



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

Law No. 05/L – 078

**ON AMENDAMENDING AND SUPPLEMENTING THE LAW No. 03/L-019
ON TRAINING, PROFESSIONAL REHABILITATION AND
EMPLOYMENT OF PERSONS WITH DISABILITIES**

Assembly of the Republic of Kosovo,

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

Approves:

**LAW ON AMENDAMENDING AND SUPPLEMENTING THE LAW No.
03/L-019 ON TRAINING, PROFESSIONAL REHABILITATION AND
EMPLOYMENT OF PERSONS WITH DISABILITIES**

Article 1

The purpose of this Law is the amendment and supplementation of the Law No.03/L-019 on training, professional rehabilitation and employment of persons with disabilities.

Article 2

1. Article 3 of the basic Law shall be amended and supplemented with the following text:

Article 3

1. Terms used in this Law shall have the following meaning:

1.1. **Disability** - restriction in access and usual activities in everyday life of a person as a result of physical, sensory, intellectual or mental impairments that prevent him/her to participate in everyday life activities;

1.2. **Persons with disabilities** – the persons who have long-term physical, sensory, intellectual or mental impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

1.3. **Categories of persons with disabilities as a result of impairment** – invalid of war, civil invalid of war, labour invalid, a person born with physical, sensory, intellectual or mental impairments and a person who as a consequence of adversity or illness is with physical, sensory, intellectual or mental disability;

1.4. **Medico Social Commission** – team composed of medical experts and other fields' experts established by the relevant institution, aiming ascertainment and assessment of disability level of a person;

1.5. **Training and professional rehabilitation** - all activities that aim providing knowledge, new skills for efficient work within an occupation performed earlier, or another profession that a person with disability can perform successfully;

1.6. **Suitability of environment** - measures taken in order to ensure an environment without barriers of different nature for providing suitable access for people with disabilities;

1.7. **Auxiliary tools** - tools that are used by persons with disabilities, in order to overcome the obstacles that limit their participation in usual activities;

1.8. **Appropriate work** - work which is done by the person with disabilities in accordance with his/her physical, sensory, intellectual or mental possibilities as well as with the respective qualification gained during the regular or special education, or professional training and rehabilitation;

1.9. **Trainer** - the professional certified, who has the mandate from the Vocational Training Centre - VCT, that will organize the theoretical and practical process of training and professional rehabilitation of the candidates, included in training, to assess the candidates on the knowledge and skills reached during the training;

1.10. **Special education** - education process approved by competent education authorities to meet the needs of the persons with disabilities;

1.11. **Assistant** – a necessary person without whom the disabled person cannot be trained or rehabilitated for work or establish employment relationship;

1.12. **Protective workplace** - enterprise which is established with the aim to provide work and appropriate employment, in the place and space with the respective equipment for persons with disabilities;

1.13. **Working centre** - specialized workplace which employs persons with disabilities who cannot be employed or keep the work under the general and special conditions in the protective workshop;

1.14. **MLSW** - the respective Ministry for Labour and Social Welfare;

1.15. **EARK** - the Employment Agency of the Republic of Kosovo;

1.14. **VTC** - the vocational training centres established by the MLSW which provide services for training, rehabilitation and qualification for the jobseekers in order to increase the opportunities for productive employment and self-employment in accordance with labour market requirements;

1.17. **EO** - the Employment Offices.

2. In the entire text of the basic Law, the words “Professional Commission; the Medical Commission and the Commission for Expertise” shall be replaced with the words “Medico-Social Commission”.

3. In the entire text of the basic Law, the words "Centres for Rehabilitation, retraining and Employment" shall be replaced with “Vocational training centres”.

Article 3

Article 4 of the basic Law, paragraph 1, sub-paragraph 1.1 shall be amended and supplemented with the following text:

1.1. A person with disability, user of the rights and financial benefits under the legal provisions in force.

Article 4

After Article 6 of the basic Law, there shall be added two new Articles 6A and 6B with the following text:

Article 6A
Assessment of the remaining ability for work

1. Assessment of the remaining capacity for work and employment opportunities or keeping (preserving) the work involves medical criteria, social and other criteria which determine the opportunities and the ability of people with disabilities to the indispensable involvement in the labour market and carrying of / independent or with technical sourcing tools, namely employment in general and specific conditions.
2. Assessment of the remaining working ability of persons with disabilities shall be assessed by the Medico-Social Commission. For the manner and procedure of assessment of the remaining working ability of persons with disabilities MLSW shall issue the sub-legal act.
3. During the assessment process of the remaining ability to work there is determined social, psychological status and other factors that affect in the ability of work and employment opportunities.
4. Scope, competency, composition and mandate of the Medico-Social Commission shall be governed by sub legal-acts issued by the Ministry of Labour and Social Welfare.

Article 6B
Confidentiality

Assessment of the remaining ability for work and job opportunities or job preservation, must be made in such a way as to ensure respect for the personality, dignity and the protection of personal data, in accordance with the legislation in force.

Article 5

In Article 7 of the basic Law, paragraph 1, the words " Ministry of Health " shall be deleted from the text of the Law.

Article 6

Article 11 of the basic Law, paragraph 2 shall be amended and supplemented with the following text:

2. In special conditions, persons with disabilities can be employed in Protective Workplaces, Working Centres and other jobs, based on labour skills and under the general conditions they can be employed in the open market of work or keep their job.

Article 7

Article 12 of the basic Law, paragraph 3 shall be amended and supplemented with the following text:

3. An employer which does not meet the obligations under paragraph 1 and 2 of Article 12 of the basic Law, is obliged that for promotion of the employment of people with disabilities to pay, in a special account budgetary line Kosovo's budget, monthly payments in the amount of minimum salary in the Republic of Kosovo, for every person with disabilities that would have been hired.

Article 8

Article 12 of the basic Law, after paragraph 3, there shall be added a new paragraph 3a with the following text.

3a. Methods, procedures and terms of monthly payment under paragraph 1 of this Article shall regulated by a sub-legal act issued by the Ministry of Labour and Social Welfare.

Article 9

1. In Article 13 of the basic Law, paragraphs 1 and 2, after the word „Labour Law" there shall be added the words "Law on Civil Service of Kosovo and specific laws regulating the employment relationship.

2. Article 13 of the basic Law, paragraph 3 shall be amended and supplemented with the following text:

3. A person with disabilities only with his approval and his signature can work at night, overtime or with flexible working schedule, in line with the Assessment of Medico-Social Commission, which has determined the level of the work ability.

Article 10

In Article 15 of the basic Law, after sub-paragraph 1.5 there shall be added a new sub-paragraph 1.5a with the following text:

1.5a. During training, professional rehabilitation for persons with disabilities there shall be provided the sign language interpreter and assistant in necessary cases.

Article 11

1. In Article 18 of the basic Law, at the end of paragraph 1, the phrase “the tax and customs laws in force” shall be replaced with the phrase “a sub-legal act issued by the Government of Kosovo”.
2. In Article 18 of the basic Law, at the end of paragraph 2 there shall added the phrase “ and this shall be regulated by a special Law”.

Article 12

Article 26 of the basic Law shall be amended and supplemented with the following text:

The Labour Inspectorate shall perform the supervision of the implementation of the provisions of this Law based on the applicable Law on Labour Inspectorate and the Law on Safety and Health at Work.

Article 13

Issuance of sub-legal acts

Ministry of Labour and Social Welfare, within one (1) year after the entry into force of this Law, should issue sub legal-acts foreseen by the Law.

Article 14

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.05/L - 078

5 August 2016

President of the Assembly of the Republic of Kosovo

Kadri VESELI