



Kosovo Women's Network
Serving, Protecting and Promoting the Rights of Women and Girls

WORKING PAPER

Striking a Balance

Policy Options for Amending Kosovo's Law on Labour to Benefit Women, Men, Employers and the State

By Iliriana Banjska, Gresa Rrahmani, and Nicole Farnsworth for the Kosovo Women's Network

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Acronyms

AGE	Agency for Gender Equality in the Office of the Prime Minister of the Republic of Kosovo
BTI	Bertelsmann Stiftung's Transformation Index
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPI	Consumer Price Index
CRC	Convention on the Rights of the Child
EU	European Union
GDP	Gross Domestic Product
IMR	Infant Mortality Rate
ILO	International Labour Organization
IPA	Instrument for Pre-Accession Assistance
KAS	Kosovo Agency of Statistics
KCSF	Kosovo Civil Society Foundation
KWN	Kosovo Women's Network
MEST	Ministry of Education Science and Technology
MLSW	Ministry of Labour and Social Welfare
MoH	Ministry of Health
NGO	Non-governmental organization
SSI	Social Security Institute
TAK	Tax Administration of Kosovo
UCCK	University Clinical Centres of Kosovo
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNMIK	United Nations Mission in Kosovo
WB	World Bank
WHO	World Health Organization

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Executive Summary

The Ministry of Labour and Social Welfare (MLSW) heads the working group that is placing the final touches on revisions to Kosovo's Law on Labour. In this context, Minister Arban Abrashi requested that the Kosovo Women's Network (KWN) provide input on this process. In response, this paper draws from a mixed methods research methodology that included an analysis of the existing relevant legal framework, review of practices in other countries, a face-to-face survey of a simple random sample of 400 employers (private, public, and civil society) from 30 municipalities, and a survey of 1,301 women and 374 men, using convenience sampling.

The right to maternity leave is protected by various international conventions, including some to which the Republic of Kosovo is party. The European Union (EU) has set minimum standards for member states' legislation pertaining to maternity and parental leave, as well as workplace protections for pregnant and nursing employees. In Kosovo, this is reflected in the current Law on Labour, which entered into force in 2010 and offers new mothers 12 months of maternity leave, including nine paid months and three unpaid months. For the first six months, employers pay 70% of her regular salary. The government pays for the next three months at 50% of Kosovo's average wage.

Some key indicators are important to consider in designing a new maternal, paternal, and parental leave scheme: Kosovo has a small population, an alarmingly high unemployment rate that affects young women more than other demographic groups (only two in ten women participate in the labour force, compared to six in ten men), and one of the worst health outcomes in Europe, especially in the context of maternal and child health.

Responses by employers and surveyed women alike suggest that gender discrimination in hiring is fairly widespread in Kosovo. Evidence also suggests that some employers are discriminating against women in hiring *because of* current maternity leave provisions.

Kosovo's Law on Labour protects pregnant women and breastfeeding women employees from labour that is classified as harmful for the health of the mother or child. However, only 15.2% of surveyed employers said they had a policy identifying risks to pregnant persons. Moreover, very few employers knew the allowed length of maternity leave, as stated in the Law on Labour. Even so, 72% of employed women surveyed said that their employer would provide them with paid maternity leave should they need it. Statistical analysis suggests that the likelihood of a woman taking maternity leave increases if she works in the public sector rather than the private sector.

On average, women in Kosovo tend to take seven months of maternity leave, six of which, on average, are paid. Statistical analysis suggests that the longer the maternity leave a woman takes, the lower the chances are that she will return to work. Few employers have policies and procedures in place to protect the rights of women prior to or following maternity leave. When it comes to paternity leave, most surveyed men said they would take paid paternity leave from four days up to one month. Nearly half said they would take more than a month. In this paper, KWN argues that extending paternity leave is important for addressing traditional gender roles at home and in society, increasing women's labour force participation, and addressing current discrimination against fathers.

Bearing in mind the aforementioned findings, this paper presents three interrelated policy proposals. The first is a new shared maternity and paternity leave scheme, according to which the mother would have up to three months leave paid by her employer at 80% of her salary (compared to 70% now). Leave could begin before birth. The father would have an equal amount of up to three months of leave paid by his employer at 80% of his salary. The three months leave paid by the employer could be taken at any time until the child reaches age one. These six months could be taken at the same time or consecutively, depending on the preference of the family. The three months of paternity leave are not transferrable to the mother, and KWN's research suggests that it will be in the interest of most families for the father to take some leave. Then the parents would have up to three months leave, in total, paid by the state at 50% of the average monthly wage in Kosovo. The parents could decide if this leave would be taken by the mother, the father, or shared between them. Leave paid by the state could be taken at any time within the infant's first year, but not at the same time as the leave paid by the parents' employers. Finally, the parents could share a total of three months unpaid leave, divided as they see fit. The final three months make it possible for one parent to stay with

the child for a total of one year, if they so choose, making access to childcare facilities more possible. The proposal is summarized in Table 1. Table 1 also compares the KWN proposal with current maternity leave provisions and estimates the difference in cost to employers based on the current average salary in Kosovo (according to the Ministry of Trade and Industry).

Table 1. KWN's Proposal

	Paid Leave by Employers (months)	% Salary	Est. Avg. Cost to Employer (overall)	Paid Leave by State (months)	% Salary	Est. Avg. Cost to State (per month)	Unpaid leave (months)	Total leave (months)
Mother	Up to 3	80%	€ 864	Up to 3	50%	€ 180	Up to 3	Up to 9
Father	Up to 3	80%	€ 864	Up to 3	50%	€ 180	Up to 3	Up to 9
Total	Up to 6		€864 per employer	Up to 3		€ 540	Up to 3	Up to 12
Current (2015)	6	70%	€ 1,512	3	50% avg.	€ 540	3	12
Difference	0	10%	-€ 648	0		€ 0	0	

The impact that this model would have on the income of families will differ depending on the family, the income of each parent, and their decisions regarding leave. However, KWN calculations presented in this paper suggest that on average, this model will provide families with two working parents with more resources than the current maternity leave provisions.

While the exact cost to the state cannot be predicted in any model as families, their employment conditions, and their decisions regarding leave may differ, KWN cost estimates provide a useful range of scenarios that can be used to arrive at budget estimates, ranging from the unlikely minimum of €741,584 to the unlikely maximum of €2,499,920 (compared to €814,091 in 2015).

The proposed model would relieve employers substantially from the current costs of maternity leave and provide far more favourable conditions than the current Law on Labour. Clearly the cost to individual employers would differ based on the person's salary. However, based on the average salary, the overall cost would decrease substantially, by an estimated €648 per employer per child born compared to the current provisions. This is because the leave paid by employers would be shortened, as well as shared between women and men. It therefore would be spread more evenly across employers.

Implementation of the first policy proposal must be combined in a package with two other policy proposals. The second policy proposal advocates better arrangements for breastfeeding, which would enable women to return to work sooner. The third interrelated policy proposal emphasizes the need to invest in opening more day cares. This is essential for families with two parents working, as Kosovo does not have enough spaces currently available in care centres to meet the level of demand or European standards. Women and men cannot return to work if they have nowhere to leave their child. Creating enough care centres to meet the EU Barcelona Objectives (care availability for at least 33% of children under age 3 and 90% of children ages 3 to 6) could create at least 8,019 new jobs. Initial estimates suggest that this could contribute nearly €3 million in new earnings, and taxes paid annually would amount to at least €233,513. Moreover, it would enable more women currently providing unpaid care work to invest their time in formal economic activities as they would no longer have care responsibilities at home.

The proposed interrelated policy recommendations will have several benefits. First, the proposal will contribute to gender equality in Kosovo because, as detailed below, families will have a financial incentive to share child care responsibilities. This can shift traditional gender norms with regard to family and work and facilitate an increase in women's employment rates. The proposal also can decrease gender discrimination in hiring because both women and men will have equal leave rights, potentially costing an employer the exact same amount. Second, the proposed model would relieve employers substantially from the current costs of maternity leave and provide far more favourable conditions than the current Law on Labour. Third, while the extent to which the proposed model will impact state expenditures depends on the family taking leave, in some circumstances this model could

save the state money, as the expenditure impact analysis in this paper details. At the same time, the proposed model must be implemented with complementary investments in creating more care facilities. In the short term, this would require additional expenditures. However, in the long-term, these expenditures would be balanced by increased tax revenues from the creation of new jobs and women's increased labour force participation.

Additional specific recommendations are provided for revisions to the Law on Labour and its future implementation.

Introduction

The Ministry of Labour and Social Welfare (MLSW) heads the working group that is placing the final touches on revisions to Kosovo's Law on Labour. In this context, Minister Arban Abrashi requested that the Kosovo Women's Network (KWN) provide input on this process. This paper is in response to Minister Abrashi's request, as well as guided by KWN's organizational strategic goal to increase women's employment and to further gender equality in Kosovo more broadly.

Debate has surrounded the 2010 Law on Labour, particularly its paternity and maternity leave provisions. Businesses have said that the current law places an unfair burden on them,¹ requiring them to pay for women's maternity leave at 70% of the woman's salary for six months.² This indeed is more than in other places in the region.³ Meanwhile, suggestions have been made that women are being discriminated against in hiring because businesses do not want to pay for maternity leave.⁴ However, to date, such claims have been primarily hearsay, unsupported by quantitative evidence.

What Do We Know? A Rapid Review of Existing Literature

Several reports and papers have been published on maternity leave in Kosovo.⁵ Most recently, the World Bank completed a paper based on interviews and focus groups conducted in 2015.⁶ The paper had five conclusions: 1) "Kosovo's maternity leave is long compared to other countries; 2) the financial burden related to maternity leave is born largely by employers in Kosovo; 3) employers in Kosovo report high direct and indirect costs from hiring women associated with maternity leave provisions; 4) take up of full maternity leave benefits in Kosovo seems low and women perceive discrimination in the labour market related to pregnancy and family responsibilities; and 5) additional barriers to employment limit women's access to jobs in Kosovo."⁷

The use of focus groups alone is less than convincing when considering the widespread impact this Law may have had and the impact a revised law can have on women, men, and employers. Focus groups as a research method rely too much on too few people. While fine for qualitative research, investigating topics further, or exploring new ideas, they hardly can be representative of the population of employers, women, or men in Kosovo.

What Are the Information Gaps?

To date, no quantitative research has examined the financial burden that the 2010 Law on Labour has had on employers, nor the extent of discrimination against women in hiring or at work. In fact, no data exists on how many women take maternity leave or for how long. Fathers' opinions regarding paternity leave and their comparatively miniscule leave of two to three days have been little discussed. Without sufficient evidence, the revised Law could harm women, men, the state budget, and/or employers, by failing to consider sufficiently their needs and the impact that the current law has had.

¹ World Bank Group, *Women, Business and the Law 2016*, p. 15, at:

http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf.

² Republic of Kosovo, Law on Labour, Art. 49.3, at: <http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf>.

³ World Bank, *Maternity Leave and Women's Labour Market Status in Kosovo: Five Key Messages*, 2015: Washington D.C.

⁴ Ibid.

⁵ Ramosaj, Argjiro, *Challenges in implementation of the maternity leave in Kosovo*, 2012: Munich. This analyses the 2010 Law on Labour, its characteristics, flaws, and impact on discrimination of women employees. The American Chamber of Commerce in Kosovo, *Position Paper on the Maternity Leave Provision of Law on Labour Problems and Possible Solutions* (Pristina: 2012) is a critique of the 2010 Law on Labour.

⁶ World Bank, *Maternity Leave and Women's Labour Market Status in Kosovo: Five Key Messages*, 2015: Washington D.C. The focus groups involved: eight interviews with businesses, one with the Head Inspector and seven focus groups (six with women, one with men); international benchmarking; and desk and legislation review.

⁷ Ibid.

Considering the dearth of quantitative data on the topic, KWN felt that it was crucial to ensure that such an important law was based on evidence. Thus, with the clock ticking, KWN set out to conduct a rapid research to inform amendments to the Law on Labour, focusing primarily on maternity and paternity provisions. This paper seeks to address a crucial information gap towards providing tangible, evidence-based policy recommendations for the Law on Labour.

Methodology

When KWN began this research, the revised Law on Labour was nearly finalized. Time was extremely limited if KWN wanted to propose recommendations for the Law. Further, KWN was unable to secure any financial support for this important research, despite multiple attempts. Regardless of these significant obstacles, KWN pressed forward. Thus, KWN has had to balance the quality of its methodology with the time and costs associated with data collection. While the methodology is not ideal, KWN believes that it produces much more convincing evidence and data than any other existing research.

The research set out to address the following questions: 1) how has the 2010 Law on Labour impacted employers, particularly businesses, with regard to maternity leave provisions; 2) how has the Law impacted women with regard to maternity leave provisions, employment, discrimination at work, and security at work; 3) to what extent do employers know about the protections provided by the Law relating to maternity and paternity leave; and 4) to what extent are the protections foreseen in the Law on Labour being implemented by employers?

Conducted between October and November 2015, the research involved mixed methods.⁸ The methodology was designed in accordance with the International Labour Organization's (ILO) recommended approach for such research. It used ILO's suggested research methods, indicators, and survey instrument templates, adapting them slightly to Kosovo.⁹

First, KWN conducted an analysis of the existing legal framework, examining closely the current Law on Labour for any potential shortcomings, particularly in the context of Kosovo's EU accession. KWN also conducted substantial desk research with regard to key socioeconomic, health, and other indicators. A review of maternity and paternity leave provisions in other countries also was conducted.

Second, in October, KWN surveyors conducted face-to-face interviews with a simple random sample of 400 employers (private, public, and civil society) from 30 municipalities, randomly selected using the Tax Administration of Kosovo's (TAK) List of registered taxpaying employers.¹⁰ This sample is statistically significant and can be considered fairly representative of the *population of registered employers* in terms of size, sectors, and regional representation.¹¹ Shortcomings involved non-response due to: employers no longer being active; and employers changing names, addresses, and/or contact information. Further, several businesses that employed a single person or no women refused to take part in the research. Altogether 59.4% of employers that KWN surveyors tried to reach were inactive, 12.3% could not be found, and 9% did not want to participate.¹² However, such challenges are unavoidable as no more accurate sampling frame or register of employers exists in Kosovo. The sample could not include unregistered, informal employers.

⁸ Triangulation can contribute to enhancing the reliability of findings: if multiple methods (surveys of employers and citizens), sources (diverse respondents), and researchers (from different backgrounds), respectively and independently point to similar findings, this provides added evidence of the likelihood that these findings are more accurate than would, for example, a single method, single source, or single researcher. This research involved triangulation of methods, researchers, and data sources.

⁹ ILO, *Maternity Protection Resource Package; From Aspiration to Reality for All/Assessing Maternity Protection in Practice*, Geneva: 2012.

¹⁰ Tax Administration of Kosovo (TAK) list. Interviews with employers averaged a half hour in length.

¹¹ Among the employers sampled, 11% were from Ferizaj region, 12% Gjakova, 10% Gjiilan, 13% Mitrovica, 10% Peja, 34% Prishtina, and 11% Prizren. This is representative of the population of employers registered with TAK. For further information about the sample, please see Annex 3.

¹² Only 3% did not have time or were too busy to undertake the survey; 3% did not want to participate; and an additional 3% did not want to participate for other reasons. In 0.7% no one was present at the employer's office following three attempts to reach them; and in 0.7% persons who needed to respond were not there.

Third, KWN used convenience sampling to survey 1,301 women and 374 men, totalling 1,675 people.¹³ The ideal population of persons who would provide the most useful first-hand information related to the research questions are women and men of child-bearing age.¹⁴ Persons who have taken maternity or paternity leave in the last five to ten years could provide particularly useful information. KWN lacked time and resources for a Kosovo-wide survey. Therefore, KWN opted to use Survey Monkey,¹⁵ enabling 918 women and 186 men to respond to questions on an electronic, online survey in October. The decision to use Survey Monkey also was based on the assumption that most employed women taking maternity leave (the main population of interest) would have access to internet and could complete the survey, which was well-advertised through social media and word of mouth. The survey also was distributed in hard copy in 21 municipalities, including in rural areas, in order to reach women and men who may not have access to internet; in total, 383 women and 188 men completed hard copies of the survey. The distribution of hard copies was facilitated by KWN member organizations, gender equality officers in cooperation with AGE, and the Kosovo Lobby for Gender Equality. The surveys for women and men differed in content and were available in Albanian and Serbian languages.¹⁶

In sum, the findings may not be representative of the population of women of childbearing age or of *all* women and men. However, this research provides more accurate quantitative information than any other research that exists at present. The findings, presented below, are illustrative of trends in Kosovo and fairly generalizable.

In Review: The Legal Framework

The right to maternity leave is protected by various international conventions. The ILO convention on maternity leave stipulates that the period of leave must be at least 14 weeks.¹⁷ The International Covenant on Social, Economic, and Cultural Rights states that special protection should be accorded to mothers during a reasonable period before and after childbirth, and working mothers should be accorded paid leave or leave with adequate social security benefits.¹⁸ According to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), States will prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave; and introduce maternity leave with pay or comparable social benefits without loss of former employment, seniority, or social allowances.¹⁹ Only CEDAW is directly applicable in Kosovo as it is explicitly mentioned within the Constitution.²⁰

¹³ Of the women surveyed, 68.6% were working full-time, 5.8% part-time, 19.8% were unemployed and looking for work, and 5.9% were unemployed, but not seeking work. While this is not representative of women in Kosovo in terms of employment status, it shows that the sample is fairly representative of women who would potentially claim maternity leave, whom KWN sought to sample.

¹⁴ The sample was limited to people ages 18-50 to focus on the first-hand experiences of persons in their childbearing years. This age group was selected to include adults of child-bearing age, considering that the survey asked questions pertaining to the last five years. For ethical reasons, KWN did not question persons under age 18. In selecting this sample, KWN sought to avoid hearsay and rumour and focus on lived experiences, which would provide more accurate data for this particular research. KWN unfortunately did not have sufficient time to delve into other aspects of the Law on Labour at length and thus limited its focus and population of interest. Also, with an online survey people tend not to complete lengthy questionnaires. High levels of non-response would make it impossible to draw conclusions or see trends. Therefore, KWN kept the survey fairly short. Respondents were invited to share additional (qualitative) information in the "other comments" section of survey or by email.

¹⁵ Survey Monkey has its limitations: costs of administering the survey increase when more than 1000 surveys are completed or more than 10 questions asked (even though KWN attempted to secure a discount as a non-profit, which was not given). KWN tried to get around such financial constraints by separating the questionnaire for men in a separate, shorter survey.

¹⁶ For the surveys, see Annexes 4 and 5.

¹⁷ ILO, *Convention 183. Convention concerning the revision of the Maternity Protection Convention*, 2012, Art. 4.

¹⁸ United Nations (UN) General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 1976, Art. 10.

¹⁹ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 1981, Art. 11.

²⁰ Constitution of the Republic of Kosovo, 2008, Art. 22.

The EU has set minimum standards for member states' legislation pertaining to maternity and parental leave, as well as workplace protections for pregnant and nursing employees. Member states' laws must allow at least four months of parental leave on the birth or adoption of a child, taken until the child has reached an age determined by national law and/or collective agreements, but before the age of eight.²¹

According to the EU Directive on Parental Leave, encouraging men to assume an equal share of family responsibilities has not led to sufficient results. Therefore more effective measures are needed to encourage a more equal sharing of family responsibilities between men and women. Consequently this Directive set the parental leave principally not to be transferable from one parent to the other. Such transfers may be authorized on condition that each parent retains at least one of the four months of leave.²² Parents are entitled to the same rights when adopting, but some states make a distinction in parental leaves depending on whether the adoptee is an infant or an older child.²³ Some have different age limits fixed for adoption leave.²⁴ Most countries have a compulsory period for maternity leave²⁵ and some even for paternity leave (see Annex I).²⁶

Further, Directive 2010/41/EU, Article 8, requires Member States to take the measures necessary to grant women who are self-employed and/or assisting spouses or life partners the right to maternity allowance for at least 14 weeks. Pursuant with Directive 2004/113/EEC, less favourable treatment of women for reasons of pregnancy and maternity should be considered a form of direct discrimination based on sex and therefore prohibited in insurance and related financial services. Practice of the Court of Justice of the EU has held that refusing to engage a pregnant woman because of pregnancy or maternity amounts to direct discrimination,²⁷ and refusal to extend a fixed-term contract of employment of a pregnant worker also constitutes direct discrimination.²⁸

The EU Parental Leave Directive also provides protection from discrimination for workers on the grounds of applying for or taking parental leave and, at the end of the leave, workers have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship.²⁹ Workers have the right to request changes to their working hours for a limited period; in considering such requests, employers must balance the needs of the workers and the company.³⁰ When national provisions enacted pursuant to this Directive are violated, member states determine which penalties are applicable. As a requirement, the penalties have to be effective, proportionate, and dissuasive.³¹ National legislation that does not make any specific reference to pregnancy and maternity as a form of gender discrimination makes discriminatory practices less visible and therefore more difficult to tackle.³²

While these EU Directives are not yet applicable in Kosovo, as part of Kosovo's EU accession process the Law on Labour should be aligned with these directives.

²¹ Council Directive 2010/18/EU, Clause 2(1).

²² Ibid. Clause 2(2).

²³ Belgium and France.

²⁴ Portugal and Greece.

²⁵ Belgium, Croatia, Italy, Netherlands, Slovenia, and the United Kingdom.

²⁶ Italy, the United Kingdom and Sweden.

²⁷ *Dekker v Stichting Vormingscentrum voor Jong Volwassenen (VJV-Centrum) Plus* (Case 177/88) [1992] ICR, Pregnant Workers Directive, Art. 10.

²⁸ Case C-32/93 *Webb v EMO Air Cargo* [1994] ECR I-3567 in Paragraph 26; Cases C-109/00 *Tele Danmark A/S v Handels- og Kontorfunktionærernes Forbund i Danmark (HK)*, acting on behalf of Marianne Brandt-Nielsen [2001] ECR I-2785 in Paragraph 34.

²⁹ Directive 2010/18/EU, 2010, Clause 5.

³⁰ Ibid, Clause 6.

³¹ Directive 2010/18/EU, 2010, Art 2.

³² Masselot, A., Caracciolo Di Torella, E. and Burri, S., *Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood*, 2012, p. 26 (e.g. Portugal, Lithuania).

The Law on Labour in Kosovo

Before Kosovo's current Law on Labour came into force, maternity leave was regulated by United Nations Mission in Kosovo (UNMIK) Regulation 2001/27 on essential Law on Labour in Kosovo. In accordance with this Regulation, women employees were entitled to at least 12 weeks paid maternity leave upon the birth of a child, paid by the employer at a rate of no less than two-thirds of the woman's earnings.³³ Fathers received no guaranteed paternity leave.

