

**Comparative analysis report
on national legislation and state of play
of reconciliation policy and gender equality**

in the frame of the project

**“Changing the Traditional Mindset through Collective Agreements
in the Western Balkans – The Role of Social Partners in Enabling
Work-Family Reconciliation and Gender Equality (Balance)”**

September 2016



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INTRODUCTION

The European Commission awarded the Association of Employers of Slovenia the project Changing the Traditional Mindset through Collective Agreements in the Western Balkans – The Role of Social Partners in Enabling Work/Family Reconciliation and Gender Equality, which started on 15 December and lasted for 2 years until 14 December 2017.

The promotion of the reconciliation of work and family life and legislation in this field has become a necessity for a range of reasons. Measures traditionally originate from gender equality concerns. They also support the economy as they facilitate the participation of individuals in paid work, can have a positive effect on fertility rates and can also boost pension systems. For all of these reasons, reconciliation has become an increasingly important topic. As the Western Balkan labour markets have been assessed as somewhat not inclusive in practice, and the gender participation gap is relatively large (due to the tradition and cultural habits in these countries, low education and skills, low availability and high cost of childcare services and care for older family members, labour market discrimination against females, etc.), the project will promote new, innovative measures (to be included in collective agreements) to facilitate the reconciliation of work and family life in this region. Namely, such measures encourage equal opportunities and increase opportunities in access to quality jobs. Moreover, the project will break the stereotypes of »typically male« and »typically female« occupations and consequently encourage employment opportunities for both genders.

The overall project objective is to raise awareness and strengthen knowledge of social partners and other target groups (employers and employees in the private sector, school girls, the interested public) on the importance of measures to reconcile work and family life, as well as on the complexity of gender equality in order to slowly change the traditional mindset and break the stereotypes in the Western Balkans, namely through social dialogue/collective agreements and thus contribute to economic success.

Co-Applicants on this project, besides Association of Employers of Slovenia (as a leading applicant), are also:

- Employers' organisations:
 - HUP – Croatian Employers' Association
 - BCM – Business Confederation of Macedonia
 - UPCG – Montenegrin Employers' Federation
 - UPS – Serbian Association of Employers
 - BiznesAlbania – Albanian Employers' Association

- Trade unions:
 - ZSSS – The Association of Free Trade Unions of Slovenia
 - SSM – Federation of Trade Unions of Macedonia
 - UFTUM – Union of Free Trade Unions of Montenegro
 - CATUS – Confederation of Autonomous Trade unions of Serbia

- KSSH – Confederation of Trade Unions of Albania

- Associates:
 - European cross-industry social partner: BUSINESSEUROPE
 - Trade union: NHS – Independent Trade unions of Croatia

- With the support of:
 - UEARS – Union of Employers' Associations of Republika Srpska

The first half of the project was dedicated to examine the situation in the field of reconciliation policies/gender equality in the Western Balkans. The national analysis report was prepared on the basis of collected secondary data (social partners' involvement, the presence of the project's subject matter in national law/collective agreements, good practice examples) and on the basis of national meetings between relevant actors.

The following text shows the collected answers to the questions that were a part of the questionnaire sent to the above-listed social partners and gathers data and views on the projects' topic in each country about:

- the overall situation,

- information about:
 - industrial relations
 - legislation and
 - social dialogue.

The questionnaire is annexed at the end of this report.

QUESTIONNAIRE – RESULTS

1. Overall Situation in Each Country

ALBANIA

Indicator	Number or percentage (please state below)
Population Total	2,886,026
Population of women	1,424,700
Population of men	1,461,326
Share of population aged 0 –14	509,813
Share of population aged 15–64	2,005,138
Share of population aged 65+	125,342
Mean age of population	34.7 years
Population aged 15 years or more by education:	
- Basic or less	140,043
- Upper secondary	38,554
- University	29,137
- total	207,734
Employment rate	52.7 %
Registered unemployment rate	17.5 %
Minimum wage	160 EUR gross
Working age population	
- total	1,122,000
- women	523,000
- men	598,000
Employed	
- total	973,000
- women	447,000
- men	525,000
Unemployed	
- total	149,000
- women	76,000
- men	73,000

Source: INSTAT (Albanian Institute of Statistics)

CROATIA

Indicator	Number or percentage (please state below)
Population Total	4,225,300 (national yearly statistical survey 2015)
Population of women	2,186,100 (national yearly statistical survey 2015)
Population of men	2,039,200 (national yearly statistical survey 2015)
Share of population aged 0 –14	334,725 male, 317,703 female (national yearly statistical survey 2015)
Share of population aged 15–64	1,435,402 male 1,438,422 female (national yearly statistical survey 2015)
Share of population aged 65+	795,100 (based on data published in 2015)
Mean age of population	41.7 (based on data published in 2015)
Population aged 15 years or more by education: - Basic or less - Upper secondary - University - total	(Eurostat 2014 – ISCED 2011) - basic or less – 20.3% - Upper secondary and post-secondary non-tertiary level – 60.1% - Tertiary education (levels 5-8) – 19.6%.
Employment rate	55.8% (Eurostat 2015)
Registered unemployment rate	14.6% (Eurostat 04/2016)
Minimum wage	414.45 EUR gross (in year 2016) – national Decree
Working age population - total - women - men	(Eurostat 04/2016) Total – 1,872,000 870,000 women 1,002,000 men
Employed - total - women - men	(Eurostat 04/2016) 1,564,000 – total 720,000 women – 46% 843,000 men – 54%
Unemployed* - total - women - men	(Eurostat 04/2016) Total - 282,0000 138,000 women 144,000 men

FYR OF MACEDONIA

Indicator	Number or percentage (please state below)
*Population Total	31.12.2014 2,069,172 - 100.0%
*Population of women	1,032,654 - 49.9%
*Population of men	1,036,518 - 50.1%
*Share of population aged 0 –14	16.8%
*Share of population aged 15–64	70.5%
*Share of population aged 65+	12.7%
Mean age of population	This information cannot be provided.
**Population aged 15 years or more by education:	(III quarter 2015)
- Basic or less	219,576 - 23.0%
- Upper secondary	524,464 - 54.9%
- University	210,570 - 22.1%
- total	954,610 - 100.0%
**Employment rate	(III quarter 2015) 42.4 %
**Registered unemployment rate	(III quarter 2015) 25.5 %
***Minimum wage	(In year 2016) 10,080 MKD net - 164 EUR net
**Working age population	(III quarter 2015)
- total	1,677,037 - 100.00%
- women	837,748 - 49.95%
- men	839,289 - 50.05%
**Employed	(III quarter 2015)
- total	711,380 - 100.0%
- women	279,090 - 39.2%
- men	432,290 - 60.8%
**Employed	(III quarter 2015)
- total	243,230 - 100.0%
- women	100,496 - 41.3%
- men	142,734 - 58.7%

Source:

* data from State Statistical Office

** data from the Labour Force Survey

*** data from Ministry of Labour and Social Policy

MONTENEGRO

Indicator	Number or percentage (please state below)
Population Total	620,029
Population of women	313,793
Population of men	306,236
Share of population aged 0 –14	118,751
Share of population aged 15–64	421,693
Share of population aged 65+	79,337
Mean age of population	37
Population aged 15 years or more by education: - Basic or less - Upper secondary - University - total	We don't have data divided like this.
Employment rate	44.3
Registered unemployment rate	17.6
Minimum wage	193 EUR net
Working age population - total - women - men	268,900 122,100 146,800
Employed - total - women - men	221,700 100,900 120,800
Unemployed* - total - women - men	47,200 21,100 26,000

Source: for all data MONSTAT – Statistical Office of Montenegro

SERBIA

Indicator	Number or percentage (please state below)
Population Total	7,498,001
Population of women	3,645,930
Population of men	3,852,071
Share of population aged 0 –14	16%
Share of population aged 15–64	67%
Share of population aged 65+	17%
Mean age of population	42.2 years
Population aged 15 years or more by education: <ul style="list-style-type: none"> - Basic or less - Upper secondary - University - total 	No education 6% Elementary 40% Secondary vocational 41% Higher 5% University 7% Unknown 2% In total 6,321,231.
Employment rate	42.4 %
Registered unemployment rate	17.9 %
Minimum wage	(In the year 2016) RSD 121 by the hour (net) – 0,98 EUR/hour (net)*
Working age population <ul style="list-style-type: none"> - total - women - men 	3,114,466/ according to the Survey on Labour Force by the Statistical Office RS/ 1350965 1763501
Employed <ul style="list-style-type: none"> - total - women - men 	2,558,347/according to the Survey on Labour Force by the Statistical Office RS/ 1,101,833 1,456,514
Unemployed <ul style="list-style-type: none"> - total - women - men 	748,416/according to the register of the National Employment Service/ 381,494 366,922

*According to the middle exchange rate of the National Bank of Serbia.

SLOVENIA

Indicator	Number or percentage (please state below)	
Population Total	2,064,188 *	
Population of women	1,040,855 *	
Population of men	1,023,333 *	
Share of population aged 0 –14	14.8 % *	
Share of population aged 15–64	66.7 % *	
Share of population aged 65+	18.4 % *	
Mean age of population	42.7 years *	
Population aged 15 years or more by education:	(reference period 1.1. 2015)	
- Basic or less	457,188	
- Upper secondary	926,435	
- University	374,941	
- total	1,758,564	
Employment rate	52.0 % (by Labour Force Survey – quarterly data for Q4 2015) 58.2 % (Average of 2015, registered data)	
Registered unemployment rate	12.3 % (Average of 2015)	
Minimum wage	790.73 EUR gross (Reference period 1.1.2016)	
Working age population	(Average of 2015, registered data)	(by Labour force Survey quarterly data for Q4 2015)
- total	917,363	998,000
- women	418,451	461,000
- men	498,912	537,000
Employed	(Average of 2015, registered data)	(by Labour force Survey quarterly data for Q4 2015)
- total	804,637	914,000
- women	360,996	419,000
- men	443,641	495,000
Unemployed	(Average of 2015, registered data)	(by Labour force Survey quarterly data for Q4 2015)
- total	112,726	84,000
- women	57,455	42,000
- men	55,271	42,000

Source: Statistical Office of the Republic of Slovenia (SORS - SURS), except for Trade Union density rate (source OECD)

* Reference period 1.1.2016

2. Industrial Relations

a) Trade Union Representation in Your Country

The number of national representative Trade Unions in your country that are member of a tripartite Economic social council:

ALBANIA: 10

CROATIA: 4

FYR OF MACEDONIA: 2

MONTENEGRO: 2

SERBIA: 2

SLOVENIA: 7

Please name all the national representative Trade Unions in your country that are members of a tripartite Economic social council:

ALBANIA

- *Confederation of Trade Unions of Albania (President: Kol Nikolla) with 5 other sectoral trade unions that are its members*
- *Union of Independent Trade Unions of Albania (President: Gezim Kalaja) and 3 other sectoral trade unions that are its members*

CROATIA

- *SSSH- Savez samostalnih sindikata Hrvatske*
- *NHS - Nezavisni hrvatski sindikati*
- *HURS - Hrvatska udruga radničkih sindikata*
- *MHS - Matica hrvatskih sindikata*

FYR OF MACEDONIA

- *Federation of Trade Unions of Macedonia (SSM) - public and private sector*
- *Confederation of Free Trade Unions (KSS) - just in public sector*

MONTENEGRO

- *Union of Free Trade Unions of Montenegro*
- *Confederation of Trade Unions of Montenegro*

SERBIA

- *United Branch Trade Union "Independence"*
- *Union of Autonomous Trade Unions of Serbia*

SLOVENIA

- *Association of Free Trade Unions of Slovenia*
- *Confederation of Trade Unions of Slovenia PERGAM*
- *Trade Union Confederation 90 of Slovenia*

- *INDEPENDENCE, Confederation of New Trade Unions*
- *Slovenian Association of Trade Unions ALTERNATIVE*
- *Trade Unions SOLIDARITY*
- *Confederation of Public Service Trade Unions of Slovenia*

Trade Union Density Rate in Your Country:

ALBANIA: *n/a*

CROATIA: *below 30%*

FYR OF MACEDONIA: *in the public sector at the national level, the density ranges between 50% and 60%, and according to some sources it is exactly 54%. In the private sector, union density is more than 30%, or 31% according to some sources (data from the National Report on the "Impact of the economic crisis on industrial relations in Macedonia: Political responses on crisis recovery", Skopje 2012)*

MONTENEGRO: *35%*

SERBIA: *30 %*

SLOVENIA: *21.2% (last known data in 2013): Employed total: 753,000, Members of trade unions: 160,000 (administrative data).*

b) Employers' Organizations

The number of national representative Employers' organizations in your country that are members of a tripartite Economic social council:

ALBANIA: *10*

CROATIA: *1*

FYR OF MACEDONIA: *2*

MONTENEGRO: *1*

SERBIA: *1*

SLOVENIA: *5*

Please name all national representative Employers' organizations in your country that are members of a tripartite Economic social council:

ALBANIA

- *BiznesAlbania (Union of Albanian Business)*
- *Association of Banks of Albania*
- *Association of Insurance companies*
- *National Agribusiness Council*
- *Albanian Tourism Association*

- Association of Builders of Albania
- Association of bakeries
- Association of textile and garments
- Association of transport
- Association of Albanian industrialists

CROATIA

- *Croatian employers' association – CEA/HUP*

FYR OF MACEDONIA

- *Organization of Employers of Macedonia (ORM)*
- *Business Confederation of Macedonia (BCM)*

MONTENEGRO

- Montenegrin Employers Federation

SERBIA

- *The Association of Employers of Serbia*

SLOVENIA

- *The Association of Employers of Slovenia,*
- *Chamber of Commerce and Industry of Slovenia*
- *Chamber of Craft and Small Business of Slovenia*
- *Association of Employers in Craft and Small Business of Slovenia*
- *Slovenian Chamber of Commerce*

Employers' Organizations Density Rate in Your Country:

ALBANIA: *n/a*

CROATIA: *CEA/HUP is the only representative employer's organization in Croatia.*

FYR OF MACEDONIA: *n/a*

MONTENEGRO: *n/a*

SERBIA: 29.2 %

SLOVENIA: *n/a*

3. Legislation in Your Country

- a) Is there an adopted Act or any legislation in your country on maternity, paternity and parental leave? If the answer is yes, please describe the following concerning each leave: duration or length, payment, transferability of leave and if the leave can be taken on a part-time basis.

ALBANIA

*Yes. The new **LAW No 7961**, passed by the Parliament on 12.07.1995, contains the following legislation:*

B. SPECIAL PROTECTION FOR WOMEN

Prohibition of work for pregnant women and young mothers

Article 104

(1) Pregnant women are forbidden to work during the 35 days that precede the expected date of giving birth to the baby and 42 days after giving birth to the baby. The first period becomes 60 days when the woman is expected to give birth to more than one child.

(2) Pregnant or breastfeeding women may not be employed to carry out difficult or hazardous jobs, which jeopardize the health of the mother and child. The Council of Ministers shall define difficult or hazardous jobs that jeopardize the health of the mother and child as well as special rules for the working conditions for pregnant or breastfeeding women.

Maternity leave

Article 105

(1) The law on social insurance defines the income benefited in the case of giving birth to a baby.

(2) After the period of 42 days following the delivery of the child, the woman shall decide for herself whether she wants to work or benefit from social insurance.

