Topic: "UN, ILO and Republic of Macedonia:Implementation of Conventions and Recommendations of ILO in national legislative in Republic of Macedonia"

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Abstract

The paper addresses the issue of the implementation of the Conventions and Recommendations of the ILO in labor legislation of the Republic of Macedonia. The paper will look at the historical development of the ILO, its organizational structure, as well as the implementation of the most important international Conventions and Recommendations governing international standards of labor standards. In that context, we will focus on the elaboration of national legislation which regulates the most important international standards, we will be able to conclude whether and how Macedonia has implemented the Conventions and Recommendations of the ILO**.**

Keywords: ILO, Conventions, Recommendations, International labor standards, implementation

Introduction

Macedonia became a full member of the UN and the ILO in 1993. Because of the great importance of the ILO in the international regulation of labor relations through the adoption of a number of conventions, declarations and recommendations that we consider in this paper is not necessary to mention the most important features in the development of this international organization. Moreover acts adopted by the ILO are the most important source of international labor law without which no one could imagine the functioning of the international labor legal order. ILO has adopted many declarations, conventions and recommendations explicitly or implicitly refer to a certain question in the field of labor relations, wages, safety and health, pension and disability, health insurance.

2.1 Establishment of ILO

Events that had an impact on the creation of the ILO, of course, the First International Conference on editing the position of workers internationally, held in Berlin in 1890, which were formulated more requests relate to improving the international position of workers as limitation of working hours, prohibition of employment of women and children in the mines and the jobs that are hazardous to their health.

Before the First World War in Berne, Switzerland was held International Conference on issues related to the work, primarily for the working hours of women, it was suggested daily working time is 10 hours and 30 minutes. Also within the Berne conference to examine the issue of prohibition of night work of children and youth.

After the First World War in 1919 took place in the Paris Peace Conference. This conference was strongly influenced by the social and revolutionary movements around the

world, especially the October Revolution of 1917. The ILO was formed shortly after the First World War, particularly in 1919 at the peace conference in Paris, as an organization within the then Association (League) of nations. Between the two World Wars (1919-1939), the ILO works within the League of Nations, forerunner of the United Nations. ILO headquarters in Geneva, Switzerland. During the Second World War (1939-1945) for security reasons ILO its headquarters temporarily dislocate in Montreal, Canada. After the Second World War, in 1945 to form the United Nations, and already coming in 1946 ILO became the first specialized organization which is involved in the UN system and from then until today it acts within its framework as a tripartite organization.

Under the provisions of the ILO Constitution, the role and importance of the organization consist in studying and finding appropriate solutions to the problems of workers in the field of labor and social protection, establish and improve the overall situation of workers and their living and working conditions, and the preservation of world peace through the establishment of social justice. The activity of the ILO is taking place under the motto - if you want peace, justice Embrace (Si mu veux la paix, cultive la justice).

Due to its overall engagement in the fight to improve the position of workers in the world, the ILO in 1969 received the Nobel Peace Prize. Today the ILO worldwide has 40 regional offices employing about 2500 employees and experts. In 2009, the ILO opened an office in Macedonia. Undoubtedly, the ILO played a very important role in solving the problem of employment, the protection and safety of workers their jobs, development and protection of human rights and freedoms, equality between people and democracy in the world.

2.2. Key features of the ILO

ILO is a special international organization that has specific features that makes it different from other international organizations.

First feature of the ILO is ***consistency*** in its existence since its establishment, despite great difficulties and crises such as the global economic crisis 1929-1933, and the Second World War of 1941-1945. And in such conditions is permanently ILO worked on the study of problems of labor and social policy, their resolution, and improve working and living conditions of workers worldwide.

Second feature of the ILO is its ***universality***. This implies that the activities of the ILO in improving working and living conditions of workers and their social protection, not solely of a number of countries, but to cover all countries in the world. The universality of ILO given a boost by joining the US and the USSR in the ILO. However, with the advent of the Nazis to power in several countries its universality significantly decreased due to withdrawal of several countries with a fascist order.

A third feature of the ILO, and also importantly the ***tripartite composition***. This means that the bodies of the ILO is composed of representatives of governments, employers 'and workers' organizations in the ratio 2: 1: 1. Tripartite composition have the same ratio and delegations of the member states of the ILO. This tripartite composition of delegations of member States of the ILO was disputed in countries with socialist, because it believes that the representatives of employers are part of the management of state enterprises that are under state control. Thus it believes that the representatives of the employers of these countries are allies of national governments and the number of votes of governments will be more than two votes. With the establishment of market economy in these countries these setbacks are irrelevant.

