

DECENT WORK: AN INCLUSIVE AGENDA

Kosovar Gender Studies Center (KGSC) (www.kgscenter.net)

KGSC has contributed in gender integration since 2002 and it continuously tries to achieve gender equality in Kosovo. It has been the initiator of changes against the discriminatory system, social norms and double standards within the Kosovar society and it is very active in monitoring public institutions. The mission of KGSC is the integration of gender-sensitive analyses, programs and policies in all sectors of the Kosovar society by raising gender awareness and by focusing on gender issues, developing gender studies, and ensuring that there is inclusion of gender-sensitive policies through research, policy-making, advocacy, and lobbying.

Responsibility:

This position paper has been completed with the financial support of the Kingdom of Netherlands. The content of this document is a responsibility of KGSC only, and in no way does it reflect the official position of the Kingdom of Netherlands.

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INTRODUCTION

Labor is a human right and a human need. As such, it is guaranteed by a variety of international and local conventions in Kosovo. However, it is a field of deprivation, violation of human rights and extension of discriminatory social practices. Currently, the organization of work within the formal labour market is organized in terms of gender, race, physical abilities and other social hierarchies, which represents a challenge for the respect of human rights and the development of human capacities.

In response to problems that derive from labour organization concentrated in economic growth, the advocating current that calls on the organization of the labour market based on a human rights approach has been intensified. This paradigm has been presented internationally in the scope of the Decent Work Agenda pushed by the International Labor Organization. Currently, decent work is winning each time and more in the field in the articulation of work relations. Nevertheless, this is being challenged by the continuous changes of the labour nature and market organization. Paid work is getting more and more unstable and unsafe, transforming into a market where the employer-environment and work-employee rapports are the subjects of continuous transformation. With the empowerment of the neoliberal organization of the labour market, the traditional regulatory mechanisms are being devalued by creating new work rapports, increasing entrepreneurship, self-employment, temporary contracts, and virtual jobs. Labor is being organized in new trails already, which lays the need for extension of analyses and legal basis for the protection of employees.

Continuous changes in the modality of creating work relationships and its development are not being followed by normative changes. On the contrary, existing norms which are discriminatory for a considerable part of the workforce, including women, underprivileged sexual groups, ethnic and racial minorities, persons with disabilities, migrants, and so forth, have been put in the service of economic growth of the market.

This position document identifies some of the current struggles and challenges in organizing the labour market in Kosovo from the prism of human rights for decent work. Through the identification of the more concerning issues, the document positions itself in listing the public policies for the key actors for interventions in the labour market with the purpose of enhancing current norms and practices at work, with an emphasis on the report with the underprivileged social groups. The document targets the more sensitive social groups in Kosovo, which stand at the bottom of the social and economic hierarchy and gives a stance in including and respecting their rights, as a precondition for the implementation of decent work. The agenda for decent work requires an intersectoral approach and commitment, including the governments, the specialized mechanisms, employers, labour organizations, and the civil society.

AN OVERVIEW OF THE LABOR MARKET IN KOSOVO

In Kosovo, the labour market remains mainly exclusionary and discriminatory. Besides the weak opportunities to absorb the workforce that damages to a large extent the right to work in the workforce, the labour market in Kosovo marks a field where human rights are violated.

Based on the latest data from the Kosovo Agency of Statistics, the degree of participation in the workforce is 40.6%. Out of this, the degree of employment for men is 49.9%, whereas for women it is 17.1% [1]. Based on these data, labour sectors remain segregated on gender basis. The records show that women are mainly employed in the education, trade, and healthcare sector, consisting 51.8% of them. On the other hand, the construction, production, and trading sectors are dominated by men with 42.3% [2]. Another evident trend is the increase of unsafe and temporary work in Kosovo. According to KAS, 42.8% of the employed persons have permanent contracts in their primary job, while 57.2% have a temporary one [3].

Institutional data disaggregated on ethnic basis are missing. However, various researches have found that marginalized communities are less employed compared to the Albanian community in Kosovo. Nevertheless, the available data about the economic and social situation of the Roma, Ashkali, and Egyptian communities in particular suggest a high level of unemployment among these communities and disturbing practices of excluding them from the labour market on racial grounds. Further, the employment of people in these communities in qualitative terms is unstable and often discriminatory, given that people from these communities are employed in poorly paid temporary jobs [4]. Moreover, persons with disabilities are also majorly excluded from the labour market, as well as from the state policies that would address their inclusion in the state strategies for employment [5]. In the case of the sexually marginalized groups (LGBTIQ+), although the data for their degree of employment in Kosovo are missing, prior research suggests a high level of marginalization of these individuals in the labour market [6].

