

Access for domestic workers to labour and social protection: the case of Kosovo*

Abstract

Survey data suggests that there are around 2000 domestic workers in Kosovo (i.e. around 0.5% of all workers). Women are present in greater numbers, while most domestic workers are aged between 35 and 49. However, Kosovo currently lacks a specific legal framework and clear legal definition of domestic workers. The general collective agreement was the only formal document that explicitly acknowledged domestic work, but this expired in 2017 and no new agreement has been agreed. The legal framework that pertains to formal employees therefore only extends to domestic workers under contract, leaving the majority of workers in this sector without adequate labour and social protection. Since most domestic work is, in reality, undeclared, this situation makes workers highly vulnerable. Current policy discussions are focused on formally defining domestic workers within the proposed new law on labour and on improving employment registration procedures to benefit all stakeholders, although these are still in their early stages. The article concludes with a series of suggestions for improving such workers' social protection and labour rights.

Keywords: domestic work, Kosovo, social protection, undeclared work, labour rights, collective agreements,

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Introduction

This article – similar to the other country reports drawn from this research project and included in this volume¹ – seeks to map domestic work in Kosovo and to describe the legal framework that applies to domestic workers and employment arrangements in the sector. It goes on to set out the specific conditions regarding access to forms of social and labour protection for domestic workers, before moving on to issues of undeclared work, regularisation and labour shortages. Finally, it presents recent reforms and debates, and makes suggestions on the way forward for improving social protection and labour rights specifically for domestic workers.

In the absence of a national ‘legal’ definition, statistical estimates for Kosovo have been kindly calculated by Agjencia e Statistikave të Kosovës (ASK; Kosovo Agency of Statistics) on the basis of the national Anketa e Fuqisë Punëtore (AFP; Labour Force Survey), using exactly the same definition as set out for the project as a whole.

Mapping

In Kosovo, using the same definition as in the EU LFS and bearing in mind small sample sizes and the resultingly large confidence intervals, the data suggests that there are around 2000 domestic workers (i.e. around 0.5% of all workers and, therefore, in line with the lower levels found within all EU member states, for which the average is 2.1%). In terms of profile (see Table 1 in the statistical annex for further details):

- around 60% are women
- two-thirds are aged 35-49
- 90% are employees
- 7% are in the care sector (defined here as having an occupation falling in ISCO 5311 or 5322 categories), while most other domestic workers are either butlers or domestic cleaners and helpers.

Further breakdowns are possible only for NACE 97, which represents a little less than 20% of all domestic workers in the country. Of these workers (see Table 2 in the statistical annex):

- 70% have an intermediate educational level
- 80% work between 30 and 40 hours a week
- 80% are employees with a temporary contract.

Additional relevant information from other sources/definitions

ASK has never published indicators on domestic workers similar to those above. Instead, another ASK indicator was used to inform the analyses and debates on domestic workers – that of ‘employment shares based on activity by sex, age 15 and over: activities of households as employers, undifferentiated goods and services-pro-

1 i.e. by Maia Gerovska Mitev and Ljiljana Pejcin Stokić. In particular, the Mitev article contains important methodological data on the key definitions adopted by the project and which are shared by all three articles.

ducing activities of households for own use'. This ASK indicator is calculated for both AFP data and administrative data (ASK 2024a, 2024b) and is narrower than the statistical definition used in the mapping section above. Contrary to the latter, it also encompasses 'service-producing activities of households for own use' (which is not included in NACE 97) but does not include any of the ISCO categories used in the ESPAN reports.

According to this narrower ASK indicator, domestic workers made up about 0.3% of all workers in 2022 and about 1% in 2021 (ASK 2024b).

A survey conducted by the UBO research agency in summer 2022 on behalf of Instituti për politika sociale 'Musine Kokalari' (IPS; Institute for Social Policy) recorded that about 1% of people in employment are engaged in 'activities of households as employers'² (IPS 2022). About 60% are women. In terms of the category of such domestic workers, the only relevant information that could be drawn from the survey is that 4.2% of households with children aged under 6 have domestic workers caring for their children.

Based on another survey (conducted in 2022) cited by Rrjeti i Grave të Kosovës (RrGK; Kosovo Women's Network), 7% of respondents 'said that someone from outside their household assisted them with childcare, cleaning the house, or other work' (RrGK 2024: 112).

Legal framework

This section briefly sets out the legal framework that applies to domestic workers. It considers the key aspects of the legislation regarding domestic work, ILO Convention 189 and the presence of collective agreements.

Legal definition

The current legal framework lacks explicit definitions concerning domestic workers. Consequently, this article adopts a policy-oriented definition to allow for a thorough examination of the status, challenges and potential policy implications affecting individuals involved in domestic work.

Legislation

The legal framework which is applicable to all formally employed people is extended to those domestic workers who are employed under contract.

Social protection and labour rights for domestic workers employed under contract are governed by a variety of legislative instruments. These include the law on labour, Marrëveshja e përgjithshme kolektive e Kosovës (MPKK, General collective agreement of Kosovo), the law on the Labour Inspectorate, the law on safety and health at work, the law on the minimum wage and the law on trade unions. These laws collectively establish the framework for working conditions, wages, occupational safety, non-discrimination and the right to organise.

2 All percentages from this survey cited in this report are the calculations of the authors based on the original dataset.

The law on labour sets the overall framework governing employment relations, covering aspects such as employment contracts, working conditions, wages, working hours, leave entitlements, termination of employment and collective bargaining. It recognises different types of employment contracts, including open-ended ones and those concluded for fixed periods or specific tasks or duties which are limited to a maximum of 120 days per year.

