

A cubist painting depicting a woman in a dark, textured dress holding a large, multi-story building (skyscraper) above her head. The background is a vibrant green with abstract, organic shapes. The woman's face is rendered in a reddish-brown hue, and her hair is dark and wavy. The building has many windows and a classical architectural style at the base.

OVERVIEW

OF COURT CASES
RELATED TO
VIOLATIONS OF
LABOR RIGHTS,
WITH A **FOCUS** OF
DISCRIMINATION
AND HARASSMENT
IN THE WORKPLACE

OVERVIEW OF COURT CASES RELATED TO VIOLATIONS OF LABOR RIGHTS, WITH A FOCUS ON CASES OF DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

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INTRODUCTION



Monitoring the level of implementation of women's human rights, with a focus on violence against women, is an essential part of the work of ESE Association. Observance of the principles of equal opportunities and equal treatment, and the prohibition of discrimination and violence against women are issues of special interest to the Association, and recently, we have followed their implementation and observance by monitoring the caselaw¹, i.e. we have monitored court cases on an ongoing basis and inspected cases closed in the area of violence against women. In addition, the situation regarding harassment in the workplace as a special kind of discrimination, has been the subject of our research on several aspects such as its legal regulation; its presence among female persons and the level of awareness of female employees regarding the use of existing mechanisms for their protection in cases of harassment in the workplace.

Although aspects of gender equality were, and still are the starting point and priority of the Association, we deemed that the analysis in question² should respond much more to the general issues of court protection in cases of workers' rights violation, with a focus on discrimination and harassment in the workplace, and then, based on the data received, it should serve to explore individual gender specific aspects. It is important to note that in determining the purpose and scope of this analysis, we had in mind the small number of such court cases, i.e. all available cases for the researched period. However, departing from the fact that it is

¹ USAID Women's Legal Protection Project has been implemented by ESE (2014-2017). Over a period of 22 months, court cases of violence against women in 10 Basic Courts in Macedonia have been monitored. The break-down made for the period March 2015 - October 2016 includes 201 cases with 514 court hearings monitored.

² The preparation of this analysis is part of the Project: Protection of Employment Rights, financially supported by the Netherlands' Organization CNV, 2016.

about phenomena (discrimination and harassment in the workplace) whose multiple aspects, including legal protection, have not yet been sufficiently explored, we believe that the initial findings obtained from our monitoring of court cases will point to certain indications and needs for further detailed analysis.

Specifically, the analysis prepared contains general information about the scope and type of labor disputes, as well as specific data on the scale of and against whom litigation was initiated to protect workers' rights in terms of violation of the right to equal treatment (discrimination) and harassment in the workplace, the merits of lawsuits, some of the procedural aspects and, certainly, the type of decision rendered.

We believe that this analysis will provide the initial findings on court proceedings of this kind and form the basis for further expansion of their coverage and indicators for monitoring the litigation whose subject of analysis has the aspects of gender equality, equal treatment and violence in the workplace.



METHODOLOGICAL FRAMEWORK

In order to obtain general information about the violation of workers' rights in general, and specific data on court cases completed in the area of discrimination and harassment in the workplace, two methodological approaches were used including: collection of data from courts, based on a ready-made general questionnaire, and collection of data based on inspection of completed court cases relating to discrimination and harassment in the workplace.

The development and preparation of the general questionnaire and questionnaires for monitoring/inspection of court cases related to discrimination and harassment in the workplace were conducted by the Project Team, which also included representatives of trade unions, lawyers and judges working on labor disputes.

The general questionnaire prepared was sent to the following five Basic Courts: Basic Court Skopje 2 - Skopje; Basic Court - Shtip; Basic Court - Radovish; Basic Court - Tetovo; and Basic Court - Gostivar³. The data requested refers to the following parameters: total number of lawsuits filed for breach of employment rights disaggregated by: gender; defendant; plaintiff; and nature of labor dispute (status/related to cash reimbursement). At the same time, in order to determine the number of labor disputes related to discrimination and violation of workers' rights on the grounds of pregnancy, maternity and parenthood, data was also requested for these types of lawsuits.

The second methodological approach, namely, the inspection of completed court cases, was carried out by some members of the Project Team in the Basic Court Skopje 2 - Skopje for the period 2014-2016. The decision to perform inspection only in this court was due to the fact that it has a larger volume of pending cases, thus providing greater likelihood for a higher number of court cases of discrimination and harassment in the workplace that can be analyzed.