2.3. Normative activities of the ILO

ILO performed several activities. In theory and practice of ILO activities are classified into three main groups (legal, technical cooperation and assistance and scientific research). Our attention will focus to normative activities. The main activity of the ILO is reflected in its regulatory activities in the field of ureduvanjetto the position of workers at work.[i] Acts adopted by the ILO (conventions and recommendations) have great importance for international and domicile (national) right of every member state of this organization. All adopted international conventions and recommendations constitute the international labor law, which may be called the International Code of labor. The mere fact that a Member State ratified an ILO Convention, it obliges it to respect and implement, through the adoption of appropriate legislation, or by amending existing legislation. There is a difference between the legal nature of conventions and recommendations. Conventions are legal instruments which are subject to ratification at national representative bodies (parliaments) of member states and ratification they have legal normative character and get the legal force of an international instrument. They each member state have a dual international obligation 1. to apply the provisions of the convention has been ratified, guaranteeing compliance of national legislation with the norms contained in them, and 2. acceptance of international control over their implementation. The recommendations are not subject to ratification and therefore do not oblige member states of the ILO for their implementation. In terms of recommendations, the member States of the ILO have a moral obligation to take legislative action that would be in line with the intentions of the recommendations.

2.4. Organizational Structure of the ILO

The most important bodies of the ILO: International Labour Conference, the Administrative Council and the International Labour Office. Apart from these three main bodies, ILO and other subsidiary bodies, such as the various commissions and committees. Through the organs and subsidiary bodies, the ILO pursues its core activities.

International Conference of the ILO, also known as General Labour Conference, in fact, represents a general meeting of member states of this organization. It is the highest organ of the ILO, who also has a legislative function (make recommendations and conventions). This very body called Parliament and international or world parliament of labor. According to M. Montceanu, the International Labour Conference is a kind of "international forum on labor and social policy."[ii] Every year in June in Geneva, the International Labour Conference met for three weeks which run a broad debate on labor issues and social security internationally. General debates allow international exchange of opinions and views of the participants of the conference. Each delegate present it freely out information on economic and social problems in their own countries, to express their views on the observations of the work of the ILO, and to indicate future actions of this organization. The conference consists of delegations of Member States which are formed on a tripartite basis (involving representatives of workers, employers and governments of member states) in the ratio 2: 1: 1. In the period from 1919 to 2008, the International Conference of the ILO has adopted 188 Conventions and 196 Recommendations.

Accordance of the Constitution of the ILO, General International Conference of Labour, has the following responsibilities:

• elects the President and three Vice-Presidents of the Conference

• adopted international Conventions and Recommendations
• adopts the budget of the ILO, which is financed by member states
• adopt international labor standards and supervise their implementation
• the (admission) new members
• elects members of the governing body, the Administrative Council (every three years)
• elected committees for proposals, for verification, the application of conventions and recommendations, finance and others.
• adopted Declarations about policies and activities of the ILO.

The **Administrative Council** is the executive body of the ILO responsible for coordinating the activities of the organization. As a rule, the Council held three meetings a year, and if necessary more. Its structure also is in the ratio 2: 1: 1. It is composed of 112 members, 56 members from governments of member states and 28 representatives of workers or employers. Representatives of workers and employers in the Council are elected delegates of these organizations of its own in the Conference. The mandate of this body last three years. The Constitution of the ILO in the jurisdiction of the Administrative Council includes the following activities:

-Coordination shall conduct the work of all bodies of the ILO
-has determines the agenda of the General Conference and the regional conferences
-managed with the work of the International Labour Office (ILO)
-has appointed of the General director of the ILO
-managed with the commissions of the ILO
-has determine the budget of the ILO
-decides to carry out technical assistance and others.

Within the Administrative Council, rely more commissions and committees that are composed of experts from the areas under consideration. They are established as permanent fixtures of the Administrative Council, or specific bodies within the ILO. As important, we can mention: Discrimination Committee and Appeals Committee and others.

International Labour Office: Unlike the Conference and the Council who have massive and parliamentary character, the International Labour Office has a narrower band and is the executive organ of the Conference and Council. The main characteristic of this body is professionalism, competence, professionalism and execution. MBT is a technical and administrative body of the ILO with the role of a permanent secretariat of the ILO. MBT prepare drafts, programs, reports and other professional and scientific materials for consideration and adoption of various levels of the ILO. This body is the "brain" of the engine and ILO produces a variety of ideas for solving problems related to the position of workers internationally. The head of the ILO is managing director who also performs and secretary general of the International Conference. MBT has the following responsibilities:

-preparing of the expert materials for the items on the agenda of the Conference
-controls of the application of ratified Conventions and Recommendations
-prepears and implementing the Programme of Technical Assistance and Cooperation
-collect of data and information relating to international regulation of labor relations
-implemented of research on issues of interest to the ILO
-published of magazines, study reports on economic and social issues in many languages

-give assistance to governments for the preparation of legislation in the field of labor legislation
-give data, information and advice to governments, workers and employers organizations and others.

Within the ILO, operate more services of general, vocational and technical character. These services are organized in several departments with different kinds of activities. Four of them express the essence of the activities of the ILO. These are *1. Department of working and living conditions; 2. Department for development of social institutions 3. Department of Human Resources and 4. Department for planning and organizing labor.*

2.5. Subsidiary bodies of the ILO

The composition of the ILO, operate more auxiliary bodies: Commissions and committees. They are made up of experts in certain areas. They have been established as permanent fixtures of the Administrative Council or special bodies within the ILO. The main task of the working bodies to perform before considering the issues that are the subject of activity and the agenda of the bodies of the ILO.

