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Elena TRAJKOVSKA*

Social Strategy of the European Union for the Protection of Non-Standard Workers: European Law's Direct Influence on Macedonian Labour Law

ABSTRACT: *From the outset, the need to establish the Treaty of Rome emerged due to economic demands, as well as the need to enable the free movement of production and factors of production (goods, services, labour and capital). It was proven that the European Community needed to unite the economic forces of the European countries. Yet, a key question arose: Should the European Union have a social strategy and what will be its evolution? The answer, clearly affirmative, underscores the need for effective social protections for non-standard workers, which should be equivalent to those provided to workers employed under traditional full-time, permanent contracts. This paper examines the application of the Labour Relations Law. The provisions that provide legal protection to non-standard workers are precisely determined – cases that we increasingly encounter in practice. Insufficient awareness can lead to falling into the so-called legal mazes, that is, ambiguous legal solutions that employers use in order to protect themselves at the expense of the employee. This paper seeks to explain the mechanisms of functional legal protection that workers enjoy during the employment relationship and after the termination of the employment contract, as well as which institutions in North Macedonia are responsible for protecting workers' rights through the application of European and domestic law, all with the aim of enabling better social protection for non-standard workers. Since its independence, the Macedonian labour market has been characterized by high unemployment and low rates of employment and activity. Nevertheless, in the last decade, there has been significant progress in all major labour market indicators.*

KEYWORDS: *Social strategy; EU; Macedonian Labour Relations Law; social protection*

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1.
Introduction

Non-standard forms of employment are an umbrella term for different employment arrangements that differ from standard employment. According to Eurofound,[1] there are various forms of non-standard employment, such as part-time and on-call employment; temporary employment; disguised employment and dependent self-employment; and temporary agency work and other multiparty employment relationships. Besides these forms of non-standard employment, it is significant to mention that one of the most relevant future developments related to non-standard work, regardless of its contractual form, is digitalization. Nowadays, living in an environment where it is inevitable to use technological tools, with just a simple internet connection, we have a 'winning combination' and a 'sea of opportunities' to earn income from a laptop or PC. We have chosen to mention earning income through digitalization for several reasons, which we will elaborate on later. Namely, when it comes to digitalization, including work through online platforms, an income-generating opportunity is enabled through an inflow of funds regardless of the age or even the experience of the worker. In such cases, where the job is performed online, regardless of the number of years of experience,[2] the worker can earn a favourable and easily accessible income through the possession of certain skills that satisfy the employer's hiring criteria. Work through online platforms, such as freelancing, is one of the most accessible ways of earning income, although it does not satisfy the traditional form of employment—standard work, that is, the classic relationship between an employee and an employer based on an employment contract for an indefinite period. Although it is often speculated that this is the future of labour law, we cannot discuss the future without first looking back at history. Historically, the concept of non-standard employment contracts became more formally recognized in the 1970s and 1980s,[3] because the economies of that period around the world, especially in Europe and North America, began to shift from production-based to service-based models. This shift led to a greater demand for flexibility in the labour market, where employers increasingly hired part-time or temporary workers to reduce labour costs. In fact, an ILO report from 1976, when the world was still living with the post-war consequences, warned that the post-war period was marked by a growing gap in income and wealth between a small number of industrialized countries and the majority of other countries. More than five decades ago, in 1972, industrial market economies

1 Eurofound is the agency of the European Union dedicated to improving living and working conditions.
2 When we discuss experience for a certain job position, one of the conditions is often several years of experience, which is not necessarily the case with online work.
3 International Labour Organization, 1976, p. 10.