The current Law on Labour, which entered into force in 2010, offers mothers 12 months (≈52 weeks) of maternity leave, including nine paid months and three unpaid months. For the first six months, employers pay 70% of her regular salary. The government pays for the next three months of leave, compensated at 50% of the average salary in Kosovo.

Article 50 grants fathers two days of paid leave at the birth or upon adoption of a child, whereas Article 39 states that employees are entitled to a paid absence from work up to three days for the birth of a child. Fathers also are entitled to two weeks unpaid leave at any time before the child reaches the age of three.

The first six months of leave can be taken solely by the mother, whereas the remaining months can be transferred to the father of the child in agreement with the mother.³⁴ If the mother is deceased, abandons the child, or is seriously ill, her maternity leave can be used by the father.³⁵ The rights regarding maternity leave may be used by the adopter of the child or the person looking after the child in cases of the death of both parents or if parents abandon the child.³⁶ In relation to adoption, there do not seem to be any restrictions regarding the age of the child and use of leave. Although, the Law does not state decisively that any part of maternity leave is compulsory, Article 49(6) provides the option for the mother to give up her maternity leave rights only after using six months of leave. There is no mention of compulsory leave for fathers. Fathers' rights remain rather underdeveloped and a strong legislative framework would be needed to promote the development of such rights. Experience shows that making the leave non-transferable can act as an incentive for fathers to take paternity leave.³⁷

The current Law on Labour offers no breastfeeding breaks or reduction in working hours for breastfeeding mothers. The new Law on the Protection of Breastfeeding guarantees women employees the right of using two hours of paid break daily during working hours for breastfeeding. However, it only applies after the first six months of maternity leave have been taken. After the first year and for up to two years, women can use one hour of paid break daily during working hours for breastfeeding. Women who want to use this right have to notify their employers in writing, proving that they are breastfeeding by presenting a certificate issued by a doctor. Only after reaching an agreement with their employer can women decide whether they take breastfeeding breaks at the beginning, in the middle, or at the end of working hours.³⁸ According to the wording of the law, women who returned to work before having taken six months of leave are not entitled to these breastfeeding breaks, rendering these women unprotected. In the former Law on Infants' Breastfeeding Incitement and Protection, if a breastfeeding employee held a position that posed a threat to her health

³³ UNMIK Regulation 2001/27 on essential Law on Labour in Kosovo, Section 19 'Maternity Leave', p. 11, at: <http://www.unmikonline.org/regulations/2001/reg27-01.pdf>.

³⁴ Law on Labour, Art. 49 (8).

³⁵ Ibid, Art. 50(1).

³⁶ Ibid, Art.50 (3).

³⁷ In 2000, Iceland passed a new law where families were given nine months of paid leave. Mothers and fathers received three months each, with another three months to share between them at their discretion. They also could take three other unpaid months. Following the new law, mothers became more active in the labour market while fathers took a bigger share in child care. When the government lowered the ceiling for income support, fathers reacted immediately, taking less leave. However, while Icelandic fathers take the non-transferable portion of their leave, they usually do not take the shared leave, which is still mainly taken by women. Iceland is not yet part of EU. At: <http://www.nordiclabourjournal.org/nyheter/news-2014/article.2014-11-27.4319266250>.

³⁸ Law on the Protection of Breastfeeding, Art. 5.

and the employer could not change her post due to technical or operational issues, the employer was obliged to enable her paid leave.³⁹ However, this article was not included in Kosovo's 2010 Law.

Key Findings

This section draws from the survey of employers, women, and men to respond to the aforementioned research questions.

Employers' Perceived Impact of the 2010 Law on Labour

As a direct result of the 2010 Law on Labour, only 11% of employers said that they had spent more on human resources (Graph 1).⁴⁰ Five percent said they spent less, whereas 56% said they spent the same amount. Further, 28% did not know. The provisions probably affected larger, formally registered employers more than smaller ones due to the increased likelihood that they would have employees taking maternity leave.⁴¹ Other explanations as to why most employers surveyed felt unaffected could be that they did not employ women or that they violated the law.

The tendency to satisfice on questions pertaining to discrimination or illegal actions makes it difficult to assess the extent to which this may have happened. However, some evidence of

“The Law on Labour is a disaster. In fact it does not exist at all.”

- Employer, Prishtina

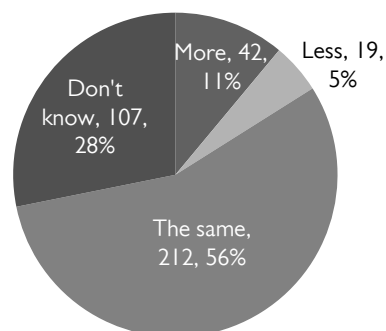


discrimination in hiring does exist, as described below. Considering the fact that, according to TAK, most Kosovo employers are microbusinesses (96.9%) with fewer than ten employees and an estimated 75.7% are family-run, it is also plausible to suggest that some microbusinesses may not consider women family members as employees.⁴² Indeed use of unregistered workers is believed to be widespread in Kosovo, and women likely comprise a majority of persons working informally.⁴³

Even so, considering EU Directive 2010/41/EU, in seeking Member State status, Kosovo should ensure that women who are self-employed and/or assisting spouses or life partners also have the right to maternity allowances for at least 14 weeks.⁴⁴ This means that employers and/or the state would have legal obligations to fund their maternity leave.

The non-governmental, non-profit sector faces particular challenges in paying for maternity leave under the current Law on Labour, given the specificities of funding for this sector. Few donors will allow non-governmental organizations (NGOs) to increase their overhead or human resource costs (difficult to secure funding for in any case), which makes it difficult for organizations to temporarily replace women on maternity leave. This may lead to discrimination against women when it comes

Graph 1. As a Direct Result of the 2010 Labour Law, Have You Spent on Human Resources...



³⁹ Law on Infants' Breastfeeding Incitement and Protection, 2008, Art. 12.

⁴⁰ For reliability, KWN asked the question a second time in a different way, and only 8% of respondents who answered the question said they paid more for human resources as a result of the law. For the few employers who responded that costs had increased, they estimated the increase was from 10% to 30%.

⁴¹ Unfortunately the sub-sample of large employers was insufficient for evaluating this.

⁴² The KWN sample had 92% micro-employers, 6% small (10 to 49 employees), and 2% medium (50 to 249). This is fairly representative of the population of employers.

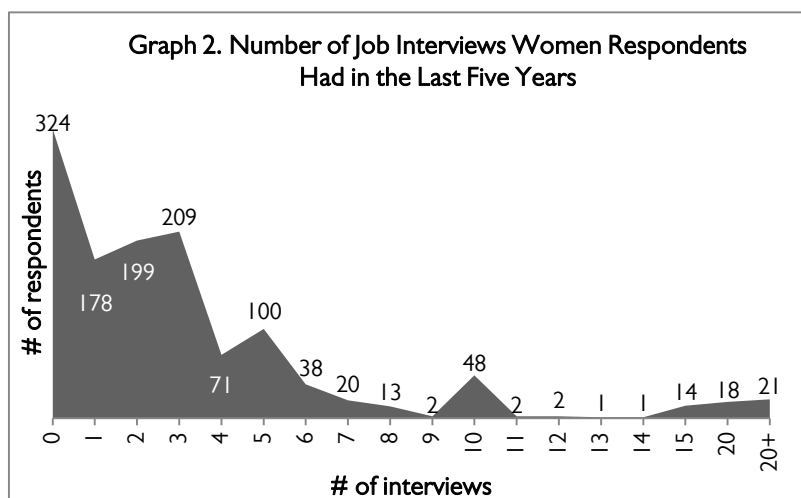
⁴³ Färnsveden, U., Farnsworth, N. and Qosaj-Mustafa, A. for Orgut for Sida, *Country Gender Profile: An Analysis of Gender Differences at All Levels in Kosovo*, Prishtina: Sida, 2014, p. 17.

⁴⁴ Directive 2010/41/EU, Art. 8.

hiring or maternity leave.⁴⁵ Some organizations have reported having to increase the workload of other staff members in order to meet legal obligations for maternity leave.

Women, Men, and the Search for Work

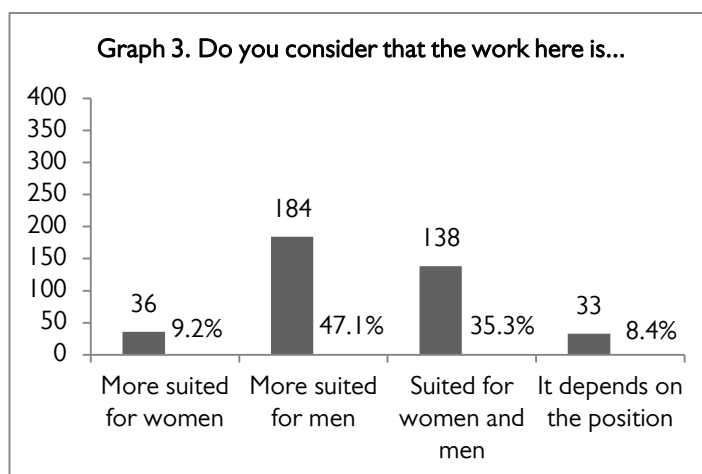
Considering women's low labour force participation rate (21.4%) and high inactivity rate (78.6%), perhaps it is unsurprising that of the 1,263 women surveyed, one-fourth had not been to a job interview in the last five years (see Graph 2). On the opposite side of the spectrum, one respondent estimated having attended 150 interviews (e.g., averaging 30 per year). On average, women reported having five interviews in the last five years, averaging one per year. In comparison, the men KWN surveyed reported attending 3.6 interviews in the last five years. This may suggest that women may have to undergo more interviews than men when trying to secure a job.



Is There Gender Discrimination in Hiring?

KWN hypothesized that the gender of the owner or manager could impact the extent to which women are hired. Of the 400 employers surveyed, 87% were owned and/or led (e.g., government bodies and NGOs) by men and 13% by women. This is similar to the population of employers in Kosovo, of which only 13% are led by women.⁴⁶ The KWN survey of employers evidenced a statistically significant correlation between women employers and a preference to hire women.⁴⁷ This suggests that women employers are more likely to hire women than men, whereas men employers are more likely to hire men. As most employers are men, this could explain in part women's low employment.

Women comprised only 26.9% of all employees of the surveyed employers. The surveyed employers hired an average of three men and one woman. When asked whether the work that they had was more suitable for women, men, or both, 47% of employers believed their work was fit for men, 9% said for women, and 35% for both (see Graph 3). An additional 8% said that the work they offered could be more suitable for women or men employees, depending on the position.



⁴⁵ Kosovo Civil Society Foundation (KCSF), Commentary I "Challenges for civil society organizations in Kosovo in implementing Labour Law provisions on maternity leave", Prishtina: KCSF, 2013.

⁴⁶ TAK list, coded and analysed by KWN.

⁴⁷ There is a positive relationship between women owners and a preference to hire women compared to men. A negative relationship exists between men owners and the preference to hire women (95% confidence level).

To probe for discrimination, employers also were asked, “In hiring, if you had to choose between a woman and a man candidate who had the same level of education, same qualifications, and same experience, which would you choose?” Almost half (47.6%) said they would choose men, whereas 23.2% would choose women; 29.2% said they did not know. Responses

to these questions suggest that traditional gender roles regarding what women “can” and “cannot” do likely affect women’s participation in the labour force. Responses suggest that more than half of employers in Kosovo, knowingly or unknowingly, discriminate against persons in hiring, based on their gender.

Employers also were asked, “In hiring, if you had to choose between two women who had the exact same qualifications, but one was married and one was not, which would you prefer to hire?” More than one-third (36.8%) of employers said that marital status was unimportant to them. However, 14.6% preferred married candidates, and 23% preferred unmarried candidates. This suggests that more than one-third of employers in Kosovo may discriminate in hiring based on marital status. However, employers’ responses suggest that they are more likely to discriminate based on gender than on marital status.

Most employers (56.9%) said that they would prefer to hire women ages 18-30 (see Graph 4), followed by women ages 31-40 (15.8%). Six percent preferred hiring women under age 18. Very few employers (1%) preferred hiring women over age 40. Only 7.8% of employers said that age does not matter, and 14% did not know. These responses suggest age discrimination in hiring, but not necessarily related to the potential that women will become pregnant. In fact, most employers (79%) actually seem to prefer hiring women in the

height of their childbearing years (up to age 40). It would be interesting to compare these findings with any potential discrimination in the hiring of men of the same age in future research. Perhaps indicative is the fact that Employment Offices in Kosovo seem to be finding employment for men ages 25-39 at much higher rates (40% of persons employed) than women of the same age (11%).⁴⁸ Further, 23% of persons who secured work with assistance from Employment Offices were men ages 15-24, whereas women of the same age category comprised only 6% of persons employed with assistance from these offices.

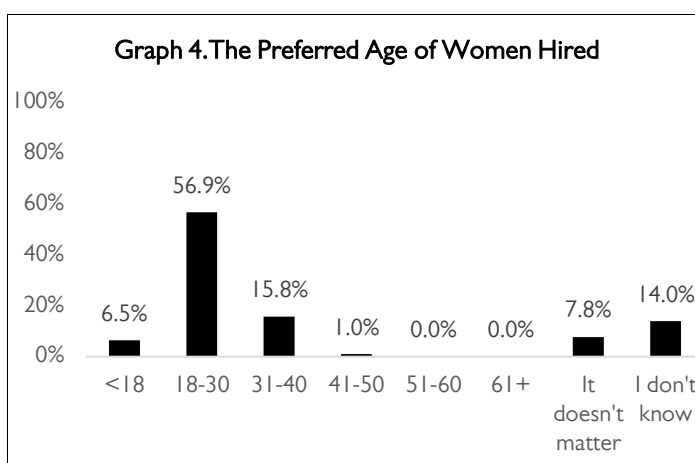
When selecting candidates for employment, almost half of the employers (40.8%) said they would not differentiate between a woman who planned to have children in the next five years and one who did not. However, 14.7% prefer to hire women who do not want to have children; 17% said they prefer women who want children; and 27.5% did not know. While 55.1% of employers said they do not consider a job applicant’s family plans during the hiring process, 44.9% said that they do. This suggests that some employers are discriminating against women in hiring based on their family plans.

When asked directly if they ever had not hired a woman because they could not afford to pay for maternity leave, 14.2% of employers said “yes”, whereas 85.8% said “no”.⁴⁹ Further, 9% of respondents said they or their managers requested women take a test to prove that they were not



“This is heavy physical work and it can’t be done by women.”

Employer, Prizren



⁴⁸ KWN, *Budgeting for Social Welfare: A Gender+ Analysis to Inform Gender Responsive Budgeting in the Ministry of Labour and Social Welfare in Kosovo 2016-2018*, Prishtina: KWN, 2015.

⁴⁹ Additionally, 6.1% of respondents knew managers in their office who had refused to hire women because they planned to have a family.

pregnant, prior to hiring them. Indeed, 40 women surveyed for this research reported that employers had asked them to take such tests, proving they were not pregnant when they applied for work. While this practice may not necessarily be widespread among employers, it definitely exists in Kosovo. Therefore, some employers clearly are discriminating against pregnant women in hiring.

Women's personal experiences similarly suggest that employers consider family plans in hiring and may use this as a basis for discrimination in hiring. Of the 937 surveyed women who had applied for a job in the last five years, 62.7% said that employers asked them about their marital status and plans to have children. Survey data suggest that women ages 18-30 are more likely to be asked about their family plans during interviews, whereas women ages 41-50 tend not to be asked this.⁵⁰ Interestingly, 38% of women respondents said that they felt employers asked this question more often since 2010; 21% thought employers asked this question less often; and 42% said nothing had changed. In comparison, 65.9% of men said employers asked about their marital status or plans for children during job interviews.⁵¹

Overall, responses by employers and surveyed women alike suggest that gender discrimination in hiring is fairly widespread in Kosovo, carried out by an estimated half of employers. Age discrimination in hiring also exists, likely affecting older women more than younger women. Findings also suggest that at least 13% of employers in Kosovo are likely discriminating against women *because of* the current maternity leave provisions. It is possible that some employers may have satisfied, offering what they consider more socially acceptable responses. This would mean that the extent of discrimination may be even more widespread than what has been reported here.

Notably, the Law on Labour forbids discrimination in hiring.⁵² Such gender-based discrimination also is illegal in accordance with the Law on Gender Equality⁵³ and the Law on the Protection from Discrimination.⁵⁴ Employers also may not be aware of their legal obligations to further gender equality through their employment practices, including via affirmative actions where necessary.⁵⁵

Is There Gender Discrimination in Contracts?

In the 2014 Labour Force Survey, most employees (84.5%) had an individual contract, while the rest worked without a contract. A higher percentage of young people (15 to 24 years) worked without contracts (38.5%).⁵⁶ Of those who had contracts, only 28.4% had a permanent contract for their main job, while 71.6% had temporary contracts. Figures were similar for men and women.

At the same time, KWN has received unsubstantiated reports that employers may discriminate against women with regard to the length of the contract signed. This could be a sign that employers are seeking to avoid responsibilities related to maternity leave. Unfortunately, the extent to which this is happening is very difficult to assess, again due to the tendency of employers to satisfy. When asked about the length of contracts signed with women and men, respectively, for the 47% of surveyed employers who provided a specific length of time, on average, contracts for women were almost a half month shorter (8.3) than contracts for men (8.8 months). Approximately 29% of employers said that they do not sign contracts with their employees.

⁵⁰ KWN ran a logit regression, and the correlation is significant at a 95% confidence level.

⁵¹ KWN is running tests to see if men of particular ages are more likely to be asked.

⁵² The Law on Gender Equality states that discrimination based on gender is forbidden and offers measures to ensure equal opportunities for women (Art. 5).

⁵³ Art. 2, para. 1 guarantees equal opportunities and treatment in public and private spheres, including political and public life, employment, education, health, economy, social benefits, sports, culture, and other areas. Art. 3, para. 1.6. states that indirect gender discrimination includes "when, a provision, criterion or impartial practice shall, have or will put person of other gender at an unequal position unless that such provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary."

⁵⁴ Art. 1 and Art. 2(1.1).

⁵⁵ Law on Gender Equality, Art. 5.

⁵⁶ KAS, *Labour Force Survey 2014*, p. 14.

Again, as women's participation in the informal economy is believed to be extensive and potentially higher than men's,⁵⁷ employers also may take on women as employees, but not sign contracts with them. Due to the very nature of such (illegal) practices, no accurate quantitative data exists. For further information about the discontinuation of contracts during or following maternity leave, see the section: "Do women return to work after maternity leave."

What Procedures Exist to Protect Workers, Particularly Pregnant Women?

Health Protection at work for pregnant women in the EU is regulated by Directive 92/85/EEC. The EU's Pregnant Workers Directive aims to protect health and safety in the workplace for pregnant women, women that have recently given birth, and breastfeeding women. EU countries are required to inform employers and female workers of guidelines set by the European Commission regarding risks to health and safety at work posed by hazardous substances and industrial processes. Where risks are identified, employers are required to take actions to protect women workers by moving them in a different position, or, if this is not possible, the employer should grant them leave. The worker's employment rights, including payment of an adequate allowance, must be guaranteed by the employer after the leave is granted. Pregnant workers also may undergo antenatal medical examinations during working hours without loss of pay.⁵⁸

Kosovo's Law on Labour protects pregnant women and breastfeeding women employees from labour that is classified as harmful for the health of the mother or the child. MLSW is responsible for issuing the sub-legal act for the classification of hard and dangerous forms of labour that may damage the health of pregnant and breastfeeding women.⁵⁹ It has issued Administrative instruction No. 11.2011 for the Classification of Hard and Dangerous Forms of Labour that may Damage the Health of Pregnant and Breastfeeding Women. Employers are obliged to implement general rules and procedures for occupational safety and protection, as defined by the Law on Safety and Health at Work.⁶⁰ Further, the employer has a responsibility to carry out a detailed risk assessment for each workplace.⁶¹ Penalties for violations range from €500 to €10,000. Also, fines apply for assigning employees under 18, pregnant women, and disabled persons to particularly hard manual work, work beyond regular working hours, and night work. Employers are not required to grant women paid leave if they cannot adjust their job position to a safer one when the current position poses a threat to their health. This should be addressed in the revised Law.

Only 15.2% of the surveyed employers have a policy identifying risks to pregnant persons. However, one in five women employed during their pregnancy felt that their work endangered their health or the health of their child.⁶² More specifically, 31% of women employed while pregnant said they had to lift, carry, push, or pull loads; 80% had long periods of sitting or standing at work; nearly one-fourth were exposed to biological, chemical, or physical agents; 54% were exposed to extreme temperatures (hot or cold) or vibrations; 8% had to do night work (defined as at least two hours between 22:00 and 05:00); and 53% had to work extended hours or overtime while pregnant.⁶³ Graph 5 illustrates how often women had to undertake such tasks.

⁵⁷ Färnsveden, et al., *Country Gender Profile*, p. 17.

⁵⁸ Directive 92/85 /EEC, Art. 9.

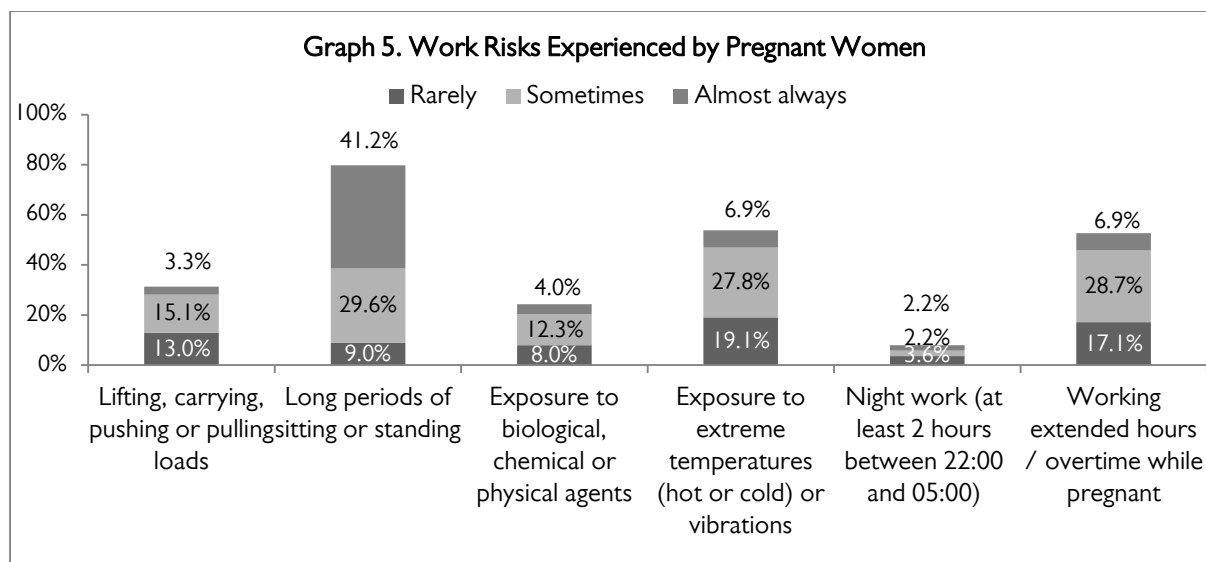
⁵⁹ Law on Labour, Art. 46.

