EMPLOYMENT AND WORKING CONDITIONS FOR THE JOURNALISTS IN THE REPUBLIC OF MACEDONIA
South-East European Partnership for Media Development

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EMPLOYMENT AND WORKING CONDITIONS FOR THE JOURNALISTS IN THE REPUBLIC OF MACEDONIA

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INTRODUCTION

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The research on employment conditions of journalists was conducted as part of the Project “South-East European Partnership for Media Development”, implemented by the Centre for independent journalism – Romania. The Macedonian Institute for Media is one of the Project partners, together with the Albanian Media Institute, Foundation Mediacenter for Media and Civil Society Development (BiH), Media Initiatives – Association for Media Development and Promotion of Professional Journalism (BiH), Macedonian Institute for Media, Montenegro Media Institute, FoundationMediaCenter (Serbia), Media and Reform Centre Nis (Serbia), MediaDevelopmentCenter (Bulgaria).

The methodology for the research was developed in cooperation with the project partners and research experts and appropriately applied in the research work conducted by the Macedonian Institute for Media. Beside the desk research which included analysis of the legal framework and different publications and analyses in relation to the topic, in-depth interviews were conducted with a total of 20 journalists/editors in the media in Macedonia. The selection of the media was made on the basis of several aspects which are essential to ensure the representation of the key segments of national media spectrum, such as a) types of media (print, electronic and Internet), b) the audience they reach, c) geographical outreach (national, regional and local) d) language they use (media operating in Macedonian and media in Albanian language) etc.

I. LEGAL FRAMEWORK FOR EMPLOYMENT AND FOR THE WORKING CONDITIONS OF JOURNALISTS IN MACEDONIA

1. Constitutional category

The Constitution of Macedonia stipulates that forced labor is prohibited, the section of “Civil and political freedoms and rights”. Article 11. As a consequence, in the second section referring to the “Economic, social and cultural rights” all standard principles regarding the individual rights of citizens are listed together with the basic labor rights. In this context, Article 32 guarantees that everyone has the right to work, to the free choice of employment, protection at work and material assistance during temporary unemployment; every job is open to all under equal conditions; every employee has the right to appropriate remuneration; every employee has the right to be paid daily, weekly and annual leave. Employers cannot waive these rights; the exercise of the rights of employees and their position are regulated by law and collective agreements. All details are explained in the Law on Labor Relations which, as a primary or subsidiary legal source, applies to all employees in Macedonia - whether they are employed in the private or public sector. Furthermore, the article 33 and 34 in the Constitution state that everybody is obliged to pay taxes and other public contributions and, from the other side, all citizens have the right to social security and social insurance, as determined by law as well as to a collective agreement. In this context, it is of our interest to note that the Constitution also refers to the collective agreement as a legal document that will determinate all further aspects of the social security and social insurance of the employees.

In Article 35, “the Republic provides social protection and social security of citizens in accordance with the principle of social justice”. In the same article, ”the Republic guarantees the right of assistance to citizens who are infirm or unfit for work and furthermore the Republic provides particular protection for disabled persons, as well as conditions for their involvement in the life of the society”.

It is also important to mention Article 37 that guarantees the right to establish trade unions aimed at exercising citizens’ economic and social rights. Trade unions can constitute confederations and become members of international trade union organizations. In addition, the right to strike is guaranteed in Article 38. The law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and administrative bodies. And, at the end, Article 39 stipulates the right to health care; citizens have right and duty to protect and promote their own health and the health of others.

2. Basic national framework for employment of media workers and journalists

The primary law that applies to all employees in the public and private sector is the Law on Labor Relations (LLR)\(^2\). This Law is criticized that in the past years was amended too many times. In this context, the LLR was amended 12 times in the last 6 years

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1 Constitution of Republic of Macedonia (Macedonian version) http://www.sobranie.mk/ustav-na-rm.nspx
2 Last amended version is published in the Official Gazette of the Republic of Macedonia No.113 as of 29.07.2014
(2008-2014). All these changes and the extensive nature of this Law are making it difficult to follow and understand by the media and thus by the citizens because the interventions are quite frequent and carried out with lack of prior public debates³.

