



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

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**Law No. 04/L-119**

**ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-200 ON  
STRIKES**

**Assembly of Republic of Kosovo,**

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

Approve:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-200  
ON STRIKES**

**Article 1**

Article 1 of the basic Law, shall be amended with the following text:

**Article 1**  
**Purpose**

This law is aimed to recognize and guarantee the rights and freedoms for organization and participation of employees in the strike under applicable laws and international standards.

**Article 2**

After Article 4 of the basic Law, a new Article 4.A, shall be added with the following text:

#### **Article 4.A**

Employees and employers or their respective organizations, have the right to negotiate and conclude collective agreements at the appropriate levels, to protect their interests, including the right to strike.

#### **Article 3**

Article 5 of the basic law, paragraph 1, the phrase “**half of the employees**” shall be deleted and replaced with the phrase “**one - third (1/3) of the employees**”.

#### **Article 4**

1. Article 6 of the basic law, paragraph 1, sub-paragraph 1.1. the word "**union**" shall be deleted and replaced with the phrase "**trade union organizations**".

2. Article 6 of the basic law, paragraph 1, sub-paragraph 1.2. the phrase "**half of all employees**" shall be deleted and replaced with the phrase "**one-third (1/3) of the employees.**"

3. Article 6 of the basic law, paragraph 1, sub-paragraph 1.4. shall be reworded with the following text:

1.4. trade unions on one hand and employer on the other hand, have made effort, to achieve compliance, through licensed intermediaries, according to the rules and procedures of the Law on Mediation.

4. Article 6 of the basic Law, paragraph 1, after sub-paragraph 1.5 a new sub-paragraph 1.6 shall be added, with the following text:

1.6. when employees decide to declare the strike by secret ballot, with at least one-third (1/3) of the total number of trade union members of the trade union organizations or within a particular working organization when there are no trade union organization.

#### **Article 5**

1. Article 9 of the basic Law, paragraph 2 shall be reworded with the following text:

2. Strikes can not be stated, if they are not first supported / used before, reconciliation procedures according to the Law on Mediation and provided that these procedures are appropriate, equitable, timely and the parties should have the opportunity to participate in each phase.

2. Article 9 of the basic law, after paragraph 2, a new paragraph 2a shall be added, with the following text:

2a. In cases where organized strikes in the services of vital importance, where the minimum of the work process should be ensured, the parties are bound, before declaring a strike, to have supported / used / the conciliation and mediation procedures.

3. Article 9 of basic law, paragraph 3, the phrase "**or more than half of employees**" shall be deleted and replaced with the phrase "**or one-third (1/3) of the employees.**"

### **Article 6**

1. Article 13 of the basic Law, after paragraph 2 a new paragraph 3 shall be added with the following text:

3. Employees who work during the strike in the services of vital importance in order to provide the minimum work process, are entitled to salary in accordance with the time spent at work.

### **Article 7**

1. Article 18 of the basic Law, paragraph 1., after the phrase "**work contract**" shall be added the sentence "**including the right in payment and obligation of obedience to work**".

2. Article 18 of the basic Law after paragraph 1., a new paragraph 1.a shall be added with the following text:

1.a. the suspension period according to paragraph 1. does not affect the work experience and its effects.

### **Article 8**

1. Article 19 of basic law, paragraph 1. shall be deleted from the text of the law.

2. Article 19 of basic law, paragraph 2, the word "**three (3)**" shall be replaced with the word "**five (5) days**".

## **Article 9**

Article 22 of the basic Law, shall be reworded with the following text:

### **Article 22 Reconciliation procedures**

1. Striker Council, in conformity with Article 5, paragraph 1 of this Law, before declaring the organization and conduct of the strike, is obliged to use all means to solve the dispute issues with the employer.
2. Striker Council even during the strike should be engaged to solve with agreement their demands, addressed to the employer.
3. By the will of the parties, to resolve the disputed issues by agreement, may engage, licensed mediators from the register of intermediaries of the Republic of Kosovo.
4. The agreement reached between the parties in written form, through mediator, has legal power, after being signed by the parties and the mediator.
5. Costs for the engagement of licensed intermediaries in solving the dispute between the employer and the Strike Council, shall be carried out by both sides, taking into account certain fees to intermediaries.

## **Article 10**

1. Article 25 of the basic law, paragraph 1, sub-paragraph 1.3. the phrase **“under Article 11”** shall be deleted and replaced with the phrase" **under Article 13 "**.
2. Article 25 of the basic law, paragraph 2, after sub-paragraph 2.3. new sub-paragraph 2.4. shall be added with the following text:
  - 2.3. acts in contradiction of Article 6 of the basic Law and Article 4 of this law.

**Article 11**  
**Entry into force**

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

**Law No. 04/L-119**  
**6 September 2012**

**President of the Assembly of the Republic of Kosovo**

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**Jakup KRASNIQI**