An employer is defined as a natural or legal entity that hires an employee and provides compensation for the labour or services rendered. However, Administrata Tatimore e Kosovës (ATK; Kosovo Tax Administration) only permits legal entities to declare workers, thereby excluding ordinary individuals from this process. Consequently, household heads, as ordinary individuals, are currently unable to register domestic workers with the ATK, even if they do seek to regularise their domestic employment arrangements. However, under current ATK regulations, domestic workers have the option to register themselves as self-employed.

The law on safety and health at work is aimed at ensuring occupational safety and health (OSH) standards and is largely aligned with the EU Framework Directive 89/391/EEC (ILO 2021). It extends coverage to a diverse spectrum of employed people, including interns and students engaged in practical training. However, it does not include specific provisions for the self-employed or domestic workers – although, if they work as registered workers, they are entitled to all OSH-related rights. The law outlines the general duties of employers, mandates preventive measures, specifies the responsibilities of protection and the preventive services to be undertaken by employers, requires risk assessment in workplaces, mandates employee training, delineates employees' duties, mandates medical examinations for employees, establishes procedures for reporting accidents at work and prescribes penalties for non-compliance. Additionally, Regulation No 04/2014 sets minimum safety and health requirements for workplaces, applicable regardless of employment or training status and the legal structure of the entity.

However, despite a relatively good legal framework, Kosovo lacks a structured mechanism for gathering and analysing data on work accidents and occupational diseases. Additionally, there is no specific legislation concerning data collection in the fields of occupational health medicine or occupational accidents.

Inspektorati i Punës (IP; Labour Inspectorate), established in accordance with the law on the Labour Inspectorate, serves as the primary inspection and supervisory institution in the field of OSH. This law has been amended and is currently undergoing another revision.

The minimum wage policy, which extends to all registered workers including those in domestic work, is also an important aspect of the legal framework. Guaranteeing that domestic workers receive at least the minimum wage is crucial for protecting their economic rights. The Kosovo government approved a new minimum wage in August 2024, increasing it from 170 (for a person aged 35 or over) to 350 euros per month. Although a previous increase (264 euros) was adopted a year before (Kuvendi i Republikës së Kosovës 2023), it did not come into effect, owing

to a ruling from the Constitutional Court remaining pending. Opposition parties are already advocating a further increase to 450 euros.³

There is currently no specific legislation in Kosovo addressing domestic workers who provide long-term care (LTC). Instead, as mentioned earlier, the existing legal framework designed for all formally employed people extends to those employed under contract in the LTC sector.

International Labour Organization Convention 189

Although Kosovo may incorporate the principles and standards established by the ILO into its legal framework, it cannot formally ratify ILO conventions since it is not formally recognised as a member of the ILO. The government has incorporated several such conventions into its legal framework on a voluntary basis, including the Occupational safety and health convention 155, the Forty-hour week convention 47 and the Promotional framework for occupational safety and health convention 187 (ILO 2021), which are all relevant to regular domestic workers. However, ILO convention 189 has not yet been incorporated into the legal framework because, until recently, there have been no formal discussions among policymakers regarding domestic workers.

Collective agreements

The only explicit mention of domestic work occurs in the MPKK, albeit without a defined scope and amidst limited provisions for this category of workers. According to its Article 20, a domestic worker must have an employment contract, while reimbursement of their salary may be provided either in financial terms or in kind as long as the latter does not exceed 50% of the salary. The provisions of the MMPK apply to foreign employers and workers, or those without citizenship who are carrying out economic activities in the Republic of Kosovo.

The first MMPK took effect on 1 January 2015, with a validity period of three years, as outlined in Article 90, paragraph 4, of the labour law. In 2018, following the conclusion of this MMPK term, Këshilli Ekonomiko Social (KES; Economic Social Council), the professional commission for tripartite legislation, was tasked with negotiating and drafting a new collective agreement. However, ongoing political disputes have prevented an agreement from being reached, leaving this process incomplete. There is therefore some ambiguity regarding the continued relevance of the outdated MMPK (beyond the period it was in force) in the light of the prolonged delay in signing and approving a replacement.

3 Note that this information postdated the original ESPAN report and has been included here as an essential update. Later references to the minimum wage in this article refer to the updated figures.

Overview of employment arrangements

This section provides an overview of the main characteristics of the domestic work sector in the country regarding the types of employment arrangements/relationships that link them to the household(s) they work for.

Overall arrangements

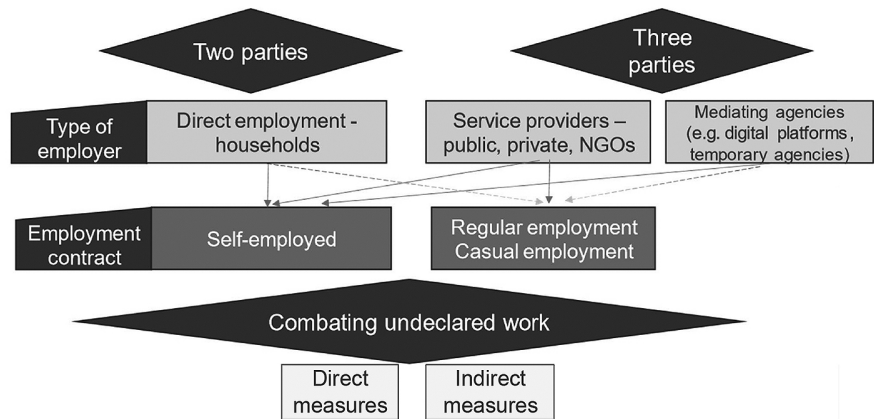
In Kosovo, domestic work may legally be arranged according to both two-party and three-party models of employment relations (see Figure 1 below), based on the labour law, the law on business organisations and the law on personal income tax. These arrangements may be made for both regular and casual employment.