[1] Kosovo Agency of Statistics, 2021, Survey on Workforce, TM3 2021, accessible on: <https://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves/add-news/anketa-e-fugise-punetore-afp-tm3-2021>

[2] Ibid

[3] Ibid

[4] Voice of Roma, Ashkali and Egyptians, 2022, National Research on Anti Gypsyism in Kosovo, accessible on: <https://www.vorae.org/sq/raportet>

[5] Aliu, Y., 2018, Policies on the Employment of persons with disabilities in Kosovo, ResearchGate

[6] CEL, 2021, Beyond laws: Testing the capacities of institutions of Kosovo to protect social-economic right of LGBT persons, accessible on: https://cel-ks.org/ep-content/uploads/BEYOND_LAeS_ALB.pdf

DIGNITY AT WORK: INTERNATIONAL STANDARDS

Decent work is a complex field which aims to organize relations at work from a human rights perspective. As such, it includes a wide range of principles on which the organization of the labour market is invoked. The concept of decent work has been discussed since 1999 at the International Labour Conference of the International Labour Organization (ILO) at its 87th session [7].

"The main purpose of the International Labour Organization today is to promote opportunities for women and men to have decent and productive work under conditions of freedom, equality, security and human dignity."

The General Director of ILO, 1999 [8]

At the Conference, the International Labor Organization has sanctioned four main areas [9] that fall within the definition of decent work:

- Full and productive employment;
- Social protection;
- Rights at work, and;
- Promotion of social dialogue.

Understanding labour in this perspective includes not only the aspect of employment but also the quality of employment, as well as expands the spectrum of demand for protection in the informal sector as well. These rights include the right to decent working conditions, safety and security at work, social dialogue and labour negotiations with workers, employers and other relevant authorities. Furthermore, in this agenda, the social rights of workers are sanctioned, including the right to non-discrimination, to organization, freedom from forced labour, and child labour [10].

Over the years, decent work has taken a central place in the discourse of the International Labour Organization, which has expanded and clarified the four key indicators that are part of the agenda for decent work. Decent work is not a fixed definition in place and time, it is closely related to the context and period in which it is applied as well as existing challenges. Consequently, the Decent Work Agenda currently includes a framework of ten substantive elements based on a broader human rights perspective, which moves beyond equality and equal treatment to the recognition of underprivileged social categories.

[7] ILO, 1999a, Report of the General Director: Decent work, International Conference of Labour, session 87, Geneva

[8] Ibid

[9] Ibid

[10] Ibid

They include:

- Employment opportunities;
- Adequate earnings and productive work;
- Decent working time;
- Combining work, family and personal life;
- Work that should be abolished;
- Stability and security of work;
- Equal opportunity and treatment in employment;
- Safe work environment;
- Social security and
- Social dialogue, employers' and workers' representation [11]

Additionally, the International Labour Organization adopted the Violence and Harassment Convention in 2019. This Convention recognizes violence and harassment at work as a violation of human rights and an act that directly violates rights at work and aims to combat it through defense mechanisms, declaring it unacceptable. The Convention targets a wide range of issues that fall under it, including non-discrimination, safety, health, and the prohibition of all forms of harassment [12].

The International Labour Organization remains the key entity that articulates policies and perspectives on work, increasingly emphasizing a human rights approach to work. However, in addition to the ILO, the expansion of the discourse on decent work and the guarantee of human rights is also observed in UN bodies and legal instruments that advocate for wider inclusion in the labour market and respect for rights at work. The Sustainable Development Goals promoted by the UN call for inclusive and sustainable economic growth, full and productive employment and decent work for all [13]. Furthermore, the EU has adopted a series of policies and directives that promote wider inclusion in the labour market, including the Work-Life Balance Directive which calls for changes to parental leave provisions aimed at increasing the number of women in the labour market and balancing child care to parents [14]. Moreover, at the beginning of this year, the Commission of the European Union has launched a communiqué which establishes a new strategy for the promotion of decent work in all sectors and policies inside and outside the EU and envisions the creation of an instrument which will ban products that are harvested from forced labour [15].

[11] International Labour Organization, 2015, Agenda for 2030, accessible on: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-lisbon/documents/event/wcms_667247.pdf

[12] International Labour Organization, 2019, Violence and Harassment Convention

[13] UN, Sustainable Development Goals, Objective no.8, accessible on: <https://www.globalgoals.org/goals/8-decent-work-and-economic-growth/>

[14] European Union, 2017, Directive on Work-Life balance, accessible on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0253>

[15] EU Commission, Commission sets out strategy to promote decent Work Worldwide and prepares instrument for ban on forced labour products, accessible on: <https://ec.europa.eu/social/main.jsp?langId=en&catId=1226&neesId=10172&furtherNees=yes>

DECENT WORK IN KOSOVO: INSTRUMENTS AND MECHANISMS

The transition from a planned economy to a free market economy restructured the organization of work in Kosovo through the growth of the private sector and the importation of the emphasized rules of neoliberalism. The transition to neoliberalism, in addition to redesigning the employee-labour relations, created the need for the creation of an adequate legal basis to respond to the protection of the economic rights of the citizens of Kosovo. After the war, the regulation of economic relations has been done in full harmony with international norms that prioritize the free market and the definition of human rights. The general spirit that has characterized the legal sanctions is the liberal spirit of human rights in the field of economic, social and political rights, which has also been reflected in restructuring economic relations after the war in Kosovo.