³ The five Basic Courts have been chosen from the group of ten Basic Courts with which the Association ESE has established cooperation in the monitoring of court cases of violence against women. When selecting the courts, account was taken of including courts with different workloads of pending cases.

Altogether 17 court cases were analyzed, of which 11 cases of harassment in the workplace ⁴ and 6 cases of discrimination in the field of labor relations ⁵. The other 33 cases of discrimination and harassment in the workplace, although recorded for the period 2014-2016, were not available for inspection in the said court because of the appeal procedure that was taking place before the Appellate Court - Skopje.

It is important to note that the short timeframe allowed for the inspection, and the inability to monitor the ongoing cases of discrimination and harassment in the workplace for six months, to some extent restricted the possibility for a comprehensive qualitative analysis of such court cases.

⁴ Court cases of harassment in the workplace under the Law on Protection from Harassment in the Workplace and Labor Law. u.

⁵ Court cases of discrimination pursuant to the Anti-Discrimination Law and Labor Law.

PART I:

GENERAL INFORMATION REGARDING LABOR DISPUTES, DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

THERE IS NO SIGNIFICANT AND GENERAL TREND IN INCREASING THE NUMBER OF LAWSUITS FILED FOR VIOLATION OF EMPLOYMENT RIGHTS

The data obtained cannot ascertain a general trend in increasing the number of lawsuits filed for breaches of employment rights in the five courts monitored for the period 2014-2016.

The number of lawsuits submitted for violations of labor rights in the period 2014-2016 at the Basic Court Skopje 2 - Skopje was slightly increased. Namely, in 2016, there was a 1.3 times increase in the number of lawsuits filed, compared to 2014.

On the other hand, a downward trend in the number of lawsuits was present in the Basic Courts of Shtip, Tetovo and Gostivar. The Basic Court - Shtip saw a 1.6 time decrease, while at the Basic Court - Gostivar, the number of lawsuits filed in 2016 was 2.4 times less than the number of lawsuits filed in 2014. The most notable reduction of lawsuits exists in the Basic Court - Tetovo, where complaints related to labor disputes in 2016 dropped even 4 times compared to 2014 (Table 1). This piece of data should be taken with caution since it also includes the year 2014, when the number of such lawsuits was greatly increased. This situation is probably due to the violation



of labor rights in larger business organizations within a given time period ⁶. Thus, for example, opening a particular bankruptcy procedure for a larger business organization leads to a growing number of lawsuits related to employees' monetary claims, such as outstanding wages and benefits, unpaid salary allowances etc.

For identical reasons, the data from the Basic Court - Radovish shows a doubling in the number of lawsuits filed in 2016 compared to lawsuits filed in 2014 (Table 1).

Basic Court	2014	2015	2016
Skopje 2 - Skopje	1201	1290	1516
Shtip	891	639	563
Radovish	49	55	98
Tetovo	343	169	84
Gostivar	369	120	154

Table 1 - Number of lawsuits filed for breaches of employment rights for 2014-2016, by year and by court.



⁶ Except in 2014, such a significant increase was recorded in 2011, when an increased number of cases related to labor relations was dealt with, i.e. 635 cases, 2011 Annual Report, Tetovo Basic Court, available at: http://www.ostetovo.mk/cms/FCKEditor_Upload/Godisen%20Izvestaj%202011.pdf

MOST OF THE LAWSUITS FILED FOR LABOR DISPUTES RELATE TO DISPUTES CONNECTED WITH MONETARY CLAIMS (UNPAID SALARIES, CONTRIBUTIONS, ALLOWANCES ETC.)

The data for a higher number of labor disputes relating to monetary claims was expected ⁷, as opposed to labor dispute lawsuits of a status nature ⁸. The biggest discrepancy was found in the Basic Court - Radovish, where the number of lawsuits filed for labor disputes with monetary claims was 15.8 times greater than that of labor disputes of a status nature. The Basic Court in Gostivar came next, where labor dispute lawsuits with cash claims were 5.5 times higher in number compared to other lawsuits, while at the Basic Court in Tetovo, this number was about 4 times higher. The lowest discrepancy was identified in the Basic Court Skopje 2 - Skopje and Basic Court - Shtip, i.e. labor disputes with monetary claims were 2.7 times and 2.6 times more than other labor disputes, respectively (Table 2).