The two-party model may be formally arranged in three ways. In the first, based on Kosovo's law on business organisations, the household may be registered as an individual business,⁴ which may then employ a domestic worker under an employment contract and pay taxes and contributions based on the law on personal income tax. In the second, a domestic worker may create a similar individual business (self-employment) and then provide services to households. Thirdly, domestic workers may also be registered with the ATK as individual taxpayers to declare payments received for services and to pay the required taxes.

However, in reality, there are almost no incentives for domestic workers to register to pay taxes and contributions as Kosovo does not have typical defined benefit social insurance rights (under which they could benefit from redistribution from better-off contributors) or tax credit schemes. On the contrary, there are potential disincentives as they might lose benefits deriving from social assistance or permanent disability benefits (if they are beneficiaries of these programmes), which are in practice cancelled upon receipt of any employment income. Furthermore, in both scenarios in which a domestic worker may register as a business or as an individual, it remains unclear whether the service must be procured from a formal entity. Most importantly, due to the complexities of having to register as a business and make tax and other reports required by law, in reality most households and domestic workers arrange undeclared employment relationships. For example, according to the survey cited by the Kosovo Women's Network (RrGK 2024: 112), only 4% of respondents from households hiring domestic workers report that they pay such workers in a company, and only 8% report paying workers via a bank transaction.

4 About 70% of all business organisations in Kosovo are registered as 'individual businesses' (ARBK 2023: 9).

Figure 1 – Employment relations models and types of measures addressing undeclared work in the domestic work sector



Source: Own elaboration on the basis of CELSI 2021, in European Labour Authority (2022) and Farvaque (2015).

The three-party model may also be legally arranged via a business or a licensed NGO providing services. Services of this type are rising in the LTC sector, where private businesses hire employees and provide personalised healthcare services purchased by clients. In the future, due to the growing number of foreign workers and demand, domestic work is likely to be arranged increasingly in this form. This is because foreign workers need employment documentation from a legal hiring entity and, in practice, service providers can provide such documentation more easily. On the other hand, the state has not directly contracted domestic workers so far.

However, it is worth noting that, even within formal employment relationships, domestic workers in Kosovo find themselves engaged under non-standard forms of employment, such as part-time or temporary arrangements. For example, according to the IPS/UBO survey, none of the domestic workers surveyed were covered by a full-time employment contract (IPS 2022). Furthermore, inspections to ensure compliance with labour laws are not commonly conducted in domestic work environments.

Migrant-related arrangements

Although the domestic work sector in Kosovo primarily draws on the national workforce, the country is experiencing a rise in the proportion of migrant workers, especially within wealthy households. This trend has resulted in a rising number of migrants coming to the country explicitly to engage in domestic work, both as care and non-care workers. According to insights from private employment agencies, the predominant arrangement for these workers is live-in employment. At the same time, Kosovo continues to be a significant source of emigration, with many prospective care and non-care workers seeking opportunities in EU member states. According

to one recent study, 28% of respondents expressed their intention to migrate immediately following visa liberalisation (GAP 2024). This outflow exerts pressure on both the paid and unpaid domestic work sectors in Kosovo, resulting in an increased dependence on migrant workers entering the country to fulfil the demand for domestic labour.

In order to secure a work permit in Kosovo, whether for corporate roles or household employment, both individuals and companies seeking workers must comply with certain regulations. Primarily, they must provide a contract in line with the labour law. This contract should specify a minimum gross salary of 420 euros per month (compared to the minimum wage of 350 euros) with a potential for increased compensation depending on the nature of the employed person's duties.⁵ Furthermore, the individual or company sponsoring the employment is responsible for providing the worker with suitable accommodation. Particularly for domestic workers, live-in accommodation is typically provided and often includes provisions for meals.

In addition to the salary and accommodation provisions, there are various administrative obligations that the individual or company seeking to employ workers in Kosovo must fulfil. These obligations include payments for health insurance and covering the costs associated with translating the documents of the prospective employee. These measures ensure compliance with the legal and administrative requirements and theoretically contribute to the overall welfare and protection of migrant workers in Kosovo.

Unfortunately, however, there is a lack of evidence regarding the practical implementation of these rights; hence it remains unclear whether they are effectively enforced in practice.

Access to forms of social and labour protection

The rights of domestic workers deriving from the labour law are described in the following subsections. However, it is important to note that most domestic workers (i.e. those who are undeclared) do not in practice have access to most social protection programmes – except when these are universal and not conditional on prior contributions, a means test or any other criteria restricting qualification. The most significant challenge to accessing rights is therefore posed by the existing complex legislation on employment arrangements. Since this is simply too complicated for both sides (the household and the domestic worker alike), domestic workers are pushed into undeclared work which then becomes a cost borne by them.

The MMPK, which was in force between 2015 and 2017, defined domestic workers as people employed on the basis of an employment contract. The labour law does not mention specific forms of employment, but similarly defines employed people as those with an employment contract. Both documents define the employment contract in a similar way (Article 10 of each one). Domestic workers with an employment contract therefore enjoy the same rights as other employed people.

5 Personal communication with the owner of Fiva Partners, a private recruitment agency, on 19 April 2024 in Pristina, Kosovo.

Unemployment benefits

There is no programme providing unemployment benefits in Kosovo. The lack of accessible unemployment protection could serve as one of the indirect disincentives to regularise domestic work.