In the hierarchy of the legal basis that guarantees rights at work and non-discrimination is the Constitution of the Republic of Kosovo, which provides for the equal treatment of all citizens, the right to employment and the prohibition of forced labour [16]. Moreover, the Constitution of the Republic of Kosovo has integrated a number of international conventions of human rights which are directly applicable to the Republic of Kosovo and have priority in case of conflict over the provisions of laws and other acts of public institutions:

1. Universal Declaration of Human Rights;
2. Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
3. International Convention on Civil and Political Rights and its Protocols;
4. Framework Convention of the Council of Europe for the Protection of National Minorities;
5. Convention on the Elimination of All Forms of Racial Discrimination;
6. Convention on the Elimination of All Forms of Discrimination against Women;
7. Convention on the Rights of the Child;
8. Convention against Torture and Other Cruel, Inhuman and Degrading Treatment [17]

At the level of domestic laws, Kosovo has issued laws and created mechanisms for the protection and promotion of economic rights and the regulation of labour relations in order to advance dignity at work. In legal terms, the Labor Law, the Law on Protection

[16] Constitution of the Republic of Kosovo, 2008, Article 28; Article 49; Article 61; Article 21; Article 22, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

[17] Constitution of the Republic of Kosovo, 2008, Article 22, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

from Discrimination, the Law on Gender Equality and the Criminal Code are the legal acts that prohibit and in some cases criminalize the violation of human rights for and in employment relations. On the other hand, in addition to the governmental and judicial institutions that deal with the implementation and supervision of the implementation of laws in the field of non-discrimination and work, there are also other entities such as the Social Economic Council and Trade Unions which are directly engaged in social dialogue which in the instance the latter aims to advance dignity at work.

Labor Law - It is the most important act in the regulation of labour relations in Kosovo. The Labor Law, issued in 2010, regulates the rights and obligations that are created in the labour market in Kosovo in the public and private sectors. Designed to adapt to the free market, the Labor Law in its 100 articles regulates entering employment contracts, the rights of workers, the responsibilities and obligations of employers, working conditions, trade union organization and specific rights, such as the right to family planning for workers that comes with specific rights. According to the Labor Law, pregnant and breastfeeding women enjoy special protection from certain jobs that are considered dangerous to their health [18].

The supervision of the implementation of the Labor Law is carried out by the Labor Inspectorate (LI). It is an independent body that operates within the Ministry of Finance, Labor and Transfers. The inspectorate is mandated to monitor the implementation of the legislation in force in the regulation of labour relations, safety and health at work. The Labor Inspectorate operates at the central level and in regional offices covering the seven regions of Kosovo [19].

The Law on Protection from Discrimination - Prohibits and provides protection from discrimination based on nationality or affiliation with any community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religious belief, and so forth [20]. The law applies to all actions or inactions of all state and local institutions, of natural and legal persons, of the public and private sector, which violate, have violated or may violate the rights of any person or natural and legal persons, in all areas of life, including discrimination in employment, opportunities for training and professional development, working conditions, membership in trade unions and social protection.

Law on Gender Equality - Protects and promotes gender equality and guarantees equal opportunities and treatment of women and men in all areas of life, including the public and private spheres [21].

[18] Official Gazette of the Republic of Kosovo, 2010, Law no. 03/L-212, Law on Labor, accessible on: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2735>

[19] Official Gazette of the Republic of Kosovo, 2002, Law no. 2002/9 on Labor Inspectorate in Kosovo, Law no. 03/L-017 on Amendment and Supplementation of the Law on Labor Inspectorate 2002/9, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3252>

[20] Official Gazette of the Republic of Kosovo, 2015, Law no. 05/L - 021, Law on the Protection from Discrimination, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10924>

[21] Official Gazette of the Republic of Kosovo, 2015, Law no. 05/L-020 on Gender Equality, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923>

The Criminal Code of Kosovo - Protects the economic rights of citizens in several articles, thus criminalizing various forms of discrimination that include harassment and other sexual crimes in the workplace, violation of rights in labour relations, including the rights related to employment, termination of employment, wages or other income, duration of working hours, absence from work and protection of women and persons with different disabilities; violation of employment and unemployment rights; violation of the right to management; violation of the right to strike; violation of social security rights; as well as the misuse of social security rights [22].

