body was introduced that is competent, according to the National Classification of Activities, to determine the representativeness of trade unions and employers' associations at all levels. This authority is the **Commission for Determining Representativeness**. The Commission is composed of nine members, constituted on a tripartite parity basis, as follows: three representatives of the Government of RM (Ministry of Labor and Social Policy, Ministry of Justice and Ministry of Economy), three representatives of representative trade unions, and three representatives of representative employers' associations, members of the Economic and social Council (Art. 213-b, paragraph 1). The administrative and professional matters of the Commission are done by the Ministry of Labor and Social Policy. The work of the Commission shall be determined by the Rules of Procedure of the Commission. Registered trade unions and employers' associations at the national level may designate their representative to be present during the work of the Commission. On 08/22/2012 the constitutive session of the Commission for representativeness was held, which created the basic legal assumptions for its normal functioning.

Procedure for determining representativeness

To start the procedure for determining representativeness of a trade union or an employers' association at a higher level a Request for determining representativeness is submitted to the Commission for determining representativeness. The request should be submitted together with proof of compliance with the terms of representation, including:

1. decision on the entries in the register of trade unions, i.e. the decision on the entries in the register of employers' associations; 2. list of trade union members who pay membership dues certified by the authorized representative of the union and of the employer, members' application forms, i.e. proof of the employer's membership in the employers' association;

3. list of signed collective agreements or collective agreements signed by the union or employers' association;

4. list of trade unions-members of the union by branches or departments, or a list of employers-members by branches or departments, and

5. list of local unions-members, i.e. employers by municipalities with their seat and address.

The Commission determines whether the application and the evidence submitted are in accordance with the Labor Law and when it determines that all statutory criteria are met, the Minister responsible for the affairs in the area of labor, at the proposal of the Commission, adopts a decision on representativeness. The decision on representativeness is published in the Official Gazette of the Republic of Macedonia.⁷ An appeal may be submitted to the Government of RM against the decision on representativeness, and an appeal against the Decision of the Government administrative proceedings may be initiated before competent court.

Representation is determined for a period of three years from the date of the decision. The trade union or employers' association may apply for reconsideration of representation after one year from the date of adoption of the decision to establish representativeness. The request for reconsideration of

⁷See Art. 213-f of the Law on Changes and Amendments to the Labor Law (Off. Gazette of RM no.130 Gazette dated 28/10/2009).

representation is submitted to the Commission stating the reasons for the request for reconsideration of representation and stating evidence on this.

Results of the procedure for determining representativeness

A. Results of representativeness of trade union on the territory of the Republic of Macedonia in 2010 (first count)

In 2010, for the first time in the Republic of Macedonia, a procedure for determining representativeness by the Commission for Determining Representativeness was carried out, which was a new experience for all involved. When determining the representative status of trade unions and employers' associations in Macedonia, the Commission took into account the data on the number of employees in 2008 according to the National Classification of Activities (NKD). According to the statistical review no. 2.4.9.99 (628) of the State Statistical Office of Macedonia, in 2008 a total of 434 858 people were employed in the Republic of Macedonia.⁸

In the process of applying for representation the Federation of Trade Unions of Macedonia (SSM) submitted to the Commission 75 997 application forms and a list of as many union members as pay membership dues, which was 17.47% of the total number of employees in Macedonia.⁹

The Confederation of Free Trade Unions (KSS) also submitted to the Commission 43 727 application forms and a list of members who had paid membership dues, which was 10.05% of the total number of employees.¹⁰As the threshold needed to obtain representation on the territory of RM is 10%, this means that only two trade unions at the national level got a representative status.

⁸In implementing the procedure for determining the representativeness of trade unions in Macedonia the data were taken into account from the State Institute of Statistics concerning the number of employees in 2008, because the data for 2009 were not officially published in the Bulletin of the State Institute of Statistics.

⁹Official Gazette of RM Nr. 105/10 dated 5.08.2010,p.20.