Sickness benefits

Access to sick pay is regulated by the labour law. Domestic workers with an employment contract thus have the right to employer-paid sick pay for sickness leave based on general illness that covers a maximum of 20 days leave a year and which replaces 100% of prior earnings. Further unpaid sick leave may be granted for a maximum of one year.

Domestic workers often work in non-standard working arrangements, such as part-time work for several employers (households). Since sick leave benefits are borne by employers, in these cases it is not legally clear by whom the sick leave benefit costs are borne.

Healthcare benefits

Access to healthcare benefits is regulated by the law on health. Domestic workers, in the same way as all other residents, have access to the basic, universal and public healthcare system which, in practice, operates according to a national healthcare service model. Similarly, they have the right to tax-paid medicines, provided universally and free of charge at the point of use via the national essential list of medicines (see Mustafa 2023).

The presence of a universal and public basic healthcare system is welcome, in particular in ensuring that undeclared employment does not become a barrier for domestic workers seeking access to healthcare services. The access of domestic workers to the public healthcare system may, however, be challenged by potential reforms that, according to a current draft law (Ministria e Shëndetësisë 2024), may transform the system into one based on health insurance. Since most domestic workers are undeclared workers, eligibility based on formal employment and contribution criteria would penalise them.

Domestic workers also face challenges in accessing medicines because, in practice, the majority of medicines prescribed by the public healthcare system are purchased privately in private pharmacies, despite the continual growth of tax-financed expenditure via the national essential list of medicines (Mustafa 2023). Since domestic workers' earnings are low (Bytyçi 2023), they face difficulties accessing prescribed medicines.

Parental benefits

Access to parental benefits for employed people is regulated by the labour law.

As long as they have an employment contract, domestic workers have the formal right to access existing parental benefits in the same way as all other employed people with a contract. In other words, they have the right to maternity leave benefits, which include: a two-thirds wage replacement paid by the employer during the first

six months of leave; a general tax-financed state benefit equal to 50% of the average wage in the country for the next three months of leave; and three further general tax-financed state top-ups during these nine months of leave to the value of 170 euros per month (i.e. the value of the previous official minimum wage). Three more months of unpaid leave are optional. Fathers carrying out domestic work with an employment contract have the right to two days of fully paid leave upon the birth of a child; the financing is borne by employers.

In cases of children with permanent disabilities, one of the parents has the right to work on a half-time schedule until the child is 2 years old.

As in the case of sickness benefits, an important gap in practice with relevance to domestic workers in non-standard employment arrangements is the legal gap which makes it difficult to define who the employer is – and hence on whom the costs of leave benefits should fall.

The existing tax-financed maternity leave benefits available to unemployed women, which are issued for a period of six months at a value of 170 euros per month (MFPT 2024), may serve as a further indirect disincentive for domestic workers to regularise.

Invalidity benefits

Access to invalidity benefits is regulated by the law on pension schemes financed by the state; the law on the status and the rights of the martyrs, invalids, veterans, members of the Kosova Liberation Army, civilian victims of war and their families; the law for blind people; and the law on the status and rights of people with paraplegia and tetraplegia.

Domestic workers with a contract have formal access to invalidity benefits similar to those for other employed people in Kosovo or other citizens (for non-employment benefits). One other obstacle to accessing the benefit, applicable to all employees, derives from the harsh qualification criteria which require proof of a full, permanent disability from work. As a result, only a few dozen people (47 in February 2024) qualify for the benefit (ASK 2024c).

The categorical disability programmes (not specifically aimed at employed people) also apply tough qualification criteria which is why only about 30% of disabled people aged 15 or over are covered by disability benefits (Mustafa 2024: 12). This context makes it implicitly difficult for domestic workers to access disability benefits.

The state administration does implement a general permanent disability pension benefit, which does not explicitly require full disability from work, as a benefit which is cancelled upon any employment income (Mustafa and Haxhikadrija 2022). This implementation may serve as a disincentive for domestic workers to enter the formal labour market even if they were able to.

Old-age and survivor benefits

Access to old-age and survivor benefits is regulated by the law on pension schemes financed by the state and by the law on pension funds of Kosovo.

Formally employed domestic workers have the same rights to access old-age state benefits as contractually employed others. Key among these benefits is the statutory universal basic pension, managed by the government and financed out of general taxation (which pays a flat rate 120 euros per month), and the benefits paid out by mandatory pension savings.

As with the universal basic healthcare system, the presence of a universal basic pension ensures that domestic workers, despite working generally on an undeclared basis, may access the same basic retirement income as other older citizens. This is the only old-age pension in the western Balkans that is explicitly unconditional on criteria such as prior contributions or means tests. There are, however, proposals to transform the universal basic pension into a means-tested one (see e.g. World Bank 2022: 25). Should a transformation of this kind take place, it might serve as yet another indirect disincentive for domestic workers to regularise their employment.

The benefit from funded statutory individual pension savings is based on the defined contribution model, meaning that retirement annuities or phased withdrawals are dependent on the contributions made, the returns on investments and the fees charged for administration. This key part of the system tends to favour those doing well in the employment market (see e.g. GAP 2022: 10). Since most domestic workers are undeclared, the majority are effectively excluded from significant savings or the withdrawal of benefits. This defined contribution model does not serve as an incentive to formalisation due to the lack of any redistribution from better-off savings owners towards the worse-off. It is, furthermore, highly unlikely that domestic workers would contribute to supplementary market-based pension schemes.