⁶⁰ Ibid. Art. 42 (5).

⁶¹ Law on Safety and Health at Work, Art. 5 (3).

⁶² KWN survey, n = 276.

⁶³ These potential risks have been identified by the ILO and were asked in accordance with the ILO's suggested survey instrument. Depending on the question, n= 227 to 277.



Approximately one-third of women said that they did not want to request lighter duties or a safer job, and 41% said they had no reason to request lighter duties or a safer job. However, one-fourth did make such a request, and 12% of them said that their request was not approved by their employer.

Women's and Employers' Experiences with Maternity Leave

Very few employers seem to have information regarding the allowed length of maternity leave. Of the employers that responded to this question,⁶⁴ on average they allowed 15.2 weeks of maternity leave (almost four months). For the 19.5% of employers who mentioned instances of persons taking maternity leave in the last 10 years, the average length of leave actually taken in 23 different cases was 23.5 weeks (almost six months).

Among the employed women surveyed, 72% said that their employer would provide them with paid maternity leave should they need it, whereas 10% said they could take unpaid maternity leave. Five percent said that they could not take maternity leave at all. Statistical analysis suggests that there is a positive relationship between taking maternity leave and being employed in the public sector.⁶⁵ Meanwhile, persons employed in the private sector tend not to take maternity leave.

Costs to Employers

One-third of the women surveyed had given birth in the last five years (425 women). Of them, 335 women (79%) were working during the 12 months before their child was born. On average, their pay was €576 per month. Salary levels seem not to influence the length of maternity leave taken by women. This means that a woman's monthly wage does not seem to affect her choice to take a certain amount of time for maternity leave.⁶⁶ Approximately 83% of employed women said that they took maternity leave around the time of the birth of their children (263 women), whereas 52 women did not. On average, women took 12 days of leave before the birth of their children. Then, on average, employed women took seven months of maternity leave, for which, on average, women said they were paid for 5.7 months. Approximately half of the women said they were paid for six months. However, 7.5% of previously employed women said that they were not paid at all during this time. On

⁶⁴ N = 90. Low response was due to the fact that several employers said they never had women employees or they did not know for how long they would allow employees to take maternity leave.

⁶⁵ The logit regression showed the same relationship at a confidence level of 95%. For the 50% of respondents whose employers would not provide them with maternity leave (private sector), KWN ran a cross-tabulation.

⁶⁶ Correlation and regression tests with salary as a continuous variable, as well as combined in groups, showed insignificant results.

average, during their first six months of maternity leave, women said they received €410 per month,⁶⁷ which is more than the current average wage (€360).⁶⁸ This may be reflective of the fact that more affluent women probably had easier access to information about the KWN online survey and were thus more likely to take it. Even so, although women should have been paid at 70% of their salary during this period in accordance with the law, on average the women surveyed only received 54% of their regular salaries.

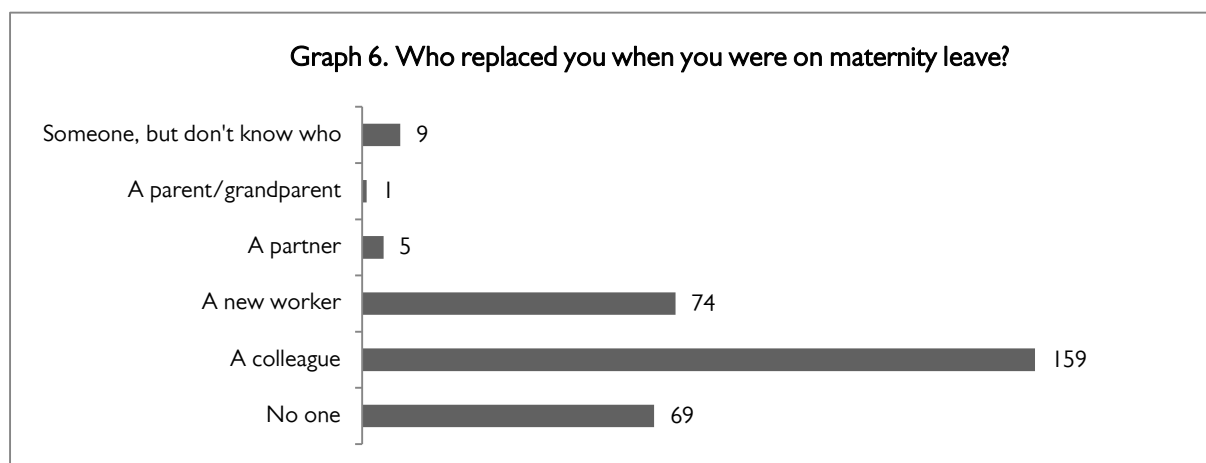
Only 38% of employers said that they pay for maternity leave, whereas 61% (119 employers) said they do not.⁶⁹ Of the employers who said they would pay for maternity leave, on average they would pay for 5.5 months.⁷⁰ The percentage of a woman's salary that they would pay varied substantially from 30% to 100%. While the amount that employers should pay (70%) is regulated by law, the fact that most employers seem not to know this requirement suggests a lack of knowledge regarding legal obligations. It is clear from both surveys that some employers do not implement legal requirements for paid maternity leave.



“I don’t deal with the Law on Labour.”

- Employer

The employers surveyed reported 65 instances of employees becoming pregnant and 52 cases of women taking maternity leave since 2007. A few employers reported incurring additional costs as a result of maternity leave because they had to hire new persons. Among 317 employed women who took maternity leave in the last five years, 78.2% reported that their employer had to replace them. Nearly half said that another colleague fulfilled their duties, whereas nearly one in four said employers hired someone new to fill their positions. In more than one in five cases, no one filled their position (Graph 6).



Costs of Maternity Leave to the State

The Department of Labour and Employment within MLSW monitors, administers, and budgets for the implementation of Maternity Leave provisions in accordance with the 2010 Law on Labour. It is responsible for distributing maternity leave benefits to women during the seventh through ninth months of their maternity leave. Benefits are in the amount of 50% of the average salary in Kosovo. However, MLSW used the same average salary for several years without increasing it in accordance with the actual average salary. From 2011 to 2014, MLSW used €292 as the average salary on which maternity leave benefits were calculated. However, according to the Kosovo Agency of Statistics

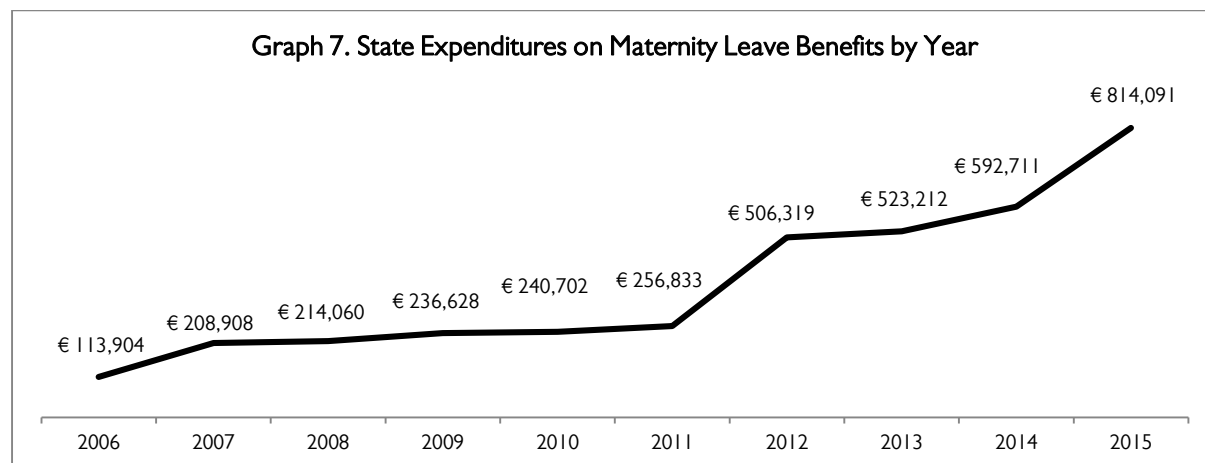
⁶⁷ There were 206 valid responses to this question.

⁶⁸ Ministry of Trade and Industry, website, 2015.

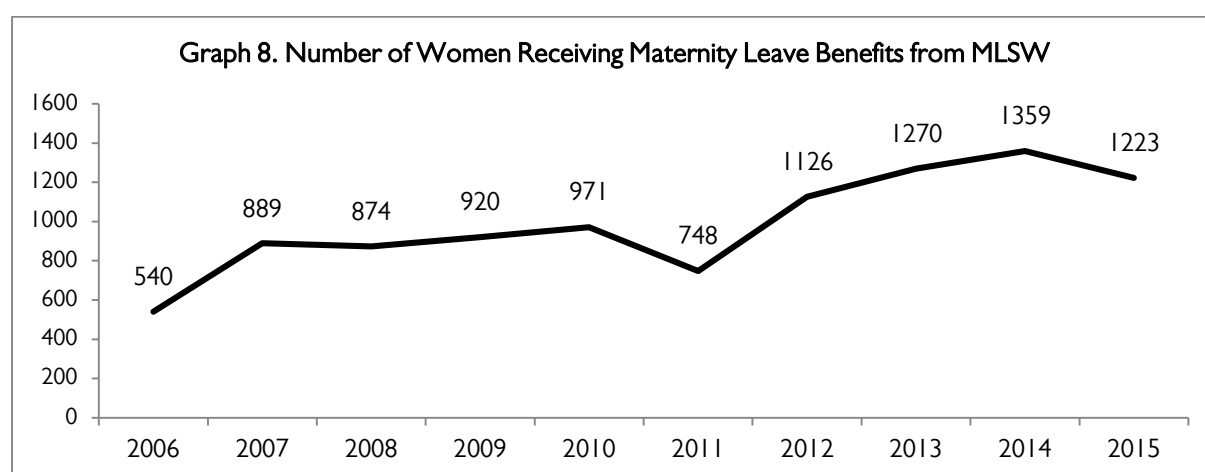
⁶⁹ This is of the 204 employers that responded to the question. The non-response rate was high perhaps because employers may have understood the question to mean with regard to persons that had actually taken maternity leave, of which several employers did not have any experience.

⁷⁰ Only 51 employers responded to this question. It includes only employers who said they provide leave, as others say they do not allow leave. Some employers likely did not respond because they did not have any women employees.

(KAS), the average wage in 2011 was €368, in 2012 was €372, in 2013 was €374, and in 2014 was €364.⁷¹ As Graph 7 illustrates, state expenditures on maternity leave benefits have increased steadily over time. A particularly sharp increase in expenditures is visible in 2011, which reflects the increase in benefits that came with the 2010 Law on Labour. In 2015, expenditures were planned to reach €814,091.



As Graph 8 illustrates, the number of recipients of maternity leave benefits also has increased steadily over time. The figure for 2015 was prior to the end of the year and thus is less than actual expenditures. In 2014, 1,359 women claimed maternity leave benefits from the state. Interestingly, when considering there were 25,929 live births in 2014 and that an estimated 12.5% of mothers may have been employed as per women's labour force activity rates,⁷² only 41.9% of employed mothers took up this benefit from the state. This suggests that 60% of women may go back to work before the state benefit begins at the seventh month of maternity leave. This theory is further evidenced by the aforementioned finding that the women surveyed tended to return to work after the sixth month of leave. Of the 249 employed women who responded to this question, 59% said that they did not receive the government benefit.



⁷¹ KWN, *Budgeting for Social Welfare*, 2015.

⁷² This is based on the assumption that women having children are similar to the population of women; and that women who tend to have children are not more or less employed than the population of women. Kosovo has no available data on this so only demographic estimates can be used. Ideally this information would be recorded and submitted to KAS annually together with health statistics, which would facilitate estimates of potential maternity leave benefits in the future.

Table 2 shows that in 2011 women civil servants likely received more of this benefit (49%), followed by women working in the public (34%) or private (17%) sectors. However, in 2012-2015, a higher percentage of beneficiaries worked in public or private sectors.

Year	Civil servants	%	Public sector	%	Private sector	%	Total	Budget spent
2011	364	49%	256	34%	128	17%	748	256,833
2012	203	18%	560	50%	363	32%	1126	506,319
2013	238	19%	570	45%	462	36%	1270	523,212
2014	204	15%	531	39%	624	46%	1359	592,711
2015	170	14%	444	36%	609	50%	1223	814,091

Considering that the state is currently the largest employer in Kosovo,⁷³ it should be noted that the state also pays for the first six months of maternity leave for all public sector employees and civil servants taking leave.

Do Women Return to Work after Maternity Leave?

In the last decade, surveyed employers reported 20 instances of women not returning to work after maternity leave.⁷⁴ Among the reasons they cited: women wanted to stay home to care for their children, they had to fill her position in her absence, or the woman changed workplaces for a more convenient way of raising the child. Only 18.1% of employers had a policy guaranteeing that women could return to work following maternity leave, whereas 81.9% did not. Further, 93% of employers did not have any policy against dismissal or termination of an employee during pregnancy or maternity leave. Indeed, 87 employers said that if a woman would be gone a long time, this was sufficient reason for them to terminate her contract. Further, 26 employers said that if a woman's contract expired during pregnancy or maternity leave, this would be sufficient reason for her to not return to work. Approximately 61.5% of respondents said that managers and 67.6% said that employees did not have any complaint mechanism in place to report rights violations related to maternity leave should they occur. A few respondents noted that if rights related to maternity leave were violated, an employee or manager could complain to the municipal court, union, owner, inspectorate, executive director, human resources department, or, in the case of a governmental body, to the relevant commission.

The vast majority of employers (96%) said that women who take maternity leave receive the same amount of pay when they return. Most employers (79%) also said that women who return after maternity leave retain other workplace entitlements, such as eligibility and duration of other types of leave, pension accumulation, and consideration for promotions. However, 21% said that women lose these rights. More than two-thirds of employers will not allow women to adapt their former job to their new situation (e.g., part-time, work from home, etc.). In sum, few employers have policies and procedures in place to protect the rights of women prior to or following maternity leave.

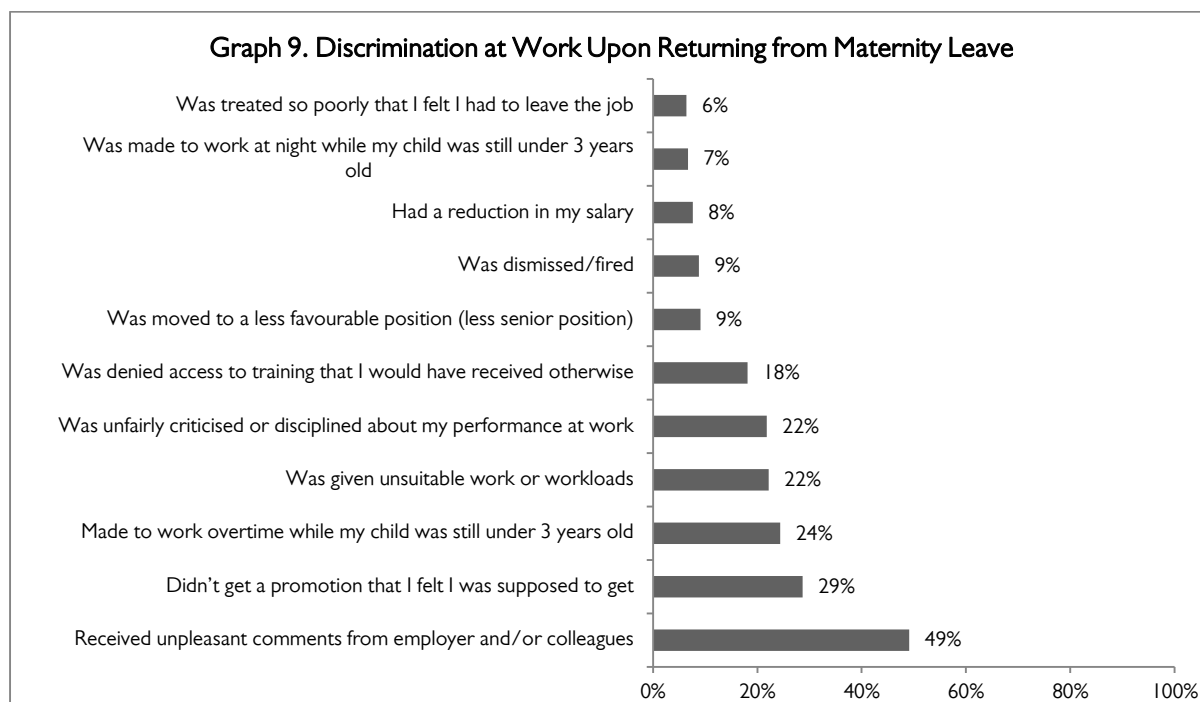
While 74% of women said that they returned to work following maternity leave, 12% did not. Statistical analysis suggests that the longer the maternity leave a woman takes, the lower the chances are that she will return to work.⁷⁵ The reasons why women did not return included that their employer would not allow them to return to work (eight respondents); the employer decided to hire the person who had replaced her instead (seven); she had no one to take care of her children or childcare was too expensive (five); she did not want to work anymore (four); her contract ended while on leave (three); she could not find work, if not working before (three); and due to illness or injury.

⁷³ UNDP, *Kosovo Human Development Report 2012*, Prishtina: UNDP, 2012, at: <http://hdr.undp.org/sites/default/files/khdr2012-eng.pdf>, p. 1.

⁷⁴ Notably the size of the sub-sample was too small to make any generalizable conclusions.

⁷⁵ KWN ran a correlation and logit regression test. Both showed that this relationship is negative and statistically significant (95% confidence level).

For those who did return to work, 82% returned to the same work, with the same pay, and conditions that they had before their child's birth, though 18% did not.⁷⁶ While 73% reported having the same responsibilities at work, 21% said they had more responsibilities, and 6% had fewer responsibilities. Further, 79% said their pay remained the same, whereas 11% had a pay cut, and 11% had a pay raise. Most (83%) had similar working hours, though 11% said they had longer hours and 6% said they had shorter hours upon returning to work. Respondents reported facing several forms of discrimination upon returning to work (see Graph 9).



Nearly half of the women returning to work after leave said they received unpleasant comments from their employer and/or colleagues (49%), and 29% said they did not get a promotion that they felt they deserved. Nearly one-fourth had to work overtime while their children were still under three years old. More than one in five women said they were given unsuitable work or workloads or unfairly criticised or disciplined about performance at work; and 18% said they were denied access to training that they would have received otherwise. Others said that they were moved to a less favourable or less senior position (9%); dismissed or fired from work (9%); had a reduction in their salary (8%); were made to work at night while their child was still under three years old (7%); and/or were treated so poorly that they felt they had to leave their jobs (6%).

All of these experiences are forms of discrimination against women and many constitute violations of women's rights. Making a woman work at night while her child is under three years old violates the Law on Labour,⁷⁷ and the fine for violating this article ranges from €100 to €10,000.⁷⁸ Making a woman work overtime while her child is under three years old also violates the Law on Labour, which prohibits the extension of working hours for single parents with children under the age of three.⁷⁹ The fine for violating this article ranges from €100 to €8,000.⁸⁰ Reductions in salary, denial of access to training, not being granted a forthcoming promotion, being unfairly criticized or disciplined about performance at work, being given unsuitable work or workloads, and receiving unpleasant

⁷⁶ N = 225.

⁷⁷ Art. 48 (1).

⁷⁸ Administrative instruction No. 07/ 2012 for Determination of Fines and Specific Amounts for Violation of the Provisions of Law on Labour, Art. 7.

⁷⁹ Art. 26 (2).

⁸⁰ Ibid.

comments from an employer and/or colleagues all constitute direct and indirect discrimination.⁸¹ The fine for violating the Law on Labour⁸² ranges from €100 to €10,000.⁸³ Dismissal or removal to a less favourable or less senior position also violates the Law, for which the fine ranges from €100 up to €10,000.⁸⁴ Further, as mentioned, pursuant with Directive 2004/113/EEC, less favourable treatment of women for reasons of pregnancy and maternity should be considered a form of direct discrimination based on sex and therefore prohibited in insurance and related financial services. Also, the EU Court of Justice has ruled that refusal to engage a pregnant woman because of pregnancy or maternity amounts to direct discrimination, and refusal to extend a fixed-term contract of employment of a pregnant worker also constitutes direct discrimination.⁸⁵

Paternity Leave

In accordance with the Law on Labour, men can take two to three days paid paternity leave.⁸⁶ However, employers seem to have different individual policies, written or unwritten, allowing for a diverse array of lengths of leave for fathers, ranging from 0 to 45 days. For the 44% of employers who said they allowed paternity leave, the average time allowed was 7.8 days. Twelve percent of employers said they would not allow any leave at all for fathers.

Of the women surveyed who went on maternity leave, only 44% said their husband took paternity leave, and 56% said their husband did not.⁸⁷ Of those who reported their husbands took leave, on average men had 4.5 days off.⁸⁸ Two-thirds said that their husbands were paid for the days that they took off during this period.⁸⁹ In five cases, women reported that their husband used the right to take over leave provisions foreseen in the law (with three months paid by the government and three months unpaid).

Of the employed men surveyed, 57% said that their employers would give them two to three days paid leave in accordance with the law if they should want to take it. However, 12% said they would be permitted leave, but that it would be unpaid.⁹⁰ Nearly one-third of employed men did not know if they could take paid or unpaid leave. Of the surveyed men who became fathers in the last five years, most (38.3%) took off three days, and 19.2% took more than three days. Fifteen percent took two days and 9% one day. However, 18.6% said they could not take any days at all. Nearly 70% said that they received their regular pay during the days that they took off, whereas 5% received half-pay, and 26% did not receive any pay during paternity leave. These are violations of the Law on Labour, which entitles employees to two to three days paid leave upon the birth or adoption of a child.⁹¹

Men were asked their opinions regarding their desired length of paternity leave. Most men preferred that paternity leave last between four days and one month. However, several also were in support of it lasting more than one to three months, and three to six months (see Graph 10). When asked if they would actually take this leave, 54% said that they would take the length of leave they proposed if it was paid, whereas 38% said they would take it even if it was paid at 70% of their current salary (as with women). Only 9% said they would not take paternity leave, paid or unpaid. This suggests that most men in Kosovo would support an increase in the length of paternity leave.

⁸¹ Law on the Protection from Discrimination, Art. 1, 2, 3 and 4, and the Law on Labour, Art. 5.

⁸² Art. 5.

⁸³ Ibid, Art. 92.

⁸⁴ Art. 53 and for fines, *ibid*.

