

Expanding Choices through Family-Friendly Policies

Kosovo Analytical Report

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1.1 Context and overview

- Directive on work-life balance for parents and carers
(2019/1158) (the “Work-Life Balance Directive” or “WLB”)
- Aims to address women’s underrepresentation in the labour market by:
 - enabling parents and carers to achieve a healthier balance between their professional and private lives, and
 - encouraging a better balance of caring responsibilities between women and men.



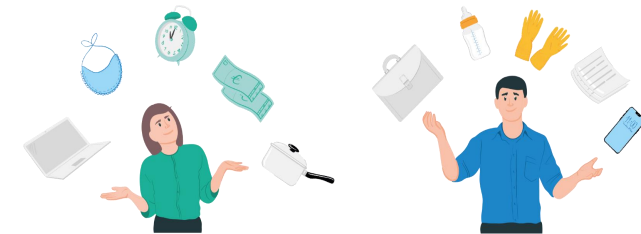
1.2 Context and overview

- Key provisions:
 - paternity leave (Art. 4),
 - parental leave (Art. 5),
 - carers' leave (Art. 6), and
 - flexible working arrangements (Art. 9).
- States "...should take into consideration that the equal uptake of family-related leave ... also depends on other appropriate measures, such as the provision of **accessible and affordable childcare and long-term care services**". (VVLB, Recital 12)



2. Time off for parents

Paternity leave	Leave from work for <u>fathers or equivalent second parents</u> on the birth of a child for the purposes of providing care.	Work-Life Balance Directive
Maternity leave	Leave from work for <u>mothers</u> around the birth of a child for the purposes of providing care.	Pregnant Workers' Directive (92/85/EEC)
Parental leave	Leave from work for <u>all parents</u> which is taken after paternity or maternity leave.	Work-Life Balance Directive



3. Paternity leave (Art. 4)

Work-Life Balance Directive

- At least 10 working days.
- Should be clearly linked to the birth of the child.
- Paid at least at the level of sick pay.
- Consider making available in the event of a stillbirth. (WLB, Recital 19)

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- 2 or 3 working days, fully paid.
(Labour Law, Arts. 50.2.1 and 39.1.3)
- and*
- 10 working days, unpaid, up to the child turning 3.
(Labour Law, Art. 50.2.2)
 - Maternity leave available in the event of a stillbirth or miscarriage. (Labour Law, Art. 51.1)

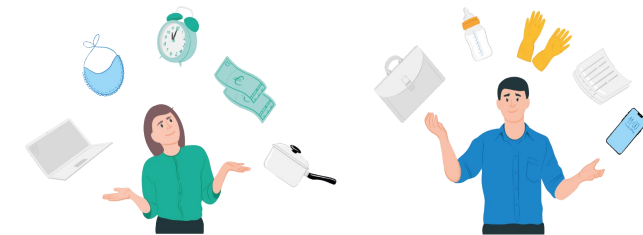
4.1 Parental Leave (Art. 5)

Work-Life Balance Directive

- 4 months, individual right of both parents.
- At least 2 months non-transferable.
- To be taken before a child reaches a certain age (max. 8).
- Can be taken in flexible ways.

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- No comparative entitlement.
- Some transferable maternity leave.
(Labour Law, Arts. 49.7-49.8 and 50.1)
- Additional annual leave for mothers and single parents with children up to age 3.
(Labour Law, Art. 32.4)



4.1 Parental Leave (Art. 5)

Work-Life Balance Directive

- 4 months, individual right of both parents.
- ~~At least 2 months~~ Entirely non-transferable.
- To be taken before a child reaches ~~12~~ a certain age (max. 8).
- Can be taken in flexible ways.