(also known as 'developed' or 'advanced' economies), with less than one-fifth of the world's population, accounted for two-thirds of world production. At the other extreme, a quarter of the world's population lived in countries with average per capita incomes of less than US$200 at the time, and their total output accounted for less than 3% of global output. Today, this gap has not been overcome but has widened over the years and become even more visible, with growing inequality in income and in the social protection of workers. The OECD also highlighted this issue in its 2015 report, 'In It Together: Why Less Inequality Benefits All',[4] stating that the gap between the rich and the poor is constantly increasing. This long-term increase in income inequality is not only a social and political concern but also an economic concern, as income inequality tends to reduce GDP growth in the long run within domestic economies.

The effects of the increasing proportion of employment in non-standard work arrangements in recent decades have become central to debates on the social protection of workers. Since the 1980s, labour markets in OECD countries[5] have been subject to major structural changes. Along with these institutional changes, demographic and social factors, such as population aging and higher participation of women in the labour market, have greatly influenced the composition of the labour force. Non-standard work is often associated with lower earnings and job insecurity, increasing its potential negative impact on the distribution of individual earnings as well as household income. The OECD report[6] showed the impact of non-standard work on the level of overall earnings inequality: adding the earnings of part-time workers to the distribution of full-time employees increased earnings inequality by almost 20%, while the inclusion of self-employed workers increased inequality by an additional 5%.

Speaking about social and labour movements, Beverly J. Silver (2015:3) explains that in the past there was a strong tendency to dismiss labour movements as irrelevant. This was especially evident in newly industrialized countries[7] :

> *'...For while the decline of Fordist mass production industries[8] in wealthy core countries was leading to the disempowerment of established working classes and their trade unions in the 1970s and 1980s, the rapid economic expansion of the NICs in the same years was leading to the creation of large*

4 OECD, 2015, p. 10.

5 The OECD, founded in 1961, includes many of the world's industrialized, high-income economies. Today, it has 38 member countries, representing a diverse set of advanced and some emerging economies.

6 OECD, 2011, p. 10.

7 Newly industrialized countries include Brazil, India, Russia, Iran, Saudi Arabia, China, Mexico, etc.

8 Fordist mass production is a system of industrial production that uses assembly methods, standardized parts, and mass production. The term was pioneered by Henry Ford, who helped popularize the concept in the 1920s, and Fordism came to signify modernity in general.

industrial working classes and the emergence of powerful independent labour movements'.[9]

Such movements contributed to the successful realization of economic, social, and democratic justice for workers. As already mentioned, non-standard workers are not only those categories of workers who have the classic working hours from 8 am to 4 pm. Nor can we refer to workers who exercise their rights under the standard form of work and receive social, health, and pension insurance through a contract concluded for an indefinite period. Nevertheless, non-standard workers, as well as standard workers, aim for effective and stable protection during the performance of their work duties, regardless of the form of employment contract.

In the continuation of this paper, we will use a comparative methodology to examine European regulations and how non-standard forms of employment are regulated in Macedonian legislation. At the same time, in addition to the comparative method, we will emphasize several countries that are member states of the European Union and are historically close to the legal system of North Macedonia, such as Croatia and Slovenia, and examine how these countries, which represent EU law, regulate the issue of non-standard workers and the extent to which they are protected from a social, health, economic, democratic, and even political perspective in accordance with their legislation. The purpose of this paper is to contribute to the harmonization of Macedonian labour law with European labour law because, for Macedonia as a candidate country for entry into the European Union, it is indisputable that domestic legislation should be harmonized, thereby enabling non-standard workers to enjoy effective and efficient protection in the realization of their rights before national institutions.

