

# GENDER POLICIES IN CIVIL SOCIETY AND PRIVATE SECTOR



**USAID**  
NGA POPULLI AMERIKAN  
OD AMERIČKOG NARODA



Qendra Kosovare për Studime Gjinore  
Kosovar Gender Studies Center





# **Gender policies in civil society and private sector**

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# TABLE OF CONTENTS

EXECUTIVE SUMMARY	iv
INTRODUCTION AND METHODOLOGY	1
INTRODUCTION	1
METHODOLOGY	3
LEGAL FRAMEWORK, OTHER RESEARCH AND REPORTS	4
LEGAL FRAMEWORK	4
OTHER RESEARCH AND REPORTS	6
FINDINGS	9
DEMOGRAPHIC DATA	9
GENDER POLICIES IN THE WORKPLACE	10
MISSION	15
STAFF RECRUITMENT AND SELECTION	16
STAFF' CAPACITY BUILDING	18
SALARY AND CAREER MANAGEMENT	19
SEXUAL HARASSMENT	21
INFORMATION, COMMUNICATION, AND IMAGE	22
SEXUAL ORIENTATION	24
EQUILIBRIUM BETWEEN PROFESSIONAL, FAMILY, AND PERSONAL LIFE	25
DIRECT BENEFITS FOR EMPLOYEES	26
PARENTAL PROTECTION AND FAMILY ASSISTANCE	27
CONCLUSIONS	29
RECOMMENDATIONS	31
RECOMMENDATIONS FOR KOSOVO INSTITUTIONS	31
RECOMMENDATIONS FOR CIVIL SOCIETY	32
RECOMMENDATIONS FOR PRIVATE SECTOR	32
REFERENCES	33

# TABLES

<b>Table 1.</b>	Respondents' perceptions on three most important issues	11
<b>Table 2.</b>	Mission	15
<b>Table 3.</b>	Staff recruitment and selection	17
<b>Table 4.</b>	Staff' capacity building	18
<b>Table 5.</b>	Salary and career management	20
<b>Table 6.</b>	Sexual harassment	21
<b>Table 7.</b>	Information, communication, and image	23
<b>Table 8.</b>	Sexual orientation	24
<b>Table 9.</b>	Equilibrium between professional, family, and persona	25
<b>Table 10.</b>	Direct benefits for employees	26
<b>Table 11.</b>	Parental protection and family assistance	28

# GRAPHS

<b>Graph 1.</b>	Respondents' perceptions on three most important issues	13
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# EXECUTIVE SUMMARY

Private sector and civil society continue to not implement legal requirements deriving from local legislation, provisions of Law on Labour, Law on Gender Equality, and Law on the Protection from Discrimination provisions respectively, regardless that Constitution of Kosovo, applicable international conventions in Kosovo and other laws regulate the issue of protection from discrimination, gender equality, and other gender policies related issues.

The aim of this research was to provide an overview of the current state of gender representation in civil society and private sector. The treated issues in this research report include: respondent's perception for different gender policies in their organization and the existence of gender policies.

Based on the findings collected during the research, which included surveying one hundred and twenty entities, focus groups, and analysis of legislation and other documents, it seems that the two sectors involved in the research, private sector and civil society, face similar challenges concerning gender policies. The three most important issues, selected by 120 respondents, are: health insurance, salary, and contract duration with slight differences between the sectors. The private sector put in the three first places: salary, working conditions, and health insurance, while civil society considers that the most important issues are: health insurance, contract duration, salary and capacity building opportunities. Women selected health insurance as the most important issue, whereas men selected salary.

Based on the data collected on gender policies in private sector and civil society, Kosovar Gender Studies Center recommends the following:

- Government of Kosovo is recommended to draft the Law on Sexual Harassment in the workplace, as well as respective sub-legal acts for its implementation, which treat prevention and handling of sexual harassment in the workplace, both in the public sector as well as in the private sector and civil society;
- Government of Kosovo is recommended to ensure the implementation of the Law on Labour, Law on Gender Equality, Law on the Protection from Discrimination, with special emphasis on provisions concerning gender policies;
- Government of Kosovo is recommended to harmonize local legislation with European Union directives concerning women's protection in the workplace, equal opportunities in employment and equal treatment in the workplace;
- Department of Non-Governmental Organizations at the Ministry of Public Administration is recommended to utilize non-discriminatory language in all its documents, e.g. NGO statute, electronic system of non-governmental organizations;
- Labour unions and the Ombudsperson Institution are recommended to monitor the implementation of the Law on Labour and Law for work safety in order to protect employees' rights in these two sectors;
- Labour Inspectorate is recommended to include the gender perspective in informing employees for their rights to file complaints in case of violation of laws from employers;
- Government of Kosovo is recommended to organize trainings on gender policies in the workplace for employees in private sector and civil society;
- Government of Kosovo is recommended to draft family gender balance policies. This means support for men in undertaking more family responsibilities for children growth;