How important commissions and committees of the ILO can be emphasized: the Commission of Industry, Committee on Budget and Administration Committee for Programme and practical activities, the Committee on the Application of Conventions and Recommendations. Within the Commission and other industry act as sub-commission the coal industry, steel and iron, for mechanical, chemical, textile, oil industry, construction, construction, internal transport and others.

Within the Administrative Council, except that ILO committees, and act more as committees of which would emphasize the important Committee on Discrimination Complaints Committee and others.

3. International legal instruments ILO

3.1. Conventions

A. Legal nature of conventions

One of the most important activities of the ILO's normative activities through the adoption of conventions and recommendations. ILO Conventions adopted by the General Conference with a 2/3 majority vote of the delegates present at the conference. Convention shall enter into force one year after the Director General shall be registered ratifications by at least two Member States of the ILO. The importance of the ratification of a convention last ten years, after which it can be canceled, and a year after the expiration of the termination of the importance of ratification. The passed convention is submitted to every Member State to ratify the ILO. After ratification by the national parliaments of member states conventions receive normative legal personality and receive legal force of an international instrument. Member States of the ILO that have ratified the Convention are obliged to submit to the International Labour Office (ILO), an annual report on the measures required for their implementation. Ratified conventions for each Member State pulling double international obligation as follows:

1. To apply the provisions of the convention has been ratified, guaranteeing compliance with national legislation and practice with the norms contained in them

2. Acceptance of international control over their application.

3.2. International ILO Conventions on collective bargaining

The most important international ILO conventions relating to collective bargaining are: International Convention no. 87 on the right of workers and employers to association and organization, the International Convention no. 98 on the right to organize and collective bargaining, the International Convention no. 100 on equal remuneration for men and women, the International Convention no. 154 Collective Bargaining, International Convention no. 131 on Minimum Wage Fixing, International Convention no. 135 Protection of workers' representatives.

International Convention no. 87[iii] concerns the right of workers and employers to association and organization and it does not talk explicitly about collective bargaining, but it has great importance for him. Namely, this Convention workers or employers have the right to organize in their own organizations or trade unions. Hence, the very right to union organizing is closely linked to the right to collective bargaining. The member States of the ILO itself ratification process of Conventions and Recommendations contribute to the strengthening of the right to join trade unions, and in this context the right to collective bargaining, because no free trade unions no real collective bargaining.

International Convention no. 98 refers to the right to organize and bargain collectively. According to her, each member of the ILO, according to national conditions, should take appropriate measures to encourage, promote the development and wider use of the procedure of voluntary negotiations through collective bargaining between the employer and employers' organization on the one hand, and the organization of workers On the other hand, in order through this to determine (agree) working conditions.[iv]

International Convention no. 100 on equal remuneration 1951 refers to equal remuneration for men and women with the same qualifications. Basically, the Convention against discrimination in terms of gender, and this principle can be implemented by means of national laws, collective agreements between employers and workers or a combination of these various means.[v]

International Convention no.154 explicitly refers to collective bargaining which, in addition, that explains the term "collective bargaining" as the subject and content of collective bargaining also it incorporates several institutes relating to the system and procedure negotiation and settlement of labor disputes**.**

International Convention no. 131 on Minimum Wage Fixing obliges member states of ILO ratified it to establish a system of minimum wages for those workers who could work under conditions appropriate to apply.[vi] Through mutual consultation of organizations of employers and workers will be determined groups of workers who will be covered by the minimum wage. Under the Convention the minimum wage has force of law and can not be reduced, and violators of the said provision shall apply appropriate sanctions. In this regard, we are given an opportunity and complete freedom to partners minimum wage is defined by collective bargaining.[vii] Also, the Convention lists the essential elements to be taken into account when determining the minimum wage, and it is next

a). The needs of workers and their families, taking into account the general level of wages in the country, living costs, charges for social security and adequate standard of living of other social groups
b). Economic factors, including requirements needs for economic development, levels of productivity and the need to achieve and maintain a high employment rate.

Each member state of the ILO that have ratified the Convention are obliged to establish appropriate mechanisms for establishing temporary and harmonization of the minimum wage.[viii]

International Convention no. 135 on Workers' Deputies adopted the 1971 session of the 56th General Conference of the ILO, held in Geneva. It refers to the protection of workers' representatives (trade union representatives or freely chosen representatives in accordance with the provisions of national laws or regulations or collective agreements) in enterprises. Under the Convention prestavnci workers should enjoy effective protection against any act that is harmful to them, including dismissal, and, based on their status or activities as a workers' representative or on union membership or participation in union activities, if they comply with applicable laws or collective agreements ....".[ix] This convention is important for collective bargaining because it enables, except by law or regulations, the protection of workers' representatives to regulate and collective agreements. This Convention is monitored and specifically developed by ***Recommendation no. 143 representatives of workers*** from 1971 also provides for the protection of workers' representatives, which specifically identified measures covering several activities and procedures for their protection, and in that context provided certain incentives should be provided to workers representatives.[x]