Woman's employment protection

Article 105/a

(1) Pregnancy tests are prohibited before starting employment, if they are required by the employer, except for cases where the workplace requires work under conditions that may negatively influence pregnancy or that may harm the mother's or child's life or health.

(2) In the cases where the employer terminates the contract, when a woman is working while being pregnant, or is back at work after the child's delivery, according to Article 30 of this Code, the employer is responsible for certifying that the dismissal reason was not either pregnancy or child delivery.

Adoption leave

Article 106

(1) In the case of adopting a newborn baby, the woman enjoys the right to leave defined by the law on social insurance.

(2) During this period, the employer may not oblige a woman who has adopted a child to work.

CROATIA

Yes, there is the **Law on maternity and parental leave** (Official Gazette NN 85/08, 110/08, 34/11 and 54/13)

Current leave and other employment-related policies to support parents

- a. Maternity leave (rodiljni dopust); maternity exemption from work (rodiljna poštuda od rada); maternity care for the child (rodiljna briga o novorođenom djetetu) – the responsibility of the ministry in charge of family, which is the Ministry of Social Policy and Youth**

Length of leave (before and after birth)

- Maternity leave: 28 days before the expected day of birth, then until the child turns six months of age. It is obligatory for the mother to take 98 days (28 days before the expected date of delivery and 70 days after the birth), without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 days before the expected date of delivery.
- Maternity exemption from work/maternity care for the child: from the day of birth until the child turns six months of age.

Payment and funding

- Maternity leave: 100 percent of the average earnings, calculated based on the average earnings on which health care contributions were paid during the 6 months prior to the leave, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years receives 50 percent of the 'budgetary base rate' - of HRK 4018,5 per month (€ 534,60); gross average earnings in 2015 were HRK 8.037 (€ 1069,20)
- Maternity exemption from work/maternity care for the child: 50 percent of the budgetary base rate per month
- Funded from general taxation.

Eligibility (e.g. related to employment or family circumstances)

- Maternity leave: all employed and self-employed persons.
- Maternity exemption from work: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- Maternity care for the child: parents outside the labour system, due for example to retirement, incapacity or studying.

Variation in leave for child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to a person other than the mother.

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk ('sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid 100 percent with a ceiling of HRK 4,257 (€ 566.33) a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is unable to exercise the right for any other justified reason, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave (roditeljski dopust) / parental exemption from work (roditeljska pošteta od rada) / parental care for the child (roditeljska briga o novorođenom djetetu) – the responsibility of the ministry in charge of family, which is the Ministry of Social Policy and Youth

Length of leave

- Parental leave: four months (120 calendar days) per parent per child for the first and second born child; see 'variation in leave' below for third or higher order births. Leave is an individual entitlement, but two months can be transferred from one parent to the other.
- Parental exemption from work/parental care for the child: from six months of age until the child turns one year of age, for the first and second born child; or until the child turns three years of age for twins, the third and every subsequent child

Payment and funding

- Parental leave: 100 percent of the average earnings for the first six months, with a ceiling of 80 percent of the budgetary base rate or eight months if both parents use Parental leave; 50 percent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last 2 years.
- Parental exemption from work/parental care for the child: 50 percent of the budgetary base rate.
- Funded from general taxation.

Eligibility (e.g. related to employment or family circumstances)

- Parental leave: all employed and self-employed persons.
- Parental exemption from work: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- Parental care for the child: parents outside the labour system, due for example to retirement, incapacity or studying. Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of the child or mother; lone parent); or the delegation of leave to a person other than the parents
- Fifteen months (450 days) per parent for twins, other multiple births and the third and every subsequent child. The additional period is transferable from one parent to another and paid at 50 percent of the budgetary base rate.
- If the parent taking leave dies or is unable to exercise the right for any other justified reason, leave can be transferred to the other parent.

d. Childcare leave or career breaks

If parents have fully used Maternity and Parental leave, one of the employed parents has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding his/her employment are suspended, and the rights to compulsory health insurance and retirement insurance are maintained. This is unpaid.

e. Other employment-related measures

Adoption leave and pay

- *Employed/self-employed adoptive parents can take adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of six months per family for an adopted child under 18 years of age, paid as for Maternity leave.*
- *Adoption leave is extended by 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. After this period of leave, the adoptive parents of a child under eight years of age have the right to Parental leave of six months until the child turns eight years of age and all other rights of employed/self-employed parents.*
- *In the case of other adoptive parents (i.e. not employed or self-employed), one adoptive parent has the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of 12 months (regardless of the child's age). Adoption leave is extended by 60 days in the case of the adoption of twins, two or more children or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on the resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child.*
- *Payment is at 50 percent of the budgetary base rate.*

Time off for the care of dependants

- *There is an entitlement to leave if a co-resident spouse or child is ill, with the length and payment depending on the child's age: for a child under three years, up to 60 days per family for each illness at 100 percent of the average earnings; for a child aged three to seven years, 70 percent of the average earnings (minimum of 25 percent of the budgetary base rate); for a child aged seven to 18 years, up to 40 days for each illness at 70 percent of the average earnings (minimum of 25 percent of the budgetary base rate); an older child and co-resident spouse, up to 20 days for each illness at 70 percent of the average earnings, but only for serious medical conditions defined by regulation (minimum of 25 percent of the budgetary base rate). Leave for children under 18 years of age can be extended on the basis of medical committee decision and can only be used if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents, divorced parents). All payments are subject to a ceiling of HRK4,257 [€563,33] per month. It can be used on a part-time basis.*
- *A worker has the right to seven days fully paid leave per year for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.*

Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Croatia is 12 or 14 months (depending on whether both parents use leave entitlements) for the first and second born child, or three years for twins, other multiple births and the third and every subsequent child); this is paid at 100 percent of the average earnings up to a low ceiling for Parental leave.

FYR OF MACEDONIA

Absence from work due to pregnancy, birth and parenting in Macedonia is regulated by the Labour Code. According to the **Labour Code**, the worker during pregnancy, birth and parenting is entitled to paid leave from work for a period of nine months continuously, and for 15 months if more children are born at once (twins, triplets and more).

If the absence from work due to parenting is not used by the mother, the right to parenting is used by the father or the guardian parent.

The worker using an absence due to pregnancy, childbirth and parenting may return to work before the expiration of the maternity leave, but not before 45 days from the date of birth of the

child. Beside the right to salary, this worker has the right to salary compensation for leave due to pregnancy and parenthood, in the amount of 50% of the amount of compensation for absence under the regulations for health care.

An employee who uses leave for pregnancy, childbirth and parenting, leave for the care and protection of a child, is entitled to **remuneration** in accordance with the Labour Law, other law and collective agreement.

According to the **Law on Health Insurance**, the basis for calculating the salary compensation represents the average monthly amount of paid salary that is the paid contribution for compulsory health insurance in the prior twelve months. The amount of salary compensation during a temporary inability to work during leave for pregnancy, childbirth and motherhood is 100% of the base. The amount of the salary cannot be higher than the amount of four monthly average salaries in the Republic of Macedonia in the previous year.

After completion of the absence from work due to pregnancy, childbirth and parenting, the worker is entitled to **unpaid parental leave** of up to three months up to the age of three years of age of the child, in a maximum of three parts due to childcare.

There is no **paternity leave** if the absence from work due to parenting is not used by the mother and the right to parenting is used by the father.

MONTENEGRO

Yes. **Labour Law** defines **maternity and parental leave**.

Duration: 365 days from the date of childbirth

Payment: 100% of the full salary (refunded by the Centre for Social Service)

Maternity leave is the right of an employed woman who may start maternity leave 45 days and 28 days before childbirth. If an employed woman starts working before the expiration of maternity leave, which lasts 365 days after the childbirth, she has right beside a daily rest, in agreement with the employer, to benefits for another 90 minutes **absence from work for breastfeeding**.

Parental leave is the right of a parent to use absence from work due to care of the child. Parental leave can be used for up to 365 days after the child's birth. A parent may start working before the end of the absence referred to in paragraph 2 of this article, but not before 45 days after the child's birth. In the case referred to in paragraph 3 of this Article, the parent has no right to continue to use parental absence. If a parent interrupts the use of parental leave within the meaning of paragraph 3 of this Article, the other parent has the right to use the unused part of the parental leave referred to in paragraph 2 of this Article. The mother of the child cannot cancel maternity leave before the expiry of 45 days from the birth of a child. Parental leave is divided between mothers and fathers, it can be used by one of them, not by both of them at the same time.

SERBIA

National sources of gender equality are primarily the Serbian Constitution, laws and subordinate legal acts. The key laws are:

- **Labour Law of the Republic of Serbia**
- **The Law on the Basis of Labour Relations**

- **The Law on Financial Support for Families with Children**

*There is no specific law on maternity/paternity/parental leave; however, The **Labour Law** regulates **maternity leave** and **absence from work for childcare** in Article 94.*

*The Labour Law also prescribes the length of the maternity leave and the absence from work for childcare. Employed women have the right to absence from work due to pregnancy and childbirth (hereinafter: maternity leave) and the absence from work for childcare for a total of 365 days. Employed women have the right to begin the **maternity leave** based on the report of a competent medical authority 45 days at the earliest and a mandatory 28 days before the determined day for the delivery. The maternity leave lasts until three months from the date of delivery. Employed women, after the expiration of the maternity leave, are entitled to be **absent from work for childcare** until the expiration of 365 days from the date of commencement of the maternity leave referred to in paragraph 2 of this Article. The father of the child may use the right referred to in paragraph 3 of this Article if the mother abandons the child, dies or for other justified reasons that prevent her from using this right (prison sentence, serious illness, etc.). The father of the child also has this right when the mother of the child is unemployed. The father of the child may use the right referred to in paragraph 4 of this Article. During the maternity leave and leave from work for childcare, an employed woman or the father of the child has the right to wage compensation in accordance with the law (Article 94).*

An employed woman is entitled to maternity leave and the right to be absent from work for childcare for the third and each subsequent newborn child of a total duration of two years.

An employed woman who gives birth to three or more children in her first childbirth, as well as an employed woman who has given birth to one, two or three children and in the next childbirth gives birth to two or more children has the right to maternity leave and absence from work for childcare for a total of two years.

Employed women referred to in paragraph 1 and 2 of this Article, on the expiration of the maternity leave, are entitled to be absent from work for childcare until the expiration of two years from the date of commencement of the maternity leave in Article 94, paragraph 2 of this Law (4).

The father of the child referred to in paragraph 1 and 2 of this Article may use the right to maternity leave in the cases and under the conditions prescribed in Article 94, paragraph 5 of this Law, and the right to be absent from work for childcare during the time period specified in paragraph 3 of this Article (Article 94a).

The right to use maternity leave provided in Article 94, paragraph 3 of this Law also refers to an employed woman whose child was born dead or dies before the expiry of the maternity leave (Article 95).

*Article 94 of the Labour Law prescribes that during the maternity leave and absence from work for childcare, the mother or the father of the child has the **right to wage compensation** in accordance with the law. However, The **Law on Financial Support for Families with Children** closely defines the right to wage compensation during maternity leave, absence from work for childcare and **absence from work due to special care** of a child. Articles 10-13 define who is entitled to wage compensation, how the calculation of the wage compensation is carried out, how it is paid and other conditions.*

The calculation and payment of wage compensation during maternity leave and leave from work for childcare is carried out by the employer simultaneously with the calculation and payment of salaries to employees. The employer is obliged to provide proof of the basic salary of the employee for 12 months prior to the month of the commencement of leave to the municipal, i.e. city administration. The municipal or city administration transfers funds to the employer provided in the budget of the Republic. Employers receive the funds after submitting proof that the wage compensation has been paid to the employee.

SLOVENIA

Slovenia adopted the new **Parental Protection and Family Benefit Act (PPFBA-1)** in 2014, entering into force at the end of April 2014 (on the 29 of April 2014). The new act was necessary due to the implementation of EU legislation and in accordance with the European directive on parental leave to decrease inequality among women and men in professional and family life.

In Slovenia the leave is divided into:

- **Maternity leave** is intended for preparation for giving birth and for care and protection of the child immediately after birth. Maternity leave lasts 105 days, of which 15 days are compulsory and in some cases is transferable to the father or another person. The mother must start maternity leave 28 days before the anticipated date of birth, which is specified by a gynaecologist. If the mother does not start maternity leave at that time, the unused part of the maternity leave may not be used after the child's birth, unless the birth was premature. The father has the right to maternity leave if the mother dies, abandons the child, is deemed by a competent physician to be permanently or temporarily incapable of independent life and work, or is younger than 18 years and has the status of an apprentice, pupil or student. In the latter case, the mother must give her consent for the father to use the remaining maternity leave. The father has the right to the same amount of maternity leave as the mother, reduced by the number of days that the mother has already used.
It must be used in a single block of time in the form of complete absence from work. During this leave, mothers are entitled to **maternity benefit** at 100 % of the average earnings, based on earnings on which parental leave contributions were paid during the previous twelve months. If contributions were paid for less than twelve months, 55% of the minimum wage is taken into account for the missing period. The minimum payment is 55% of the minimum wage.
- **Adoption leave** is not a separate category of leave but has been combined with parental leave.
- The act defines 30 days of **paternity leave**, of which 15 days have to be taken in the first 6 months after the child's birth and the other 15 days after parental leave but not later than the end of the first year of primary school. Nevertheless, PPFBA-1 foresees a delay in the implementation of the change - in the three years after the GDP rises by 2.5 percent at least, the paid paternity leave of 15 days will extend by five days a year, while the unpaid paternity leave from the first previously determined 75 days will be shortened by 25 days a year. During this leave, fathers are entitled to **paternal benefit** at 90% of their average salary or 100 % if that does not exceed the minimum wage per month. In the transitional period for the remaining unpaid paternity leave, the state pays social security contributions based on minimum wage. The right is not transferable and if not used, it is lost. The person who actually cares for the child is also entitled to the right of paternity leave. This right also applies to the partner in a LGBT partnership.
- In addition, each parent has the right to **parental leave**, which lasts 130 days. The mother can transfer 100 days of parental leave to the father (30 cannot be transferred), while the father can transfer all 130 days of his parental leave to the mother. Parental leave is paid at 90 % of the employee's average salary subject to a cap of 2.5 times the average monthly wage.

The total length of leave granted for the birth of the child is extended in comparison to previous legislation from 12 to about 12.5 months.

- b) Does the legislation in your country provide measures that enable work/family reconciliation? Please indicate these measures and describe them briefly (e.g. part-time working arrangements, teleworking, protection during parenthood regarding night or overtime work, etc.)?

ALBANIA

Yes, the legislation stipulates some measures such as **teleworking or working at home** and some **facilities for mothers** before and after childbirth until the child become 1 year old. Nothing has been provided in this regard. Article 15 of the **Labour Code**: The employee working at his/her home (teleworking) enjoys the same rights as the employee working at the enterprise. When the employee does not work at his/her home, he/she may request additional funds to cover facility-related expenses.

Legal measures

The Constitution of the Republic of Albania (1998), in article 18, defines that all citizens are equal before the law and that no one can be discriminated against for reason of gender, ethnicity, language, political, religious affiliation etc....

The **Penal Code** (1995), adopted in 21.03.1995, stipulates the same sentence for the same crimes committed.

The **Civil Code** (2001), adopted in 03.05.2001, acknowledges equal rights for men and women in all legal procedures.

CROATIA

Yes, it does. In brief, in Croatia there is a possibility **to work on a part-time basis**, i.e. less than an 8-hour work day, for parents with children with disabilities. However, in practice it is rarely used due to financial constraints, i.e. half working time = half salary.

