

LAW ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

CONSOLIDATED TEXT **1**

1. GENERAL PROVISIONS

Subject of the Law

Article 1

(1) This Law shall regulate the establishment of equal opportunities and equal treatment of women and men, the general and special measures for establishment of equal opportunities for women and men, the rights and obligations of the responsible entities in ensuring equal opportunities for women and men, the procedure for determining unequal treatment of women and men, as well as the rights and duties of the legal representative for equal opportunities for women and men (hereinafter: the representative) as a designated person for conducting the procedure for determining unequal treatment of women and men.

(2) The establishment of equal opportunities for women and men shall be regulated by this and another law that regulate the issues of interest for the equal opportunities for women and men in the field of health protection and health insurance, social protection, access to goods and services, economy, labor relations and employment, education and professional development, economic and proprietary relations, use of public products and services (consumer rights), culture and sport, information and communication technologies, defense and security, judiciary and administration, housing, public information and media, state and public administration and other spheres of the social life.

Aim of the Law

Article 2

(1) The aim of this Law shall be the establishment of equal opportunities for women and men in the political, economic, social, educational, cultural, health, civil and any other sphere of the social life.

(2) The establishment of equal opportunities shall be a concern of the entire society, i.e. of all entities in the public and private sector and shall constitute elimination of the obstacles and creation of conditions for achievement of full equality between women and men.

Application of the Law

Article 3

(1) This Law shall apply to the public and private sector in the spheres referred to in Article 1 paragraph (2) of this Law.

(2) Entities that establish equal opportunities and equal treatment of women and men shall be the bodies of the legislative, executive and judiciary authority, the local self-government units and other bodies and organizations of the public and private sector, public enterprises, political parties, mass media and civil sector, and all the entities providing goods and services available to the public and offered outside the area of private and family life and the transactions carried out in that context, regardless whether the referred entity is part of the public or private sector.

(3) Discrimination, harassment and sexual harassment on the grounds of gender shall be prohibited in the public and private sector in the spheres of employment and labor, education, science and sports, social security, including the social protection, pension and disability insurance, health insurance and health protection, judiciary and administration, housing, public information and

media, information and communication technologies, defense and security, membership and active participation in union organizations, political parties, associations and foundations, other membership-based organizations, culture and other spheres defined by this or another law.

(4) Gender based discrimination shall be prohibited in the access to goods and services in the public and private sector, including as well discrimination in the premiums of insurance schemes.

(5) Any citizen shall be entitled to access to employment without any limitations, in accordance with the equal treatment principle.

(6) In accordance with the equal treatment principle in the access to employment, discrimination shall be also prohibited on the basis of marital status, family status, skin color, political or other belief, activity in unions, ethnicity or social status, disability, age, ownership, social or other status.

(7) The different treatment that promotes equal opportunities for women and men in accordance with the aims of this or another law shall not be considered discrimination.

Definitions

Article 4

The terms used in this Law shall have the following meaning:

1. **Equal opportunities for women and men** is promotion of the principle of introduction of equal participation of women and men in all spheres of the public and private sector, equal status and treatment in the exercise of all the rights and in the development of their individual potentials through which they contribute to the social development, as well as equal benefits of the results arising from that development;

2. **Equal treatment** is the absence of direct or indirect discrimination on grounds of gender, in accordance with this or another law;

3. **Gender based discrimination** is any differentiation, exclusion or limitation on grounds of gender, resulting in endangering or disabling the recognition, achievement or exercise of the human rights and the fundamental freedoms on the grounds of equality of women and men in the political, economic, social, cultural and civil or other sphere, regardless of their race, skin color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social background, religion or religious belief, education, political belonging, personal or social status, mental and physical impediment, material condition, health condition or any other grounds;

4. **Direct gender based discrimination** is when a person has been treated, is treated or would be treated worse than another person in a similar situation, on grounds of the gender;

5. **Indirect gender based discrimination** is when apparently neutral provision, criterion or customary law places people of one gender into a particularly unfavorable position compared with persons of the opposite gender, unless that provision, criterion or customary law is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;

6. **Gender based harassment** is unwanted behavior associated with the gender of a person, aimed at or resulting in violation of the dignity of a person, and creation of intimidating, hostile, degrading, humiliating or offensive atmosphere;

7. **Gender based sexual harassment** is any type of unwanted verbal, nonverbal or physical behavior of sexual nature, aimed at or resulting in violation of the dignity of a person, especially when intimidating, hostile, degrading, humiliating or offensive atmosphere is created.

8. **Full equality of women and men** is equal rights, opportunities, conditions and treatment in all spheres of the public and private life and absence of cultural, social, economic and political conditions

producing disproportion of the power and unequal distribution of the social goods between women and men;

9. **Equitable representation** is any percentile representation of particular gender which is not lower than the percentile representation of that gender in the total population, and

10. **Mainstreaming of a gender perspective** is integration of the gender perspective in each phase of the process of building, adopting, implementing, monitoring and evaluating policies – in the same time, considering the promotion and improvement of the equality of women and men.

