

Regional Declaration on the Protection of Workers' Rights and COVID-19 Pandemic Response

This declaration determines the objectives and principles of the cooperation among the xx union and civil society organisations that serves to improve the level of rights at work in the region of the Western Balkans and to protect the workers and the vulnerable groups of citizens from the consequences of the economic crisis caused by the COVID-19 pandemic.

From the Governments of our countries we will demand preservation of collective rights, compliance with the regulations by the employers and we will insist on a multi-sectoral and social dialogue.

Through the solidary action and mutual support, we will reinforce our organisations in the fight for the workers in Bosnia and Herzegovina, North Macedonia and Serbia.

Introduction

The estimate of the International Labour Organisation is that complete or partial closing of companies and enterprises due to the COVID-19 pandemic affects 81 percent of the world's labour force, or 2,7 billion of employees. 37,5% of people were employed in the sectors defined as workplaces with high risk of infection such as healthcare, service sector, production and administration. The loss of jobs is significant, as well as the impairment of the already unfavourable position of the precarious workers.

We also refer to the recent promise of the European Union regarding the aid it will provide the Western Balkans with for the recovery from the consequences of the pandemic, expressed in the Zagreb Declaration¹, where the emphasis was put on social development. We also bear in mind the European Pillar of Social Rights², according to which all EU member states, as well as the countries that strive to becoming its part, should protect their workers from the precarious forms of work and guarantee them the salaries that ensure a decent life standard.

According to the data of the unions in the Western Balkan countries during the state of emergency declared by the Governments throughout the region, many workers in the industry and the private sector (real sector) continued to work in their production facilities. They were not provided with adequate health and safety protection measures at work, nor the employers applied the prescribed protective measures in the majority of cases. The biggest pressure was put on healthcare workers that often worked directly with the infected people without protective equipment, training or protocol.

We endorse the words of the United Nations saying that "while the protective masks can be disposable, the workers cannot"³.

¹ <https://www.consilium.europa.eu/media/43789/zagreb-declaration-bs-06052020.pdf>

² https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en

³ COVID-19: State and business respect for human rights critical to resilience and recovery, say UN experts, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25836&LangID=E>

Unfortunately, lack of understanding and care in the authorities and employers for the workers whose companies were forbidden to work with a view to suppression of the infection with coronavirus, but also for the ones whose companies had to work all the time in order to ensure the supply of basic foodstuff and services to citizens, will remain remembered in history as one of the important features of the labour market in the Western Balkan countries during the pandemic.

Basis and Principles of Cooperation

Through common public and bilateral actions, we will insist on the following conditions precedent for performance of dignified work during and after the COVID-19 crisis:

- That all the Governments in the region of the Western Balkans, at passing the economic measures, start a constructive dialogue with unions, and that especially the unions from the sectors most affected by the pandemic get included in such dialogue
- That socio-economic reforms, such as fairer taxation and attraction of socially responsible investors, prevent poverty "tsunamis", explosion of socio-economic inequalities and conflicts in the society
- That in no case the reduction of rights at work should be allowed, but, on the contrary, the regulations should be improved in accordance with the highest standards of the International Labour Organisation and the European Union
- That adequate health and safety protection measures are ensured for all workers

Set of the Proposed Measures by Countries

It is forecast that in 2020, the Western Balkans, as well as Europe and the rest of the world, will record a recession, the volume of which will depend on the duration of the COVID-19 pandemic. The future relationship of the signatories hereof is based on the principle of togetherness, as well as on the respect of autonomy and specific priorities in different countries. A set of measures by countries has been proposed for joint action.

For Bosnia and Herzegovina the priorities are:

- Prevention of further gap in workers' rights in the B&H entities
- Prevention of abuse of the Labour Law in the Republic of Srpska and the FBH in practice through mutual cancellations of employment agreements, requests for unpaid leave, and other
- In further measures for stabilisation of economy and reduction of economic consequences caused by the pandemic, ensuring of the continuity of consumption through financial stimulations, increase of the lowest salary and keeping the salaries at the level from 5 March, but also other measures with the goal of keeping the current level of workers' earnings in the real sector.
- The unions from the real sector, especially the unions from the sectors most affected by the economic consequences of the pandemic, should make an integral part of the teams that work on the proposal of these measures.

- Paying attention to the workers with employment agreements for a definite period of time. Through the Government's measures in the fight against economic consequences, it is necessary to stimulate and financially support the employers to extend these agreements.