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- No comparative entitlement.
- Some transferable maternity leave.
(Labour Law, Arts. 49.7-49.8 and 50.1)
- Additional annual leave for mothers and single parents with children up to age 3.
(Labour Law, Art. 32.4)



4.2 Compensation

- Parental leave compensation “...shall be set in such a way as to facilitate the take-up of parental leave by both parents.” (WLB, Art. 8.3)
- States that provide “...a relatively high [wage] replacement rate experience a higher take-up rate by fathers and a positive trend in the rate of employment of mothers.” (WLB, Recital 26)
- Minimum 67% wage replacement is necessary for even modest paternal take-up, while 80–100% is needed to achieve take-up by a substantial majority of men. (OECD, 2017)
- Transitioning towards a collective finance model (e.g. insurance contributions and/or tax) could ensure a fairer, more sustainable distribution of costs for all forms of family leave.



5.1 Assessing the diverse needs of families

- Paternity leave must be extended to “**equivalent second parents**”. (WLB, Art. 4.1)
- Parental leave may be extended to “**all workers who exercise parental responsibilities**”. (WLB, Recital 21)
- Consider:
 - recomposed families,
 - one-parent families, and
 - same-sex couples.



5.2 Assessing the diverse needs of families

- Consider whether adaptations are needed for:
 - adoptive parents,
 - parents with a disability,
 - parents with a child with a disability or long-term illness, and
 - self-employed workers.
(Self – employment Directive 2010/41/EU)



6. Carers' leave (Art. 6)

- “...leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason”. (WLB, Art. 3.1(c))
- Minimum 5 working days. (WLB, Art. 6.1)
- Consider raising to 12 working days and providing for flexibility. (EWL, 2019)
- States are “...encouraged to introduce such a payment or an allowance in order to guarantee the effective take-up of the right by carers, in particular by men.” (WLB, Recital 32)



7.1 Flexible working arrangements (Art. 9)

- “...the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.” (WLB Directive, Art. 3.1(f))
- Previously limited to when returning from parental leave. (Parental Leave Directive 2010/18/EU, Clause 6.1)
- The new provision:
 - extends the right to carers and all workers with children up to a certain age (max. 8), but
 - is a right to **request** only, not an automatic entitlement.



7.2 Flexible working arrangements (Art. 9)

- Design should not be overly prescriptive.
- For businesses:
 - forms of arrangements will ultimately depend on the characteristics of the organisation or wider sector, and
 - developing arrangements will require creative thinking about existing models of work organisation and managerial practice. (OECD, 2016)
- Avoid overemphasising part-time work. (WLB, Recital 35)



7.3 Flexible working arrangements (Art. 9)

The current framework in Kosovo is limited.

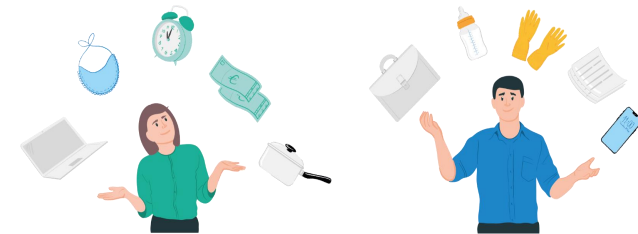
- “... employers are obliged to take all necessary measures to enable women and men to correspond to both their professional and family obligations”. (Law on Gender Equality, Art. 17.1.15)
- A parent of a child with special health care requirements may work part-time until the child turns 2. (Labour Law, Art. 52.1)
- Certain workers are not obliged to work nights shifts or overtime (e.g. pregnant women, mothers or single parents with children under 3 years of age, etc.). (Labour Law, Art. 48)



7.4 Flexible working arrangements (Art. 9)

Recommendations

- Provide a right to request flexible working arrangements to:
 - carers for caring purposes, and
 - all parents with children under 12 years of age.
- Maintain and expand additional protections for parents with children with special care needs.
- Revise gender-specific entitlements to be gender-neutral.
- Consider alternatively providing the right to all workers.



8. Summary

- Increase **paternity leave** (min. 10 days).
- Provide **parental leave** for all parents (min. 4 months).
- Ensure **high wage replacement rates** to achieve uptake amongst men.
- Consider financing family-related leave through a **collective finance scheme** to secure a fairer distribution of costs.
- Extend equal entitlements to **all types of families**.
- Introduce the right to **carers' leave** (min. 5 days).
- Develop **flexible working arrangements** for parent and carers.



Thank you!