When analyzing the contents of the LLR, it is necessary to emphasize that, in general terms, this Law regulates the labor relations between employers and employees. However, these relations can be further regulated with collective agreements and the general acts of the employer.

In general, the LLR regulates the type of contracts of employment; rights and obligations of the parties (employer and employee); termination of the contract; remuneration; working time; breaks and holidays; compensation; legal protection of certain categories of employees (persons under the age of 18, women, older workers, etc.). In addition, the role of trade unions and employers’ associations are tackled as well as issues related to collective agreements, the right to strike, inspections and other issues.

While the LLR applies to employees in all sectors of activity, specific rules are provided for the employees in the public administration in the Law on State Employees. Although the Law on Broadcasting Activity⁴ guarantees the independence of the Public Broadcasting Service (MRT), the employees within this media outlet have been treated as public servants based on the amendments in the Law on State Employees. This undermines the principle of independence of decision-making of the public broadcasting service in terms of movement of labor force and human resources. This status meant that the journalists were formally responsible in front of the Ministry for Administration and Information Society. Hence, in April 2014 the Constitutional Court⁵ seized parts of the Law on State Employees by which the journalists within MRT were exempted from the Law and were no longer considered as civil servants.

In the media context, there are two mainstream trade unions; the first is organized within the Public Broadcasting Service (MRTV) while the second one, the Independent Union of Journalists and Media Workers (www.ssnm.mk) - SSNM⁶ was recently established (2010-2011) and includes media workers and journalists from all types of private media outlets. MRTV has a collective agreement for its journalists, but that is not the case of private media outlets. The lack of collective agreements within the privately owned media outlets, particularly with the national and regional broadcasters, is a disadvantage for the protection of journalists’ labour rights.

Other laws apply to employees in private entities/media outlets, as well as to those in the MRT:

- Law on Protection Against Harassment at Workplace (mobbing)
- Law on Employment and Insurance in Case of Unemployment,
- Law on Minimal Wages in Macedonia⁷
- Law on Pension and Disability Insurance
- Law on Employment of Disabled Persons
- Law on Employment and Work of Foreigners
- Law on Temporary Employment Agencies
- Law on Volunteering
- Law on Equal Opportunities for Women and Men
- Law on Labor Inspection
- Law for Peaceful Resolution of Labor Disputes
- Law on Civil Procedure
- Law on Enforcement
- Law for Financial Support for the Unemployed
- Law on Social Protection

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³ The last final version of the text of the Law on the web page of the Ministry of Law is from 17.02.2014 and the last amendments took place on 29.07.2014
⁴ As of December 2014 the Law on Broadcasting Activity was replaced with the Law on Audio and Audiostream Media Services http://avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=mk
⁵ Official verdict of the Constitutional Court as of 24.04.2013 http://www.ustavensud.mk/domino/WEBSUD.nsf
⁶ The main goal of the Union is the preparation, negotiation and implementation of collective agreements / Based on Article 9 in the Statute of SSNM, http://ssnm.org.mk/statut/
⁷ 20 years after gaining its Macedonia was the only country in the Balkans that had not regulated the minimum wage. In 2012 the Macedonian Parliament adopted this law that sets the minimum wage at 39.6% of the average gross - salary in the previous year. Calculated in Denars, it meant that the minimum net - salary in 2012 was 8,050 denars / Saveski, H., Sadiku, A. Vasilev, K. (2013) Wealth and poverty in Macedonia from 2008 to 2012, Skopje, left movement Solidarity
Apart from all of the above-stated laws, it is important to emphasize that reforms took place in the media legal system in Macedonia upon an initiative by the Ministry of Information Society and Administration, in April 2013. After harsh reactions of the local and international media organisations that were against the content of the draft media law, this document was divided into two separate laws: the first one was the Media Law and the second one the Law on Audio and Audiovisual Media Services. In this context, it is more important to take into consideration the Media Law since it also refers to the working rights of the journalists, while the second one is focused on regulating the work of the broadcasting media.