2. TYPES OF MEASURES FOR THE ESTABLISHMENT OF EQUAL OPPORTUNITIES FOR WOMEN AND MEN

General measures

Article 5

(1) General measures for implementation of the principle of equal opportunities for women and men shall be normative measures in the field of health protection and health insurance, social protection, access to goods and services, economy, labor relations and employment, education and professional development, economic and proprietary relations, use of public products and services (consumers' rights), culture and sport, information and communications technologies, defense, judiciary and administration, housing, public information and media, state and public administration and other spheres defined by this or another law whereby gender based discrimination is prohibited.

(2) General measures for implementation of equal opportunities shall also be the measures for implementation of full equality between women and men, defined by the policies and programs for systematic promotion of the principle of equal opportunities for women and men and respect for differences, for changing the social and cultural customs in terms of women' and men' behavior for elimination of prejudices, as well as any other practice based on the inferiority or superiority of the one or another gender or of the traditional social role of the men or of the women.

(3) General measures shall also be the measures that introduce systematic inclusion of equal opportunities for women and men in the process of creation, implementation and monitoring of the policies and the budgets in special social spheres, including the exercise of the functions and competences of the entities of the public or private sector.

Article 6

(1) General measures for ensuring equal opportunities for women and men shall also be the measures in the field of education and professional development.

(2) In terms of establishment of equal opportunities for women and men, the education shall be considered as an integral part of the educational system and the system for professional training which provides preparedness of women and men for active and equal participation in all the spheres of the social life.

(3) In the course of preparing, adopting and implementing the educational and professional training programs, preparation of textbooks and teaching aids and in the course of implementing the organizational innovations and modification of the pedagogical and andragogical methods, if necessary, mechanisms for elimination of prejudices and stereotypes concerning the implementation of equal opportunities shall be ensured.

(4) The state administrative bodies responsible for activities in the field of education and labor, the institutions that deliver education and professional training shall be obliged to make analysis on regular basis concerning the contents of the curriculums, programs and textbooks in terms of promotion of equal opportunities of women and men.

(5) The Minister of Labor and Social Policy in concurrence with the Minister of Education and Science shall prescribe the manner of making the analysis referred to in paragraph (4) of this Article.

Special Measures

Article 7

(1) Special measures shall be temporary measures undertaken for the purpose of overcoming an existing unfavorable social status of women and men, resulting from a systematic discrimination or structural gender inequality resulting from historical and socio-cultural circumstances.

(2) The special measures shall be aimed at eliminating the barriers or giving special contribution and motivation for the purpose of achieving equal starting positions for women and men, equal treatment, balanced participation or equal social status, development of individual potentials that contribute to social development and equal use of the benefits of the referred development.

(3) The special measures referred to in paragraph (1) of this Article shall include:

- positive measures are measures whereby under equal conditions priority is given to persons of the less represented gender, until equal representation is reached or the aim for which the measures are undertaken is achieved. The positive measures shall be particularly implemented in all bodies and on all levels in the field of legislative, executive and judiciary authority and in other bodies and organizations, in the local government, as well as in all other public institutions and services, in the political parties in carrying out political functions, commissions and boards, including the participation in bodies representing the state at international level, until equal participation is achieved,

- encouraging measures are measures that ensure special incentives or introduce special advantages with the purpose of eliminating the circumstances that cause unequal participation of women and men, or unequal status of one gender against the other or unequal distribution of the social goods and resources, and

- program measures are measures directed towards awareness-raising, organizing activities and drafting and implementing action plans for the purpose of motivating and promoting the equal opportunities.

3. ADOPTION AND MONITORING OF SPECIAL MEASURES FOR ESTABLISHMENT OF EQUAL OPPORTUNITIES FOR WOMEN AND MEN

Adoption of special measures

Article 8

(1) Special measures shall be adopted by the bodies of the legislative, executive and judiciary authority, the local self-government units and other bodies and organizations of the public and private sector, public enterprises, political parties, mass media and civil sector in all the spheres stated in Article 1 paragraph (2) of this Law.

(2) Special measures shall be adopted on the basis of analyses and description of the situation the women and the men live in, as well as the influences and circumstances that contribute to the inequality and that contain the justification for the application of such measures, including as well the impact that these measures are going to have on their lives and opportunities.

(3) The entities referred to in paragraph (1) of this Article that adopt special measures shall adopt a plan for implementation of the special measures upon previously obtained positive opinion from the Ministry of Labor and Social Policy.

(4) The entities referred to in paragraph (1) of this Article that have adopted special measures shall submit a report to the Ministry of Labor and Social Policy about the results from the application of such measures by 31 March in the current year for the previous year at the latest.