- Civil society is recommended to advocate to donors to implement Article 49 of the Labour Law regulating the maternity leave issue, since this is currently one of the biggest problem for this sector;
- Civil society is recommended to promote gender equality in its mission and policies;
- Civil society is recommended to include policies against discrimination and sexual harassment in their regulations;
- Civil society is recommended to encourage employed men in this sector in undertaking more family responsibilities for children growth by providing parental leave;
- Private sector is recommended to implement the Labour Law, Law on Gender Equality, Law on the Protection from Discrimination, with special emphasis in provisions concerning gender policies;
- Private sector is recommended not to use gender-based discriminatory language and images during the promotion of activities, products, and services, and
- Private sector is recommended to regulate policies against sexual harassment and discrimination on the grounds of sex or sexual orientation.



# INTRODUCTION AND METHODOLOGY

## Introduction

The research report “Gender policies in civil society and private sector” is prepared as an activity of the project “Gender mainstreaming in civil society and private sector” within the program Engagement for Equity, funded by the United States Agency for International Development – USAID, managed by the Advocacy Training and Resource Center – ATRC, and implemented by Kosovar Gender Studies Center.

The project treats gender equality and women’s empowerment as an integral part of the national social, political, and development agenda, recognized as being at the heart of progress towards, and achievement of, sustainable development. Gender equality means that women and men enjoy full and equal rights, responsibilities, and opportunities regardless of the sector and that gender equality principles should not only be applied in the public sector.

Gender mainstreaming is a globally recognized strategy for gender equality promotion. That is not solely a method, but a strategy, an approach, a means for achieving gender equality (UN Women, 2017). Furthermore, gender mainstreaming ensures that gender perspectives and attention for achieving gender equality are essential in all activities – policy development, research, advocacy, dialogue, legislation, distribution of resources and planning, monitoring of programs and projects.

The project “Gender representation in civil society and private sector” is designed to support civil society and private sector becoming more gender-sensitive. This project presents a broad range of strategies in several action areas that can be implemented by the entities (private sector and civil society), irrespective of the number of women involved in them.

In order to forward the overall objective of the project, the following specific objectives are aimed to be achieved:

- Contribute to a gender-sensitive civil society and private sector that respond to the needs and interests of both men and women in its structures, operations, methods, and work;
- Promote and achieve equality in numbers of women and men across all bodies and internal structures of organizations (Committees, Presidium, Boards, and other bodies);
- Develop a gender equality policy framework suited to national civil society context (inclusive of Sexual Harassment Policy and Code of Conduct for civil society and private sector); and
- Promote Gender Equality as the positive thing to do in the 21<sup>st</sup> century.

The aim of this research was to provide an overview of the current state of gender representation in civil society and private sector. The treated issues in this research report include:

- respondents' perception for different gender policies in their organization and
- the existence of gender policies.

Findings from this research should be used from the civil society organizations and private sector as an overview of the current state of gender representation in these two sectors. Consequently, the target group through this research includes private sector and civil society, but also the government as the legislative.

Recommendations from this report are addressed to all three target groups and are divided in three groups (according to target groups) and KGSC will monitor their implementation even after the completion of the project.

## Methodology

The methodology used to conduct this research has included the analysis of local legislation regulating the issues treated in the report and the international agreements or conventions applicable in Kosovo, surveying representatives of private sector and civil society through questionnaires filled out by one hundred and twenty entities, as well as organizing five focus groups / roundtables in five of the main cities in Kosovo (Pristina, Prizren, Gjilan, Ferizaj, and Gjakova).

The research sample includes an almost equal number of respondents from civil society and private sector, thus achieving to measure their perceptions concerning gender mainstreaming in both these sectors.

The questionnaire used consisted of twenty questions and took about ten minutes to be filled out. Questions were compiled from KGSC staff in cooperation with external consultants.

Recommendations include proposals deriving from the findings of the research as well as focus groups organized during the research period.

# LEGAL FRAMEWORK, OTHER RESEARCH AND REPORTS

## Legal framework

Constitution of the Republic of Kosovo (Assembly of Kosovo, 2008), as the highest juridical act, determines gender equality as fundamental value for democratic development of the country. Constitution prohibits, among others, discrimination on the grounds of sex and sexual orientation, and provides the opportunity for using “*measures necessary to protect and advance the rights of individuals and groups who are in unequal positions*” until the purpose for which those measures are imposed has been fulfilled.

Constitution foresees that, although Kosovo is not a signatory to major international agreements, all international instruments on human rights are directly applicable. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is also an integral part of the Constitution, respectively its Article 22, and in case of conflict it has supremacy against provisions of laws and other acts of public institutions.

CEDAW was adopted in 1979 from the UN General Assembly and has been ratified from 190 of 195 UN member states. The aim of CEDAW is to eliminate all forms of discriminations against women and to achieve full human freedoms and rights of women and men. According to CEDAW, women have the rights to apply in every paid job position and to be treated right when they ask for training or promotion. Furthermore, CEDAW regulates the issue of maternity leave as well as equal pay for equal work.