⁸⁵ Case C-32/93 *Webb v EMO Air Cargo* [1994] ECR I-3567 in Paragraph 26; Cases C-109/00 *Tele Danmark A/S v Handels- og Kontorfunktionærernes Forbund i Danmark (HK)*, acting on behalf of Marianne Brandt Nielsen [2001] ECR I-2785 in Para. 34.

⁸⁶ Art. 50 and Art. 39, respectively.

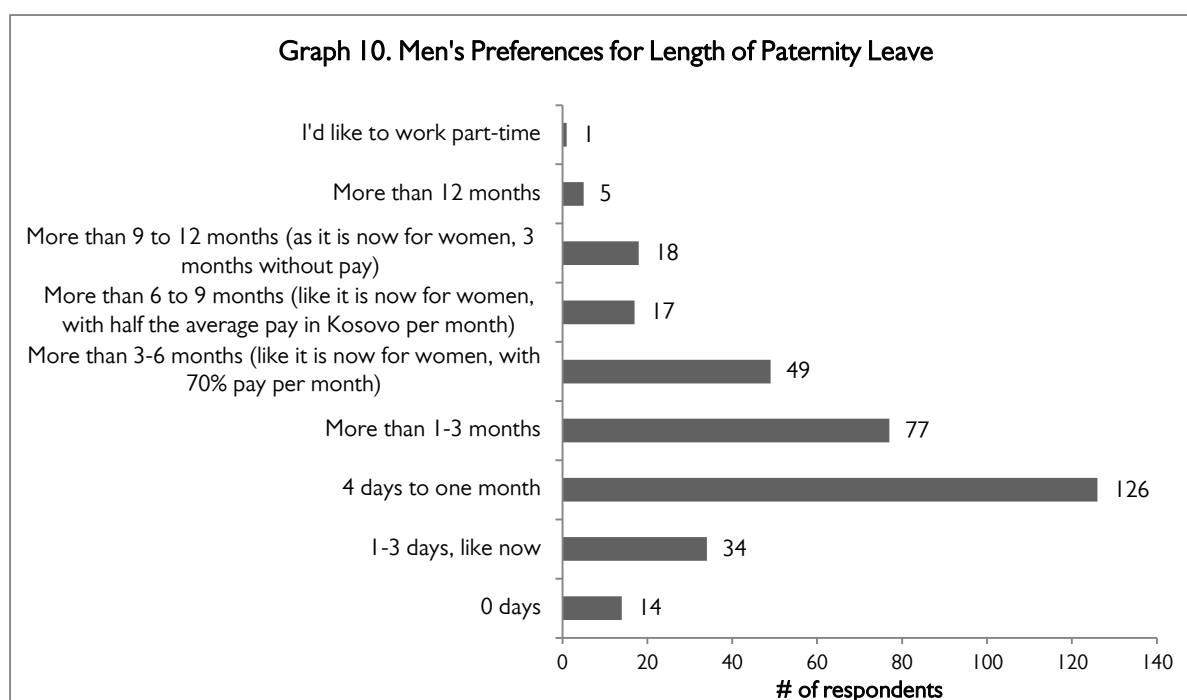
⁸⁷ The potentially incorrect assumption that women were married has been noted by the researchers (n = 276).

⁸⁸ N = 118.

⁸⁹ N = 174.

⁹⁰ N = 344.

⁹¹ Law on Labour, Art. 39, Art. 50.



Other Forms of Leave and Benefits

Approximately half of the employers surveyed said that they offer additional forms of leave that the mother, father, or other family members can take after a birth in the family; 44% do not. Only an estimated 14.6% of employers offer other maternity leave related benefits like health insurance. Further, only 35.7% of employers said that they give women time off of work for pre-natal care, and 63.8% do not.

Nearly one-third of the employed mothers surveyed reported taking time off for other care purposes until their child was three years old, for which they were paid. Ten percent said they took such days, but were not paid; and 57% did not take any such days. Further, 68.4% of women said that their employer released them from work to receive proper medical care before birth, during birth, and in the postpartum period, and that this time off was paid.⁹² For 14.5% of women, the time off was permitted but was unpaid; and for 12.1% their employer did not permit them time off at all.

Breastfeeding Breaks

Studies have shown that breast milk improves the nutritional status of infants. Since malnutrition contributes to half of all infant deaths, breastfeeding helps to reduce infant mortality.⁹³ Moreover, children that are breastfed exclusively in the first six months have fewer allergies and asthma, fewer episodes of acute childhood illnesses, lower rates of childhood obesity, and lower rates of immune-related diseases. These benefits continue in their development as these children show higher IQ scores and school performance. For mothers, breastfeeding lowers rates of obesity, as well as breast and ovarian cancers, among other health implications.⁹⁴

Approximately 137 countries in the world, including many European countries,⁹⁵ have policies that allow daily breastfeeding breaks for new mothers. Policies that provide for breastfeeding breaks at the workplace are in line with the Convention on the Rights of the Child (CRC), CEDAW, and ILO

⁹² N = 282.

⁹³ Heymann, J., Raub, Earle, A., *Breastfeeding Policy: a Globally Comparative Analysis*, 2013, p. 1.

⁹⁴ Health Impact Assessment Working Group, *Rapid Health Impact Assessment of the Maternity Leave Bill (S.B. 9- 20- SD2); Maternity Leave in the Palau Workforce*, Koror, 2013.

⁹⁵ Austria, Croatia, Germany, Italy, Spain, Portugal, etc.

Convention No. 183 concerning the Revision of the Maternity Protection Convention. According to the CRC, “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health” and “States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: To diminish infant and child mortality.” The CRC further refers specifically to the importance of breastfeeding.⁹⁶ Pursuant with ILO Convention No. 183, women shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed their children, which will be counted as working time and remunerated accordingly.⁹⁷

An estimated 86% of employers have no policy allowing for pauses or shortened working hours for breastfeeding. Further, 81% said that if women took such breaks, they would not be paid. In addition to the legally permitted lunch time, only 28.3% of employers said that they allowed women additional time off for breastfeeding; 71% did not allow any time off at all. The average length of time that surveyed employers allowed breastfeeding was for 7.3 months.⁹⁸ Less than one-third of employers said that women are informed of their rights upon returning from maternity leave; and only 22% said that women actually realize these rights.



“I paid for four months of maternity leave, but I had no idea about breastfeeding leave.”

- Employer, Prishtina

Among the women surveyed, 86% reported breastfeeding their infants; 14% did not. Only 43% of employed women said that they breastfed while working, whereas 48% did not. More than one-third (34%) said that they took breaks to breastfeed, whereas 39% did not.⁹⁹ While 31% said that their employer provided them with additional time off in order to breastfeed, 55% were not permitted time off.¹⁰⁰ On average, women who breastfed while working did so for 5.5 months, though some women breastfed for up to two years. Among those who were permitted additional time off for breastfeeding after returning from maternity leave, this lasted 5.4 months on average.¹⁰¹ Only 3% of them said that employers decreased their salaries as a result of taking this time off, whereas 68% said they did not.

For women who stopped breastfeeding, most said it was due to natural causes (90). Some said it was a personal choice (24). However, several women attributed it to having to return to work (29); it being too difficult to breastfeed at the location of their work (30); and finding it too difficult or tiring to combine breastfeeding with work (23).

As per the state’s duty to protect the rights of the child, safeguarding women’s rights to breastfeed during working hours is important. According to the World Health Organization (WHO), “exclusive breastfeeding is recommended up to 6 months of age, with continued breastfeeding along with appropriate complementary foods up to two years of age or beyond.”¹⁰² The state has an important role to play in encouraging breastfeeding, which can be done by safeguarding mothers’ rights to breastfeed within the Law on Labour. The Law on the Protection of Breastfeeding offers breastfeeding breaks for women only after they have used six months of maternity leave. It leaves women who choose to return to work earlier unprotected.

Children’s Impact on the Household Budget

The extent to which children create a financial burden on families, potentially impacting their ability to care for children, must also be considered in the context of the state’s responsibility to protect the rights of the child. State efforts to increase awareness about the real costs of having a child and caring for that child are important for educating families at the outset and preventing any need for

⁹⁶ UN General Assembly, Convention on the Rights of the Child, Art. 24, para. 2(e). The CRC is directly applicable in Kosovo.

⁹⁷ ILO Convention No. 183 concerning the Revision of the Maternity Protection Convention (Revised), Art. 10.

⁹⁸ N = 45.

⁹⁹ An additional 24% of respondents were still on maternity leave and thus could not respond to this question (n = 290).

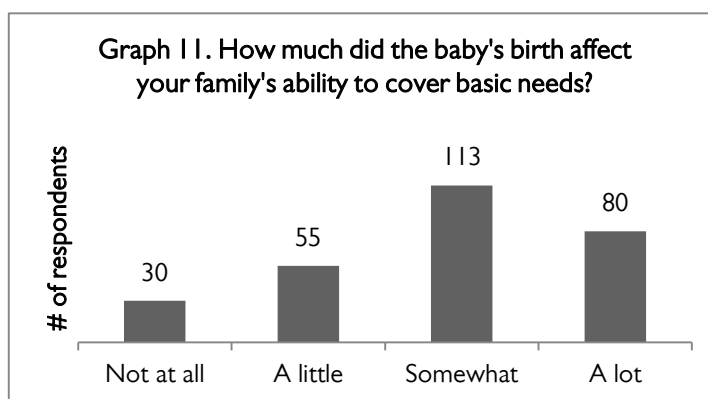
¹⁰⁰ Further, 14% were still on maternity leave (n = 234).

¹⁰¹ N = 72.

¹⁰² World Health Organization, “Breastfeeding,” at: <http://www.who.int/topics/breastfeeding/en/>.

the state to intervene to protect the rights of the child later on. Maternity and paternity provisions are social policies also related to ensuring the wellbeing of the child. The extent to which the state must intervene to protect the wellbeing of the child in the context of financing maternity and paternity leave therefore likely relates to the extent to which families are impacted financially by the costs affiliated with the birth of children.

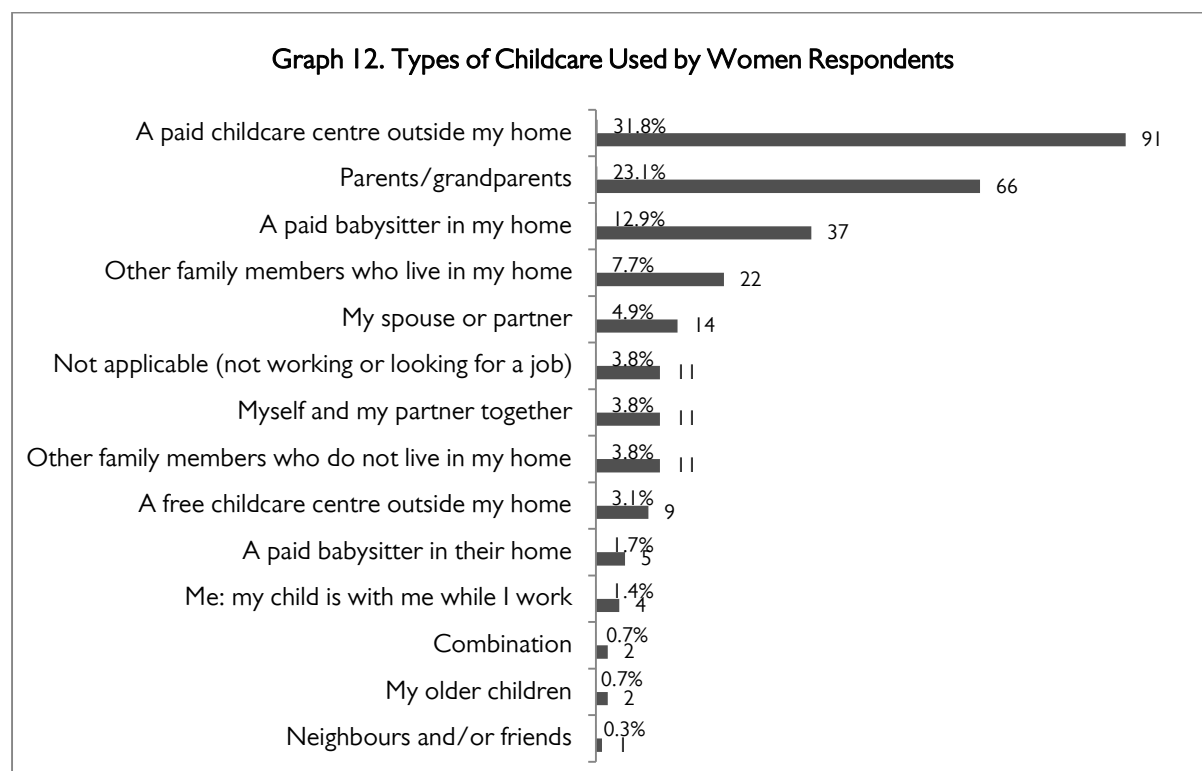
Responses from women surveyed suggest that the birth of children within the last five years impacted families differently (see Graph 11). While 80 women said that they were financially impacted “a lot”, 113 were somewhat affected, and 55 “a little” affected. Only 30 women said that their ability to cover basic needs was not affected at all by the baby’s birth. Paid leave thus seems to remain crucial for the wellbeing of children in Kosovo.



Childcare

According to census data, 24.7% of women who were not working in 2015 (and 3.7% of men) said that the “main reason” for not working was responsibilities at home, including caretaking and housekeeping. Moreover, a 2015 Kosovo-wide household survey by KWN similarly suggested that one in four Kosovar women (and 3.7% of men) are unemployed and not working *because of* caretaking and housekeeping responsibilities at home. It can be estimated that care responsibilities negatively affect the labour force participation of approximately 14% of Kosovars.

KWN asked women surveyed for this research how they have arranged for the care of their children upon returning to work. Women mentioned several types of childcare. As Graph 12 illustrates, almost one third took the child to a paid centre outside their home (31.8%).



Then, 23% left the child with their parents. Other childcare methods used included: a paid babysitter at home (23%); other family members at home who cared for the child (7.7%); a spouse or partner; family members living outside the home; free childcares centres; babysitters at home; older children; and friends. A few women took their children with them to work.

Ensuring that childcare is affordable and accessible is crucial for enabling women to work.¹⁰³ In accordance with the Barcelona Objectives:

Member States should remove disincentives to female labour force participation, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age.¹⁰⁴

KAS data suggests there were approximately 71,700 children in Kosovo ages 0-3 in 2014.¹⁰⁵ In accordance with the Barcelona Objectives, Kosovo should ensure that 23,661 (33%) have access to child care. As approximately 102,253 children ages 3-6 live in Kosovo, 85,678 (90%) should have access to care. In total, 109,339 children should have access to care. However, only 21,130 children ages 0-6 were enrolled in an education program in the 2013-2014 school year. Further, most preschools are located in urban areas, so rural children do not have access, leaving them “unprepared for primary school,” according to UNICEF.¹⁰⁶ Kosovo thus falls short from meeting the Barcelona targets. As women tend to be caretakers, this affects them and their ability to participate in the labour force disproportionately.

Overtime Compensation

In accordance with the Law on Labour, employers should compensate employees for overtime in the amount of time and a third for work performed on weekdays and time and a half for work performed on weekends and holidays.¹⁰⁷ Nearly half of employers (49.1%) reported that they compensate employees with additional pay for overtime, 7% said that they offer time off, and 2% did both of these things. However, 26% of employers said that they do not offer any compensation for overtime, which is in violation of the Law on Labour.

Conclusion

With regard to the aforementioned questions that this research set out to address, the findings show that few employers in the overall population of employers seem to have spent more on human resources as a direct result of the 2010 Law on Labour. However, some employers clearly did spend more, including by having to hire replacements for women on maternity leave. Larger employers with more women employees perhaps were more negatively affected by the Law than smaller employers.

The impact that the Law on Labour has had on women regarding maternity leave provisions is multi-layered. This research suggests that due in part to the Law on Labour, discrimination against women exists in hiring and some employers will not hire women who are pregnant or want to have families. The implementation of this law is also an issue. Several employers stated that they do not pay

¹⁰³ This paragraph draws from a working paper by Nicole Farnsworth, Nerina Guri, and Donjeta Morina for KWN entitled *The Care Economy and Women's Labour Force Participation* (Prishtina: KWN).

¹⁰⁴ European Commission, *Barcelona Objectives*, Belgium: European Commission, 2013, at: http://eurogender.eige.europa.eu/sites/default/files/130531_barcelona_en.pdf.

¹⁰⁵ Calculated based on birth rates multiplied by the infant mortality rate under 5 (6.9%), at: <http://www.unicef.org/kosovoprogramme/children.html>.

¹⁰⁶ UNICEF Kosovo, *Education in Emergencies and Post-Crisis Transition; 2011 Program Report*, 2012, at: http://www.educationandtransition.org/wp-content/uploads/2007/04/2011_Kosovo_EEPT_report.pdf.

¹⁰⁷ Art. 56.

maternity leave benefits. Moreover, women may lose rights after maternity leave (e.g., to promotion, time off, etc.). Few employers have policies and procedures in place to protect the rights of women prior to or following maternity leave. One in five women employed during their pregnancy felt that their work endangered their health or the health of their child.

The extent to which employers know about the protections provided by the Law on Labour is somewhat alarming, particularly related to maternity and paternity leave. Very few knew about the allowed length of maternity leave, breastfeeding allowances, or health and security precautions for pregnant and breastfeeding women. Employers' lack of knowledge about the protections afforded by the Law on Labour may hinder its implementation.

Policy Proposals

Several key conclusions can be drawn to inform policy proposals for revisions to the Law on Labour. First, Kosovo has a small population, with high unemployment, an almost non-existence insurance system, and insufficient tax revenues for creating a system like neighbouring or other countries (see Annex I). Second, women, and young women in particular, have the highest unemployment rates in Kosovo, which survey data suggest can be attributed in part to gender-based discrimination in hiring and in some cases to employers' interest in avoiding paying maternity leave provisions. It also relates to women's traditional gender role as caregivers and the lack of affordable and accessible care facilities in Kosovo. Third, at present women tend to take maternity leave for up to seven months, six of which tend to be paid. The longer the maternity leave taken by women, the less likely it is that they will return to work. Fourth, research suggests that most fathers in Kosovo would like to spend more time with their children and would take more leave than the current paternity leave in Kosovo. Based on these key findings, KWN puts forth the following policy proposals for revisions to the Law on Labour.

Table 3 combines key demographic and economic indicators in order to arrive at forecasts based on trends between 2006 and 2014. All grey cells have been calculated by KWN based on past trends.

Table 3. Key Demographic and Economic Indicators and Forecasts

Year	Births	Live Births ¹⁰⁸	Employment Rate Women	Employment Rate men	Est. Mothers Employed	Maternity Benefit Claimants	Cost to State	Difference Claimants & Could-be Claimants	Avg. Wage ¹⁰⁹
<i>Trends¹¹⁰</i>	-1,041	-1,032	+0.1%	+0.7%	N/A	+76			€ 21
2006	34,411	34,187	12.0%		4,102	540	€113,904	13.2%	€195
2007	33,392	33,112	13.0%		4,305	889	€208,908	20.7%	€200
2008	34,638	34,399	11.0%		3,784	874	€214,060	23.1%	€212
2009	34,477	34,240	13.0%		4,451	920	€236,628	20.7%	€270
2010	33,966	33,751				971	€240,702		€310
2011	34,449	34,262				748	€256,833		€368
2012	27,912	27,743	10.7%	39.9%	2,969	1,126	€506,319	37.9%	€372
2013	29,459	29,327	12.9%	44.0%	3,783	1,270	€523,212	33.6%	€374
2014	26,087	25,929	12.5%	41.3%	3,241	1,359	€592,711	41.9%	€360
2015	25,047	24,897	12.6%	42.0%	3,133	1,223	€814,091	39.0%	€360 ¹¹¹
2016	24,006	23,865	12.7%	42.7%	3,023	1,299		43.0%	€381
2017	22,966	22,832	12.8%	43.4%	2,911	1,375		47.2%	€401
2018	21,925	21,800	12.8%	44.1%	2,798	1,451		51.9%	€422

¹⁰⁸ KAS, *Estimation of Kosovo Population*, for each year.

¹⁰⁹ The average wage is from KAS unless otherwise noted.

¹¹⁰ Trends were calculated by identifying the difference from year to year and then averaging them.

¹¹¹ Ministry of Trade and Industry website, at: <http://www.invest-ks.org/sq/Sa-eshte-paga-mesatare-ne-Kosove>.

Proposal 1. Shared Leave

Considering the aforementioned facts, a shared maternity, paternity, and parental leave scheme would work well in Kosovo. Shared leave balances parenting among women and men. The proposal is summarized in Table 4.

Table 4. KWN's Parental Leave Proposal (per Child)

	Paid Leave by Employers (months)	% Salary	Est. Avg. Cost to Employer ¹¹²	Paid Leave by State (months)	% Salary	Est. Avg. Cost to State (per month)	Unpaid leave (months)	Total leave (months)
Mother	Up to 3	80%	€ 864	Up to 3	50%	€ 180	Up to 3	Up to 9
Father	Up to 3	80%	€ 864	Up to 3	50%	€ 180	Up to 3	Up to 9
Total	Up to 6		€864 per employer	Up to 3		€ 540	Up to 3	Up to 12
Current (2015)	6	70%	€ 1,512	3	50% avg.	€ 540	3	12
Difference	0	10%	-€ 648			€ 0	0	

In total, the available leave would amount to 12 months, as currently, if the family chooses to use all of their leave within the first year. First, the mother would have up to three months leave paid by her employer at 80% of her salary (compared to 70% now). Leave could begin before birth. The father would have an equal amount of up to three months of leave paid by his employer at 80% of his salary. The leave could be taken at any time until the child reaches age one. Then the parents would have up to three months leave, in total, paid by the state at 50% of the average monthly wage in Kosovo. The parents could decide if this leave would be taken by the mother, father, or shared. In sum, if both employed parents took leave, nine months would be paid. If the father would not take his leave, then only six months would be paid. If fathers do not take these three months, then the family will have only nine months leave in total and will need to make arrangements for childcare earlier on. Therefore, most families with two working parents will have a financial incentive for the father to use this leave and stay home with his child.

Encouraging paternity leave through this financial incentive will enable women to return to their jobs sooner and therefore lower the risk of becoming unemployed, receiving a lower wage, or being demoted after returning to work. At the same time, an additional three months can be shared between both parents as they see fit. It will be unpaid, but their right to return to work would be guaranteed. In line with EU Directive for Parental Leave and as with most parental schemes (see Croatia and Sweden in Annex I), the last three months of unpaid leave may be taken before the child reaches eight years of age. Further, KWN proposes for an additional two months of unpaid leave to be allowed for each parent (beyond this first year) and until the child reaches age 8. This same model also should apply to parents who have adopted a new born child under the age of one.