There is also a possibility for **telework** (Article 17. Labour Law). However, a large number of companies still do not use it, due to the complex legislation regulating this area (safety, working hours calculation, etc.).

Pregnant women and women with small children **are protected from night work and overtime hours**, without the explicit consent of the worker.

The protection of rights is ensured through the following measures:

Protecting pregnant women, parents and adoptive parents

- The right of the pregnant to equal treatment - the employer cannot refuse to hire a woman or terminate the employment contract because of pregnancy and is not allowed to ask the worker any specific information about pregnancy, unless the employee personally requests a specific right for the protection of pregnant women;
- The right of a pregnant woman or a nursing mother to propose to an employer the conclusion of an employment contract under different terms, for the performance of other appropriate jobs;
- The right to use maternity, parental and adoption leave, to work half-time, to work part-time due to intensive childcare, the right to leave for a pregnant woman or a breastfeeding mother, the right to work part-time in order to care for a child with severe disabilities, in accordance with special regulations, and the right to consider these periods as full working time if the previous duration of employment is important for the acquisition of certain rights arising from employment or related to employment matters;

- Prohibition of dismissal;
- The right of a worker to cancel the employment contract by extraordinary dismissal;
- The right to return to a previous or appropriate job.

Overtime and night work

- A pregnant woman can only work overtime and with the reorganization of working hours following the delivery of a written statement of voluntary consent to such work to the employer, and for night work only if she asked for such a work and an authorized physician determined that night work does not endanger her life or health, as well as the life or health of the child.

Flexibility in the use of rights for maternity and parental leave are:

Maternity leave

- After the compulsory Maternity leave, a parent can use the remaining leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave. The period of part-time leave taken after a child is six months old cannot exceed the period of part-time leave taken before the child reaches this age; the maximum period of part-time leave is until nine months after birth.
- Maternity leave: after the compulsory Maternity leave period, the father of the child has the right to use the remaining Maternity leave, if the mother agrees.
- Maternity exemption from work / maternity care for the child: from the 71st day and in the case of the mother starting employment, the mother can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child has the right to use the remaining share of unused leave, if the mother agrees.

Parental leave:

- Leave is a personal right of both parents but one parent can transfer two months of their entitlement to the other, if they are both employed and if both parents agree and with written consent.
- Parents can use their entitlement at the same time or consecutively. (Although this possibility was deleted in new legislation, the legal opinion is that parents can still use leave in whatever way they choose).
- Leave can be taken in the following ways: a) fully (in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled and compensation is 50 percent of the compensation for full-time leave). Leave can be taken until the child turns eight years of age.
- Parental exemption from work/parental care for the child: if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent.

Flexible working

- During the first 12 months after the child's birth, mothers employed full time and who are breastfeeding are entitled to two hours absence from work (once a day for two hours or twice a day for one hour), paid at 100 percent of the budgetary base rate, recalculated to the hourly rate. If an employed pregnant woman or mother breastfeeding her child works on a job that is harmful to her health and the health of a child she is breastfeeding, and if the employer has not provided another position for her within the company, she has the right to leave, at full earnings to be paid by the employer.
- After Parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child turns three years of age if the child requires increased care due to its health and development, and only if the Parental leave has been fully used; paid at 50

percent of the budgetary base rate (recalculated to the hourly rate, only for the hours outside work).

- Employed or self-employed parents of a child with a serious developmental problem, including physical disability, have the right to take leave to care for the child or to work shorter hours until the child is eight years old. Parents can then work shorter hours until the child finishes regular education. Payment during this period is: a) during leave, 65 percent of the budgetary base rate if the beneficiary has 12 months of continual insurance or 18 months of insurance with interruptions in the last 2 years, otherwise 50 percent of the budgetary base rate; b) during shorter working hours, the difference in salary if the beneficiary has 12 months of continual insurance or 18 months of insurance with interruptions in the last 2 years, otherwise 50 percent of the budgetary base rate recalculated to the hourly rate.

Prenatal examinations (slobodan radni dan za prenatalni pregled).

- Pregnant workers have the right to use a number of hours - equivalent to one working day off per month - in order to attend prenatal examinations. A pregnant worker is obliged to announce to the employer the intention to use this right (in a written form, two days in advance).

FYR OF MACEDONIA

The **Labour Law** envisages provisions for **the protection of workers during pregnancy and parenthood** under which workers for pregnancy and parenthood are entitled to special protection in employment. Also the Labour Law foresees provisions according to which the employer is obliged to **enable workers easier harmonization of family and professional obligations**.

In terms of **easier family reconciliation**, the legislator prescribed the following rights for family workers:

- There is a provision stating that a **worker who is breastfeeding**, even after an absence due to pregnancy, childbirth and parenting, who is working full time, shall be entitled to a paid break during working hours, lasting one and a half hours per day (calculating the daily break as well). That right is available up to one year of age of the child.
- The Labour Law stipulates a **ban** during pregnancy and one year after childbirth **on workers working in increased risk jobs** affecting her health or the health of the child. Pregnant workers who work with hazardous chemicals should be aware of the additional risks of these substances to them and the unborn child. If the employee performs work during her pregnancy that may affect her health or the health of the child, the employer is obliged to provide her with another job and salary.
- Protection during pregnancy and parenting related to **night and overtime work** – during pregnancy or while the child under one year of age, the worker may not perform overtime work or night work. A worker who has a child from one to three years of age may be ordered to perform overtime or night work, with prior written consent. These rights shall also apply to an employee who is the father of the child, if the mother dies, abandons the child, or on the basis of the opinion of the competent medical board under the regulations of health insurance that the mother is incapable of independent living and work. One worker - parents who have a child under seven years of age or a seriously ill child or a child with a physical or mental disability and who lives alone with the child and takes care of his upbringing and protection may only be ordered to perform overtime or work at night after prior written consent.

- Also according to the Labour Law, a parent of a child with developmental disabilities and special educational needs has **the right to work half-time** if both parents are employed or if the parent is single, based on the findings of the competent medical board, if a child is not placed in social-health care. The part-time work is considered full-time and the right to salary compensation is paid according to the social protection regulations.

MONTENEGRO

Yes, **Labour Law**, Articles 103-118.

Articles 103-118 of the Labour Law relates to **the protection of women, young people and persons with disabilities** who have the right to special protection, in accordance with this law. It means that employed women and persons under 18 cannot perform hard physical labour, underground or underwater jobs, nor jobs with an increased risk to their health and life.

A woman who works in industry or construction may not be assigned to **work at night**. This prohibition shall not apply to an employed woman in management or performing duties of health, social and other protection. However, an employed woman may be assigned to work at night, when it is necessary to continue work interrupted by natural disasters or to prevent damage to raw materials or other material.

An employee under 18 may not be assigned to work longer than full working hours, even at night. However, an employee under 18 may be assigned to work at night when it is necessary to continue work interrupted by natural disasters or to prevent damage to raw materials or other material.

The employer is obliged to assign tasks to an employed **person with a disability** that corresponds to their level of ability within their education degree, in accordance with the act on systematization. If an employee with a disability cannot be assigned, the employer is obliged to provide them with other rights, in accordance with the law governing the professional training of persons with disabilities and the collective agreement. The employer may only declare him/her as a person who has been made redundant if the employed person with a disability cannot be reassigned or provided with other rights.

These Articles of the Labour Law define the **protection of women due to pregnancy and childcare**, as well as **protection in the case of stillbirth**. They also protect women during their pregnancy and with a child younger than 3 years old from **overtime and night work** as well as define parental and maternity leave; compensation of salary and **return to the same job position** after maternity or parental leave; **half-time work** until child reaches 3 years old (if the child needs additional care or in the case of a child with disability); **absence from work due to the adoption of a child**.

SERBIA

The Labour Law regulates **absence from work for special care of children or another person**. The part of the Labour Law that regulates the protection of motherhood states that employed women during pregnancy and employees who are breastfeeding a child may not work on activities that are, according to the findings of a competent medical authority, harmful to her health and the health of the child, and particularly jobs that require lifting or where there is harmful radiation or exposure to extreme temperatures and vibrations. The employer is obliged

to provide the employee referred to in paragraph 1 of this Article with another appropriate job and if no such job exists, refer her to paid leave (Article 89).

The employee during pregnancy is also entitled to paid leave from work during the day in order to carry out medical examinations related to the pregnancy, appointed by the selected doctor in accordance with the law.

The Labour Law stipulates that during pregnancy, the employer **cannot terminate the employee's employment contract**. The same law prescribes that the decision on termination of the employment contract is null and void if on the day of issuance of the decision on the termination of the employment contract, the employer knew that the employee was pregnant or if the employee, within 30 days of the termination of employment, notifies the employer of the pregnancy and provides appropriate confirmation from an authorized physician or another competent authority.

The Law stipulates that in the event of pregnancy, the fixed-term employment contract is to be extended until the end of the absence from work for childcare. One of the parents of a child who needs special care due to a severe degree of mental and physical disability, except in cases prescribed by the regulation on health insurance, shall be entitled to, after the expiry of maternity leave and leave from work for childcare, **absence from work or half-time work** until the child is five years old. The right provided in paragraph 1 of this Article shall be based on the opinion of a competent authority for assessing the degree of mental and physical disability of the child in accordance with the law. During the period of absence from work, in terms of paragraph 1 of this Article, the employee is entitled to wage compensation in accordance with the law. During the period of part-time work, in terms of paragraph 1 of this Article, the employee is entitled to a salary in accordance with the law, general act and the employment contract and for the second half of full-time work – compensation in accordance with the law. The conditions, procedure and manner of using **the right to absence from work for special care of the child** shall be specified by the Minister responsible for the social care of children (Article 96). Foster parents or guardians of a child younger than the age of five have the right to childcare, absence from work for eight consecutive months from the date of placement of the child in a foster or guardian's home, but no after the child is five years old. If the child was accommodated in a foster or guardian family before the age of three months, foster parents or guardians of the child have the right to childcare, absence from work until the child is 11 months old. The rights from paragraph 1 and 2 of this Article also apply to a person who, in accordance with the regulations on adoption, has been sent a child for pre-adjustment before adoption, and after the adoption one of the adoptive parents. During the absence from work for childcare, a person who uses the rights referred to in paragraph 1-3 of this Article shall be entitled to compensation in accordance with the law (Article 97).

SLOVENIA

Employment Relationship Act (ERA-1): in the context of the reconciliation of family and professional life and gender equality, the ERA-1 **prohibits discrimination based on gender and family status, the protection of pregnant workers and all workers in connection with their parental role**. According to the act, the employer is obligated to enable the reconciliation of the workers' professional and family responsibilities. The act defines that the employee can propose a **different distribution of working time** (working schedule) for the purposes of reconciliation of professional and family life. And the employer has to justify the decision in writing, taking into consideration the needs of the working process. According to the act, the worker who is or has been on parental leave is entitled to return to the same or a corresponding position, has the right

to any improvements in working conditions that occur during the absence, including improvement of payment, and is protected against dismissal.

Regarding annual leave, a worker who cares for a child in need of special care in accordance with the regulations governing family benefits has **the right to at least three additional days of annual leave**; a worker is entitled to **one additional day of annual leave** for every child under the age of 15. Parents of school age children obtained the **right to take at least a week of annual leave during school holidays**.

Furthermore, workers are entitled to additional **paid leave of up to 7 days in total** in one calendar year for different personal or family reasons such as the death of a close family member, the worker's own wedding, a serious accident suffered by the worker, etc.

The ERA-1 provides **protection during pregnancy and parenthood** with regard to **night work and overtime work** under certain conditions, prohibits carrying out works during pregnancy and while breastfeeding.

A female worker who is breastfeeding a child under the age of 18 months and works full time has **the right to breastfeeding breaks** of a minimum of one hour a day during working time. The right to wage compensation for the duration of the breastfeeding break is exercised in accordance with the regulations on parental leave, that is:

- during the breastfeeding break, she is entitled to salary compensation in the amount of the proportionate part of the minimum wage until the child turns nine months,
- social security contributions being paid from the proportionate part of the minimum wage in the period when the child is from nine to 18 months old.

Teleworking is an option but is not exclusively determined as a measure to enable work/family reconciliation.

The Parental Protection and Family Benefit Act provides **the right to work part-time**.

The right to work part-time is held by one of the parents who is caring for and protecting a child up to three years of age. One of the parents who cares for and protects two children may exercise the right to part-time work until the end of first grade of primary school. The right is also granted to one of the parents who cares for and protects a child with a severe motor handicap or a moderate to severe mentally handicapped child (may extend the right until the child is 18 years of age on the basis of the opinion of a medical commission). Part-time working must involve at least half of working obligations (20 hours a week). The right is agreed by the employer and employee by contract. The new Act extended the right to work part-time when having two children, until the youngest child completes the first grade of primary school (one year is non-transferable for both parents).

c) Are the measures indicated in previous answer accessible irrespective of gender?

ALBANIA

Yes, in a general sense. Otherwise the indicated measures face accessibility difficulties in the private sector.

CROATIA

Yes, there are no gender-based differences under the conditions explained.

FYR OF MACEDONIA

The ban on overtime or work at night according to the Labour Code priority concerns workers (during pregnancy or with a child under one year of age, the worker may not perform overtime or work at night; the worker who has a child from one to three years of age may be ordered to perform overtime or night work, by a prior written consent).

These rights shall also apply to the employee who is the father of the child if the mother dies, abandons the child, or is incapable of independent living and work according to the opinion of the competent medical board under the regulations of health insurance.

A worker who is a parent of a child under seven years of age or a seriously ill child or a child with a physical or mental disability and who lives alone with the child and takes care of upbringing and protection may only be ordered to perform overtime or work at night by a prior written consent.

Also according to the Labour Law, a parent of a child with developmental disabilities and special educational needs has the right to work half-time if both parents are employed or if the parent is single, based on the findings of the competent medical board, if a child is not placed in social-health care. The part-time work is considered as full-time and the right to salary compensation is paid according to the social protection regulations.

MONTENEGRO

Yes, but some of them refer only to women, which is, generally speaking, positive discrimination in our country.

SERBIA

The gender measures dealing with the protection of parenthood referring to the introduction of overtime and night work only with written consent apply to the following:

One of the parents of a child under the age of three, or a single parent who has a child under the age of seven or a child who is severely handicapped.

The employer may not, without prior written consent, redistribute working time to an employed woman during pregnancy, a parent with a child under the age of three or a child with severe psychophysical disabilities.

SLOVENIA

Yes.

- d) Has your country adopted an Act / legal basis that prevents gender inequality? If the answer is yes, please describe which areas are covered (e.g. economic, social, educational or other aspects of social life).**

ALBANIA

Yes, Albania has adopted a **legal basis that prevents gender inequality** in all the areas mentioned above but these laws should be followed by other by-laws and other regulatory acts to make it easier to implement for all stakeholders.

CROATIA

Yes, it has.

There is a **Law on Gender Equality** (Official Gazette NN82/08). Discrimination based on gender is defined as any difference, exclusion or limitation based on gender, with the consequence or purpose of preventing a person from using their basic human rights and freedoms – political, economic, social, cultural, civil or other.

