

## **LAW ON LABOUR INSPECTION**

(adopted by the Parliament of the Republic of Macedonia on 16 July 1997, published in the "Official Gazette of the Republic of Macedonia" No. 35/97)

### **Article 1**

This law shall regulate the organization and the work of the Labour Inspectorate of the Republic (hereinafter: "Inspectorate") which carries out inspection and supervision on the application of laws and other regulations on labour relations, employment and labour protection, as well as on the application of collective agreements, contracts of employment and other acts regulating the rights, duties and responsibilities of workers and employers in the field of labour relations, employment and labour protection.

### **Article 2**

For the purpose of this Law the term "tasks of inspection and supervision" shall include the administrative and other measures which, in accordance with law, are undertaken by labour inspectors in carrying out inspection and supervision.

For the purpose of this Law the term "regulations" shall mean every law and supplementary act, collective agreement, contract of employment as well as other acts of the employer determining rights, duties and responsibilities in the field of labour relations, employment and labour protection.

### **Article 3**

The Inspectorate shall be a body within the Ministry of Labour and Social Policy.

The Inspectorate shall be managed by the Chief Labour Inspector of the Republic.

#### Article 4

The Inspectorate shall ensure uniform application of regulations and measures in the field of labour relations and labour protection and, in the framework of its competence, shall be responsible for their application.

The Inspectorate shall be responsible for the improvement of the inspection and supervision and for professional training and advancement of inspectors.

#### Article 5

The tasks of inspection and supervision within the framework of the competencies of the Inspectorate determined by law, shall be immediately carried out by labour inspectors of the Republic (hereinafter: "inspector").

The inspector shall not be conferred other duties that might impede the conduct of his main responsibilities or that might in any way harm the dignity and impartiality of his function.

#### Article 6

The inspector shall be independent in carrying out the inspection and supervision and in undertaking administrative and other measures determined by law.

#### Article 7

The inspector shall verify his authorization for carrying out inspection and supervision by presentation of an identification document.

The identification document shall be issued by the Minister for Labour and Social Policy.

The form of the identification document and the manner of its issuance shall be determined by the Minister for Labour and Social Policy.

## Article 8

A person may be appointed for the position of inspector if he has completed a university education i.e. who has graduated in the field of law, mechanics, civil engineering, architecture, electrical engineering, technology and labour protection and who has at least 3 years of professional experience in the field after graduation.

## Article 9

In carrying out the inspection and supervision, the inspector shall be obliged to act in accordance with administrative procedure regulations, unless otherwise determined by law.

The inspector shall be responsible if he fails to perform his duties or to undertake measures he is obliged to undertake according to the law.

The inspector shall not carry out supervision at the employer in which he himself or his close family member is an owner or a co-owner, member of managing board, manager or in which he or his close family member has a financial or other interest.

## Article 10

In carrying out inspection and supervision, the inspector is authorized, at any time during the day or at night to enter the premises of the employer without prior notice and regardless of the working hours of the employer.

Upon entrance, the inspector is obliged to inform the manager i.e. the legal representative of other responsible person of his presence, provided that they are present in the premises of the employer. The absence of such person/s may not be an obstacle for carrying out inspection and supervision.

The employer is obliged to allow the inspector to carry out inspection and supervision without any disturbance or interference, and upon his request to provide him, at the time and on the place determined, with files, documents, acts, information and other data necessary for carrying out inspection.

## Article 11

In carrying out inspection and supervision, the inspector is authorized to enter and to inspect all working premises and workplaces and to examine the technical and technological process, working equipment and machines, means and equipment for safety and protection, working conditions, business registers, contracts and other documents and acts of the employer.

In inspection procedure, the inspector is authorized to collect the necessary data and information, to take statements from workers (employees), to give oral or written orders and, where necessary, to request an assistance by the competent state bodies.

In carrying out inspection and supervision, the inspector is authorized to request presentation of personal identification documents (personal identification cards, passports etc.) by persons working at the employer, and they are obliged to show the documents requested.

In cases where an order has been given orally, it shall be confirmed in writing, by entering into the minutes, and within 24 hours a ruling shall be passed on it.

## Article 12

The inspector may temporary seize documents which are necessary for providing evidence and for determination of facts.

The documents seized under paragraph 1 of this Article may be kept eight days at the latest.

Upon seizure of documents, the inspector shall issue a certificate stating the documents taken and the time limit for their return.

## Article 13

The inspector is obliged at least once a year to carry out an inspection and supervision on the application of regulations in the field of labour relations and labour protection at the employers working in the field of industry, trade, construction, agriculture, forestry, transport, communal services, craft trade, hotel and restaurant management, at school and university workshops and laboratories for professional practice. At the employers working in

other fields, the inspection and supervision shall be conducted in accordance with the programme of work, at least once in three years.