Social Dialogue - It is one of the key pillars of the Decent Work Agenda developed by the International Labour Organization. Social Dialogue refers to all types of negotiations, consultations or exchanges of information among government representatives, employers and employees on issues of common interest related to economic and social policies [23].

Social Economic Council - It is a national level body, which leads consultations and makes proposals to the competent bodies on issues from labour relations, social welfare and other issues related to economic policies in the Republic of Kosovo. According to the law on SEC, it has the function of advising and guiding the institutions of Kosovo, encouraging consultations between the parties, signing collective agreements, proposing the minimum wage, and so forth [24]. The Social Economic Council consists of workers' organizations (Trade Unions), Employers' Organizations and the Government of Kosovo.

Trade Unions - The Law on Trade Union Organization in Kosovo guarantees and promotes the right to voluntary trade union organizations and to join trade union federations for all employees [25]. Currently in Kosovo, the Union of Independent Trade Unions of Kosovo is the most powerful collective organization of workers in Kosovo, which includes 19 unions and federations [26].

Taken in general, Kosovo has consolidated a legal basis which can respond to the challenges in the labour market. However, despite the legal sanctions and the formalization of the representation of workers' interests, the laws and these mechanisms remain inaccessible to a broad measure of the labour force in Kosovo, thus privileging certain groups even within the working class.

[22] Official Gazette of the Republic of Kosovo, 2019, Criminal Code no. 06/L-074 Criminal of Republic of Kosovo, accessible on: <https://md.rks-gov.net/desk/inc/media/6A2D4377-6AE1-4530-909F-3FB2680CD1EC.pdf>

[23] International Labor Organization Organizata, Social Dialogue accessible on: [https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm\)%20%20a](https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm)%20%20a)

[24] Official Gazette of the Republic of Kosovo. Law no. 04/L-008 on the Social Economic Council. Article 5. 10 August, 2011. Accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2747>

[25] Official Gazette of the Republic of Kosovo, 2011, Law no. 04/L-011 for Organizing Union Trade in Kosovo, accessible on: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2754>

[26] The Union of Independent Trade Unions of Kosova, About us, accessible on: <http://www.bspk.org/index.php/ct-menu-item-20/ct-menu-item-26>

LABOR FROM THE PRISM OF UNDERPRIVILEGED SOCIAL GROUPS

This part provides initial data on the (dis)satisfaction of the social and economic rights of the targeted groups in this document in order to provide consistent and effective policies for their wider inclusion in the labour market with decent conditions.

The neoliberal organization of labour that centers profit and economic growth has multiple impacts on the welfare of workers. It has been argued that work today is becoming more and more insecure, accompanied by high flexibility and temporary contracts, which is affecting workers asymmetrically. Marginalized social groups tend to be the most vulnerable workforce, as they constitute the cheapest workforce [27]. Further, promoting the accommodation of underprivileged groups in the formal economy through entrepreneurship and self-employment affects these groups more since the promise of achieving decent work through the independence that this type of employment offers remains contested [28]. This is due to the uncertainty that prevails and the ways of regulation that often leave the self-employed in the informal market and without institutional protection.

Women

The available data show a continuous trend of the exclusion of women in the labour market. Since the war, the trajectory of women's employment has centered around 13% of employed women. In the survey of the last quarter of the Kosovo Agency of Statistics, it appears that in 2021, about 17% of women were employed in the labour market in Kosovo [29]. This number is significantly lower compared to employment among men, which is 49.9% [30].

Nonetheless, even when women enter the labour market, they face a series of barriers and discriminations that are closely related to their gender identity. It has already been discussed that women tend to be accommodated in lower positions and paid less

[27] Gordon, T., 2019, Capitalism, neoliberalism, and unfree labour. *Critical Sociology*, 45(6), 921–939.;

Wilton, R., & Schuer, S., 2006, Towards socio-spatial inclusion? Disabled people. *Neoliberalism and the contemporary labour market. Area*, 38(2), 186–195.

[28] Tabatabai, A., 2020, Mother of a person: Neoliberalism and narratives of parenting children with disabilities. *Disability & Society*, 35(1), 111–131

[29] Kosovo Agency of Statistics, 2021, Workforce survey, Third quarter, Kosovo Agency of Statistics, accessible on: <https://ask.rks-gov.net/media/7072/afp-tm3-2021.pdf>

[30] Ibid

compared to men [31]. Women are subject to various forms of harassment, with special emphasis on sexual harassment. A research conducted by KWN found that 24% of employed women have experienced some form of sexual harassment at work [32].