Significant place for the promotion and implementation of all the above conventions and recommendations of ILO and the ILO Declaration on Fundamental Principles and Rights of Work and its Appendix, (Anex) adopted by the General Conference of the ILO on June 18, 1998 in Geneva. In it, among other things, it mentions report states - states that, regardless of whether they have ratified the conventions that are obliged by the fact that members of the Organization (ILO), to respect, to promote and implement, diligently and in accordance with the Constitution, the principles concerning fundamental rights which are the subject of these conventions, such as:

a.freedom of association and recognition of the right to collective bargaining;
b. abolition of all forms of forced or compulsory labor;
c. effective abolition of child labor and
g.elimination of discrimination in employment and professional engagement.

3.3. Recommendations
3.1. Legal nature
A. Legal nature of recommendations

Recommendations as a legal instrument of the ILO under its legal nature of the conventions differ in that they are not subject to ratification, and therefore did not commit, or do not create an obligation for their implementation by member States of the ILO. Recommendations to the member States have a moral obligation to take certain legislative actions stemming from the content and objectives of the recommendation. Typically, the recommendations are made independently and regardless of the convention, but often they are

taken in parallel with the conventions complement one another. The reasons are often preferred arrangement of an issue to be a recommendation, not a convention is different. It may be a case where an issue is not yet ripe to be subject to a formal, they are taken when the issue would be subject to regulation of a convention, but still can not find a place in specific recommendations. Then, when the text of the recommendation is of a technical nature, and its application should be adapted to the specific conditions in certain countries. Next reason is when the recommendation is adopted to supplement the Convention, particularly when it comes to clarify the principles and provisions of the Convention adopted, or instruct or recommend measures for further detailed processing of those principles. The recommendations can be adopted independently, ie independently of the convention, where their aim is to encourage Member States of the ILO to adopt its own regulations that would have governed the problems envisaged in the recommendation. This is the case with recommendations that regulate issues not taken convention, and because of the complexity of the existing economic, social and political differences between states can not be governed by conventions. Also, the recommendations can be made in parallel with the conventions, with more detailed recommendations to elaborate the principles stipulated by the relevant convention so that they constitute its recharge. Recommendations and Conventions are subject to control in their application.

3. 4. Recommendations of the ILO

Key recommendations of the ILO relating to collective bargaining are: Recommendation no. 91 on collective bargaining, No.. 92 Voluntary Conciliation and Arbitration Recommendation no. 163 for collective bargaining

Recommendation no. 91 (1951) refers to collective bargaining and it is the definition of a collective agreement. In the light of this recommendation, the term *"collective agreement means any written agreement relating to working conditions and vrabutuvanjeto locked between, on the one hand, an employer, a group of employers or one or more employers' organizations, and, on the other hand, a or more representative organizations of workers, or, in the absence of such organizations, the representatives of the workers concerned, freely chosen and empowered by the latter in accordance with national regulations."*[xi]

Recommendation no. 92 (1951) applies to voluntary conciliation and arbitration. According to this recommendation for voluntary conciliation bodies established mixed (parity basis) of representatives of employers and workers, and conciliation procedure should be free and expeditious with a minimum term of resolving the dispute. Also, the recommendation is recommended during the conciliation or arbitration, the parties are encouraged to refrain from strikes and lockouts while during reconciliation or arbitration is in progress. Hence, reconciliation or arbitration occur as a continuation of collective bargaining. The close connection of mirenjeto and collective bargaining directly indicates Convention no. 154 concerning the promotion of collective bargaining since 1981, so yes, *"the provisions of this Convention does not make obstacles in the functioning of sostemot of labor relations in which collective bargaining takes place within the institution or the process of conciliation or arbitration, in which the parties to the collective bargaining voluntarily participate."*[xii]

Reconciliation can be compulsory and optional. Compulsory reconciliation stems from the agreed clause on the obligation of the collective agreement or law. The conciliation procedure can be completed successfully or unsuccessfully. If reconciliation completed

successfully, the agreement will be reached should be written in writing, so the agreement (in resolving labor disputes of interest) obtained by collective agreements, which is what it provides and Recommendation. no 92 of ILO.[xiii]

Recommendation no. 163 on Collective bargaining has taken on the same day the Convention no. 154 which actually nadopolonuva wider explains it. Among other things, this Recommendation recommends the member States of the ILO, according to national conditions can create basic normative assumptions, ie to establish appropriate statutory criteria relating to the recognition of the right to collective bargaining (representative status) to the appropriate organization of workers or employer, in order to eliminate potential conflicts between workers (unions) and rabotodavachkite organizations. Also, this tool recommends Member States to take measures that collective bargaining can take place at all levels, including public authorities, enterprises, branch of activity, production or regional or state level.[xiv]

Protection of Child Labour

This international standard is regulated by the Convention no. 138 on minimum age for employment, the Convention no. 182 on the Worst Forms of Child Labour and Recommendation. 96 years minimum age for employment in underground mines and coal. The main objective of the ILO to eliminate child labor completely in the work process.

