

**FOURTH STUDY COMMISSION  
2006**

**ANSWERS OF THE QUESTIONNAIRE**

**MACEDONIA**

**Do we need special Labour Court procedures and alternative disputes methods?**

**I - Are there new initiatives to make Labour Court hearings more efficient?**

➤ **The Law on Mediation is passed so we can hope that in future period the efficacies of procedures in work disputes will be improved.**

1. Are there any pre-trial procedures?

- a. Are they mandatory?
- b. In which way is the court involved?
- c. How long may they go on?
- d. Who has to bear legal cost?
- e. Which effect do they have on the time of prescription?

➤ **The judiciary does not have sufficient experience regarding this issue, as the implementation of Law in practice, hasn't started yet.**

2. Are there specific ideas to give assistance to the plaintiff to raise his claim more effectively?

➤ **The Judge is not obliged to give advices to the plaintiff related to his/her complaint.**

3. What interest has to be paid for remunerations, which are not paid at the date of maturity?

➤ **The amount of the interest is determined according to the Law on interest rate and commences on the day when the action is filed.**

4. Are there procedural regulations for mediation?

- a. Is mediation compulsory?
- b. How are the mediators selected? In which way is the court involved? Are judges different from trial judges?
- c. Is it confidential?
- d. How long may mediation go on? How is it finished?
- e. Who has to bear the legal cost?
- f. Which effect does mediation has on the time of prescription?
- f. What training in law and procedure is given to mediators?

- **Yes, the Law on Mediation was passed on 15.05.2006, which prescribes provisions on resolving labour disputes, but this Law has not started implementing yet, so we cannot answer this question.**

## **II - Collective (class) action.**

1. What kind of collective actions have you got?

2. Who are the Parties of these procedures?

- **The parties in these procedures are mainly employees, but in some cases the employers can participate as parties, too.**

3. Which courts are competent?

- **Competent Courts for these kind of disputes are:**

- **Basis Courts,**
- **Appellate Courts, which decide upon appeals, and**
- **Supreme Court of the Republic of Macedonia, upon the revision.**

4. Which effects has their decision?

- **The judgement of the Court is enforceable.**

5. To whom is this decision binding?

- **The judgement is binding for the employer.**

6. Is it possible for a works council or trade union to sue or request for ascertainment of rights or legal relations, if some employees are involved? Do they have to specify these employees?

- **Our Law does not prescribe provisions by which the Trade Union is entitled to file actions before the Court, but it is entitled to provide the employees with legal assistance for execution of their rights.**

7. Who has to bear the cost?

- **The parties in the procedures are bearing the procedural costs.**

Appellate Court Skopje  
Judge Ljupka Arsenievska