Correll, Benard, and Paik suggest that women who have children face significantly more discrimination in the workplace because of the ideas related to femininity and the role of women as mothers and its disagreement with the idea of the "ideal worker" [33]. Research finds that mothers have fewer opportunities for employment and their work is significantly more devalued compared to men or even women who do not have children [34]. In Kosovo, the Kosovo Women's Network has found affirmative trends of discrimination against women on the basis of their parental status, including disrespecting maternity leave, termination of contracts, disrespecting the rights of pregnant or maternity workers [35].

Although the discourse on the need for the inclusion of women in the labour market for the purposes of economic development of the country has strengthened in recent years, the reflection on the improvement of economic well-being is a little sensitive. Insisting on the numerical increase of women's participation in the market, without stable and gender-sensitive policies, does not provide quality work and protection to them. Furthermore, one of the unsurpassed problems revolves around care work which remains unrecognized and unpaid as work in the current legislation of Kosovo and the feminization of this work which still continues to weigh mainly on the shoulders of women.

Minority ethnic groups

The Roma, Ashkali and Egyptian communities remain among the most excluded categories in Kosovo, remaining on the margins of Kosovar society and at the bottom of the socio-economic hierarchy. According to the population census in 2011, it is estimated that 8,824 Roma, 15,436 Ashkali and 11,524 Egyptians live in Kosovo. Respectively, the Roma community constitutes 0.51% of the population in Kosovo, the Ashkali community 0.89% and the Egyptian 0.66% [36]. However, according to the OSCE report, these figures are not completely accurate since the census does not include all members of the communities and the census was not carried out in the four northern municipalities of the Republic of Kosovo [37].

[31] Youngjoo. Ch., 2013. "Overwork and the Persistence of Gender Segregation in Occupations." *Gender & Society* 27: 158-184.

[32] Banjska, I., Ryan, D., Banjska, E., Farnsworth, N., Demiri, L., Sijarina, L., Tërshani, A., Berisha, R., Breznica, B., 2022, Gender-based discrimination and employment in Kosovo, Kosovo Women's Network, accessible on: <https://womensnetwork.org/wp-content/uploads/2022/04/RrGK-Diskriminimi-me-Baze-Gjinore-dhe-Punesimi-2022-2.pdf>

[33] Correll, Shelley J., Benard, S., Paik, I., 2007, "Getting a Job: Is there a Motherhood Penalty?" *American Journal of Sociology* 112: 1297-1338.

[34] Ibid.

[35] Banjska, I., Ryan, D., Banjska, E., Farnsworth, N., Demiri, L., Sijarina, L., Tërshani, A., Berisha, R., Breznica, B., 2022, Gender-based discrimination and employment in Kosovo, Kosovo Women's Network, accessible on: <https://womensnetwork.org/wp-content/uploads/2022/04/RrGK-Diskriminimi-me-Baze-Gjinore-dhe-Punesimi-2022-2.pdf>

[36] OSCE, 2020, Overview of Roma, Ashkali and Egyptian communities in Kosovo, accessible on: https://www.osce.org/files/f/documents/c/c/443590_2.pdf

[37] Ibid.

Kosovo provides special protection and rights [38] for minority communities. According to the Constitution and the laws in force, the Roma, Ashkali and Egyptian community enjoy affirmative and reserved measures in the assembly of representation in central and local representative institutions, employment and higher education [39]. So far, two national strategies have been implemented for the reintegration of the Roma, Ashkali and Egyptian communities (2009-2015; 2017-2021), which foresees the improvement of the level of education in these communities and employment and integration of these communities in society [40]. Furthermore, institutional mechanisms focused on community issues have been established, including the Consultative Council for Communities within the Office of the Presidency, whose mandate is to collect and articulate the views of communities, coordinate and consult between communities, communicate with state institutions and provide recommendations for the allocation of resources for the relevant initiatives [41]. The Committee on Rights and Interests of Communities and Returns, Office on Good Governance (OGG), Office of Community Affairs which functions within the OGG, Office of the Language Commissioner, Municipal Offices for Communities and Return, Municipal Committee for Communities. In higher education, MESTI has issued the administrative instruction for determining reserved places for members of the Roma, Ashkali and Egyptian communities [42].

However, despite the existence of these affirmative measures in the institutions of the Republic of Kosovo, the use of these rights is unsatisfactory because they are often inaccessible to communities. Furthermore, people coming from these communities face multiple discriminations that lead to fewer opportunities for education, employment and inclusion in public life in Kosovo. It has already been argued that the decline of socialist systems and the transition to neoliberal systems has led to the formation of the underclass, which refers to the lowest class of society which is systematically excluded in the sphere of education, employment and is geographically segregated, falling also under the working class. Comparative research has found that in some Eastern European countries, Roma constitute a sub-class, such as the case of Bulgaria where Roma are largely excluded in all spheres of public organization [43]. The reason for this exclusion, apart from being based on racist practices, is also patriarchy, which affects the gendered experience of poverty, affecting women asymmetrically compared to men [44].

