



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-205

ON THE EMPLOYMENT AGENCY OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo,

Based on Article 65 (1) of Constitution of the Republic of Kosovo,

Approves

**LAW ON THE EMPLOYMENT AGENCY OF THE REPUBLIC OF
KOSOVO**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Aim**

This law regulates the establishment, organization, functions, duties, responsibilities and funding of the Employment Agency of the Republic of Kosovo.

**Article 2
Scope**

1. Employment Agency of Kosovo is the public provider of services in the labour market, which aims at the management of the labour market and the implementation of employment and vocational training policies.

2. Employment services users are unemployed, job seekers, employers, employees and foreign nationals who intend employment in Kosovo.
3. Employment and vocational training services to the workforce can be organized and provided even by non-public providers whose scope is employment and vocational training of specified groups.
4. Accredited non-public providers may be contracted by the Agency, in accordance with the legal framework, to provide employment and vocational training services.
5. The rights, responsibilities, scope, oversight of the work and reports of non-public service providers in relation to the Agency shall be regulated with sub-legal act proposed by the Ministry and approved by the Government.

Article 3 Definitions

1. The terms used in this Law shall have the following meaning:
 - 1.1. **EARK** - Employment Agency of the Republic of Kosovo is the public provider of services in the labour market;
 - 1.2. **Advisory Board** - an advisory body that provides advice on issues relating to the labour market and employment, as well as on the development and overall functioning of the Agency;
 - 1.3. **General Director** - the senior official among civil servants, responsible for leading the Agency;
 - 1.4. **NQA**- the National Qualifications Authority that establishes and maintains a comprehensive qualifications frame and regulates the recognition of qualifications;
 - 1.5. **Active measures on the labour market** - measures consisting of temporary support and interventions for individuals or groups identified with difficulties to access to employment in the labour market;
 - 1.6. **Employment** - suitable employment, lucrative and on a free choice, on a contractual basis;
 - 1.7. **Vocational Training and Rehabilitation** - all activities that are intended to provide practical knowledge and skills for effective and efficient performance of the activities within an occupation or group of occupations;
 - 1.8. **Non-public providers of employment and vocational training** - all other forms of institutional organization that provide employment and vocational training services in the labour market;
 - 1.9. **Job seekers** - all job seekers including those who work full time or part time, and persons who are temporarily suspended from work;

- 1.10. **The unemployed** - persons who are unemployed, able to work and actively are seeking job;
- 1.11. **Employees** - natural persons who with their work, perform paid services for the employer;
- 1.12. **Employers** - natural or legal persons who provide work to employees work and pay them the salary for the work or services performed;
- 1.13. **Employees organizations** - trade unions which are independent, voluntary, established for the realization and protection of the rights of employees;
- 1.14. **Employers organizations** - organizations in which employers joint voluntarily to protect their interests;
- 1.15. **International Cooperation** - refers to any kind of cooperation in the field of employment and vocational training between the Agency and international entities;
- 1.16. **DLE** - the respective Department of Labour and Employment as organizational structure within the MLSW;
- 1.17. **COE** - Central Office of Employment.
- 1.18. **VTC** - Vocational Training Centres, as the organizational structure of EARK;
- 1.19. **EO** - Employment Offices, as the organizational structure of EARK;
- 1.20. **MLSW** - Ministry of Labour and Social Welfare;
- 1.21. **Vulnerable groups** - job seekers or the unemployed, such as: the mother of many children, persons over fifty (50) years of age, young people under the age of fifteen (15) years, the long term unemployed and people who are on social assistance;

CHAPTER II ORGANIZATION AND FUNCTIONING OF AGENCY

Article 4 Establishment

1. Agency is an independent body within the MLSW, with the status of legal person under the Law on State Administration.
2. This body shall be denominated as the Employment Agency of the Republic of Kosovo.
3. Headquarters of the Agency is in Pristina.

4. Agency has its logo and seal. Form and content of the seal shall be regulated in accordance with the applicable legislation.