2.
Models of Health and Social Protection of Non-standard Workers in North Macedonia: Beveridge Model Versus Bismarck Model

In the field of labour law, when it comes to the protection of workers, one of the key factors is the health and social protection available to workers and the manner in which they access it. So far, two different models of financial systems for the social protection of workers have been accepted, differing from country to country, regardless of whether a country has candidate status for entry into the European Union

9 Della Porta et al., 2015.

or is already a member state. Namely, taking into account that member states enjoy sovereignty[10] in deciding matters related to workers' health-care systems, each member state within the European Union has the freedom to choose which system model it will use. To illustrate this, we may refer to the legislation of France, where the Bismarck model is used, as well as Germany, Belgium, the Netherlands, and Austria.[11] Nevertheless, before making a European comparison of financial systems, it should be noted that, unlike the Beveridge model, the Bismarck model[12] is primarily based on social security contributions, that is, a system financed through mandatory contributions from employees and employers.[13] Such a system is characterized by several prerequisites, namely that insured persons must be employed, financing is realized through contributions, and the contributions to be paid are based on the wages received by workers for completed work duties.[14]

The Bismarck model is also the model adopted in North Macedonia, where employees, together with employers, contribute to the Health Insurance Fund,[15] while institutions advocate for the smooth functioning of the system in order to ensure that services provided by public and private health-care providers are accessible and available to the population without hindrance. As for the Beveridge[16] model, this model can be found in the Scandinavian countries, the United Kingdom, and Spain,[17] and is primarily focused on financing through taxation, with the government covering health-care costs. Such a system advocates the protection of the entire population through specific financial allocations from the state budget, whereby uniform, lump-sum contributions are paid. It relies on two goals: tackling poverty and income inequality in order to promote social cohesion, and improving individual security while mitigating unknown social risks. Although under present conditions there is no strictly accepted model of social and health protection for workers, previous research shows a degree of interweaving of models in European countries, resulting in the existence of hybrid systems.[18] Apart from this, it should be noted that the government is always involved in the planning and management of health services, resulting in a strategic health-care option for all that is funded through taxation.[19]

10 Bifulco and Nato, 2020.
11 Bevan, Helderman, and Wilsford, 2010, pp. 251–267.
12 This model is named after the Prussian Chancellor Otto von Bismarck, who in the 19th century introduced the welfare state as part of the unification of Germany.
13 Ifo Institute for Economic Research, 2008, pp. 69–71.
14 Ibid.
15 FZO, 2024.
16 The Beveridge model is named after William Henry Beveridge, who submitted a comprehensive report on social policy to the British Parliament (1942), with specific proposals for the creation of a comprehensive social security system.
17 Ibid.
18 Ibid.
19 Ramos Leite et al., 2022.

In order for non-standard workers to receive effective social and health protection in North Macedonia, within a system that has adopted the Bismarck model of financing and advocates health care through the payment of contributions, the following question arises: How suitable is the Bismarck model for non-standard workers? When considering which social security model is most suitable for non-standard employment, such as gig work, part-time jobs, freelance work, or temporary positions, the answer depends on various factors. Under the Bismarck model, benefits are based on contributions, and workers may have additional motivation to earn more and thereby increase their future benefits. However, this model is particularly beneficial for standard workers because non-standard workers may not qualify for benefits if their earnings fall below a certain threshold. By contrast, the Beveridge model may be regarded as a more inclusive model for non-standard workers because it offers a social safety net that is not directly linked to income level, thereby providing greater security for workers employed under fixed-term contracts.

Comparing both systems, that is, funding models, and considering the protection of non-standard workers in Macedonia, it can be concluded that institutions should be directed toward finding an acceptable solution through a hybrid system, similar to those adopted in other EU member states,[20] in order to provide more comprehensive protection for non-standard workers. This is particularly important because the Beveridge model appears to function more effectively for non-standard employment due to its universal coverage. Such a model provides a safety net for those with irregular or low incomes, thereby reducing risks for these categories of workers.