[38] Brunner, G., Küpper, H., 2002. European Options of Autonomy: A Typology of Autonomy Models of Minority Self-Governance. In *Minority Governance in Europe*, edited by K. Gál. Budapest: Open Society Institute, pp. 11-36.

[39] Constitution of the Republic of Kosovo, 2008, Article 22, accessible on: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

[40] Office of the Prime Minister, 2017, Strategy for the Inclusion of Roma, Ashkali and Egyptian community in the Kosovar society 2017-2021, accessible on: <https://www.rcc.int/romaintegration2020/files/admin/docs/a8e1293c6955519e788ae28d84fb11a4.pdf>

[41] Office of the Presidency, 2017, the Statute of the Consultative Council for Communities, accessible on: https://president-ksgov.net/repository/docs/2017_12_26_154643_STATUTI_I_KESHILLIT_KONSULTATIV_PER_KOMUNITETE.pdf

[42] Ministry of Education, Science, Technology and Information, 2016, AI NO.09. Application of affirmative measures and reserved places for registration of candidates from non-majority communities in public institutions of higher education, accessible on: <http://masht.rks-gov.net/uploads/2016/06/ua-masht-09-2016-aplikimi-i-masave-afirmative-dhe-vendeve-te-rez-al.pdf>

[43] Széleányi, I., Ladányi, J., 2006. "A Cross-National Comparative Study of Ethnicity and Poverty", *Patterns of Exclusion: Constructing Gypsy Ethnicity and the Making of an Underclass in Transitional Societies of Europe*. New York: Columbia University Press, pp. 123-185

[44] Rebecca, E., Fodor, E., and Széleányi, I., 2000. The Racialization and Feminization of Poverty? In *Poverty, Ethnicity, and Gender in Eastern Europe During the Market Transition* edited by J. R. Emigh and I. Széleányi: Greenwood, pp. 1-32.

The high level of racist norms and practices, also expressed in institutions, result in high levels of exclusion of people from these communities. Education, as a basic and mandatory right in Kosovo in the primary cycle, remains inaccessible for a significant part of these communities, which marks a decline with the advancement of the schooling cycle. This is then reflected on the low opportunities for employment in the labour market. As it is widely discussed, persons from these communities suffer multiple discrimination. Although there are no official figures on the overall employment of people coming from these three communities, research shows that employment remains at alarmingly low levels. In 2021, KGSC found that only 8% of women from these communities are employed in Kosovo [45]. Furthermore, employment among people from these communities is associated with temporary commitments, uncertainty, segregation and high informality [46]. Due to the low levels of education and racist practices existing in Kosovar society, the Roma, Ashkali and Egyptian communities are seen as a free labour force that is often accommodated in poorly paid jobs that are temporary engagements. Consequently, in these communities there are high levels of unemployment which is also reflected in the living conditions which are associated with high levels of poverty.

Marginalized sexual and gender groups (LGBTIQ+)

Marginalized sexual and gender groups (LGBTIQ+: Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+) form another grouping of social categories which, due to gender identity and sexual orientation, remain on the margins of Kosovar society. Global research has shown that LGBTIQ+ people experience violence, discrimination and exclusion in all areas, including family, education, employment and the development of public life.

In Kosovo, a number of laws including the Law on Protection from Discrimination, the Law on Labor and the Law on Gender Equality protect the right to equal treatment regardless of gender or sexual orientation. These laws ensure the implementation and protection of the economic and social rights of LGBTIQ+ persons. However, high gender norms and homophobia impel LGBTIQ+ people to experience institutionalized economic violence. Although there is no research that shows the extent or experiences of discrimination in employment or workplace, a CEL research conducted last year suggests that LGBTIQ+ people continue to remain one of the most discriminated groups in Kosovar society, economic and social rights of which are violated in all instances [47].

[45] Kosovar Gender Studies Center, 2021, The economic situation of Roma, Ashkali and Egyptian women in Kosovo, Kosovar Gender Studies Center, accessible on: https://kgscenter.net/site/assets/files/1790/gjendja_ekonomike_e_grave_rome-ashklike_dhe_egjiptiane.pdf

[46] Kosovo Foundation for Open Society, 2010. The situation of the Roma, Ashkali and Egyptian communities in Kosovo, accessible on: <https://kfos.org/al/publikime/11/position-roma-ashkali-and-egyptian-communities-kosovo>

[47] CEL, 2021, Beyond Laws: Testing Kosovo institutions' capacity to protect the socioeconomic rights of LGBT persons, accessible on: https://cel-ks.org/wp-content/uploads/BEYOND_LAWS_ALB.pdf

However, the experiences of discrimination among LGBTIQ+ people are more complex compared to the practices of discrimination among other identity groups examined in this document due to the fact that a significant part of LGBTIQ+ people do not openly perform their gender identity or show their sexual orientation. Institutionalized oppressive practices and visible violence against LGBTIQ+ people means that they often do not come out openly, which makes measurements of the frequency of discrimination more difficult to detect in public institutions.