Article 5 Organization of the Agency

1. Employment Agency of Kosovo has this organizational structure:

- 1.1. Central Office of the Agency;
- 1.2. Employment offices;
- 1.3. Vocational Training Centres;
- 1.4. General Director.

2. Organizational structure and internal systematization shall be defined by the Regulation which shall be proposed by the Ministry and approved by the Government.

Article 6 Duties and Responsibilities of the Central Office

1. Duties and responsibilities of the Central Office of the Agency are:

- 1.1. MLSW policy implementation in the field of employment, vocational training and rehabilitation, customized for the unemployed, job seekers, employers, employees and foreign nationals who intend employment in Kosovo;
- 1.2. monitoring and coordinating the implementation of the measures and active labour market programs
- 1.3. preparation of information, labour market analysis, surveys and studies of the needs of the labour market as well as the dissemination of information with relevant stakeholders at all levels;
- 1.4. publication and promotion of employment;
- 1.5. development of curricula, teaching materials and assessment procedures under the National Framework of Qualifications including certification of candidates and recognition of prior learning;
- 1.6. contracting the services from accredited non-public providers in the field of vocational training, advanced profiles and profiles that do not take place in CVT;
- 1.7. counselling and provision of information regarding the labour migration;
- 1.8. to give the official confirmation at the Department of Health, Asylum and Migration within the Ministry of Internal Affairs, on allowing the employment for

foreigners, and issues a certificate on allowance of employment for thirty (30) days, sixty (60) days and ninety (90) days within one (1) calendar year, in the period the foreigner may work in the Republic of Kosovo.

1.9. proposal for legislative initiatives in the field of employment and vocational training policies or employment protection, to responsible officials of the Ministry;

1.10. preparation of periodic and annual reports to the Ministry, on the implementation of the annual program and special projects;

1.11. identification of needs for training/promotion of staff in local level in order to improve the provision of services;

1.12. coordination of activities with employment offices, vocational training centres and other relevant institutions;

1.13. distribution of tasks from the program of work for the employment offices and vocational training centres;

1.14. creating partnerships with local communities and other stakeholders aimed at the employment of vulnerable groups; and

1.15. performing other tasks and duties defined by the internal regulation of the Agency.

Article 7

Duties and Responsibilities of the Employment Offices

1. Duties and responsibilities of the Employment Offices are:

1.1. registration, record keeping and updating information on job seekers;

1.2. providing information and counselling services to the unemployed and job seekers with a view to their employment;

1.3. career orientation and the possibility of lifelong learning based on an assessment of their needs;

1.4. preparation of individual employment plan for vulnerable groups;

1.5. mediation of persons in employment, training proposal or other active measures and programs;

1.6. implementation of tasks and active labour market measures, which include:

1.6.1. job seek assistance;

1.6.2. public work,

- 1.6.3. vocational training and retraining of the workforce;
 - 1.6.4. intern;
 - 1.6.5. work practices;
 - 1.6.6. job training;
 - 1.6.7. employment subsidies;
 - 1.6.8. self-employment and promoting entrepreneurship;
 - 1.6.9. vocational rehabilitation for vulnerable groups;
- 1.7. harmonization of supply and demand for job vacancies;
- 1.8. giving the statement of unemployment, which for applicants and recipients of Social Assistance Scheme category II will serve as an agreement between the Office of Employment and the registered unemployed.

Article 8

Duties and Responsibilities of Vocational Training Centres

1. Duties and responsibilities of Vocational Training Centres are:
- 1.1. offering professional training services required by the labour market;
 - 1.2. assessment and certification of candidates;
 - 1.3. recognition of prior learning;
 - 1.4. monitoring of other training providers that develop trainings in agreement with the agency, assessment and certification of candidates;
 - 1.5. preparation of individual training plan for the candidate who carry out practical work in companies as well as monitoring, evaluation and certification;
 - 1.6. preparation of information on the progress of the trainings; and
 - 1.7. perform other tasks and duties defined by other relevant legal and sub-legal acts.