(5) The Minister of Labor and social Policy shall prescribe the form and the contents of the annual report referred to in paragraph (4) of this Article and the manner of carrying out the plan for implementation referred to in paragraph (3) of this Article.

4. ENTITIES RESPONSIBLE FOR ADOPTION AND IMPLEMENTATION OF THE MEASURES DIRECTED TOWARDS ESTABLISHMENT OF EQUAL OPPORTUNITIES FOR WOMEN AND MEN AND THEIR OBLIGATIONS

Assembly of the Republic of Macedonia

Article 9

(1) The Assembly of the Republic of Macedonia (hereinafter: the Assembly) within the framework of its competences shall be responsible for the elimination of all forms of gender based discrimination and improvement of the social status of women, shall integrate the principle of equal opportunities for women and men in the legal initiatives, policies and programs; organize public debates and discussions concerning the matters in the field of equal opportunities for women and men; analyze and give opinions for the influence of the legal provisions on the status of women and men, require reports and documentation from the competent institutions within the scope of work and prepare and publish reports for its work.

(2) The Assembly shall abide by the principle of equal participation of women and men in the process for selection of the composition of the working bodies and definition of the composition of its delegations for cooperation with international organizations and in the course of cooperation with the parliaments of other countries.

(3) The Assembly shall adopt a strategy for gender equality and shall monitor its implementation in the sector policy and programs and shall cooperate with the social partners, non-governmental organizations and other public institutions in the corresponding field.

(4) The Assembly shall form and define the composition and the competences of the Commission for Equal Opportunities for Women and Men as a standing working body.

(5) The Commission for Equal Opportunities for Women and Men shall undertake the following activities:

- review the draft laws and other regulations adopted by the Assembly in the spheres referred to in Article 1 paragraph (2) of this Law, the Budget of the Republic of Macedonia, as well as other draft laws and regulations with regard to the inclusion of the gender concept therein,

- review of the draft strategy for gender equality,

- monitor the adoption and application of the basic and special measures for establishment of equal opportunities for women and men in all the spheres of the public and private sector,

- monitor the system of measures for elimination of the unequal treatment for women and men,

- adopt amendments to laws and other regulations in the field of equal opportunities for women and men,

- exercise care for consistent implementation of the provisions of this Law and other laws in the field of equal opportunities for women and men and non-discrimination,

- promote cooperation among competent bodies on issues related to equal opportunities for women and men,
- raise initiatives and take actions against application of gender stereotypes and prejudices in the public life,
- provide information on regular basis to the Assembly with regard to all matters related to equal opportunities for women and men,
- cooperate with commissions for equal opportunities for women and men in the local self-government units,
- cooperate with the employers' associations, union, non-governmental organizations and associations that are active in the field of equal opportunities,
- cooperate with relevant commissions of other countries, and
- review other matters pertaining to equal opportunities for women and men.

Government of the Republic of Macedonia

Article 10

(1) The Government of the Republic of Macedonia (hereinafter: the Government) within the framework of its competences, shall be responsible for the promotion and the establishment of equal opportunities and the achievement of the aims of this Law through application of the general and special measures determined by this Law.

(2) The Government shall propose a strategy for gender equality and shall submit it to the Assembly.

(3) The Government shall appoint a coordinator and a vice-coordinator for equal opportunities and shall monitor the implementation of the principle of equal opportunities for women and men in the strategic plans of the line ministries and the budgets that cooperate with the Ministry of Labor and Social Policy.

(4) The Government shall publish statistical data on the representation of women and men in the elected positions and bodies for decision-making, governance and management.

(5) The Government shall be obliged to anticipate equal participation of women and men in the composition of its working bodies and delegations, consultative and coordinative bodies and in the appointment of representatives in the governing boards of the public enterprises and institutions.

(6) The Government shall form interministerial consultative and advisory group for equal opportunities for women and men, composed of functionaries/managerial civil servants, representatives of citizens' organizations, employers' associations, experts, representatives of the local self-government, unions and other entities.

(7) The Government shall define the number of members and the composition of the interministerial consultative and advisory group. The manner of operation of the interministerial consultative and advisory group shall be regulated by its Rulebook.

(8) The interministerial group shall be obliged to promote the concept for inclusion of the gender aspects in the general policies of all public institutions, to monitor the integration of the concept in the sector policies in cooperation with the social partners and institutions in particular fields, to monitor the progress of harmonization of the national legislation with the legislation of the European Union and to give directions in the process of preparation of the strategy for gender equality and to monitor the periodical reports from the institutions.

(9) The work of the interministerial group shall be coordinated by the Ministry of Labor and Social Policy.

State administrative bodies

Article 11

(1) The state administrative bodies shall be obliged, within the framework of their competences, to promote and improve the equal opportunities by undertaking the general and special measures referred to in Articles 5, 6 and 7 of this Law.