These results also show that in most cases, workers seek to exercise and protect their employment rights relating to their outstanding salaries and benefits, and other unpaid salary allowances, such as reimbursement for maternity leaves, sick leaves, etc.

Basic Court	Total number of lawsuits filed for labor disputes of status nature	Total number of lawsuits filed for labor disputes regarding monetary claims (salaries, contributions, allowances)
Skopje 2 - Skopje	1076	2931
Shtip	587	1506
Radovish	12	190
Tetovo	117	479
Gostivar	101	542

Table 2 - Total number of lawsuits filed for labor disputes for the period 2014-2016, by type (status nature/monetary claims) and by court.

⁷ Cash claims include claims for payment of salaries, contributions, allowances, payment for overtime, paid leaves, payment of allowances (K15, i.e. allowance for annual vacation), etc.

⁸ Labor disputes of a status nature include disputes for cancellation of employment contracts, redeployment, cancellation of the vacancy and so on.

IN MOST CASES RELATED TO VIOLATION OF EMPLOYMENT RIGHTS, THE PUBLIC SECTOR IS THE DEFENDANT

The data available from the four courts specified points to the fact that in most cases, the party sued for violation of labor rights is the public sector (state and public institutions). Of the four courts, the number of lawsuits filed against the public sector is the highest in the Basic Court - Gostivar. It is about 35 times greater than the number of lawsuits where the defendant is the private sector. The number of lawsuits for breach of employment rights against the public sector is the lowest in the Basic Court - Radovish. It is about 1.3 times greater than that of such lawsuits against the private sector (Table 3)

Basic Court	Number of lawsuits where the sued party is the public sector	Number of lawsuits where the sued party is the private sector
Skopje 2 - Skopje	N/A	N/A
Shtip	1815	278
Radovish	113	89
Tetovo	563	33
Gostivar	625	18

Table 3 - Total number of lawsuits filed within the period 2014-2016, by court and by defendant.





OF THE FIVE COURTS, ONLY ONE HAS RECEIVED A COMPLAINT FOR DISCRIMINATION, HARASSMENT IN THE WORKPLACE AND DISCRIMINATION OF A FEMALE EMPLOYEE ON THE GROUND OF PREGNANCY, MATERNITY AND PARENTHOOD

Not any complaint related to discrimination in the area of labor relations and harassment in the workplace was submitted to the Basic Courts in Shtip, Radovish, Tetovo and Gostivar in 2014-2016 period. Also, not any complaint for labor dispute related to discrimination against female workers in terms of violation of their rights to pregnancy, birth and parenthood has been recorded.

The exception is the Basic Court Skopje 2 - Skopje, where 53 lawsuits have been filed, of which 18 are related to discrimination, 32 address harassment in the workplace and 3 refer to labor disputes related to discrimination against female workers (Table 4). All complaints of discrimination against female workers were filed in 2016. In fact, we assume that the issuance of the first judgment⁹ in favor of a pregnant woman by the Basic Court Skopje 2 - Skopje, in May 2016, to some extent contributed to encouraging female employees to file claims for violations of their right to equal treatment and protection from discrimination on the grounds of pregnancy, maternity and parenthood.

⁹ Basic Court Skopje 2 - Skopje established that there was a discrimination and unequal treatment against a pregnant woman, i.e. the defendant had not extended the employment contract for a definite period and decided to terminate the employment.

Basic Court	Number of lawsuits filed for discrimination in the area of labor relations	Number of lawsuits filed for harassment in the workplace	Number of lawsuits filed for discrimination against a female worker on the grounds of pregnancy, maternity and parenthood
Skopje 2 - Skopje	18	32	3
Shtip	/	/	/
Radovish	/	/	/
Tetovo	/	/	/
Gostivar	/	/	/

Table 4 - Number of lawsuits filed for discrimination in the area of labor relations, workplace harassment and discrimination against female workers on the grounds of pregnancy, maternity and parenthood, for the period 2014-2016, by court.



