

June 12, 2019

Dear Deputies,

We are writing to ask you not to pass the current draft of the Labor Law in parliament. Women's Economic Forum considers that the current Labor law draft, which excludes all forms of regulating maternity leave, paternity leave, and parental leave, leaves women vulnerable to the labor market, and does not include a gender equality perspective. This draft law in its current format is a serious threat to the well-being of women.

Taking into account our concern, and hoping for your cooperation, we encourage you to support us in rejecting this draft law and in implementing its amendment with the following concrete recommendations that we have enlisted below, which are in accordance with the Kosovo Constitution, the Law on Equality Gender and relevant EU Directives.

Therefore, given the above-mentioned facts and the urgent need to support 12% of women active in the labor market, in line with the National Development Strategy, our recommendations are as follows:

1. To include maternity leave, paternity leave and parental leave within the Labor Law

The current draft law does not recognize women as part of the working force. Instead, it excludes them from Labor law and treats them as a category that can't contribute economically, but that can only reproduce. Workers should enjoy their rights in accordance with the Labor Law. The division of the provision of maternity leave from the entirety of articles of Labor Law is direct gender-based discrimination towards women.

Furthermore, national legislation that does not specifically refer to pregnancy and maternity as a form of gender discrimination makes discriminatory practices less visible and consequently more difficult to deal with. The current law discriminates against men by not offering them equal rights to be with their children, while simultaneously contributing to reducing the level of women's participation in the domestic economy. According to the Law on Gender Equality, in order to achieve equilibrium between parents in their equal role, equal economic and social rights and responsibilities, policies should be established, the implementation of which would provide a basis for an equal parental role.

2. To include in the Labor Law the provision of breastfeeding hours in order to offer women protection to be breastfeeding infants during the first six months of childbirth, in accordance with EU directives.

Law on Protection of Breastfeeding Nutrition, no. 05 / L-023, suggests that if the worker breastfeeding does not use maternity leave after the sixth month, then from the sixth to a year she has the right to leave for a period of two hours per day within working hours, not including regular working hours, to feed the suckling baby. After the first year, an employee breastfeeding

a breastfeeding child is entitled to a one-hour rest period. But this law does not offer women protection to be breastfeeding infants during the first six months of childbirth. By not providing such protection, the law relies on the assumption that women will not work these past few months, while paradoxically hinders women to work. Breastfeeding rest should be regulated in the framework of the Labor Law, given the direct connection to this Law. It is unacceptable that the Labor Law that deals with working conditions and the health protection of workers, leave out employees that gave birth or the breastfeeding ones.

3. To transpose the concept of self-employment by adding a paragraph that would clarify the following:

"Self-employed parents who conduct economic activities for the purpose of profit, on their own account, are entitled to maternity leave and parental leave, same as employed parents."

Justification

The concept of self-employment should be transposed into law, so that all self-employed persons who develop economic activities for the purpose of personal profit on their own account, under the conditions provided by national legislation and spouses or self-employed partners who participate in carrying out activities in the self-employed business, have access to the benefits of social and maternity protection, relying solely on this family relationship.

Reiterating that it is unacceptable to pass a labor law that does not treat women as a workforce, we inform you that we are ready for a meeting with you in order to jointly address these recommendations and introduce the model of re-prepared by us.

Sincerely,

Women's Economic Forum

Women's Economic Forum is an independent body, which is comprehensive and unifying, which gathers around itself stakeholders, organizations and individuals of society that have an interest, play an active part and are engaged in the development of women in the economy. The Forum is jointly founded by eleven organizations throughout Kosovo that are actively involved in improving the position of women in Kosovo.

Members:

Kosovo Women's Network (KWN)

Rinvest Institute

Kosovar Gender Studies Center (KGSC)

Democracy for Development (D4D)

Women's Business Association SHE-ERA

The Network of Roma, Ashkali and Egyptian Women's Organizations (RROGRAEK)

Center for the Protection and Rehabilitation of Women and Children "Liria"

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Open Door

