

Global Employment Law

As part of *Lawyer Monthly's* Legal Focus into employment, we speak to Tatjana Popovski Buloski, equity partner at Macedonian law firm, Polenak. Here she discusses the most common types of employment-related cases she deals with and the challenges they raise; as well as giving us an overview of the employment levels in Macedonia currently. As this is a country which currently has one of the highest unemployment rates in the world, we thought it would be interesting to gain an insider's expert insight into employment issues there.

Q Can you briefly introduce yourself and your firm?

I have been with Polenak since 2007. My expertise is mainly related to corporate law, M&A, anti-trust law, litigation and employment law. At present, I am heading the litigation department within the firm.

The first law office with the name Polenak was established in 1946 and during the years of its existence, and especially from the 1990's onward, the firm has progressed and developed as a modern law firm that implements current principles and values of developed European law firms adjusted to the frames of the Macedonian market. At present, the firm employs 26 employees and its practice is mostly focused on corporate law, banking law, project financing, litigation and anti-trust. Our list of international and domestic clients includes very successful and reputable companies.

Q What are the key types of employment-related cases you deal with?

My engagement as an employment lawyer is mostly related to providing legal advice to corporate clients with regard to compliance with the requirements of labor law and related regulations, internal organization within the companies, as well as representation of the companies as employers in employment litigations.

Q What are the main challenges you face?

I provide accurate and pragmatic legal advice to the client in an environment of unsustainable legal interpretation and practice.

Q Are you able to tell us about any recent employment-related cases you have been involved in recently?

Most of the litigations are related to termination of employment. Therefore, my experience does not differ. Breaches of working rules and discipline are very frequent and the court practice in line with the legislation insists on providing full and legal "disciplinary procedures" at the employer. The outcome of employment litigations is conditioned with the legality of such pre-procedure.

Q What is the state of employment levels in your jurisdiction at the moment?

At the moment, Republic of Macedonia is one of the

countries with the highest unemployment rate in the world, which goes up to 31%. The Government has undertaken certain measures in the direction of decreasing this percentage by way of decreasing of the amount for social contributions for employers. However, the worldwide financial crisis had an impact on Macedonian companies which were the biggest employers in the country and such crisis resulted in several procedures for collective dismissal of employees. A significant amount of medium and small companies went bankrupt and the employees lost their jobs. The Government has provided temporary financial support in these cases.

Q Have you noticed a rise in employment-related cases as the world recovers from the financial downturn?

Recently, there are several foreign investments projects in the country providing possibilities for new employment. These investments are related to the airway industry, electronic industry, energy providing possibilities for young, educated professionals.

Q What legislative changes do you feel there is a need for?

The Labor Law has been amended several times after its enactment in 2005. This law is more "friendly" for employers in comparison with the previous legislation, but it also introduced certain new institutes that were not part of our legal system before such as "mobbing". However, there is a need of more precise determination of legal terms and conditions especially in relation to the termination of employment. **LM**

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