¹⁰Official Gazette of RM Nr.105/10 dated 5.08.2010, p. 19.

There is a total number of 118 724 members in both trade unions which, in relation to the total number of employees, is 27.95%.

The above mentioned data are presented in tables below:

Table. 1: Results for representativeness of trade unions throughout the Republic of Macedonia

Trade unions	Number of members	Percentage (%) of unionization
Federation of Trade Unions of Macedonia (SSM)	75.997	17.47%
Confederation of Free Trade Unions (KSS)	43.727	10.05%
Total in RM	118.724	27.95%

For technical reasons technical such as (ask of a seal, unsigned lists of members who paid dues, unregistered trade unions and some unions not submitting the required data to the Commission for representativeness, the percentage of the level of unionization in the country (27.95%) could be increased further by about 2 to 3%.

B. Results for representativeness of associations of employers for the private sector of the economy in the territory of the Republic of Macedonia in 2010 (first count).

In the Register of Associations of Employers of Macedonia kept in MTSP as of 30/11/2010 a total of six associations of employers were registered. Out of the total of six associations only two filed requirements to establish representativeness as follows: Organization of Employers of Macedonia (ORM) and the Business Chamber of Macedonia (BCM). According to data submitted to the Commission for Determining Representativeness, the Minister of Labor and Social Policy adopted only one decision for representativeness for the Organization of Employers (ORM). The Business Chamber of Macedonia did not get a decision for representativeness

because it did not meet all the conditions for representativeness determined by law. The remaining four associations failed to submit a request for determining representativeness to the Commission. The above mentioned is shown in the following table:

Table. 2. Results of representativeness of employers' associations for the private sector in the area of economy for the territory of the Republic of Macedonia

Employers' association	Number of members	Percentage (%)	Representative status
Organization of Employers of Macedonia (ORM)	68.401	23.57%	Yes
Business Chamber of Macedonia (BKM)	Submitted		No
Association of Employers for Traffic and Communications of Macedonia (ZRSVM)	Not submitted to the Commission		No
National Association of operators of public communications networks (NAOJKM)	Not submitted to the Commission		No
Association of Employers for Water Management (ZRV)	Not submitted to the Commission		No

Results of the procedure for determining the representativeness of trade...

National Federation of agencies for temporary employment (NFAPV)	Not submitted to the Commission		No
--	---------------------------------	--	----

C. Table 3. Results of representativeness of the Association of Employers at the Private sector in the field of economy in the Republic of Macedonia

Association of Employers	Number of members	Percentage (%)	Representation status
Organization of employers of RM (ORM)	68.401	23.57%	Yes

D. Table 4. Results for representativeness of trade unions in the public sector on the territory of the Republic of Macedonia

Trade union	Number of members	Percentage (%)
Federation of Trade Unions of Macedonia (SSM)	33.778	23.34%
Confederation of Free Trade Unions (KSS)	43.391	30%
Total	77.169	53.34%

When determining the representative status of trade unions in the public sector in the country, the Commission took the 2008 data on the number of employees in the public sector according to the National Classification of Industries (NKI). According to the statistical review no. 2.4.9.99 (628) of the State Statistical Office of Macedonia, the Republic of Macedonia in 2008 employed a total of 144 681 person in the public sector.

In the process of determining representation the Federation of Trade Unions of Macedonia (SSM) submitted to the Commission 33 778 application forms and a list of as many union members as paid membership dues, which was a 23.34% of the total number of public employees in the state.

Confederation of Free Trade Unions (KSS) also submitted to the Commission 43 391 application forms and a list of as many members as paid membership dues, which was 30% of the total number of employees. Because the threshold needed to obtain representativeness on the territory of the country is 10%, this means that only two public sector trade unions got representative status.

In both trade unions the total number of members is 77 169, which in relation to the total number of employees is 53.34%.