The Law on Media in Article 2, indent 5, stipulates the definition of the journalist: **Journalist shall mean a person who collects, analyses, processes, edits and/or classifies information published in a media and is employed by the media publisher or has an employment contract with the latter, or is a person who provides journalist activities as an independent profession (freelance journalist);** not only the term journalist is defined here but it gives the legal obligation that the person should have an employment contract with the publisher in case he/she is not a freelance journalist. This formally excludes the persons to be recognized by the Law as journalists who are part of civil journalism or have a contract as volunteers in the media outlet. A Europe-wide generally accepted definition of “journalist” does not exist. Further, the Law on Media goes deeper in regulating the working relations of the journalists within the media outlet, hence in Article 11 that refers to the right of a journalist to express his position and refuse an order, it is stipulated: **The employment contract of the journalist may not be terminated, his/her salary may not be decreased or his/her position in the Editorial Board or Desk may not be changed, that is, the payment of the agreed compensation, in full or partially, as well as to reduce or terminate some of other rights determined in the Labor law, due to the expression of his/her position in case it is in accordance with the professional rules of journalism referred to in Article 10, paragraph (3) of this Law.**

(2) The journalist shall have the right to refuse to prepare, write or participate in compiling an article, the content of which is contrary to the professional rules of journalism, and he/she shall submit a written statement to the responsible Editor-in-Chief thereof. (3) The provisions of this Article shall not preclude the responsibility of journalists in the cases stipulated in the LLR. This provision formally protects the journalists if they are influenced by the editor, but it is not a guarantee that this can be applied in reality, having in mind the local context of the media work and the high level of political influence over the media owners.

### 3. General context of the labor rights of the media workers and journalists in Macedonia

**A) There is no specific collective agreement that promotes the rights of the media workers and journalists in the private media**

As a result, the relations between media owners and media workers together with the journalists are not regulated apart from the provisions of the laws that generally apply to the private sector. As a consequence, there is no minimal monthly salary for journalists that creates big discrepancies among the journalists’ income depending on the type of the media they work for. Labor and professional rights of journalists are not adequately protected (e.g. labor contracts). Job security is low, journalists work in unsafe conditions without regulated agreements, labor rights and salaries, thus affecting the relations of dependency and concessions to employers and their political or business sponsors. A direct result of this is the high level of insecurity felt by journalists, with the last surveys showing that 77% have said that their employment is uncertain, and 33.7% of them say that their employment is absolutely uncertain, while 43.3% think that their job is generally uncertain, which is a slightly lower degree of uncertainty.

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8 As of December 2013 the Broadcasting Law was replaced with Law on Audio and Audiovisual Media Services and in addition the Media Law was adopted http://avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=mk

9 Comment of DGI(2013)10 31 May 2013 OPINION OF THE DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW DEPARTMENT OF INFORMATION SOCIETY prepared on the basis of the expertise by Bernd Möwes ON DRAFT LAW ON MEDIA AND AUDIOVISUAL MEDIA SERVICES OF MACEDONIA


**B) Freelancers are affected**

In 2013 all 5 national TV stations with terrestrial license had in total 698 employees out of whom 527 were in regular employment (permanent) relation and 171 employees had the status of freelance (part time) employees. The situation in the regional and local media is even more emphasized in this context, which leads us to the conclusion that a large percentage of the media workers and journalists do not have regular, permanent working agreements. If the media worker/journalist does not have a regular working agreement there is no legal guarantee for meeting their basic working rights stipulated within the Law on Labor Relations, such as social and pension insurance, the right of vacation, sick leave, etc. Another aspect is the length of such agreements that vary from one to several months, which offers no social and economic security to the journalists, which directly results in self-censorship.