The proposed model has several benefits. First, the proposal will contribute to gender equality because, as outlined below, families will have a financial incentive to share child care responsibilities. This can contribute to shifting traditional gender norms with regard to family and work, and facilitate an increase in women's employment rates. In accordance with the Law on Gender Equality¹¹³ and the Law on the Protection from Discrimination,¹¹⁴ it would address the current discrimination that exists against fathers with regard to their right to care for their children. It would facilitate implementing legal requirements for gender responsive budgeting by creating opportunities for state resources related to maternity and paternity leave to be distributed more fairly among women and men. The proposal also can contribute to decreasing gender discrimination in hiring because both women and men will have equal leave rights, thus they could cost the employer the same amount if they were to take leave. At

¹¹² Estimates based on the average salary in Kosovo in 2015 from the Ministry of Trade and Industry.

¹¹³ Article 2 (1).

¹¹⁴ Law on the Protection from Discrimination, Art. 3.

the socio-cultural level, this scheme can have a positive effect on perceptions of childcare and gender responsibilities. In this sense it can be considered an action by the state, in line with the Law on Gender Equality,¹¹⁵ towards addressing current gender inequalities in Kosovo.

Second, the proposed model would relieve employers substantially from the current costs of maternity leave and provide far more favourable conditions than the current Law on Labour. Clearly the cost to individual employers would differ based on the person's salary. However, based on the average salary, the overall cost would decrease substantially, by an estimated €648 per employer per child born compared to the current provisions. This is because the leave paid by employers would be shortened, as well as shared between women and men. It therefore would be spread more evenly across employers. Employers could use already-budgeted for salaries for temporary replacements should parents stay out of work for more than three months.

Third, by creating financial incentives to take up maternity and paternity leave, employees may be encouraged to demand formal contracts. This would encourage employers to formally register employees. In this way, the important issue of addressing Kosovo's informal economy could be addressed, in line with the EU Enlargement Strategy for 2015¹¹⁶ and the national strategy and action plan for preventing and combating the informal economy, money laundering, terrorist financing and other financial crimes.¹¹⁷

Some concern may exist with regard to the shortened paid leave for mothers (from nine to six months). However, KWN's research suggests that women on average return to work after seven months anyway, and are only paid for six of them. In this sense, the proposed model is the same as the status quo. Further, as mentioned, keeping the leave to six months paid for mothers seeks to encourage women to return to work earlier, thereby decreasing the statistically significant chances that they will not return to work. In this sense, the proposed model is important as a measure towards increasing women's labour force participation. Women of course would still have free choice to stay home longer, up to nine months. If men stay home the remaining three paid months, there would still be a full 12 months of leave for parents to care for the infant.

Based on best practices in Europe,¹¹⁸ in order to avoid contributing to existing inequalities and causing undue strain on the state budget, maternity leave compensation by the state is set at 50% of the average salary.¹¹⁹ This is based on the assumption that wealthier families can afford the difference and poorer families can use the additional income, at least temporarily, to safeguard the rights of the new born child. The extent to which the proposed model will impact overall state expenditures depends on the family taking the leave. The following tables illustrate different potential scenarios.

Table 5 illustrates the cost of the proposed reforms to the state if the mother and father each take one and a half months of the foreseen leave, calculated based on the average wage in Kosovo. The difference from current expenditures is approximately €618,277 more than the current budget.

Table 5. Likely Cost of Proposed Reforms Paid by State: Shared 1.5 Months + 1.5 Months Leave

¹¹⁵ Law on Gender Equality, Art. 5.

¹¹⁶ European Commission, *Kosovo 2015 Report*, ERP Recommendation 8, p. 36 Brussels: 2015, at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf.

¹¹⁷ Republic of Kosovo, *National Strategy of the Republic of Kosovo for the Prevention of and Fight Against Informal Economy, Money Laundering, Terrorist Financing and Financial Crimes 2014-2018*, Prishtina: 2014, at: <https://mf.rks-gov.net/DesktopModules/raportet/files/National%20strategy%20of%20the%20Republic%20of%20Kosovo%20for%20the%20Prevention%20and%20combating%20the%20informal%20economy,%20money%20laundering,%20terrorist%20financing%20and%20financial%20crimes%202014%20%E2%80%932018.pdf>.

¹¹⁸ See Annex I.

¹¹⁹ Calculating benefits as a percentage of people's actual wages may result in lower costs to the state than using the average wage because women tend to have lower wages than men. However, it would be more complicated to administer and in a sense it is discriminatory by continuing to contribute to existing inequalities. Therefore KWN has based estimates on the overall average salary in Kosovo.

Year	Live births	Emplo y-ment rate w.	Emplo y-ment rate m.	Mothers employed	Fathers employed	Avg. wage	% uptake	Maternity claims (1.5 months)	Paternity claims (1.5 months)	Total claims
2015	24,897	12.6%	42.0%	3,133	10,457	360	39.0%	€330,210	€1,102,158	€1,432,368
2016	23,865	12.7%	42.7%	3,023	10,190	381	43.0%	€370,792	€1,249,960	€1,620,752
2017	22,832	12.8%	43.4%	2,911	9,909	401	47.2%	€413,722	€1,408,278	€1,822,000
2018	21,800	12.8%	44.1%	2,798	9,614	422	51.9%	€459,000	€1,577,291	€2,036,291

Table 6 illustrates that if only mothers take the three months leave paid by the state, the costs to the state actually decrease substantially compared to the current budget, amounting to €153,671 less than the current budget in 2015. This is because women are employed at lower rates than men. Therefore, fewer women will take the leave than men.

Table 6. Likely Cost of Proposed Reforms Paid by Government: Mother only

Year	Live births	Emplo y-ment rate w.	Emplo y-ment rate m.	Mothers employed	Fathers employed	Avg. wage	% uptake	Maternity claims (3 month)	Paternit y claims (0)	Total claims
2015	24,897	12.6%	42.0%	3,133	10,457	360	39.0%	€660,420		€ 660,420
2016	23,865	12.7%	42.7%	3,023	10,190	381	43.0%	€741,584		€ 741,584
2017	22,832	12.8%	43.4%	2,911	9,909	401	47.2%	€827,444		€ 827,444
2018	21,800	12.8%	44.1%	2,798	9,614	422	51.9%	€918,000		€ 918,000

In contrast, if only fathers take the leave for three months paid by the state (amounting to six months paid leave for fathers in total), the costs to the state would increase by €1,390,225 (Table 7). Notably these scenarios are all based on if both parents are employed. However, this last scenario could potentially apply to families where the mother is unemployed but the father chooses to take up to six months of leave. In either case, this is the least likely scenario considering current gender norms in Kosovo and the wage gap between women and men.

Table 7. Likely Cost of Proposed Reforms Paid by Government: Father Only

Year	Live births	Employ-ment rate w.	Employ-ment rate m.	Mothers employed	Fathers employed	Avg. wage	% uptake	Maternit y claims	Paternity claims (3 months)	Total claims
2015	24,897	12.6%	42.0%	3,133	10,457	360	39.0%		€2,204,316	€2,204,316
2016	23,865	12.7%	42.7%	3,023	10,190	381	43.0%		€2,499,920	€2,499,920
2017	22,832	12.8%	43.4%	2,911	9,909	401	47.2%		€2,816,556	€2,816,556
2018	21,800	12.8%	44.1%	2,798	9,614	422	51.9%		€3,154,582	€3,154,582

None of these tables provide the exact amount that the state will need to budget as different families will choose to take different lengths of leave; this cannot be predicted. However, these estimates provide a useful range of scenarios that can be used to arrive at fairly accurate budget estimates (e.g., from €741,584 minimum to €2,499,920 maximum if the proposed model were implemented in 2016).

Any increase compared to the current budget can be addressed in the short-term by increasing revenues through the enforcement of fines to employers who are found to have discriminated against employees in any of the ways outlined in the law. The fact that the model will encourage women to return to work earlier also could have a positive impact on income tax revenues paid by women. Table 8 illustrates the difference that the proposed model could have on tax revenues compared to the current model. It uses the average wage of 2015 as illustrative in making estimates. If both partners are employed and if they return to work following nine months of paid leave, which they will have a financial incentive to do, the state will make approximately €17.28 more per couple, totalling up to €21,133 based on the number of live births in 2015.

Table 8. Tax Revenues If Parents Return to Work after Paid Leave Entitlements

	Average wage (2015)	Paid at %	Per month	Tax rate	Taxes per month	# of months	Taxes per year after birth
Paid by Employers							
Current	€ 360.00	70%	€ 252.00	8%	€ 20.16	6	€ 120.96
Proposed	€ 360.00	80%	€ 288.00	8%	€ 23.04	6	€ 138.24
Paid by State							
Current	€ 360.00	50%	€ 180.00	8%	€ 14.40	3	€43.20
Proposed	€ 360.00	50%	€ 180.00	8%	€ 14.40	3	€43.20
Return to Work							
Current	€ 360.00	100%	€360.00	8%	€28.80	3	€86.40
Proposed	€ 360.00	100%	€360.00	8%	€28.80	3	€86.40
Totals							
Current						12	€250.56
Proposed						12	€267.84
Difference of proposed model							€ 17.28
Tax revenues from est. births in 2015 with proposal							€327,568
Estimated additional tax revenues							€ 21,133

In the event that the two employed parents would select to share the entire year off of work, the state would see a slight increase in tax revenues of up to €17 per couple (see Table 9). Again, this is a less likely scenario as the couple would have a financial incentive to return to work after nine months.

Table 9. Tax Revenues If Parents Share 12 Months Leave

	Average wage (2015)	Paid at %	Per month	Tax rate	Taxes per month	# of months	Taxes per year after birth
Employer							
Current	€ 360.00	70%	€ 252.00	8%	€ 20.16	6	€ 120.96
Proposed	€ 360.00	80%	€288.00	8%	€ 23.04	6	€ 138.24
State							
Current	€ 360.00	50%	€ 180.00	8%	€ 14.40	3	€43.20
Proposed	€ 360.00	50%	€ 180.00	8%	€ 14.40	3	€43.20
No return to work							
Current	€ -	0%	€ -	0%	€ -	3	€ -
Proposed	€ -	0%	€ -	0%	€ -	3	€ -
Totals							
Current						12	€ 164.16
Proposed						12	€ 181.44
Difference of proposed model							€17.28

In the long-term, KWN anticipates an increase in women's overall employment rates coupled with tax revenues that would contribute to sufficient funds to cover the slight increases potentially involved with this model, which renders it financially feasible.

With regard to the impact that this scenario would have on the income of different types of families (e.g., with employed and unemployed parents of either gender), KWN ran several tests. This also aimed to identify the financial incentives that families would have with the proposed model. While the impact of the KWN-proposed policy may differ depending on the family, the income of each parent, and their decisions regarding leave, this provides a general estimate based on average wages of women and men in Kosovo in 2015. Other options regarding how parents share the leave should be available to parents based on their needs and choices, and those presented below are merely illustrative.

As Table 10 illustrates, in most scenarios, the KWN model will provide families with two working parents with more resources than the current maternity leave provisions. For parents taking

all 12 months of leave, either shared equally or with women taking nine months and men taking three, their family will have more income than under the present model. For families deciding to take nine months, a strong financial incentive exists for parents to share the leave equally, with 4.5 months each.

Table 10. KWN Model's Estimated Average Impact on Different Families' Income, Compared to Current Leave

Total Months Taken	Mother Months	Father Months	Total Income per Year	Difference Normal Income	Current Model	Difference from current leave
12	6	6	€6,429	- €1,935	€6,385	€45
12	9	3	€6,548	- €1,816	€6,385	€163
9	4.5	4.5	€7,475	- €889	€7,354	€121
9	6	3	€7,159	- €1,205	€7,354	- €194
9	3	6	€7,364	- €1,000	€7,354	€10
7	6	1	€7,547	- €817	€7,640	- €92
6	5	1	€7,809	- €555	€7,783	€27
6	4	2	€7,878	- €486	€7,783	€95
6	3	3	€7,946	- €418	€7,783	€163
Only Mother Employed						
6	6	0	€3,253	- €623	€3,295	- €41
Only Father Employed						
6	0	6	€3,682	- €806	N/A	N/A
3	0	3	€3,890	- €224	N/A	N/A

In families where only the mother is employed, this model would allow up to six months of paid leave for her, whereas the father could then take over care responsibilities. They would have no incentive for her to remain at home as they would need the income. Such families would receive, on average, €41 less than under the current law. Thus, KWN emphasizes the need to pair this model with paid breastfeeding breaks and improved availability of care centres (see below). For employed women in single-women-headed households, in order to avoid potential detrimental effects on mother and child, the government should provide an additional three months leave paid at 50% of the average salary, so that women can spend nine months with their child if needed. This would likely involve minimal overall cost to the government. The percentage of families in which these scenarios involving only working mothers would be relevant is small considering employment rates in Kosovo.

In families where mothers are unemployed and fathers are employed, the father could take up to six months paid leave at any time within the first year with three months paid by his employer and three by the state. This model offers new opportunities for working fathers to take time off to be with their children, addressing the current gender discrimination that exists against fathers.

All of these estimates have been made based on the average salary and would differ from family to family. Poorer families with employed parents who utilized state-paid leave would benefit more from the proposed model than wealthier families because the state supported leave would perhaps be more than their normal wage, if they make less than the half the average wage. This could supply poor families with much-needed extra resources for caring for their child.

Alignment with International Best Practices and EU Directives

The proposed period of leave surpasses the UN International Labour Standards Convention 183, which recommends 14 weeks (3.5 months). The proposed model also surpasses the period leave of the aforementioned EU Directive for Parental Leave, which requires at least four months of parental leave on birth or adoption of a child, taken until the child has reached an age determined by national law and/or collective agreements, but before the age of eight. The EU has allowed states to regulate

whether leave should be paid or unpaid,¹²⁰ so this proposal meets basic requirements. The proposed compensation rates of 80% and 50% of previous incomes, respectively, fall below the EU average compensation rate of 90% for maternity leave. However, EU countries cover this primarily through social security and Kosovo does not have enough tax payers to collect sufficient revenues at present. The proposed model is, however, a significant improvement over the current compensation rates of 70% and 50%, respectively. Further, it could be reviewed and revised in future years based on socioeconomic changes.

In accordance with the EU Directive on Parental Leave, the Law on Labour should ensure some parental leave not to be transferable from one parent to the other, as an affirmative action towards encouraging enhanced involvement of fathers. Such transfers may be authorized on condition that each parent retains at least one of the four months of leave.¹²¹ The proposed model fulfils this by making three months non-transferable.

In conclusion, introducing shared leave in Kosovo has the potential to transform gender norms, increase women's employment rates, decrease gender-based discrimination against men as fathers, decrease costs to employers, and most likely have modest additional expenses for the state. The latter should be understood in terms of investing in decreasing unemployment, furthering gender equality, and undertaking actions to address discrimination in the workplace.¹²² The proposal also will help Kosovo in fulfilling commitments to the EU and international conventions like CRC and CEDAW.

Proposal 2. Provide Better Arrangements for Breastfeeding

In order for the proposed model to function and not to impact negatively on the health and wellbeing of mother and child, it must be accompanied by improved measures for breastfeeding. The Law on Labour should introduce the option for women to be able to divide their two hour breastfeeding break into additional, shorter breaks if this is more convenient for them, until the child reaches one year of age, after consulting with their employer. Women should be entitled to one or multiple breastfeeding breaks when they return to work at any time and not only after six months of leave as presently stated within the Breastfeeding Law. Women should be allowed to select a daily reduction of work hours in order to breastfeed their children, which would be counted as working time and remunerated accordingly.

Proposal 3. Address Kosovo's Dire Need for Care Services: Invest in Care

Another crucial piece of the policy proposal is ensuring availability of care centres. If parents do not have anywhere to leave their children, they will be unable to return to work. KWN has estimated that investing in care facilities in accordance with the Barcelona Objectives could create at least 8,019 new jobs and hence tax payers.¹²³ This could contribute to nearly €3 million in new earnings, and taxes paid annually would amount to at least €233,513. Moreover, it would enable more women who currently undertake care work to invest their time and energy in formal economic activities as they would no longer have care responsibilities during the daytime. This also would contribute to the quality of early education, improving education outcomes.

On average, there are 12 teachers per preschool, suggesting the need for approximately 668 new facilities to meet the Barcelona Objectives. According to Ministry of Education, Science, and Technology (MEST) officials, building a new kindergarten based on a "typical" project model costs €250,000 and basic inventory costs an additional €300,000 at minimum, totalling €550,000. The current budget allocated to "capital expenditures in pre-university education" for 2016 is €9,470,000.

¹²⁰ Directive [2010/18/EU](#), 2010.

¹²¹ Ibid. Clause 2(2).

¹²² This is also in line with the recommendation from the Kosovo EU Progress Report, addressing deficient maternity leave provisions which undermine efforts to tackle discrimination against women in the workplace.

¹²³ Farnsworth et al. for KWN, *The Care Economy*. This number was calculated only based on child care facilities. The number would be substantially higher when considering elderly care, disability care, and other forms of care services, which also are needed to enable more women to enter the workforce.

The government contribution will be €8,570,000, and the rest is planned to come from donors. KWN has recommended that the government invest in at least ten additional preschools starting in 2016, which would cost €5,500,000 in capital expenditures and approximately €43,200 in wages and salaries. KWN also has proposed potential sources of this funding.¹²⁴ This could be the first step in a long-term plan to continue investing in early education and care facilities. The government also should investigate alternative options such as public-private partnerships, tax incentives, and co-financing for start-ups that would encourage the establishment of other models of childcare. In the long-term such investments could pay off by creating jobs, care availability, improving early childhood education, and decreasing existing inequalities among women and men.

Other Recommendations

In addition to the aforementioned overarching policy recommendations, KWN has the following additional recommendations, based on a review of the existing law, EU Directives, international conventions, and research findings.

For Revisions to the Law on Labour

- At present articles 50 and 39 contradict each other with regard to the length of paternity leave. In any case, this should be addressed in the Law by providing fathers with equal opportunities for leave.
- While the Law on Protection from Discrimination includes discrimination based on pregnancy and maternity,¹²⁵ Article 3 of the Law on Labour also should specifically include discrimination on the basis of pregnancy, maternity leave, paternity leave, and parental leave. This will be in line with Article 92(3), which states that any person who discriminates against a person seeking employment or an employed person in violation of Article 5 shall be liable to triple the fine from €100 up to €10,000.
- Punitive provisions in the law should be more specific. Fines related to pregnancy and maternity leave in Administrative Instruction No. 07/2012 for Determination of Fines and Specific Amounts for Violation of the Provisions of Law on Labour can be incorporated into the Law on Labour by including a new paragraph referring specifically to these fines. The minimum fine should start at €500 and the wording of provisions should change to include maternity leave, paternity leave, and parental leave.
- The Law on Labour should clearly state that both parents have the right to return to their jobs or to a job of the same level when they return from maternity, paternity, and/or parental leave, as foreseen in EU Directive 2010/18. Workers whose contracts are unlawfully terminated due to discrimination based on pregnancy, maternity leave, paternity leave, or parental leave, and/or absence from work to care for the child should be entitled to fair compensation and provided with clear procedures to address their claims, particularly for cases employed in the private sector.
- Pregnant workers must be entitled to time off work without loss of pay to attend antenatal examinations if such examinations have to take place during working hours, as foreseen in EU Directive 92/85/EEC.
- If the employer cannot change a pregnant or breastfeeding woman's position when health risks are identified, then the woman should be granted paid leave, as foreseen in the EU Directive 92/85/EEC.

¹²⁴ KWN letter to members of parliament, 8 December 2015, at: <http://www.womensnetwork.org/documents/20151208164503745.pdf>.

¹²⁵ Law on the Protection from Discrimination, Art. I(1).

- The Law on Labour should introduce the option for women to be able to divide their two hour breastfeeding break into shorter breaks if this is more convenient for them, until the child reaches one year of age, after consulting with their employer. Women should be entitled to one or many breastfeeding breaks when they return to work at any time and not only after six months as presently within the Breastfeeding Law. Women should be allowed the choice of a daily reduction of work hours to breastfeed their children, which would be counted as working time and remunerated accordingly.
- The cases in which the father can take all leave in the sickness or death of the mother or abandonment of the child by the mother also should include when the mother is serving a prison sentence.
- Beyond the maternity, paternity, and parental leave model proposed above, an additional two months of unpaid leave should be allowed for each parent after the child's first year and until the child reaches age 8. This same model should apply to parents who have adopted a child up to age 8.
- In Article 32.4 of the present Law, insert the word "employees under 18" as follows: Mothers with children up to three (3) years of age and single parents, [employees under 18], as well as persons with disabilities are entitled to additional two (2) working days off.
- Article 26.2 should include the words "without their consent" as follows: An employer shall not extend working hours for an employee during pregnancy, a single parent with a child under three (3) years old or with a child with disabilities, [without their consent].
- The Law should allow for mothers and fathers to modify their working hours when returning to the workplace for a period until the child reaches age one, after consulting with their employers.
- Current practices known to exist in Kosovo constitute discrimination against women. In accordance with CEDAW and EU Directive 2006/54/EC, the state has an obligation to take effective measures that address such discrimination. This can be done if amendments to the Law on Labour explicitly forbid employers from asking questions pertaining to marital status, family plans, and pregnancy during job interviews. Employers also must be clearly forbidden from requesting information from the applicant or worker that is not directly related to his or her employment. Employers should be fined for asking such questions. This includes explicitly outlawing employers from requesting women to take pregnancy tests when applying for jobs.
- The Law should legally oblige employers to post and/or otherwise disseminate adequate information to employees regarding maternity, paternity, and parental leave, as well as other labour rights.
- The lower category of minimum wage should be amended to be for persons under age 25, rather than age 35.
- Night workers should be entitled to a free health assessment before their assignment and thereafter at regular intervals as foreseen in the EU Directive 2003/88/EC.

For implementation

- The Labour Inspectorate within MLSW needs to ensure that all inspectors receive thorough training on the legal framework related to gender discrimination in hiring, firing, and other potential forms.
- Labour inspectors need to keep a closer eye on discrimination in hiring and take immediate steps to address discrimination when it occurs. This includes monitoring job announcements to ensure that employers are not discriminating against women or men in hiring; establishing a complaints hotline; and publicizing well the complaint hotline so that diverse women and men know exactly how to report potential discrimination in hiring.

- Labour inspectors also need to crack down on other violations of the Law on Labour, including non-compensation for overtime. Increasing the number of inspectors, including affirmative actions for the hiring of women inspectors,¹²⁶ could facilitate implementation of the Law.
- Mechanisms through which employers and workers can file complaints with the inspectorate should be promoted following the adoption of the revised law, so that persons know where and how they can report alleged violations of their rights.
- Hospitals should be required to collect information regarding the employment status of both parents within forms completed upon the birth of children, as well as their planned length of maternity, paternity, and/or parental leave. This information could be submitted annually to KAS with health statistics, facilitating the accuracy of estimates of the costs of funding leaves in the future.