Convention no. 138 of 1973 established a minimum age for employment which shall not be less than the age of completion of compulsory schooling, and in any case not be lower than 15 years.[xv] As an exception to the provision of Art. Paragraph 2, members whose economic and educational opportunities are not sufficiently developed can then carry out consultation with the organizations of employers and workers concerned, where there are, as a minimum age may initially establish a minimum age of 14 years.

The lowest age for receiving any type of employment or any work which by its nature or the circumstances in which the can endanger the health, safety or morals of young people, shall not be lower than 18 years. National law or other regulations can be admitted to employment or work to lighter work of persons 13-15 years of age, provided that the work performed will not be detrimental to their health or work is not such as to damage their education and Fig.[xvi]

Convention no. 182 on the prohibition and elimination of the Worst Forms of Child Labour by 1999 defines the term "child" and apply and apply to all persons under the age of 18 years. Also, the Convention defined the meaning of "the worst form of child labor" which includes

a) all kinds of slavery or slavery like practices, such as the sale of children and trafficking of children, debt bondage and town hall, forced or compulsory labor, including forced or compulsory liquidation of their children for use in armed conflict;

b) the use, sale and offering of a child for prostitution, production of pornography or for pornographic performances;

c) the use, procuring and offering of a child for illicit activities, particularly drug production and trafficking of drugs as defined in the relevant international agreements

d) work, which because of its nature and circumstances that are performed, may harm health, safety or morals of children.[xvii]

Recommendation no. 96 the minimum age for employment in underground coal mines and 1953. The provisions of this Recommendation recommends the member States of the ILO "minors under 16 years should not be employed in underground coal mines." Minors over 16

years but who have not reached the age of 18 should not be employed in underground coal mines unless such work is:

a) target acquisition or learning methodically training under adequate supervision by competent persons with technical and practical experience of work;

b) or under a condition determined by the competent authority after consultation with interested organizations of employers and workers relating to permitted work and kvalivikacija and systematic control measures which should apply to the health of young workers and their protection.

This international labor standards in Macedonia is implemented in the Constitution, the Law on Labor Law and collective agreements at the level of industries. The Constitution and the Labor Code the lowest limit for employment is set at 15 years, while youth employment in underground coal mines and more specifically regulated by the appropriate branch collective agreement.

In the Labor Code of the Republic of Macedonia, in Chapter XIII of Art. 172-176 is regulated protection of young workers who have not attained 18 years. In the Labor Code stipulates that *"The employees who have not yet attained 18 years of age, the employer must not require them to do heavy physical work, work performed underground or under water, work with sources of ionizing radiation and other things that can harm and increased risk of affecting the health or health development given their psohofizichki specific.*"[xviii] Also, the worker who has not turned 18 years of age is entitled to annual leave increased by seven days.[xix]

Minimum wage

Wages or remuneration of workers, is an essential element of labor relations. As such, the issue of wages and their determination and protection has become an important goal of the international community. International regulation of wages and their warranty is the responsibility of the ILO, which for this purpose has adopted several conventions and recommendations. The most important Conventions and Recommendations relating to the minimum wage: Convention no. 131 on minimum wage and Recommendation. 136 for determining the minimum wage.

Convention No.131 on Minimum Wage Fixing obliges member states of the ILO that have ratified it, to establish a system of minimum wages, ... which will have legal force and can not be reduced and paid into it level, because if the responsible person shall apply appropriate criminal or other measures. Also, the Convention set out the elements to be taken into account when determining the minimum wage (the needs of workers and their families, the level of wages in the country, living costs, the application of economic development, levels of productivity and the need to achieve maintaining high employment rate).[xx]

Recommendation No. 136 for determining minimum wages in 1970 establishing minimum wages - wages should be one element of the policy aimed at combating poverty and meeting the basic needs of all workers and their families, workers to enable necessary protection in terms of minimum permissible levels of wages - wages.

Macedonian experience. After many efforts of the union, debate and intensive social dialogue between social partners in the Republic of Macedonia (SSM, KSS, OEM and Government), Parliament in 2012 passed the law on the minimum wage (Fig. Gazette no. 11/12 of 24.01.2012). Law is short, or contains only 12 members. This law sets the minimum salary, and other issues pertaining to the minimum wage. In Article 2 of the Act's definition of a

minimum wage, according to which it is *"the lowest monthly amount of the basic salary which the employer is obliged to pay the employee for work performed for full-time and full normalized performance."*[xxi]

Under the provisions of this Act, the right to have all minimum wage workers in the amount of 39.6% of the average gross salary in the Republic for the previous year according to data published by the State Statistical Office.[xxii] In 2012 the minimum salary has been fixed in the amount of 8.050.00, while in 2015 the amount was 10,048.00 denars in net exports. The amount of the minimum wage is published by the Ministry of Labour and Social Policy in the Official Gazette, upon prior opinion of the Economic and Social Council.