Benefits in respect of accidents at work and occupational diseases

Access by domestic workers to benefits in this branch is regulated by the labour law and contractually employed domestic workers thus have formal access in the same way as others. The rights include sick pay benefits for sickness leave for up to 90 days within a year with a 70% replacement rate; and compensation for expenses during the treatment of injuries. The cost of both these rights are borne by employers.

One important gap within the current legal framework relevant for domestic workers derives from the circumstance that, in non-standard employment arrangements (where domestic workers are hired by several employers or households), it is difficult to identify which employer is responsible for financing these rights.

Access to labour protection

There are no gaps in access to labour protection that are specific to domestic workers in possession of a contract except in cases where, due to their non-standard employment arrangements, it is unclear who the employer is on whom the obligations fall (e.g. for financing days off and holidays).

The lack of a definition of the minimum hours of work for part-time workers (Article 21 of the labour law) is particularly unhelpful (cf. ILO 2016) on the grounds that domestic workers are expected to be engaged predominantly in part-time work.

Undeclared work, regularisation and labour shortages

This section considers the prevalence of undeclared work, possible labour shortages or unmet household needs for domestic services and the efforts being made to regularise domestic work.

Prevalence of undeclared work

Undeclared employment is extensive in Kosovo. Recent statistics indicate that about 29% of employed people (31% of employed women and 28% of employed men) do not have contracts (KWN 2024: 97). In an earlier survey conducted by the Millennium Challenge Corporation (MCC 2018: 55), only 59.2% of employed people reported having a job contract. According to the World Bank, up to 35% of employed people in Kosovo are in the undeclared work sector (Cojocar 2017).

There are no official data on undeclared work among domestic workers, whether drawn from the AFP or from administrative data. According to a survey cited by the Kosovo Women's Network (RrGK 2024: 112), of all respondents who answered that 'someone from outside their household assisted them with childcare, cleaning the house, or other work', 47% said they paid in cash. The IPS/UBO survey reports that 60% of people in employment in 'activities of households as employers' report that they work without contracts (IPS 2022).

Labour shortages

There are no relevant data or studies on labour shortages in the domestic work sector. During the last week of April 2024, there was only one open call related to domestic work among 24 included on the website of Agjencia e Punësimit e Republikës së Kosovës (Employment Agency of the Republic of Kosovo); during the same week, there were 3205 registered jobseekers in general.

Regularisation of undeclared work

As part of its response to the socioeconomic situation created following the emergence of the Covid-19 pandemic in March 2020, the government introduced various short-term measures that were directly or indirectly aimed at tackling undeclared work in general. These were as follows:

- a. a scheme reimbursing 50% of the gross wage for a period of three months for women newly employed between 1 July and 15 October 2021. The measure was launched by Ministria e Financave, Punës dhe Transfereve (MFPT; Ministry of finance, labour and transfers, formerly the Ministry of labour and social welfare) in August 2021 as part of its economic revival package following the pandemic
- b. a scheme paying 130 euros in wages for two months for people employed on at least a 12-month contract following the pandemic. This was introduced in spring 2020 as part of the first emergency fiscal package in reaction to the pandemic
- c. a scheme compensating statutory pension savings (10% of the gross wage) for one year for all newly employed people registered between 1 August and 15 October 2021. This measure was also part of 2021's economic revival package.

The result of the first of these schemes was that about 5000 women (including women who may have previously worked in undeclared employment) were compensated with 50% of the wage.⁶ Moreover, the second scheme saw about 15 000 people employed – or who moved from undeclared to formal work – benefiting from the scheme (see Mustafa and Haxhikadrija 2021). Meanwhile, some 4000 employed people benefited from the attempt at regularisation (the third scheme).⁷

As such, these measures produced positive results, showing that incentives can work to reduce undeclared work (INDEP 2022; Mustafa and Haxhikadrija 2021).

The main longer-term instrument to tackle undeclared work was the National strategy for preventing and combating the informal economy, money laundering, financing of terrorism and financial crimes, 2019-2023. This identified undeclared employment as one of the three main challenges (along with the effect on revenues and unfair competition) that the informal economy poses. Through the strategy, key enforcement bodies joined forces to combat undeclared work through a complex mix of means and actions (MF 2019). A national strategy of some sort has been implemented since 2017. This was, however, no longer in force during the first half of 2024, but discussions about it were ongoing in parallel with campaigns against undeclared work. None of these instruments have been aimed specifically at domestic work, however.

According to a government report on the implementation of the strategy, a special project on undeclared employment was created, led by the ATK in co-ordination with MFPT. As part of the project, 405 inspection visits to workplaces were conducted in 2021, with 3817 undeclared employees identified, while 584 visits were made in 2022 identifying 4130 undeclared employees (MFPT 2023: 27-28).

In addition, several EU and German-funded projects have supported MFPT and the IP in restraining undeclared work. These initiatives focus on strengthening the work of labour inspectors, enhancing inter-institutional communication, promoting formal employment through legal alignment and harmonisation, developing a public awareness strategy and improving employment opportunities for seasonal workers through an electronic registration process. These donor-funded projects have also raised awareness among the self-employed and facilitated the drafting of bylaws and administrative instructions.

Recent and ongoing reforms and debates

This section reviews recent reforms in the country whose aim is to enhance the social and labour protection of domestic workers, including possible avenues of support for these from elsewhere in the EU. Finally, it also covers the public debate in the country about this issue.

6 From a personal communication with an MFPT official on 26 April 2024 in Pristina, Kosovo.

7 *ibid.*

Recent reforms

Given the absence of a legal definition or framework specifically addressing domestic workers, the focus here is on reforms designed to enhance social and labour protection for all regularly employed people, since these measures thereby extend to domestic workers employed under a contract. However, it remains imperative to initiate reforms that specifically target undeclared workers.