Persons with disabilities

The Kosovo Agency of Statistics does not have any official data on the number of persons with disabilities in Kosovo. However, it is assumed that a total of 150,000 people with disabilities live in Kosovo [48].

People with disabilities are treated as a sensitive category in the Republic of Kosovo, which includes a significant part of them as beneficiaries of social services. Nonetheless, despite the guarantee of social protection, Kosovo has a number of laws in force that protect the economic and social rights of persons with disabilities, including the right to work. The Constitution of the Republic, the Labor Law and the Law on Protection from Discrimination explicitly prohibit any discriminatory practice against persons with disabilities. The Labor Law stipulates that "Direct or indirect discrimination of persons with disabilities during employment, job advancement and professional advancement is prohibited, if for that job position he is able to perform the job adequately" [49]. Nevertheless, beyond the laws, inclusion of persons with disabilities in the labour market remains low.

[48] Aliu, Y., 2018, Employment Policies of Persons with Disabilities in Kosovo, ResearchGate

[49] Official Gazette of the Republic of Kosovo, 2010, Law no. 03/L-212, Law on Labor, accessible on: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2735>

PUBLIC POLICIES FOR DECENT WORK AND INCLUSION

The agenda for decent work requires a series of coherent policies that engage in promoting and creating opportunities for employment, protecting rights at work, achieving decent wages, under the conditions for equality and inclusiveness. It calls for a move away from the centralization of economic growth in public policy towards the inclusion of a human rights approach to work. The agenda for decent work requires intersectoral efforts and wider cooperation of public institutions, specialized mechanisms, employers and civil society in order to entirely realize the socio-economic rights of citizens. This approach is based on the need for the alignment of human rights and the principles of labour market organization, as prerequisites for the development of human capacities.

A comprehensive approach to decent work starts from the premise that work is not a commodity that can be bought at the expense of workers' well-being. It recognizes work as an important aspect of human dignity which must be preserved in any private or public relationship. Consequently, institutions related to work should start articulating requirements and policies from these principles, that first of all place the worker at the center and seek the advancement of human dignity.

Inclusion as a starting point aims to apply an approach which recognizes social inequalities and addresses them so that they are not reflected in the maintenance of oppressive relations in the labour market. This agenda aims to transform the organization of the labour market into a public good and square the asymmetry created between capital and labour, guaranteeing balanced relations and labour rights. These transformations call for intersectoral mobilization, localization of key delays in the implementation of laws in force as well as possible gaps, restoring the dignity of workers through the strengthening of trade union representation and combating discriminatory norms that disadvantage underprivileged groups even within the working class.

The approach based on human rights builds opportunities for the formalization of work, reducing inequality and increasing security as preconditions for dignity at work, which currently represent some of the key challenges in the labour market in Kosovo and the wider implementation of the principles for decent work. Insisting that dignity at work is central for the economy to be at the service of developing healthy human capacities and not dictated by work pressure, below are listed a series of interventions which central and local institutions, employers, labour organizations and civil society are called to consider. These recommendations aim to help actors formulate public policies and interventions focused on underprivileged groups, in order for the decent work agenda to start from the bottom, from the most vulnerable groups in the country's economy.

Central Institutions:

- The Government of the Republic of Kosovo should harmonize public policies in accordance with international standards and local laws for non-discrimination and decent work;
- The Ministry of Finance, Labour and Transfers should initiate changes to the labour law and introduce another model of maternity leave in a period of 12 months. This model determines the payment for the first six months of maternity leave by the state, three months by the employer and three months to be unpaid;
- The Ministry of Finance, Labour and Transfers should favor safe work by proposing to reduce the period of calculating the contract as permanent from 10 as it is currently regulated to 5 years;
- The Ministry of Finance, Labour and Transfers should increase the capacities of the Labor Inspectorate at the country level in dealing with cases of discrimination at work through increasing the number of inspectors, training, disaggregation of identity-based data in databases; updating monitoring questionnaires and introducing indicators that detect discrimination in the workplace;
- Greater involvement of communities in public discussions. The Government of the Republic of Kosovo should include underprivileged communities in the drafting of public policies that affect the economic sector;
- Combat stereotypes against women, minorities, LGBTIQ+ persons and persons with disabilities by promoting their rights and skills for work;
- The Government of Kosovo, through the Office of the Prime Minister, the Ministry of Finance, Labour and Transfers and employment offices, should promote affirmative measures according to the legislation in force for underprivileged groups;
- Profiled strategic plans for the advancement of employment and protection at work for:
 - a. Women;
 - b. Roma, Ashkali, and Egyptian community;
 - c. Underprivileged sexual and gender groups, and;
 - d. Persons with disabilities.