The Law defines the basis for the protection and promotion of **gender equality** as a fundamental value of the constitutional order of the Republic of Croatia. It defines and regulates protection from gender-based discrimination and it lays down the preconditions necessary to create equal opportunities for men and women. The Law defines the terms of gender equality, direct and indirect discrimination, mobbing and sexual harassment, and other special measures. One of the basic goals of this Law is aimed at the whole set of social areas where discrimination most frequently occurs. Therefore, this Law defined the following areas to which it applies: 1) Employment and work, 2) Education, 3) Political parties, 4) Media, and 5) Official statistics. The new law allowed the conclusion of negotiations with the EU on the chapter of social policy and employment and reflects the provisions of the relevant EU Directives.

The novelty of the Law is the introduction of **sanctions for the discriminatory conduct of the employer**. Furthermore, the Law separately defines provisions on misdemeanour with a view to sanctioning every legal and physical entity not respecting the provisions contained in this Law. Consequently, it is seen as contributing to the eradication of discrimination in the area of gender equality and in raising the awareness of the public on unacceptable gender-based discrimination.

There is also the **Anti-discrimination Law** (Official Gazette NN85/08,112/12). This Law guarantees the protection and promotion of equalities as the highest value of the constitutional order of the Republic of Croatia; it lays down the preconditions necessary for achieving equal opportunities and it regulates protection from discrimination on a number of grounds: race, ethnic origin, skin colour, gender, language, religion, political or other type of orientation, national or social origin, socioeconomic status, trade union membership, marital or family status, age, health, disability, genetic heritage, gender identity, expression, or sexual orientation.

Discrimination, for the purposes of this Law, means making a distinction, either in favour or against, in the treatment of any person or of persons connected by family or other types of relations, on the above-mentioned grounds. Discrimination also means making a distinction in the treatment of a person based on a wrong assumption regarding these grounds.

FYR OF MACEDONIA

Laws in the field of equal opportunities adopted in the RM:

- **Law on Equal Opportunities for Women and Men**
- **Law on the Prevention of and Protection against Discrimination**

Law on Equal Opportunities for Women and Men

This Law regulates the **establishment of equal opportunities and equal treatment for women and men**, basic and special measures for establishing equal opportunities for women and men, the rights and obligations of the parties responsible for providing equal opportunities for women and men, and the procedure for determining the unequal treatment of women and men.

The establishment of equal opportunities is a concern of the entire society, i.e. all stakeholders in the public and private sector and the removal of barriers and creating conditions for achieving full equality between women and men.

The law determines the issues of equal opportunities of women and men in the field of health care and health insurance, social security, access to goods and services, the economy, labour and employment, education and vocational training, economic and property relations, the use of public products and services (consumer's rights), culture and sport, information and communication technologies, defence and security, judiciary and administration, housing, public information and media, public administration and other areas of social life.

The purpose of this law is the establishment of equal opportunities for women and men in political, economic, social, educational, cultural, health, civil and any other area of social life.

Also the **Labour Law** contains a provision against discrimination against workers on the basis of pregnancy, childbirth and parenting, which prohibits all forms of discrimination against a worker due to pregnancy, childbirth and parenthood, irrespective of the duration and type of employment made pursuant to law.

The prohibition of discrimination is also related to access to employment, working conditions and all labour rights and the cancellation of contracts of employment of workers who are in a state of pregnancy or uses rights arising from birth and parenting.

MONTENEGRO

Yes, Montenegro has adopted legal basis that prevents gender inequality and all aspects are covered namely in:

- **Constitution of Montenegro**
- **Law on Gender Equality**
- **Anti-Discrimination Law**
- **Law on the Ombudsman**
- **Law on the Prevention of Harassment at Work**
- **Law on Social and Child Protection**
- **Law on Employment and Rights in respect of insurance against unemployment**
- **Labour Law.**

SERBIA

At the moment, the legal basis that provides a framework for the prevention of gender equality is:

- **The Constitution of the Republic of Serbia** guarantees equality between women and men and the development of equal opportunity policy, and prohibits discrimination on all grounds, including on the grounds of gender.

Article 21: Everyone is equal before the Constitution and the law. Everyone has the right to equal legal protection without discrimination. Any type of discriminations is prohibited – direct or indirect, on any grounds, particularly based on race, gender, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, and mental or physical severe disabilities. Special measures that the Republic of Serbia may

introduce to achieve full equality between individuals or a group of individuals in a substantially unequal position compared to other citizens are not considered discrimination.

- **Anti-Discrimination Law** – regulated the general prohibition of discrimination, forms and cases of discrimination, as well as methods of protection against discrimination. The Law especially emphasizes the prohibition of discrimination in the field of labor, and the prohibition of disruption of equal opportunities for establishing work relations or enjoyment. Under the same conditions, all labour right such as the right to work, the right to free choice of employment, the right to promotion, the right to professional training and vocational rehabilitation, the right to equal pay for work of equal value, to just and favourable conditions of work, the right to vacation, the right to education and the right to membership in unions.
- **Gender Equality Law** obliges all organizations of public authority to conduct an active policy of equal opportunities, to monitor the implementation of the principle of equality based on gender in all areas of public life and the implementation of international standards and constitutionally guaranteed rights. The law has taken a closer look at the ways to achieve equality between women and men in areas of employment, social and health care, education, culture and sports, political and public life, judicial protection and family relations. Article 18 of the Law prohibits direct and indirect discrimination against persons seeking employment and employees with regard to their gender, birth, language, race, colour, age, pregnancy, health condition or disability, national origin, religion, marital status, family obligations, sexual orientation, political or other opinion, social origin, property, membership in any political organization, trade union or any other personal characteristic.
- **The National Strategy for Gender Equality** for the period from 2016 to 2020 has been adopted and a new action plan for the implementation of the NS from 2016 to 2018;
- **Institutional bodies** such as the Committee for Human and Minority Rights and Gender, the Gender Equality Council, the Gender Equality / Department for the Promotion of Gender Equality of the Ministry of Labour, Employment, Veteran and Social Policy, the Coordination Body for Gender Equality of the Government of RS, provincial bodies, local bodies, etc.

In addition to the Gender Equality Law, the Law on the Prevention of Discrimination and the other above-mentioned strategy plans, **independent control bodies** were introduced – Ombudsman (Commissioner for Equality, Ombudsman).

Serbia received the **Index of Gender Equality** for the first time in February 2016. The European Institute for Gender Equality (EIGE) from Viljusa is the creator of the Index. The Index is based on indicators in six areas: knowledge, work, money, health, wealth and power. Serbia was estimated at 40.6 while the average is 52.9 in the EU.

SLOVENIA

At the legislative level, this area is governed by the Protection against discrimination Act (Official Gazette of RS, no. 33/16), which replaced the Implementation of the Principle of Equal Treatment Act and the Equal Opportunities for Woman and Men Act (Official Gazette of RS, no. 59/02).

The **Protection against discrimination Act** is a general act that provides protection for every individual from discrimination on the grounds of any personal circumstances - regardless of gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity and sexual expression, social status, financial status, education, or

any other personal circumstance in different areas of social life, in the realization of human rights and fundamental freedoms, in the exercise of their rights and obligations and other legal relations in the political, economic, social, cultural, civil or any other field.

With this law, an advocate of the Principle of Equality as an independent state authority in the field of protection against discrimination is established, and its functions and jurisdictions determined.

This law defines and prohibits discrimination, defines the bodies and measures to promote equal treatment, determines the role and jurisdiction of the advocate, the procedure in the case of determining the existence of discrimination and other particularities of the legal protection of discriminated persons.

The Equal Opportunities for Women and Men Act determines common principles for improving the situation of women and creating equal opportunities for women and men in the political, economic, social, educational and other fields of social life. The Act prohibits direct and indirect gender-based discrimination and allows the implementation of general and special measures required for achieving equal treatment and equal opportunities for women and men.

The **ERA -1** provides general provisions on the prohibition of discrimination on the basis of gender and family status. It stipulates that employers must ensure that job seekers (candidates) being given access to employment or workers during their employment relationship and in connection with the termination of employment contracts are afforded equal treatment, irrespective of their nationality, race or ethnic origin, national or social background, gender, skin colour, state of health, disability, faith or beliefs, age, sexual orientation, family status, trade union membership, financial standing or other personal circumstances in accordance with this Act, the regulations governing the implementation of the principle of equal treatment and the regulations governing equal opportunities for women and men. According to the ERA-1, the less favourable treatment of workers in connection with pregnancy or parental leave is also deemed discriminatory. In the event of a violation of the prohibition of discrimination, the employer shall be liable to provide compensation to the candidate and/or worker under the general rules of civil law.

The ERA-1 also stipulates equal pay for women and men. It determines that the employer shall be obliged to provide equal pay for equal work and for work of equal value to workers regardless of their gender. The provisions of an employment contract, a collective agreement or an employer's general act that are contrary to the preceding paragraph shall be regarded as invalid.

- e) Please indicate any problems you have observed that do not allow or prevent the above measures applying in practice? Please indicate any problems regarding gender inequality in terms of work/family reconciliation.**

ALBANIA

- Patriarchal custom heritage still remains in families, especially in rural areas.
- Discrimination in employment opportunities is still present.
- There is no strong public awareness for the rights of women and young girls yet.

CROATIA

A relatively small percentage of men are using parental leave, which affects career development and the labour market. It is necessary to develop tools for the promotion of fathers using paternal and parental leave, or to introduce obligatory paternal leave for fathers.

FYR OF MACEDONIA

The legislation of the Republic of Macedonia in most part comprises the standards of the ILO Conventions, as well as the guidelines from the EU recommendations for the protection of maternity, paternity and parenting.

The protection of motherhood, fatherhood and parenting is an important societal issue and a shared responsibility of all interested institutions.

Therefore, in March 2012, the Parliament of the RM ratified the Convention on Maternity Protection of the International Labour Organisation, which establishes minimum standards.

In Macedonia, the absence from work due to pregnancy, birth and parenting is a paid leave. Due to the economic protection of women during this period, the salary compensation during maternity leave is 100% of the basic salary.

The Macedonian legislation ensures the protection of women against discrimination due to pregnancy, birth and parenting, which is regulated by the Labour Law.

Protecting the health of the mother and her child is legally ensured and, in compliance with the legislation of the Republic of Macedonia, the employers have an obligation to provide healthy working conditions, especially taking care of the safety and health at work of pregnant workers and workers who have given birth or are breastfeeding.

The Labour Law contains provisions to protect women who are returning from maternity leave and are entitled to return to the same or an appropriate job position, as well as on the rights of nursing/breastfeeding mothers.

Despite all the legislation in Macedonia that guarantees gender equality in all areas of social life, in practice there is discriminatory behaviour by individual employers against young women in their employment because of their potential absences for pregnancy or birth, and to single mothers because of their family responsibilities. Also there are registered cases in which young women conclude contracts for fixed-term employment due to their potential pregnancy, birth and parenting.

There are some ambiguities in the legislation in this area and more precise definition of the terms motherhood, fatherhood and parenting are needed.

A significant problem is also the need to provide protection and compensation for the existence of mothers who work in the informal sector or unemployed women during pregnancy, childbirth and motherhood.

The position of SSM is that all problems and challenges in this area should be solved through joint and coordinated actions between the state, unions and employers, because the protection of

motherhood is a collective responsibility and all institutions should work together to promote and protect maternity, paternity and parenting.

MONTENEGRO

Surveys have shown that it is common in practice for men to receive a higher salary than women in the same position, although the law prescribes equal payment for equal jobs. Also, there is a clear problem with women financing a business. Because of the culture, women in Montenegro don't have assets and equity to act as a guarantee for loans.

SERBIA

Women in Serbia are still employed in low-profit industries with low wages. The gap in earnings between men and women is about 7.5%. Women are over-represented in the informal economy and the use of free time, including weekends is mostly related to housework and childcare or care of the elderly or sick family members. The statistics gathered date from 2014:

- *Approximately 30% of women are employed in Serbia*
- *Among students, 56% are women and 58% of graduates (data for 2012)*
- *There are 16% fewer employed women than men*
- *There are 29% self-employed men, which is more than double the 14% self-employed women*
- *95% of women perform unpaid work 5 hours daily.*

From the statistics, it is clear that there is a lot to be done in the field of employment and economic empowerment of women, as well as in the field of equalizing profits. The main challenge for Serbia, as well as for the most EU members is to overcome the traditional division between male and female occupations and to create working conditions that are more adapted to family life.

SLOVENIA

The data shows that the right to work part-time is mostly exercised by women. In Slovenia 9.9 % of women and 5.9 % of men without children work part-time (European Labour Force Survey (LFS) 2014, population in employment aged 25 to 49). The percentage of part-time employment slightly increases for women with at least two children (10.2 %) and with 3 or more children (14.1 %), and for women with 1 child the percentage is lower than for women with no children (8.8 %). The share of men working part-time decreases with the number of children, but the reliability of the data shown in brackets may be affected by small sample sizes (part-time employment with 1 child – 3.2 %, 2 children – 3.1 %, 3 children and more – data missing or not published due to too small a sample size).

According to the data available on the website of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, 1,315 fathers exercised the right to take parental leave in 2015. The data from 2010 to 2015 shows a decrease in parental leave.

- f) Are there any initiatives, strategies or similar documents in your country that are directly related to the theme of the reconciliation of work and family life and, in this context, relate to the question of the prevention of gender inequality or ensuring gender equality?**

ALBANIA

Yes. Some of the initiatives are enshrined in the following **laws and strategies**:

The Reproductive Health Law (2002) supports and guarantees women's reproductive rights. The Family Code (2003), adopted in the year 2003, acknowledges the equal rights of men and women to decide on marriage and divorce responsibilities and obligations towards family and child education.

The Law on a Gender-Equal Society (2004), adopted in 26.02.2004, places both genders in an equal legal position in the sectors of employment, education, decision-making, and against discrimination and sexual harassment.

The law on measures against violence in the family and the law for the prevention of violence in the family, adopted in 2007, harmonizes Albanian legislation with international standards on violence in the family.

The Law on Gender Equality in Society (2008) includes participation in decision-making processes, protection and equal treatment in labour relations, education and training and in the media.

The National Strategy for Gender Equality and Against Violence in the Family.

Action Plan for the National Strategy for Gender Equality and Against Violence in the Family.

National Mechanism for Gender Equality in Albania, the function of which is to monitor and ensure law implementation ...

CROATIA

Yes.

*The list of **national programs, policies and strategies** related to the topic, along with aforementioned laws is as follows:*

- *National Program for the Protection and Promotion of Human Rights 2013-2016*
- *National Strategy for the Creation of an Enabling Environment for Civil Society 2012-2016*
- *National strategy for Gender Equality 2011 - 2015 (Official Gazette 88/11)*
- *National Strategy for Protection against Domestic Violence 2011 - 2016 (Official Gazette 20/11)*
- *Rules of Procedure in Cases of Domestic Violence (2005)*
- *Rules of Procedure in Cases of Sexual Violence (2012)*
- *National Population Policy (Official Gazette 132/06)*
- *Strategy for Women's Entrepreneurship Development in the Republic of Croatia 2014-2020*
- *National Strategy for the Rights of Children in the Republic of Croatia 2014-2020.*

Most of the measures envisaged in the previous National Strategy for Gender Equality have been carried out and will serve as a basis for drafting a new strategy.

FYR OF MACEDONIA

*The equal opportunities between women and men in the country are regulated primarily by the **Constitution of the Republic of Macedonia and the Law on Equal Opportunities for Women and Men**, but also many other laws.*

The Law on Equal Opportunities adopted in 2006 is the leading document or basis for the creation and implementation of policies on equal opportunities and gender equality in the country.