Picture 1. Source: EFFAT[21]

20 Schroedera, Futh and Jantz, 2015.
21 EFFAT, 2024.

3.
Macedonian Legislative Protection of Non-standard Workers

Macedonian legislation relies mainly on the concept of the 'standard protection of the worker', where standard protection can be analysed from contextual, normative, and sociological perspectives. From a sociological perspective, the employment relationship between the employee and the employer is viewed as a relationship that provides a stable and socially protected form of employment, while the normative perspective refers to the fulfilment of work obligations by the employee and the provision by the employer of a favourable working environment and working conditions[22] in accordance with the employment contract and obligations that do not exceed the limits of labour law.[23] The non-standard form of employment generally differs from the standard form for several reasons. In general, when one thinks of standard employment, one refers to employment for which no time frame has been determined, whereas one of the most characteristic features of non-standard employment is that such employment is based on a fixed-term arrangement. A detailed analysis of the Macedonian Labour Relations Law shows that it is structured in a manner that provides maximum protection for standard workers. By contrast, although non-standard workers are also covered by the law, there remains room for uncertainty,[24] because contracts may be abused[25] and not renewed. Nevertheless, Macedonian legislation should be adapted to the needs of the global labour market and contemporary conditions. Digitization and new forms of work that did not exist in the past should also be taken into account. In particular, non-standard employment may offer flexibility in the organization of working hours and work duties, while it may also result in higher earnings due to the non-payment of social security contributions.

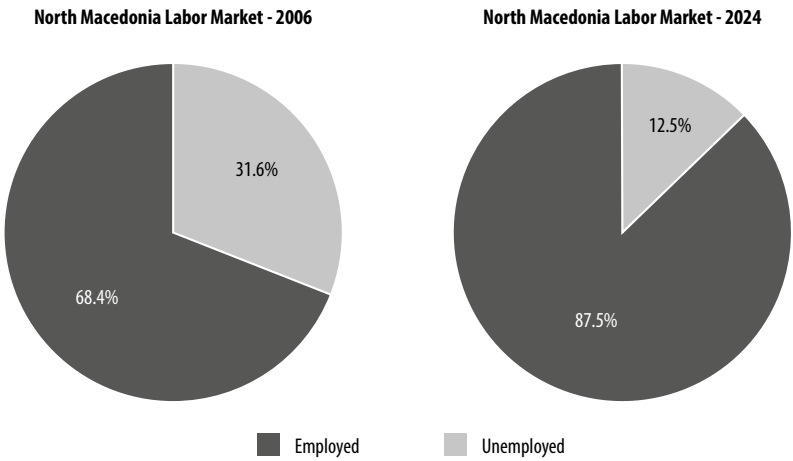
According to the International Labour Organization, non-standard employment is considered a form of employment that deviates from standard employment and may include temporary employment; part-time and on-call work; temporary agency work and other multiparty employment relationships; as well as disguised employment and dependent self-employment.[26] Several forms of non-standard work are recognized in Macedonia under the Labour Relations Law, including fixed-term employment (Art. 46), seasonal work (Art. 47), part-time employment (Art. 48), part-time employment with multiple employers (Art. 49), employment involving the

22 Labour Law. Assembly of the Republic of North Macedonia, 2005a, Art. 19.
23 Labour Law. Assembly of the Republic of North Macedonia, 2005b, Art. 12(2).
24 Akademik, 2016a.
25 Akademik, 2016b.
26 ILO, 2024.

performance of work at home (Art. 50), employment of domestic helpers (Art. 53), and the employment of business persons (management agreement, Art. 54).[27]

The changes occurring at the global level in terms of demographics, economic developments, technological advances, labour market regulations, diversity in work arrangements, and the greater integration of workers into new job positions are also affecting the Macedonian labour market. It can be observed that unemployment in Macedonia has declined significantly over the last two decades. In 2006,[28] the unemployment rate was 36.3%, while in the second quarter of 2024, according to data from the State Statistical Office of North Macedonia,[29] it was 12.5%.[30]

Fixed-term employment is often chosen by workers who combine work with education, work more than one job to earn a higher salary, or have certain responsibilities or plans that do not allow them to commit to permanent employment. However, data obtained from the Labour Force Survey show that 70%[31] of workers in North Macedonia are employed on a fixed-term basis because they cannot find employment under an indefinite term employment contract, indicating that fixed-term employment is often not a matter of choice. In such cases, legislation plays a major role in preventing the abuse of these types of contracts. This can be achieved by limiting renewals, restricting the total duration of fixed-term employment, or prohibiting the conclusion of fixed-term employment contracts for permanent tasks.