(2) The state administrative bodies shall be obliged to cooperate with the employers' associations, the union and the citizens' associations active in the field of equal opportunities, with the purpose of ensuring proposals and measures for accomplishing the aim of the Law.

(3) The state administrative bodies shall be obliged, within the framework of their strategic plans and budget, to incorporate the principle of equal opportunities for women and men, to monitor the effects and the impact of their programs on the women and men, and to provide information within their annual reports.

(4) The state administrative bodies shall be obliged to appoint an official – coordinator and vice-coordinator who shall coordinate the activities under the competence of the state administrative body aimed at establishing equal opportunities.

(5) The state administrative bodies, following the appointment of an official – coordinator and vice-coordinator, shall be obliged to inform the Ministry of Labor and Social Policy in a written form.

(6) The coordinator and the vice-coordinator referred to in paragraph (5) of this Article shall be responsible for the fulfillment of the obligations within the competence of the state administrative body regarding the establishment of equal opportunities in terms of this Law, they shall give their opinions and proposals for promotion and improvement of the equal opportunities within the competences of the state body and they shall coordinate and cooperate with the Ministry of Labor and Social Policy in the completion of their assignments.

(7) The competences and assignments of the coordinator and the vice-coordinator shall be in detail regulated by the act on systematization of the jobs in the state body.

(8) The coordinator and the vice-coordinator referred to in paragraph (5) of this Article shall be obliged, once a year, by 31 March in the current year for the previous year at the latest, to submit a report for the work to the Ministry of Labor and Social Policy.

(9) The coordinator and the vice-coordinator shall be obliged to publish the report referred to in paragraph (8) of this Article on the web site of the state administrative body.

(10) The Minister of Labor and Social Policy shall prescribe the form and the contents of the report referred to in paragraph (8) of this Article., [2](#)

Ministry of Labor and Social Policy

Article 12

The Ministry of Labor and Social Policy (hereinafter: the Ministry) in regard to the equal opportunities for women and men shall carry out the following activities:

- exercise care for the promotion of the equal opportunities for women and men in all areas of the social life,

- exercise care for the introduction of the principle of equal opportunities in the mainstream of reorganization, promotion, development and evaluation of the political processes at all levels and in all stages, at national and local level,
- give an opinion on the proposals for adoption of the general and special measures for establishment of the equal opportunities for women and men and monitor their application,
- cooperate with the Commission for Equal Opportunities for Women and Men in the Assembly in the preparation of laws, strategic documents and reports,
- submit to the Government or the competent ministries proposals for adoption of amendments to laws and other regulations significant for establishment of equal opportunities, as well as for adoption of general and special measures,
- prepare the draft strategy for gender equality and the plans for its implementation, monitor the implementation and publish annual reports about the activities and results of its implementation,
- coordinate and support the operation of the interministerial group for promotion of equal opportunities for women and men in the policies and programs in all spheres of the social life,
- in cooperation with the Ministry of Foreign Affairs, monitor the implementation of the international agreements referring to equal opportunities and the promotion of the status of women,
- prepare national reports about the fulfillment of the international obligations by the Republic of Macedonia in the field of equal opportunities,
- prepare analyses, reports, and other documents related to equal opportunities and publishes them on the web site of the Ministry,
- cooperate with the employers' associations, the union and the associations active in the field of equal opportunities,
- cooperate with the coordinators of the state administrative bodies, as well as with the coordinators and commissions for equal opportunities formed by the local self-government units, ensure their mutual coordination and prepare directions and proposals for fulfillment of their obligations in the achievement of the aim of this Law,
- cooperate with the competent entities referred to in Article 3 paragraph (2) of this Law in the implementation of this Law,
- submit an annual report on its activities and the progress made with regard to the establishment of equal opportunities for women and men to the Government, by the end of June for the previous year at the latest,
- supervise the implementation of the positive measures in the fields where they have been introduced, and
- give an opinion to the entities referred to in Article 8 paragraph (1) of this Law for adoption of positive measures in the fields of the social life where there is unequal participation of women and men or unequal status of the persons belonging to one of the genders.

The Ombudsman

Article 13

The Ombudsman shall, within its legally determined competence, be responsible for the exercise of the equal opportunities through legal protection of the equal opportunities for women and men in

the cases of violation or limitation of someone's rights by a state administrative body or by other bodies or legal entities and natural persons that have been vested with public authorizations.

Local self-government units

Article 14

(1) For the purpose of achieving the aims of this Law, the local self-government units, within the framework of their competences, shall be obliged to abide by the principle of equal opportunities and to promote equal opportunities of women and men by taking the general and special measures referred to in Articles 5, 6 and 7 of this Law and to prepare an annual plan determining the general and special measures.

(2) The units of the local self-government shall be obliged to incorporate the principle for equal opportunities of women and men in their strategic plans and budgets, to monitor the effects and impact of their programs on women and men, and to inform in their annual reports, and to participate in the preparation of the strategy for gender equality in the part referring to the units of the local self-government.