Supervise the enforcement of the provisions of this Law concerning the calculation and payment of the minimum wage The State Labour Inspectorate, through the labor inspectors.

The law provides the possibility in sections (textile, leather and construction) that have problems and difficulties in its operation and provision of salaried employees in the next three years to comply with the amount of the minimum wage by multiplying the amount of 15.600 denars with the following odds : 0778 2012; 0.852 in 2013 and 0.926 in 2014.

Right to strike

The right to strike is one of the most important international labor standards. An integral part of the legal system of the Republic of Macedonia on the right to strike and the international legal instruments of the UN, ILO and EU.

International Labour Organization (ILO) has adopted many international legal instruments relating to the right to strike. The most important of these are the Convention no. 87 Freedom of Association and Protection of the Right to Organise of 1948, Convention no. 98 Right to Organise and Collective Bargaining of 1949 and Recommendation. 92

Convention no. 87 on Freedom of association and protection of the right of association is very important for the realization of the right to strike. The Convention states *"Workers and employers have the right to adopt its statutes and rules, completely free to choose their representatives, organize their administration and activities and to shape their programs".*[xxiii] In the cited article of the workers (union) and given the right, among other things, to organize actions (think of strike and other forms of pressure, protests, blockades, piketing, etc.- emphasized A. Maihoshev).

The Convention no. 98. indirectly talk about the right to strike .. Namely, it states that *"workers should koristast adequate protection (strike as a method of protection) against all acts of discrimination in employment, which could be harmful to syndication freedom,"*[xxiv] *especially if" fired a worker because he is a member of the union or participating in union activities outside working hours .... "*

Recommendation no. 92 ILO voluntary conciliation and arbitration, the strike directly mentioned and said that *"if the voluntary consent of all stakeholders conducted the conciliation procedure, the parties should be encouraged during this procedure to abstain from strikes and lockouts."*[xxv] The term lockout (lockout) denotes the right of employers to conclude their own firms as an antidote to the strike of the workers in order to force them to accept its conditions.

Implementation in the legislation of RM. In Macedonia there is no law to strike. The right to strike in Macedonia is constitutionally guaranteed right.[xxvi] In Article 38, paragraph 2 of the Constitution states that the law may restrict the conditions for exercising the right to strike in

the armed forces, the police and administrative bodies. Except in the Constitution the right to strike is regulated under other laws such as the Labour Law, Law on Public Enterprises.

Chapter XX of the Labour Law (Official Gazette. Gazette no. 62/05 of 28.07.2005) in the part that regulate the strike standing "*union and its associations at higher levels have the right to call a strike and putting themselves in order to protect economic and social rights of its members employed in accordance with law."*[xxvii]

Health and safety at work

Safety and health at work is one of the most important international standards. This labor standards are regulated in several legal instruments of UN and ILO.

The Constitution of the ILO (International Labour Organisation), which was adopted in 1919, established the basic objectives of the ILO expressed in art. 427 of the Versailles Peace Treaty of 1919, which are implemented in the ILO Constitution. According to the Preamble of the ILO Constitution, the ILO objectives can be divided into three main groups. One of them relates to working conditions which states that *"poor working conditions make large numbers of people injustice, poverty, the consequence has great discontent that threatens world peace and harmony.*"[xxviii] These objectives are replicated in ***Philadelphia declaration*** of June 10, 1944 III head where one of the main objectives of the ILO stated "achieve adequate protection of life and health of employees from all occupations." Universal Declaration of Human Rights adopted by Resolution 217A (xxx) on 10 December 1948 by the UN General Assembly also explicitly emphasized the right of every worker to "just and favorable conditions of work and to protection against unemployment." International Covenant on Economic, Social and Cultural Rights of the United Nations obliges States Parties to undertake steps to ensure maximum economic, social and cultural rights of every citizen, which occupies a very important place and the right of everyone to enjoy just and favorable conditions of work that provide "safety and hygiene at work."

Most imortrant ILO Conventions relating to safety and health at work, we can mention the following: Convention No. 16 on medical examination of young persons; Convention no. 17 compensation of workers in the workers; Convention no. 18 for compensation workers (illness in the workplace); Convention on equal treatment (compensation in case of accidents); Convention no. 24 insurance sickness (industry); Convention no. 25 insurance in the event of disease (in agriculture); Convention no. 32 for protection against accidents; Convention no. 81 Labour Inspection; Convention no.102 of Social Security; Convention no. 121 benefits due to injury at work; Convention br.148 the working environment (air pollution, noise, vibration); Convention no. 155 on Safety and Health at Work; Convention no. 161 services for health protection at work

From all the above conventions would mention the ***International Convention no. 155 on Safety and Health at Work*** adopted on 67 session of the General Assembly of the ILO 22. 06. 1981, and entered into force on 08.11.1983 year. This Convention was ratified by Parliament in 1991, which implies that the provisions of the Convention are part of our legislation. A significant part of the provisions of this Convention are implemented in the Law on Safety and Health at Work (OG. Gazette no. 92/07).