Picture 2. Indicators of the Labour Market in North Macedonia

27 Ibid.
28 Federation of Trade Unions of Macedonia, 2022, p. 2.
29 State Statistical Office of the Republic of North Macedonia, 2024a.
30 State Statistical Office of the Republic of North Macedonia, 2024b. Announcement No. 98.
31 Ibid.

It is necessary to differentiate between non-standard and informal employment. As already explained in the research, according to the ILO and Eurofound, the non-standard form of employment means a deviation from the standard form and most often refers to temporary, seasonal, or fixed-term employment, while informal employment within the informal economy most often refers to a hidden work relationship[32] regarding undeclared employment. Thus, the Law on Labour Relations does not contain provisions that can be treated as practical methods/techniques for determining the existence of an employment relationship. The emphasis in this paper is placed on non-standard employment, and the importance of providing labour and social protection to the employee is highlighted. However, non-standard forms do not have to be strictly related to unstable work, but rather impose the need for a perception of flexibility in the working hours and responsibilities available to non-standard workers. For the purposes of this paper, during the legislative analysis of the Law on Labour Relations, a tendency was observed to move from a fixed-term employment contract to an indefinite-term employment contract, favouring this type of contract [indefinite term] according to Art. 46, paragraph 3, and imposing the need to transform the employment relationship between the employee and the employer into one for an indefinite period.

The labour market, both in the world and in North Macedonia, is changing. According to the latest data obtained from the survey on the need for skills in the labour market in the Republic of North Macedonia for 2023 by the Employment Agency, conducted among employers in the private sector in order to raise the skills of unemployed persons, increase their competitiveness in the labour market, and contribute to the creation of conditions for its better functioning by matching the supply and demand of suitably qualified labour. Among the activities covered are the following: Agriculture, hunting, forestry and fishing; Mining and quarrying; Processing industry; Supply of electricity, gas, steam and air conditioning; Water supply, wastewater removal, waste management and environmental remediation activities; Construction; Wholesale and retail trade, repair of motor vehicles and motorcycles; Transportation and storage, accommodation facilities and food service activities; Information and communications; Financial and insurance activities; Professional, scientific and technical activities; Administrative and auxiliary service activities; Education; Health and social protection activities; Arts, entertainment and recreation; and Other service activities.[33] The survey covers eight regions, where the need for new employment is emphasized in the manufacturing industry, administration, information and communications, construction, wholesale and retail trade, etc. From the results of the surveys obtained, we can conclude that in Macedonia there

32 Petreski et al., 2023.
33 Employment Agency of the Republic of North Macedonia, 2023.

is still not much space for new forms of employment, such as the gig economy, and that the labour market still adheres to traditional forms of work. Unlike Macedonia, according to Eurofound, nine new[34] forms of employment are recognized that differ from standard employment. These include employee sharing, job sharing, voucher-based work, interim management, casual work, ICT-based mobile work, platform work, portfolio work, and collaborative employment. It is crucially important for the Macedonian labour market to make changes to the Law on Labour Relations in order to address the challenges posed by new forms of employment. While the world of work has changed in North Macedonia, as elsewhere, labour legislation has not. This has left many new types of jobs (such as the gig economy[35]) unregulated and outside the social protection system, while also leading to lost tax revenues for the country. As mentioned above, the latest Labour Force Survey data do not show a rise in non-standard forms of employment in North Macedonia, which is actually the opposite of the global trends observed.