*Referring to this, **a number of strategic documents** have been implemented in Macedonia, such as:*

- *Strategy for Gender Equality 2013-2020*

- *National Plan for Gender Equality*
- *National Plan for the Implementation of Resolution 1325 on Women, Peace and Security*
- *Strategy on Gender-Responsive Budgeting*
- *National Strategy for the Prevention of and Protection from Domestic Violence,*
- *Strategy and National Action Plan to Combat Human Trafficking and Illegal Migration.*
- *With the amendments to the Electoral Code of the Republic of Macedonia, the country achieved 40% representation of women in political life and decision-making processes, nomination and selection of important positions.*

Gender equality demonstrates the democratic capacity of a society and therefore in Macedonia steps for the implementation of the legal framework of labour relations aimed at ensuring equality and non-discrimination, ensuring the rights and working conditions of pregnant women, workers with minor children, one-parent families and elderly workers have been taken.

The main purpose of the laws, strategic policies and documents in the state is ensuring the greater participation of women in the labour market, reducing the gender pay gap between men and women performing the same work, providing state support for women entrepreneurs, the employment of women in rural areas, assisting parent families and single parents, providing care institutions for children and elderly people etc. in order to ensure a proper balance between the exercise of the tasks of workers and the full exercise of family responsibilities.

MONTENEGRO

*The latest adopted strategy in Montenegro related to this topic is the **Strategy for the Improvement of Women Entrepreneurship**. This is one of the most important strategies in Montenegro, together with the action plan.*

SERBIA

*The Ministry of Labour, Employment, Veteran and Social Affairs did a study on the accessibility of social services to enable reconciliation between working conditions and family life. Management for Gender Equality organized a regional **conference** entitled “The Harmonization of Private and Professional Life”.*

One of the essential conditions for economic development in today’s society is the harmonization between private and professional life and the harmonization between work and family responsibilities. The Directorate of Gender Equality conducted a survey with the aim of creating better visibility and assessment of the existing services that contribute to the reconciliation of family and professional life.

According to the survey, the problems of harmonization between work and family affect women more than men. Women spend less time on paid and twice as much time on unpaid work compared to men. Recommendations for the development of measures to promote the possibility of harmonizing the private with the professional and public life should be directed towards increasing the participation of women in the labour market, then towards improving the services provided at the local level, as well as the access to these services. On the other hand, it is necessary to implement and promote campaigns and positive actions that relate to the harmonization of family and work obligations and to improving the manners of informing about services at the local level.

*Three **national priority strategic objectives** in the field of gender equality are: changing gender patterns and promoting the culture of gender equality, increasing equality between women and men by applying the policies and measures of equal opportunities, and the systematic introduction of a gender perspective in the adoption, implementation and monitoring of public*

policies. The specific objective of the Strategy is to improve the economic status of women and the status of women in the labour market. The equal participation of women and men in the economy is the basis for the sustainable development of society. This further implies removing obstacles to women's access to employment, promotions, training and all resources without discrimination on any grounds. Providing access to a regular income through formal employment, self-employment or management of a household is crucial in order to ensure the economic and social security of women. Using the knowledge, creativity and potential of women will contribute to better results in the economic sphere, to better economic value and quality of life for both genders.

SLOVENIA

The Resolution on the National Programme for Equal Opportunities for Women and Men 2015-2020 (Official Gazette of RS, no. 84/15) is a strategic document of the Government setting out the objectives, measures and key policy makers for achieving gender equality in various spheres of life in the Republic of Slovenia for the period from 2015 to 2020.

The Resolution on the Foundations of Family Policy in the Republic of Slovenia (Official Gazette of RS, no. 40/93) states that the Republic of Slovenia (hereinafter: RS) uses the term family policy to characterize the whole range of social, economic, legal, educational, health, fiscal and other measures that are implemented by a specific political/administrative system with the aim of directly or indirectly impacting the living conditions of families and their members, their emergence and development. The resolution defines the basic principles, objectives and measures that the state intends to influence with the aim of providing the conditions for the emergence and safety of the family and its development. At the time of the completion of this questionnaire, the new Resolution on the Family Policy in the RS is being prepared, but we don't have information on the stage of preparation.

- g) Does your country keep data that shows the percentage of children (by age) included in childcare programs? If so, please state the reasons, in your opinion, for the indicated density rate (e.g. unaffordable or unavailable childcare programs, women staying at home due to unemployment, etc.).

ALBANIA

Data showing the percentage of children included in childcare programs **is not available** according to our research. There are many reasons why women stay at home, starting from the difficulty of finding a job, the substantial flux of people from the countryside to big cities, especially to Tirana, the mismatch of education of the women with the request of the labour market, etc.

CROATIA

Yes. **Statistical data** on Childcare arrangements for under-threes, 2014 (% of under-threes) show that in Croatia, parents alone take care of 65% of children under the age of 3, while 18% are included in formal childcare, whether exclusively or partly. This percentage is very high, although the childcare system is developed and affordable in terms of costs, in general, and also subsidized at the local level. There is a network of public and private childcare facilities. The reason for this is

partly the situation of women staying at home due to the high unemployment, and partly due to the described conditions of maternity and parental leave.

The situation is different for older children, most of whom are included in the childcare system, as more than 25 % of children over the age of 3 were cared for only by their parents.

FYR OF MACEDONIA

*According to the **State Statistical Office in Macedonia**, the gross rate / total number of children in kindergartens, regardless of age, divided by the population of that age for 2013/2014 was 15.89 which is 6 percentage points higher than in 2008/2009, when the rate was 9.8, while the net rate (the total number of children in kindergarten at a certain level - age (0-6 years) corresponding to the legally prescribed, divided by the population of that age for 2013/2014) is 17.99, which is for 4.35 percentage points higher than in 2008/2009, when the rate was 13.64.*

The total number of children in kindergartens for 2014 is 30,107.

In 2014, the number of institutions for childcare was 73 (57 public and 16 private). In 2013 the total number was 59 (55 public and 4 private).

- *The data shows that in certain municipalities, the existing facilities are insufficient to meet the needs of care for all children.*
- *The majority of children in kindergartens are aged from 3-5 years, which indicates that children of a lower age are still being looked after by family members (grandparents, aunts) or engage nannies for their children.*
- *The number of childcare institutions in rural areas is still very low or there is no available data.*

MONTENEGRO

*Yes, the official **statistic office of Montenegro** follows data about the yearly number of children in childcare programmes.*

Analysis of the situation in childcare programs (kindergartens) for the past sixteen years has recorded the number of children per childcare group in public and private kindergartens, which is necessary to build new kindergartens. The average number of children per childcare group in state kindergartens in the past six years is 30, while the average number of children per childcare group during the same period in private kindergartens is 10. The largest number of children per childcare group was an average of 32 children in state, and 15 children per educational group in private kindergartens in 2015/2016.

One of the key problems for the density rate is the lack of the physical infrastructure for childcare programmes. Also, there is the cultural problem that women want to stay with the children, especially women that are unemployed.

SERBIA

*The **Secretariat for Education and Child Protection** keeps the statistics on how many children are enrolled in kindergartens or preschools at the level of Belgrade. There are no statistics on the relationship between the unemployment of women and the lack of inclusion of children in pre-school education – although the fact is that kindergartens are overbooked and seriously short of*

teachers, who work with large groups of children, and that many kindergartens do not have an adapted operating time since more and more women work until 17.30 h.

SLOVENIA

Yes, Statistical Office of the Republic of Slovenia among other collects data on number of children in childcare programmes as follows:

Participation in pre-school education by INDICATOR, SCHOOL YEAR and GENDER, 2014

	Gender - TOTAL	Boys	Girls
Share of children enrolled in kindergartens - TOTAL (%)	76.8	77.3	76.3
Share of children aged 1, enrolled in kindergartens (%)	42.8	42.4	43.1
Share of children aged 2, enrolled in kindergartens (%)	69.0	69.5	68.4
Share of children aged 3, enrolled in kindergartens (%)	82.8	82.5	83.1
Share of children aged 4, enrolled in kindergartens (%)	89.3	89.5	89.0
Share of children aged 5, enrolled in kindergartens (%)	91.8	92.1	91.5
Share of children aged 6 or more, enrolled in kindergartens (%)	6.5	8.2	4.8

Footnote:

Source: Statistical Office of the Republic of Slovenia.

INDICATOR

From 2010 on, the calculation takes into account the new reference date for the population. In the past, the last day of the current calendar year was taken into account, while now the first day of the next calendar year is taken into account. For example, so far we have taken into account the population as of 31 December 2010 at 24.00, while from now on we will take into account the population as of 1 January 2011 at 00.00.

Kindergartens by the performance of pre-school education and children by MUNICIPALITIES, PERFORMER OF PRE-SCHOOL EDUCATION, SCHOOL YEAR and AGE PERIOD, Slovenia, 2014

	Children - TOTAL	First age period	Second age period
Performers of pre-school education - TOTAL	84750	24306	60444
Public kindergartens	81279	23033	58246
Private kindergartens	3471	1273	2198

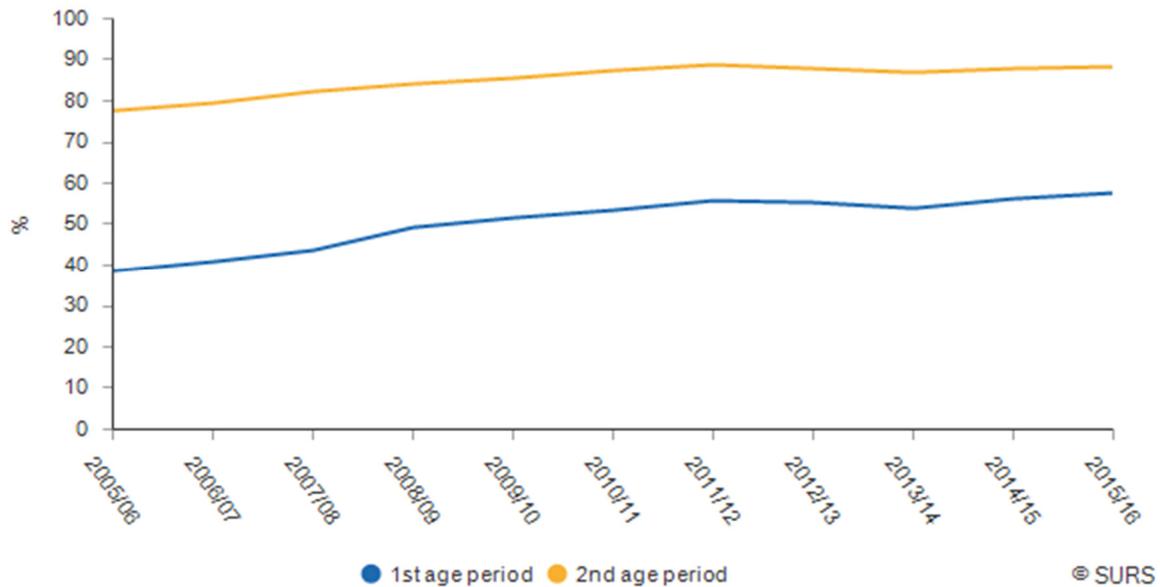
Footnote:

Source: Statistical Office of the Republic of Slovenia.

AGE PERIOD: First age period (includes children aged 1 and 2)

Second age period (includes children aged 3 up to entering compulsory education)

Participation in pre-school education in kindergartens by age periods, Slovenia



Footnote:

Source: Statistical Office of the Republic of Slovenia.

First age period: children from 11 months to 2 years of age

Second age period: children from 3 years up to entry into school

Slovenia has a well-developed network of kindergartens and nurseries. The vast majority, that is 90 % of kindergartens, are public. In 2015, 78 % of children between the ages of 1 to 5 were included in pre-school education. The number of children enrolled in kindergartens is constantly increasing and it has increased by almost half in the last decade.

Mostly childcare programme are affordable, but the price is determined by each community, since they can also subsidize payment. Payment for kindergartens is determined on the basis of a scale that classifies parents into classes, taking into account the net monthly income per family member in comparison with the average net salary per employee in the Republic of Slovenia and taking into account the family savings. In each grade, parents pay a certain percentage of the price of the program. Parents pay a maximum of 77% of the price of the program the child is participating in. Payment of 77% is the full payment, which means that wealthier parents pay 77% of the program if they are in highest class, or parents who do not exercise reduced payment. Relief payment is also possible for families that have involved more than one child in kindergarten.

According to the report made by The Social Protection Institute of the Republic of Slovenia in 2010, A Survey on the Needs of Families Through Various Forms of Service (page 28), children who are not enrolled in kindergartens are mostly given day care by grandparents (half of children who are not in preschool) and a third of children are cared for by one of the parents (the proportion is considerable, since it involves parents on maternity leave). Other forms of protection are less frequent. Paid forms of care in their own home or at-home nannies (2.9%) are used by very few parents. On the basis of the report, the authors conclude that there are various forms of regular day care, if the child is not enrolled in kindergarten, statistically significantly associated with the material conditions of their parents. While parents with lower material status only make use of childcare by relatives (grandparents, other relatives), paid childcare is used by parents who's standard is rated as medium or higher.

THE MAIN CONCLUSIONS ON LEGISLATION IN EACH PARTICIPATING COUNTRY

Based on the questionnaire completed by the project partners the following can be identified:

- All participating countries of project partners provide for leave before/after childbirth and varies in duration. In some countries it is called *maternity leave* (Slovenia, Croatia, Serbia, Montenegro, Albania), while in FYR of Macedonia legislation instead of term maternity (and parental) leave the term *absence from work due to pregnancy, birth and parenthood* is used.
- All participating countries of project partners except Albania have provisions on leave after the use of maternity leave, aimed at childcare, and named *parental leave* (Croatia, Slovenia, Montenegro). In FYR of Macedonia the term for this leave is *absence from work due to pregnancy, birth and parenthood* and in Serbia such absence is named as *leave from work for child care*.
- During the use of maternity leave and in case of the use of parental leave (in Serbia: leave from work for child care, in FYR of Macedonia: absence from work due to pregnancy, birth and parenthood) by the mother or the father of the child, in participating countries is provided the right to wage compensation in accordance of each country's legislation.
- In Slovenia adoption leave (the right of adoptive parents to a leave) is not a separate category of leave, never the less adoptive parents have the right of parental leave, while in Albania, Croatia, Montenegro and Serbia in the legislation *adoption leave* is determined.
- None of the participating countries have statutory entitlement on *paternity leave*, except Slovenia.
- In most participating countries exist legislative provisions on national level that support work-family reconciliation, such as in:

- **Albania**

The legislation stipulates some measures such as teleworking or working at home and some facilities for mothers before and after childbirth until the child becomes 1 year old.

- **Croatia** (a variety of measures)

Aimed at protection of pregnant women, parents and adoptive parents such as:

- the right of pregnant mother to equal treatment; the right to use maternity, parental, and adoption leave; to work with half-time; to work part-time due to intensive child care; the right to work part-time in order to care for a child with severe disabilities in accordance with special regulations; telework; protection from night work and overtime hours; flexible working; the right to prenatal examinations; mothers employed full time and who are breastfeeding (during the first 12 months after the child's birth) are entitled to two hours absence from work (once a day for two hours or two times a day for one hour).