PART II:

LITIGATION FOR HARASSMENT IN THE WORKPLACE

ALL LAWSUITS ARE RELATED TO PSYCHOLOGICAL HARASSMENT IN THE WORKPLACE WHERE THE MOST FREQUENTLY SUED PARTY IS THE PRIVATE SECTOR

Altogether 11 court cases of harassment in the workplace were subject to inspection, out of which five in 2014, four in 2015 and two in 2016. There is a gender balance in the lawsuits filed for harassment in the workplace, i.e. five applicants were male and six were female. All lawsuits relate to psychological harassment in the workplace¹⁰, and none of them is related to sexual harassment¹¹ in the workplace. This indicates that in our country, sexual harassment is not discussed publicly and it is still a taboo.

Out of 11 lawsuits filed for harassment in the workplace, in ten cases the defendant(s) is(are) perpetrator(s) from private entities. In particular, harassment perpetrators include: a responsible person at the employer's company (6); an employer who is a natural person (4); an employee or a group of employees at the employer's company (2). Although the data obtained indicates that the most frequent defendant is the private sector, we can still conclude that the failure to submit lawsuits against the public sector does not mean absence of harassment in reality. That is why it is necessary to analyze the extent to which workers use the mechanism for protection against the employer in the public sector and if this procedure further affects the process of court proceedings related to protection against harassment in the workplace.

¹⁰ **Psychological harassment** in the workplace is any negative behavior of an individual or a group that is repeated, continuous and systematic and presents a violation of dignity, integrity, reputation and honor of the employee causing a feeling of fear or embarrassment and humiliation, and whose ultimate goal may be damage to physical and mental health, compromising the professional future of the employee, termination of employment or leaving the workplace (Article 5 of the Law on Protection against Harassment in the Workplace).

¹¹ **Sexual harassment** is any verbal, non-verbal or physical conduct of a sexual nature that is intended to violate or is violating the dignity of a job applicant or employee, and which causes a feeling of fear or embarrassment and humiliation.



THE NUMBER OF CLAIMS RELATED TO SEEKING COMPENSATION FOR TANGIBLE AND INTANGIBLE LOSSES IS INSIGNIFICANT

Out of the 11 complaints submitted, only in three lawsuits, besides the establishment of harassment and prohibition to undertake acts of harassment, the plaintiff demanded compensation for tangible and intangible losses caused by the harassment in the workplace. These claims relate to lawsuits filed in 2014. In 2015 and 2016, the six claims submitted did not relate to claims for compensation of damages but only to the determination of harassment, of which in three claims, prohibition of harassing behavior in the workplace and taking action to remove the consequences of harassment in the workplace was requested.

In only one case of harassment in the workplace the court ordered a temporary measure regulated in Article 34 of the Law on Protection against Harassment in the Workplace, for the purpose of prevention of bullying or to eliminate irreparable damage. Namely, the court may determine this measure upon a proposal of the party, before the start of, or during court proceedings.

IN HALF OF THE CASES OF WORKPLACE HARASSMENT, THE PLAINTIFF CONDUCTED A PROCEDURE FOR PROTECTION AGAINST HARASSMENT AT THE EMPLOYER

Only in one case in 2014, the plaintiff conducted a procedure for protection from harassment at the employer¹² before initiating court proceedings, while in 2015, such procedure was conducted in four of the cases. Unlike 2014 and 2015, in both cases from 2016, there was no previous procedure for protection from harassment in the workplace. The procedure for protection from harassment before the employer was first

¹² Chapter 4 - Procedure for protection against harassment in the workplace with the employer (Articles 17-30), Law on Harassment in the Workplace, Official Gazette of the RM no. 79/2013;147/2015.

regulated by passing the Law on Protection against Harassment in the Workplace in 2013. This legislation novelty included a possibility for the worker to ensure his/her own protection before the employer through selected intermediaries (mediators) and thereby not expose him/herself to more serious costs and court proceedings. In spite of this legal protection mechanism, data indicates that workers do not use it fully and submit complaints of harassment directly to the competent court. Certainly, the impact of protection procedure before the employer on further court proceedings should be subject of more comprehensive and long-term analyses.



LAWSUITS FILED FOR HARASSMENT IN THE WORKPLACE DO NOT RESULT IN A POSITIVE EPILOGUE FOR THE PLAINTIFF

The reason is unclear why the Court has issued a decision rejecting the complaints about harassment in the workplace due to lack of grounds for these lawsuits. This is unclear also because of the fact that all six plaintiffs were represented by their appointed attorneys (lawyers) who had prepared the lawsuits, i.e. formulated the claims, hence the assumption they were clear and unambiguous. The Law on Civil Procedure does not provide a duty for the plaintiff to state the legal basis of the claim in the lawsuit¹³, and if the plaintiff has stated the legal basis, the court is not bound by it. Even if the plaintiff did not indicate the legal basis of the claim, he/she only needs to present the facts¹⁴ in the suit so that his/her request shall be grounded in both factual and legal terms, which was certainly the case in all claims. Considering the above findings, we can conclude that the reasons for rejecting the lawsuits as unfounded are to some extent due to the lack of sensitivity of judges acting upon cases relating to harassment in the workplace and their treatment thereof as ordinary labor disputes.

