



**CONFEDERATION OF FREE TRADE UNIONS OF
MACEDONIA**

CONSTITUTION
(amended and adopted on November 24, 2007)

Preamble

The Confederation of Free Trade Unions of Macedonia unites all working men and women regardless of their race, gender or ethnicity on a solidarity principle through a free, democratic and independent trade union movement. The establishment of the Confederation is based on a strong conviction that trade union movement is needed that respects and protects their rights and needs. They and need a trade union movement that is free from political and employer influence and genuinely committed toward securing a better future for all workers and citizens.

The founding and establishment of the Confederation represents a much needed fundamental change – a new direction in the trade union movement in Macedonia that aims to restore hope and prosperity and respect for labor. The Confederation is guided in the principles of democracy, human rights and social justice and solidarity. The Confederation is based upon the belief that workers have fundamental rights guaranteed in a democracy, that workers organized in the Confederation do have an impact on the Government and the companies where they work, that they have a role in the economic and social development in the country.

To achieve its aims, the Confederation will lead a broad trade union movement, unite trade union organizations into autonomous federations, and coordinate trade union campaigns through decentralized structures and networks that mobilize and involve members. As a decentralized organization, the Confederation is driven and guided by the membership and draws its legitimacy from its affiliate trade union organizations. The Confederation aims above all else to work as a democratic and independent trade union organization free from employer or Government domination or political influence, and to coordinate the mutual interest and needs of its affiliates and membership.

We the founders of the Confederation will uphold and follow the highest ideals of solidarity and unity, will respect and practice democracy and transparency, will conduct free and fair elections, and will assist trade union organizations and their members pursue social and economic justice, dignity and respect at the workplace, and greater opportunities for all workers. We the founding members of the Confederation and all trade union organizations that affiliate to the Confederation pledge to uphold and respect the provisions laid down in this Constitution and to peacefully resolve any conflicts among trade union members and organizations.

Pursuant to Article 188 of the Law on Labor Relations (Official Gazette no. 62/2005), Chapter XVIII on Trade Unions and Associations of Employers, the Second Congress of the Confederation of Free Trade Unions of Macedonia held on November 24, 2007 adopted the following:

CONSTITUTION of the Confederation of Free Trade Unions of Macedonia

GENERAL PROVISIONS

Article 1

The Confederation of Trade Unions of Macedonia (further in the text KSS) is a voluntary trade union organization that has affiliated and agreed to coordinate and cooperate with the goal of advancing the economic, social, cultural and other common needs and interests of its membership. KSS shall be active on the territory of the Republic of Macedonia and its work is public.

Article 2

KSS is composed of two Federations: Federation of Public Sector Unions and Federation of Private (Economic) Sector Unions. Each Federation is comprised of branch unions or union organizations. Both Federations shall regulate their activities by adopting their own Constitutions, which shall be in harmony with that of the KSS.

Article 3

KSS shall operate in accordance with this Constitution and Action Program. This Constitution is in harmony with the positive regulations of the Republic of Macedonia.

KSS shall be independent in expressing its positions and carrying out of its goals vis-à-vis al the state authorities, political parties, administrative bodies, managerial company structures, employers and their associations, religious and other organizations.

Article 4

KSS shall carry out its role and function by way of negotiations with the state authorities, employers' associations and other organisations, by mediation for achieving its goals, collective bargaining, resorting to the right to strike, etc.

Name, seat, seal, flag and emblem of the KSS

Article 5

The full name of this organization is the Confederation of Free Trade Unions of Macedonia.

The Confederation of Free Trade Unions can use the acronym KSS (hereinafter referred to as KSS).

The Confederation is a legal entity, with its own seal and bank account, and shall be represented in relations with third parties by the President of the KSS.

Article 6

KSS is headquartered in the Republic of Macedonia at the following address: 72g "Koco Racin" st.

Article 7

KSS has emblem in the oval shape of orange color, with internal ellipse in gray color, inside of which, on orange background are printed large white letters "KSS" of which on the letter "K", on its left side, there is styled representation of human being.

Article 8

The flag of KSS has standard size and is orange in color. The KSS emblem is in the center of the flag.

Article 9

The KSS seal is round in shape and contains the wording: "Confederation of Free Trade Unions of Macedonia". The seal contains the union sign in its middle.