Discrimination on the grounds of sex is prohibited from Article 1 of the Law on Gender Equality. Moreover, equal treatment without direct or indirect discrimination based on sex and promotion of gender equality is obliged.

Law on the Protection from Discrimination aims at its prevention and fighting, increasing the effective equality and realization of the principle of equal treatment of Kosovo citizens from the law. This Law prohibits discrimination, either direct or indirect, and defines forms of discrimination, including harassment, victimization, and discrimination on the grounds of association.

Law on Labour, into force since 2011, regulates the rights and obligations of employers and employees, both in public and private sector in Kosovo. Article 5 of the Law on Labour prohibits all forms of discrimination both in employment and occupation, in respect of *“recruitment, training, promotion of employment, terms and conditions of employment, disciplinary measures, cancellation of the contract of employment or other matters”*.

Law on safety at work defines safety and health at work as an integral part of the work process organization, by taking prevention measures that aim at improving work conditions, employees' health protection, improvement of working environment, protection of physical and psychic health of employees and others who participate in the work process; as well as obliges the employer to carry out risk assessment at workplace for risk prevention.

## Other research and reports

The new EU Gender Action Plan (2016-2020) aims at focusing efforts of all parties in the EU (EEAS, Delegations, services of the Commission and member states) in four main themes: a horizontal for changing the institutional culture, and three thematic topics: girls' and women's physical and psychological integrity, their economic and social rights, and voice and participation. Among others, the EU framework, *Gender equality and women's empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020* emphasizes the necessity of gender mainstreaming and gender analyses as a basic step for gender equality and promotion, protection, and fulfillment of human rights of women and girls.

Beijing Declaration and Platform for Action, established at the Fourth World Conference on Women, held in September 1995, expressed the commitment to advance the aims of equality, peace development for women throughout the world, in benefit of humankind.

Among others, Declaration urges governments and other stakeholders to promote an active policy of inclusion of a gender perspective in all policies and programs, in order that, prior to taking decisions, to analyze it for the effects that policy/program has over women and men. Beijing Declaration encourages labour unions to achieve gender equality in their structures, including decision-making bodies, as well as in negotiations on all fields and levels (paragraph 192 d, pg.113).

In the World Summit for Social Development, held in Copenhagen in 1995, certain commitments were adopted as well as an Action Plan concerning fundamental employees' rights. These rights were further reconfirmed in the International Labour Conference in June 1998 where the Declaration on Fundamental Principles and Rights at Work and accompanying documents were adopted. This Declaration foresees



that all member states of the International Labour Organization shall respect and realize the principles such as freedom of association and recognition of the right for collective contract, elimination of all forms of forced labour, prohibition of children's work, and elimination of discrimination on the grounds of race, colour, gender, religion, political opinions, nationality, or social origin at employment and occupation.

A continuous engagement of gender mainstreaming is one of the most effective means of United Nations for supporting the gender equality promotion at all levels – research, legislation, policy making and field activities, to ensure that both women and men participates and benefit from the development efforts (UN, 2001).

Furthermore, one of the five aims of the Strategy for Gender Equality of the Council of Europe (2014-2017) is “achieving gender mainstreaming in all policies and measures”. The Strategy emphasizes that: “Gender mainstreaming is the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.”

Research “Discrimination in the job market: Impact of job vacancies in gender inequality” (GAP, 2017) shows that one of barriers of women in employment relates to job vacancies’ discriminatory language. Since, in the majority of vacancies, in particular in the job positions catalogue, the titles of job positions are put in masculine, whereas in the description of job positions at senior managerial levels a masculine codified language is noticed, whereas in job vacancies for lower positions a codified feminine language is noticed.

Commentary “Challenges for civil society organizations in Kosovo in implementing Labour Law provisions on maternity leave” (KCSF, 2013) shows that while it is reported that private sector faces difficulty in implementing maternity leave, the situation is even more problematic in the civil society sector, due to its specific nature of work and funding of civil society organizations in Kosovo.

# FINDINGS

Through this research, KGSC aims to establish an overview of current state of gender representation in civil society and private sector. Findings of this research report were collected through questionnaires filled out by 120 organizations from civil society and private sector. These data were analyzed in SPSS program (Statistical Package for Social Sciences).

## Demographic data

From 120 respondents, 61 were female and 59 were male. 108 respondents live in a city, whereas 12 in a village. Concerning professional qualification, the majority of respondents (64 or 53.3%) have a university degree and 40 or 33.3% post-graduate education. Only 6 (5%) respondents have completed high school, while 10 (8.3%) have a college degree. 61 or 50.8% of respondents work in private sector and 59 or 49.2% in civil society. Respondents are 20 to 63 years old, whereas the majority of respondents (83 or 69.2%) work 40 hours per week (as foreseen with the Law on Labour), while there are such who work overtime. The most frequent job position within the 120 respondents is *manager* with 45 (37.4%) in total, followed by *director's* job position with 29 (24%) and in the third place is the position of *coordinator* with 17 (14.1%).