A new labour law is in preparation which includes provisions for the improved protection of workers' rights, addressing issues such as employment contracts, working hours and leave entitlements. This is part of a broader effort to align Kosovo's labour standards with EU regulations and encompasses the aim of improving the working conditions and rights of temporary and part-time workers, who often face more precarious employment situations, providing them with greater job security and benefits comparable to those in full-time jobs. The draft is undergoing an internal consultation process within MFPT and has not yet been opened more widely. The draft was listed in the 2023 legislative programme, but it has yet to be brought forward for debate in the Assembly, leaving uncertainty about when it will be adopted.

Domestic workers have indirectly benefited from two government measures unrelated to employment. In September 2021, Kosovo introduced universal child benefits and extended maternity benefits to unemployed women. The child benefit is universal, citizenship based⁸ and funded through taxation, and amounts to 20 euros per month for children under 2 and 10 euros for children aged 2-15. Access by the children of domestic workers to these benefits is thus not hampered by conditionality. In addition, since September 2021, upon the birth of a child, unemployed women have been entitled to a benefit consisting of monthly tax-financed payments of 170 euros for six months. Regardless of the impact on regularisation, this new layer of maternity leave rights may make the lack of access by domestic workers to maternity leave benefits less damaging (compared, for example, to the lack of access to sick pay benefits) since female domestic worker parents may at least access the same benefits as officially unemployed people.

In an effort to boost consumption amid the pandemic, the government created an opportunity for the premature withdrawal of 10% of individual pension savings. About 200 million euros in pension savings was withdrawn between December 2020 and April 2021 (Mustafa and Haxhikadrija 2021). The government has pledged to reimburse all sums withdrawn below 999 euros, amounting in total to approximately 100 million euros, starting in 2023. Reimbursement has begun for pension savers close to or entering retirement (12 800 people) and the government aims to complete the process by 2028. The other 100 million euros (corresponding to withdrawals above 999 euros) will not be reimbursed which will result in reduced pension income for future retirees in this category (Mustafa and Haxhikadrija 2021). Due to the prevalence of informality, most domestic workers should not have had access to these withdrawals.

- 8 Only children from families with Kosovo citizenship and residency are eligible for the benefit which, therefore, does not extend to migrant families with residence permits who are non-citizens nor to families who hold Kosovo citizenship but are not residents of Kosovo.

In April 2024 Ministria e Shëndetësisë initiated public consultations on a new health insurance law, confirming the shift to financing the health system through mandatory health insurance. Certain categories, such as social assistance scheme beneficiaries and war veterans, will be exempt but not the unemployed or undeclared workers unless they are also beneficiaries of social assistance. Although the introduction of health insurance is designed to create a more organised and sustainable healthcare system, it inadvertently threatens to marginalise domestic and undeclared workers, who currently benefit from universal healthcare access. These groups, already operating on the fringes of the formal economy, would face significant barriers under a mandatory insurance scheme, ranging from financial strain to outright exclusion.

In August 2024 the government raised the monthly gross minimum wage in the country to 350 euros. This adjustment is anticipated to benefit around 100 000 workers throughout Kosovo, most of them in the private sector. The minimum wage had not been increased since 2011 in practice. A previous increase, approved by the Assembly in 2023, failed to take effect in practice since a complaint was filed by the opposition centre-right *Aleanca për Ardhmërinë e Kosovës* (AAK; Alliance for the Future of Kosovo) at the Constitutional Court. The complaint was filed because the government decoupled the amount of the minimum wage from the amount of several social benefits, including the amount of the cash benefit for war veterans, which had led to resistance from parties more closely affiliated with veterans. By the time the court approved the amendment, the government moved on with the new increase.

The increased minimum wage holds significance not just for contracted domestic workers, who are legally entitled to it, but also for those in the undeclared sector who can use the formal minimum wage as a baseline during negotiations with employers.

Although the public generally welcomes the increase, policy analysts have raised concerns regarding the transparency of the formula employed to calculate the wage and its lack of alignment with the country's median income (Zeqiri 2023). Establishing this correlation is imperative to facilitate automatic and suitable annual adjustments to the amount of the wage. The call by opposition parties for a further increment to 450 euros has not been accompanied by substantial financial analysis regarding the feasibility of such an increase within the limits of existing national budgets.

In a bid to combat undeclared work, the ATK introduced an upgraded version of its electronic system for employed person declarations on 13 February 2024. This revised process now requires employers to inform the ATK one day prior to an employee's work commencement. The introduction of this latest electronic service aligns with the regulations set down in the law on the administration of tax procedures, in particular as detailed in Article 43, paragraph 5. Prior to this update, employers were not mandated to declare workers before or on the day of their work commencement, which provided a loophole for employers to evade declaring their workers. With the implementation of this new requirement, undeclared employment and the presence of undeclared workers will be more transparent and identifiable during routine inspection visits.

Programme support from elsewhere in EU

A ‘Support the Labour Inspectorate in fighting undeclared work’ project consisted of a two-year initiative between 2020 and 2022, funded by the EU, with the overarching goal of boosting formal employment in Kosovo. The project was designed to enhance the functioning of the IP through specific measures: first, by conducting genuine inspections and enforcing regulations, the project was aimed at restraining undeclared work; and, second, it was aimed at reducing accidents and enhancing workplace safety by enforcing regulations and imposing fines. The project was implemented through three interconnected components. The first focused on building the capacities of the IP, MFPT and the social partners to ensure satisfactory working conditions and to promote formal employment through legal alignment and harmonisation, the development of national policies and action plans, and the strengthening of inter-institutional co-ordination. The second was geared towards refining labour inspection practices to ensure effective control over health and safety at work and working relations, particularly in formal working conditions. The third involved implementing an inter-institutional communication and public awareness strategy to combat undeclared work and promote the advantages of formal employment and safe working conditions. Through these activities, the project is contributing to a more formalised and safer work environment in Kosovo.