Article 9

General Director of the EARK

General Director of the Agency shall have the status of civil servants. His election shall be made in accordance with the provisions for the appointment of senior management officials, according to the Law on Civil Service of the Republic of Kosovo.

Article 10
Responsibilities of the Director

1. General Director of the Agency shall be responsible for:
 - 1.1. management and performance of duties of the Agency;
 - 1.2. proposal of the organizational structure of the Agency;
 - 1.3. representation of the Agency with third parties both at the national and international levels;
 - 1.4. proposal of the work programme of the Agency;
 - 1.5. proposal on amending and supplementing the program based on the advices given by Advisory Board and shall submit them for approval to the MLSW;
 - 1.6. proposal of annual draft budget;
 - 1.7. management of the funds allocated to the Agency from Kosovo Budget, and other sources of funding, and
 - 1.8. additional duties as defined by the Regulation on the internal organization of the Agency.
2. In cases where the General Director of the Agency for any reason cannot perform his duties, then the interim deputy shall be appointed under the applicable law.
3. Resignation and Removal of the General Director of the Agency shall be made in accordance with legal rules for senior managerial positions in the civil service of the Republic of Kosovo.
4. Office of the General Director, serves as the secretariat of the Advisory Board.

Article 11
Reporting

1. General Director of the Agency shall, every six (6) months, submit progress reports on the activities of the Agency and other issues related to employment and vocational training to the Minister of Labour and Social Welfare.
2. General Director of the Agency, at the request of the Minister of Labour and Social Welfare provides additional information on the overall situation in the labour market, in particular the implementation of employment policies and vocational training.

Article 12
Advisory Board

1. Board shall be established to give advices for the preparation and implementation of employment and vocational training policies in the labour market and for the overall development and functioning of the Agency.
2. In fulfilling its mandate, the Advisory Board shall perform the following tasks:
 - 2.1. provides recommendations for implementation of employment vocational training policies and in the labour market;
 - 2.2. provides advice to the General Director of the Agency;
 - 2.3. analyzes the implementation of the program and the annual work plan of the Agency;
 - 2.4. advises and assists the Agency in increasing labour market system performance consistent with national and international economic developments;
 - 2.5. proposes budget statements for implementation of programs for employment and vocational training.
3. Additional duties may be assigned to Advisory Board under the internal regulation of the Agency.

Article 13
Composition of Advisory Board

1. Advisory Board consists of nine (9) members, under the chairmanship of the Chairman of the Board elected by its members. The General Director of the Agency should participate in Board meetings.
2. Advisory Board consists of one representative from each of the following institutions:
 - 2.1. Ministry of Labour and Social Welfare;
 - 2.2. Ministry of Finance;
 - 2.3. Ministry of Trade and Industry;
 - 2.4. Ministry of Education, Science and Technology;
 - 2.5. Ministry of Youth, Culture and Sports;
 - 2.6. National Qualifications Authority;
 - 2.7. Employers' organizations;

- 2.8. Employees organizations;
- 2.9. Association of Kosovo Municipalities.
3. Advisory Board members are nominated by the institutions referred to in paragraph 2 of this Article.
4. Designation of members of the Advisory Board is based on the decision proposed by the Ministry and issued by the Government.
5. The first meeting of the Advisory Board, is led by the oldest member until the selection of the Chairman.
6. Chairman of the Advisory Board is elected upon the proposal of the board, by a simple majority of votes with secret ballot, at the first meeting, for a term of three (3) years.
7. The mandate of members of the Advisory Board is three (3) years.
8. Advisory Board meets at least six (6) times per year, in special cases, the Chairman of the Board may call other meetings as needed.
9. Organization and functioning of Advisory Board shall be defined by internal rules of procedure of the Board.
10. Rules of Procedure of the Advisory Board shall be prepared by members of the Board in cooperation with the Agency, which is approved by the Minister of Labour and Social Welfare.