## Gender policies in the workplace

Generally, respondents consider that their workplace is safe (88.3%). Only 4 (3.4%) respondents consider that their workplace is unsafe, whereas 10 (8.3%) are undecided. Concerning the safety issue of the workplace comparing with workplaces in public sector, 95 or 79.2% respondents see it as safer or same. Only 25 respondents see it as less safe.

Three most important or serious issues which respondents face in their workplace, according to their selection were: health insurance (18.3%); salary (16.7%); contract duration (15%). Salary and contract duration were also assessed as important from 14.2% respondents, while health insurance from 8.3%. Other selected issues as important from respondents were: working conditions (10%), promotion opportunities (6.7%) and professional growth opportunities (5.8%). Salary with 11.7%, contract duration and promotion opportunities (each 8.3%) were selected from respondents also as issues less important but among the three most serious issues. Other less important issues were: working conditions, health insurance, and maternity leave each with 7.5%.

Ethnic discrimination, sexual harassment, and paternity leave, although placed in the list of choices in the questionnaire, were not selected by any of the respondents among the three most important issues.

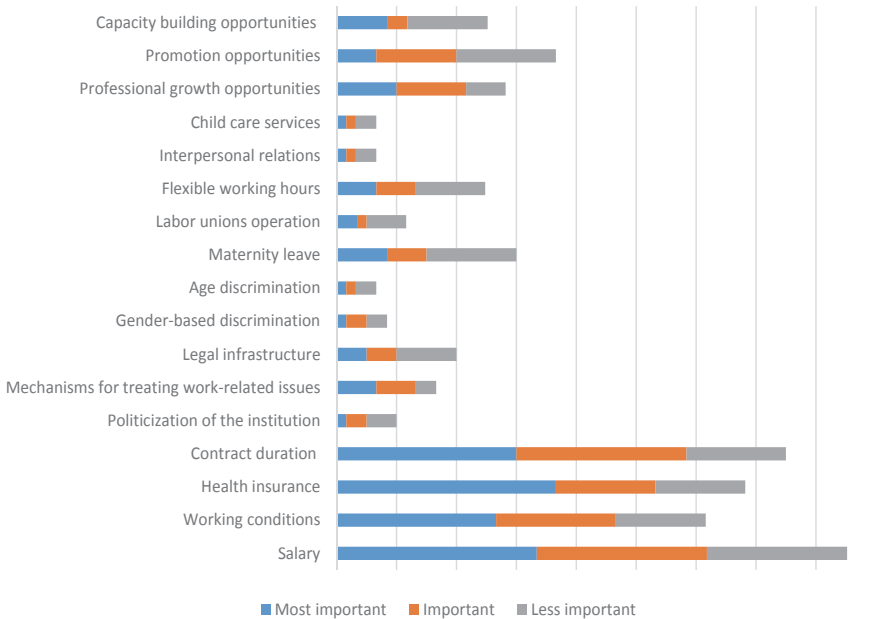
**TABLE 1.** Respondents’ perceptions on three most important issues

No.	Choices	The most important	Choices	Important	Choices	Less important
1.	Health insurance	18.3%	Contract duration	14.2%	Salary	11.7%
2.	Salary	16.7%	Salary	14.2%	Contract duration	8.3%
3.	Contract duration	15%	Working conditions	10%	Promotion opportunities	8.3%
4.	Working conditions	13.3%	Health insurance	8.3%	Health insurance	7.5%
5.	Professional growth opportunities	5%	Promotion opportunities	6.7%	Working conditions	7.5%
6.	Maternity leave	4.2%	Professional growth opportunities	5.8%	Maternity leave	7.5%
7.	Capacity building opportunities	4.2%	Flexible working hours	3.3%	Capacity building opportunities	6.7%
8.	Promotion opportunities	3.3%	Maternity leave	3.3%	Flexible working hours	5.8%
9.	Flexible working hours	3.3%	Mechanisms for treating work-related issues	3.3%	Legal infrastructure	5%
10.	Mechanisms for treating work-related issues	3.3%	Legal infrastructure	2.5%	Professional growth opportunities	3.3%
11.	Legal infrastructure	2.5%	Capacity building opportunities	1.7%	Labour unions operation	3.3%

12.	Labour unions operation	1.7%	Gender-based discrimination	1.7%	Politicization of the institution	2.5%
13.	Politicization of the institution	0.8%	Politicization of the institution	1.7%	Mechanisms for treating work-related issues	1.7%
14.	Gender-based discrimination	0.8%	Child care services	0.8%	Gender-based discrimination	1.7%
15.	Age discrimination	0.8%	Interpersonal relations	0.8%	Age discrimination	1.7%
16.	Interpersonal relations	0.8%	Labour unions operation	0.8%	Interpersonal relations	1.7%
17.	Child care services	0.8%	Age discrimination	0.8%	Child care services	1.7%