(3) In the process of adopting the development plans and other acts and decisions, the bodies of the local self-government units shall be obliged to review and to take in consideration the measures and activities proposed by the Commission for Equal Opportunities of Women and Men and the coordinator for equal opportunities for women and men.

(4) The bodies of the local self-government units shall be obliged to cooperate with the employers' associations, the union, the non-governmental organizations and citizens' associations active in the field of equal opportunities in order to obtain proposals and measures for the accomplishment of the aim of the Law.

(5) The units of the local self-government shall be obliged to form a commission for equal opportunities for women and men, as a standing body, on the basis of a decision of the council of the self-government unit, and its composition, responsibilities, tasks and obligations shall be determined by the statute of the local self-government unit.

(6) The commission for equal opportunities for women and men referred to in paragraph (5) of this Article shall:

- give opinion about the documents and proposals for the sessions of the council of the self-government unit,
- participate in the creation and adoption of the strategic documents, in particular in the creation and adoption of the strategy for development of the local self-government unit, adoption of the budget of the self-government unit, the statute, work program of the local self-government unit and alike,
- identify and give proposals for the ways of incorporating and formalizing the principle for equal opportunities and non-discrimination in the work of the bodies of the local self-government unit and the municipality administration, and
- be responsible for consistent implementation of the provisions of this Law and the other laws in the field of equal opportunities and non-discrimination, proposing to the council of the local self-government unit measures and activities for promotion of equal opportunities and non-discrimination on the basis of the analysis of the established condition within the scope of responsibilities of the local self-government unit.

(7) The self-government units shall be obliged to designate a coordinator and a deputy coordinator for equal opportunities for women and men from among the civil servants in the local self-government unit. **3**

(8) The coordinator referred to in paragraph (7) of this Article shall be responsible for promotion of the equal opportunities for women and men and non-discrimination within the framework of the competences of the local self-government unit, shall give proposals and opinions about the equal opportunities to the council of the local self-government unit and to the institutions and organizations at local level, shall prepare reports about the situation with the equal opportunities and non-discrimination within the framework of the local self-government unit cooperating with the commission for equal opportunities for women and men within the framework of the council of the local self-government unit, and shall raise joint initiatives for promotion of the equal opportunities and non-discrimination, shall cooperate with the non-governmental organizations and the other institutions at local level regarding issues of equal opportunities and non-discrimination, shall monitor the situation with the equal opportunities at local level, and shall propose initiatives for taking measures for improvement of the situation with the equal opportunities and non-discrimination, and shall coordinate and cooperate with the Ministry in fulfilling his/her tasks.

(9) The scope of work and the tasks of the coordinator referred to in paragraph (7) of this Article shall be determined in the act on systematization of jobs of the local self-government unit.

Article 15

The coordinator for equal opportunities for women and men referred to in Article 14 paragraph (7) of this Law shall be obliged, at least once a year, by 31 March in the current year for the previous year, to submit a report to the Ministry of Labor and Social Policy and to publish it on the web site of the local self-government unit.

The Minister of Labor and Social Policy shall prescribe the form and the contents of the report referred to in paragraph (1) of this Article.

Political parties

Article 16

The political parties in their acts shall regulate the manner and measures for promotion of the equal participation of women and men in the bodies and organs of the parties.

Mass media

Article 17

(1) The mass media, through their program concepts, shall contribute to the development and raising the awareness of the equal opportunities, as well as to the equal participation of women and men in the creation of program concepts and contents.

(2) The public broadcast and presentation of a person in the mass media should be done in an inoffensive, non-degrading or non-humiliating manner on the grounds of the gender.

(3) The Broadcasting Council of the Republic of Macedonia, within the framework of its competences, shall monitor the manner of broadcasting and presenting the women and men in the program concepts and contents and shall submit a report to the Assembly once a year.

(4) Within the framework of its legal authorizations and competences, the Broadcasting Council of the Republic of Macedonia shall, once a year, prepare an analysis of the gender issues in the program concepts and contents of the mass media whose program contents it is responsible to control and supervise, shall submit it for review and adoption to the Assembly and shall publish it on its web site.

Presentation of statistical data

Article 18

The Assembly, the Government, the state administrative bodies, the judiciary bodies and the other state bodies, the bodies of the local self-government units, the legal entities vested with the performance of activities of public interest by law, the associations, foundations, public enterprises, educational institutions, institutions in the field of social protection, health institutions, political parties, mass media, trade companies, and other entities obliged by law to collect, record and process statistical data shall be obliged to present these data according to gender and to submit them to the State Statistical Office.