- **FYR of Macedonia**

Aimed at special protection of workers for pregnancy and parenthood such as:

- provision according to which the employer is obliged to enable workers easier harmonization of family and professional obligations; a worker who is breastfeeding, and working full time, shall be entitled to a paid break (one and a half hours per day) during working hours. That right is available up to one year of age of the child;

protection during pregnancy and parenting related to night and overtime work; the right to work half of the full-time for a parent of a child with developmental disabilities and special educational needs if both parents are employed or if the parent is single;

- protection of women against discrimination due to pregnancy, birth and parenting.

- **Montenegro**

Aimed at protection of women due to pregnancy and childcare, as well as protection in the case of stillbirth:

- protection of women during their pregnancy and with a child younger than 3 years old from overtime and night work; definition of parental and maternity leave; compensation of salary and return to the same job position after maternity or parental leave; half-time work until child reaches 3 years old (if the child needs additional care or in the case of a child with disability); absence from work due to the adoption of a child.

- **Serbia**

- Regulates absence from work for special care of children or another person;
- employed women during pregnancy and employees who are breastfeeding a child may not work on activities that are (according to the findings of a competent medical authority) harmful to her health and the health of the child, the right to prenatal examinations;
- prohibition against dismissal during pregnancy, half time work in some cases; the Law stipulates that in the event of pregnancy, the fixed-term employment contract is to be extended until the end of the absence from work for child care/childcare;
- one of the parents of a child who needs special care due to a severe degree of mental and physical disability is entitled to (after the expiry of maternity leave and leave from work for childcare) absence from work or half-time work until the child is five years old.

- **Slovenia**

Aimed at special protection of workers for pregnancy and parenthood such as:

- prohibits discrimination based on gender and family status, the protection of pregnant workers and all workers in connection with their parental role;
- proposal of different distribution of working time (working schedule); teleworking; the right to work part time up to a certain age of the child; the right to take at least a week of annual leave during school holidays; protection during pregnancy and parenthood from the overtime and night work; a worker who takes care of a child in need of special care in accordance with the regulations governing family benefits is entitled to at least three additional days of annual leave; a worker is entitled to one additional day of annual leave for every child under the age of 15; protection during pregnancy and parenthood with regard to night work and overtime work under certain conditions; female worker who is breastfeeding a child under the age of 18 months and works full time has **the right to breastfeeding breaks** of a minimum of one hour a day during working time.

More about measures in each country you can read in the report.

- All participating countries have legal base on provisions that enable reconciliation of work - family life, however the project partners in each country notice some problems which don't allow or prevent the above measures to apply in practice, and are the following:

- **Albania**
 - Patriarchal custom heritage still remains in families especially in rural areas.
 - Discrimination in employment opportunities is still present.
 - There is no strong public awareness for the rights of women and young girls, yet.

- **Croatia**
 - A relatively small percentage of men are using parental leave, which affects career development and the labour market.
 - It is necessary to develop tools for the promotion of fathers using paternal and parental leave, or to introduce obligatory paternal leave for fathers.

- **FYR of Macedonia**
 - Despite all the legislation in Macedonia that guarantees gender equality in all areas of social life, in practice there is discriminatory behaviour by individual employers against young women in their employment because of their potential absences for pregnancy or birth, and to single mothers because of their family responsibilities. Also there are registered cases in which young women conclude contracts for fixed-term employment due to their potential pregnancy, birth and parenting.
 - There are some ambiguities in the legislation in this area and more precise definition of the terms motherhood, fatherhood and parenting are needed.
 - A significant problem is also the need to provide protection and compensation for the existence of mothers who work in the informal sector or unemployed women during pregnancy, childbirth and motherhood.

- **Montenegro**
 - Surveys have shown that it is common in practice for men to receive a higher salary than women in the same position, although the law prescribes equal payment for equal jobs.
 - Also, there is a clear problem with women financing a business. Because of the culture, women in Montenegro don't have assets and equity to act as a guarantee for loans.

- **Serbia**
 - Women in Serbia are still employed in low profit industries with low wages. The gap in earnings between men and women is about 7.5%. Women are over-represented in the informal economy and the use of free time, including weekends is mostly related to housework and childcare or care of the elderly or sick family members.
 - From the statistics (detailed information concerning statistics can be found in the report), it is clear that there is a lot to be done in the field of employment and economic empowerment of women as well as in the field of equalizing profits. The main challenge for Serbia, as well as for the most EU members, is to overcome the traditional division between male and female occupations and to create working conditions that are more adapted to family life.

- **Slovenia**
 - The data shows that the right to work part-time is mostly exercised by women.
 - The share of men working part-time decreases with the number of children, but the reliability of data shown in brackets may be affected by small sample sizes (part-time employment with 1 child – 3.2 %, 2 children – 3.1 %, 3 children and more – data missing or not published due to too small sample size).

- According to the data available on the website of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, 1,315 fathers exercised the right to take parental leave in 2015. The data from 2010 to 2015 shows a decrease in parental leave.
- All participating countries have adopted legal basis that prevents gender inequality.
- In participating countries of project partners there are initiatives, strategies or similar documents that are related to the topic of reconciliation of work - family life and, in this context, relate to the question of prevention of gender inequality or ensuring gender equality.
- Some participating countries of project partners (Croatia, FYR of Macedonia, Montenegro, Serbia, Slovenia) keep data from which show the percentage of children (by age) included in child care programs. In each participating country regarding this issue project partners have noticed:
 - **Croatia**
 - Percentage of parents who take care of their children (under the age of 3) is very high, although the childcare system is developed and affordable in terms of costs, in general, and also subsidized at the local level. There is a network of public and private childcare facilities. The reason for this is partly the situation of women staying at home due to the high unemployment, and partly due to the described conditions of maternity and parental leave. The situation is different for older children, most of whom are included in the childcare system
 - **FYR of Macedonia**
 - The data shows that in certain municipalities the existing facilities are insufficient to meet the needs of care for all children. The majority of children in kindergartens are aged from 3-5 years, which indicates that children of a lower age are still being looked after by family members (grandparents, aunts) or engage nannies for their children. The number of childcare institutions in rural areas is still very low or there is no available data.
 - **Montenegro**
 - Analysis of the situation in childcare programs (kindergartens) for the past sixteen years has recorded the number of children per childcare group in public and private kindergartens, which is necessary to build new kindergartens.
 - One of the key problems for the density rate is the lack of the physical infrastructure for childcare programmes. Also, there is the cultural problem that women want to stay with the children, especially women that are unemployed.
 - **Serbia**
 - The Secretariat for Education and Child Protection keeps the statistics on how many children are enrolled in kindergartens or preschools at the level of Belgrade. There are no statistics on the relationship between the unemployment of women and the lack of inclusion of children in pre-school education – although the fact is that kindergartens are overbooked and seriously short of teachers, who work with large groups of children, and that many kindergartens do not have an adapted operating time since more and more women work until 17.30 h.
 - **Slovenia**

- Has a well-developed network of kindergartens and nurseries. The vast majority, that is 90 % of kindergartens, are public. The number of children enrolled in kindergartens is constantly increasing and it has increased by almost half in the last decade.
- Mostly childcare programme are affordable, but the price is determined by each community, since they can also subsidize payment. On the basis of the report made by The Social Protection Institute of the Republic of Slovenia in 2010, the authors conclude that there are various forms of regular day care, if the child is not enrolled in kindergarten, statistically significantly associated with the material conditions of their parents.

4. Social Dialogue in Your Country

- a) Has your country adopted an Act that defines the collective bargaining procedure and the content, parties and form of the collective agreement? If the answer is yes, please indicate the date of its adoption?

ALBANIA

*No. Despite continued appeals, especially from the Trade Unions of Albania, there is **no law that defines the collective bargaining procedure and levels**. It suffices only with certain articles in the Labour Code that are general.*

CROATIA

*Yes, the collective bargaining procedure, the content of the collective agreement, and the parties and form of collective agreements are defined by the **Labour Law** (Official Gazette NN93/14) and the **Law on Representativeness of Employers' and Trade Unions' association** (Official Gazette NN 93/14, 26/15).*

FYR OF MACEDONIA

*The **Labour Law** of 2005 defines the procedure for collective bargaining. Collective agreements are located in Chapter XIX of the Law and include articles 203 to 235. In addition there is a separate chapter XVIII that regulates trade unions and employers' associations, and foresees the right to form trade unions, employers' associations, associations of higher levels, legal capacity, registry, application procedures and changes in property, protection of trade union rights, rights to union representatives and the termination of trade unions and employers' associations.*

The procedure for collective bargaining, the content of a collective agreement, the parts of the collective agreement, etc. are elaborated in detail in Chapter 19 of the Labour Law (Consolidated text) Official Gazette of the Republic of Macedonia No.167 of 09/28/2015, which stipulates what types of collective agreements may be concluded in the country, the application and validity of collective agreements subject to collective bargaining, the obligation of collective bargaining, parties of the collective agreement, participants in the conclusion of the collective agreement, parties for the conclusion of the collective agreement, parties to conclude a separate collective agreement on the branch level or sector, parties for the conclusion of an individual collective agreement, boards for negotiation, obligations of the collective agreement, time of concluding the collective agreement, extension of the CA, the importance of CA, court protection etc.

MONTENEGRO

*There is no specific act. **The Labour Law** includes a special chapter that prescribes the participants in collective bargaining, who can sign collective agreements and at what level. On the other hand, we have a Law on determining the representativeness of trade unions prescribing the rights of representative trade unions (this Law prescribes that only representative trade unions can sign collective agreements).*

The last Labour Law was adopted in 2012 and a working group is currently working on the preparation of a new Labour Law, which will be done by the end of 2017.

SERBIA

The Law on Amendments to the Labour Law of the Republic of Serbia entered into force on 29 June of 2014. This Law regulates the types of collective agreements, participants in the conclusion, application, validity and cancellations, the solving of possible disputes, registration and publication of collective agreements. The collective agreement, in accordance with the law and other regulations, regulates the rights, obligations and responsibilities arising from employment, the process of amending the collective agreement, the mutual relations between the parties and other issues of importance to the employee and the employer.

SLOVENIA

*The **Collective agreements act** was enacted in 2006 and regulates the parties, content and procedure for signing a collective agreement, its form, validity and termination, the peaceful settlement of collective labour disputes and the register and publication of collective agreements.*

- b) According to your assessment, how well developed are the sectoral social dialogue and social dialogue on the company level in your country? Please describe briefly.**

ALBANIA

*Social dialogue at the national level is functioning mainly at the **National Labour Council**, which has been improving in the last 2-3 years. The new changes that have been made to the Albanian Labour Code have determined the establishment of these **councils at the territory level** (municipal level), but once the territorial reform is completed in Albania, these councils will become functional.*

***Sectoral dialogue** is not formalized yet and consequently it's weak. It's only present in some sectors such as: Social Security Institute (ISSH), health, telecommunications, etc.*

***The dialogue at the local or enterprise level** is almost non-existent. It exists in very few companies such as: Energy Distributer Operator (OSHE), Energy company of Albania (KESH), in the oil and mining sectors, etc.*

CROATIA

***Social dialogue** is well developed in large companies, though in smaller companies there are no trade unions representatives and therefore no formal social dialogue as such.*

*As for **sectoral social dialogue**, HUP/CEA is promoting and fostering the conclusion of collective agreements, in order to define the minimal standards in a sector and to prevent unfair competition.*

FYR OF MACEDONIA

*As a representative workers organization in the country, SSM is set to act towards the promotion of **social dialogue** in the interest of the development of democratic relations and the economic and social rights and interests of workers and their overall position in society. For SSM, an institutionalized, equitable and effective social dialogue plays an important role and is a key factor in stabilizing social relationships and achieving better economic and developmental*

effects. It is the best way to gain the trust, respect and tolerance of social partners and achieving social consensus, the harmonization of social and economic processes, the development of democratic relations, achieving strategic planning and the stabilization of the general development of every society.

SSM continually works to improve social dialogue at all levels, but it can be said that the **sectoral social dialogue** in some sectors/branches is not yet exercised with the necessary dynamics since there isn't a sufficient number of registered associations of employers in certain business areas that could negotiate the signing of branch collective agreements. Nevertheless there are **15 branch collective agreements signed**: (collective agreement for health care activities of RM; collective agreement for social protection; collective agreement for the textile industry; collective agreement for the leather and shoe industry of Macedonia; CA for employees of the agriculture and food industry; CA for employees in the tobacco industry; CA for the energy sector; CA for the Ministry of Defence, CA for the chemical industry, CA for the Ministry of the Interior; CA for communal activities; CA for protective associations of Macedonia, CA for catering; CA for state, judicial authorities and the local authorities of the Republic of Macedonia and CA for workers in the PE for forest management, which includes 7 sawmills). However, **at the company level**, unions have been facing some difficulties in conducting social dialogue and concluding collective agreements, given that many employers are unwilling to accept the establishment of a trade union organization in their companies, thus stopping the process of social dialogue at the company level.

MONTENEGRO

Montenegro has ratified 4 of the 6 ILO labour conventions on social dialogue, where C151 on the Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, and C154 concerning the Promotion of Collective Bargaining are not yet ratified. A tripartite body known as the **Social Council**, made up of government and trade union and employer representatives, is responsible for facilitating social dialogue in Montenegro. MEF has signed the National Tripartite Agreement with social partners – government and trade union – and it is the only member from the side of the employers at the Social Council of Montenegro. It takes part in establishing Social Councils in Montenegro on the local levels and in appointing representatives of employers, and is trained and capable of collective bargaining. The Council plays a central role in negotiations on amendments to the general collective agreement and may be involved in drafting proposals for laws through the creation of working groups. However, its capacity remains limited, as it can only give opinions on proposed laws and regulations within its authority. Furthermore, amendments are required to bring it up to EU standards and to ensure effective implementation. In the context of social dialog, it is necessary in Montenegro to strengthen relations with the government, especially in the decision-making process. Also, Montenegro has **21 local Social Councils** but they are not functioning regularly and we need to improve their work and knowledge of the importance of the existence and work of these bodies for society. At **the level of the companies**, social dialog is still weak. There is strong social dialog in large companies, but bearing in mind that 99.9% of Montenegrin companies are small and medium, we see this as a problem.

TU

Social dialogue in Montenegro is not satisfactory, both at the sectoral and company levels (bipartite social dialogue). This is confirmed by the fact that all the EU progress reports on Montenegro have stated that it was necessary to continue **the improvement of social dialogue at all levels**. As an example of bad practice, there is a collective agreement at the branch level in the telecommunications sector. Trade unions and employers on the contract negotiated about this collective agreement for the first time and the negotiations lasted almost 3.5 years, which is very

strange because the sector of telecommunications is the most profitable sector in Montenegro. The collective agreement for banks and other financial institutions is a similar case and, like telecommunications, also one of the most profitable sectors in Montenegro. The fact that the Association of Banks of Montenegro decided to cancel the collective agreement for banks and other financial institutions is particularly worrying. If we bear this in mind, what can we expect in the commerce sector, which has the lowest trade union density rate in Montenegro? A large number of employees work in this sector and their rights are very vulnerable (there is no collective agreement).

Regarding the collective agreements at the enterprise level, the situation is no better. The biggest problem appears in determining the representativeness of trade unions at the enterprise level. Determining representativeness often depends on the will of the employer (whether to implement the process of determining representativeness or not), and representativeness is a prerequisite for the negotiation and conclusion of collective agreements.

SERBIA

It is not sufficiently developed, which results in the adoption of numerous laws in urgent procedures with public debate, including the Labour Law and the Law on Pension and Disability Insurance. Collective agreements are generally concluded **for the public sector** while **only four exist for the so-called real sector**. So far, only the collective agreement in the road industry has a so-called extended effect, due to the deficiencies and uncertainties in the legislation, the non-implementation of laws and the lack of trust and a culture of dialogue.

