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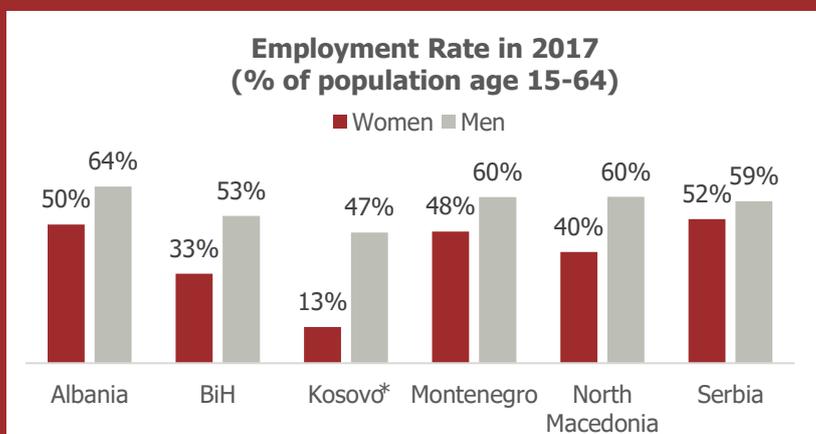
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Gender-based Discrimination and Labour in the Western Balkans

Gender equality, equal opportunities, equal treatment and equal pay for equal work are fundamental values of the European Union (EU). In signing stabilisation and association agreements with the EU, countries in the Western Balkans (WB) have committed to approximating their legislation with the EU *acquis*. Meanwhile, the EU Accession process provides a unique opportunity for the EU to encourage and support the WB in taking steps to ensure “access to decent work for all women of all ages”, among other objectives in the EU Gender Action Plan II.

Recent research by a coalition of women’s rights groups in the WB, supported by the EU and co-funded by Swedish International Development Cooperation, has shown that labour-related gender-based discrimination is widespread in the WB. Women in particular are affected. This likely contributes to women’s comparatively lower employment rates. This fact sheet summarizes key research findings and recommendations.



Source: World Bank, 2017

Legal Framework



- Laws partially align with the EU *acquis*.
- Important amendments are needed, particularly related to the EU Work-Life Balance Directive and shared burden of proof.
- Confusing and fragmented laws and procedures.
- Inadequate sanctions.
- Implementation remains a key challenge.

Citizens' Experiences



- People are generally aware that gender-based discrimination is illegal.
- Discrimination in hiring, promotion and maternity leave are widespread.
- High incidence of sexual harassment.

“

I was supposed to replace a girl who was on maternity leave. They planned to fire her after. They told me that I was not allowed to get pregnant for two years.

- Woman, Montenegro

“

The head of the company wanted to sleep with me in order to be promoted.

- Woman, Serbia

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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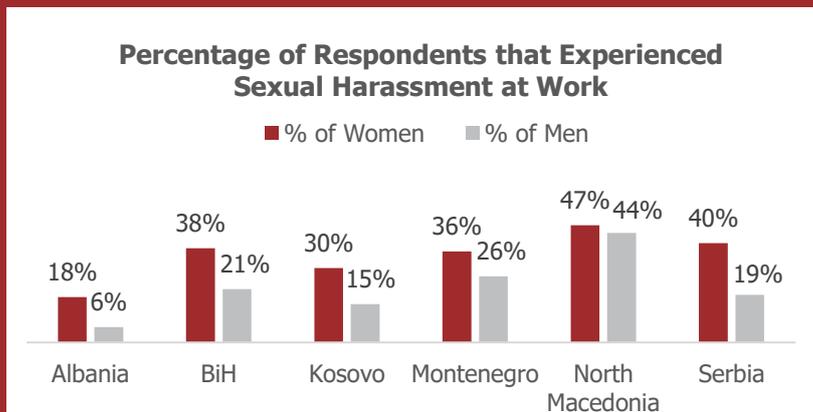
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Barriers to Reporting Discrimination



- Low reporting of gender-based discrimination.
- Few respondents knew where to report gender-based discrimination or sexual harassment.
- Half knew to report it to employers.
- Very few knew they could report it to the Labour Inspectorate, Ombuds-person Institution or police.
- Several feared the consequences of reporting, such as job loss.
- The burdensome, costly process and distrust in protection of anonymity also were barriers.
- Few people approach labour unions for support.



Institutional Response



- Most institutions' representatives seem knowledgeable about the relevant legal framework.
- However, most lack practical experience, as few cases reported.
- Few keep adequate records.

Recommendations for the EU



- Prioritise and require implementation of institutional reforms towards better addressing labour-related gender-based discrimination as a conditionality of the EU accession process.
- Ensure that all WB countries amend their legal frameworks in line with EU directives, including the new EU Work-Life Balance Directive.
- Monitor reforms using a more standardised approach across the countries, including as part of regular reporting in country reports under Chapter 19 on Social Policy and Employment.
- In accordance with the EU Gender Action Plan II, continue meeting with women's rights organisations to gather their input in monitoring the progress of reforms.
- Continue supporting women's rights organisations in their important roles of raising awareness, advising women who have suffered such discrimination, providing legal aid and holding institutions accountable to providing better services to persons who have suffered gender-based discrimination.

About the Report

The report draws from research undertaken by a coalition of women's rights organisations: the Kosovo Women's Network (Kosovo), Reactor-Research in Action (North Macedonia), Gender Alliance for Development Centre (Albania), Helsinki Citizens' Assembly Banja Luka (Bosnia and Herzegovina), Women's Rights Centre (Montenegro) and the Kvinna till Kvinna Foundation (Sweden via its Serbia office). Supported by the EU with co-funding from Swedish Development Cooperation the research is part of a regional initiative to address gender-based discrimination in the WB. The report includes a comparative analysis of legal frameworks in the region and their harmonization with the EU Gender Equality Acquis; the prevalence and nature of labour-related gender-based discrimination; how institutions have treated such cases; and targeted recommendations. It draws from an online survey of nearly 7,000 women and men and interviews with 323 representatives of relevant institutions and organisations. It is at:

<https://womensnetwork.org/publications/gender-based-discrimination-and-labour-in-the-western-balkans/>

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Gender Alliance for Development Center
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