Pursuant to Article 212 paragraph (2) of the Labor Law, at the proposal of the Commission for determining representativeness, the Minister of Labor and Social Policy with his Decision no. 08-2351/6, i.e. Decision no. 08-3993/6 dated 15/07/2010, confirmed the representative status of the Federation of Trade Unions of Macedonia (SSM), i.e. of the Confederation of free Trade Unions (KSS) for the public sector of the Republic of Macedonia.

E. Table 5. Results of trade unions representativeness at branch or departments level in the economy and the public sector

Trade Union	No. of members	No. of employees at branch or department level	Percent age (%)	Branch/Department of production
1. Trade Union of Education, Science and Culture (SONK) - KSS	27.727	33.548	79.95%	Public sector in the area of education, science and culture

2. Trade Union of Defense and Security (SOB) KSS	2.544	7.632	29.88%	Public sector in the area of defense
3. Trade Union of Civil Engineering, Industry and Design of Macedonia (SGIP)-SSM	6.820	24.586	27.73%	Private sector in the area of civil engineering and production of non-metal minerals
4. Autonomous Trade Union of Workers in Energy and Economy (SSRESM) -SSM	2.605	6.097	42.72%	Private sector in the area of electricity, gas, steam and hot water supply
5. Trade Union of the Workers in catering, Tourism, Communal and Housing Economy, Handicraft and Protecting Associations of Macedonia (SUTKOZ)-SSM	6.866	8.002	85.80%	Public sector in the area of collecting, purification and distribution of water, removal of wastes and rubbish etc.
6. Coalition of Autonomous Trade Unions of Macedonia - Ohrid (KNSM) - Autonomous trade union	1.358	2.819	48.17%	Production of el. machinery and apparatus not mentioned elsewhere (EMO-Ohrid)
7. Trade Union of the Financial Organizations of Macedonia (SFOM)(CΦOM)- Independent Trade Union	4.138	6.088	67.96%	Private sector in the area of financial brokerage

8.Trade Union of Workers in Transport and Communications (STV)-KSS	3.833	4.459	85.96%	Public sector in the area of traffic, storage and communication(MZ)
9.Trade Union of the Residential – Business and Utility Organizations (SSKO)-KSS	2.404	7.931	30.03%	Public sector in the area of collecting, purification and distribution of water, removal of wastes and rubbish etc.
10.Independent Trade Union for Energy, Mining and Industry (REK-Bitola)	4.706	7.784	60.5%	Public sector in the area of electricity, water and gas supply
11. Trade Union of the Workers in the Agro-industrial Complex of Macedonia (AGRO Trade Union)	7.758	22.930	33.83%	Private sector in the area or agriculture, production of food, beverages and tobacco
12.Trade Union of Health, Pharmacy and Social Protection of Republic of Macedonia(SZFSC)-SSM	11.709	26.919	43.5%	Public sector in the area of health and social protection
13. Trade Union of Workers in Textile, Leather and Shoe Industry of Republic of Macedonia (STKC)-SSM	1.456	4.645	31.34%	Private sector in the area of leather and shoe industry

14. Macedonian Police Trade Union (MPS)SSM	7.552	11.382	66.3%	Public sector in the area of security
15. Trade Union of Chemistry and Non-metals and Metals of Macedonia (SHNM)- SSM	2.503	4.738	52.82%	Private sector in the production of chemicals and chemical products
16. Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Macedonia (UPOZ)-SSM	3.068	9.135	32%	Public sector in the area of general, state (service) and general regional and local (service) activities
17. Trade Union of the Workers in Administration, Juridical Authorities and Citizens' Associations of Macedonia (UPOZ)-SSM	1.335	4.083	32.7%	Public sector in the area of court and juridical activities

From the table above it can be seen that in the procedure for determining the representative status of trade unions, the Minister of Labor and Social Policy, as of 01/09/2010 made 17 Decisions for determining representativeness of trade unions for separate branches or divisions, of which ten are in the area of the public sector, six in the area of the private sector, and one decision for a branch trade union, i.e. department, where ownership of the enterprise has not yet been privatized (EMO-Ohrid).