The ‘Open regional fund for south-east Europe – modernisation of municipal services’ project, funded by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ; German Foundation for International Cooperation), is currently helping MFPT tackle the task of formalising seasonal workers in agriculture. The project is designed to provide better employment opportunities for seasonal workers in the western Balkans through an electronic registration process. The aim is to improve the legal framework for the engagement of seasonal workers, as part of efforts to combat the grey economy and to improve working conditions for seasonal workers. In the case of Kosovo, the project is extending its support to MFPT also in terms of formalising domestic workers.

The ‘Shaping development-oriented migration’ programme, also supported by GIZ, is aimed at enhancing social protection for migrant workers in Kosovo. This focuses on developing and implementing skills measures for managers and subject specialists. These measures are designed to address the issue of precarious working conditions for migrants, particularly in the care work sector.

Public debate

The central policy discourse concerning domestic workers in Kosovo predominantly revolves around addressing the pervasive issue of undeclared labour. In response to this challenge, MFPT is formulating a new strategy aimed at preventing and combating the informal economy: however, the specific details and provisions of this strategy remain undisclosed at present.

On 15 April 2024, a working group was established with assistance from GIZ whose intention is to draft bylaws and administrative instructions with regard to seasonal employment in the agricultural sector. Recommendations call for a more

streamlined and efficacious approach, proposing that Kosovo mirror the legislative frameworks of Serbia and North Macedonia by enacting dedicated bylaws relating to seasonal employment within the agricultural domain, with potential applicability and replicability in other industries, and to simplify employment registration procedures. This latter course is intended to regularise labour engagements while affording workers increased security, including the offer of pension benefits and health coverage in the event of work-related injuries. This proposition, endorsed by GIZ across the western Balkans, is designed to strengthen both the legitimacy and the welfare of these workers.

Driven by the lessons learned from their efforts to regularise the employment of seasonal workers in agriculture, MFPT and GIZ are working in parallel toward a comparable initiative to regulate domestic work in Kosovo. The objective is to identify optimal strategies for formalising domestic work while concurrently providing comprehensive social and labour protection. The initiative is in its nascent stages, with current efforts primarily centred on conducting a thorough mapping of the sector. This entails assessing the scale and complexity of the issue, including factors such as the number of domestic workers, the types of employment arrangements prevalent within the sector and the existing legal and regulatory frameworks governing domestic labour. As the initiative progresses, stakeholders anticipate using the findings from the mapping exercise to inform the development and implementation of policies and programmes geared towards promoting the regularisation of domestic labour.

In addition, the ongoing policy debates surrounding the new labour law are also crucial for domestic work. The new law is designed to regularise this sector, thereby enhancing social and labour protection for domestic workers. According to information provided by MFPT, the proposed formal definition for domestic work under consideration for the new law is:

The employment relationship of an individual who carries out work for an employer either at home or at another agreed-upon location during arranged working hours. This includes a variety of tasks such as, but not limited to, house cleaning, cooking, laundry, childcare, elderly or sick family member care, gardening, household management, assistance during family events and even pet care.

The new law would also stipulate that the registration process for employed people engaged in seasonal work and domestic work would be defined by a regulation issued by MFPT. The Ministry was hoping to initiate discussions on these amendments in the Assembly during May 2024. However, past experience suggests that this process may extend beyond the anticipated timeline.

Finally, during 2020 and 2021 policymakers actively debated the introduction of home-based care for older people, and amendments to the law on social and family services were designed to initiate such a programme. These sought to establish formal homecare services for older people, providing full government coverage for those without familial support, while other groups would contribute through co-financing. However, the policy focus has since shifted and home-based care is

not part of current policy discussions. Nevertheless, it remains an important approach that could be reactivated by current or future governments.

Conclusions: improving social protection and labour rights for domestic workers

The government of Kosovo has recently intensified its efforts to regularise the employment of domestic workers, echoing the similar initiatives in place aimed at seasonal agricultural labour. However, significant challenges lie ahead. To tackle these, the recommendations outlined below call for enhancements in several areas, while also making suggestions for raising awareness and empowering stakeholders to engage actively in these efforts.

- **Improve data collection.** This is essential for developing effective policies in the domestic work sector. Without comprehensive data on the size and scope of domestic work, it becomes challenging to develop informed or evidence-based policies. One approach involves making small adjustments to existing systems. For instance, Ministria e Punëve të Brendshme (Ministry of Internal Affairs) could modify its system to capture information on regular migrants entering Kosovo for domestic work. Since these individuals must register for residence and work permits, they are required to provide details such as their employment contract, address and employer. Utilising this data source could provide valuable insights into the number and characteristics of migrant domestic workers in the country. Additionally, as the domestic worker sector becomes more prominent in policy discussions, it is important for Eurostat and ASK to integrate specific questions into the AFP to capture more information about domestic workers. This would allow for a deeper understanding of demographic factors such as gender, age and nationality, providing a clearer insight into the dynamics of the domestic work sector. Furthermore, it is imperative to establish better coordination and synchronisation between labour, social assistance and ATK records. By integrating these databases, policymakers could gain a more holistic view of domestic workers' employment status, social welfare needs and tax contributions.
- **Regulate the legal framework.** The government of Kosovo has started to tackle the issue of domestic workers, and the classification of domestic labour in the forthcoming new legislation – such as the new laws on labour and on health and safety at work – is welcomed. This step is essential for facilitating smooth reforms and ensuring adequate protection for domestic workers. However, one drawback is the extended time required for debate and adoption. As stated, although the draft labour law was included in the legislative programme for 2023, it was not discussed in the Assembly, leaving its adoption uncertain. In such circumstances, it may be more practical to pursue incremental steps by drafting specific legislation for domestic workers or collectively for sectors where undeclared work is prevalent, a strategy advocated by GIZ in the western Balkans and adopted in North Macedonia and Serbia. These tailored laws or bylaws would still align with the overarching legislation but would be less susceptible to significant delays in approval. As a result, reforms could be implemented more swiftly, unimpeded by prolonged political struggles and debates.