SLOVENIA

Collective bargaining in Slovenia is highly structured. There is collective bargaining between unions and employers at the national, industry/sectoral, occupational and company levels. In the private sector, there is collective bargaining between unions and employers at the industry and company levels. In the public sector, there is both an agreement covering the whole of the non-commercial sector and separate agreements for different parts of it. Collective agreements may only contain provisions that are more favourable for employees than the provisions provided for by legislation.¹

On a sectoral level in the private sector, the social dialogue is fairly well-developed, since there are currently 26 collective agreements. The share of employees covered by the collective agreements is high compared to many other European countries. Among private sector establishments, it stands at 69–78 % (ECS 2013). Collective agreements at the industry level only normally apply to employers who are members of the employers' association, which has signed the agreement, although they apply to all their employees, provided they have been signed with a representative union. However, industry level agreements can be extended by the minister of labour to all the companies in an industry if the union signing the agreement is representative and the employers in the employers' association employ more than half the employees in the industry.

On the company level, social dialogue is also fairly well developed since ERA-1 stipulates that some of the employment relationship rights and obligations can be regulated in a collective agreement on the company level. There is no register of collective agreements that are concluded

¹ Less favorable provisions are possible only when the ERA-1 stipulates otherwise (article 9).

in companies, but large companies in Slovenia usually regulate employment rights and obligations in collective agreements on the company level.

c) How do you think the reconciliation of work and family life and gender equality can be encouraged through social dialogue in your country?

ALBANIA

*The reconciliation of work and family life and gender equality can be encouraged through **social** dialogue in Albania. The social partners and the government have agreed on “A new draft law on collective bargaining that would be submitted to Parliament by 2017. The functioning of the national and regional Service of Labour Disputes Mediation is reviewed taking a gender-responsive approach to enhance its effectiveness. A gender-responsive assessment would be carried out by 2017 and adopted recommendations are implemented by 2018.*

CROATIA

Following up on the 2015-2017 program of EU social partners, these are a very important issue, and in Croatia there is an initiative for a new autonomous Framework Agreement. We believe this is a common interest for both employers and trade unions, especially in the context of recent research showing an extremely low natality rate and a large number of pensioners in CEE, which makes the system unsustainable in general.

As the work environment and family structures change, reconciling work and family responsibilities is becoming more challenging and this can be detrimental to gender equality in the labour market. In the light of this, discussions on the question of how work-life balance is beneficial to the economy, what governments and employers’ and workers’ organizations can do, and what policies and practices can be improved, how companies and workers can reconcile work and family responsibilities, family-friendly working conditions (such as maternity leave, paternity leave, parental leave and flexible work schedules, part-time work and teleworking), the issue of Increasing women’s participation in the labour market and reducing the gender pay gap, promoting career development etc. could be further developed and promoted through social dialogue, and social partners could develop further joint initiatives, formulate joint opinions and recommendations to policy makers.

FYR OF MACEDONIA

All problems and challenges in the reconciliation of work and family life and gender equality should be addressed through joint action and coordinated action by the state, unions and employers, since reconciling work and family life and gender equality is a collective responsibility of all institutions and the system should work together to promote this right.

MONTENEGRO

It is important to address such issues within wider consultations with the civil sector. In Montenegro, there is a large number of non-governmental organisations that actively deal with the protection and improvement of the rights of women, children, etc. (for example, they

advocate for the construction of new kindergartens, which would certainly help mothers who wish to remain employed.)

It is important to address a situation like this in every part of the national social dialog. It is clear that this must be part of each meeting of the Social Council and in that way, we can improve the situation through the capacity building of individuals in the social dialog process (from TU to employers and Government).

SERBIA

It is possible to support this balance through social dialogue through the adoption of appropriate agreements and the involvement of social partners, but also the expert public in the preparation and discussion of the laws and other legal norms aiming to harmonize work and family life. In addition to the participation of social partners in the process of drafting and the adoption of laws, regulations and strategies, it is also necessary to insist on the consistent application of adopted laws and their monitoring. The freedom of employees and employers to associate freely and bargain collectively in order to find favourable solutions to both sides is of great importance.

SLOVENIA

The above-mentioned topic can be encouraged through joint collaboration with social partners (e.g. conferences in the form of different projects).

There is also an option that social partners can agree on the provisions in the collective agreement that aim to balance work and family life. Such measures can be agreed on at sectoral and company levels; for example: paid leave when the child is born, the death of a family member, wedding, limiting work on Sunday and statutory holidays, different working time arrangements, etc.

- d) At what level of collective bargaining do you think measures that facilitate the reconciliation of work and family life shall be encouraged (national or sectoral or company level)?**

ALBANIA

In all levels. But collective agreements at the company and sectoral levels are appropriate because labour relations are straightforward and the interest of the vast majority of workers is supported through collective bargains in these two levels.

CROATIA

On all levels.

FYR OF MACEDONIA

The measures to facilitate the reconciliation of work and family life should be introduced in the branch collective agreements and contracts at the employer's level.

MONTENEGRO

The most important for Montenegro is the national level. Bearing in mind that this level of social dialog is the most developed, it is clear that these measures should be on the national level. So, these measures should be first discussed and determined at the level of national policies in order to regulate the overall situation in the country. After such a definition, the measures should be elaborated on at lower levels, especially at the level of the company (in the sense that the employer and employees agree on the level of provision and implementation of such measures).

SERBIA

Measures that provide balance between professional and family life can be supported at the sector level and at the company level. According to our estimates, it will be easier to accomplish those measures at the company level because companies have direct capacities and abilities, but branch collective agreements can cover those employees whose employers do not have a collective agreement. Some branch collective agreements already regulate more vacation days for women with children or for those with a sick family member.

SLOVENIA

The effect of such measures would be effective on the sectoral level, although each company should be able to individually adapt such arrangements or provisions for themselves, taking into account the sector and working conditions in each company. Collective bargaining on different levels in different sectors, occupations and on the company level enables social partners to agree on reconciliation measures, which are best suited for the individual working environment and for the workers' needs.

- e) **Please indicate any measures that facilitate the reconciliation of work and family life that are included in collective agreements. Please indicate the collective agreement, specify the measures and also on what level of collective agreement they are regulated.**

ALBANIA

*The collective agreement includes articles relevant to **compensation for a family in case of marriage, accidents or death of a family member**. There are defined **facilities for mothers** with many children, maternity may be obtained by both parents as necessary, facilities for mothers of children who are **breastfeeding, paid or unpaid holidays** for care and education of children or in the event of illness of children, etc.*

CROATIA

*There are good examples at the company level / house collective agreements, e.g. where a company provides the worker with **additional pay** during the second 6 month period of maternity leave, in order to encourage them to stay at home until the child is 1 year old.*

There are also companies that practice **telework, flexible work time** and similar, but this is not the norm.

FYR OF MACEDONIA

In most collective agreements (the general collective agreements for the private sector in the area of the economy, branch collective agreements and collective agreements on the employer level) of the trade unions affiliated in SSM, **the right to two days paid leave for childbirth** is stipulated, which is mostly used by fathers. In the upcoming period, SSM shall be committed to introducing measures to facilitate the reconciliation of work and family life in the collective agreements.

MONTENEGRO

Measures are regulated by Labour Law, not by collective agreements. According to Labor Law, working contract can be concluded for doing job in households. Based on this, payment can be in money and nature where part in nature have to be calculate in money in the contract. Employed person have right for paid leave in cases of marriage, getting child, hard disses, and other cases determinated by GCA. According to GCA employed person have right for paid leave, in one year, in following cases: get marriage (5 workings days), getting child (3 working days), care about children with disabilities (3 days), death in family etc. Except that, persons have right for non-paid leave in cases determinate by GCA.

SERBIA

Measures that provide a balance between professional and family life refer to using more **days for vacation by women with children, flexible working hours, and adjustment of time for education and work promotion** (seminars, supplementary education in line with family responsibilities). It is important to emphasise that those measures are mostly implemented at the company level.

SLOVENIA

Social partners in Slovenia have already incorporated a variety of work-life balance measures into collective agreements. The vast majority of provisions are defined for both men and women.

Leave due to family or personal reasons

Most sectoral and company agreements have regulations that give employees the right to additional paid leave in connection with certain family responsibilities or personal reasons. Activities that are included may differ, but the collective agreements typically include paid leave when a child is born, the death of a family member, wedding, repairing a house or apartment, moving house or other personal occurrences. The leave is restricted in the number of days for each activity and in the total number of days per year. Some collective agreements also regulate additional (un)paid leave for family reasons, such as taking care of a sick child or other family member that is ill, when the worker has no right to sick leave according to statutory law. An unpaid option can be taken when the paid options have run out (CA for Health and Social Care Activities of Slovenia, CA for non-economic Activities in the Republic of Slovenia,).

Collective agreements for hospitality and tourism regulates that when planning annual leave, the employer must take into account the needs of the workers, especially in connection with their family responsibilities.

Paid leave for fathers in connection with childbirth

The only measure aimed at fathers in collective agreements is additional paid leave in connection with childbirth. The father is given from one to three days of this extra paid leave when the child is born.

Posting of a worker to work in another place

One traditional provision in a collective agreement is the prohibition on posting a worker who takes care of a small child or a seriously disabled family member to work in another place. Most collective agreements define that commuting should normally not last more than two hours per day for one of the parents who is taking care of a child up to three years of age.

Limiting work on Sunday and Statutory Holidays (CA for workers in the trade sector (retail trade, wholesale trade and motor vehicles repair))

One collective agreement that could be counted as good practice in the field of limiting work on Sundays and statutory holidays is the collective agreement for the trade sector. The collective agreement limits the number of working days on Sundays and Statutory holidays for all workers, additionally for parents of preschool children, and prohibits such work for some categories of workers. According to the CA, it is not permitted to order work on Sundays and Statutory holidays for:

- *workers who take care of a child up to 3 years of age,*
- *workers / single parents who take care of a seriously ill child or a physically or mentally disabled child,*
- *pregnant workers and workers in a period of one year after giving birth or during the period of breastfeeding.*

The CA also defines that a worker who is one of the parents taking care of a pre-school child of more than 3 years of age may not be ordered to work more than 10 Sundays in an individual calendar year, and two working Sundays must be followed by at least 2 Sundays off. Other workers may not be ordered to work more than 2 Sundays in a month and not more than 26 Sundays in a year. A worker must not be ordered to work on at least 5 statutory public holidays as a rule: 1 January, 1 May, 1 November, 25 December and Easter Sunday. (Article 40., 41.)

Family friendly working time arrangements (Collective agreement for the electronics industry)

The collective agreement for the Slovenian electronics industry, in the provision regarding working time, considers the possibility of organizing work and family life. The employer is obliged to enable the worker with family responsibilities to work the most favourable working hours (schedule), taking into consideration the needs of the working process.

Family responsibilities that must be taken into account are:

- *taking care of a preschool child,*
- *taking care of a child in need of special care that the worker is obliged to protect and care for,*
- *taking care of an adult family member who requires constant care or assistance to perform basic life needs,*
- *the serious illness of a spouse or of a partner. (Article, 14)*

Adaptation to kindergarten/school (Child's time bonus)

Many collective agreements on the company level include an extra paid day off when the child is entering the first grade of primary school and paid leave or a flexible working time schedule when a child is getting familiar with kindergarten.

- f) Are there any informal measures in your country that are used in practice in order to encourage work/family reconciliation and gender equality (e.g. family friendly certificate)?

ALBANIA

No, not yet.

CROATIA

*Although there are no autonomous Framework Agreements implemented in Croatia so far, social partners (CEA/HUP + TUs) have undertaken **joint activities** towards the implementation of Framework Agreements. The first is on the topic of telework.*

Best practice example at the bipartite level: Batos – Bipartism as a tool of success project – HUP/CEA, SSSH + NHS and sectoral trade unions, ZDS, IOE.

*There is also the **Mamforce certificate** for companies that are mother-friendly and promote work-life balance for female workers.*

HUP/CEA and Global Compact are partners of the certificate, like some large companies, and there is an initiative for HUP/CEA to be Mamforce certified as well.

FYR OF MACEDONIA

*In order to harmonize work and family life and gender equality, an informal **pilot project** on the establishment of kindergartens in state institutions and ministries, as well as in several major private companies, was launched last year (2015). The support for this project has been given by the Ministry of Labour and Social Policy through financial, material and technical assistance to interested parties.*

MONTENEGRO

No.

SERBIA

*Some companies **actively work on the harmonization of professional and family life** through measures that increase motivation and reduce stress for employees, through family leave and vacations, stimulating the birth of children, traditional family picnics, New Year's gifts to employees' children, as well as regular evaluations of employee satisfaction in the company.*

SLOVENIA

*In Slovenia, the **Family-Friendly Enterprise Certificate** represents a consulting-audit process and has been developed as one of the tools for effective and improved human resources management*

within enterprises and organizations in the context of balancing the professional and private lives of employees. The basis of the certification is the Catalogue of Measures, a document including all measures that are available to companies joining the certification process. The Catalogue is divided into 8 main areas:

- Working hours
- Work organisation
- Post (place of work flexibility of the post)
- Information and communication policy
- Management skills (management strategy/philosophy)
- Human resources development
- Payment structure and awards for achievements
- Family services

*The Managers' Association of Slovenia, in the Section of women managers, is granting **recognition** to enterprises that have women in management positions as a women manager friendly enterprise. The aim of such recognition is to highlight the importance and role of women leaders and managers in the company and in society at large. The section grants recognition to a company that meets the following conditions:*

- *it must have senior and managerial positions (Director General, member of the Management Board, Executive Director), more than 1/3 of the Managers,*
- *it must have at least 40 employees,*
-
- *in the last three years it has shown a trend of growth,*
- *must show successful business results for indicators that are used in the financial statements.*

Application for the recognition is possible for all companies that fall under the Companies Act in the medium or large company category, operating on the territory of the Republic of Slovenia. Exceptionally, the recognition may be granted to professional, scientific, educational or similar institutions, if its achievements contribute to the promotion of women in management positions.

Source: Ekvilib institute: <http://ekvilib.org/en>

Združenje Manager, <http://www.zdruzenje-manager.si/en>

- g) Take a look at the measures you have described in this questionnaire. Please try to find and describe any data that gives information on the use of these measures in practice.**

ALBANIA

The economic development of Albania over the last 10 years was accompanied by positive changes in employment and a reduction of poverty rates. According to the Second Quarter of 2015 Labour Force Survey (LFS), the labour force participation rate in Albania is 63.7 percent (54.6 percent for women and 73.3 for men), while the youth participation is 41.9 percent. The employment rate for the population between 15-64 years is 52.7 percent and the male employment rate is 15.3 percentage points higher than the female employment rate (INSTAT, LFS Second quarter 2015). The employment of Albanian women remains limited by a number of factors, including family and domestic responsibilities, as well as their limited access to vocational training, property and credit opportunities.

Informal employment has various negative effects on the economy, on working conditions generally and on the policy making process. The rights of workers are difficult to enforce in the informal economy. Many women working in informal jobs do so because the flexibility of hours

allow them to carry out unpaid family and household duties as well, of which they perform a disproportionate share.

Formalizing the informal economy is also a priority for the Albanian Government. According to the Ministry of Social Welfare and Youth, 100,000 employees were formalized between September–October 2015. However, it is important to develop a legal definition of the Informal Economy in Albania.