For Serbia, the priorities are:

- Initiating of a social dialogue with the participation of all political factors and social partners for achieving the national consensus on the package of measures for fighting against socio-economic consequences of the COVID-19 epidemic
- Conducting the analyses of the effects of the measures passed during the state of emergency on the society and preservation of the highest degree of economic and social rights in the period of recovery, with the emphasis on respecting the rights of the most endangered categories of workers, such as the ones in the informal economy and with precarious jobs, older workers and the ones with family duties
- Showing of essential dedication to the standards of dignified work and to the European integrations in the area of social policy and employment by passing the regulations and strategies based on the conventions of the International Labour Organisation and the Council of Europe, and on the directives of the European Union
- Launching of the labour legislation reform directed towards promotion of working conditions and respect of the rights to fair compensation of all workers, including via abolition of dualism in labour relation and work outside of labour relation and prescribing the standards: telecommuting, atypical forms of work (such as work through platforms) and insufficiently paid work (such as caregiving)
- Urgent strengthening of the inspection services in the area of healthcare, work and social protection, among other things, via: employment of new inspectors, procurement of equipment and increase of transparency of the institutional work
- Additional taxation of the ones that realised extra profit on trading in protective equipment in the pandemic conditions
- Enabling equal treatment of workers in public and private sectors in terms of the right to interruption of work due to the pandemic

For North Macedonia, the priorities are:

- Strengthening of a social dialogue, not only in words but in essence, as well as acceptance of the demands of the organisations and unions that work on promotion of the rights of the employees in the private sector
- Strengthening of the capacities of the State Labour Inspectorate, because most companies do not have union organisations, and the Inspectorate is the only one that can help in the situations in which the employees' rights are violated
- Better cooperation among all institutions, such as the Agency for Work and Employment, the Administration of Public Revenues and the Inspectorate for Labour and Workplace Health and Safety, with a view to regular communication among the area units in order to reduce the abuse regarding payment of salaries, illegal cancellations of employment agreements, illegal reduction of working hours, although the employees work full time
- Bigger control of the companies that receive state money in order to mitigate the damage and improve solvency at the times of this socio-economic crisis, in terms that these companies should also pay the salaries to the employees, and respect workers' rights and workplace health and safety.

- For all the employees that lost their jobs during the crisis, receiving of state aid until they find another job, regardless of the type of dismissal (considering that there were illegal dismissals and cancellations of the employment agreements, agreed work interruptions, dismissals for violation of work and discipline, etc.)

For Kosovo, the priorities are are:

- Development and implementation of the general collective agreement and sectorial contracts for the purpose of advancing and protecting the rights of workers taking into account their contribution to the workplace, sector and economy.
- Develop a national strategy for occupational safety and health based on recommendations from the International Labor Organization (ILO) and the European Agency for Safety and Health at Work.
- The government should strengthen the capacities of the Labor and Sectorial Inspectorates and draft new legislation on occupational safety and health for the police, security forces and firefighting sectors.
- Continuous assistance after overcoming the emergency phase for small businesses and self-employed with economic difficulties caused by economic passivity in times of pandemics.
- Strengthening the social dialogue of all trade unions and organizations specializing in labor rights together with the government in protecting workers from various health and safety hazards/risks at work;
- Drafting and implementing concrete measures for benefits from the financial recovery package including all labor sectors without exception and in continuous dialogue with relevant unions and organizations.
- To prioritize the re-examination and approval in the Parliament of the reform of labor legislation package, restoring the provisions of the law on maternity and parental leave within the framework of labor law.
- Increased coordination between social partners for the establishment and strengthening of new labor unions, especially in the private sector and the support of existing federations and unions;
- Further formalization of the economy by increasing the number of formal workers through economic measures to stimulate formality.
- Functionalization the law on health insurance and establishment of the fund for social insurance at the national level for all sectors of the economy.

Public health is the most important interest of all the people in the Western Balkans. In all countries it is necessary to demand the passing of the regulations that will obligate the countries to possess protective equipment and medicines for the cases of pandemic that would only be used in such cases.

Signatories of the Declaration

Hereby we wish to draw the attention of our Governments and of the public. The burden of the crisis should not be carried by workers only. This is why all of us, signatories of the Declaration mentioned below, fight for the preservation of workers' rights and dignified work.

The Signatories attached