**C) Media market is distorted and this affects the labor conditions of journalists**

More than 200 traditional media outlets compete on a very small media market, which creates a harsh economic environment for the normal functioning of the private media. Apart from the public broadcaster (MTV), the vast majority of the country’s press is in private hands. However, the Government comes out at the top of among the 50 largest advertisers in the country in 2012 and it is on the first place in 2013. In order to survive, some of the mainstream media outlets (broadcasting print and online) do not criticize the Government and its reforms and in exchange they receive public funds in the form of governmental campaigns. Other critical media do not receive commercials from the state institutions/companies, regardless of the size of the audience. All that affects the income of the critical media outlets, and thus, the financial stability of the journalists. Additional pressure points are the court cases for defamation filed by high level politicians against journalists (the recent case of weekly Fokus) and a recent verdict of 4.5 years imprisonment for a journalist (the case of a journalist Tomislav Kezarovski) for an article published in the local print media in 2008.

**D) The right of strike**

There were cases when the right of strike in the media was limited, such example being the case of group of journalists from daily Utrinskinvesnik versus Media Print Macedonia (MPM) in 2011. In this case, the journalists who objected the newly introduced measures by the management within the media outlet were fired, which was followed by court procedures. The frequent changes and amendments to the LLR produced a series of repressive measures that tended to discourage strike. In that way a series of bureaucratic procedures are required to be completed before the start of a legitimate strike (e.g. only a trade union can organize a legal strike; an attempt of reconciliation between the parties is compulsory prior to organizing a strike, the organizers of the strikes are liable in case damages are caused to the employer, in which case a compensation will be paid to the latter, which undermines the meaning of the strike itself; the rights of the employees during the strike are reduced and a series of misdemeanor provisions against “undisciplined” striking are introduced etc).

**E) Change of the Law on Personal Tax**

In autumn of 2014, amendments of the Law on Personal Tax were introduced by which as of 1st of January 2015 all individuals who have monthly income based on copyright agreements or agreements for intellectual service which exceeds the minimal state salary (9,590 Macedonian denars or around 150 euros per month) will have to pay additional an tax for social and pension insurance.
So far the taxation, in general, was 10% of the intellectual services despite of the gross amount but with the new amendments this is about to be increased up to 35% since the share for health and pension insurance is added.

These changes were publicly criticized as unconstitutional. The signatories of the Charter of Solidarity of trade unions and associations for the protection of worker’s rights asked the Government to postpone the application of the amendments of the laws that introduce payment of taxes in order to open a space for a public debate on the repercussions of this measure. “We think that these measures will open the Pandora’s Box of additional reduction of the worker’s rights”.

In the media sector, as above stated, a large percentage of the journalists have copyright contracts or contracts for intellectual services. By introducing such a measure their net monthly income would be significantly decreased unless the media outlets do not increase the gross amounts. This is expected to lead to many layoffs in the media sector.

II. WORKING CONDITIONS AND LABOR MARKET – THE PERSPECTIVE OF JOURNALISTS IN MACEDONIA

1. Most problematic aspects on the media market of labor

The lack of collective agreements for the journalists, the temporary cooperation and livelihood insecurity due to low salaries are among the most commonly indicated problems by the interviewed journalists. “Colleagues in pro-government media are full-time employees, they have benefits, health, nobody is pressing charges for defamation against them, and they are just great.”

Honoraria - based cooperation as an issue is pointed out on the side of Internet portals. “They have the same obligations as regular employees, but do not have the same rights.”

One of the reasons indicated is that media owners do not perceive the work as a serious business. But, sources of financing are pointed out as even a bigger problem. “And it is not only a problem that the Government helps some of them and not the others … This is also a case with the companies … they feel confident to advertise where the Government advertises, it automatically creates problems for other media that are not servants of the power”.

There are also insufficiently educated journalists entering the media and they serve the interests of the management, as it was pointed out by some of the journalists interviewed. The limitation of the freedom of expression is another problem. Good journalists write texts in a way that is not even typical for a beginner. “Sometimes you can even see your name as an author of a text that is not yours”. Besides the employers and the editors, a large responsibility for this stays with the journalists as well, with the explanation that they have allowed this to happen. “Self-censorship is a hit in Macedonia, it was created and it still exists.

As indicated, there is also no organized system of evaluation of the work in the newsrooms.

Due to the situation in the media, “many professionals were forced to leave mainstream media. And, what do they do? They establish their own media outlet which they slowly develop”.