5. GENDER EQUALITY STRATEGY **4**

Article 19

The strategy on gender equality (hereinafter: the strategy) shall be prepared for a period of eight years and shall include:

- analysis of the condition,
- directions and measures for achievement of the aims in the special spheres of the social life, foremost in the field of employment, social security and health protection, education, family relations and representation of women and men in the public life,
- responsibility for implementation of the measures for achievement of the aims,
- contents, competent bodies and responsible persons for preparation and implementation of the national action plan for gender equality for a period of four years and the annual operative plans serving the strategy implementation,
- data which are collected and processed and are connected, stored, analyzed and presented separately per gender structure within the scope of activities of the State Statistical Office,
- method for monitoring and notifying upon the strategy implementation, and
- necessary funds for application of the measures from the strategy, resources and manner of provision of those funds.

6. LEGAL PROTECTION OF THE RIGHT TO EQUAL TREATMENT FOR WOMEN AND MEN

Competent entities for protection of the right to equal treatment

Article 20

The protection of the right to equal treatment on the grounds of gender shall be achieved by submission of a complaint with:

- a representative in accordance with this Law or
- the Ombudsman or
- the Commission for Protection Against Discrimination or
- a competent court.

Legal representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a complaint with the Ministry.

(2) The procedure in the Ministry shall be conducted by the representative.

(3) The representative shall be a civil servant employed in the Ministry and responsible for conducting a procedure for determination of unequal treatment of women and men.

Filing a complaint

Article 22

(1) A complaint may be filed by any legal entity or natural person, personally or through an attorney-in-fact, in writing, orally to the minutes or in another form, by fax, or by e-mail.

(2) The complaint filed by phone should be also submitted in writing within a period of eight days.

(3) An official note shall be composed for the orally filed complaint.

(4) The complaint shall contain personal data on the person filing it, data on the entity (legal or natural) to whom the complaint refers, circumstances and facts on which the complaint is based, data on the legal instruments previously exhausted by the person filing it (if any) and signature of the person filing it.

(5) Anonymous complaints shall not be reviewed.

(6) The person filing the complaint shall be exempted from payment of administrative fee and another charge.

Article 23

(1) The complaint shall be filed within a period of six months as of the day of acknowledgement about the act of discrimination or within a period of one year as of the commission of the violation at the latest.

(2) If the complaint is incomprehensible and does not contain the necessary facts by which the act or action of discrimination may be confirmed, the representative may require from the person filing the complaint to clarify it and to amend it within a period of 15 days as of the day the amendment is required.

Non-initiation of a procedure

Article 24

(1) The representative shall not initiate a procedure upon a filed complaint, provided that it is undoubtedly clear that there is no violation of the right as invoked by the person filing the complaint, i.e. gender based discrimination, if he/she has already acted upon the same case and no new proofs and facts have been offered, if the time period for filing the complaint has expired, if the complaint is anonymous, if a procedure has already been initiated for the same case with a competent court, or a legally valid court decision has been adopted.

(2) When the representative fails to initiate a procedure upon the complaint in accordance with paragraph (1) of this Article he/she shall be obliged to notify the person filing the complaint within a period of 15 days as of the day of filing the complaint and shall explain the reasons for non-initiation.

Initiation of a procedure

Article 25

- (1) The representative may initiate a procedure upon his/her own initiative.
- (2) The regulations on personal data protection shall apply in the course of conducting the referred procedure.

Determination of the actual condition

Article 26

- (1) Upon the receipt of the complaint, the representative shall determine the actual condition by inspecting the submitted documents, taking written or oral statements from the person filing the complaint, from the person against whom the complaint is filed, as well as from other persons considered to dispose with information about the particular case.
- (2) The filed complaint shall be submitted to the person against whom it is directed within a period of five working days as of the day of initiation of the procedure, in order for it to declare upon the allegations therein within a period of 15 days as of its receipt.

Article 27

The legal entities and natural persons shall be obliged, upon a request of the representative, to submit the data they have at their disposal about particular cases of discrimination, as well as to allow direct inspection in the documentation within a period of 30 days as of the submission of the request.

Duration of the procedure

Article 28

The representative shall conduct the procedure and prepare an opinion in writing within a period of 90 days as of the receipt of the complaint.

Opinion and recommendation

Article 29

- (1) The opinion shall contain explanation of the determined unequal treatment on the grounds of gender, and a recommendation for the manner of elimination of the violation of the right.
- (2) The prepared opinion shall be submitted to the Minister of Labor and Social Policy.
- (3) The opinion shall also be submitted to the person filing the complaint, the person against whom the complaint is filed and to other legal entities and natural persons included in the procedure within a period of eight days as of the preparation.
- (4) The person to whom the recommendation is addressed to shall be obliged to act upon it and to eliminate the violation of the right within a period of 30 days as of the receipt of the opinion and notify the representative thereof.

Omission to act upon a recommendation

Article 30

If the person to whom the recommendation is directed does not act upon it, i.e. does not eliminate the violation of the right, the representative may initiate a procedure with a competent body for determination of its responsibility.