Pursuant to Art. 4 of the Convention, each Member State, starting from the national conditions and practice and in consultation with the majority of representatives of organizations of employers and workers (representative) should formulate, implement and periodically review a coherent national policy on occupational safety and health . This means that each member state

of the ILO that has ratified the said Convention should adopt a national policy (program) for safety and health. In this context, the main purpose of such a policy should be protection from accidents and injuries to health whose occurrence is related to the workplace by reducing the risks associated with the working environment within reasonable limits.

In Macedonia, safety and health as an international standard of labor is regulated in the Constitution in Art. 32 which explicitly guarantees the right to a healthy and safe working environment, which states that *"Everyone has the right to work, to free choice of employment, protection at work ...."*[xxix] Apart from the Constitution, safety and health at work is regulated by special law, ie the Law on Safety and Health at Work,[xxx] 2007. This law, among other things, as a basic principle declares the principle of prevention of injuries at work, occupational diseases and diseases related to work and to oblige the employer to prepare an evaluation of risk in the workplace and safety statement, and organize medical examinations of workers every 18 months.

Also, the law regulates the right of employees to choose their representatives for safety and health within the enterprise.[xxxi]

Peaceful resolution of labor disputes

Most importrant conventions and recommendations pertaining to the peaceful settlement of labor disputes are: Convention no. 154, Recommendation no. 92, Recommendation no. 163 and 163rd Convention no. 154 on collective bargaining (1981), except that it defines collective bargaining, the application and its promotion, in the art. 6 explicitly regulates the issue of peaceful settlement of disputes that arise in the process of collective bargaining through conciliation and arbitration, ie institutions in which parties will participate on a voluntary basis.

Recommendation no. 92 on voluntary conciliation and arbitration, the strike directly mentioned and said that "if the voluntary consent of all stakeholders conducted the conciliation procedure, the parties should be encouraged during this procedure to abstain from strikes and lockouts." The term lockout (lockout) denotes the right of employers to conclude their own firms as an antidote to the strike of the workers in order to force them to accept its conditions for work

Recommendation no. 163 ILO collective bargaining (1981) of the parties in collective bargaining recommends to take appropriate measures adapted to national circumstances, in which the procedures for resolving labor disputes would help the parties themselves find a solution to the dispute, whether the dispute occurred in collective bargaining, or in the interpretation and application of the collective agreement. Recommendation emphasizes that peaceful methods in question, but indirectly implies that it conciliation, mediation and arbitration.

Macedonian experience. The most important legal acts regulating peaceful methods for resolving labor disputes (individual and collective) are (chronologically followed by adoption): Agreement on the establishment (establishment) of the Economic and Social Council of the Republic; Labour Law (Fig. Gazette 62/05); Law on Mediation (Official Gazette no.60/06); Law on Peaceful Resolution of Labour Disputes (Official Gazette no. 87/07 and the General and specific collective agreements).

The Agreement for the establishment of the Economic and Social Council of the Republic of Macedonia from 30.12.1996 or 25.08.2010, the states that among other functions, the Council encourages the peaceful resolution of collective labor disputes (referring to disputes arising from the signing of kolektivnitedogovori and strikes) . In the agreement not provided that kind of peaceful methods will solve collective labor disputes, but it can be assumed that it would

have been traditional methods of peaceful resolution of the same (conciliation, mediation and arbitration) utvrdenisozakon. With the entry into force of the peaceful settlement of labor disputes in Macedonia, the significance and role of the Economic and Social Council in the procedure for the selection of mediators and arbitrators for the peaceful resolution of collective labor disputes.

The Labor Law (Official Gazette of RM no. 62/05), particularly in Chapter XVII entitled "Peaceful resolution of individual and collective labor disputes" states that *"in case of individual or collective labor dispute, the employer and the employee can agreed dispute resolution to entrust a special body established by law"*.

The Law regulates the right to the peaceful resolution of collective labor disputes by arbitration, provided that it is governed by the collective agreement, with the collective agreement shall regulate the composition, procedure and other issues relevant to the work of the arbitration. If the employer and the employee agree with arbitrating labor disputes, the decision of the arbitration is final and binding on both parties, so against the decision of the arbitration is admissible dispute before the competent court.

Chapter XIX Article 235 stipulates the resolution of a legal collective labor dispute by arbitration concerning the dispute arises in the process of concluding, amending the collective agreement.

Chapter XX which set out the rights and obligations of employers and unions during the strike stated that the strike can not commence before the end of the conciliation procedure, so the obligation of reconciliation must not restrict the right to strike, when such proceedings It is provided by law.

Law on Mediation (Official Gazette no. 60/06 of 16.05.2006), also represents a very important legal act that established methods of peaceful resolution of civil, commercial, labor (individual) consumer and other controversial Relations between legal and natural persons in accordance with the law. This law does not apply to solving collective labor disputes and other issues, such as administrative and criminal cases.