The opinions are divided about the activities and the reactions of the media community when a problem occurs related to the working rights of the journalists. Some of the journalists interviewed think that the media community is not sufficiently powerful to protect journalists because, as they say, the final word comes from the one that possesses the financial power. Besides this, there are remarks that the associations of journalists show political inclination towards one or the other political block.

18 Common Opinion of the signatories of the Trade Union Charter on the occasion of the introduction of payment of contributions for compulsory social insurance, available at http://lenka.mk/1910/#%D0%BD%D0%B8%D0%BD%D0%BE%D0%B2-%D0%BA%D0%B8-%D1%81%D1%82%D0%BD%D0%B2-%D0%BD%D0%BE%D1%82%D0%BF%D0%BE%D1%83%D1%85%D0%B2-%D1%81%D0%BE%D0%B5-#VKFpz148R
19 Quote from an interview with a journalist from a daily and an Internet portal, conducted on November 28th, 2014
20 Quote from an interview with a journalist from a daily, conducted on November 26th, 2014
21 Quote from an interview with a journalist in a weekly, conducted on December 12, 2014
22 Quote from an interview with a journalist from an Internet portal, conducted on December 5th, 2014
23 Quote from an interview with a journalist from a daily, conducted on November 28th, 2014
24 Quote from an interview with a journalist in a weekly, conducted on December 12th, 2014.
According to the opinion of some of the interviewed journalists, the Association of Journalists trained journalists on many topics, and its role in the case of the journalist Tomislav Kezarovski[^25] is particularly assessed as positive, as well as in some cases when journalists faced the threat to be laid off from work. There are also opinions that the Government has a role in this, because it does not take into account the reactions of the Association of Journalists of Macedonia, and the same is thought for the employers. “It is successful to the extent possible”[^26]. There are also opinions that the Independent Trade Union of Journalists and Media Workers reacts on time and has helped in many cases. “I think that the Trade union mostly speaks about the problems of journalists”[^27].

The situation is also assessed as unsatisfactory in the public broadcaster. “It is a negative thing that journalists have been seen lately as pro-governmental and oppositional. There is a division in the organization itself”[^28].

The situation in Macedonia in this sphere is mostly compared with the one in Serbia, Montenegro and Bosnia and Herzegovina, while Croatia is thought to be in a better position. Still, there is an opinion prevailing that the media community is much stronger in the other countries of the region. “We are far away from there”[^29].

Only few journalists are satisfied with the working conditions in the media, i.e. they are satisfied with the fact that they receive the salary on time, have vacation, good equipment, etc.

### 2. Recommended measures and good practices for resolution of the problems

One of the most frequently recommended measures by the journalists which were interviewed is that the Government should stop the practice of imposing control over media content. Furthermore, journalists think that it is necessary for them to have better salaries, safety and appropriate working conditions. The situation would be improved if their work is regulated with an agreement, while also having a minimum salary defined.

„Maybe there should be collective agreements made”[^30]. The definition of clear and precise agreements for work, in their opinion, would mean „clarification of what is meant by the work of the journalist, his/her duties, and the responsibilities by the media owners”[^31].

On the other hand, to improve the media situation there is a need to change the awareness of journalists. To achieve the expected changes, there is a need of unity in the media community, as well as unification around common goals.

At the same time, there is a need for self-regulation in the media as well as improvement of the professionalism of journalists. “The combination of the choice of content, professional work, seriousness of approach is the key to attract sponsors and audience.”[^32]

It is also necessary to strengthen the capacity of the Union, or the development of its structure, as well as regular payment of membership. “But it needs to be more aggressive in its action.”[^33]

The investment of foreign capital is also a solution that is proposed to improve the working conditions in the media. The way out of the situation for some journalists is in the establishment of new media.

One of the proposed measures is to also establish a fund for investigative journalism in the media outlets themselves.

[^25]: The journalist Tomislav Kezarovski was arrested in May 2013 because of a text written and published five years ago in the journal Reporter 92. According to the indictment, he disclosed the identity of a protected witness in the court case known as “Oreshe”. Faced with unprecedented situation in the history of the Macedonian journalism, this journalist was detained for a written text, after which a group of journalists formed an initiative board to release Kezarovski.