Cooperation with other bodies

Article 31

In carrying out the work, the representative shall cooperate with the Ombudsman and the Commission for Protection Against Discrimination in particular cases of discrimination for which the referred bodies are authorized to act upon.

Annual report

Article 32

(1) The representative shall prepare a report for the adopted opinions, conducted procedures and results of their conduct by 31 March at the latest for the previous year.

(2) The report shall be published on the web site of the Ministry and it shall be delivered in writing to the competent institutions.

Court protection

Article 33

(1) The person who considers to have been violated the right to equal treatment on the grounds of gender may file a lawsuit with a competent court.

(2) The provisions of the Law on Litigation Procedure shall accordingly apply to the procedure, unless otherwise determined by this Law.

(3) The procedure shall be urgent.

Local competence

Article 34

In the procedure for protection of the right to equal treatment on the grounds of gender, the court where the permanent place of residence of the plaintiff is located shall be locally competent, besides the court of local competence.

Lawsuit

Article 35

It may be demanded by the lawsuit:

1) to determine if the plaintiff has violated the right to equal treatment on the grounds of gender of the defendant, i.e. the action undertaken or omitted that may directly cause violation of the rights to equality in the acting;

2) to prohibit undertaking of activities that violate or may violate the right to equal treatment of the plaintiff, i.e. to carry out activities for elimination of the unequal treatment or the consequences thereof;

3) to compensate the material and non-material damage caused by the violation of the right to equal treatment, in accordance with the Law on Obligations, and

4) to publish the verdict that confirms the violation of the right to equal treatment in the mass media at the expense of the defendant.

Burden of proof

Article 36

(1) When a person who considers his/herself to be a victim of discrimination states facts whereby it may be supposed that there has been discrimination, the person alleged to have committed an act of discrimination shall be obliged to prove that he/she has not violated the principle of equal treatment.

(2) The right referred to in paragraph (1) of this Article shall not apply to criminal procedures.

7. SUPERVISION OF THE IMPLEMENTATION OF THE LAW

Article 37

(1) The supervision of the enforcement of the provisions of this Law and the regulations adopted thereon shall be conducted by the Ministry.

(2) Inspection supervision of the enforcement of the provisions of this Law and the regulations adopted thereon shall be conducted by the State Labor Inspectorate in accordance with this Law.

(3) The competent court shall conduct the misdemeanor procedure and shall impose the misdemeanor sanction for the misdemeanors referred to in Articles 38, 39, 40, 41, 42, 43 and 44 of this Law.

(4) If the labor inspector establishes that a violation as referred to in Articles 38, 39, 40, 41, 42, 43 and 44 of this Law is committed, he/she shall be obliged to propose a settlement procedure to the perpetrator of the misdemeanor in accordance with the Law on Misdemeanors.

(5) With regard to the misdemeanors determined in Articles 38, 39, 40, 41, 42, 43 and 44 of this Law, the state labor inspector shall be obliged to issue a misdemeanor payment order to the perpetrator of the misdemeanor, in accordance with the Law on Misdemeanors.

(6) If the perpetrator accepts the misdemeanor payment order, it should sign it. The acceptance of the misdemeanor payment order by the perpetrator shall be noted in the minutes.

(7) The manner in which the harmful consequences of the misdemeanor are to be eliminated, as well as the manner of overcoming the consequences of committing the misdemeanor, shall be established in the minutes referred to in paragraph (6) of this Article.

(8) If a legal entity is a perpetrator of the misdemeanor, the minutes and the misdemeanor payment order shall be signed by the responsible person in the legal entity or a person authorized by him/her.

(9) The state labor inspector shall be obliged to keep records of the issued misdemeanor payment orders and of the outcome of the initiated procedures.

(10) The following data shall be gathered, processed and kept in the records referred to in paragraph (9) of this Article: name and surname, that is, name of the perpetrator, permanent, that is, temporary residence, head office, type of misdemeanor, number of the misdemeanor payment order which is issued, and outcome of the procedure.

(11) The personal data referred to in paragraph (10) of this Article shall be kept for five years as of the day of entry in the records.

(12) The minister of labor and social policy shall prescribe the form and the contents of the misdemeanor payment order.

8. MISDEMEANOR PROVISIONS

Article 38

(1) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed on the person that has discriminated on the grounds of gender in the public and private sector in the spheres of the misdemeanor referred to in Article 3 paragraph (3) of this Law (Article 3).

(2) Fine in the amount of Euro 80 to 120 in Denar counter-value shall be imposed for a misdemeanor on the official person or another person in the legal entity, the body with public authorizations or the individual who as registered occupation carries out a certain activity, who on the grounds of gender violates the dignity of a particular person or creates threatening, hostile, humiliating or terrifying environment, approach or practice (Article 4 paragraph (1) points 6 and 7).