¹²⁶ This also was recommended by KWN in *Budgeting for Social Welfare*, Prishtina: KWN, 2014, at: <http://www.womensnetwork.org/documents/20140702111942678.pdf>. It contains further information in this regard.

Bibliography

- Arian Zeka and Visar Hapçiu, *Position Paper on the Maternity Leave Provision of Law on Labour Problems and Possible Solutions*, Prishtina: American Chamber of Commerce in Kosovo, 2012, at: http://www.amchamksv.org/images/userfiles/files/4442_amchampositionpaperonmaternityleave.pdf.
- Assembly of the Republic of Kosovo, Law No. 03/L-212 on Labour, 2010, at: <http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf>.
- Azemi, M. et. al., *Rate and Time Trend of Perinatal, Infant, Maternal Mortality, Natality and Natural Population Growth in Kosovo*, 2012, at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3633379/>.
- Constitution of the Republic of Kosovo, 2008, Kosovo, at: <http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>.
- Department for Business Innovation & Skills, *Tackling Exploitation in the Labour Market*, United Kingdom: 2015, at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471048/BIS-15-549-tackling-exploitation-in-the-labour-market.pdf.
- European Commission, European Network of Legal Experts in the Field of Gender Equality, *Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood*, at: http://sydney.edu.au/business/_data/assets/pdf_file/0008/216899/Masselot_et_aldiscrimination_pregnancy_maternity_parenthood_final_en.pdf.
- European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs, *Maternity, paternity and parental leave: Data related to duration and compensation rates in the European Union 2015*, at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/509999/IPOL_STU\(2015\)509999_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/509999/IPOL_STU(2015)509999_EN.pdf).
- European Union, *European Platform for Investing in Children: Croatia*, at: http://europa.eu/epic/countries/croatia/index_en.htm.
- Färnsveden, Ulf, Nicole Farnsworth, and Ariana Qosaj-Mustafa for Orgut Consulting for Sida, *Country Gender Profile: An Analysis of Gender Differences at All Levels in Kosovo*, Prishtina: Sida, 2014.
- Farnsworth, Nerina Guri, and Donjeta Morina for KWN, *The Care Economy and Women's Labour Force Participation*, unpublished paper, Prishtina: KWN, 2015.
- Government of Sweden, "10 Things That Make Sweden Family-Friendly", at: <https://sweden.se/society/10-things-that-make-sweden-family-friendly>.
- Government of the United Kingdom, "Statutory Maternity Pay and Leave: Employer Guide", at: <https://www.gov.uk/employers-maternity-pay-leave>.
- Health Impact Assessment Working Group, "Rapid Health Impact Assessment of the Maternity Leave Bill (S.B. 9-20-SD2); Maternity Leave in the Palau Workforce", 2013, at: http://www.pewtrusts.org/~media/assets/2013/10/02/maternity-leave-in-the-palau-workforce_hia.pdf?la=en.
- Health Policy Institute, *Kosovo: Brief health system review*, 2013, by Raman Muzik, Arta Uka, at: <http://www.hpi.sk/en/2013/11/kosovo-brief-health-system-review/>.
- Heymann, J., Raub, A. & Earle, A., *Breastfeeding Policy: a Globally Comparative Analysis*, 2013, at: http://www.scielo.org/scielo.php?pid=S0042-96862013000600007&script=sci_arttext.
- International Labour Organization, Maternity Protection Convention 1919, No. 3, *Convention concerning the Employment of Women before and after Childbirth*, 1921, at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312148,en.
- _____, *Maternity Protection Resource Package: From Aspiration to Reality for All: Assessing Maternity Protection in Practice*, Geneva: 2012, at: <http://mprp.ilo.org/allegati/en/m13.pdf>.
- _____, *Maternity and Paternity at Work: Law and Practice Around the World*, Geneva: 2014, at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf.
- Kosovo Agency of Statistics (KAS), *Birth Statistics 2011*, Prishtina.
- _____, *Birth Statistics 2014*, Prishtina: KAS.
- _____, *Health Statistics*, 2014, Prishtina: KAS.
- _____, *Kosovo Population Projection 2011-2061*, Prishtina: KAS, 2013, at: <https://ask.rks-gov.net/rekos2011/repository/docs/KOSOVO%20POPULATION%20PROJECTION%202011-2061.pdf>.
- _____, *Quarterly Bulletin, October 2015*, Prishtina: 2015, at: http://ask.rks-gov.net/publikimet/doc_view/1293-buletini-tremujor-tetor-2015?tmpl=component&format=raw.
- _____, *Results of the Kosovo Labour Force Survey*, 2009, 2012, 2013, 2014, Prishtina: 2014.
- KWN, *Budgeting for Social Welfare*, Prishtina: KWN, 2014, at: <http://www.womensnetwork.org/documents/20140702111942678.pdf>.

- _____, *Budgeting for Social Welfare: A Gender+ Analysis to Inform Gender Responsive Budgeting in the Ministry of Labour and Social Welfare in Kosovo 2016-2018*, Prishtina: KWN, 2015, at: <http://www.womensnetwork.org/documents/20151203094304537.pdf>.
- _____, Letter to members of parliament, 8 December 2015, at: <http://www.womensnetwork.org/documents/20151208164503745.pdf>.
- Masselot, A., Caracciolo Di Torella, E. and Burri, S., *Fighting Discrimination on the Grounds of Pregnancy, Maternity and Parenthood*, 2012.
- Mehmedali, Azemi, Sanije Gashi, Majlinda Berisha, Selim Kolgeci, Vlora Ismaili Jaha for MateriaSociomedica, *Rate and Time Trend of Perinatal, Infant, Maternal Mortality, Natality and Natural Population Growth in Kosovo*, at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3633379/>.
- Munich Personal RePEc Archive, *Challenges in implementation of the maternity leave in Kosovo*, Argjiro Ramosaj, 2012, at: https://mpira.ub.uni-muenchen.de/38913/1/MPRA_paper_38913.pdf.
- National Bureau of Economic Research, *The economic consequences of parental leave mandates: Lessons from Europe*, Ruhm, C.J., 1996, at: https://libres.uncg.edu/ir/uncg/f/C_Ruhm_Economic_1998.pdf.
- Ruhm, C.J. and Teague, J.L., National Bureau of Economic Research, *Parental leave policies in Europe and North America*, 1995, at: https://libres.uncg.edu/ir/uncg/f/C_Ruhm_Parental_2000.pdf.
- Tomba, E., "The Impact of Health on Productivity: Empirical Evidence and Policy Implications", *The Guardian, Swedish Fathers to Get Third Month of Paid Paternity Leave*, 2002, at: <http://www.theguardian.com/world/2015/may/28/swedish-fathers-paid-paternity-parental-leave>.
- UNDP, *Kosovo Human Development Report 2012*, Prishtina: UNDP, 2012, at: <http://hdr.undp.org/sites/default/files/khdr2012-eng.pdf>.
- World Bank, *Maternity Leave and Women's Labour Market Status in Kosovo: Five Key Messages*, Washington D.C.: 2015.
- _____, International Bank for Development and Reconstruction 2015, *Women, Business and the Law 2016*, at: http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf.
- _____, Kosovo, *Country Snapshot*, Prishtina: World Bank, 2015.
- UK Commission for Employment Skills, *Opportunities and outcomes in education and work: Gender effects*, United Kingdom: November 2015, at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/477360/UKCES_Gender_Effects.pdf.
- UNICEF in Kosovo, *The Children: Early Years*, Prishtina: UNICEF, at: <http://www.unicef.org/kosovoprogramme/children.html>.
- United Nations, Economic and Social Council, Draft country programme document; 2016-2020 Results and Resources Framework for Kosovo under United Nations Security Council resolution 1244, at: (1999) http://www.unicef.org/about/execboard/files/2015-PL16-Serbia_draft_CPD-Kosovo_Annex-EN-15Jun2015.pdf.
- _____, Human Rights Office of The High Commissioner, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, New York, at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.
- _____, *International Covenant on Economic, Social and Cultural Rights*, 1976, at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.
- Winegarden C.R. and Bracy, M., "Demographic Consequences of Maternal-Leave Programs in Industrial Countries: Evidence from Fixed-Effect Models", *Southern Economic Journal*, 1995, at: <http://www.freepatentsonline.com/article/Southern-Economic-Journal/17021346.html>.

Annex 1. Maternity, Paternity, and Parental Leave in Different Countries

Globally, 34% of countries (57) fully meet the requirements of the ILO Maternity Protection Convention, 2000 (No. 183) on three key aspects: they provide for at least 14 weeks of leave at a rate of at least 2/3 of previous earnings, paid by social insurance or public funds or in a manner determined by national law and practice where the employer is not solely responsible for payment.¹²⁷ In 51% of the economies that provide paid maternity leave, the government pays for maternity benefits, in 30% the employer pays the full cost, and in 19% this cost is shared between the employer and the government.¹²⁸

An examination of how maternity, paternity, and parental leave functions in other states can provide lessons learned for Kosovo. At the same time, Kosovo's particular socioeconomic constraints, as outlined in the section on key indicators, must be born in mind when considering the applicability of these models in Kosovo. Since Kosovo's demographic, economic, labour, and health characteristics are largely incomparable with most Western European countries, this section focuses on the region, particularly Albania, Croatia, Serbia, and Macedonia. At the same time, the shortcoming of a regionally focused analysis is that traditional gender norms may be a major factor undermining women's equal labour force participation. In such cases, only progressive state policies, as foreseen by the Law on Gender Equality as affirmative actions, can help address such inequalities. In this sense, examining countries with more progressive policies can be useful in learning how they have brought about changes in gender roles *through* state policies. This section looks at Sweden and the United Kingdom. A brief discussion of France and how changes in leave schemes can impact women's employment follows.

Table 11. Country Comparison: Leave Schemes¹²⁹

Country	# women citizens	% women active in labour force	# days maternity leave		% of wages paid	Who pays?	# days of paternity leave		Who pays?	# days of parental leave		Who pays?
			paid	un-paid			Paid	Un-paid		Paid	Un-paid	
Kosovo	49.6%	21.4%	270	90	First 6 months at 70% of wage, last 3 months at 50% of average wage	Emp. & Gov.	2	14	Emp.	0	0	N/A
Albania	1,445,100	52%	365	0	65%	Gov.	0	0	N/A	0	0	N/A
Croatia	2,192,467	58%	208	0	100%	Gov.	0	0	N/A	120	795	Gov.
Serbia	3,645,506	54%	135	0	100%	Gov.	0	0	N/A	230	0	Gov.
Macedonia	1,052,739	51%	270	0	100%	Gov.	0	0	N/A	0	90	N/A
Sweden	4,859,770	79%	0	98	0%	N/A	10	0	50% by gov.	480	11	39 days 80%, 90 days flat rate by gov.
United Kingdom	32,702,700	70%	14	0	90%	Emp. & gov.	14	0	18% by emp.	259	91	Partially by emp. & gov.

¹²⁷ ILO, *Maternity and Paternity at Work; Law and Practice at Work*, Geneva: 2014, p. xiii.

¹²⁸ World Bank Group, *Women Business and the Law 2016: Getting to Equal*, at: http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf, p. 15.

¹²⁹ Ibid.

									& gov.			
U.S. ¹³⁰	161,907,741	66%	0	0	N/A	N/A	0	0	N/A	0	84	N/A

Albania: Social Security Institute

The Law on Social Security in Albania regulates payments for maternity leave.¹³¹ It provides that a pregnant woman is entitled to paid maternity leave for 365 calendar days, including a minimum of 35 days prior to childbirth and 42 days after childbirth.¹³² If more than one child is born, this period is extended to 390 days. Employees taking leave receive payments from the Social Security Institute (SSI), a public and independent institution regulated administratively and organizationally by the same law. The payment received amounts to 80% of the average daily salary during the last calendar year for the first 150 days of maternity leave and 50% of the average daily salary for remaining days.

The protection given to employed women who give birth is a key component of this provision. This could be improved in Kosovo's provisions. Employers in Albania cannot terminate the employment contract in the period during which the woman benefits from income from the SSI due to child birth or child adoption.¹³³ Nor when a woman returns to work from maternity leave. Mothers that breastfeed cannot be obliged to begin their work day before 5am in summer time or 6am in wintertime or to terminate the working day after 8pm. Moreover, breastfeeding mothers are entitled to a paid break of 20 minutes every three hours.¹³⁴

However, this law does not have any provisions related to paternity leave. Only men employees working in public administration, according to the Council of Ministers Decision No. 511, can take up to three days of paternity leave.¹³⁵ There are a few other parental leave rights that employees can have in special circumstances, such as the death of a spouse or illness. Establishing a similar health and social security fund in Kosovo will be a challenge considering the low employment rate and low number of tax payers that could contribute to such a fund.

Croatia

Croatia is an example often used to illustrate a well-functioning maternity and parental leave system that is favourable for all parties involved. Employees, including vocational trainees, salaried full-time apprentices, temporary contract workers, and self-employed persons, are entitled to 58 weeks of maternity leave.¹³⁶ Maternity leave can be divided in two categories: compulsory and additional leave. The right to compulsory maternity leave is used for 98 days without interruption, including 28 days before the expected due date and 70 days after birth.¹³⁷ The Republic of Croatia ensures continued payment of maternity and parental benefits, as well as child allowances and natality benefits through the application of the Maternity and Parental Benefits Act and the Child's Allowance Act.¹³⁸ Salary compensation during this period is paid at 100% of the insured's monthly earnings by the Croatian Health Insurance Fund. This national social health insurance fund is the primary source of health financing. Additional maternity leave, until the child reaches one year of age, is paid by the state budget at a flat rate of approximately €277 to €415 a month.¹³⁹

¹³⁰ Federal requirement, but may differ from state to state.

¹³¹ Law no. 7703, 1993, Art. 27.

¹³² Global Legal Group, *The International Comparative Legal Guide to: Employment and Law on Labour 2011: A Practical Cross-Border Insight into Employment and Law on Labour*, at: http://www.kaloattorneys.com/upload/documents/news_archive/summer/EMPII_Chapter-5_Albania.pdf.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ ILO, *Maternity and Paternity at Work: Law and Practice Around the World*, 2014: Geneva p. 25.

¹³⁷ EU, *European Platform for Investing in Children: Croatia*, at: http://europa.eu/epic/countries/croatia/index_en.htm.

¹³⁸ Ibid.

¹³⁹ ILO, *Maternity and Paternity at Work*. Converted to Euros by KWN.

After these leaves are taken, an employed parent is entitled to parental leave, which may be taken before the child reaches eight years of age. The right to parental leave is given to both working parents who are entitled to the same parental leave periods as follows: eight months for the first and second child; 30 months for twins, third, and subsequent children (each parent for the period of four or 15 months). In case the parental leave is used by only one parent, as agreed upon by both parents, it may be used for six months for the first and second born child; and 30 months for twins, the third, and subsequent children. Parental benefits amount to €348 a month paid from the aforementioned health insurance fund.¹⁴⁰

For mothers who are inactive in the labour force, there are monetary benefits during the period of maternity and parental care for the new born child of €217. Maternity care in this matter refers to the period from birth until the child reaches six months of age. Parental care for the child means the period from this six months until the first birthday for the first and second born child or until the third birthday for twins, the third, and every subsequent child.¹⁴¹

Again the challenge of applying a model like Croatia's in Kosovo is the lack of taxpayers or an insurance fund.

European Best Practices of Shared Leave: Sweden and the United Kingdom

Although, comparing Kosovo to Western European countries may be difficult, as mentioned, it is still useful to examine how state policies introduced in these countries can contribute to gender equality.

In the EU, the average compensation rate of previous incomes during maternity leave is 90% and this is mostly covered by social security. For paternity leave, most countries have compensation rates of 100% of previous incomes, usually covered by the employer.¹⁴² When compensating leave, many states set a ceiling for the payment amount. For example, in Denmark compensation is financed from the public budget, compensated at 90% of earnings with a ceiling of €500 per week.¹⁴³ Others introduce the ceiling after a particular period of time.

Sweden is known for working towards a more gender equal society. The parental leave provisions evidence that. Parents are entitled to 480 days of paid leave when a child is born or adopted. They are paid nearly 80% of their normal wage for 390 days. The remaining 90 days are paid at a flat rate.¹⁴⁴ Both paid leaves are paid by the government. Leave can be taken until the child turns eight. Moreover, employees in Sweden who have children also have the right to reduce working hours up to 25% until the child turns eight, paid only for the hours they work.

Sweden's parental leave scheme has proven successful in addressing gender inequalities because it involves a "use it or lose it" system for paternity leave. Since 2002, two of the 16 months of leave are set aside for fathers. The government has proposed to make this three months in 2016. Mothers and fathers would be required each to take three months of leave, or lose them, and to divide the 10 remaining months however they wish.¹⁴⁵ Even though enhancing gender equality has been a government priority, Swedish men still earn much more than women. Taking up paternity leave would mean a bigger financial loss. However, the "use it or lose it" system encourages fathers to stay at home and care for their children for three months; otherwise mothers cannot use their additional months.

Compared to Sweden, the United Kingdom (UK) is less progressive. However, important moves towards enhancing gender equality through parental leave provisions have been made recently.

¹⁴⁰ EU, *European Platform for Investing in Children: Croatia*.

¹⁴¹ Ibid.

¹⁴² EU, Policy Department C: Citizens' Rights and Constitutional Affairs, *Maternity, paternity and parental leave: Data related to duration and compensation rates in the European Union*, 2015, pp. 36, 62.

¹⁴³ Sweden, Belgium, Finland, France, and Slovenia have similar ceilings.

¹⁴⁴ Government of Sweden, *10 Things That Make Sweden Family-Friendly*, at: <https://sweden.se/society/10-things-that-make-sweden-family-friendly/>.

¹⁴⁵ The Guardian, *Swedish Fathers to Get Third Month of Paid Paternity Leave*, at: <http://www.theguardian.com/world/2015/may/28/swedish-fathers-paid-paternity-parental-leave>

Traditionally, only mothers were eligible to take paid leave when a child was born. Now, most employed parents can share leave. This does not change maternity leave. Mothers can take up to 52 weeks of leave, of which 39 are paid by a combination of both employer and government. The two weeks after the birth of the child are compulsory. During the first six weeks, women receive 90% of their average weekly earnings before tax. The remaining 33 weeks they receive £139.58 or 90% of their average weekly earnings (whichever is lower).¹⁴⁶ For paternity leave, employees can take either one or two consecutive weeks of leave with a pay of £139.58 a week or 90% of their average weekly earnings (whichever is lower).¹⁴⁷ These new rules merely mean that “additional paternity leave” is replaced by parental leave. Mothers are still obliged to take the initial first two weeks after birth, but now they can decide to return to work earlier and exchange the rest of the maternity leave for shared parental leave. Both parents then have a choice of how to split the rest of the leave entitlement, up to 50 weeks.¹⁴⁸ However, only parents of a child due on or after 5 April 2015 or a child adopted on or after this date are eligible for shared parental leave.

France: The Impact of Changes to Parental Leave

Before 2004, women had a mandatory two-month maternity leave plus an optional three years unpaid parental leave with their jobs guaranteed. However, most women only took two months. In 2004, France increased the incentive for women to take prolonged leave by offering paid leave for six months after the first birth. In 2013, a report was published evaluating the 2004 policy change.¹⁴⁹ It showed that mothers who took up short, full-time paid leave were not affected by this policy change in relation to their labour market participation and wages. The reform increased the employment rate of mothers who took the part-time paid leave, but it decreased their wages. Further, their wages remained lower than their original wages two years after the child was born and the part-time paid leave had been taken. This was especially the case for more educated women who comprised the largest group that chose to take the part-time option.

Table 12 below compares the different types of leave in Europe.¹⁵⁰

¹⁴⁶ Government of the United Kingdom, *Statutory Maternity Pay and Leave: Employer Guide*, at: <https://www.gov.uk/employers-maternity-pay-leave>.

¹⁴⁷ Ibid.

¹⁴⁸ BBC, *How the UK's New Rules on parental Leave Work*, 2015, at: <http://www.bbc.com/news/business-32130481>.

¹⁴⁹ Joseph, Pailhé, Recotillet and Solaz, *The economic impact of taking short parental leave: Evaluation of a French reform*. Labour Economics, 25, European Association of Labour Economists 24th Annual Conference, Bonn, Germany, 20–22 September 2012, 2013.

¹⁵⁰ All data in the table is from World Bank, *Women, Business and The Law*, 2016, unless stated otherwise (at: <http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>). Average wages are from Reinis Fischer, *Average Salary in the European Union*, at: <http://www.reinisfischer.com/average-salary-european-union-2015>. The gender pay gap is taken from: http://ec.europa.eu/justice/gender-equality/document/index_en.htm#pay.

Table 12 Maternity, Paternity, and Parental Leave In Europe, Compared

Country	# women citizens	% women active in labour force	Avg. wage	Gender pay gap women	# days maternity leave		% of wage paid	Who pays ?	# days of paternity leave		Who pays?	# days of parental leave		Who pays?
					Paid	Un-paid			Paid	Un-paid		Paid	Un-paid	
Kosovo	883,595	21.4%	364		270	90	70% & 50%	Emp. & Gov.	2	14	Emp.	0	0	N/A
Austria	4,364,011	71%	2,124	23%	112	0	100%	Gov.	N/A	0	n/a	0	647	N/A
Belgium	5,714,264	62%	2,091	9.8%	105	0	86%	Gov.	10	0	80% emp. & gov.	120		Partially emp. & gov.
Bulgaria	3,717,047	64%	356	13.5%	410	0	90%	Gov.	15	0	90% gov.	365	0	Partially paid, gov.
Cyprus			1,574	15.8%										
Croatia	2,192,467	58%	735	7.4%	208	0	100%	Gov.	0	0	N/A	120	795	Gov.
Czech Republic	5,334,852	65%	765	22.1%	196	0	70%	Gov.	N/A	N/A	N/A	1,095	0	Partially paid gov.
Denmark	2,840,857	76%	2,307	16.4%	126	0	50%	Gov.	14	0	50% gov.	224	0	Partially paid gov.
Estonia	704,249	72%	832	29.9%	140	0	100%	Gov.	10	0	100% gov.	435	590	Partially paid gov.
Finland	2,778,257	73%	2,300	18.7%	147	0	58%	Gov.	24	0	58% gov.	215	0	Partially paid, gov.
France	34,135,260	67%	2,180	15.1%	112	0	73%	Gov.	11	0	73% by gov	0	1025	N/A
Germany	41,167,323	72%	2,155	21.6%	98	0	100%	Emp. & gov.	N/A	N/A	N/A	360	679	Gov. partially
Greece	5,549,303	59%	1,004	15.0%	119	0	100%	Gov.	2	0	100% emp.	0	120	N/A
Hungary	5,174,659	58%	643	18.4%	168	0	70%	Gov.	5	0	100% emp.	590	0	Gov. partially
Ireland	2,320,825	63%	2,129	14.4%	182	112	35%	Gov.	N/A	N/A	N/A	0	126	N/A
Italy	31,520,325	54%	2,033	7.3%	150	0	80%	Gov.	1	0	100% gov.	300	0	Gov. partially
Latvia	1,080,003	73%	601	14.4%	112	0	80%	Gov.	10	0	80% gov.	547.5	0	Gov. partially
Lithuania	1,581,028	71%	544	13.3%	126	0	100%	Gov.	30	0	100% gov.	309	365	100% by gov.
Luxembourg	279,181	62%	3,149	8.6%	112	0	100%	Gov.	2	0	100% emp.	180	0	Gov. partially
Malta	213,853	48%	1,021	5.1%	126	0	82%	Emp. & Gov	1	0	100% emp.	0	120	N/A
Netherlands	8,494,129	74%	2,158	16.0%	112	0	100%	Gov.	2	0	100% emp.	n/a	n/a	N/A
Poland	19,655,977	60%	705	6.4%	182	0	100%	Gov.	14	0	100% gov.	182	898	Gov. partially
Portugal	5,358,928	70%	1,001	13.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	120	0	100% gov.
Romania	10,214,931	57%	356	9.10%	126	0	85%	Gov.	15	0	100% emp.	302	65	Gov. partially
Slovakia	2,783,544	62%	704	19.8%	238	0	65%	Gov.	N/A	N/A	N/A	899		Gov. partially
Spain	23,471,223	68%	1,734	19.3%	112	0	100%	Gov.	13	0	Gov.	0	1095	N/A
Sweden	4,859,770	79%	2,551	15.2%	0	98	0%	N/A	10	0	50% by Gov.	480	11	39 days 80%, 90 days flat rate by gov.
United Kingdom	32,702,700	70%	2,253	19.7%	14	0	90%	Emp. & gov.	14	0	18% emp. & gov.	259	91	Partially by emp. & gov.