On the other hand, in five cases, the court issued a decision by which the lawsuit was considered withdrawn because the plaintiff did not appear in the main hearing or did not pay the court fee, which obviously indicates that plaintiffs are discouraged immediately after filing their lawsuits and have no interest to continue the proceedings.



¹³ Article 176, paragraph 3 of the Civil Procedure Law.

¹⁴ "Each party shall present the facts and propose evidence on which it shall ground its claim or refute the allegations and evidence of the opposing party", Article 205, paragraph 1 of the Civil Procedure Law.

PART III:

COURT CASES OF DISCRIMINATION IN THE FIELD OF LABOR RELATIONS

Inspection of completed cases was made, including six cases related to discrimination¹⁵ in the field of labor relations for the period 2014-2016. It is important to note that this is a very small number of such cases initiated by employees who suffer discriminatory acts in employment and the workplace (four cases in 2014 and two in 2016). This is true despite the fact that the number of such cases before the Commission for Protection against Discrimination is present in a very high percentage. Namely, most of the complaints¹⁶ concern alleged discrimination in employment and labor relations; nevertheless, we can conclude that after the submission of complaints, a very small number of complainants decide to continue with court proceedings for protection from discrimination in labor relations. Namely, in these proceedings the person claiming to be discriminated against has to prove that his/her particular right to employment has been violated due to discrimination manifested through an act, conduct or failure to act by the defendant. In this regard, it is important to note that although the burden of proof in proceedings for protection from discrimination is borne by the defendant, still the plaintiff has to show the likelihood of discrimination, that is to present all the facts and evidence corroborating such claim.

¹⁵ **Direct discrimination** is any action motivated by any of the grounds as in Article 6 of this Law, whereby an employee was put, is being put or could be put in a less favorable position than other persons in comparable cases. **Indirect discrimination** exists when a certain seemingly neutral provision, criterion or practice puts or would put a job applicant or an employee in a less favorable position than other persons because of a certain trait, status, belief or conviction as in Article 6 of this Law. **Prohibition of discrimination** - an employer shall not put the job seeker (hereinafter: candidate for employment) or employee in an unequal position based on racial or ethnic origin, color, sex, age, health condition or disability, religious, political or other beliefs, trade union membership, national or social origin, family status, property status, sexual orientation or other personal circumstances.

¹⁶ 42 complaints, or 39% of the total number of complaints (106) relate to alleged discrimination in the field of labor relations, Annual Report of the Commission for Protection against Discrimination, Annual Report, 2014.

¹⁶ 30 complaints, or 42% of the total number of complaints (70) relate to alleged discrimination in the field of labor relations, Annual Report of the Commission for Protection against Discrimination, Annual Report, 2015.



From the inspection of these six cases, the following can be concluded:

THERE IS NO POSITIVE EPILOGUE OF THE SIX LAWSUITS FILED FOR DISCRIMINATION IN THE FIELD OF LABOR RELATIONS

As in the cases of harassment in the workplace, in the cases of discrimination in the field of labor relations, the Court rejected all four claims in 2014 as unfounded. In these cases also, the plaintiff or the discriminated person was represented by a legal representative (lawyer) and hence the assumption that the suits were clear and unambiguous. In the fifth case, in which the claim relates to the determination of a more severe form of discrimination at work (victimization), the first-instance court rendered a decision confirming the discrimination, but this judgement was overturned upon appeal by the Appellate Court in Skopje. Regarding the fifth case in which the claim relates to the determination of extended discrimination based on ethnicity, the Court issued a decision declaring itself incompetent.