The stamp is rectangular and contains the wording: "Confederation of Free Trade Unions of Macedonia", and there are designated lines for the date and place to be inserted.

GOALS, PRINCIPLES AND TASKS OF THE KSS

Article 10

The Confederation is fully committed to uniting and helping trade union organizations to:

- Build a stronger and independent trade union movement committed to organizing, collective bargaining, and initiating progressive legislation;

- Ensure a better quality of life and a decent standard of living, affordable and accessible health care, healthier and safer workplaces, and economic and social security for retirees and the disadvantaged;
- Campaign and activate every legitimate use of trade union power to advocate and represent, to improve and defend the rights of workers;
- Realize the human spirit for freedom, justice and equality, defeat all forms of suppression, hardship and exploitation;
- Unify all nationalities, faith and political determination who nurture the cause of democracy and solidarity;
- Contribute to the development of democratic society, rule of law, and equal treatment before the law and institutions;
- Advocate fair employment, economic, financial, tax, price, and consumer protection policies;
- Develop a constructive relationship based on full partnership, social dialogue with the Government and employers to resolve all problems of employees;
- Promote democratic practices and processes, dynamic trade union leadership and activism, as well as transparency and membership accountability in trade union organizations;
- Provide protection of the trade union movement and membership from corruption, conflict of interests and undemocratic behavior;
- Put an end to employer and politically dominated quasi trade-union organizations that prevent and subvert workers from seeking their rights in the workplace;
- Cooperate with free and democratic trade union organizations around the world to increase respect and implement the internationally recognized labor standards at home and abroad, including the Right to Freedom of Association and Collective Bargaining;
- Establish decentralized trade union network of staff and centers to assist trade union organizations advance in collective bargaining, communication and education of members about their trade union and worker rights;
- Create Solidarity Funds and other programs to assist trade unions and their members;

- Create a free and democratic trade union movement that will unite in progressive coalitions of like-minded organizations dedicated to social and economic justice, human and labor rights;
- Restore the trust, hope, and belief that tomorrow could be better, that all citizens deserve a more prosperous future, that there exists a trade union movement prepared to struggle and fight for dignity, respect and justice.
- Fight for other joint interests and rights, in accordance with the Constitution, laws, collective agreements and other regulations.

RIGHTS AND RESPONSIBILITIES OF KSS MEMBERS

Article 11

The affiliating trade union organizations have the right and responsibility to:

- Comply with the goals and principles of the Constitution, programs and decisions reached by the KSS;
- Practice internal democracy and transparency in the development of its goals and strategies and trade union policy, structures and management;
- Conduct free and fair election;
- Regularly pay membership dues in compliance with the Constitution and the decisions reached by the KSS bodies;
- Cooperate with free and democratic union organizations from the entire world for increasing the respect and implementation of the internationally recognized labor standards in the country and abroad, including the right to Freedom of association and the Right to Collective Bargaining;
- Operate free from Government or employer domination or patronage, or political party influence, or any ideology or religious groups;
- Set up decentralized union network with staff and centers committed to assist the union organizations promote collective bargaining, communication and education of members for their workers and union rights;
- Create a free and democratic labor movement which will merge with progressive coalitions and related organizations with the goal of social and economic justice, human and trade union rights;
- Raise initiatives and initiates procedure for adoption or changes and supplements to laws and other regulations which regulate rights and interests of workers;
- The constitutions of federations determine rights and responsibilities which guarantee accomplishment of goals and principles of KSS.

MEMBERSHIP CARD AND MEMBERSHIP FEES

Article 12

Members are responsible for paying membership fees to KSS based on their income from membership dues, in the amount of 0.6% of the workers' net wage. The percentage of membership fee paid to KSS is 10% of the income of members from dues collection.

Membership dues are paid once every month. The union which fails to pay membership dues for three consecutive months shall no longer be treated as member, unless the Central Board decides otherwise.

BODIES OF THE KSS

Article 13

Bodies of the KSS are:

- Congress
- Conference
- Central Board
- Supervisory Board
- Statutory Committee

CONGRESS

Article 14

The Congress is the highest governing body of the Confederation organized every five years. For the Congress to work with full effect, it takes presence of 2/3 delegates, and majority vote of the present delegates for decisions to be valid.

Article 15

The Congress has the following responsibilities:

- adopting program documents of the KSS;
- adopts Constitution and makes changes and supplements;
- adopts financial report;
- elects President of the KSS, Statutory Committee, and Supervisory Board upon nomination of the Conference,
- adopts the Rules of Procedure of the Congress.

Article 16

The Congress must be scheduled 60 days before its holding, and is scheduled by

the Central Board, with a previously determined place and time of holding as well as Agenda. The Federations have to elect delegates, through their unions, at least 30 days before holding of the Congress. The names of delegates shall be submitted to the Central Board 20 days before the Congress the latest.

Article 17

Federations are responsible for submitting all resolutions, statutory changes, reports and proposals and nominations to the Central Board at least 30 days before the Congress is held.

Article 18

The number of delegates shall be determined by the Central Board, based on membership and paid membership dues in the period between the two Congresses, in compliance with Article 12 of this Constitution.

Article 19

Extraordinary Congress is called upon the initiative of 2/3 of members of KSS Conference.

Delegates to the Extraordinary Congress are the same delegates elected as delegates to the regular Congress.

Provisions of this Constitution shall also be valid during holding of the Extraordinary Congress.

Conference

Article 20

Conference is the highest body of KSS between two Congresses.

The Conference is comprised of the president, vice presidents from both federations, the general secretary, trade union presidents and federation members which will be determined by a separate decision of the Central Board.

The Conference is called upon need and at the request of 1/3 of Conference members. The Conference is called by KSS President.

Article 21

The Conference has the following responsibilities:

- adoption of Rules of Procedure;
- reviewing and adoption of the annual financial report;
- proposes different forms of warning and pressure, including general strike, in accordance with the laws and collective agreements and this Constitution;

- adoption of changes and supplements to this Constitution, but mostly up to 1/3 of provisions contained herein;
- gives initiatives, proposals, opinions in the procedure of adoption of laws and other regulations of interest to the unions;
- nominates candidates for President of KSS, Statutory Committee and Supervisory Board;
- appoints acting KSS President at the proposal of the Central Board;
- reaches decision for calling of Congress;
- proposes Congress documents.

Article 22

It takes presence of more than ½ of members for the work of the Conference, whereas decisions are valid if 2/3 of members present are in support of it.

Central Board

Article 23

The Central Board is the executive body of the KSS.

It shall be comprised of KSS president, vice presidents from both federations, general secretary and three members from each federation. The number of members shall be 10. Each member shall be equal in terms of debating and activities, according to the needs and interests of the KSS.

Article 24

Duties of the Central Board are:

- Implementing the Program and other acts adopted by the Congress and Conference of the KSS;
- Giving suggestions, nominations, opinions, proposals regarding issues of collective bargaining, organizational and legal goals and programs to the federation bodies;
- sets up and manages committees;
- adopts decisions;
- conducts preparations for holding of the Congress;
- upon the proposal of the President, conducts election of the General Secretary;
- sets up the KSS secretariat;
- prepares meetings of the KSS Conference.

Article 25

It takes presence of more than ½ of members for the work of the Central Board whereas decisions are valid if more than half the present are in support of it. In case of

equal number of votes, 'pro' and 'con', the President's vote shall be decisive.

President of KSS

Article 26

The President of the KSS performs the following tasks:

- negotiates with social partners at the national level;
- signs all acts and collective agreements at the national level, in accordance with the laws;
- puts in force decisions and other acts adopted by the KSS bodies;
- conducts press conferences and public events;
- cooperates and represents KSS before non-Governmental organizations, associations and international trade union organizations;
- calls meetings of the Conference and the Central Board;
- participates in the work of the KSS bodies and raises different initiatives in front of them in the interest of KSS;
- gives nomination to the Central Board for election of General Secretary;
- performs other duties in accordance with the Constitution.

The Presidents is accountable to the Congress.

Article 27

KSS President is also President of the Conference and Central Board of the KSS.

The President shall carry out his duty professionally.

In case of absence, certain authorizations can temporarily be transferred to one of the vice presidents.

The president is elected with 5-year mandate with possibility for re-election.

General Secretary of the KSS

Article 28

The General Secretary is elected by the Central Board, upon nomination of the President of the KSS.