Annex 2. Key Demographic, Economic, and Health Indicators

In order to design an effective scheme for maternity, paternity, and parental leave in Kosovo, it is important to examine key demographic, economic, social, and health indicators. These can affect the duration of the different types of leave; the extent to which cash benefits can be provided to persons on leave; the source of funding for such benefits; the scope of coverage (which category of workers); and the protection provided by different types of leave. This section offers a short analysis of such key indicators identified by the ILO.¹⁵¹

Demographic Indicators

Demographic information, including the size and age of the population can help estimate the number of working age persons, size of the labour force, and potential for tax revenues. Reviewing trends in birth rates and the number of births annually also is important for estimating potential costs to the state in providing maternity and paternity leave benefits.

According to the last census carried out in 2011, Kosovo has a population of 1,739,825 inhabitants. In 2015, the total population likely increased to 1,827,231.¹⁵² The natality rate or birth rate is the ratio of the number of births to the size of the population. In 1950 natality was 46.1%, but decreased to 14% in 2010.¹⁵³ Natural growth of the population in Kosovo was 29.1% in 1950, but also decreased to 11% in 2011. Fertility rates have remained fairly consistent since 2010 with an average of 2.3 children born per woman as of 2014.¹⁵⁴ The total number of births in Kosovo has decreased since 2011.¹⁵⁵

Most women giving birth fall within the 25-29 age group, comprising 35% of mothers in 2014.¹⁵⁶ According to census data, the gender distribution of the working-age population is almost equal; the number of women and men of working age is almost the same.¹⁵⁷ Life expectancy at birth in Kosovo is 70.2 years, which is 10 years younger than the EU average of 80.2 years.¹⁵⁸ Altogether, this means that Kosovo's population and work force will likely continue to grow slightly, and the number of births per year will decrease incrementally.

Economic Indicators

Kosovo remains one of the poorest countries in Europe with per capita Gross Domestic Product (GDP) estimates of close to €3,000. Average per capita income is about one-tenth that of EU levels. Moreover, poverty remains worryingly high. The Bertelsmann Stiftung's Transformation Index (BTI) suggests that 30% of people lived below the poverty line in 2014.¹⁵⁹ Using the standardized poverty line of the World Bank, measured by a threshold of U.S. \$5 per person per day (at purchasing power parities), Kosovo's poverty rate is about 80%.¹⁶⁰ The World Bank has found that extreme

¹⁵¹ ILO, *Maternity Protection Resource Package*.

¹⁵² KAS, *Kosovo Population Projection 2011-2061*.

¹⁵³ Azemi, M. et. al., *Rate and Time Trend of Perinatal, Infant, Maternal Mortality, Natality and Natural Population Growth in Kosovo*, 2012, at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3633379/>.

¹⁵⁴ The fertility rate is the total number of children that would be born to a woman if she were to live to the end of her child-bearing years and give birth to children in alignment with prevailing age-specific fertility rates. In 2010, the rate was 2.3, 2.24 in 2011, 2.19 in 2012, 2.16 in 2013, and 2.3 in 2014 (Trading Economics, "Fertility rate - total (births per woman) in Kosovo", at: <http://www.tradingeconomics.com/kosovo/fertility-rate-total-births-per-woman-wb-data.html>).

¹⁵⁵ KAS, *Birth Statistics 2011*, at: https://ask.rks-gov.net/popullsia/publikimet-e-statistikave-te-popullise/doc_view/901-statistikat-e-lindjeve-2011?tmpl=component&format=raw

¹⁵⁶ KAS, *Birth Statistics 2014*, at: https://ask.rks-gov.net/ENG/pop/publications/doc_view/1312-birth-statistics-2014?tmpl=component&format=raw

¹⁵⁷ KAS, *The Main Labour Market Data by Municipality*, 2013, Pristina, p. 14, at: https://ask.rks-gov.net/ENG/census-2011/doc_view/1424-the-main-labour-market-data-by-municipality?tmpl=component&format=raw

¹⁵⁸ World Bank, *World Development Indicators*, 2013.

¹⁵⁹ Bertelsmann Stiftung's Transformation Index (BTI), 2014, p. 13, at: http://www.bti-project.org/uploads/tx_itao_download/BTI_2014_Kosovo.pdf.

¹⁶⁰ World Bank Group Kosovo, *Country Snapshot*, 2015, p. 6.

poverty is disproportionately high among children, the elderly, households with disabled members, female-headed households, and certain ethnic minority households (especially Roma, Ashkali, and Egyptian households). There is a strong negative correlation between education and poverty: people with lower levels of education are much more likely to be impoverished.¹⁶¹

Table 13 shows economic indicators that illustrate Kosovo's economic growth, as well as the type of economic climate in which men and women work. The table suggests that Kosovo has experienced a trend of economic decline in recent years, though it is forecasted to improve in future years.

Table 13. GDP and the Consumer Price Index (CPI) in Kosovo, 2011-2018¹⁶²

Description (KAS and MoF data)	2011 (actual)	2012 (actual)	2013 (actual)	2014 (estimated)	2015 (projected)	2016 (projected)	2017 (projected)	2018 (projected)
GDP (real growth rates in %)	4.4	2.8	3.4	0.9	3.8	4.0	4.3	4.3
GDP per Capita (real growth rates in %)	2.8	1.2	1.9	- 0.6	2.2	2.4	2.7	2.7
CPI¹⁶³ (increase in %)	7.4	2.4	1.8	0.4	-0.2	0.4	0.4	0.6

The average wage, however, has increased from €372 in 2011 to €374 in 2012. It decreased to €364 in 2014.¹⁶⁴ The Ministry of Trade and Industry estimates that the current average wage is €360.¹⁶⁵ Wages by gender are available only for 2011 and 2013 (Table 14). Although the average wage has increased, it continues to differ substantially for women and men. Minimum wage in Kosovo is the lowest in the region. Since 2011, it has not changed. It is categorized by age. For workers under 35 years of age it is €130, while for those over 35 years it is €170.¹⁶⁶

Table 14. Average Wage by Gender

Year	Men	Women
2011	€332	€303
2013	€353	€311

Labour Force Indicators

Kosovo suffers from high unemployment rates. In 2014, of the 1,202,489 persons of working age, only 41.6% participated in the labour force (meaning they were either employed or unemployed and seeking work). The percentage of employed persons within this

Table 15. Labour Force Participation and Employment by Gender, Age¹⁶⁷

Year ¹⁶⁸	Labour Force Participation Rate		Inactivity Rate		Employment Rate		Youth Unemployment (15-24 years)	
	% of all men	% of all women	% of all men	% of all women	% of all men	% of all women	% of all men	% of all women
2009	66.2	26.1	33.8	73.9	38.0	10.6	68.6	81.8
2012	55.4	17.8	44.6	82.20	39.9	10.7	52.0	63.8
2013	60.2	21.1	39.8	78.9	44.0	12.9	50.4	68.4
2014	61.8	21.4	38.2	78.6	41.3	12.5	56.2	71.7

¹⁶¹ Ibid.

¹⁶² European Commission, Instrument for Pre-Accession Assistance (IPA II), p. 10.

¹⁶³ CPI was measured twice each year: 119.9 (March 2010), 130.3 (June 2011), 100 (November 2011), 124.7 (August 2012), 73.0 (December 2012), and 126.5 (May 2013).

¹⁶⁴ KAS, Press Release, "Kosova në shifra 2012," 12 June 2013, at: <http://ask.rks-gov.net/zyra-e-shtypit/602-komunikate-per-media-kosova-ne-shifra-2012>.

¹⁶⁵ Ministry of Trade and Industry website, at: <http://www.invest-ks.org/sq/Sa-eshte-paga-mesatare-ne-Kosove>.

¹⁶⁶ Republic of Kosovo, Office of the Prime Minister, *Prime Minister Thaçi: There will be no division of Kosovo, de jure or de facto or any special or exceptional status within the Republic of Kosovo*, at: <http://www.kryeministri-ks.net/?page=1.9.2263>.

¹⁶⁷ KAS, *Results of the Kosovo Labour Force Survey*, for all years.

¹⁶⁸ Data for 2010 and 2011 were unavailable.

category is very low and unequally divided by gender. In 2012, 55.4% of all men were active members of the labour force, compared to only 17.8% of all women. Between 2012 and 2014 (see Table 15), both women's and men's labour force participation increased slightly.

However, the gender gap in employment has remained. Only two in ten women participate in the labour force, compared to six in ten men. Labour Force Market Surveys for 2009-2014 show that inactivity rates for both men and women have decreased slightly since 2012. Yet, this has been attributed to a change in the methodology rather than changes in the labour market. However, Table 5 shows that women and young women in particular suffer from high and increasing unemployment.

Noticeable differences in gender exist with regard to different forms of employment statuses, as well (see Table 16). In 2014, 78.9% of women workers were employees, 2.1% were self-employed with employees, and 11.5% were self-employed without employees. In that same year, 65% of men workers fell within the employee category, 8.2% were self-employed with employees, and 17.9% were self-employed without employees. Thus, a higher percentage of men are self-employed than women. Interestingly, in 2014, 7.4% of women worked as unpaid family workers and 8.9% of men did the same.¹⁶⁹

Table 16. Employment Status of Men and Women¹⁷⁰

Year	Employment Status											
	Employee			Self-employed with Employees			Self-employed without Employees			Unpaid Family Worker		
	% of men	% of women	Total %	% of men	% of women	Total %	% of men	% of women	Total %	% of men	% of women	Total %
2012	71.4	86.4	74.5	10.1	2.1	8.5	12.6	6.2	11.3	5.8	5.4	5.7
2013	66.5	78.3	69.2	8.3	2.6	7.0	17.2	10.0	15.6	7.9	9.1	8.2
2014	65.0	78.9	68.2	8.2	2.1	6.8	17.9	11.5	16.4	8.9	7.4	8.6

Table 17 illustrates that women tend to be more employed in education, health, and trade sectors. Men tend to work in manufacturing, construction, and trade.

Table 17. Employment Rate by Economic Sector 2014¹⁷¹

Sector	% Men	% Women	% Total
Agriculture, forestry and fishing	3.0	1.8	2.6
Mining and quarrying	1.4	0.3	1.1
Manufacturing	15.8	7.2	13.8
Electricity, gas, steam and air conditioning supply	2.1	0.5	1.7
Water supply, sewerage, waste management	1.3	0.2	1.0
Construction	13.9	1.2	10.9
Wholesale and retail trade; repair of motor vehicles	13.9	16.0	14.4
Transportation and storage	4.2	0.6	3.4
Accommodation and food service activities	6.7	3.8	6.0
Information and communication	3.0	2.7	2.9
Financial and insurance activities	1.8	1.8	1.8
Real estate activities	0.0	0.2	0.0
Professional, scientific and technical activities	1.8	2.6	2.0
Administrative and support service activities	3.8	1.8	3.4
Public administration and defence, compulsory social security	6.7	7.1	6.4
Education	8.9	21.8	11.9
Human health and social work activities	4.2	17.3	7.2
Arts, entertainment and recreation	1.6	1.1	1.5
Other service activities	3.4	3.4	3.4
Activities of households as employers ¹⁷²	1.6	7.0	2.9

¹⁶⁹ KAS, *Results of the Kosovo 2014 Labour Force Survey*, p. 12.

¹⁷⁰ KAS, *Results of the Kosovo 2014 Labour Force Survey*, for the years 2012, 2013 and 2014.

¹⁷¹ Ibid., p. 15.

Activities of extraterritorial organisations and bodies	1.4	2.0	1.5
Total	100.0	100.0	100.0

Meanwhile, Table 18 suggests that the average wage is lower in education and health sectors than in most other sectors. Since more women tend to work in these sectors, on average they tend to have a lower wage than men.

Table 18. Average Wage by Economic Sector¹⁷³

Year	Total	General services	Public order and security	Education	Health	Economy	Recreation and culture	Housing	Environment
2012	353.42	406.50	405.83	332.33	380.50	335.83	289.33	324.42	351.50
2013	355.83	404.25	413.00	335.00	388.25	341.83	291.33	325.50	347.17
2014	415.67	455.50	469.08	387.50	444.67	393.50	338.42	379.00	400.42
2015	439.30	480.00	501.20	410.40	476.70	415.80	364.70	406.30	434.40

Several indicators that the ILO recommends be tracked are presently unavailable in Kosovo, including: wages by urban and rural location; level of formality; the portion of wages paid in cash and in kind for various sectors; and non-economic unpaid work, including data from time-use surveys. According to the ILO, "These statistics are useful in considering whether a contributory scheme is feasible, in assessing the magnitude of subsidy required to bring workers with little or no contributory capacity into such a scheme or to finance universal or means-tested benefits."¹⁷⁴

In sum, it can be concluded that Kosovo's labour market has had two constants in recent years: high unemployment rates and a significant gender gap in employment rates. High inactivity rates, particularly among women, indicate general discouragement in even seeking work and participating in the labour market. Further, gender differences exist with regard to the sectors in which men and women work, and this may contribute to women's lower earnings, on average, than men's.

Health Indicators

Kosovo largely uses the Semashko model of healthcare, in which the central government functions as the purchaser as well as the provider of health care services. A minor change in recent years has involved municipalities becoming responsible for healthcare through their health departments.¹⁷⁵ In 2002, the Ministry of Health (MoH) was established. Together with the National Institute of Public Health, it is in charge of policy development, budgeting, strategic planning, licensing of health institutions, and quality assurance.

Currently there are 2,664 doctors and 5,940 nurses in Kosovo.¹⁷⁶ These health workers are employed in 34 University Clinical Centres of Kosovo (UCCCK) and seven regional hospitals. In total, Kosovo has 121 Family Medical Centres.¹⁷⁷ There are an additional 1,069 private, licensed health institutions including 94 gynaecology departments.¹⁷⁸ The number of nurses and doctors working in private institutions is unavailable.

¹⁷² Includes undifferentiated goods and services-producing activities of private households for own use.

¹⁷³ KAS, *Quarterly Bulletin*; October 2015, p.11

¹⁷⁴ ILO, *Maternity Protection Resource Package: From Aspiration to Reality for All/Assessing Maternity Protection in Practice*, 2012: Geneva, p. 28.

¹⁷⁵ Health Policy Institute, *Kosovo: Brief Health System Review*, 2013, at: <http://www.hpi.sk/en/2013/11/kosovo-brief-health-system-review/>.

¹⁷⁶ KAS, *Health Statistics*, 2014. Among doctors, 1,068 practice in family medical centres, 1,050 work UCCCKs (of which 88 work in the Gynaecology and Obstetrics departments), and 546 in regional hospitals. As for nurses, 3,151 work in family medicine centres, 1,704 in UCCCK (of which 159 in the Gynaecology and Obstetrics departments), and 1,085 are employed in regional hospitals.

¹⁷⁷ Institute for Advanced Studies GAP, *Letërnjoftimi i Komunës*, 2012.

¹⁷⁸ KAS, *Health Statistics*, 2014.

Citizens are generally satisfied with healthcare services in Kosovo.¹⁷⁹ However, 30% of citizens express dissatisfaction with services provided by UCK. Among patients in hospitals and Family Medicine Centres, 25% were unsatisfied or very unsatisfied with services. Only 15% of private clinic patients were unsatisfied. It is concerning that most dissatisfaction reported was with public health providers. Considering the high unemployment rate, many people depend on these services rather than the more costly ones offered in private clinics. This can affect public health, which also can impact productivity at work.¹⁸⁰

Kosovo has one of the worst health outcomes in Europe, especially in the context of maternal and child health. An estimated 99.7% of all births occur in hospitals; and 0.1% take place elsewhere with medical care. However, 0.2% of births occur without medical care.¹⁸¹ As of 2012, Kosovo had an Infant Mortality Rate (IMR) of 9-11 per 1,000 live births. This is double the EU and neighbouring countries' IMR of 4.1 per 1,000.¹⁸² Frequent causes of infant mortality have been poor perinatal conditions, respiratory diseases, and diarrhoea.¹⁸³ In 2011, the perinatal mortality rate was 18.7%, foetal mortality rate 11%, and early neonatal mortality 7.5%. The number of maternal deaths in 2000 was 23, whereas in 2010 only two cases were reported.¹⁸⁴ In 2014, no case of maternal death was reported.¹⁸⁵ Women's rights activists have expressed concern that this may be due to underreporting of death, unregistered death, or poor recordkeeping.

Another maternal and children's health issue is breastfeeding. In 2010, 90% of children under age two were at least partially breastfed.¹⁸⁶ Exclusive breastfeeding under six months was reportedly 40% in 2013-2014.¹⁸⁷ Breast milk improves the nutritional status in infants and since malnutrition contributes to half of all infant deaths, breastfeeding helps to reduce infant mortality. For mothers, breastfeeding lowers the rates of obesity and breast and ovarian cancers, among other health implications. This is important to consider in crafting labour policies that attend to the time required for breastfeeding, towards safeguarding maternal and child health. Decreasing infant, perinatal, foetal, neonatal, and maternal mortality rates can be facilitated by ensuring employed pregnant women and new mothers have sufficient paid leave time for check-ups.

¹⁷⁹ United Nations Development Programme (UNDP), *Action Paper on Health Care in Kosovo; Satisfaction with Health Care Services and Perceptions on Presence of Corruption*, Prishtina: UNDP, 2013, p. 13.

¹⁸⁰ Tompa, E., *The Impact of Health on Productivity; Empirical Evidence and Policy Implications*, 2002. "For example, the enduring effect of childhood experiences is one of the themes in this work, suggesting that financial support for low income families, parental leave policies and child-care policies can help to ensure healthy child and adult outcomes. Work-related injuries and illnesses are a major source of productivity losses for society as a whole."

¹⁸¹ KAS, *Birth Statistics 2014*, p. 12. These figures have remained fairly consistent over time.

¹⁸² National Institute of Public Health of Kosovo, 2012.

¹⁸³ UNICEF in Kosovo, *The Children; Early Years*, n.d, at: <http://www.unicef.org/kosovoprogramme/children.html>.

¹⁸⁴ Azemi, M. et.al., *Rate and Time Trend of Perinatal, Infant, Maternal Mortality, Natality and Natural Population Growth in Kosovo*, 2012, at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3633379/>

¹⁸⁵ Nushi, P. on KALLXO.com, "Bie Vdekshmeria e Nënave dhe Foshnjave në Kosovë", 2015, at: <http://live.kallxo.com/sq/MTL/Bie-Vdekshmeria-e-Nenave-dhe-Foshnjave-ne-Kosove-7345>.

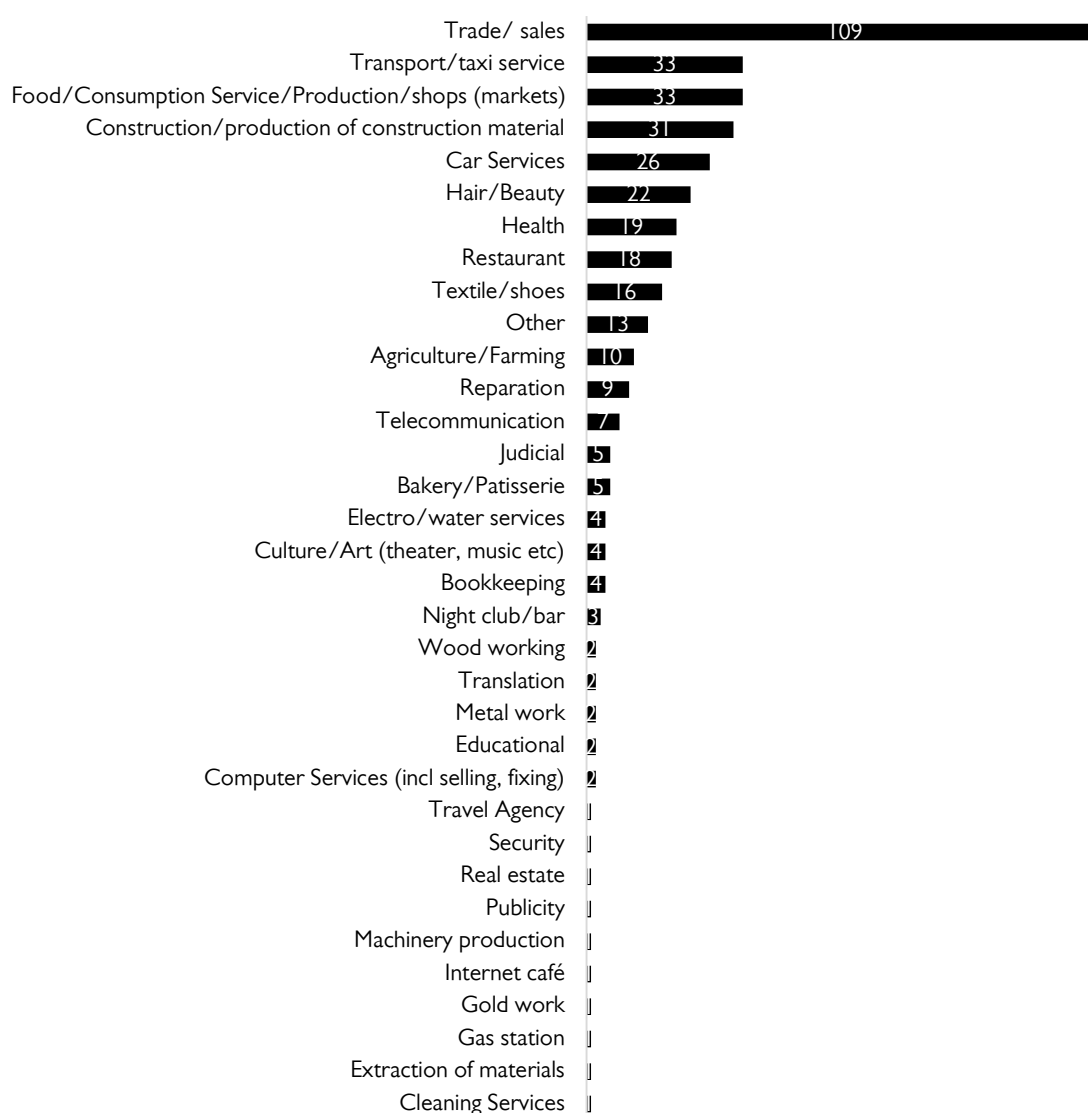
¹⁸⁶ UNICEF in Kosovo, *The Children; Early Years*.