4.
Non-standard Forms of Employment through the Prism of European Regulation

Flexible forms of work, such as part-time or temporary work, do not necessarily have to be associated with insecure forms of work, since the concept of flexibility is becoming dominant in the European Union in the new millennium and worldwide. We must be aware that there are two sides[36] when it comes to non-standard employment. While for some employees this kind of employment is a choice, mainly resulting from the need for greater flexibility in working hours, higher earnings due to the non-payment of social security contributions, personal organization of work, and so on, for many workers non-standard employment is the only option for earning an income, and it is often associated with limited, or sometimes non-existent, labour and social protection. Non-standard forms of employment are not exclusively reserved for the EU but are a common feature of labour markets worldwide. Their importance has increased over the past few decades in both developed and developing countries, and their use has been extended to new sectors and new types of occupations, especially after 2020, when the pandemic shook the world.

34 Mandl, 2020.

35 A gig economy is a free-market system in which temporary positions are common and organizations hire independent workers for short-term commitments. The term 'gig' is a slang word for a job that lasts for a specified period of time.

36 Ibid.

For the purposes of this paper, the Slovenian and Croatian legislation has been analysed from the aspect of labour law and the protection of non-standard workers, for a reason followed by a historical element, that is, the fact that Macedonia, in the same way as Slovenia and Croatia, was a former constituent republic of Yugoslavia that shared the same legislation. Today, these two member states represent the legislation of the European Union, while Macedonia, with candidate status for entry into the European Union, is focused on the implementation of European legislation and its incorporation into Macedonian legislation in a way that will bring European law closer to Macedonian law.

According to Croatian legislation, the non-standard form of employment is regulated in the Labour Law or, in Croatian, 'Zakon o radu',[37] Article 12 of the same law, which is similar to Macedonian law to a large extent. However, the difference between these two laws is that a fixed-term contract in Macedonia may be concluded for a duration of up to five years, while in Croatia it may be concluded for a maximum of three years. In addition, the Macedonian Law on Labour Relations does not specify the number of fixed-term contracts that may be concluded with the same employee, while Croatian law limits this to three contracts with the same employee. The employer is obliged to provide the same working conditions to an employee who has a fixed-term employment contract as to an employee with an indefinite-term employment contract, if they perform the same work tasks. What is positive in Croatian law is that an employee who has concluded a fixed-term contract may, after the expiration of six months from the day of employment, ask the employer to conclude an employment contract for an indefinite period.

Unlike Macedonian legislation, which does not leave room for non-standard workers to ask the employer, after a relatively short period of employment, to replace the employment contract with a new employment contract for an indefinite period in order to obtain effective legal protection within the legislation framework, such a possibility exists only if the employee has worked for more than two years at a workplace (Art. 46:3) and the employer determines that there is a permanent need for that employee. Regarding seasonal workers, just as in Macedonian labour law, they are also provided for in Croatian labour law. Comparatively, Macedonian law provides for the performance of seasonal work, which is performed during certain periods of the year due to climatic or natural conditions and does not exceed eight months (Art. 47:1) during a year, that is, within 12 consecutive months. In Croatia, this period is nine months (Art. 16: 2), and the contract may be concluded for either an indefinite or fixed a term.

Slovenian labour law protects the non-standard worker by using the legal mechanisms provided in the Labour Relations Act or 'Zakon o darnih razmerjih', in

37 Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike, 2024.

a way that precisely specifies the job positions in which an employee may be hired to fulfil work requirements. Slovenian law is not very different from Macedonian law; moreover, there are significant similarities between these two countries in terms of the protection of workers. This is particularly evident in the duration of fixed-term employment contracts,[38] but also in the overall arrangement and similarity of the laws themselves. This similarity is due to the historical connection between these two countries, namely the fact that they are former constituent republics of Yugoslavia.