- The Ministry of Finance, Labour and Transfers should promote and encourage the introduction and application of policies that promote non-discrimination in the workplace for the public and private sector. Policies include but are not limited to: policies for prevention and protection from sexual harassment in the workplace, code of conduct and other relevant policies for protection from discrimination at work including but not limited to non-discrimination on the basis of ethnicity, gender, sexual orientation and abilities of the person;
- The Government of Kosovo, through the Independent Oversight Board for the Civil Service, should push forward the introduction of the principles of inclusiveness and non-discrimination according to the legislation in force as indicators of the performance of public employers;
- Revitalizing collective representation. The Government of the Republic of Kosovo, through the Ministry of Finance, Labour and Transfers, should engage in the promotion of social dialogue and the importance of trade unions in the fairest organization of the labour market in Kosovo and the maintenance of democracy;
- Involving key public and civil society actors. The Government of Kosovo and relevant governmental actors should engage in substantive and holistic involvement of key actors and interest groups in the articulation of public policies on labour issues;
- Eliminating (forced) child labour. The Ministry of Finance, Labour and Transfers and the Labor Inspectorate should systematically engage in the elimination of child labour, especially in the minority communities Roma, Ashkali, and Egyptian;
- Promoting on the national level the rights to work and at work for all citizens as well as the instruments and mechanisms in force that protect them from any form of discrimination at work through awareness campaigns;
- Combating the stigmatization and exclusion of persons with disabilities from the labour market through awareness-raising and encouraging campaigns for the employment of persons with disabilities;
- Combating racial and gender segregation in the workplace by combating gender stereotypes and racist norms. The Government of Kosovo, relevant ministries and agencies should engage in combating racial and gender segregation at work in the public and private sectors;
- Concrete policy for the formalization of the labour market in Kosovo by promoting social protection and benefits for workers within the formalized economy;
- Facilitate and provide services registered as "self-employment" that mainly include care services in order to guarantee social protection for workers in this sector.

Local governments:

- Encourage the employment of persons from underprivileged groups through financial support for locally based employers;
- Approve the policies for protection against discrimination and the Policy for Prevention and Protection from Sexual Harassment for all civil staff in the respective municipality;
- Promote the affirmative measures according to the legislation in force for the underprivileged groups in official positions to the targeted groups in order for the affirmative measures to be applicable and accessible to the citizens;
- Combating stereotypes against women, minority communities, LGBTIQ+ persons and persons with disabilities by promoting their rights and skills for work;
- Promote at the municipal level the rights to work and at work for all citizens as well as the instruments and mechanisms in force that protect them from any form of discrimination at work through awareness campaigns;

Social Economic Council:

- Expand the concept of decent work from the prism of inclusiveness of underprivileged socio-economic groups;
- Increase the number of representatives in the Council from labour organizations and other relevant actors representing the interests and perspectives of underprivileged groups in the Council.

Employers:

- Draft and apply the Code of Conduct, the Policy for Prevention and Protection from Sexual Harassment as well as other relevant policies for diversity and non-discrimination in the workplace;
- Offer safe work environments, with decent salaries for all employees;

- Promote and encourage diversity and inclusion as a work culture and basic principle that will contribute to providing a safe environment for everyone, promoting non-discrimination against LGBTIQ+ persons, women, Roma, Ashkali and Egyptian communities as well as persons with disabilities;
- Provide opportunities for advancement in leadership positions to persons from socially marginalized groups;
- Cooperate with civil society and entities profiled in human rights and non-discrimination for updating the governing practices of the labour organization;
- Encourage independent trade union organization. Employers must respect and encourage the rights of workers to organize and represent their rights in the workplace in order to maintain a healthy work environment.

Civil Society:

- Civil Society Organizations as employers should apply comprehensive policies and respect workers' rights at work, including but not limited to the Code of Ethics, Nondiscrimination Policies, Policy for the Prevention and Protection of Sexual Harassment;
- Push forward the decent work agenda in public discussions from a comprehensive human rights perspective, emphasizing structural inequalities affecting certain identity groups;
- Provide training for public and private actors in human rights, diversity and non-discrimination issues with a sensitive approach to vulnerable social groups;
- Promote the rights to work and at work for all citizens as well as the instruments and mechanisms in force that protect them from any form of discrimination at work through awareness campaigns.

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