- Enable domestic workers' registration. Advancing the regularisation of domestic workers in Kosovo requires modernising and digitising registration procedures. In addition, enabling individuals to register employees and providing personalised assistance to potential employers will represent a significant step in the right direction. The process of declaring pension contributions and taxes can now be completed online through the ATK, a process which is simple, user-friendly, efficient and free of charge. However, while the digitisation process is favourable, regulatory adjustments are needed to allow individuals to declare domestic workers, similar to the procedures being implemented in neighbouring countries for seasonal workers. These steps will minimise the administrative and bureaucratic barriers to formalisation which, in turn, will promote the integration of domestic workers into the formal economy and ensure adequate labour and social protection.
- Introduce home-based care. In 2020-21, the government was discussing the introduction of formal home-based care services for older people through amendments to the law on social and family services. Previous discussions have also revolved around the introduction of social insurance in Kosovo. Given the current government's focus on regulating the domestic work sector, it is advisable to reopen the debate on home-based LTC and broaden the discussions to include the introduction of a social insurance fund to regulate and finance such care (and other social protection aspects). The introduction of LTC allowances with varying benefit levels, akin to models observed in some EU member states (e.g. Austria), would not only benefit the underdeveloped LTC sector but also contribute to the regularisation of domestic workers providing care.
- Consider making tax-financed maternity leave benefits explicitly universal. The extension of tax-paid maternity benefits to unemployed women since September 2021 (MFPT 2024) is welcome since most women in Kosovo are unemployed. However, these benefits could serve as a disincentive to formal employment, such as in the case of undeclared female domestic workers. To avoid this risk, and given the already extensive tax-financed expenditure on maternity leave benefits, it might be worthwhile for Kosovo to consider making a part of tax-financed leave benefits explicitly universal.
- Consider establishing unemployment benefit. The absence of unemployment benefits is one of the main gaps in the existing social protection system. As a consequence, people who become unemployed but who do not necessarily qualify under the minimum income programme targeting people in poverty have to rely on their savings and loans or on family or community support. The Covid-19 pandemic showed that the absence of a programme of unemployment benefits might prove costly during similar crises. Even though the government created a temporary scheme in March 2020 to protect workers who were losing their jobs due to the closing down of the economy, the lack of proper infrastructure and knowledge to provide unemployment protection (unlike in countries that have permanent unemployment benefit schemes in place) led to a failure to provide efficient protection, with benefits eventually received by only a few hundred workers and only after substantial delay (Mustafa and Haxhikadrija 2021). The lack of unemployment benefit also serves as a disincentive for regis-

tration. Alongside the potential changes to the legal framework, unemployment benefit could provide protection for domestic workers as well.

- Consider establishing a social insurance agency to provide contribution-based benefits. Various social protection rights for employed people in Kosovo are borne by employers (e.g. six months of paid maternity leave, paid paternity leave, paid sick leave from work due to general illness, and paid sick leave and compensation for medical treatment in cases of work-related or occupational illness). This is difficult to implement in the case of domestic workers, who are often found in non-standard employment, including working part-time and for different employers within the same month. A social insurance agency, gathering mandatory contributions from employed people, would be better positioned to manage and pay out benefits in the interest of domestic workers and all other employed people. It would also contribute to the proper reporting of benefits.

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Statistical annex

Table 1 – Breakdowns of domestic workers in Kosovo

	Number of domestic workers	Distribution of domestic workers (%)
Total domestic workers	1882	100
NACE and ISCO categories		
NACE 97	327	17.4
ISCO 5152	693	36.8
ISCO 5162	0	0
ISCO 5322	100	5.3
ISCO 9111	762	40.5
Gender		
Men	704	37.4
Women	1178	62.6
Age groups		
15-34	192	10.2
35-49	1204	64.0
50+	486	25.8
Employment status		
Employees	1661	88.3
Self-employed with employees	119	6.3
Self-employed without employees	102	5.4

Note: there was a total of 1882 domestic workers or 0.47% of the total number of workers in the country (403 813) constituted from NACE 97 or the ISCO categories used in this report.

Source: data kindly produced by ASK for ESPAN.

Table 2 – Additional breakdowns of domestic workers (workers falling within NACE 97, 2022)

Category	Number of domestic workers	Distribution of domestic workers (%)
Total NACE 97	327	100
Education		
Low	49	15.0
Intermediate	232	70.9
High	46	14.1
Hours of work per week		
30-40	255	78.0
41 or more	72	22.0
Type of contract		
Temporary	258	78.9
Permanent	23	7.0
Not asked for type of contract	46	14.1

Note: the self-employed were not asked for type of contract.

Source: data kindly produced by ASK for ESPAN.



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