The General Secretary is responsible for preparing all meetings of the Conference and the Central Board and is responsible for implementing the policy and programs of KSS and decisions made by the Conference and the Central Board. The General Secretary performs the following activities:

- coordinates the activities of the Trade Union Federations;
- oversees the work of committees;
- manages Confederation staff;

- prepares the work reports for the Conference and the Central Board;
- coordinates the activities of the Trade Union Centers throughout the country. In carrying out responsibilities and tasks, the General Secretary is assisted by professional and technical personnel. For his activities, the General Secretary is accountable to the Central Board and the President.

Supervisory board of the KSS

Article 29

The body which supervises and controls the funds of the KSS is Supervising Board. It is a body of the Congress, comprised of 5 members and 5 deputies. Members of the Central Board cannot be members of the Supervising Board. The mandate of its members is 5 years, without the possibility for re-election.

Article 30

The Supervising Board has the following competences:

- control of the material-financial operations of KSS;
- cooperates with inspection and auditing services in charge of financial operations, in compliance with legal provisions;
- has the right to financial audit of KSS federations,.

For the control performed, the Board shall prepare minutes and submit it to the KSS Central Board.

The Supervising Board submits a report on its work, as well as for the material and financial operations, to the KSS at the coming Congress.

Statutory Committee of the KSS

Article 31

The Statutory Committee is a body of the Congress, numbering 5 members. The election of members of the Statutory Committee is done by the KSS Congress.

The mandate of members is 5 years, with a possibility for re-election.

Article 32

Competences are this committee are: to provide interpretation of this Constitution, at the request of the Central Board, as well as the Federation bodies; to monitor implementation of the Constitution and other acts of the KSS, to prepare changes and

supplements at the request of the Conference.

Article 33

The statutory committee is accountable and reports of its work to the Congress.

Secretariat

Article 34

KSS hires professional and technical staff (Secretariat). The composition and staff is determined by Act on Systematization adopted by the Central Board.

Committees

Article 35

KSS maintains a Collective Bargaining Committee, Membership and Affiliation Committee, Legislation Committee, Membership Rights Committee, Financial Committee and an Ethics and Complaints Committee. The purpose of the committees is to assist Members of the Central Board carry out their responsibilities and tasks. The committees may include external experts in certain field in their composition.

Trade Union Centers

Article 36

KSS establishes, maintains and staffs Trade Union Centers throughout the country. The Trade Union Centers assist the Trade Union Federations and their local trade union organizations carryout their tasks and responsibilities. The Trade Union Centers provide legal services and all the logistical assistance and services, upon request of the federations.

DISPUTE RESOLUTION

Reconciliation council

Article 37

In case of dispute, parties can agree to allow for resolution by the reconciliation council. The agreement for doing so must be provided in writing.

The reconciliation council is comprised of 3 members, one from both parties at dispute, and the third one appointed by the Central Board of KSS.

Arbitration

Article 38

Arbitration is assigned in case the resolution Council cannot solve the dispute. Arbitration is comprised of 5 members, one appointed by the parties at dispute, while 3 appointed by the Central Board, one of which is elected President of the Arbitration.

The Arbitration is obliged, within one month, to reach decision on the dispute. The decision of the Arbitration is final, and binding for both sides. Charges may not be filed to competent court against the Arbitration decision.

DISSOLUTION OF THE KSS

Article 39

The KSS can cease to exist by dissolution act, adopted by the Congress decides when KSS will be dissolved and ceases to exist. The Resolution that calls on dissolution of KSS is adopted if voted by 2/3 of all delegates present

Any KSS federation has the right to submit proposal for dissolution of KSS to the Conference at least 60 days before the Congress takes place.

The Conference has the right to submit opinion to the Congress regarding the members' proposal for dissolution of KSS.

If this Resolution is adopted, all financial obligations of KSS towards third parties, including those towards its personnel and technical staff, cease to exist.

The Congress adopts separate act that will define the division of KSS assets.

TRANSITIONAL AND FINAL PROVISIONS

Article 40

The KSS acquires the legal competencies on the day of its entry into the Registry of the authorized state body responsible for dealing with labor matters.

Article 41

The Constitutions of federations cannot be in conflict with the provisions of this Constitution.

Article 42

This Constitution enters into force on the day of its adoption

Skopje,
24.11.2007

KSS President
Rasko Miskovski