The procedure for determining representativeness of Associations of employers by branches or departments was justifiably conducted during 2014. The results of the procedure for representativeness of associations of employers by branches or departments will be shown in our further research on this topic.

Conclusion

The majority system of representation was introduced by the Labor Law in 1993. According to this model, the majority union had a monopoly on collective bargaining and participation in tripartite bodies. It caused outrage among the smaller unions. Representative model of representation was introduced with the new Labor Law in 2005, but with a very high membership census percentage (33%). Some trade unions and employers' associations reacted to this percentage and launched an initiative to introduce a more democratic criteria with lower census of membership of trade unions and employers' associations (10-20%). The Law on amendments to the Labor Law (Official Gazette no. 130/09) introduced the institution of the Commission for Determining Representativeness and new criteria under which the procedure for determining the representativeness of trade unions and employers was conducted. By introducing the representative model of representation of trade unions or employers- 'associations in the country and by introducing the institution of the Commission for Determining Representativeness order was introduced into the relations between trade unions and employers' associations. Authority, criteria and legal procedure for determining representativeness of trade unions and employers' associations were established. Conflicts between these two forms of associations completely stopped. Equal terms for all entities concerning the acquisition of representative status were created. The reports of the European Commission no longer note the objection that social dialogue is not functioning due to lack of appropriate legal criteria for determining representativeness.

Bibliography

- Employee representatives in an enlarged Europe, Volume 1, European Commission, Brussels, 2008.
- Employee representatives in an enlarged Europe, Volume 2, European Commission, Brussels, 2008
- Industrial Relations in Europe, European Commission, Brussels, 2009
- Casale Giuseppe, "Social Dialogue in Central and Eastern Europe", ILO, Budapest, 1999;
- Casale Giuseppe, "*Tripartism and Social Dialogue*", ILO, Budapest, 1997.
- Lubarda Branko, Leksikon industrijskih odnosa, Radnicka stampa, Beograd, 1997;
- Lubarda Branko, Resavanje kolektivnih radnih sporova, JURIS, Beograd, 1999;
- Lubarda, Branko, Evropsko radno pravo, CID, Podgorica;
- Salmon Michael, *Industrial Relations-theory and practice*, Third edition, 1998.
- Neil Chamberlain&James W. Kuhn, *Collective Bargaining*, Third Edition, 1986.
- James P. Begin&Edwin F. Beal, *The practice of Collective Bargaining*, Chapter Eight, 1989.
- Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations*, New York: McGraw-Hill Book Company, 1965.
- Вотсон Филип, Социјално право и ЗРО на ЕУ – Политика и практика во проширена Европа, Просветно дело, Скопје, 2009.

Laws

Labor Law of RM, Official Gazette no. 80/93 and all subsequent novelties.

Labor Law of RM, Official Gazette no. 62/05 and all subsequent novelties.

Labor Law of RM, revised text (Official Gazette of RM no. 16/10)

Texts

Trudbenik, K-15 или штрајк, бр.16., 1998, стр.13

Vreme, Преговори за колективен договор, бр. 66 од 25.07.2007.

Dnevnik, Македонија е без социјален дијалог, 27.11.2007.

Dnevnik, Лакрдија со колективниот договор за јавниот сектор, 18.01.2008.

Dnevnik, Долг е патот до европска социјална политика, 10.05.2010.

Vreme, Да си оди министерот Мешков, 18.01.2008.

Dnevnik, Синдикалците бараат нов колективен договор, 25.01.2008.

Шпиц, Ваков колективен договор нема ни во Руанда, 26/27.01.2008.

Dnevnik, На Муратовски пак му виси фотелјата, 8.04.2010

Dnevnik, Зошто се самоубиваат кинеските работници?, 21.06.2010

Internet sources

www.avrm.gov.mk

www.mtsp.gov.mk

www.sei.gov.mk

www.mchamber.org

www.sojuzkomori.org

www.oempv.org.mk

www.eurofound.europa.eu/dictionary/definitions/

www.poslodavci-apps.org.rs