**GRAPH 1.** Respondents’ perceptions on three most important issues

Respondents perceptions on three most important issues



Based on more detailed analysis concerning the three selected issues from respondents as most important or serious, it is noticed that women, from these issues, chose: health insurance (16 or 26.2% from total number of women respondents), contract duration (8 or 13.1% from total number of women respondents) and working conditions (7 or 11.5% from total number of women respondents). Whereas men chose: salary (15 or 25.4% from total number of men respondents), contract duration (10 or 16.9% from total number of men respondents) and working conditions (9 or 15.3% from total number of men respondents) among the three most important issues. Moreover, maternity leave was selected from five women as one of the most important issues, but no men selected this issue. Concerning gender-based discrimination, only

one man chose this issue as one of the three most important. Whereas, age discrimination was selected by only one woman.

While, concerning the responses of respondents based on sector (private sector and civil society), a more detailed analysis shows that the three selected issues from respondents from private sector as the most important or serious were: salary (16 or 26.2% from the total number of respondents), working conditions (13 or 21.3% from the total number of respondents) and health insurance (7 or 11.5% from the total number of respondents). Respondents from civil society selected health insurance (15 or 25.4% from the total number of respondents), contract duration (12 or 20.3% from the total number of respondents), while an equal selection was done between salary and capacity building opportunities (4 or 6.8% from the total number of respondents). Only one person from civil society selected politicization of institutions as the most important issue and another selected age discrimination. On the other hand, gender discrimination was selected as the most important issue from only one person of private sector. Maternity leave, as the most important or serious issue, was chosen by two people from private sector and three from civil society.



# MISSION

Gender equality between women and men is a priority according to 73.3% respondents in their organizations or companies, while 13.3% does not consider it as such and 13.3% were not aware. While, 64.2% respondents affirmed that gender equality between women and men is emphasized in their strategic documents as an organization/company value, whereas 23.3% denied the existence of these strategies and 12.5% were not aware. Concerning the existence of gender policies of action plans for achieving gender equality, 44.2% respondents say they don't have something like that in their organization or company.

Some of the respondents declared they have gender policies or action plan but not in written or that they are within various documents.

**TABLE 2.** Mission

		Yes	No	I don't know
1.	For your organization/company, is equality between women and men considered a priority?	73.3%	13.3%	13.3%
2.	In strategic documents (e.g. reports, plans, regulations) is equality between women and men expressly mentioned as an organization/company value?	64.2%	23.3%	12.5%
3.	Does the organization/company have gender policies or an action plan to achieve gender equality? *	36.7%	44.2%	18.3%

*\*One of the respondents did not answer this question*

## Staff recruitment and selection

The majority of respondents, 72.5% respectively, declared that the principle of gender equality and gender-based non-discrimination is considered in staff' recruitment selection criteria and procedures in their organization or company. Concerning encouraging the application and selection of men or women for professions where they are underrepresented, 23.3% of them say they do not do it while 60.8% say they encourage this. According to 85.8% respondents, job vacancies do not contain indirect discriminating elements, such as marital status, gender, or age. Moreover, women and men are equally represented in selection commissions of 67.5% of surveyed organizations or companies, while only a small number of 10.8% keeps information disaggregated according to sex, related to the recruitment and selection processes carried out over the past five years.

From comments of some respondents it was understood that there are organization which due to their activity and lack of interest of employees of certain genders cannot ensure gender equality. Other respondents said they do not consider gender aspect, but skills and qualifications of candidates.

**TABLE 3.** Staff recruitment and selection

		Yes	No	I don't know
1.	Does the principle of gender equality and gender-based non-discrimination is considered in the staff' recruitment and selection criteria and procedures in your organization/ company?	72.5%	15.8%	11.7%
2.	Do you encourage the application and selection of men or women for professions/jobs where they are under-represented?	60.8%	23.3%	15.8%
3.	Do job vacancies contain indirect discriminating elements (e.g. marital status, gender, age)?*	7.5%	85.8%	4.2%
4.	In the constitution of selection commission does the principle of an equal representation of women and men preside?**	67.5%	15%	15.8%
5.	Do you keep information, disaggregated according to sex, related to the recruitment and selection processes carried out over the past five years??***	10.8%	66.7%	19.2%

\*Three of the respondents did not answer this question

\*\* Two of the respondents did not answer this question

\*\*\*Four of the respondents did not answer this question

## Staff' capacity building

The majority of respondents (66.7%) said that in their organization or company, when preparing the training plan, the principle of gender equality and non-discrimination between women and men is considered with regard to qualification, promotion in their careers and in the access to equal opportunities for leadership positions. In the certified training program, 63.3% respondents denied having a module in the area of gender equality. Concerning studying or attending training courses, 73.3% respondents said this is allowed to workers in their organization or company.