Labour Inspection

ILO has adopted several international conventions and recommendations governing the work of labor inspection. The most important are: Recommendation no. 5 of 1919 concerning the establishment of the Public Health Services will conduct inspection in factories and public services. After World War II, in 1947, the ILO adopted Convention no. 81 on labor inspection in industry and commerce, the Convention br.129 inspection of labor in agriculture and Recommendations no. 81 and 82 on labor inspection in the field of industrial and commercial enterprises, ie inspection in mining and transport companies since 1947.

Advertised Conventions or Recommendations are mostly implemented in our labor legislation by adopting a special law on labor inspection (Official Gazette No.35/97 of 07.23.1997) and other inspections. Also in the Labor Code is devoted an entire chapter (Chapter XXV) for inspection in the field of labor relations covered by art. 256-263. The above suggests that this international labor standards implemented in the legislation of RM.

Summury

Republic of Macedonia as a member of the ILO has implemented all international conventions and recommendations in the national labor legislation related to international labor standards. The only problem for now is to implement them in practice. Some conventions and recommendations were implemented at the beginning of the creation of the country's independence and some later. Implementation of labor legislation is supervised by the ILO and the European Union, and any objection state institutions remove.

Although, in Republic of Macedonia are adopted the Law on Mediation Act and the peaceful resolution of labor disputes, they are in practice still have not started to operate at full capacity because the upcoming activities that are not yet completed (selection of new mediators, conciliators, arbitrators).

References

ILO Conventions

The International Convention no. 87 on the right of workers and employers to association and organization,
The International Convention no. 98 on the right to organize and collective bargaining,
The International Convention no. 100 on equal remuneration for men and women,
The International Convention no. 154 Collective Bargaining,
The International Convention no. 131 on Minimum Wage Fixing,
The International Convention no. 135 Protection of workers' representatives
The International Convention no. 155 on Safety and Health at Work (1981)
The International Convention no. 182 on the prohibition and elimination of the Worst Forms of Child Labour (1999)
The International Convention no. 138 on minimum age for employment,
The International Convention no. 182 on the Worst Forms of Child Labour

ILO Recommendations

Recommendation no. 91 on collective bargaining (1951);
Recommendation no. 92 on voluntary conciliation and arbitration (1952);
Recommendation no. 163 on collective bargaining (1981);
Recommendation. 136 for determining the minimum wage.
Recommendation no. 143 representatives of workers (1971);

Constitution, Laws and Agreements

Constitution of Republic of Macedonia, 17.11.1991
The Law on Labor Law (Official Gazette of RM no. 62/05),
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PhD B. Bukuljas&Adriana Bilic, *International Labour Law with with special emphasis on ILO,* Split, 2006;
PhD Gzime Starova, *"International Labour Law and legislation*", NIP "Gurga", Skopje, 1999;

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[i] PhD G. Starova, *International Labour Law and Legislation*, NIP "Gurga", Skopje, 1999, p. 135.
[ii] M. Monceanu: L.O.I.T. op. Cit. 26.;
[iii] Convention no. 87 is ratifed from Parlaiment of RM in 1991 year;
[iv] See Article 4 of the Convention no. 98;
[v] See Art. 2 paragraf. 2 a, b, c and d of the Convention no. 100 on equal remuneration for men and women;
[vi] See Art. 1 st. 1 of the Convention no. 131 ILO Minimum Wage Fixing, 1970;
[vii] Ibid, article 2 paragraf 2;
[viii] Article 3 paragraf 1;
[ix] See Article 1 of Convention no.135 (ILO);
[x] See more Recommendation no. 143, Chapter IV;
[xi] Recommentation no. 91, paragraf 2 (1);
[xii] See article 6 from Convention no. 154 of ILO;
[xiii] Article 5 of Recommendation no. 92 of ILO;
[xiv] See more B. Sunderic, Recommendation no. 163, Right in ILO;
[xv] Article 2 paragraf 3, Convention no. 138 of ILO;
[xvi] Article 7 paragraf 1(b) from Convention no. 138;
[xvii] Article 3 paragraf 1: a, b, c, d of Convention no. 182;
[xviii] Article 173 par. 1 of Labour Law of RM (Official Gazette of RM no. 62/05);
[xix] Ibid, Article 176
[xx] See more in artice 1 and 2 of Conventioin no. 131 of ILO;
[xxi] Article 2 of Law on minimum wage (Official Gazette of RM no. 11/12);
[xxii] Ibid, Article 4 (Law on minimum wage);
[xxiii] See Article 3 point 1 of Convention no. 87 (ILO);
[xxiv] Article 1 paragraf 1 of Convention no. 98 (ILO);
[xxv] Article 1 paragraf 4, Recommendation no. 92 (ILO);
[xxvi] See Article 38 of Constitution of RM;
[xxvii] See Article 236 on Labour Law (Off. Gaz. No. 62/06);
[xxviii] Ph.D B. Bukuljas&A.Bilic, *International Labour Law with special focus on ILO,* Faculty of Law, Split, 2006, p. 29.
[xxix] Article 32 paragraf 1 of Consitution of RM;
[xxx] Official Gazette of RM no. 92/07;