We have already mentioned the concerning fact of failure of the Court to act on these claims because of unfounded lawsuits, especially as it is the Court that performs the legal qualification of the factual basis of the complaint and request made by the plaintiff as a petition in the lawsuit. The Court shall assess the merits of the claim based on the facts established in the proceedings, regardless of whether the plaintiff has properly identified the legal grounds. Thus, the reason why judgments rejecting the lawsuits as unfounded were rendered is unclear. This situation indicates the need for a detailed assessment of the “merits”, i.e. “lack of grounds” of the claims concerning lawsuits filed for the protection of violated rights to employment due to discrimination, and consequently the judgments rendered.

Judgments by the Court that the lawsuits had been rejected as unfounded were the reason to appeal such judgements to a higher court. Deciding on the four appeals submitted by the complainants, the Appellate Court in Skopje rejected them as unfounded and upheld the first-instance judgments, i.e. it established that the Court of First Instance's decision was properly taken.

**IN MORE THAN HALF OF THE CASES OF DISCRIMINATION
IN THE FIELD OF LABOR RELATIONS, THE DEFENDANT IS A
STATE INSTITUTION**

In most of the cases of discrimination in the field of labor relations, i.e. in four cases, state institutions appear as defendants; in one case the defendant was a joint-stock company with mixed state and private ownership; and in one case it was a legal entity with public authorities.

**IN LESS THAN HALF OF THE CASES OF DISCRIMINATION IN
THE AREA OF LABOR RELATIONS, PRIOR PROCEEDINGS WERE
INSTITUTED BEFORE THE COMMISSION FOR PROTECTION
AGAINST DISCRIMINATION**

Only two plaintiffs, before filing their lawsuits to the Court, submitted a request to the Commission for Protection against Discrimination to establish discrimination in the area of labor relations. In evaluating evidence during proceedings, the Court assesses to what extent it will trust the Commission's opinion and its decision whether or not to find discrimination does not depend on such opinion. By the adoption of the Law on Prevention and Protection against Discrimination, which began to be implemented from January 1, 2011, the Commission for Protection against Discrimination (CPD) was established. It is a mechanism for out-of-court protection from discrimination which, just like other equality bodies, has a mandate to act upon specific complaints of people who feel that their right to equal treatment and action was violated. After establishing the facts, the Commission shall adopt an opinion including the grounds

of alleged discrimination, irrespective of whether it has or has not established discrimination. Taking into consideration this role of the Commission, it is important in the future to analyze the correlation between its opinions and explanations, and the decisions and justifications of court rulings for protection against discrimination in labor relations.



PART IV:

CONCLUSIONS AND MEASURES PROPOSED TO PROMOTE COURT PROTECTION IN CASES OF VIOLATIONS OF WORKERS' RIGHTS, DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

There are no proper records of cases related to discrimination and harassment in the workplace. There is a need to establish separate records as part of the registration of labor disputes related to court cases of discrimination in the area of labor relations and harassment in the workplace. Furthermore, it is necessary to improve the system of case-searches in the electronic database, which will allow more detailed analyses of jurisprudence in cases of discrimination and harassment in the workplace.