**TABLE 4.** Staff' capacity building

		Yes	No	I don't know
1.	When preparing the training plan, do you consider the principle of gender equality and non-discrimination between women and men with regard to qualification, progress in their careers and in the access to leadership positions opportunities?	66.7%	19.2%	13.3%
2.	Do you include a module in the area of equality between women and men in your certified training program?	27.5%	63.3%	6.7%
3.	Do you allow your workers to advance their careers without terminating their contract to study or attend training courses?*	73.3%	13.3%	10.8%

*\*Three of the respondents did not answer this question*

## Salary and career management

87.5% respondents said they guarantee salary compliance with the principle of “equal pay for equal work” and 75.8% stated that principle of equality and non-discrimination on the grounds of sex is considered when appointing a male or female for a leadership position or decision-making body. Skills, either academic, professional training, formal or informal, was said to be considered equally with regard to career promotion from 80.8% respondents. In addition, 76.7% respondents affirmed that performance assessment is objective and excludes any discrimination on the grounds of sex.

**TABLE 5.** Salary and career management

		Yes	No	I don't know
1.	Do you guarantee salary policy compliance with the principle of “equal pay for equal work”?	87.5%	3.3%	9.2%
2.	When you appoint a male or female worker for a leadership position or decision-making body, do you consider the principle of equality and non-discrimination on the grounds of sex?*	75.8%	9.2%	14.2%
3.	Are male and female workers’ skills (academic, professional training, formal and informal) recognized by your company on an equal basis with regard to promotion and career progress?	80.8%	5.8%	13.3%
4.	Is performance assessment objective to both women and men, in a way to exclude any discrimination on the grounds of sex?	76.7%	7.5%	12.5%

*\*One of the respondents did not answer this question*

*\*\*Four of the respondents did not answer this question*

## Sexual harassment

Only 46.7% respondents say their organization or company has policies regulating the issue of sexual harassment, which is only 6.7% more than those who deny having such policies in their workplaces. Percentages are split also in the question on carrying out of formal procedures in filing complaints in cases of sexual harassment in the workplace between 40% respondents saying this happens and 32.5% of those who say such procedures are not carried out. Moreover, ¼ respondents are not aware. Certain official to handle cases of discrimination and sexual harassment are not existent in organization or company according to 75.8% respondents.

**TABLE 6.** Sexual harassment

		Yes	No	I don't know
1.	In your organization/company, do you have policies regulating the issue of sexual harassment?	46.7%	40%	13.3%
2.	Does your organization/company carries out formal procedures in filing complaints in cases of sexual harassment in the workplace?*	40%	32.5%	25%
3.	Does your organization/company have a certain official in charge of handling cases of discrimination and sexual harassment?	10.8%	75.8%	13.3%

*\*Three of the respondents did not answer this question*

## Information, communication, and image

Concerning information, communication, and image, 74.2% respondents affirmed considering the principle of equality and non-discrimination on the grounds of sex in the internal communication. While in the question whether they use non-discriminatory language and images on the grounds of sex when advertising and promoting activities, products, and services, 62.5% respondents responded positively, whereas 26.7% respondents responded negatively in this question. In addition, 56.7% respondents say their organization/company policies on rights and obligations in terms of equality and non-discrimination on the grounds of sex are distributed to the staff.

From 26.7%, or 32 people who responded they use discriminatory language and images in their publications, 30 come from private sector.



**TABLE 7.** Information, communication, and image

		Yes	No	I don't know
1.	Do you consider in your internal communication the principle of equality and non-discrimination on the grounds of sex and use inclusive grammatical and completely neutral forms (honorable, dear (in plural))*	74.2%	12.5%	12.5%
2.	Do you use non-discriminatory language and images on the grounds of sex when advertising and promoting activities, products and services?**	62.5%	26.7%	9.2%
3.	Do the organization/company distribute to its staff the policies concerning the rights and obligations in your company in terms of equality and non-discrimination on the grounds of sex?***	56.7%	17.5%	20.8%

*\*One of the respondents did not answer this question*

*\*\*Four of the respondents did not answer this question*

*\*\*\*Six of the respondents did not answer this question*

## Sexual orientation

Only 41.7% respondents say they have policies regulating the issues of non-discrimination on the grounds of sexual orientation in their organization or company and 40.8% affirmed they carry out formal procedures in filing complaints in cases of discrimination on the grounds of sexual orientation. However, only 4.2% respondents say their organization or company as a certain official to handle these cases of discrimination.

**TABLE 8.** Sexual orientation

		Yes	No	I don't know
1.	In your organization/company, do you have policies regulating the issue non-discrimination on the grounds of sexual orientation?	41.7%	39.2%	18.3%
2.	Does your organization/company carries out formal procedures in filing complaints in cases of discrimination on the grounds of sexual orientation in the workplace?	40.8%	32.5%	25%
3.	Does your organization/company have a certain official in charge of handling cases of discrimination on the grounds of sexual orientation?	4.2%	76.7%	17.5%

*\*One of the respondents did not answer this question*

*\*\*Two of the respondents did not answer this question*

*\*\*\*Two of the respondents did not answer this question*

## Equilibrium between professional, family, and personal life

56.7% respondents stated that their organization or company offers flexible working hours, teleworking or work from home in order to equilibrate their professional, family, and personal life regardless of sex. While, 35% respondents deny having such a possibility.