5.
Conclusion

In order to be able to approach a thorough resolution of the issue of labour protection for non-standard workers in the Macedonian legal system, it was crucial to examine the regulatory landscape of several EU member states with well-developed labour policies. European countries are often considered good examples in terms of the realization of labour rights, social security, and the protection of workers, and North Macedonia can learn valuable lessons from them. Non-standard employment, which includes part-time, temporary, freelance, and gig economy roles, is on the rise across Europe. However, labour laws in North Macedonia have struggled to keep pace with this change, leaving non-standard workers as a vulnerable category facing job insecurity, insufficient benefits, and limited protection. Non-standard workers are therefore often confronted with challenges such as exclusion from health and social benefits, lack of job security, and limited opportunities for career growth. Analysing the laws of three different countries, among which two are member states of the European Union and one (in this case, North Macedonia) is a country with candidate status for entry into the European Union for a little less than 20 years, we can conclude that Macedonia has room to improve its legislation, as well as to implement new amendments to the Law on Labour Relations, in order to enable better labour and social protection for workers who belong to the group of non-standard workers, in the direction of effective legal protection and the creation of explicit working conditions for non-standard workers in North Macedonia.

The purpose of this research is to protect them from abuse by employers, especially considering the fact that in the Macedonian Law on Labour Relations there is no limit on the number of fixed-term contracts that may be concluded, and such employment can continue indefinitely, while the employee is placed in a position of constantly fearing for the security of their job and lacking a degree of motivation to perform work tasks in accordance with work regulations and collective agreements.

38 Pravno-informacijski sistem Republike Slovenije, *Employment Relationships Act*, Art. 55, p. 10.

Besides, given that there are two models as mechanisms for achieving financial, social, and health protection—the Beveridge model and the Bismarck model—Macedonia can consider introducing a hybrid model, as many other European countries have done, because the current Bismarck model relies on a system financed through mandatory contributions from employees and employers. The Beveridge model provides universal health care, allowing everyone access to services regardless of income or employment status. The fact that we live in a time of digitalization, economic expansion, and the recognition of new forms of employment, in accordance with global trends, and that North Macedonia is not excluded from this process, requires additional protection for workers who work through online platforms, a category that is not expressly regulated by law. A concerning issue is that, despite the rise in non-standard employment in North Macedonia, many new job types and workers remain outside the scope of specific regulations and, consequently, outside the social protection system. In order to improve the protection of these workers, it is necessary to make significant changes to the Law on Labour Relations, enabling social and labour protection for non-standard workers in Macedonia. By following the example of other European countries and introducing greater protection for workers regardless of the type of employment contract, North Macedonia can become an example for other countries in the region and beyond. This will encourage non-standard workers to perform their work duties and enable them to feel secure under the protection of the Macedonian legislative system.

Bibliography

- Bevan, G., Helderman, J.-K., Wilsford, D. (2010). 'Changing choices in health care: Implications for equity, efficiency and cost', *Health Economics, Policy and Law*, 5(3), pp. 251–267.
- Bifulco, R., Nato, A. (2020). *The concept of sovereignty in the EU – past, present and the future*. LUISS: Guido Carli University.
- Della Porta, D., Diani, M., Silver, B. J., Karatasli, S. S. (2015). 'Historical dynamics of capitalism and labor movements', in D. Della Porta and M. Diani, (eds.) *The Oxford handbook of social movements*. Oxford: Oxford Academic, pp. 133–145.
- Mandl, I. (2020). *Labour market change: New forms of employment: 2020 update. Eurofound*. Luxembourg: Publications Office of the European Union.
- Petreski, B., Huibregtse, A., Ristovski, A. (2023) *Informal employment and undeclared work in the hotel, restaurant, and hospitality sector: Learning from North Macedonia*. Geneva: Internatioal Labour Organization.
- Ramos Leite, A. M., Leite, E., Nuno, H., Sardinha, L. (2022). 'From Bismarck to Beveridge: Contributions for the understanding of different social security models', in Machrafi, M., Uckar, D., Susak, T. (eds.) *79th International Scientific Conference on Economic and Social Development Book of Proceedings*. Varazdin: Varazdin Development and Entrepreneurship Agency, pp. 255–264.
- Schroeder, W., Futh, S. K., Jantz, B. (2015). *Change through convergence? Reform measures of European welfare states in comparison*. Berlin: Friedrich Ebert Stiftung.