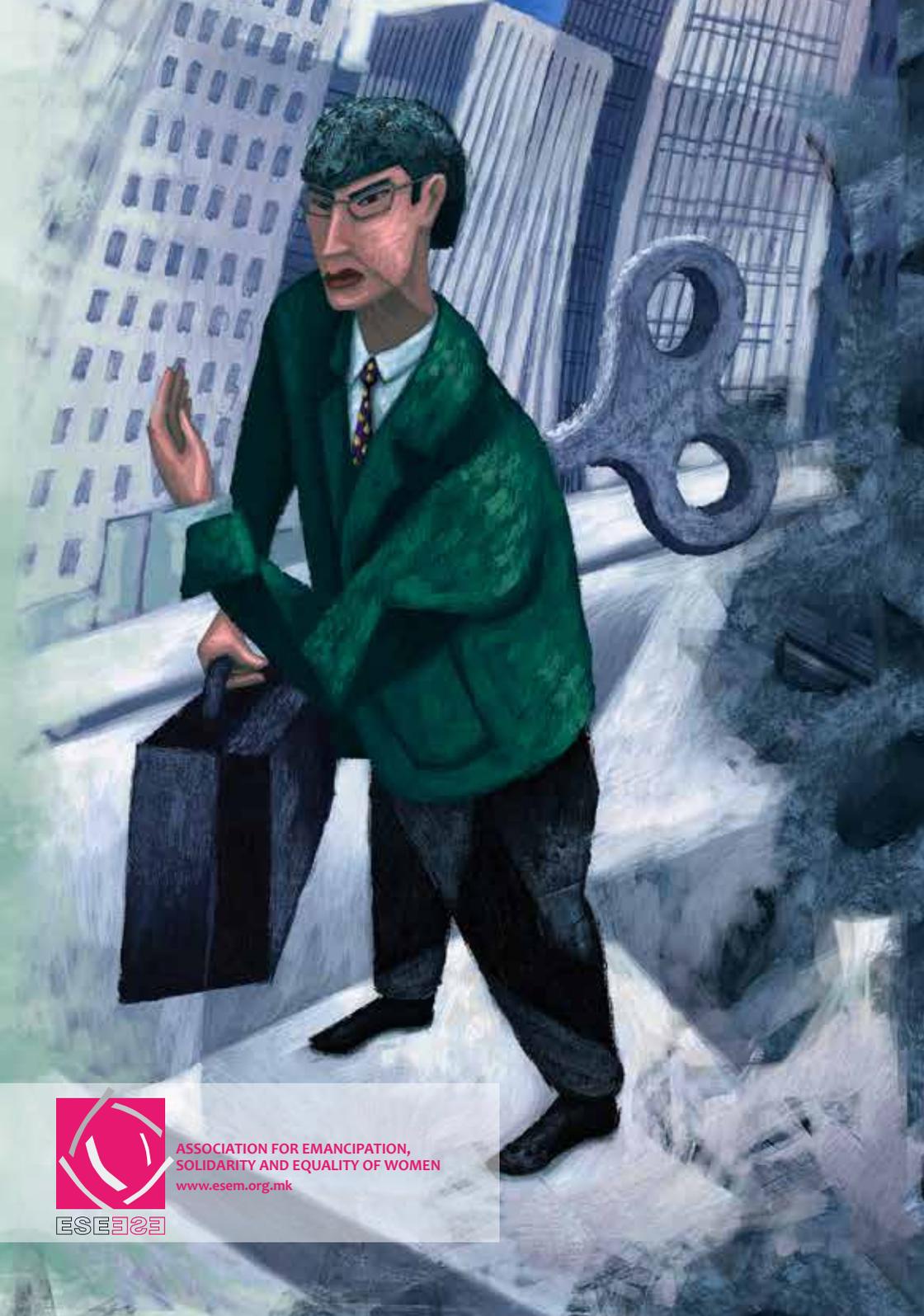
There is a need for specialized education and sensitization of professional staff (judges, lawyers) regarding discrimination and harassment in the workplace. Judges dealing with labor disputes should be sensitized and trained regarding the specifics of cases related to discrimination and harassment in the workplace. Lack of sensitivity and education largely contributes to the rejection of lawsuits as unfounded. Lawyers representing cases of discrimination and harassment in the workplace should be educated regarding the recognition of discriminatory acts, acts of harassment and their intertwining with violations of employment rights. This will enable the presentation of relevant facts and evidence within the lawsuit filed for protection against discrimination and harassment in the workplace.

The public is not sufficiently familiarized with the mechanisms for protection against discrimination and harassment (both psychological and sexual) in the workplace. There is a need for more extensive promotion of the Law on Prevention and Protection against Discrimination and the Law on Harassment in the Workplace, as well as the positive outcomes of legal proceedings regarding discrimination and harassment in the workplace. Also, there is a need to raise public awareness about the occurrence of sexual harassment in the workplace.

There are no specific analyses related to judicial proceeding in cases of discrimination and harassment in the workplace, nor gender perspective analyses. Ongoing monitoring of court cases of discrimination and harassment in the workplace is crucial. In cases where there is no possibility for ongoing monitoring of the litigation of this kind, the Court should allow inspections of completed court procedures, which will enable to gain a comprehensive picture of the provision of legal protection and final outcomes in cases of violation of labor rights through acts of discrimination and harassment in the workplace. In order to obtain more comprehensive data on specific aspects of judicial protection, there is a need for continuous and long-term monitoring of the following parameters: lawsuits filed; claims rejected; claims withdrawn; observance of the principle of urgency in proceedings; use of the appeal procedure; the burden of proof; evidence in proceedings; types of judgments; and data on the previous use of out-of-court protection mechanisms, such as the procedure for protection from harassment before the employer and procedure for protection against discrimination before the Commission for Protection against Discrimination.







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