[^26]: Quote from an interview with a journalist from a print media/news agency conducted on December 3rd, 2014

[^27]: Ibid

[^28]: Quote from an interview with a journalist in MRTV conducted on December 5th, 2014

[^29]: Quote from an interview with a journalist in a weekly, conducted on December 12th, 2014

[^30]: Quote from an interview with a journalist from a national TV, conducted on December 4th, 2014

[^31]: Quote from an interview with a journalist in a national TV, conducted on December 11th, 2014

[^32]: Quote from an interview with a journalist working for an Internet portal, conducted on December 4th, 2014

[^33]: Quote from an interview with a journalist in the public broadcaster, conducted on December 9th, 2014
3. Access to the EU and working conditions for journalists

Some journalists believe that the harmonization of legislation with the EU will not affect the domestic laws concerning the labor rights and working conditions of journalists. On the other hand, some believe that the state makes changes on paper, pro forma, but not essentially.

Part of journalists thinks that the harmonization with the EU is not felt in the everyday work of journalists.

The investment by the German media group WAZ\(^{34}\) is considered by some of the journalists as practicing the same or similar policies of employment as in the state of origin, while others think that bad, regional, practices were implemented much different than the ones in the state of origin. „They adjust to the already established practice in the media... They accept the conditions here and do not respect the same principles”\(^{35}\).

Still it is thought that the media group enabled affirmation of the ethics in journalism. “WAZ is the only example which maybe brought some standards, safety of journalists in terms of their salaries, position, working status”\(^{36}\). The reasons for withdrawing of WAZ are explained with the political pressure made. „They have quickly withdrawn after the pressure made”\(^{37}\).

CONCLUSIONS

Media and journalists are faced with a difficult working environment in Macedonia, which is characterized by a lack of social and economic stability. This also resuly in pressure exreted over the media and journalists by editors, media owners and other centers of power, which in turn contributes to the increase of censorship and self-censorship. The effect of social insecurity results ina lack of motivation, avoidance of investigative journalism and politically inappropriate topics, which in turn inevitably leads to improvisation in journalistic work\(^{38}\).

The situation would be improved if journalists’ work is regulated with an agreement and if a minimum salary is defined. Low salaries of journalists, as well as cases of contracts that are not permanent and lack of collective agreements in the private sector, as well as the weak unions contribute to the poor working environment, particularly in the critical media. This also affects the level of respect for professional standards in informing the public and therefore the audience often gets poor quality information full of stereotypes and even hate speech. As a direct consequence, the mainstream media show partiality and subservience in favor of political and business elites and are not oriented towards the needs of the public for a proper and objective informing. Therefore, most of the journalists recommend that the Government should stop imposing a control over the media content.

The new measure meant to increase the personal income tax of the persons who are engaged with copyright contract or contracts for intellectual services (for example, freelancers) as of January 1, 2015 will be applied to a number of journalists, which will lead to further weakening of economic and social security. Trade unions and associations for the protection of worker’s rights asked the Government to postpone the application of the amendments in order to open a space for a public debate on the repercussions of this measure.

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\(^{34}\) WAZ (WAZ – Westdeutsche Allgemeine Zeitung) based in Essen, Germany, entered the market in Macedonia in 2003, when it took over the dailies: “Dnevnik”, “Utrinski vesnik” and “Vest”. The company Media Print Macedonia was established then. After nine years of ownership by WAZ, the media group Media Print Macedonia was sold to the company Orka Holding in 2012.

\(^{35}\) Quote from an interview with a journalist in a national TV, conducted on November 25th, 2014

\(^{36}\) Quote from an interview with an editor of an Internet portal, conducted on December 5th, 2014

\(^{37}\) Quote from an interview with a journalist from a national TV, conducted on November 26th, 2014

The current report is part of a series of similar works produced from June 2014 to March 2015.

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- Ilda Londo – Albania
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- Marina Tuneva and Slavco Milenkovski - Macedonia
- Marijana Camovic - Montenegro
- Dejan Kozul - Serbia.

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Employment and working conditions for the journalists in the Republic of Macedonia