Reducing informality implies addressing the problem through different entry points, namely the better enforcement of the law through strengthened labour inspection, cross-checking of databases and the application of adequate penalties; the re-definition and simplification of the regulatory framework; the development of incentives to formalize by offering better and easier access to social security, business development services and credit; and the promotion of public awareness of the individual and collective benefits of formalization. The medium-term objective of the social partners (embodied in the 2016-2020 Work Program) will be to lay the ground for the tripartite adoption of national policies and initiatives to encourage work/family reconciliation and gender equality within this four-year Program.

CROATIA

Data does not exist at the moment, in terms of a structured database on practices for the measures described or official papers on the topic, apart from already provided explanations and practices in previous questions.

For more data on individual practices in companies, we should do further research in consultation with our membership and other relevant stakeholders.

FYR OF MACEDONIA

The change in the legislation and the adoption of strategies has put a special emphasis on women's needs.

- *It has allowed the opening of private institutions for childcare and the opening of many institutions for the care of elderly people*
- *The security of working women after the end of their maternity leave to be returned to their jobs has been increased.*

The strategy and active employment measures designed for (single parents, young people, women) has enabled the employment of a large number of women and contributed to the rate of women employees in the fourth quarter of 2015 equalling 33.8%, which is higher by 1.6 pp compared to the fourth quarter of 2014.

MONTENEGRO

Montenegro has a problem with statistical data, especially in this context. The only relevant annual data is about children in children gardens.

SERBIA

Bigger companies, as well as those with a lower number of employees that are socially responsible, have a number of stimulases, including kindergartens for the children of employees,

shorter business hours for mothers with children younger than 3 years, financial compensations or vouchers for the purchase of baby equipment after the birth of child, discounts on family holidays, New Year's gifts, support for schooling or scholarships for children with single parents and similar.

SLOVENIA

According to the data available on the website of Ministry of Labour, Family, Social Affairs and Equal Opportunities, there have been 13,614 beneficiaries in the year 2015 entitled to the payment of contributions for part-time work by the state. This information shows that in the 2015, a lot of persons benefited from this measure – part-time work on the basis of parenthood. According to the data on the same webpage, in 2014, 16,695 fathers took 15 paid days of paternity leave and 2,996 fathers took the unpaid part of paternity leave. The table below gives a rough estimate of the share of fathers that used paid paternity leave (15 days). The data takes into account all live births and only those fathers (employed ones) who are entitled to such a measure (not including, for instance students and the unemployed).

The uptake of paid paternity leave is slowly growing, rising from 75 % in 2008 to 80 % in 2012 and 90 % in 2015 (Ministry of Labour, Family, Social Affairs and Equal Opportunities). At the same time, surveys are revealing that the uptake of the unpaid part of paternity leave is slowly growing as well. The uptake of parental leave by fathers is still low, but slowly increasing and it stands at about 7 % in 2015. The reasons for the relatively low usage are: financial agreement between partners, mother's wish to stay with the child during the first year, expectations and demands for constant presence by the employer, the father feeling that he is not needed, fear of career decline etc.

Year	Number of fathers taking paternity leave		Number of live births	Share (%) (of fathers taking paternity leave up to 15 days vs. number of live births)
	up to 15 days	Over 15 days		
2015	16,374	2,890		
2014	16,695	2,996	21,165	78.9
2013	16,625	3,414	21,111	78.8
2012	17,468	3,586	21,938	79.6
2011	17,776	3,669	21,947	81.0

THE MAIN CONCLUSIONS ON SOCIAL DIALOGUE IN EACH PARTICIPATING COUNTRY

Based on the questionnaire completed by the project partners the following can be identified:

- Most participating countries of project partners have adopted Act that defines the collective bargaining procedure, content of the collective agreement, parties and form of collective agreement, except in Albania.
- Participating countries of project partners where collective bargaining is defined by law, regulate this field as a special chapter in the Labour Law, except Slovenia where collective bargaining is defined by special law (The Collective agreements act) and Croatia, where collective bargaining is defined by Labour Law and Law on representativeness of employers' and trade unions' association.
- It is possible to conclude that the sectoral social dialogue and social dialogue on company level in participating countries is developed to a certain extent, in each country partners note the following:
 - **Albania**
 - Social dialogue at the national level is functioning mainly at the National Labour Council, which has been improving in the last 2-3 years. Sectoral dialogue is not formalized yet and consequently it's weak. It's only present in some sectors. The dialogue at the local or enterprise level is almost non-existent. It exists in very few companies.
 - **Croatia**
 - Social dialogue is well developed in large companies, though in smaller companies there are no trade unions representatives, and therefore no formal social dialogue as such.
 - **FYR of Macedonia**
 - It can be said that the sectoral social dialogue in some sectors - branches is not yet exercised with the necessary dynamics since there isn't a sufficient number of registered associations of employers in certain business areas that could negotiate the signing of branch collective agreements. Nevertheless there are 15 branch collective agreements signed. However at the company level, unions have been facing some difficulties in conducting social dialogue and concluding collective agreements given that many employers are unwilling to accept the establishment of a trade union organization in their companies, thus stopping the process of social dialogue at the company level.
 - **Montenegro**
 - A tripartite body known as the Social Council, made up of government and trade union and employer representatives, is responsible for facilitating social dialogue in Montenegro (National Tripartite Agreement was signed with social partners). In the context of social dialog, it is necessary in Montenegro to strengthen relations with the government, especially in the decision-making process. Also, Montenegro has 21 local Social Councils but they are not functioning regularly and we need to improve their work and and knowledge of the importance of the existence and work of these bodies for society. At the level of the companies, social dialog is still weak. There is

strong social dialog in large companies, but bearing in mind that 99.9% of Montenegrin companies are small and medium, we see this as a problem.

- Trade union in Montenegro asses that social dialogue in Montenegro is not satisfactory, both at the sectoral and company levels (bipartite social dialogue). The biggest problem appears in determining the representativeness of trade unions at the enterprise level. Determining representativeness often depends on the will of the employer (whether to implement the process of determining representativeness or not), and representativeness is a prerequisite for the negotiation and conclusion of collective agreements.
- **Serbia**
 - It is not sufficiently developed, which results in the adoption of numerous laws in urgent procedures with public debate, including the Labour Law and the Law on Pension and Disability Insurance. Collective agreements are generally concluded for the public sector while only four exist for the so-called real sector.
- **Slovenia**
 - Collective bargaining in Slovenia is highly structured. There is collective bargaining between unions and employers at national, industry/sectoral, occupational and company levels. On a sectoral level in the private sector, the social dialogue is fairly well-developed, since there are currently 26 collective agreements. The share of employees covered by the collective agreements is high compared to many other European countries. On the company level, social dialogue is also fairly well developed since ERA-1 stipulates that some of the employment relationship rights and obligations can be regulated in a collective agreement on the company level. There is no register of collective agreements that are concluded in companies, but large companies in Slovenia usually regulate employment rights and obligations in collective agreements on the company level.

More about the social dialogue in each country you can read in the report.

- Project partners evaluate that the reconciliation of work - family life and gender equality can be:
 - encouraged through social dialogue (Albania, Croatia, Serbia, Slovenia);
 - developed by social partners throw joint initiatives, formulate joint opinions and recommendations to policy makers (Croatia);
 - should be addressed through joint action and coordinated action by the state, unions and employers (FYR of Macedonia):
 - addressin every part of the national social dialog (Montenegro);
 - it is important to address such issues within wider consultations with civil sector (Montenegro);
 - to support this balance also with the help of the expert public in the preparation and discussion of the laws and other legal norms aiming to harmonize work and family life (Serbia);
 - it is also necessary to insist on consistent application of adopted laws and their monitoring (Serbia);
 - the freedom of employees and employers to associate freely and bargain collectively in order to find favorable solutions to both sides is of great importance (Serbia);
 - an option that social partners agree on provisions in collective agreement that aim at balancing work and family life- such measures can be agreed on at sectoral and company level (Slovenia).

- Most of the project partners evaluate that the measures to facilitate the reconciliation of work - family life should be introduced in the collective bargaining on sectoral and company level, although partners in Albania recognize the importance of regulation on national level and in Montenegro they evaluate, da je najpomembnejša najprej national level, because it is most developed. Partners in Slovenia asses that collective bargaining on different levels in different sectors, occupations and on company level enables that social partners agree on reconciliation measures, which are best suited for the individual working environment and for workers' needs.
- In most participating countries there are at least some measures included in collective agreements (sectoral/company level) that facilitate the reconciliation of work - family life such as in:

- **Albania**

Articles relevant to compensation for the family in case of marriage, accidents or death of a family member, defined facilities for mothers with many children, maternity may be obtained by both parents as necessary, facilities for mothers of children who are breastfeeding, paid or unpaid holidays for care and education of children or in the event of illness of children, etc.

- **Croatia**

There are good examples at the company level/house collective agreements, e.g. where a company provides the worker with additional pay during the second 6 month period of maternity leave, in order to encourage them to stay at home until the child is 1 year old.

There are also companies that practice telework, flexible work time and similar, but this is not usual practice.

- **FYR of Macedonia**

In most collective agreements (the general collective agreements for the private sector in the area of the economy, branch collective agreements and collective agreements on the employer level) of the trade unions affiliated in SSM, the right to two days paid leave for childbirth (mostly used by the fathers) is stipulated.

- **Montenegro**

Measures are regulated by Labour Law, not by collective agreements.

- **Serbia**

Measures that provide a balance between professional and family life refer to using more days for vacation by women with children, flexible working hours, and adjustment of time for education and work promotion (seminars, supplementary education in line with family responsibilities). It is important to emphasise that those measures are mostly implemented at the company level.

- **Slovenia**

There are a variety of work-life balance measures already incorporated into collective agreements. The vast majority of provisions are defined for both men and women. Such measures are:

- The right to additional paid leave in connection with certain family responsibilities or personal reasons (when the child is born, death of the family member, wedding, repairing a house or apartment, moving house or other personal occurrences);
- The right to unpaid leave for family reasons (for instance taking care of a sick child or other family member that is ill);

- Paid leave for fathers in connection with childbirth (the only measure aimed at fathers);
 - Posting of a worker to work in another place (the prohibition on posting a worker who takes care of a small child or seriously disabled family member to work in another place);
 - Limiting work on Sunday and Statutory Holidays (limiting the number of working days on Sundays and Statutory holidays for all workers, additionally for parents of preschool child and prohibits such work for some categories of workers);
 - Family friendly working time arrangements (provision regarding working time considers a possibility of organizing work and family life),
 - Adaptation to kindergarten/school (Child's time bonus – a paid extra day off when the child is entering the first grade of primary school and paid leave or flexible working time schedule when a child is getting familiar with kindergarten).
- In most participating countries exist some informal measures that are used in practise in order to encourage work – family reconciliation and gender equality, for instance in:
- **Croatia**
 - Social partners (CEA/HUP + TUs) have undertaken joint activities towards the implementation of Framework Agreements, the first is on the topic of telework – project Batos.
 - The Mamforce certificate for companies that are mother-friendly and promote work-life balance for female workers.
 - **FYR of Macedonia**
 - By the support of Ministry of Labour and Social Policy in the year 2015 an informal pilot project on the establishment of kindergartens in state institutions and ministries as well as in several major private companies has been launched.
 - **Serbia**
 - Some companies actively work on the harmonization of professional and family life through measures that increase motivation and reduce stress to employees, through family leave and vacations, stimulating the birth of children, traditional family picnic, New Year's gift to employees' children, as well as regular evaluations of employee satisfaction in the company.
 - **Slovenia**
 - Family Friendly Enterprise Certificate as one of the tools for effective and improved human resources management within enterprises and organizations in the context of balancing the professional and private lives of employees.
 - Recognition to enterprises that have women on management positions as a women manager friendly enterprise.
- In all participating countries there is a need to better regulate working conditions in order to become family friendly.

ANNEX

Changing the Traditional Mindset through Collective Agreements in the Western Balkans – The Role of Social Partners in Enabling Work-Family Reconciliation and Gender Equality

QUESTIONNAIRE on the situation of enabling work/family reconciliation and gender equality in the country _____

1. Overall situation in your country (most recent data):

Indicator	Number or percentage (please state below)
Population Total	
Population of women	
Population of men	
Share of population aged 0–14	
Share of population aged 15–64	
Share of population aged 65+	
Mean age of population	
Population aged 15 years or more by education : <ul style="list-style-type: none">- Basic or less- Upper secondary- University- total	
Employment rate	
Registered unemployment rate	
Minimum wage	
Working age population <ul style="list-style-type: none">- total- women- men	
Employed <ul style="list-style-type: none">- total- women- men	
Unemployed* <ul style="list-style-type: none">- total- women- men	

**Please add the source that was used.*

2. Industrial relations:

a) Trade union representation in your country

The number of national representative Trade Unions in your country that are members of a tripartite Economic social council: _____

Please name all the national representative Trade Unions in your country that are member of a tripartite Economic social council:

Trade Union density rate in your country: _____

b) Employers' organizations

The number of national representative Employers' organizations in your country that are members of a tripartite Economic social council: _____

Please name all the national representative Employers' organizations in your country that are members of a tripartite Economic social council:

Employers' organizations density rate in your country: _____

3. Legislation in your country

a) Is there an adopted Act or any legislation in your country on maternity, paternity and parental leave? If the answer is yes, please describe the following concerning each leave: duration or length, payment, transferability of leave and if the leave can be taken on a part-time basis.

b) Does the legislation in your country provide measures that enable work/family reconciliation? Please indicate these measures and describe them briefly (e.g. part-time working arrangements, teleworking, protection during parenthood regarding night or overtime work, etc.)?

c) Are the measures indicated in previous answer accessible irrespective of gender?

d) Has your country adopted an Act / legal basis that prevents gender inequality? If the answer is yes, please describe which areas are covered (e.g. economic, social, educational or other aspects of social life).

e) Please indicate any problems you have observed that do not allow or prevent the above measures to applying in practice? Please indicate any problems regarding gender inequality in terms of work/family reconciliation.

f) Are there any initiatives, strategies or similar documents in your country that are directly related to the theme of the reconciliation of work and family life and, in this context, relate to the question of the prevention of gender inequality or ensuring gender equality?

g) Does your country keep data that shows the percentage of children (by age) included in childcare programs? If so, please state the reasons, in your opinion, for the indicated density rate. (e.g. unaffordable or unavailable childcare programs, women staying at home due to unemployment, etc.)

4. Social dialogue in your country

a) Has your country adopted an Act that defines the collective bargaining procedure and the content, parties and form of the collective agreement? If the answer is yes, please indicate the date of its adoption?

b) According to your assessment, how well developed are the sectoral social dialogue and social dialogue on the company level in your country? Please describe briefly.

c) How do you think the reconciliation of work and family life and gender equality can be encouraged through social dialogue in your country?

d) At what level of collective bargaining do you think measures that facilitate the reconciliation of work and family life shall be encouraged (national or sectoral or company level)?

e) Please indicate any measures that facilitate the reconciliation of work and family life that are included in collective agreements. Please indicate the collective agreement, specify the measures and also on what level of collective agreement they are regulated.

f) Are there any informal measures in your country that are used in practise in order to encourage work/family reconciliation and gender equality (e.g. family friendly certificate).

g) Take a look at the measures you have described in this questionnaire. Please try to find and describe any data that gives information on the use of these measures in practice.