(3) Fine in the amount of Euro 800 in Denar counter-value shall be imposed on the legal entity for the misdemeanor referred to in paragraph (2) of this Article (Article 4 paragraph (1) points 6 and 7).

Article 39

(1) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the entity that does not submit the plan prior to its adoption for an opinion of the Ministry (Article 8 paragraph (3)).

(2) Fine in the amount of Euro 100 to 150 in Denar counter-value shall be imposed for a misdemeanor on the official person in the entity if the entity that has adopted special measures failed to submit an annual report to the Ministry (Article 8 paragraph (4)).

Article 40

(1) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the state administrative bodies who fails to assign a coordinator and vice-coordinator for equal opportunities (Article 11 paragraph (5)).

(2) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the state administrative bodies if the coordinator or the vice-coordinator fails to submit a report for the work to the Ministry within the defined time period (Article 11 paragraph (8)).

(3) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the local self-government unit that fails to form a commission for equal opportunities for women and men (Article 14 paragraph (5)).

(4) Fine in the amount of Euro 100 to 150 in Denar counter-value shall be imposed for a misdemeanor on the official person in the local self-government unit that fails to assign a coordinator for equal opportunities for women and men (Article 14 paragraph (7)).

(5) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the local self-government unit if the coordinator for equal opportunities for women and men in the local self-government unit fails to submit a report for the work to the Ministry within the defined time period (Article 15).

Article 41

(1) Fine in the amount of Euro 600 in Denar counter-value shall be imposed for a misdemeanor on the Broadcasting Council of the Republic of Macedonia if it fails to prepare an analysis of the gender issues in the program concepts and contents of the mass media, does not submit it to the Assembly for review and adoption and does not publish it (Article 17 paragraph (4)).

(2) Fine in the amount of 30% of the determined fine for the legal entity shall be imposed for a misdemeanor on the responsible person in the Broadcasting Council of the Republic of Macedonia, if the Broadcasting Council of the Republic of Macedonia fails to prepare an analysis of the gender issues in the program concepts and contents of the mass media, does not submit it to the Assembly for review and adoption or does not publish it (Article 17 paragraph (4)).

Article 42

Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the official person in the entities referred to in Article 18 of this Law, unless they collect, record and process the statistical data sorted by gender and submit them to the State Statistical Office (Article 18).

Article 43

Fine in the amount of Euro 400 in Denar counter-value shall be imposed for a misdemeanor on the entities referred to in Article 3 paragraph (2) of this Law that upon a request of the representative, within a period of 30 days, fail to submit data or do not allow inspection in the acts (Article 27).

Article 44

(1) Fine in the amount of Euro 70 to 110 in Denar counter-value shall be imposed for a misdemeanor on the natural person who fails to act upon the recommendation given by the representative (Article 29 paragraph (4)).

(2) Fine in the amount of Euro 600 to 1.200 in Denar counter-value shall be imposed for a misdemeanor on the official person in the entities referred to in Article 3 paragraph (2) of this Law who fails to act upon the recommendation given by the representative (Article 29 paragraph (4)).

Article 44-a

The amount of the fine for the legal entity shall be determined in accordance with the Law on Misdemeanors.

9. TRANSITIONAL AND FINAL PROVISIONS

Article 45

(1) The strategy for gender equality referred to in Article 9 paragraph (3) of this Law shall be adopted by 31 December 2012.

(2) The Government shall appoint a coordinator and vice-coordinator as referred to in Article 10 paragraph (3) of this Law within a period of three months as of the day this Law enters into force.

(3) The act referred to in Article 10 paragraph (8) of this Law on the composition and manner of operation of the interministerial group shall be adopted within a period of three months as of the day this Law enters into force.

(4) The state administrative bodies shall appoint a coordinator and vice-coordinator as referred to in Article 11 paragraph (4) of this Law within a period of three months as of the day this Law enters into force.

(5) The local self-government units shall form a commission for equal opportunities as referred to in Article 14 paragraph (5) of this Law and shall appoint a coordinator for equal opportunities as referred to in Article 14 paragraph (7) of this Law within a period of three months as of the day this Law enters into force.

Article 46

As of the day this Law enters into force, the Law on Equal Opportunities for Women and Men ("Official Gazette of the Republic of Macedonia" nos. 66/2006 and 117/2008) shall cease to be valid.

Article 47

This Law shall enter into force on the eight day from the day of its publication in the "Official Gazette of the Republic of Macedonia".

PROVISIONS OF ANOTHER LAW

Law Amending the Law on Equal Opportunities for Women and Men ("Official Gazette of the Republic of Macedonia" no. 150/2015):

Article 10

The bylaw foreseen by this Law shall be adopted within a period of 60 days as of the day of entry into force of this Law.

Law Amending the Law on Equal Opportunities for Women and Men ("Official Gazette of the Republic of Macedonia" no. 150/2015):

Article 12

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".