Legal Sources

- Akademik (2016) *The legal protection of female workers - victims of discrimination due to pregnancy, birth or parenthood* [Online]. Available at: https://akademik.mk/pravnata-zashtita-na-rabotnichkite-zhrtvi-na-diskriminatsija-poradi-bremenost-ragane-ili-roditelstvo/ (Accessed: 10 October 2024).
- Akademik (2016) *Judgment on discrimination due to pregnancy* [Online]. Available at: https://www.akademik.mk/wp-content/uploads/2016/04/Presuda-diskriminacija-OSS2-bremenost.pdf (Accessed: 10 October 2024).
- Assembly of the Republic of North Macedonia (2005) *Labor Law, Official Gazette of R.M. No: 62/2005, Ar. 19* [Online]. Available at: https://www.ilo.org (Accessed: 25 September 2024).
- EFFAT (2024) E*FFAT-ITC ILO project: Build trade union power to create a fairer Europe. Eventbrite* [Online]. Available at: https://effat.org/eventbrite-event/effat-itc-ilo-project-build-trade-union-power-to-create-a-fairer-europe-workshop-on-workers-in-non-standard-forms-of-employment/ (Accessed: 27 September 2024).

- Employment Agency of the Republic of North Macedonia (2023) *Survey on labor market skill needs in the Republic of North Macedonia for 2023: Research results* [Online]. Available at: https://av.gov.mk/content/Statisticki%20podatoci/Izvestaj_APV%202023%20god_RSM_sumirani%20rezultati_k.pdf (Accessed: 12 October 2024).
- FZO (2024) [Online]. Available at: https://fzo.org.mk/ (Accessed: 25 September 2024).
- Federation of Trade Unions of Macedonia (2022) *Non-standard employment in North Macedonia*. Skopje: Socijalendijalog.
- Ifo Institute for Economic Research (2008) 'Bismarck versus Beveridge: A comparison of social insurance systems in Europe', *CESifo DICE Report*, 6(4), pp. 69–71.
- Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike (2014) *Labor Act. Narodne novine, 93/14, 127/17, 98/19, 151/22* [Online]. Available at: https://www.zakon.hr/z/307/Zakon-o-radu (Accessed: 15 October 2024).
- International Labour Organization (n.d.) *Non-standard forms of employment. ILO* [Online]. Available at: https://www.ilo.org/topics-and-sectors/non-standard-forms-employment (Accessed: 10 October 2024).
- International Labour Organization (1976) *Employment, growth and basic needs: A one-world problem*. New York: Praeger.
- Organisation for Economic Co-operation and Development (2015) *In it together: Why less inequality benefits all*. Paris: OECD Publishing. https://doi.org/10.1787/9789264235120-en.
- Organisation for Economic Co-operation and Development (2011) *OECD employment outlook 2011*. Paris: OECD Publishing. https://doi.org/10.1787/empl_outlook-2011-en.
- Pravno-informacijski sistem Republike Slovenije (n.d.) *Employment Relationships Act, Ar. 55* [Online]. Available at: https://pisrs.si/pregledPredpisa?id=ZAKO5944 (Accessed: 15 October 2024).
- State Statistical Office of the Republic of North Macedonia (n.d.) *Announcement no. 98* [Online]. Available at: https://www.stat.gov.mk/prikazisoopstenie.aspx?rbrtxt=98 (Accessed: 12 October 2024).
- State Statistical Office of the Republic of North Macedonia (n.d.) *Statistical data* [Online]. Available at: https://www.stat.gov.mk/ (Accessed: 12 October 2024).