Some of the respondents said that flexibility is offered sometimes depending on the job position and work flow in the organization or company.

**TABLE 9.** Equilibrium between professional, family, and persona

		Yes	No	I don't know
1.	Does the company offer flexible working hours, teleworking, work from home, in order to equilibrate professional, family and personal life regardless of sex?*	56.7%	35%	6.7%

*\*Two of the respondents did not answer this question*

## Direct benefits for employees

Concerning direct benefits for employees, the majority of respondents (71.7%) responded that their organization or company does not provide health insurance for employees. While 79.2% responded that they have services such as kitchen for employees, first aid, and fire extinguishing equipment.

Since at the moment in Kosovo health insurance is not mandatory, the majority of organizations or companies surveyed do not provide it; however, some of the respondents affirmed that with the entry into force of the law on health insurance they will start providing it.

**TABLE 10.** Direct benefits for employees

		Yes	No	I don't know
1.	Do you provide health insurance for women and men employed in your company?	26.7%	71.7%	1.7%
2.	Have you provided these services near employees (e.g. kitchen for employees, first aid, fire extinguishing equipment)?*	79.2%	15%	5%

*\*One of the respondents did not answer this question*

## Parental protection and family assistance

Maternity and paternity leave rights are considered in the company or organization according to 75.8% respondents, and employed women, according to 51.7% of them, are given leave exceeding the foreseen period by the Law on Labour. Situation is different when talked about men and maternity leave offered by the law. 40% respondents say men are not encouraged to use the leave foreseen by the law (two paid days on the occasion of child birth or child adoption, or two unpaid weeks after the child birth or child adoption, in the period until the child reaches three year of age), while only 39.2% respondents say men in their company or organization is offered leave exceeding this period. In cases when women are in maternity leave, companies or organizations substitute them only in 60% of cases.

From comments during surveys, it was understood that certain companies or organizations have not received requests from men to use the paternity leave foreseen by the law. Moreover, respondents say that in cases when women are in maternity leave, companies or enterprises divide their tasks proportionately among other employees.

**TABLE 11.** Parental protection and family assistance

		Yes	No	I don't know
1.	Does the company/organization consider the right to maternity and paternity?	75.8%	19.2%	5%
2.	Does the company offer to women employed in your company maternity leave exceeding the one foreseen by the Law on Labour?*	51.7%	34.2%	13.3%
3.	Does the company offer to men employed in your company paternity leave exceeding the one foreseen by the Law on Labour?***	39.2%	41.7%	18.3%
4.	Do you encourage men employed in your company to take the paternity leave foreseen by law? ***	41.7%	40%	15%
5.	Does the company hire workers to substitute women employees on maternity leave?****	60%	30%	6.7%

*\*One of the respondents did not answer this question*

*\*\*One of the respondents did not answer this question*

*\*\*\*Four of the respondents did not answer this question*

*\*\*\*\*Four of the respondents did not answer this question*

## CONCLUSIONS

Based on the findings collected during the research, which included surveying one hundred and twenty entities, focus groups, and analysis of legislation and other documents, it seems like two sectors covered by the research, private sector and civil society, face similar challenges in terms of gender policies.

Three most important issues, selected by 120 respondents, are: health insurance, salary, and contract duration, with slight differences between sectors. Private sector put in three first places: salary, work conditions, and health insurance, while civil society considers that the most important issues are: health insurance, contract duration, salary and capacity building opportunities. From the gender aspect, the selections are more different. Women selected health insurance as the most important issue, while men selected salary.

Respondents affirmed that gender equality is a priority in their organization or company, but only about  $\frac{1}{3}$  of them confirmed they have a gender policy or action plan to achieve it. Only 10.8% respondents say they keep information desegregated on the grounds of sex. Furthermore, 63.3% respondents say they do not have a module for the area of gender equality in their organization or company training program.

“Equal pay for equal work” is guaranteed according to 87.5% respondents, while 3.3% respondents say this does not happen in their organization or company, whereas 9.2% are not aware. Organizations or companies, according to 26.7% respondents, are not careful in using non-discriminatory language or images on the grounds of sex when publishing and promoting activities, products, and services.

It is concerning that 40% respondents deny having policies regulating the issue of sexual harassment. Near percentage, 39.2% respectively,

is noticed also in policies regulating the issue on non-discrimination on the grounds of sexual orientation. Furthermore, in the majority of organizations or companies there is no certain official handling the cases of discrimination on the grounds of sexual orientation or those of sexual harassment.

Concerning work flexibility, 56.7% say they provide flexible working hours, work from teleworking, work from home, in order to provide for an equilibrium between professional, family, and personal life regardless of gender.