¹⁸⁷ United Nations, Economic and Social Council, *Draft country programme document; 2016-2020 Results and Resources Framework for Kosovo under United Nations Security Council resolution 1244*, 1999, at: http://www.unicef.org/about/execboard/files/2015-PL16-Serbia_draft_CPD-Kosovo_Annex-EN-15Jun2015.pdf.

Annex 3. About the Employers Surveyed

In total, 98.8% of the employers surveyed were private enterprises, whereas 0.5% were governmental and 0.5% NGOs. This is indicative of the fact that the majority of registered employers are small, private businesses.¹⁸⁸ Family-run businesses constituted approximately 82.5% of the businesses surveyed, internationally-run businesses 0.3%, and other Kosovar-run businesses 17.2%. According to TAK, the vast majority of employers are micro (96.9%) with fewer than ten employees. Similar to the population of employers, the sample was 93.9% micro-employers, 5.3% small (10 to 49 employees), and 0.8% medium (50 to 249).¹⁸⁹ Graph 13 illustrates the sectors in which the surveyed employers are involved.

Graph 13. Sectors in which Surveyed Employers are Involved



¹⁸⁸ KWN acknowledges that it is not necessarily representative of the population of persons employed, as state institutions tend to employ more people. Perhaps with more time and resources, Multi-Stage Sampling could have facilitated improving the representation of public and NGO employers. Presently the sample size is too small for any statistical analysis by sector.

¹⁸⁹ Multi-Stage sampling that involves employers of all sizes would be useful in future research.

Among employers surveyed, 86% of respondents were men and 14% women. On average, respondents had worked in their position with the same employer for 10.7 years, suggesting that respondents should have had sufficient institutional memory in order to respond to questions.

Annex 4. Survey Instrument for Women

Are you a woman IN KOSOVO age 18 to 55? We need information from you so that the new Law on Labour will better meet women's needs. This law will affect thousands of women for years to come! Please help us! Take our very short survey. This survey is anonymous. No one will know that it was you answering.

Background information

1. In which year were you born? _____
2. In which municipality do you currently live or spend most of your time?
3. Approximately how many job interviews did you have since 2010?
 - 0 I didn't apply for a job
 - ____ (# of interviews)
4. Has an employer ever required you to have a test to see if you are pregnant when you applied for a job?
 1. Yes
 2. No
5. Has an employer asked you about your family status (whether you are married and have children) and about your plans to have a family when applying for a job?
 1. Yes
 2. No
6. If yes, in your personal experience applying for a job:
 1. Employers ask about family plans MORE since 2010
 2. Employers ask about family plans LESS since 2010
 3. It's the same: employers asked before 2010 and they ask now
7. Are you currently:
 1. Employed full-time
 2. Employed part-time
 3. Unemployed, looking for work
 4. Unemployed, not looking for work
8. If you are employed, would your employer give you maternity leave?
 1. Yes, PAID maternity leave
 2. Yes, UNPAID maternity leave
 3. No
 4. Do not know
 5. I'm not employed
9. Please choose one of the following responses to indicate the place where you work:
 1. Private Sector
 2. Government (including ministries, municipalities, health institutions, public schools and universities, etc.)
 3. Self-employed
 4. Civil Society Organization
 5. International institution/organization (eg. EU, the UN, UN agency, international NGO, foreign embassy, etc.)
 6. I don't work.

10. Have you given birth in the last five years (since October 2010)?

1. Yes
2. No

IF YOU HAVE NOT HAD CHILDREN IN THE LAST FIVE YEARS, THE SURVEY ENDS HERE. IF YOU HAVE HAD CHILDREN, PLEASE CONTINUE.

For Women Who Recently Gave Birth

11. How many births did you have in the last five years? _____ (write number)

12. On what date was your last child born? D D / M M / Y _____

13. What was your main occupation 12 months before this child's birth?

1. Paid work
2. Looking for a job
3. Household duties (cleaning, cooking, etc.) or care responsibilities
4. Attending school or training courses
5. Unable to work or no longer working (illness, disability, retired)

IF YOU WERE NOT WORKING BEFORE YOUR CHILD'S BIRTH, THE SURVEY ENDS HERE. IF YOU WERE WORKING, PLEASE CONTINUE.

14. What was your monthly salary before your child's birth? _____ EUR

Duration of Maternity leave

15. Did you take maternity leave around the time of your child's birth?

1. Yes
2. No

16. How long before the birth? _____ days

17. How long did you stay on maternity leave? _____ months

18. At your workplace, did anyone else do or is anyone else doing your work while you stopped working for your child's birth?

1. No, nobody
2. Yes (specify) [tick all that match]:
 - 18.2.1. Work colleague
 - 18.2.2. Employer
 - 18.2.3. Partner/husband
 - 18.2.4. Children
 - 18.2.5. Parents/grandparents
 - 18.2.6. Friend/neighbour
 - 18.2.7. Other (specify) _____
99. Do not know

19. Did you take an additional two, paid working days off per year until your child was three years old?

1. Yes, and I was paid
2. Yes, but I was not paid
3. No, I did not take these days

Cash Benefits

20. For how many months did you receive (are you receiving) a monthly salary/income during maternity leave?

1. _____ months

2. Not applicable (not employed before birth)
21. If you received, what was the monthly amount of the salary that you continued to receive while on maternity leave during the **first six months (or less)**?
 1. _____ EUR
 2. Not applicable (not employed before birth)
 3. Not applicable, as I went back to work
 22. Did you continue to receive a monthly salary from the government while you were on maternity leave during the **next three months (months 7, 8, 9)**?
 1. _____ EUR
 2. Not applicable (not employed before birth)
 3. Not applicable, as I went back to work
 23. If yes, what was the amount of your monthly salary while you were on maternity leave during the **next three months (months 7, 8, 9)**? _____ (Euro)
 24. Did your husband make use of any days of paternity leave?
 1. Yes, # of days _____
 2. No
 25. Was he paid for these days of paternity leave?
 1. Yes, for all the days
 2. Yes, partially _____ (# of days)
 3. No
 26. Did your husband make use of your maternity leave rights (3 months paid by the government) after the sixth month of your child's birth?
 1. Yes
 2. No
 27. If yes, was he paid for this period?
 1. Yes, for all the days
 2. Yes, partially _____ (# of days)
 3. No
 28. How much did the birth of your child affect your household's ability to pay for the most necessary expenses?
 1. Not at all
 2. Little
 3. Somewhat
 4. A lot
 29. Were you able to leave your job to have medical care during prenatal, childbirth and postnatal periods?
 1. Yes, and this time off was paid
 2. Yes, but it was not paid
 3. No
 4. Not applicable (did not work)

Health Protection at Work

30. Do you think that you or your child's health and safety were at risk because of the work you performed when you were pregnant?
1. Yes
 2. No
 3. Don't know

When you were pregnant with your child or breastfeeding, did your work involve any of the following?...

31. Hard physical work (lifting, carrying, pushing or pulling loads of something)?

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

32. Long periods of sitting or standing

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

33. Exposure to biological, chemical or physical agents?

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

34. Exposure to extreme temperatures (hot or cold) or to vibrations

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

35. Night work (working for at least 2 hours between 22:00 and 05:00)

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

36. Working extended working hours / overtime while pregnant?

- 0 Never
1. Rarely
2. Sometimes
3. Almost always
- 99 Don't know

37. Did you request lighter duties or to be transferred to a safer job when you were pregnant?

1. Yes, and my request was accepted
2. Yes, but my request was not accepted
3. No, I did not want to request lighter duties/safer job
4. No, I had no reason to request lighter duties/safer job

Employment Protection and Discrimination after Birth

38. Did you return to work or start working after your child's birth?
1. I am still on maternity leave.
 2. Yes, I returned to work.
 3. No, I did not want to work anymore.
 4. No, the employer terminated my contract/fired me.
 5. No, my contract expired while I was on maternity leave.
 6. No, the employer decided to employ my replacement instead.
 7. No, I have no one to take care of my children or childcare is too expensive.
 8. No, I could not find work.
 9. No, due to illness or injury.
39. If yes, did you return to the same work, with the same pay, and conditions that you had before your child's birth?
1. Yes
 2. No
40. If no, did you have:
1. More responsibilities
 2. Fewer responsibilities
 3. Same responsibilities
41. If no, did you have:
1. Higher pay
 2. Lower pay
 3. Same pay
42. If no, did you have:
1. More working hours
 2. Less working hours
 3. Same working hours

Do you think that during one of your pregnancies in the last five years you were treated unfairly at work in any of the ways that follow? Please put an "X" by "yes" or "no".

	Yes (1)	No (2)
43. I was made to work overtime while my child was still under 3 years old		
44. I was made to work at night while my child was still under 3 years old		
45. I was given unsuitable work or workloads		
46. I was moved to a less favourable position (less senior position)		
47. I had a reduction in my salary		
48. I received unpleasant comments from my employer and/or colleagues		
49. I was unfairly criticised or disciplined about my performance at work		
50. I didn't get a promotion that I felt I was supposed to get		
51. I was denied access to training that I would have received otherwise		
52. I was treated so poorly that I felt I had to leave the job		
53. I was dismissed/fired		

Breastfeeding upon Return to Work

54. Did you ever breastfeed your child, even for a short time?
1. Yes
 2. No
55. Do you/did you breastfeed while working?
1. Yes
 2. No
 3. Not applicable (not working)
56. Have you used the break for breastfeeding?
1. Yes
 2. No
 3. Not applicable (not working)
57. If yes, for how many months after returning from maternity leave? _____ months
58. Were you provided with extra time off from the employer to breastfeed (in addition to the lunch break)?
1. Yes
 2. No
59. If yes, for how many months? _____ months
60. If yes, was your salary reduced for the additional time provided?
1. Yes
 2. No
61. What was/is the main reason for not breastfeeding or stopping breastfeeding? [Tick all that apply]
1. Natural (child did not want to continue / I could not continue)
 2. Personal choice
 3. I went back to work
 4. It is difficult to breastfeed where I work
 5. It is/was difficult to arrange breastfeeding because my work is very far from home
 6. It is too difficult/tiring to combine breastfeeding and work
 7. Other (specify) _____
 99. Do not know

Childcare Arrangements

62. Who usually looks after your child while you are at work or looking for a job?
1. Me: my child is with me while I work
 2. My spouse or partner
 3. My older children
 4. Parents/grandparents
 5. Other family members who live in my home
 6. Other family members who do not live in my home
 7. Neighbours and/or friends
 8. A free childcare centre outside my home
 9. A paid childcare centre outside my home
 10. A paid babysitter in my home

- 11. A paid babysitter in their home
- 12. My child looks after her or himself
- 13. Not applicable (not working or looking for a job)

63. Do you have any comment or information that you would like to share with us?

Annex 5. Survey Instrument for Men

Are you a man IN KOSOVO age 18 to 50? We need information from you so that the new Law on Labour will better meet your needs. This law will affect thousands of men and women for years to come! Please help us! Take our very short survey. This survey is anonymous. No one will know that it was you answering.

Background information

1. In which year were you born? _____
2. In which municipality do you currently live or spend most of your time?
3. Approximately how many job interviews have you attended in the last five years?
I didn't apply for a job
____ # of job interviews
4. Has an employer ever asked you about your family status (if you are married or have children), or plans to have a family or children when you were applying for a job?
 1. Yes
 2. No
 3. I didn't apply for a job
5. If you are employed, would your employer give you paternity leave?
 1. Yes, PAID paternity leave for 2-3 days
 2. Yes, UNPAID paternity leave for 2-3 days
 3. No
 4. Do not know
 5. I'm not employed
6. Have you had a child in the last 5 years (since 2010)?
 1. Yes
 2. No

IF YOU HAVE NOT HAD CHILDREN IN THE LAST 5 YEARS, THE SURVEY ENDS HERE. IF YOU HAVE HAD CHILDREN, PLEASE CONTINUE.

-
7. If yes, how many days did you take off around the time of your child's birth?
 1. 0 days, I'm not employed
 2. 0 days, I am employed
 3. 1 day
 4. 2 days
 5. 3 days
 6. More than 3 days
 8. Did your employer pay you for these days that you took off?
 1. Yes, full salary
 2. Yes, partial salary
 3. No, no salary at all

The Government of Kosovo is revising the Law on Labour now. For how long **would you prefer** that paternity leave last for men, so that men have the right to spend more time with their children if they choose to do so?

4. 0 days
 5. 1-3 days (like it is now)
 6. 4 days to 1 month
 7. More than 1 month to 3 months
 8. More than 3 months to 6 months (as it is now for women, paid at 70% for these months)
 9. More than 6 months to 9 months (as it is now for women, paid at half the average salary in Kosovo for these months)
 10. More than 9 months to 12 months (as it is now for women, unpaid last 3 months)
 11. More than 12 months
 12. Other (please write) _____
9. Would you take a paternity leave that was this long (as you wrote above), **if it was paid**?
1. Yes, if it was full pay
 2. Yes, if it was 70% pay (like for women now for the first six months)
 3. No, I would not take paternity leave even if it was paid

Annex 6. Survey Instrument for Employers

1. Survey Code _____
2. Code of the surveyor _____
3. Time when interview started: _____
4. Data of survey: _____

Background

5. Name of Employer:
6. City:
7. Municipality:
8. Phone:
9. Year business registered:
10. Name of owner:
11. Gender of owner:
 1. Man
 2. Woman
12. Name of respondent:
13. Gender of respondent
 1. Man
 2. Woman
14. Activity _____

Intro

Hi, my name is _____, and I represent the Kosovo Women's Network (KWN). We are carrying out research on the 2010 Labour Law and how it has impacted employers. Soon there will be a new Law on Labour and we want to inform it with facts of the real situation. We think that it is important for the new Law to be in the interests of employers, women, and men. The information that you provide me with will remain anonymous. No one will know that it was you speaking. Our conversation should last approximately 30 minutes, but it could have an important impact on your future work as an employer.

15. Position of respondent:
16. Years in position:
17. Years with employer:
18. Employer's sector:
 1. Private
 2. Government
 3. NGO
 4. Public-private partnerships
19. If private, what best describes your business:
 1. Family run
 2. Internationally owned/operated run
 3. Kosovo business
20. How many employees do you currently have?
21. How many women?
22. How many men?
23. Would you consider that the work that you have here is:
 1. More suitable for women

2. More suitable for men
 3. Suitable for both women and men
 4. Depends on the position: some work is suitable for women, some for men
24. As a direct result of the Labour Law of the year 2010, can you say that you have spent on Human Resources (employers, wages, etc.):
1. More
 2. Less
 3. Same amount
 4. I don't know
25. What is usually the length of contracts for women?
26. What is usually the length of contracts for men?
27. How do you compensate your workers for extra hours of work?
1. We do not compensate them
 2. More salary
28. In hiring, if you had to choose between a woman and a man candidate who had the exact same level of education, exact same qualifications, and exact same experience, which would you choose?
1. Woman
 2. Man
 - 99 Don't know
29. In hiring, if you had to choose between two women who had the exact same qualifications, but one was married and one was not which would you prefer to hire?
1. Married
 2. Unmarried
 3. Doesn't matter
 - 99 Don't know
30. In hiring, if you had to choose between two women who had the exact same level of education and similar qualifications, but they were of different age categories, from which age category would you probably prefer to hire?
1. <18
 2. 18-30
 3. 31-40
 4. 41-50
 5. 51-60
 6. 61+
 7. Doesn't matter
 - 99 Don't know
31. In hiring, if you had to choose between two women who had the exact same qualifications, but one wanted to have a baby in the next five years and one had no interest in having children, which woman would you prefer to hire?
1. Woman who doesn't want children
 2. Woman who wants to have children
 3. Doesn't matter
 - 99 Don't know

32. In your experience, because of the difficult costs imposed on employers, have you ever not hired a woman because you could not afford to pay for maternity leave?
1. Yes
 2. No
33. During the selection process, do you take into consideration a candidate's future family plans?
1. Yes
 2. No
34. Do you know any manager who has refused to hire someone, because of his / her family plans?
1. Yes
 2. No
35. Do you ask women candidates to take a pregnancy test before hiring them?
1. Yes
 2. No
36. According to your knowledge, do you know any manager who has requested this of new employees?
1. Yes
 2. No

Leave

37. What is the duration of maternity leave: how long can women take maternity leave at your office?
_____ weeks
38. How long do women take, on average? _____ weeks
39. Of all the women who took maternity leave in the last 9 years (since 2007), how many did not return? _____
40. Do you have information on the reasons why these women did not return?
1. Wanted to stay home to care for the child
 2. We had to fill the position
 3. No childcare available
 4. Childcare facilities/institutions and other options (nannies) for the care of children are very expensive, whereas wages are low
 5. Changed workplaces to one better suited for women with children
 6. Other _____
 - 99 Don't know
41. Are there other leaves the mother/the father/other family members can take after a birth in the family?
1. Yes
 2. No
42. How much leave can fathers take from your workplace after a birth in the family? _____ days
43. Do you pay women when they take maternity leave?
1. Yes
 2. No

44. To what percentage of their salary?

_____ % for _____ months

_____ % for _____ months

_____ % for _____ months

45. Has the Labour Law increased your expenses on Human Resources?

1. Yes

2. No

46. If yes, what is the percentage? _____

47. We want to see how the new labour Law has affected businesses financially. In order to arrive at correct figures, we need to know: how many women have become pregnant while working with you; and how many women who are eligible for maternity leave have taken it since 2007?

Number of employees

Researcher: where relevant number for each case.

Year	How many women became pregnant (#)	How many women took maternity leave?	How long did they go on leave (in weeks)? (for each case)	Did you hire a new person to fill her place?	How much extra cost did this make for you per month? (in EUR)
48. 2007			1) 2) 3)	1) 2) 3)	1) 2) 3)
49. 2008			1) 2) 3)	1) 2) 3)	1) 2) 3)
50. 2009			1) 2) 3)	1) 2) 3)	1) 2) 3)
51. 2010			1) 2) 3)	1) 2) 3)	1) 2) 3)
52. 2011			1) 2) 3)	1) 2) 3)	1) 2) 3)
53. 2012			1) 2) 3)	1) 2) 3)	1) 2) 3)
54. 2013			1) 2) 3)	1) 2) 3)	1) 2) 3)
55. 2014			1) 2) 3)	1) 2) 3)	1) 2) 3)
56. 2015			1) 2) 3)	1) 2) 3)	1) 2) 3)

Comments on table:

Maternity health benefits

57. Does the enterprise provide maternity health benefits? (for example, health insurance)

1. Yes
2. No

58. Do women receive time off from work for prenatal and postnatal medical visits?

1. Po
2. Jo

59. How many women who are eligible for time off for this actually have taken it since 2007? _____

Health and safety at work

60. Are there policies and procedures in place to identify and prevent workplace hazards and risks during maternity?

1. Yes
2. No

Employment protection, non-discrimination and gender equality at work

61. Is there a policy regarding a woman's right to return to her former job after her leave?

1. Po
2. Jo

62. Do women that return to their jobs after maternity leave receive the same wage (as before going on maternity leave)?

1. Yes
2. No, they work with a lower wage when they return to their jobs
3. No, they work with a higher wage when they return to their jobs

63. Does a woman retain or lose other workplace entitlements upon taking maternity leave and returning to work (e.g. eligibility for and duration of other types of leave, pension accumulation, consideration for promotions, seniority etc.)?

1. Retain
2. Lose

64. Can a worker work part-time or from home after she has given birth?

1. Yes
2. No

65. Do you have a policy on dismissal/termination of an employee during pregnancy or maternity leave

1. Yes
2. No

66. Under what conditions is dismissal allowed during this period?

1. She will be gone a long time
2. We had to find someone else to replace her during this time

3 Other _____

67. Is there a complaint mechanism in place for managers and workers to turn to, in the event of a problem or complaint by either party?

67.1 Managers/Employers

1) Yes, institution/department: _____

2) No

67.2 Employees:

1) Yes, institution/department: _____

2) No

Breastfeeding

68. Is there a policy for breastfeeding breaks or a reduction in daily working hours?

1. Yes

2. No

69. Are these breaks paid?

1. Yes

2. No

70. How much time per break (excluding lunch break) is allowed for breastfeeding?

1. 0 min.

2. 1-15 min

3. 16-30 min

4. 31-60 min

5. 61-75 min

6. 75-90 min

7. 91+ min

71. How many of these breaks are allowed per day for breastfeeding? _____ breaks

72. Until what period do women have the right to take breastfeeding breaks?

1. Until the child is 1 year old

2. Women who return earlier from the maternity leave

3. Other: _____

73. For how many months are these breaks allowed? _____ months

74. Do mothers returning to work know about these rights?

1. Yes

2. No

75. Do mothers returning to work use these rights?

1. Yes

2. No

76. What percentage of workers returning from maternity leave have taken breastfeeding breaks?
_____%

77. Do you have any other comments?

Researcher comments:

(Researcher: To be filed by the interviewer only after the interview)

78. End time of the interview: __ __

79. Is the interview finished?

1. Yes
2. No

80. (If not) why is the interview not finished?

1. The interviewee was not able to complete (e.g. sick, too old, someone else was present during the interview)
2. Interviewee refused to continue
3. Interviewee had no time to continue
4. Interviewee was not ready to continue the interview
5. Other:_____

81. Please write any further comments about the interview, including your impressions as an interviewer and any explanations (how the interview went, further explanation of the respondent's comments, explanation of the respondent's body language during the interview, any relevant illustrative stories, and during particular questions, etc)

As an interviewer, please validate with your signature that the survey was completed based on the best knowledge you possess.

Name of interviewer _____ Signature _____
Name of supervisor _____ Signature _____
Controlled on: _____ By: _____
Data entry by: _____