#### Article 14

The inspector is obliged to make a minutes for the inspection and supervision conducted which shall contain data, and in particular, the time of the inspection, the name of the employer, the situation found and measures pronounced.

A copy of the minutes shall be handed over or transmitted to the employer.

The inspector is obliged to enter the information for conducted inspection and of measures pronounced in the register that is kept at the employer.

The form of the register of inspections and the manner of its keeping shall be determined by the Minister of Labour and Social Policy.

#### Article 15

The inspector is obliged, during the term of his office and after it ceases, to keep as a professional secret all information and data that have come to his knowledge in the course of supervisions and inspections performed, which in accordance with law, represent a state, military, professional or business secret, data regarding the employee who has reported violation of regulations, as well as the information that the inspection has been undertaken and has been conducted on the basis of reporting the case.

The employer is obliged in the course of carrying out the inspection and supervision, to warn the inspector of data which according to the law, represent a state, military, professional or business secret.

#### Article 16

The inspector is obliged to act upon each request submitted by a worker (employee) and which relates to the exercise or protection of rights related to labour relations and labour protection

The worker may submit the request from paragraph 1 of this Article in written form or orally before the inspector.

The inspector is obliged to inform in writing the person who has submitted the request of the situation found.

Persons who have applied on public announcements for the purpose of their employment, may also invoke protection i.e. intervention by the inspector.

#### Article 17

When the inspector finds that the regulations whose application is subject to the inspection have been violated, he shall issue a ruling in accordance with the law.

#### Article 18

When in accordance with law the inspector by a ruling has banned the work of the employer in its entirety, or in a certain part that represents technical and technological entirety, or at certain workplace or an automatically powered machine, he shall seal them off.

The sealing from paragraph 1 of this Article shall be marked with a brand of the labour inspection.

For the purpose of elimination of the irregularities and defects that caused the prohibition, the inspector, upon a written request by the employer, shall unseal the working premises and places, i.e. automatically powered machine.

#### Article 19

Against the ruling of the inspector, an appeal may be lodged with the Minister of Labour and Social Policy within 8 days of the day of receipt of the ruling.

Against a final inspector's ruling for suspension of the enforcement of the final ruling of the employer that is being challenged before the competent court, an administrative dispute may not be initiated.

## Article 20

If the violation of the regulation represents a minor offense or a criminal offense, the inspector is obliged to submit a request for initiation of a procedure with a competent body.

The body before which the request i.e. report from paragraph 1 of this Article has been submitted is obliged to inform the inspector of its decision.

When the inspector finds that a regulation under the competencies of other body has been violated, he is obliged to inform the competent body thereof.

## Article 21

On the basis of a notification for death, collective injury or serious injury at work, as well as for irregularities in the application of regulations pertaining to labour protection that might endanger the security of the workers (employees), the inspector is obliged to conduct immediately an investigation on the spot for the purpose of undertaking appropriate measures.

The Minister of Labour and Social Policy shall issue an instruction for conducting investigations of cases of death, collective and serious injuries at work.

The inspector is obliged to inform the Chief Labour Inspector of each case of death, collective injury or serious injury at work, immediately upon their occurrence.

## Article 22

The employer shall be punished for minor offense with a fine in the amount from 150.000 to 250.000 denars if he:

- 1) prevents i.e. disturbs the labour inspector in conducting inspection and supervision (Articles 10, 11 and 12) and
- 2) unseals the working premises, working places or automatically powered machines which have been sealed (Article 18 paragraphs 1 and 2).

For the minor offense from paragraph 1 of this Article, the responsible person at the employer shall be punished with a fine in amount between 35.000 to 50.000 denars.

The responsible person at the employer shall be pronounced a security measure of prohibition of work or exercising a duty, for a period from 5 months up to one year.

#### Article 23

The Minister of Labour and Social Policy shall, within six months from the date of entry into force of this law, determine:

- the form of the labour inspector identification document;
- the form of the inspection book and the manner of its keeping,
- instruction for conducting investigations of cases of death, collective and serious injuries at work, and
- the form and the content of the brand.

#### Article 24

The Law on Labour Inspection (“Official Gazette of the SRM” No. 31/85, 51/88, 23/90, 17/91 and “Official Gazette of the Republic of Macedonia” No. 32/93) except the provisions of Articles 16, 17, 18, 19 and 26 paragraph 3, shall ceased to be valid on the date this Law enters into force.

#### Article 25

This Law shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Macedonia”.



In witness whereof this translation of the Law on Labour Inspection which was originally submitted to me in Macedonian is correct, I do affix my seal and signature

Sworn Court Translator,

Janjic Tatjana

Skopje, 30 May 2000

Тврдам дека правилно го извршив преводот од македонски на англиски јазик на Законот за инспекцијата на труд.

Овластен судски  
преведувач,

Јањик Татјана

Скопје, 30.05.2000 год.