The majority of respondents (71.7%) say their organization or company does not provide health insurance for employees. Concerning maternity and paternity leave, the majority of respondents (75.8%) affirm having such a thing provided from their organization or company.



# RECOMMENDATIONS

Based on the analysis of legislation, findings from the survey and discussions in the focus groups, Kosovar Gender Studies Center recommends the following.

## Recommendations for Kosovo institutions

- Government of Kosovo is recommended to draft the Law on Sexual Harassment in the workplace, as well as respective sub-legal acts for its implementation, which treat prevention and handling of sexual harassment in the workplace, both in the public sector as well as in the private sector and civil society;
- Government of Kosovo is recommended to ensure the implementation of the Labour Law, Law on Gender Equality, Law against discrimination, with special emphasis on provisions concerning gender policies;
- Government of Kosovo is recommended to harmonize local legislation with European Union directives concerning women's protection in the workplace, equal opportunities in employment and equal treatment in the workplace;
- Department of Non-Governmental Organizations at the Ministry of Public Administration is recommended to utilize non-discriminatory language in all its documents, e.g. NGO statute, electronic system of non-governmental organizations;
- Labour unions and the Ombudsperson Institution are recommended to monitor the implementation of the Labour Law and Law for work safety in order to protect employees' rights in these two sectors;
- Labour Inspectorate is recommended to include the gender perspective in informing employees for their rights to file complaints in case of violation of laws from employers;
- Government of Kosovo is recommended to organize trainings on gender policies in the workplace for employees in private sector and civil society; and

- Government of Kosovo is recommended to draft family gender balance policies. This means support for men in undertaking more family responsibilities for children growth.

## **Recommendations for civil society**

- Civil society is recommended to advocate to donors to implement Article 49 of the Labour Law regulating the maternity leave issue, since this is currently one of the biggest problem for this sector;
- Civil society is recommended to promote gender equality in its mission and policies;
- Civil society is recommended to include policies against discrimination and sexual harassment in their regulations; and
- Civil society is recommended to encourage employed men in this sector in undertaking more family responsibilities for children growth by providing parental leave.

## **Recommendations for private sector**

- Private sector is recommended to implement the Labour Law, Law on Gender Equality, Law on protection from discrimination, with special emphasis in provisions concerning gender policies;
- Private sector is recommended not to use gender-based discriminatory language and images during the promotion of activities, products, and services, and
- Private sector is recommended to regulate policies against sexual harassment and discrimination on the grounds of sex or sexual orientation.

## REFERENCES

Assembly of Kosovo (2008). *Constitution of the Republic of Kosovo*. Retrieved from: <https://gzk.rks-gov.net/ActsByCategoryInst.aspx?Index=1&InstID=1&CatID=1>

Assembly of Kosovo (2010). *Law on Gender Equality*. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10923>

Assembly of Kosovo (2010). *Law on Labour*. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735>

Assembly of Kosovo (2010). *Law on Protection from Discrimination*. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10924>

Assembly of Kosovo (2010). *Law on Safety and Health at the Workplace*. Retrieved from: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8689>

Council of Europe (2014). *Gender Equality Strategy 2014-2017*. Retrieved from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680590174>

European Union (2016-2020). *EU Gender Action Plan*. Retrieved from: [https://www.odi.org/publications/10021-gender-equality-empowerment-eu-external-relations-gap-2016\\_2020](https://www.odi.org/publications/10021-gender-equality-empowerment-eu-external-relations-gap-2016_2020)

KCSF (November, 2013). *Commentary I "Challenges for civil society organizations in Kosovo in implementing Labour Law provisions on maternity leave"*. Retrieved from: [http://www.kcsfoundation.org/repository/docs/03\\_03\\_14\\_143538\\_03\\_03\\_2014\\_8487956\\_KCSF\\_Komentar\\_i\\_Pushimi\\_i\\_Lehonise\\_ne\\_sektorin\\_joqueveritar\\_ALB.pdf](http://www.kcsfoundation.org/repository/docs/03_03_14_143538_03_03_2014_8487956_KCSF_Komentar_i_Pushimi_i_Lehonise_ne_sektorin_joqueveritar_ALB.pdf)

UN (1995). *Beijing Declaration and Action Platform*. Retrieved from: [http://www.crca.al/sites/default/files/publications/3.2.1.8.Deklarata\\_dhe\\_Platforma\\_pr\\_Veprim\\_e\\_Pekinit.pdf](http://www.crca.al/sites/default/files/publications/3.2.1.8.Deklarata_dhe_Platforma_pr_Veprim_e_Pekinit.pdf)

UN (2001). *Supporting gender mainstreaming*. Retrieved from: <http://www.un.org/womenwatch/osagi/pdf/report.pdf>

UN Women (2017). *Gender Mainstreaming*. Retrieved from: <http://www.un.org/womenwatch/osagi/gendermainstreaming.htm>







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