Article 14
The interaction between the Agency and MLSW

1. MLSW shall be responsible for drafting employment and vocational training policies.
2. MLSW approves the annual work program of the Agency for implementation of employment policies, including vocational training policies for the labour market.
3. MLSW approves the budget proposed by the Agency and submits it for approval to the Government in accordance with the Law.
4. MLSW is responsible for monitoring the implementation of employment and vocational training policies and may propose measures to improve them.
5. The Agency organizes and coordinates annual plan for the implementation of the annual employment and vocational training policies developed by MLSW and submits an annual work plan for approval to the MLSW, including the budget.

Article 15
Licensing of non-public providers

1. Licensing of non-public employment service providers, shall be conducted by the Ministry of Labour and Social Welfare.
2. Monitoring of the work of non-public employment service providers shall be carried out by the Agency.
3. Licensing non-public providers of employment services shall be regulated with sub-legal act issued by the Ministry.

CHAPTER III
COOPERATION

Article 16
National Cooperation and Liaison with the National Qualifications Authority and MEST

1. Agency develops collaborative relationships with all stakeholders at national and local level, with the aim of improving the quality of services provided in accordance with the legal framework.
2. Agency delegates representatives to various boards and provides relevant information on labour market for institutions/organizations with which cooperates, as required.
3. Agency engages its local offices in local and regional community boards by giving them the mandate to participate actively and to be informed on aspects and developments related to employment.
4. Agency and the MEST, exchange relevant information on the labour market and propose joint activities with MEST institutions that aim to support quality orientation in career and transfer of pupils/ students to work at all levels.
5. EARK cooperates with NQA to improve the quality and relevance of vocational training in the labour market offered under the program of active measures.

Article 17
International cooperation

Agency implements the international agreements in the field of employment and vocational training signed by MLSW, under the authority of the Ministry of Foreign Affairs.

CHAPTER IV BUDGET OF THE AGENCY

Article 18 Budget

1. Functioning of the Agency shall be financed by the Kosovo Budget and potential donors, in accordance with applicable Laws.
2. Agency shall have a separate budget line within the budget of the Ministry of Labour and Social Welfare.
3. Budget of the Agency shall be proposed on the basis of the foreseen annual work program.
4. Budget of the Agency shall be reviewed and approved in the regular budget process, in accordance with the Law on Public Financial Management and Accountability.
5. Services provided by the Agency are free for vulnerable groups in the labour market.
6. Agency may generate revenue through the sale of products created in vocational training Centres as well as other revenues prescribed by legal and sub-legal acts.
7. Activity of vocational training in the Agency will have a separate budget line in EARK. Finances from the budget of the Republic of Kosovo, donors and those generated through the sale of created products of vocational training centres shall serve for the purchase of training materials and the purchase of services from other providers.
8. The incomes generated through the sale of foreseen services should be distributed and managed according to the applicable Laws.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 19 The transfer of staff and structures of DLE to EARK

1. Number of job positions, staff, salaries, movable and immovable property that shall be transferred from MLSW to the Agency shall be determined and approved by a Protocol or Memorandum between management of MLSW and Agency.
2. Protocol will be prepared by a working group appointed by the Minister of Labour and Social Welfare no later than sixty (60) days from the date of approval of this Law.
3. Based on this Protocol, the revised regulation on organizational structure of the MLSW and the Agency shall be prepared and approved in accordance with the Law.

4. Divisions of DLE in MLSW which are transferred to the internal organizational structure of the Agency are:

- 4.1. Division for Monitoring and Coordination of the employment offices;
- 4.2. Division for Vocational Training;
- 4.3. Employment offices;
- 4.4. Regional Vocational Training Centres.

Article 20
Issuance of sub-legal acts

Ministry of Labour and Social Welfare, within six (6) months after entry into force of this Law, shall issue sub-legal acts for implementation of this Law, defined as the provisions of this Law.

Article 21
Entry into force

This law shall enter into force on 1 January 2015.

Law No. 04/L-205
12 December 2013

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI