



**Expanding
Choices** through
Family-Friendly Policies



With funding from
 Austrian
Development
Cooperation

ANALYSIS OF GENDER-RESPONSIVE FAMILY FRIENDLY POLICIES IN ALBANIA

Prepared by
 **IDRA**
RESEARCH • CONSULTING

ANALYSIS OF GENDER-RESPONSIVE FAMILY FRIENDLY POLICIES IN ALBANIA

Team of Authors

IDRA Research & Consulting

Blerina Metanj-Subashi, Senior Research Analyst

Blerta KALAVACE, Legal Expert

Overall guidance and technical contribution from UNFPA Albania

Elsona Agolli, Programme Analyst on Population Development and Gender

Fiorela Shalsi, Project Officer, 'Expanding Choices' project

The “Analysis of gender-responsive family friendly policies in Albania” is part of the work under the regional project “Expanding Choices: Gender-Responsive Family Policies for the Private Sector in the Western Balkans and Moldova” implemented by the UNFPA and supported by the Austrian Development Agency (ADA). The project aims to establish partnerships between the private sector and governments to advocate and advance gender-responsive family policies in the Western Balkans and Moldova. Evidence shows that when these policies are implemented by both the public and private sectors, they become powerful tools in shifting discriminatory gender norms, reducing inequalities and supporting the redistribution of unpaid care work, so that both men and women can realize their career aspirations and their fertility intentions

This report has been prepared by IDRA Research & Consulting with the support of the UNFPA Country Office in Albania. The opinions expressed herein are those of the authors alone, and they do not necessarily reflect the views of the UNFPA or ADA.

UNFPA Albania

The UNFPA has assisted Albania to improve reproductive and sexual health, alongside population and development strategies and policies since 1989. Key programs support Albania in its national objective of EU integration. The UNFPA also helps government counterparts strengthen governance and rule of law by improving policy frameworks, developing higher quality services, enhancing standardized oversight mechanisms, and fostering a more effective use of data in planning and policymaking.³ Albania's 15-29-year-olds make up 23.9 percent of the total population, whereas the reproductive age group (15-49 years of age) represents 48.3 percent of the total population. As such it is only right that the UNFPA actively promotes gender equality, and all initiatives that empower young people and adults.

IDRA Research & Consulting

IDRA Research & Consulting is a leading opinion and market research company with offices in Tirana, Albania, and Pristina, Kosovo operating in the region and further afield. Established in Tirana in 2006, IDRA Company¹ is a spin-off of the Institute for Development Research & Alternatives² established in 2000. It has more than 15 years of experience in conducting research and providing consultancy for projects for international and domestic companies or institutions.

© UNFPA Country Office Albania and IDRA Research & Consulting
Tirana, November 2020

¹ www.idracompany.com

² www.idrainstitute.org

³ INSTAT Population 1 January 2020 <http://www.instat.gov.al/al/temat/treguesit-demografik%C3%AB-dhe-social%C3%AB/popullsia/#tab2>

LIST OF ABBREVIATIONS

ADHS	Albanian Demographic Health Survey
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
DCM	Decision of Council of Ministers
EQLS	European Quality of Life Survey
EU	European Union
GER	Gross Enrollment Ratio
GPG	Gender Pay Gap
ILO	International Labor Organization
INSTAT	Institute of Statistics of Albania
ISCO	International Standard Classification of Occupation
LFS	Labor Force Survey
NACE	European Classification of Economic Activities
SES	Structure of Earning Survey
SDGs	Sustainable Development Goals
TFR	Total Fertility Rate
TUS	Time Use Survey
UNFPA	United Nations Population Fund
UPR	The Universal Periodic Review

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	3
2. METHODOLOGY	5
3. LEGAL REVIEW	7
3.1 International treaties, acts, and conventions on gender-responsive family policies	7
3.1.1 The 2030 Agenda for Sustainable Development	7
3.1.2 CEDAW Convention	8
3.1.3 ISTANBUL Convention	9
3.1.4 The Universal Periodic Review (UPR)	9
3.1.5 Child Rights Convention	10
3.1.6 International Labor Standards	10
3.2 EU Directives	12
3.2.1 The Work-life Balance Directive	12
3.2.2 Directive on pregnant workers	13
3.2.3 Directive on equal treatment in self-employment	13
3.2.4 Directive on equal treatment and equal opportunities in a matter of employment and occupation	14
3.3 LEGAL ANALYSIS	16
3.3.1 Leave arrangements	17
3.3.2 Financial Arrangements	18
3.3.3 Work Arrangements	19
3.3.4 Legal mechanisms on protection from discrimination	20
4. DATA ANALYSIS	23
4.1 Fertility choices	23
4.2 Attainment of Education and its impact on fertility choices	25
4.3 Access to Childcare	28
4.4 Time of paid and unpaid activities	29
4.5 Employment	32
4.5.1 Gender Pay Gap	34
4.6 Retirement and Pensions	36
4.7 COVID-19 Impact	37
5. BEST PRACTICES	39
6. CHALLENGES AND RECOMMENDATIONS	43
ANNEX I: Legal Analysis	46
ANNEX II: Contextual gender indicators in Albania	52
ANNEX III. List of companies showcasing best practices in the US	53

LIST OF FIGURES

Figure 1. Fertility levels by years.....	24
Figure 2. Fertility rates in EU countries and Albania	24
Figure 3. The ideal and actual number of children per woman	25
Figure 4. Percentage of married women 15-49, who do not want more children than the actual number of children	25
Figure 5. Percentage of women by higher education level achieved by age group	26
Figure 6. Participation in tertiary education, in percentage	26
Figure 7. TFR and the median age at first birth	26
Figure 8. The wanted and the actual number of births	27
Figure 9. The contraceptive prevalence rate of married women 15-49 years by education level	27
Figure 10. Number of public and private kindergartens	28
Figure 11. Participation of the children in the kindergartens (GER ratio)	28
Figure 12. Share of time spent on paid and unpaid activities during one day	29
Figure 13. Participation of women and men in unpaid activities by age	30
Figure 14. Time spent in paid and unpaid work during the life cycle, men	30
Figure 15. Time spent in paid and unpaid work during the life cycle, women	31
Figure 16. Time spent in unpaid work, during the transition of being a parent	31
Figure 17. Time spent in paid work, during the transition of being a parent	31
Figure 18. The combination of paid work and care responsibilities	32
Figure 19. Percentage of people involved in activities, 2016	32
Figure 20. Employment structure by economic activity, 2019	33
Figure 21. Percentage of births and employment rates of women, 2019	33
Figure 22. Reasons for inactivity, population 15 years and over, 2019	34
Figure 23. Youth (15-29 years old) neither in employment nor in education or training by reasons, 2019	34
Figure 24. Gender pay gap by occupation and average hourly wage (ALL), GPG- ISCO 08	35
Figure 25. Employee structure by sex and occupation	35
Figure 26. Period of contribution, the mean age of pension and life expectancy, in years, 2019	36
Figure 27. The average period of getting a pension, in years, 2019	36
Figure 28. Since the spread of Coronavirus COVID-19, has the number of hours devoted to paid work changed?	37
Figure 29. Since the spread of Coronavirus Covid-19, are there any changes in your typical place of work	37
Figure 30. The proportion of the population that has declared an increase in the following activities	38
Figure 31. As a result of Coronavirus/COVID-19, did you (personally) experience psychological/mental/emotional health was affected (e.g., stress, anxiety, etc.)	38

In recent years, the Albanian legal framework has improved in relation to the work-life balance. Improvements reflect the incorporation of international conventions and treaties into national legislation, and amendments to key laws, such as the Labor Code and the Social Insurance Law. In light of these amendments, **several EU Directives have been transposed into national legislation on matters like equal treatment and equal opportunities for men and women in employment, rights for pregnant workers, as well as maternity, paternity, and parental leave.** However, the EU acquis is evolving constantly, and a new directive on work and life balance was adopted in 2019. In this regard, the new EU provisions regulating paternity and parental leave need to be fully harmonized into the Labor Code and the Social Insurance Law in Albania.

Albania has enacted a **specific law regulating protection from discrimination.** This law is not limited to defining what constitutes as grounds for discrimination alone. It has established an Independent Institution, the office of the Commissioner for Protection from Discrimination. Through its decisions, the Commissioner has shown satisfactory practices of how employees are to be treated, in an equal manner free from discrimination during pregnancy or in relation to parental and maternity leaves.

Recent amendments to the Labor Code have introduced **parental leave, during which parents are entitled to up to 4 months of unpaid leave.** However, parental leave needs to be further elaborated and harmonized in all respective articles of the Labor Code. In addition, awareness-raising campaigns should involve men, too, so they are more proactively engaged in family caretaking, as well as among employers to encourage the application of this right vis-a-vis their employees.

The **right of fathers to take paternity leave 63 days after the birth of their child has been incorporated in the legal framework since 2014.** However, there are no detailed regulations, and the rule of analogy applies given the similarity to maternity leave. However, changes to the Labor Code in 2015, allow a father to take three days of paid leave following the birth of their child. As can be seen in the legal analysis and best practices section, the number of days provided for by the Albanian law is much lower than the minimum ten days' leave that EU Directive on work-life balance stipulates. Furthermore, Serbia, a neighboring country in the Western Balkans, allows for seven days of paid leave for fathers.

The analysis of data on the related indicators relevant to family-friendly policies shows **that the time women and men spend on paid and unpaid activities during a typical day differs significantly.** A typical day of a woman is equally distributed between paid work and unpaid work, men typically dedicate their day to paid work. This difference clearly shows that caring and domestic activities within a household are mainly a woman's domain. Differences are noticed since an early age, where almost seventy percent of girls between 10-14 years of age are engaged in unpaid work compared to thirty percent of boys of the same age group. **Unequal involvement of young girls and boys in unpaid activities highlights that culturally these duties are mainly perceived as being a woman's responsibility.** The situation becomes even more imbalanced or unequal once young men and women become parents. Women spend about three hours of unpaid work a day when they have no children, but this time goes up to eight hours a day once they become mothers and are looking after small children. About six out of ten women find it difficult to combine paid work with caring activities. Therefore, the data could go some way to explain why **only half of the women participate in the labor force, even if the participation rate of women in tertiary education is significantly higher compared to men.** Once in the labor market women are unequally paid, being paid as much as 90 percent of a man's wage. This is true for activities and occupations where women have higher participation rates, which may be a signal that they are employed in less paid positions.

Young women are more educated than women of the older generation. Data show that **education plays a crucial role in balancing the desired/wanted and actual pregnancies.** More educated women show a lower level of fertility, implying that the improvements in **education could be one reason for the decline of actual and desired fertility in the country.** More educated women might have higher expectations on their career aspirations but being engaged more in unpaid activities compared to men, reducing fertility could be their response to balancing work and family responsibilities.

A recent gender assessment of the impact of COVID-19 on women and men in Albania shows that the situation caused by **COVID-19 has more of an impact on women rather than men.** More women are working from home and their involvement in caring and household chores has, therefore, increased. On the other hand, more men are losing their jobs and yet they are not increasing their involvement in domestic responsibilities in the same proportion as women are doing. All these factors have brought about more stress and anxiety for women.

The findings of this report strongly suggest that **women should be given support not only by the government but by the private sector, too so as** to help them combine both their family responsibilities and career advancements.

The purpose of this report is to provide an overview of the Albanian gender-responsive family policies and work-life balance. A desk review was conducted with the aim of analyzing the country's legal framework and examining available data as a way of understanding the economic and social context in support of the choices that women and men make to fulfill their career objectives and family and/or fertility aspirations.

The legal framework analysis initially focuses on international conventions, agreements and the EU legislation that Albania aspires to adopt. It then identifies the relevant components that support family-friendly policies. The pertinent instruments that are analyzed are not restricted to national legislation or agreements. They also include sub-legal acts, such as ministerial regulations or rules enacted by decentralized local government units – provincial or district governments – and court decisions.

Moreover, the legal review includes the assessment of international treaties and EU Directives, by taking into consideration the main objective of the international instrument, the national body with responsibility for its implementation, the latest report on its implementation review, and priorities for the future. Furthermore, European Directives that require Albanian legislation is harmonized with them fully, will be briefly explained whilst identifying elements from these Directives that have already been incorporated into Albanian legislation.

The legal analysis structure regarding family-friendly policies and work-life balance is structured in three main pillars comprised of i) leave arrangements, ii) financial arrangements, and iii) work arrangements. Besides these three pillars, anti-discriminatory measures and provisions are identified in the Albanian legal system as a mechanism that protects pregnant women and parents against discrimination on the grounds of pregnancy, marriage, or family responsibilities. The analysis concludes with other legal mechanisms rather than laws and regulations such as Institutions that help parents or women who have been discriminated against on the grounds of gender, marriage, pregnancy, and/or family responsibilities to seek legal remedies for the violation of their rights.

THE LEAVE ARRANGEMENTS SECTION EXAMINES ANY REGULATIONS REGARDING:

- PARENTAL LEAVE
- PATERNITY LEAVE
- MATERNITY LEAVE
- CHILDCARE LEAVE

THE FINANCIAL ARRANGEMENT SECTION LOOKS INTO ANY REGULATIONS REGARDING

- LEAVE FINANCIAL BENEFIT
- CHILDBIRTH ALLOWANCE
- NURSING
- CHILDCARE
- ACCESS TO CHILDCARE

THE WORK ARRANGEMENTS SECTION IDENTIFIES REGULATIONS REGARDING:

- PROTECTION FOR PREGNANT WOMEN AND NEW MOTHERS AT WORK
- PROTECTION OF JOB POSITION AND EMPLOYMENT CONTRACT
- FLEXIBLE WORKING CONDITIONS

This analysis was conducted through desk research using official data. Where possible, data are explored by gender to potentially identify any gaps and differences. For instance, the team carefully read, *Women and Men in Albania*, an annual INSTAT publication, so as to address fertility and education topics. Information on paid and unpaid activities was also very useful, including using records from Time Use and European Quality of Life Surveys. Indicators about employment and gender pay gap have been analyzed using Labor Force data from the Earning Structure Survey. Moreover, fertility choices have been explored using evidence from the Albanian Demographic Health Survey, whilst other inputs were used to enhance the analysis of the study.

The report also identifies best practices and analyzes the policies and strategies of countries that either have similar characteristics or a more developed social, cultural, and economic context than Albania. In addition, a set of challenges are put forward to be used as a basis in order to address issues arising from the current situation concerning work-life balance and gender-responsive family policies. Each challenge is accompanied by specific recommendations that address the main concerns identified by the legal and data analysis and may also be used as a starting point for future strategies, new or amended pieces of legislation governance and oversight mechanisms, and stakeholder consultation.

Albania has made progress complying with EU standards in work-life balance, whilst improving the implementation of the law on protection from discrimination. The Commissioner on Protection from Discrimination has issued decisions, which can be used as best practices of direct and indirect discrimination related to gender, pregnancy, and family responsibilities. Albania has no specific law on promoting work-life balance, although a series of provisions relating to it can be found in the laws that regulate employment and social insurance. The legal review highlights some improvements in relation to paternal leave, even though these have not been accompanied by the necessary regulations. These, however, are in place when it comes to maternity leave. Similarly, general regulations exist on flexible working conditions, although there are no specific rules about pregnant women or working parents. Despite its significance, access to childcare has generated no specific regulations other than some basic rules on what consists of nurseries and kindergartens.

The review consists of four main parts with the aim of each giving a comprehensive presentation of the legal framework in the work-life balance domain. The first part covers international treaties, agreements and conventions on gender-responsive policies. EU Directives, too, are identified highlighting whether their provisions are harmonized with national legislation. The third part of the legal review analyzes the national laws on gender-responsive family policies by taking into consideration several factors, like anti-discrimination and equal treatment, regulations on parental, paternity, and maternity leave, flexible working conditions, and access to childcare. In addition, a brief analysis is provided showcasing court practices concerning gender and family-friendly policies, and discrimination issues regarding employment issues.

INTERNATIONAL TREATIES, AGREEMENTS AND CONVENTIONS ON GENDER-RESPONSIVE FAMILY POLICIES

The 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development officially came into force on 1 January 2016. Based on 17 goals, including a particular goal on gender equality and the empowerment of women and girls (SDG 5), the Agenda has gender-sensitive targets and indicators in ten other goals. All Member States have adopted this 2030 plan, and it is applicable across board until 2030. The Albanian Parliament passed a resolution on the sustainable development goals of the 2030 Agenda of United Nations Member States on 14.12.2017, committing the Government of Albania to the implementation of the 2030 Agenda. In paragraph two of the resolution Government commits itself to improving the legal framework on gender equality.

Albania's government has also prepared a Voluntary National Review on Sustainable Development Goals⁴. This report outlines the country's progress in achieving Agenda 2030 and the SDGs. One of the targets that show the progress of the Government toward the achievement of SDG no. 5 is to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. This target is measured by three different indicators (Voluntary National Review on SDGs, pp. 86-87), such as the proportion of seats held by women in the national Assembly, LGUs and managerial roles.

⁴ UN report for Albania, 2018, last accessed in September 2020, link: http://un.org.al/sites/default/files/20257ALBANIA_VNR_2018_FINAL2.pdf

CEDAW Convention

Although the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly⁵ on 18 December 1979, it entered into force in the form of an international treaty on 3 September 1981 following its ratification by twenty countries. The Convention establishes an international bill of rights for women and a plan of action for countries to guarantee the enjoyment of these rights. Article 11⁶ of the convention specifically defines that States Parties shall take all appropriate measures in order to prevent discrimination against women on the grounds of marriage or maternity, and to ensure their right to work. Furthermore, States Parties shall encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular by promoting the establishment and development of a network of child-care facilities.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women. States parties are expected to submit a national report to the Committee at least every four years, indicating the measures they have adopted to affect the provisions of the Convention. During its annual session, the Committee members discuss these reports with the country's government representatives and explore the areas that require further action. The Committee also makes general recommendations to the States parties on matters concerning eliminating discrimination against women.

Albania ratified the CEDAW Convention by Law No.1769, dated 9.11.1993, published on Official Gazette No. 33, dated 15.10.2008 and its Optional Protocol with Law no. 9052, dated 17.4.2003, "On the accession of Republic of Albania in the Optional Protocol of Convention 'On the Elimination of all Forms of Discrimination against Women'". Since its ratification, this Convention is, according to Article 122/1 of the Constitution of Albania, part of the domestic legal system, like all other ratified international agreements. To date, the Albanian Government has prepared and sent

⁵ OHCHR. Convention on the Elimination of All Forms of Discrimination against Women. Accessed in September 2020.

Link: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

⁶ States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

to the CEDAW Committee a total of five National Reports. The support of the UNFPA has been particularly significant in relation to the IVth and Vth reports. The Vth National Report was submitted in November 2020. The People's Advocate has prepared alternative reports⁷ to the Committee, whilst Albanian NGOs have prepared shadow reports (including UNFPA IPs).

ISTANBUL Convention

The Council of Europe Convention (Istanbul Convention) on Preventing and Combating Violence against Women and Domestic Violence is based on the understanding that violence against women is a form of gender-based violence committed against women because of the fact that they are women. The state must fully address this matter comprehensively, take measures to prevent violence against women, protect its victims, and prosecute the perpetrators. Albania signed the Istanbul Convention on 19 December 2011⁸, with the Assembly ratifying it on 8 November 2012 through Law No.104 on Preventing and Combating Violence against Women and Domestic Violence.

Albania prepared and submitted its first report on the Implementation of the Istanbul Convention in 2016. GREVIO has also evaluated the situation in the country, and its Baseline report for Albania was published on 2 November 2017. Albania is expected to report to GREVIO in 2021 on 19 urgent recommendations. This was initially due to take place on 30 January 2021 but it was postponed by the Committee of Parties due to the COVID-19 pandemic.

The Universal Periodic Review (UPR)

The UPR is a process that involves a periodic review of human rights records in all 193 UN Member States. As such, it provides an opportunity for all States to declare what actions they have taken to improve human rights in their countries and to overcome any challenges that might affect the enjoyment of human rights by the population. The UPR was established along with the Human Rights Council on 15 March 2006 through UN General Assembly Resolution 60/251.⁹

The goal of UPR is to improve the human rights situation in every country and to provide technical assistance to States in order for them to enhance their capacity to deal effectively with human rights challenges, and, where possible, to share best practices among States and other stakeholders.

The reviews are conducted by the UPR Working Group, which consists of the 47 members of the Council, although any UN Member State can participate in the discussion/dialogue with reviewed States. Each State review is assisted by a group of three States, known as "troikas," who serve as rapporteurs. The troikas' selection for each State is made by drawing lots following elections for the Council membership in the General Assembly.

The State has the primary responsibility to implement the recommendations contained in the outcome of the review process. Albania participated in the third UPR cycle in May 2019. In the

⁷ United Nations. Accessed in September 2020. Link: <https://www.un.org.al/sites/default/files/CEDAW-Avokati-EN.PDF>

⁸ Council of Europe. Accessed September 2020. Link <https://www.coe.int/en/web/istanbul-convention/albania>

⁹ ohchr.org, last accessed in November 2020,

link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/No5/502/66/PDF/No550266.pdf?OpenElement>

country's report¹⁰, the Human Rights Council has emphasized that Albania has implemented recommendations from the second cycle review regarding the 2015 Labor Code amendments as additional guarantees for women's return to work after their maternity leave, non-discriminatory remuneration for all, etc. Furthermore, the report highlights that family planning services are integrated into the Basic Primary Health Care Service Package. Family planning guidelines and standards for the provision of family planning services at all levels of health care were approved in January 2016.

Child Rights Convention

The Convention on the Rights of the Child¹¹ was adopted by General Assembly Resolution 44/25 on 20 November 1989 and entered into force on 2 September 1990. Albania ratified the Convention on the Rights of the Child through Law No. 7531 of 11 December 1991. As per Article 44, Albania has submitted second, third and fourth periodic CRC reports, engaging civil society organizations that work with children. In line with this Convention, Albania established the State Agency for the Protection of Children's Rights¹² in 2006 to implement the law for the protection of children's rights. This agency coordinates the state authorities responsible for children's rights and provides technical assistance to central and local institutions working with children's rights.

International Labor Standards

International labor standards¹³ are legal instruments drawn up by ILO governments, employers and workers, setting out basic principles and rights at work. They can be **Conventions/Protocols**, which are legally binding international treaties that may be ratified by member states, or **Recommendations**, which serve as non-binding guidelines.

The ILO Governing Body has identified eight "fundamental" Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation.

THE EIGHT FUNDAMENTAL CONVENTIONS ARE:

1. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE CONVENTION, 1948 (NO. 87)
2. RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION, 1949 (NO. 98)

¹⁰ ohchr.org, last accessed November 2020, link: <https://daccessods.un.org/TMP/138515.997678041.html>

¹¹ Unicef.org, last accessed November 2020, link: https://www.unicef.org/albania/sites/unicef.org/albania/files/2018-11/CRC_report.pdf

¹² Online source, last accessed in October 2020, link: <http://femijet.gov.al/al/#>

¹³ ILO, last accessed in October 2020, link: <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lann/index.htm#:~:text=The%20ILO%20Governing%20Body%20has,forced%20or%20compulsory%20labour%3B%20the>

3. FORCED LABOR CONVENTION, 1930 (NO. 29)
(AND ITS 2014 PROTOCOL)
4. ABOLITION OF FORCED LABOR CONVENTION, 1957
(NO. 105)
5. MINIMUM AGE CONVENTION, 1973 (NO. 138)
6. WORST FORMS OF CHILD LABOR CONVENTION,
1999 (NO. 182)
7. EQUAL REMUNERATION CONVENTION, 1951
(NO. 100)
8. DISCRIMINATION (EMPLOYMENT AND OCCUPATION)
CONVENTION, 1958 (NO. 111)

The ILO Governing Body has also designated another four Conventions as governance (or priority) instruments, thereby encouraging member States to ratify them because of their importance for the functioning of the international labor standards system.

THE FOUR GOVERNANCE CONVENTIONS ARE:

1. LABOR INSPECTION CONVENTION, 1947 (NO. 81)
2. EMPLOYMENT POLICY CONVENTION, 1964 (NO. 122)
3. LABOR INSPECTION (AGRICULTURE) CONVENTION,
1969 (NO. 129)
4. TRIPARTITE CONSULTATION (INTERNATIONAL LABOR
STANDARDS) CONVENTION, 1976 (NO. 144)

The Government of Albania has been a member of the ILO between 1920 and 1967, and again since 22 May 1991. It has ratified all of the above fundamental and governance conventions¹⁴ with the exception of the ratification of the ILO C190 Convention on “Violence and Harassment in the world of work” (2019), which is in progress in Parliament. The ILO webpage¹⁵ provides a country profile showcasing reporting obligations.

International Labor Standards on work-life balance can be found in some conventions and recommendations, as follows:

¹⁴ ILO, last accessed in October 2020,
link: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102532

¹⁵ ILO, last accessed in October 2020,
link: https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID:102532

C156 - Workers with Family Responsibilities Convention, 1981

This convention regulates protection to men and women workers with responsibilities concerning their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in, or advancing in economic activity. This convention ensures equal treatment to workers with family responsibilities and protects them from termination of their contract for reasons related to family responsibilities.

R165 - Workers with Family Responsibilities Recommendation, 1981

This recommendation states that each member state should make it a national policy aim to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

C175 - Part-Time Work Convention, 1994

This convention ensures measures that part-time workers are treated equally with full-time workers regarding maternity protection, termination of employment, paid leave, sick leave, and public holidays.

R182 - Part-Time Work Recommendation, 1994

It stipulates that under national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular, paid educational leave, parental leave, and leave in cases of illness of a child or another member of a worker's immediate family.

EU DIRECTIVES

The Work-life Balance Directive

The Work-life Balance Directive¹⁶ introduces a set of legislative actions designed to modernize the existing EU legal and policy frameworks. The aim is to support a work-life balance for parents and careers, encouraging an equal sharing of parental leave between men and women, and addressing women's underrepresentation in the labor market. The Directive, which was adopted by the European Parliament in April 2019, entered into force on 1 August 2019. Member States will have three years to comply. The Directive repealed EU Directive 2010/18/EU on work-life balance for parents.

The general objective of this Directive is to guarantee the implementation of the principle of gender equality about labor market opportunities and treatment at work. Furthermore, this Directive aims to improve access to leaves and flexible working arrangements and increase the engagement of family-related leaves and flexible working arrangements by men.

Measures under the directive include:

- The introduction of paternity leave: under the directive, fathers must be able to take at least ten working days of paternity leave around the time of the birth of their child, compensated, at

¹⁶ Last accessed in September 2020,

Link: <https://data.consilium.europa.eu/doc/document/PE-20-2019-INIT/en/pdf>

minimum, at sick pay level.

- Ensuring that two out of the four months of parental leave are non-transferable between parents and compensated at a level determined by the Member State.
- The introduction of carers' leave: workers providing personal care or support to a relative will be entitled to five days of leave per annum.
- Extending the right to request flexible working arrangements to carers and working parents of children up to eight years old.

The directive is also accompanied by a set of policy measures designed to support the Member States in achieving the aims of a better work-life balance and more equally distributed caring responsibilities. As a result of these measures, the directive aims to improve work-life balance and contribute to an increase in women's employment and families' economic stability.

Directive on pregnant workers

COUNCIL DIRECTIVE 92/85 /EEC¹⁷ of 19 October 1992 has allowed for the introduction of measures that encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/ 391 /EEC).

The objective of this Directive is to protect the health and safety of women in the workplace, when pregnant or after they have recently given birth, and women who are breastfeeding. Under the Directive, a set of guidelines detail the assessment of the chemical, physical and biological agents and industrial processes considered dangerous for the health and safety of pregnant women or women who have just given birth and are breastfeeding. The Directive also includes provisions for physical movements and postures, mental and physical fatigue, and other physical and psychological stress types. Pregnant and breastfeeding workers may under no circumstances be obliged to perform duties for which the assessment has revealed a risk of exposure to agents¹⁸, which would jeopardize their safety or health. The Member States shall ensure that pregnant workers are not obliged to work in night shifts when medically indicated (subject to a medical certificate). Employers or the health and safety service will use these guidelines as a basis for a risk evaluation for all activities that pregnant or breastfeeding workers may undergo. To avoid these risks, they must decide what measures should be taken. The Directive grants maternity leave for 14 weeks, of which two weeks must occur before birth. Women must not be dismissed from work because of their pregnancy and maternity for the period from the beginning of their pregnancy to the end of the leave period.

Directive on equal treatment in self-employment

Directive 2010/41/EU, of the European Parliament and of the Council of 7 July 2010¹⁹, on applying the principle of equal treatment between men and women, engaged in an activity in a self-employed capacity.

This directive repealed Council Directive 86/613/EEC and outlined a framework for implanting

¹⁷ Last accessed in September 2020, Link: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0085&from=EN>

¹⁸ Annex II – Non-exhaustive list of agents and working conditions referred to in Art.6 of the directive (cases in which exposure is prohibited)

¹⁹ Eur- Lex (European Law). Last accessed in October 2020, Link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32010L0041>

the principle of equal treatment among men and women about self-employment capacity engagement. The directive provides that female self-employed workers and female spouses are granted a sufficient maternity allowance enabling interruption in their occupational activity owing to pregnancy or motherhood for at least 14 weeks. Member States are free to adopt positive action in this regard, such as promoting business initiatives among women to ensure full equality in practice between working men and women.

Directive on equal treatment and equal opportunities in employment and occupation matters

Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006²⁰ focuses on implementing the principle of equal treatment and equal opportunities for men and women in relation to employment and occupational matters. The objective of this Directive is to guarantee equal opportunities and equal treatment for both men and women. It contains provisions on equal pay, equal treatment in occupational social security schemes, working conditions, along with rules and remedies regarding the enforcement and promotion of equal treatment through dialogue.

This Directive prohibits discrimination between men and women concerning the conditions of recruitment and access to employment, dismissals, vocational training and promotion, and membership of worker's organizations. In addition, women and men are treated equally under occupational social security schemes, particularly concerning the scope and conditions of access to the methods, contributions, and calculations of benefits. This Directive assures an employee of their right to return to their jobs or equivalent post on no less favorable conditions at the end of maternal, paternal or adoption leave. Law No. 10221²¹ dated 4.2.2010 "On protection from discrimination", amended in 2020 is fully approximated with this Directive.

The Albanian Labor Code is partially harmonized with these directives²³. Moreover, the Labor Code has transposed the above-mentioned directives in specific articles, as following:

Article 104 of the Labor Code is in line with the COUNCIL DIRECTIVE 92/85 /EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers, and employees who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/ 391 /EEC). This provision ensures the employer's obligation to guarantee suitable work conditions for pregnant women or for women who are breastfeeding. More specifically, this Article provides that pregnant or breastfeeding women cannot take part in heavy or dangerous work, requiring the adaptation of working conditions after their return to work.

Article 105 of the Labor Code gives women the right to go back to work 63 days after they have given birth to a child. Upon an agreement with the employer regarding the feeding of the baby, she can choose the following until the child becomes one year old:

a) a 2-hour paid break within the standard working hours; or b) working day is reduced by

²¹ Last accessed in October 2020, Link:

https://www.legislationline.org/download/id/3480/file/Albania_Law_On%20Protection%20from%20Discrimination_2010_en.pdf

²² This law was amended in 2020, with Law 124/2020. Please refer to: <https://www.parlament.al/Files/ProjektLigje/20201020143441ligj%20nr.%20124%20dt.%2015.10.2020.pdf>

²³ Parliament of Albania. Last accessed in September 2020, Link:

https://www.parlament.al/Files/Integrimi/ligj_nr_136_dt_5_12_2015_25080_1.pdf

2 hours, whilst the wage remains the same as if the employee had worked for the entire length of a typical working day.

Once maternity leave has come to an end, the employee returns to her previously held position or an equivalent position, albeit in conditions that are not less favorable for her than they were in the past prior to giving birth. During maternity leave, the employee can cooperate with the employer, so she benefits from any improvement of her conditions of employment. An additional and just as important layer of protection is found in Article 105/a (2) the Labor Code, which prohibits the termination of the employment contract during the pregnancy and/or after the new mother returns to work. Should this take place, the burden of proof for the termination lies with the employer who will have to provide proof that the termination was made for reasons other than the pregnancy or the employee's new status as a mother. This prohibition relates to Art. 146(1) (gj) of the Labor Code providing for the unjustified cases of termination of employment, referred also in Art. 144(3) of the Labor Code. In the latter, the termination is considered unjustified unless it is related to reasons of ability (or rather lack of) to work, the conduct of the employee, and operational needs of the enterprise (e.g., restructuring). Hence, the termination that is not substantiated by any of the above-mentioned reasons, is regarded as unjustified.

Article 115 of the Labor Code, which refers to remuneration equality, ensures anti-discrimination in terms of compensation, where direct or indirect discrimination is banned. This relates to all aspects and conditions of recompense for the same work or work of equal value. **This article has transposed EU Directive 2010/41/EU of the European Parliament and the Council, of 7 July 2010, on the principle of equal treatment between men and women engaged in a self-employed capacity. Moreover, Directive 2006/54/EC of the European Parliament and Council of 5 July 2006 on the principle of equal treatment and opportunities for both men and women in employment and occupational matters. Article 132/1 of the Labor Code, which refers to parental leave, is harmonized with EU Directive 2010/18/EU on the work-Life balance for parents, ensuring parental leave rights.** According to this article, the employee, who has worked for the same employer for one consecutive year, is entitled to unpaid leave - not less than four months - until the child reaches six years of age. The right to claim parental leave is individual for each parent and is not transferrable, except when one of the parents passes away. The rest may be given in instalments albeit not less than a week per year. Reference is made to adoption, too. In this case, parental leave is granted within 6 years from the adoption of the child, but no later than the adopted child's twelfth birthday.

Another example of a protection that is approximated with the provisions of Directive 2006/54/EC, is Article 146(1)(c) of the Labor Code, which provides for the termination of employment on unjustified grounds. One of these grounds is the violation of the principle of non-discrimination, as provided for in Article 9 of the Labor Code and in the non-discrimination law, i.e. No. 1221, dated on 04.02.2010.

The 2010/18/EU Directive is repealed by Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019. In this regard, the Labor Code needs to be harmonized with the measures taken under this newly adopted directive. Therefore, paternity leave should be compensated for at least ten working days around the time of the child's birth, at least with compensation at the level of sick pay. Furthermore, the non-transfer of two out of four-month parental leave should be regulated with carers leave to five days of leave per year.

LEGAL ANALYSIS

The legal framework regulating work-life balance in Albania is not comprised of a specific law and supporting by-laws but rather of a group of provisions that can be found in several main laws and by-laws, such as the following:

- LAW NO. 8417, DATED 21.10.1998 “THE CONSTITUTION OF THE REPUBLIC OF ALBANIA”, AS AMENDED
- LAW NO. 7961, DATED 12.7.1995 “THE LABOR CODE OF THE REPUBLIC OF ALBANIA”, AS AMENDED
- LAW NO. 7703, DATED 11.05.1993 “SOCIAL INSURANCE IN THE REPUBLIC OF ALBANIA” AS AMENDED
- LAW NO. 9442, DATED ON 16.11.2005 “THE RATIFICATION OF ILO CONVENTION NO. 102 ON SOCIAL INSURANCE (MINIMUM STANDARDS)”
- LAW NO. 10221 DATED 04.02.2010, “PROTECTION FROM DISCRIMINATION”, AS AMENDED
- LAW NO. 9970, DATED 24.07.2008 “GENDER EQUALITY IN SOCIETY”
- DECISION NO. 740 OF THE COUNCIL OF MINISTERS DATED 12/12/2018 ON HOW IMMEDIATE FINANCIAL ASSISTANCE TO MOTHERS WITH NEWBORNS IS DETERMINED, AND WHAT PROCEDURE NEEDS TO BE FOLLOWED.

This analysis aims to identify the current state of Albanian legislation regarding legal measures that ensure and promote work-life balance. The legal review includes the analysis of several key components that play a crucial role in the work-life balance, as described under each of the three pillars in the methodology section of this report.

Kindly note that for the purposes of this report Law no. 8417, dated 21.10.1998 “The Constitution of the Republic of Albania”, as amended, is referred to as the Constitution; Law no. 7961, dated 12.7.1995 “The Labor Code of the Republic of Albania”, as amended, is referred as the Labor Code; Law no. 7703, dated 11.05.1993 “Social Insurance in the Republic of Albania”, as amended, is referred as Social Insurance Law; and Law no. 10221 dated 04.02.2010 “Protection from discrimination”, as amended, is referred to as the Law on protection from discrimination. Please refer to Annex I. A for the full list of laws and regulations that have been taken into consideration and have served as a source for this legal review.

Leave arrangements

Parents in Albania are entitled to parental, maternity, and paternity and childcare leave.

Parental Leave

Parental leave was first introduced in the 2015 amendments of the Labor Code. The legal regulation of parental leave is restricted only to Article no. 132/1 of the Labor Code. This provision states that every employee who has worked for one consecutive year for the same employer is entitled to unpaid leave, not less than **4 months**, until the child their child turns **6 years old**.

The right to claim parental leave is **individual to each parent and is not transferrable**, except when one of the parents passes away. The leave may be given in instalments, **albeit not less than a week per year**. The duration is stipulated in an agreement in writing between the employer and the employee. **When a child is adopted**, parental leave is granted no later than 6 years from the day of the adoption of the child, but not after the child has turned 12 years of age.

Paragraph three of Article no. 132/1, further stipulates **that the employer is notified in writing at least two weeks** before the commencement of the parental leave. Through consultation and by way of an acceptable agreement, the **commencement date of the leave can be postponed** due to the needs of the company or institution, such as operational needs, when it is not possible to replace the employee temporarily, or when several parents have claimed parental leave at the same time. The employer notifies the employee in writing of the reasons for the postponement of the parental leave, no later than two weeks from the date of the claim.

Maternity Leave

Maternity leave is regulated by the Labor Code and the Social Insurance Law. While the Labor Code establishes some rules on the mother's employment 63 days after having given birth, the Social Insurance Law stratifies the salary level that is to be paid from the day the child is born.

As per Article 27 of the Social Insurance Law, **a woman can benefit from 365 calendar days of maternity leave, with a minimum of 35 days before and 63 days after the birth of the child**. For a pregnant woman with more than one child, leave rises to 390 days, including a minimum of 60 days in advance and 63 days after the birth of the children. For an adopted child up to one year of age, **the leave is 330 days** from the date of adoption with a minimum of 28 days. In case of adoption of the child during maternity leave, the mother who gave birth to the child is entitled to 63 days of leave after the birth of the child.

Maternity leave **from 35 days before the date of delivery up to 150 calendar days** is financially covered at a rate of **80 percent based** on the average of the net base salary of the mother during the last twelve months. The remaining days (**365-185**) are covered at **50 percent** on the same basis. This benefit can be granted only to women who have been insured for **at least 12 months** prior to the birth of the child. This rule does not apply should the next pregnancy occur 24 months from the delivery of the previous child.

Maternity leave for self-employed women is covered on the same basis, as above. For more details, please refer to the explanation provided by the Albanian Institute of Social Insurance on their webpage. The site is helpful, as it provides examples of various benefits and their calculations (see cases of payment of maternity leave²⁴).

²⁴ http://www.issh.gov.al/?page_id=all=8&cat=83.

Paternity Leave

As per the Labor Code, fathers can take 3 days of paid leave at the time of childbirth (reference made to Article 96, paragraph 3). According to Article 27, paragraph 7 of the Social Insurance Law, they also can take paternity leave 63 days after childbirth. The same is valid in case of an adopted child.

Based on the analogy rule of legal interpretation, paternal leave is 267 calendar days long. Since a father cannot benefit from prenatal leave of 35 days and the leave of 63 days after childbirth, the duration of paternity leave is 365 – 98 days. If the mother is not eligible for maternity leave, insured fathers can benefit **80 percent** of the average net base salary of the last twelve months for the first 150 days. The remaining days are covered at **50 percent** on the same basis.

Childcare Leave

Article 132 of the Labor Code regulates childcare leave when the child is sick or needs indispensable care. When indispensable care for dependent children is the case, the employee is entitled to his or her salary with a leave of absence equal to no more than 12 days per annum. The employee with dependent children of up to 3 years of age is entitled to paid leave of no longer than 15 days when his/her child is unwell, and this has been proven by a doctor's note. He/she is entitled to an additional leave of absence without pay, which should not exceed 30 days per annum. The leave is given to the spouse that effectively looks after the child. Should this not be the case, the leave shall be given to both the child's mother and father on an alternate basis.

Financial Arrangements

Leave Financial Benefit

The Social Insurance Scheme alone financially supports maternity and paternity leave, as described above. The law provides for no other benefits for either the parent/s or children.

Child allowance

As per Article 28 of the Social Insurance Law, child allowance is paid only once, and the insured mother has priority in receiving it. Alternatively, the father can receive it albeit on the proviso that he would have paid insurance for at least one year prior to the child's birth. The allowance equals 50 percent of the monthly minimum salary for every born child. DCM No. 740, date 12/12/2018 clarifies how the immediate financial assistance is determined, and what the procedure is in relation to every newborn. Therefore, the allowance has been set at 40.000 Albanian Lek for the birth of the first child, 80.000 Albanian Lek for the birth of the second child, and 120.000 Albanian Lek for the birth of the third child and for every subsequent child.

In addition, the Social Insurance law has also set a pregnancy allowance income for women who are insured but who, due to a decision of a competent medical commission has to change her place of work due to pregnancy, and is, therefore, entitled to receive income compensation for the reduction that derives from the job change. This compensation is given when the prospective mother has been insured for no less than 12 months. The amount of income that will be paid for compensation is the difference between the salary of the previous job and the new one. This

²⁰ http://www.issh.gov.al/?page_id=all=8&cat=83.

compensation may not be more than 50 percent of the daily average of the assessable base of the last calendar year.

Nursing

According to Article 105 of the Labor Code a woman can decide on whether she goes back to work 63 days after giving birth, or whether she benefits from the social insurance scheme. Upon agreeing with her employer, she can choose either of the following options:

- I) She can decide to go back to work but be allowed to take a 2-hour paid break during what used to be her standard working hours, until the child becomes one year old; or
- II) She goes back to work though her working day is reduced by 2 hours, whilst her salary remains the same as before.

Childcare

Childcare has no further financial regulations other than paid childcare leave, as described in the childcare leave section. However, Article 39 of the Social Insurance Law provides for parents with a disability to benefit an additional 5% of the caring pension base of each child, up to 18 years of age, studying or unable to work up to 25 years old. This benefit cannot be more than 30 percent.

Access to childcare

There were no provisions for access to childcare in the analyzed laws and by-laws providing regulations for working parents. The Child Care system is not obligatory. Decentralization reform provides local government units with the mandate to look after kindergartens and childcare institutions. Nevertheless, some references the system of day nurseries, kindergarten, and schools can be found in Law 69/2012 on the pre-university education system in Albania. Municipal Councils have already taken some decisions to regulate the fee that is to be applied to this system.

Work Arrangements

Pregnant women and new mothers

Article 90 and 104 of the Labor Code stipulate working conditions for pregnant women and new mothers. These rules are applicable to both the public and private sectors.

Pregnant women and women who have given birth are not allowed to do overtime until the child becomes one year old. Pregnant women are forbidden to work 35 days before the expected due date and 63 days after delivery. If the woman is expecting more than one child, she has the right to 60 days' leave before delivery. Pregnant or breast-feeding women cannot be employed to carry out difficult or dangerous jobs, which jeopardize the health of the mother and child. 63 days after delivery, the woman can decide whether she wants to go back to work or benefit from social insurance. If the woman decides to go back to work, but her job does not meet the health and safety criteria for a new mother, the employer must take necessary measures to ensure appropriate working conditions and working hours are now in place.

Protection of work position and contract

The Labor Code allows for the protection of one's work position and from the termination of the contract during maternity and paternity leave. These rules apply to both the public and private sectors.

According to Article 105, once maternity leave comes to an end, the employee is entitled to return to her position or an equivalent position, under conditions which are not less favorable for him or her, and that she benefits from every improvement of the employment conditions, they would benefit during the absence. The same rule applies to adoption leave.

Article 107, paragraph 1, prohibits the termination of a work contract during maternity or paternity leave. The same rule applies to adoption.

Flexible working conditions

Article 15 of the Labor Code regulates one's right to telework from home. In teleworking/working from home employees carry out their work at home or in another place which has been agreed upon with the employer, making use of information technology under the agreed terms.

Legal mechanisms on protection from discrimination

Anti-discriminatory provisions

Anti-discriminatory provisions of working parents and women in a work environment can be found in the Constitution, the Law on Protection from Discrimination, and the Labor Code.

Article 18 of the Constitution stipulates that no one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic status, education, social status, or parentage. Furthermore, there are provisions in chapters IV and V of the constitution relating to the rights for employment, marriage, and protection of maternity.

The Law on protection from discrimination regulates the implementation of equality in relation to *gender, pregnancy, parentage, parental responsibility, family or marital condition, or civil status*, as per Article no. 1 of the Law). Furthermore, the Law **prohibits direct and indirect discrimination concerning gender, pregnancy, parentage, and parental responsibilities**. In light of this, the *less favorable treatment* of women and working parents than other persons or groups of persons in the same or similar situation due to pregnancy or family responsibilities constitutes grounds for discrimination. Furthermore, policies, practices, provisions, or criteria that seem neutral but might put pregnant women or working parents in unfavorable conditions are causes of discrimination and, as such, prohibited by the Law. In addition, Article 7 of the Law establishes that it is the duty of public and private authorities not to create bases for denying women, pregnant women, or working parents equality, and requires that they do not expose them to unfair and unequal treatment when they are in the same or similar circumstances. Furthermore, in Article 12 and 13 the law refers to protection from discrimination in employment, thereby prohibiting the discrimination of women, pregnant women, or working parents vis-à-vis their employment rights.

The prohibition of discrimination refers to announcement of vacancies, recruitment procedures, and workplace treatment, including treatment during the establishing or changing of working conditions, compensation, benefits, and the work environment, treatment related to professional training or during the disciplinary process or related to dismissal from work or the termination of the employment contract. The employer, be it a public or a private entity is obliged to implement the principle of equal treatment at all times, take necessary measures accordingly, and raise awareness of the law in work premises.

The law, therefore, contains clearly defined rules on protection of women, pregnant women, and working parents from discrimination. It is with this in mind that the office of the Commissioner for Protection from Discrimination was established. Every woman, pregnant woman, or working parent has the right to complain to the Commissioner or court about employment-related discrimination. Nevertheless, should the Commissioner find that discrimination has indeed taken place, it can only go so far as to impose a fine on the entity against whom the complaint is filed and discrimination was established.

The Albanian Labor Code also outlines anti-discriminatory provisions of working parents and women in the work environment. The anti-discriminatory rules can be found in Article 9 of the Labor Code which defines not only the difference, exclusion, restriction, or preferences based on gender, pregnancy, parental affiliation, parental responsibility, age, family situation, or marital status about obstruction of employment right but also the application of equal treatment opportunity for employment, self-employment and occupation, including the selection criteria and recruitment conditions, of any branch of activity and at all levels of the professional hierarchy, and promotion; access to all types and levels of professional orientation, vocational training, advanced vocational training, and retraining, including work experience in practice; working and employment conditions, including termination of employment contract and salary.

Furthermore, Article 105/a of the Labor Code protects pregnant women by giving them the right not to be asked by the employer to perform a pregnancy test before employment commences, unless the workplace is such that it requires employees to work under conditions that will adversely affect the pregnancy.

Every person who is discriminated against on the basis of gender, pregnancy, and parental responsibilities can file a complaint to Commissioner for Protection from discrimination and submit a lawsuit to the Court.

Commissioner for Protection from discrimination

The Commissioner for Protection from Discrimination is an independent institution that monitors the implementation of the Law against Discrimination. The Commissioner's Office examines the complaints on discrimination and issues decisions that contain appropriate measures and regulations on a regulated time to perform them. The Commissioner imposes fines for every violation of the law on protection from discrimination.

A set of 3 findings and one recommendation were offered in relation to complaints for discrimination based on gender, pregnancy, and parental responsibilities. **In the case of E.GJ. vs. Philip Morris Albania**²⁵, the Commissioner found there had been discrimination on the part of the company against the employee when the latter had asked for paternity and parental leave. The company dismissed E. GJ after asking that his paternity and parental leave be approved, whilst his female colleagues' maternity leave was in actual fact approved. The Commissioner found that E.GJ. had been treated unequally by Philip Morris Albania on the basis of his gender.

In the case of A.B vs. Immovable Property Registration Office²⁶, discrimination was found on the basis of parental responsibilities. A.B took parental leave to take care of his sick child but during that time, the institution terminated his position. The commissioner found that A.B was exposed to direct discrimination due to parental responsibilities.

²⁵ Online source, last accessed in October 2020, link: <https://kmd.al/wp-content/uploads/2019/02/Vendim-Nr.-243-dat%C3%AB-27.11.2018-E.GJ.-kund%C3%AB-Kompanis%C3%AB-Philip-Morris-Albania-sh.p.k.pdf>

In the case of D.T vs. Spiecapag Transadriatika²⁷, discrimination was based upon pregnancy. After her maternity leave came to an end, D.T informed her employer, Spiecapag Transadriatika, of her intention to return to her previous position or an equivalent one with no less favorable conditions. Upon return, she was made to sign her own resignation on an allegedly voluntary basis. In this case, the commissioner found that D.T was exposed to unequal treatment and was directly discriminated against on the basis of her pregnancy, maternity, and gender.

In a complaint made **by a UNDP Albania employee vs. flight company “Alba Wings”**²⁸, discrimination was found to be on the basis of age, gender, weight, height, and body measures in a posted vacancy for a flight attendant. In his recommendation, the Commissioner found that the age and gender criteria in the recruitment process were discriminating. In contrast, the other height and weight measures were justifiable for a flight attendant’s position.

Court

Despite filing the complaint to CPAD, persons can also submit a lawsuit to the Court. The Court Decision sets the restitution/compensation if the court decides there is a violation of the law on protection from discrimination and allocates a period for the compensation.

JUDICIAL PRACTICE - The termination of the employment contract during and after the termination of maternity leave

The Social Insurance Law stipulates that maternity allowance is paid to a woman who has been part of the national insurance scheme for at least the past 12 months prior to her pregnancy and the child’s birth. The labor legislation, on the other hand, prohibits the termination of an employment contract when the employee is on maternity leave or after its termination. Nonetheless, these cases have been encountered in the practice of Albanian courts. Decisions on employment conflicts related to maternity leave are not public, however. Therefore, reference is made to UNDP’s publication court decisions on employment- and gender-related issues. The author lists decisions of first instance courts in the country and reflects upon the approach of the court on this issue.

The European Court of Justice, according to Directive 1992/85, provides protection to female employees who have been laid off during their maternity leave, whilst giving assurances to those who have been laid off after this period. The employer prepares for such a decision before the end of the maternity leave period. The Albanian Supreme Court can also unify the case law relating to employment termination for the new mother shortly after returning from maternity leave. However, rather than a unification issue, which would have relevance only for judicial practice, this could be a matter of regulation. The law provides for a certain degree of protection concerning the termination of the employment contract of pregnant women and new mothers, and this protection, in light of Articles 105(3), 105/a(2) concerning Article 146(1)(gj) related to Article 144(3) of the Labor Code, is provided for the period in which the newborn becomes 1 year old. This protection is certainly awarded to women only. However, the legislator could institute a higher level of protection for women returning to work after the birth of their child, in terms of establishing a period for prohibiting the termination of employment for a longer period, for instance for a period of 2-3 years following the birth their child.

²⁷ Online source, last accessed in October 2020, link: <https://www.kmd.al/wp-content/uploads/2020/09/Vendim-nr.-88-date-13.08.2020-D.T.-kunder-Spiecapag-Transadriatika-Diskriminim.pdf>

²⁸ Online source, last accessed in October 2020, link: https://www.kmd.al/wp-content/uploads/2019/10/Rekomandim-nr.-1428-dt-17.10.2018-ex-officio_shoqeria-ajrore-Albawings.pdf

²⁹ UNDP Publication on judicial conflicts of employment relations, last accessed in September 2020 <https://www.al.undp.org/content/albania/en/home/library/poverty/-2--konfliktet-gjyqesore-te-marredhenieve-te-punes-pare-perspekt.html>

The main objective of this section is to screen and analyze statistical data and indicators so as to understand the context in support of family-friendly policies. This section is organized around a conceptual framework of indicators that outlines possible pathways on which family-friendly programs could be based and might achieve considerable impact.

Therefore, the trend and level of fertility in the country will be explored so as to gain an understanding of women's choices concerning their fertility. As a second step, the education attainment of women will be taken into consideration, as a fundamental element in making women more responsive in their fertility choices and, as such, being substantial in providing a positive impact of family-friendly policies. The section on access to childcare will explore the participation of children in pre-school institutions considering access to affordable, quality childcare and early education as an important incentive for mothers either to continue advancing with their careers, or to enter the labor market. This report considers paid and unpaid activities in a dedicated section, addressing questions, such as how men and women spend their time on paid and unpaid work, and how this proportion changes over different stages of their life.

The gender pay gap and analysis of employment data will help understand the context, once women and men participate in the labor market. By identifying potential gaps and unequal participation in different sectors of the economy, this section will try to point out that in employment, women are not positioned in a similar footing to men. Furthermore, data on pensions will be used to analyze the situation of both men and women once they have "completed" their family obligations, such as raising children, and are, therefore, no longer active in the labor market. Even at this stage, there are differences in the pensions received by men and women. Considering that the data shows that women live longer than men but are less healthy than them, women's quality of life at this stage appears to be worse than men.

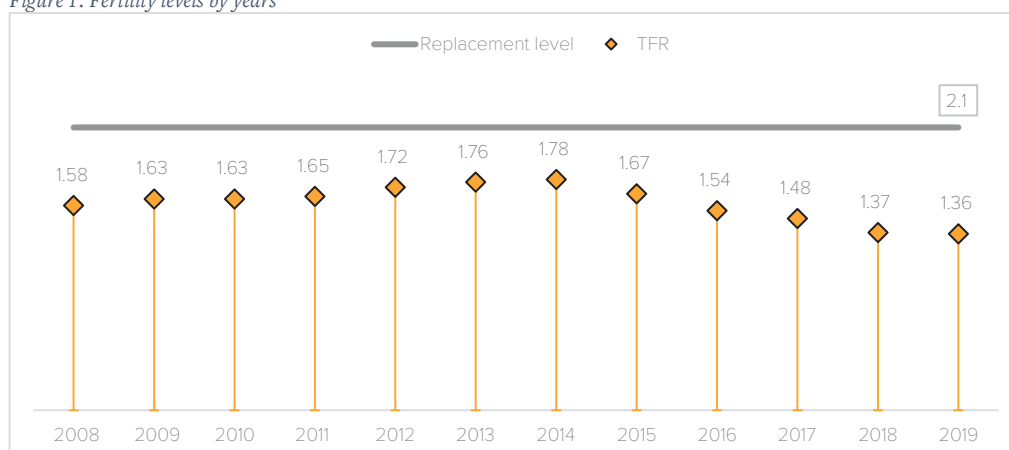
In addition, the report aims to present some data to measure the impact of the COVID-19 pandemic, and how it has further sharpened the differences between men and women in our society, thus highlighting the need to address and protect women rights more so than ever before.

FERTILITY CHOICES

It is important to examine the choices that women are making in relation to fertility, so as to better understand the contextual socio-economic reasons that may lie behind these choices. In 2019, the total fertility rate in Albania was about 1.36 children per woman, well below the rate of 2.1 children per woman that is needed for couples to replace themselves. Fertility is the second factor - after emigration affecting the decline in population growth since 2001. Back then, Albania's fertility rate stood at 2.3 children per woman, a figure that was above the replacement level (INSTAT)³⁰.

³⁰ INSTAT, "Women and Men in Albania, 2014" Accessed in August 2020: Link: <http://instat.gov.al/media/1736/women-and-man-in-albania-2014.pdf>

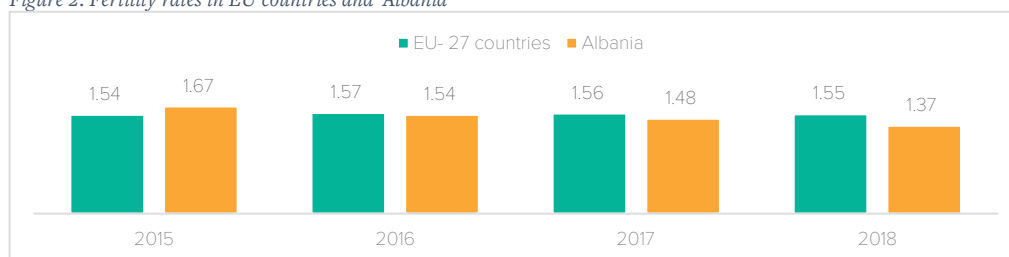
Figure 1. Fertility levels by years



Source: INSTAT

The same indicator in European countries seems to have been stable during the last five years, meanwhile, in Albania, the declining trend seems to be keeping its momentum and further declining, respectively from 1.67 children per woman in 2015 to 1.37 children per woman in 2018.

Figure 2. Fertility rates in EU countries and Albania



Source: Eurostat

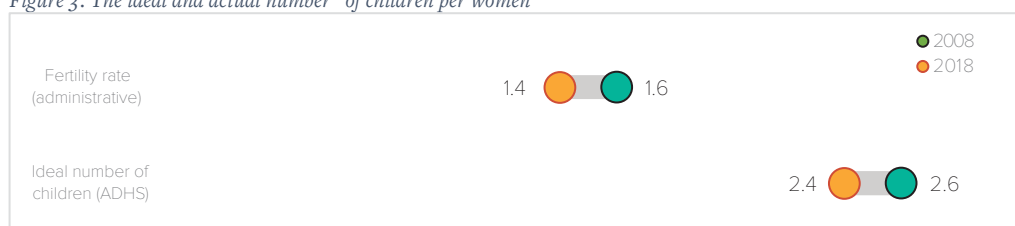
As this report will further explore, one possible explanation could potentially relate to the substantially higher amount of time that women in Albania spend on unpaid care activities, as opposed to men. Therefore, women either try to reduce the number of births as a way to balance out their work and family responsibilities, or they limit their career advancement. There is a third alternative, which is that they do not enter the active labor force at all.

The actual causes of such a drop in fertility go beyond the scope of this report and require dedicated surveys and more disaggregated data to understand how this phenomenon is spread across the country's different regions. Nevertheless, we can assume that the disproportionate time women spent on unpaid activities, could be one reason that hinders them from realizing their ideal number of children.

The ideal number of children per woman is a well-acknowledged and widely measured indicator of fertility preferences. **Between 2008 and 2018), the data show that women in Albania were not only having fewer children, but their preferences regarding fertility decreased as well.** In 2018, the ideal number of children per woman, was 2.4 children (ADHS 2017-18) compared to 2.6 children in 2008/2009 (ADHS 2008-09)³¹. The same trend is noticed for the fertility rate, which has dropped from 1.6 in 2008 to 1.4 in 2018.

³¹ Burimi: INSTAT, "Burra dhe Gra, 2014" aksesuar në gusht 2020: Linku: http://instat.gov.al/media/1736/Burra_dhe_gra_në_Shqipëri-2014.pdf

Figure 3. The ideal and actual number of children per women

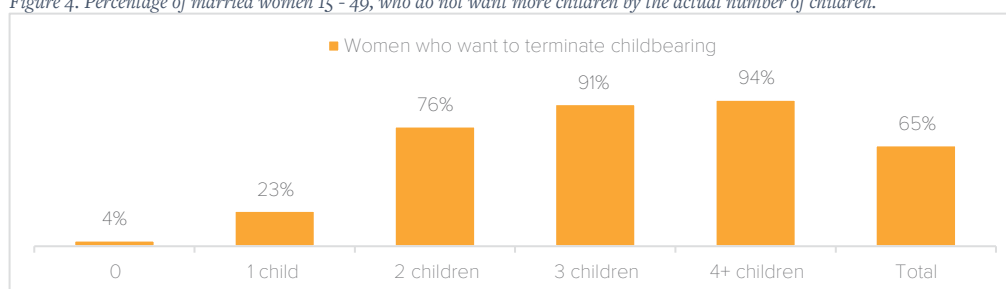


Source: INSTAT, ADHS 2008/2009; ADHS 2017/2018

The decrease in the levels of actual fertility and desired fertility could also be linked to women's higher attainment in education. The following section will attempt to show that higher educated women are not only having fewer children, but they can balance their wanted and actual pregnancies.

For the purpose of the data analysis, another widely used indicator in measuring and understanding fertility choices is the **desire for an additional child**. In total, according to ADHS 20017/18, 65 percent of women married in their reproductive age, want to terminate their childbearing. This data goes in line with the ideal number of children, showing that among women who already have two children, eight out of ten of these women no longer wish to have any more children, reinforcing that the ideal number of children for women in the country is slightly more than two children.

Figure 4. Percentage of married women 15 - 49, who do not want more children by the actual number of children.



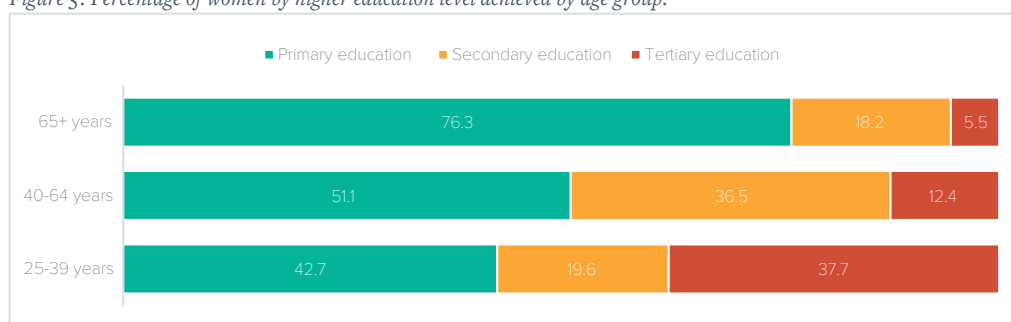
Source: ADHS 2018/2019

ATTAINMENT OF EDUCATION AND ITS IMPACT ON FERTILITY CHOICES

The role and impact of education in fertility is widely referred to in literature. That is why this section will explore the situation of educational attainment of women in the country, and how it affects the fertility choices of women in the country.

The data tell us that women of the younger generation have higher levels of attained education compared to older women. Thus, 38 percent of young women of the 25-39-years of age have attained tertiary education. 12 percent of older women aged between 40-64 years old have attained tertiary education, whilst only 6 percent of over 65-year-olds have done so.

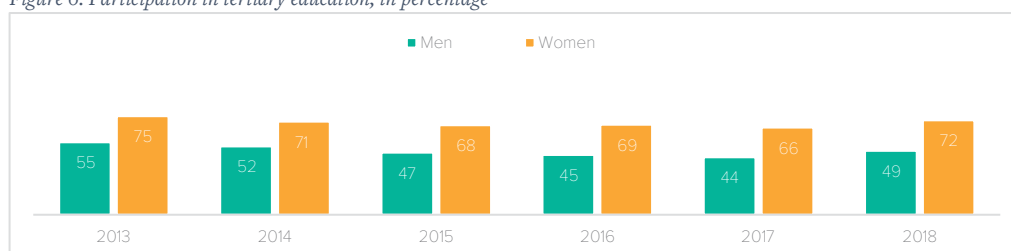
Figure 5. Percentage of women by higher education level achieved by age group.



Source: INSTAT, Labor Force Survey, Women and Men 2019

Moreover, data show that the participation of women in tertiary education is significantly higher compared to men. During 2018, about 72 percent of women attended university compared to 50 percent of men. This trend is not reflected in labor market participation. Why are women and girls attending universities but have lower rates of labor market participation? The section about employment will try to show that the participation of women in the labor market is lower during their more active childbearing age, implying that having small children and family responsibilities could be a factor that keeps women away from being active in the labor market.

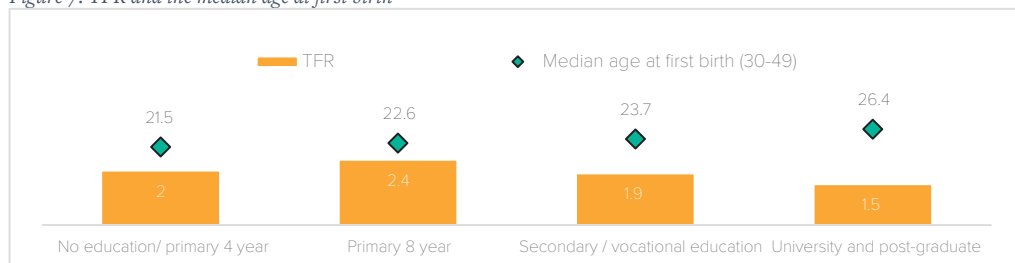
Figure 6. Participation in tertiary education, in percentage



Source: INSTAT, Women and Men 2019

Data from ADHS 2017-18 suggest that **women with higher education give birth to the first child about 5 years later** than women with lower education levels. **For each attained level of education, there is a postponement of the median age of having the first child by one year.**

Figure 7. TFR and the median age at first birth



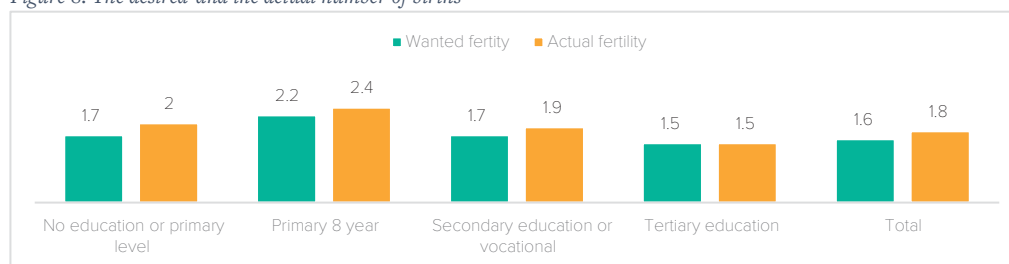
Source: ADHS 2018/2019

³² Desired fertility is a way of measuring the level of demand in a specific point in the past. The desired fertility reflects the fertile rates if only the wanted births occurred.

Data suggest that education has a direct impact on balancing desired fertility³², the actual number of children, and decreasing unwanted pregnancies. Among lower educated women, there is a latent demand for fertility planning, due to a higher difference between the actual and desired fertility rates.

Data show that women in higher education can better plan their actual pregnancies. Women with tertiary education do not show any differences in the desired number of children and the actual number of births. On the other hand, women with no education or first level of obligatory level of education have the highest difference between desired and actual fertility, implying a higher number of pregnancies that were not planned.

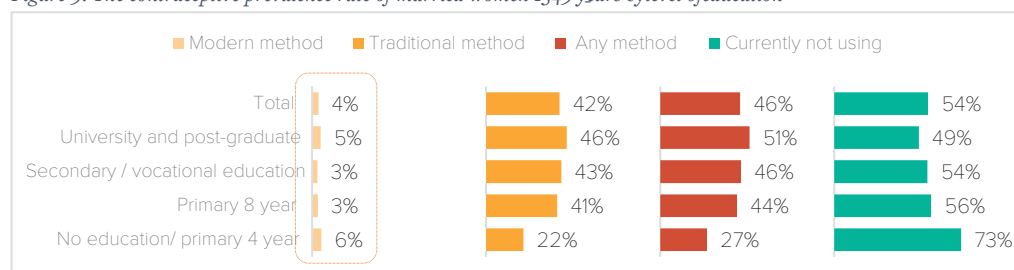
Figure 8. The desired and the actual number of births³³



Source: ADHS 2018/2019

Even if education seems to impact fertility choices, it does not seem to be linked with the use of modern methods of family planning measures. Data from AHDS 2018-19 show that only 4 percent of women currently use modern contraceptives, 42 percent currently use traditional methods, and 54 percent are not using any method of contraception.

Figure 9. The contraceptive prevalence rate of married women 15-49 years by level of education



Source: ADHS 2018-2019

In terms of data, this type of information is especially relevant, considering that family-friendly and family planning policies should be seen as interrelated domains, as family-friendly policies may be impactful and positively influence better-targeted family planning policies.

As a result, we could conclude that women with higher levels of education have lower levels of birth, can balance their desired and actual fertility better than women with a lower level of education, even if this balance does not appear to come from the use of modern contraceptive methods, which, in itself, may be related to some cultural factors rather than the level education. Women's education, therefore, seems to be used in this way as a 'best contraceptive' and a way of choosing how to control their fertility.

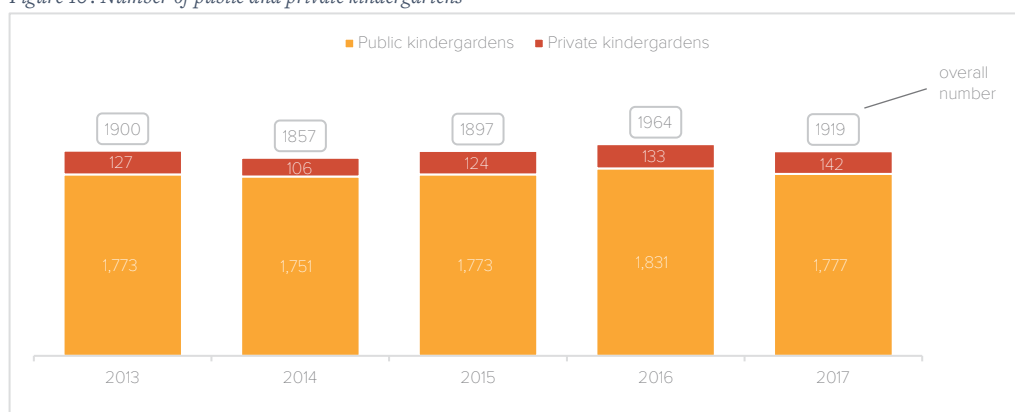
³³ Actual fertility is based on ADHS 2017-18 estimation.

ACCESS TO CHILDCARE

Access to early care and education of children means that parents, with reasonable efforts and affordability, can enroll their child in an arrangement that supports their development and meets the parents' needs. Better access to childcare means more time for parents for career improvements or to look for more job opportunities.

Pre-school education in the country involves kindergartens for children between the ages of 3 to 6 years and is not compulsory. Kindergartens are divided into three groups: 3-4-year-olds, 4-5-year-olds and 5-6-year-olds INSTAT data show that the number of kindergartens has increased between 2013-2017. More than nine in ten kindergartens are public ones although there is a trend more private kindergartens springing up.

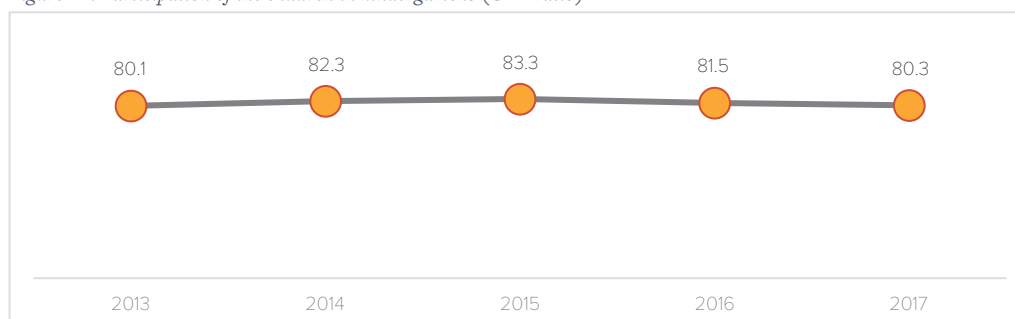
Figure 10. Number of public and private kindergartens



Source: INSTAT, Regional Yearbook 2018, 2019

Figures show that more than eight in ten children between the ages of 3-6 are enrolled in kindergartens. However, it is difficult to ascertain from the data available how satisfied parents are with the quality and ease of access to these institutions, and to what extent this varies from one region to another.

Figure 11. Participation of the children in kindergartens (GER ratio)³⁴



Source: INSTAT, Regional Yearbook 2018, 2019

To have a full and better picture of childcare institutions, data should address nurseries as well. It is very important to understand the access to nurseries for children of 0-3 years of age. This period includes the breastfeeding period which makes up an irreplaceable period for mothers and children. If the mother does not find the appropriate access to nurseries, which means being near their home or workplace, whilst being affordable and of good quality, this could prevent them from participation in the labor market until the children become more independent and reach the age when they can attend kindergarten or school.

In Albania, the data for nurseries are collected by municipalities. This decentralization makes the data collection phase very challenging. There is no centralized and responsible institution to collect at one single point these data and to ensure their comparability, standardization, and coverage in the way they are collected and stored.

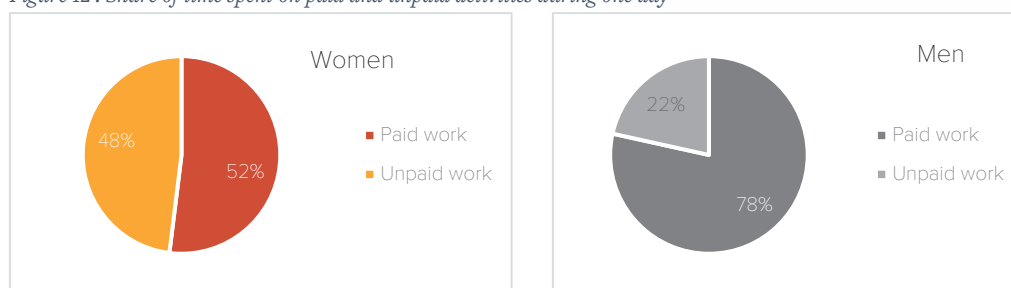
TIME OF PAID AND UNPAID ACTIVITIES

This section will explore how women and men spend their time on paid and unpaid activities³⁵. This dimension is part of the 2030 agenda and of Goal 5 indicators to achieve gender equality and empower all women and girls.

Traditional measures of the economy (GDP) ignore unpaid work activities. However, unpaid household work is closely related to well-being and plays an important contribution to the successful functioning of the economy, labor market, and society. Data show that gender differences in time use are significant for the country. In Albania, women devote more time to unpaid work than men. Data from the Time Use Survey 2010 demonstrates that unpaid work is unequally distributed between women and men in the country.

Daily³⁶ women spend on average 11:54 hours, on paid and unpaid work, compared to 9:54 hours of men, or 3:37 hours more on unpaid work than men. Men on average spend 1:28 hours more on paid work compared to women. Any given day, the total time spent on paid and unpaid work for women is almost equally distributed, respectively 52 percent on paid work and 48 percent on unpaid work. Almost all of the total time that men spend in paid and unpaid work is allocated to paid work, 78 percent, and only 22 percent of this time goes to unpaid activities.

Figure 12 . Share of time spent on paid and unpaid activities during one day



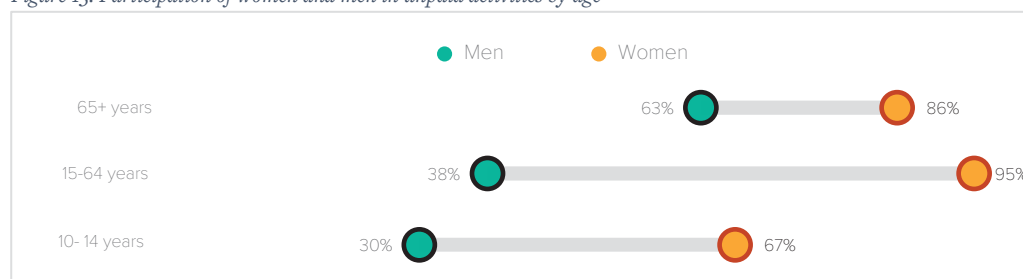
Source: Time Use Survey, 2010

³⁵ Activities included here are cooking, looking after children and adults, cleaning and maintaining one's own household.

³⁶ Population 10 years old and over

This unequal distribution on the participation of girls and boys in paid and unpaid activities begins from a very young age. Almost seven out of ten girls between 10-14 years of age are involved in activities of unpaid work, compared to 30 percent of boys. This difference is further reinforced in the active age population, 15-64 years, in which 95 percent of women in this age group are involved in unpaid work activities, versus 38 percent of men of the same age group.

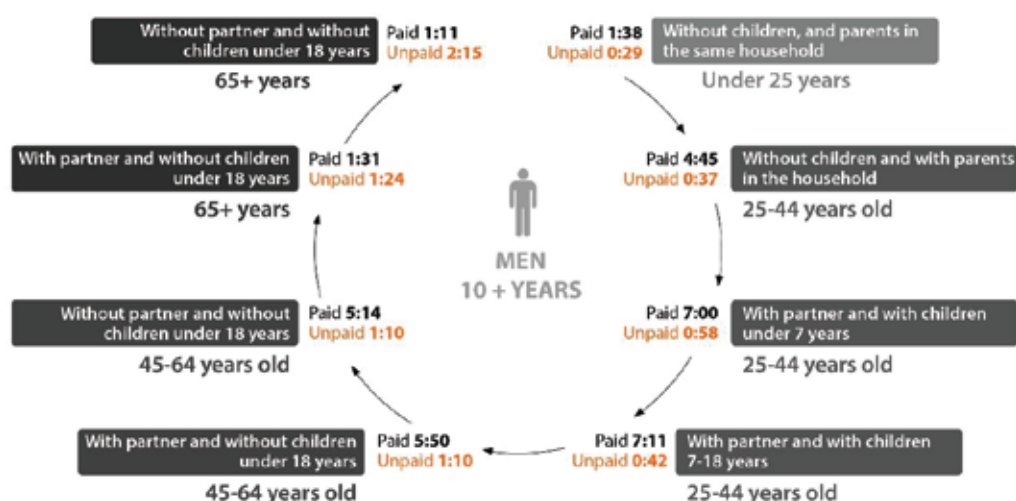
Figure 13. Participation of women and men in unpaid activities by age



Source: Time Use Survey, 2010

Data covering different stages of life show that women engage in more hours of unpaid work than men at every stage of their life. More specifically, men spend about half an hour a day on unpaid work when they have no children and live with their parents. Once they are in a relationship, their engagement in unpaid activities increases by another half hour, which brings the total to an hour a day. This situation is similar for the 25-44-year-olds, and only after 45 years of age do they start becoming more involved in unpaid activities, exceeding the one hour range, until they reach retirement and spend 2 hours in unpaid activities.

Figure 14. Time spent in paid and unpaid work during the life cycle, men

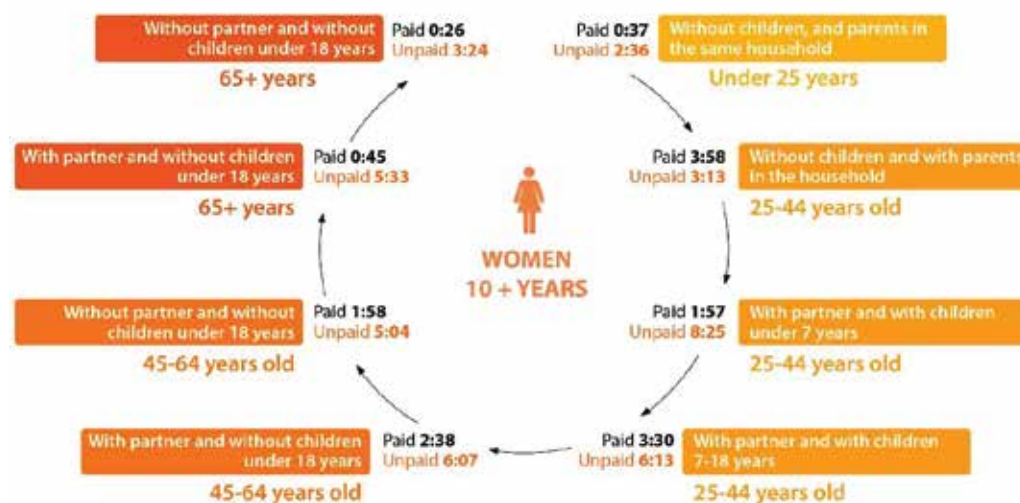


Source: Time Use Survey, 2010

Women are involved in unpaid work for about two and a half hours when they have no children and live with their parents. Once they enter a relationship, unpaid work goes up to three hours per day, and once they became parents, women spend an average of eight hours per day on unpaid activities.

Once the children grow up their involvement in unpaid work goes down to 6 hours, whereas when retired, they spend about 3 hours on unpaid activities.

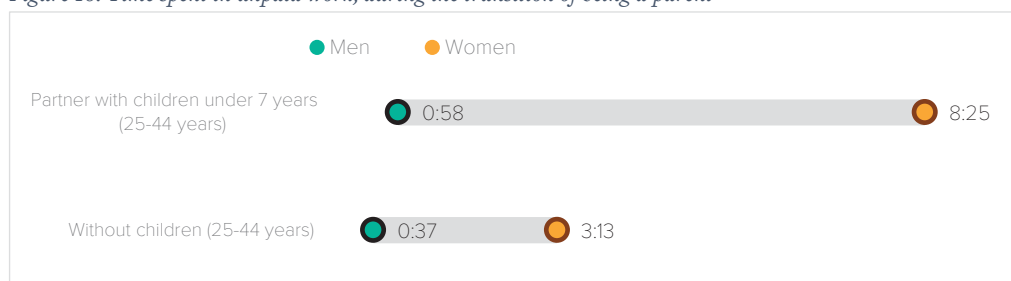
Figure 15. Time spent in paid and unpaid work during the life cycle, women



Source: Time Use Survey, 2010

Having children is a personal choice that does have an impact on the couple's careers, although this impacts men and women in very different ways. Women with small children under seven years of age engage in more than 8 hours of unpaid work per day compared to almost one hour for men. In other words, the difference between the two genders is about 7 hours of unpaid work per day.

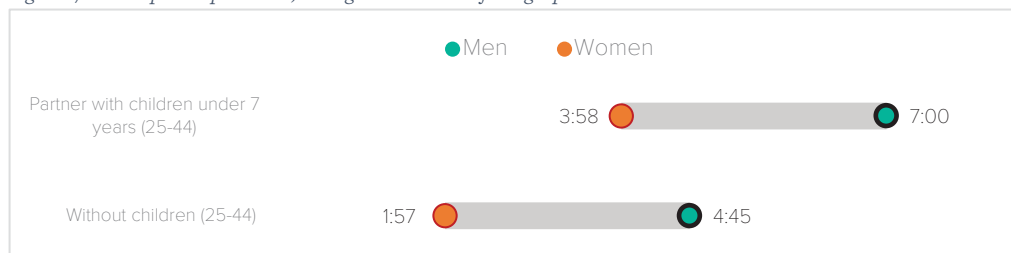
Figure 16. Time spent in unpaid work, during the transition of being a parent



Source: Time Use Survey, 2010

Under these circumstances, it might be very difficult for women to work in paid activities. Data show that women who do not have small children spend an average of 4 hours of paid work, compared to 2 hours for women that have at least one small child.

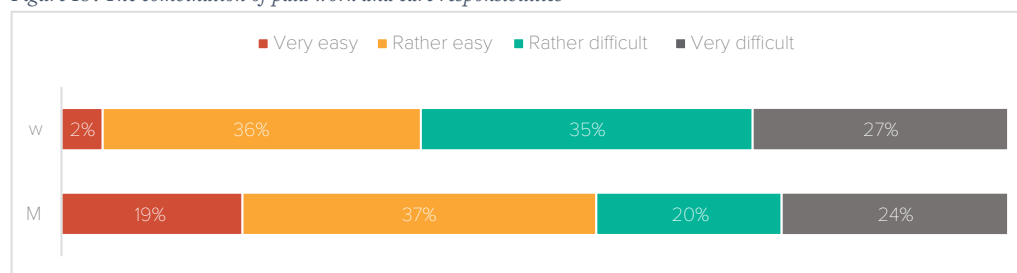
Figure 17. Time spent in paid work, during the transition of being a parent



Source: Time Use Survey, 2010

A more recent survey conducted by Eurofond, the 2016 European Quality of Life in Albania, shows that 38 percent of women find it very easy or rather easy to combine work with care responsibilities, compared to 56 percent of men. On the other hand, 62 percent find it rather difficult or very difficult to combine paid work with care responsibilities, compare to 44 percent of men.

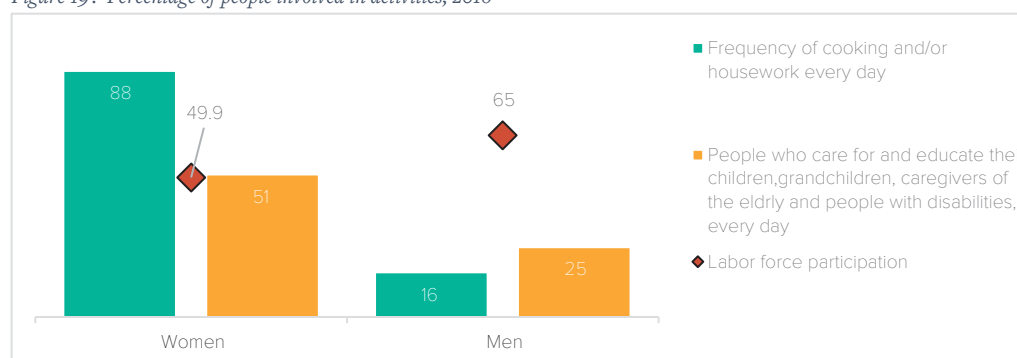
Figure 18. The combination of paid work and care responsibilities



Source: European Quality of Life survey 2016, IDRA calculations

Data from the same survey show that for one day, 88 percent of women are involved in cooking and/ or housework activities compared to 16 percent of men. This same difference is seen in education and caring activities for children, grandchildren, or people with disabilities. Labor Force Participation Rates, which are lower for women (49.9 percent vs. 65.0 percent for men), show that unequal participation in caring activities may keep women out of work and limits their career opportunities.

Figure 19. Percentage of people involved in activities, 2016

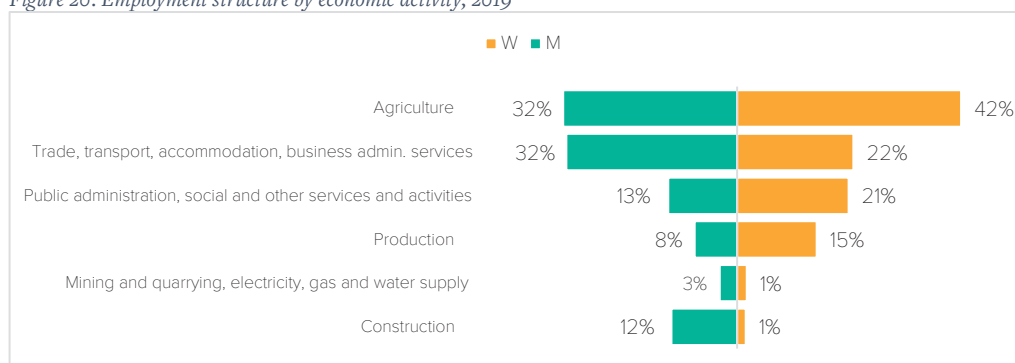


Source: Gender Equality Report Albania, European Quality of Work Survey data 2016, Labor Force Survey 2016

EMPLOYMENT

Official data show that historically women have lower rates of labor market participation and employment. More specifically, according to INSTAT, the 2019 employment rates for women were 54 percent compared to 68 percent for men, (LFS, 2019). More people are working in the agriculture sector, respectively 42 percent of women are working in this sector, and 32 percent of men.

Figure 20. Employment structure by economic activity, 2019



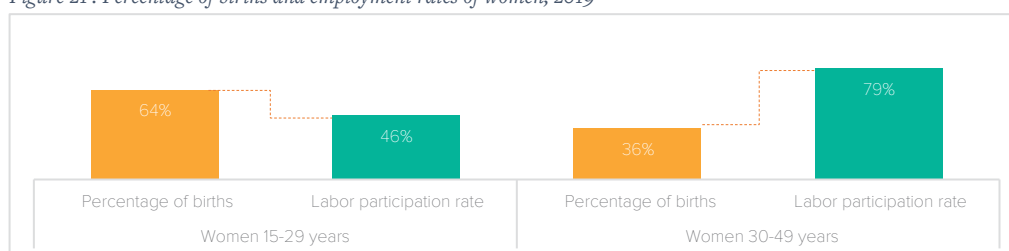
Source: INSTAT

The focus of this analysis, however, is not to show the gender gap in participation rates in the labor market participation, or differences in employment rates. It is instead to identify the reasons behind these differences. **Data show that there is a negative relationship between women's most active childbearing period and their participation in the labor market.** INSTAT data show that in 2019, 64 percent of births in the country have occurred by women between the ages of 15-29 years old and 36 percent by women 30-49 years old.

Looking at the women's participation rate in the labor market for the same age group, there is a significant increase in this indicator for women 30-49-year-old compared to cohorts of 15-29 years of age. The inverse relationship of labor participation and proportion of children between different age groups could be linked to the drop of age-specific fertility rates after 30 years old age for Albanian women, implying that having a small child could potentially be linked to the lower level of labor market participation of women.

Data about employment rates by the number of children could give a better view of how the number of children could have impacted employment rates in the country. At the moment, it is unfortunately not possible to calculate these data from the Labor Force Survey conducted by INSTAT.

Figure 21. Percentage of births and employment rates of women, 2019

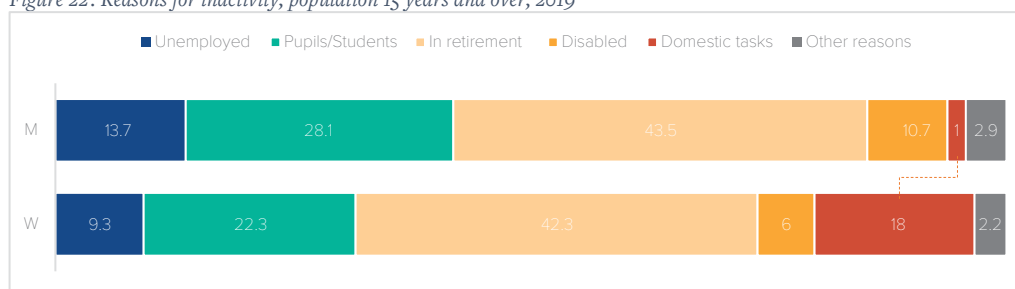


Source: INSTAT

As to why women state they are not active participants in the labor force, 2019 LFS data tell us that about 18 percent of women of 15 years of age or over do so mostly because they are kept busy by unpaid work at home. On the other hand, only 1.0 percent of men declare housework as the reason behind their inactivity.³⁸

³⁸ The difference between unemployed and discouraged is that an unemployed person is an individual who is actively looking for a job and yet cannot find one. Whereas a discouraged person is someone who is not looking for a job at all.

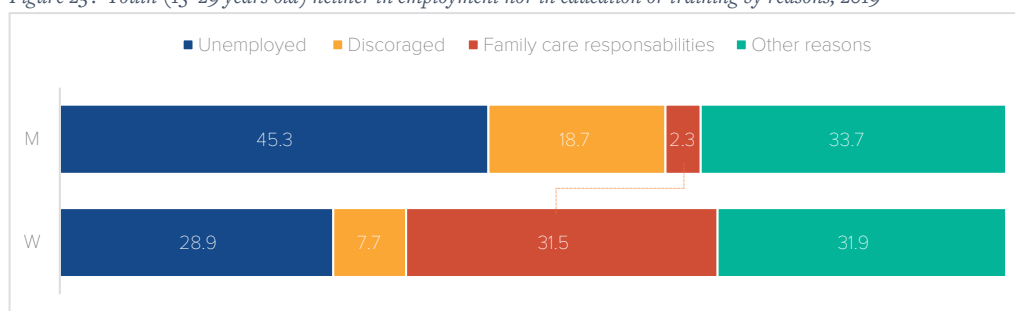
Figure 22. Reasons for inactivity, population 15 years and over, 2019



Source: Labor Force Survey, 2019

The analysis goes further focusing only on youth, i.e. the population between 15-29 years of age, considering this age group as the most active when it comes to bearing children for women. Yet, 2019 data show that youth are neither in employment nor in education or training, although this does differ according to one's gender. **32 percent of young women are neither employed nor in education because of family responsibilities and expectations, as opposed to 2 percent of young men who are found to be in the same predicament.**³⁹

Figure 23. Youth (15-29 years old) neither in employment nor in education or training by reasons, 2019



Source: Labor Force Survey, 2019

The Gender Pay Gap (GPG)

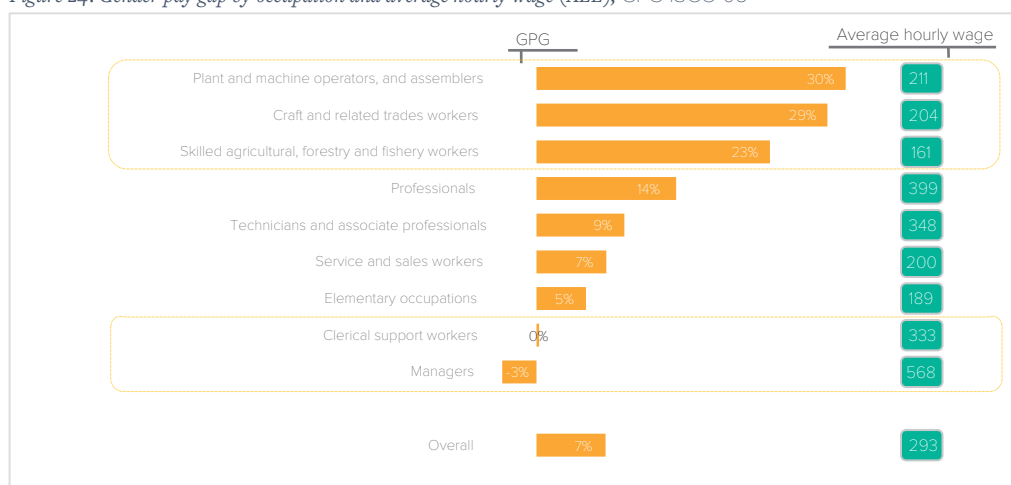
In Albania, the gender pay gap is 7 percent, implying that the mean wage of women is as much as **93 % of men's according to 2018 data**. It back then that INSTAT conducted a new survey – for the first time ever - to measure wages, as the main source for calculating the gender pay gap, in accordance with Eurostat methodology. It, therefore, provides accurate and harmonized data on earnings/wages, which can help for policymaking and research purposes.

Gender pay gap by groups of occupation⁴⁰ **shows that there is a relationship between GPG and average hourly earnings. Occupations with a higher level of average hourly wage show a lower GPG. This implies that women are more likely to be discriminated against in terms of wages in lower-paid occupations compared to higher-paid occupations.**

³⁹ INSTAT, Labor Market 2019 Press Release, accessed in October 2020:
Link: http://www.instat.gov.al/media/6943/njoftim-per-media-lfs-vjetore-2019_eng.pdf

⁴⁰ ISCO – o8 classification

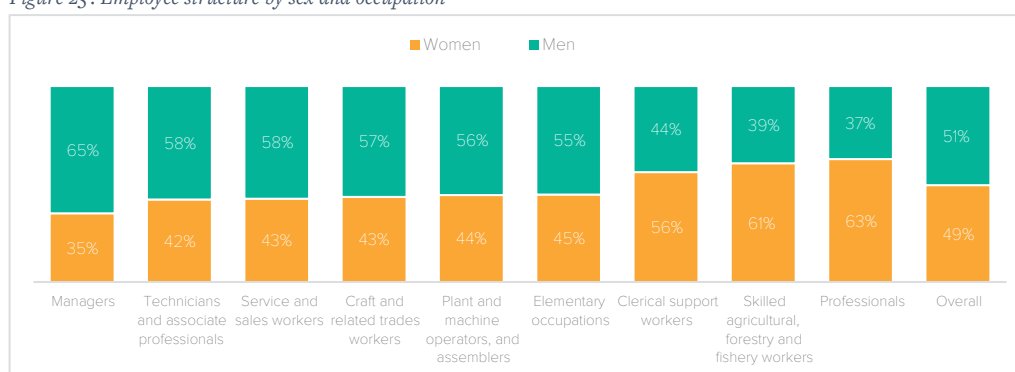
Figure 24. Gender pay gap by occupation and average hourly wage (ALL), GPG-ISCO 08



Source: Structure earning survey, 2018

More specifically, the gender pay gap for managers, which is the highest-paid occupation, is negative (minus 3 percent), which indicates that women working in this occupation are paid on average slightly higher than their male counterparts. The high level of GPG could be influenced by high participation rates for women in this occupation (63 percent) along with a high level of average salary. GPG is found to be higher among the groups of occupations that are paid less. For instance, plant and machine operators, craftsmen and women, tradesmen and women and skilled agricultural workers are among the lowest-paid groups, and show a higher gender pay gap.

Figure 25. Employee structure by sex and occupation



Source: Structure earning survey, 2018

Women are often underrepresented in some occupations. For example, highly paid occupations such as managers and crafts-related workers, include respectively only 35 and 44 percent of women employees. Occupation segregation is a factor that impacts the gender pay gap. One solution to this problem could be the education of girls and boys in their early stages, by treating gender stereotypes and gender roles accordingly, and encouraging them to choose non-traditional sex-based jobs that lead to segregation. In addition, career guidance during the last year of high school must be part of the school activities, so as to better guide both girls and boys on future employment-related choices.

RETIREMENT AND PENSIONS

Data from the Social Insurance Institute show that women's pensions are about 20 percent less than men.

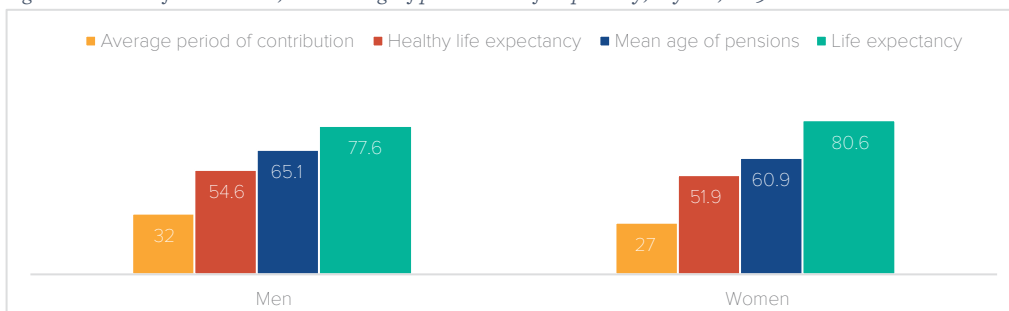
Table 1. Level of new pensions by sex and year (in ALL)

	Women	Men	Total
2016	13.098	15.969	14.508
2017	13.003	15.976	14.454
2018	12.830	15.857	14.463
2019	13.165	16.293	14.851

Source: Social Insurance Institute

The same data show that in 2019 the mean age of retirement for men is 65.1 years of age, and 60.8 years for women. On the other hand, women's life expectancy is 80.6 years whilst men's 77.6 years (INSTAT, 2019). This implies that the mean number of years a woman spends in retirement is close to 20, as opposed to 12.5 years for men.

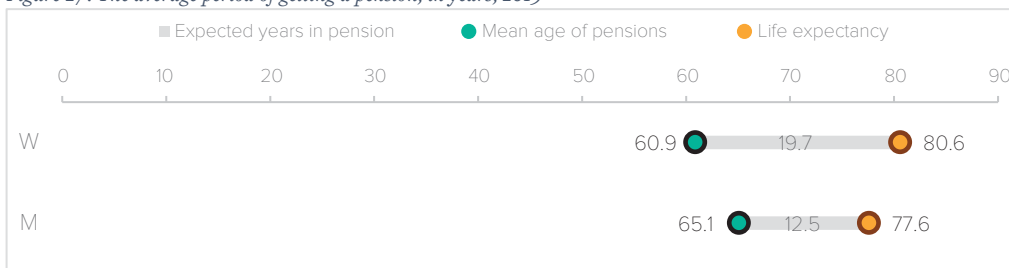
Figure 26. Period of contribution, the mean age of pension and life expectancy, in years, 2019



Source: Social Insurance Institute

Women receive almost 19 percent less pension than men, and because of higher life expectancy, they have to be maintained by the system for about 7 more years than men. In terms of quality of life, the healthy life expectancy of women is 51.9 years compared to 54.6 years of men.⁴¹ This shows that women live on average about 3 years less in healthy years compared to men, even if their life expectancy is higher.

Figure 27. The average period of getting a pension, in years, 2019



Source: Social Insurance Institute, INSTAT

⁴¹ INSTAT, "Gender Equality Index", accessed in September 2020,
Link: http://instat.gov.al/media/6657/gender_equality_index_for_the_republic_of_albania_2020_alb.pdf

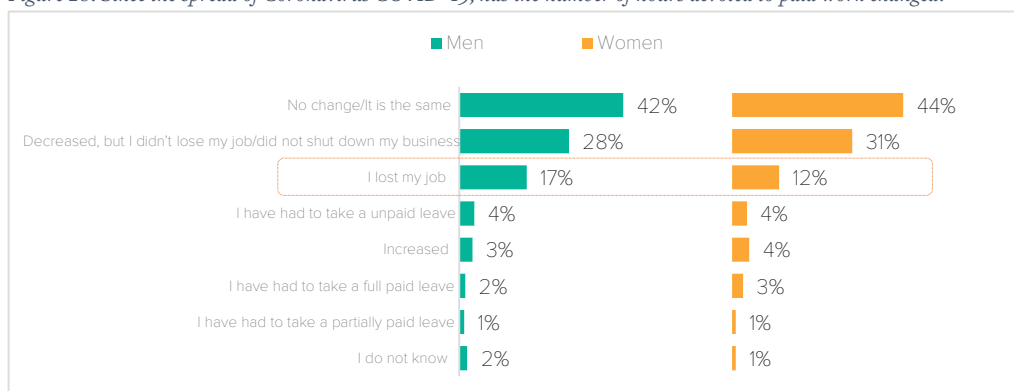
COVID-19 IMPACT

Coronavirus (officially known as SARS-CoV-2 or COVID-19) was first reported in December 2019, in Wuhan, Hubei Province in China. Most governments have adopted clear recommendations and rules to limit physical and social contact to prevent the pandemic. In Albania, the Ministry of Health monitors the situation, and holds daily press conferences on the COVID-19 outbreak. The detailed and updated number of cases are published daily on the Ministry's website.

It would be wrong to treat the COVID-19 pandemic as a health issue only. If we were to do so, it would not give us the full picture of the impact that the pandemic brought to our society. The lockdown has been a profound shock for societies and economies, and women are at the heart of care and response efforts underway. According to a recent study conducted by UN Women Albania in April 2020, data show that the pandemic has burdened women more so than men when it comes to work, household work, caring activities and one's psychological and mental well-being.

Covid-19 seems to have had no impact on working hours for about 4 out of 10 persons. Around 28 percent of men and 31 percent of women declared to have decreased the numbers of working hours. **More men stated that they had lost their job than women, respectively 17 percent to 12 percent.**

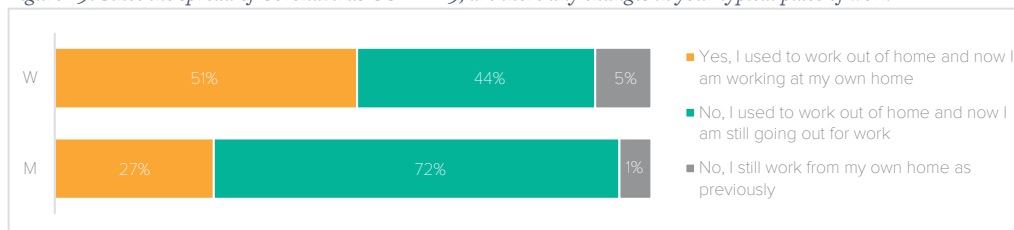
Figure 28. Since the spread of Coronavirus COVID -19, has the number of hours devoted to paid work changed?



Source: Rapid gender Assessment socio-economic impact of COVID-19 on women and men in Albania, April 2020

Around half the women interviewed declared that they had changed the location of their work from outside to working in their own homes. The majority of men, around seven out of ten men, have not changed their place of work, and have continued to go to work, as they did before the pandemic.

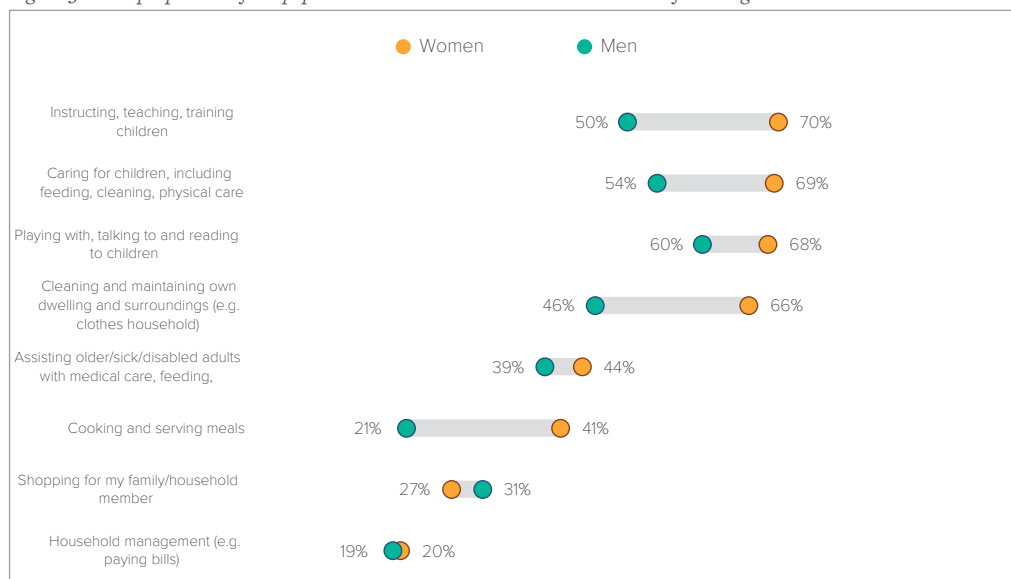
Figure 29. Since the spread of Coronavirus COVID-19, are there any changes in your typical place of work



Source: Rapid gender Assessment socio-economic impact of COVID-19 on women and men in Albania, April 2020.

Since more women are working from home, they have also become involved in more caring and household activities. Around 70 percent of women declared to have increased the time on instructing and teaching their children. Around 66 percent stated they had increased the amount of time they spent cleaning and maintaining their home. Men show a higher increase in the time dedicated to shopping for the household or family members compared to women, respectively 31 percent and 27 percent.

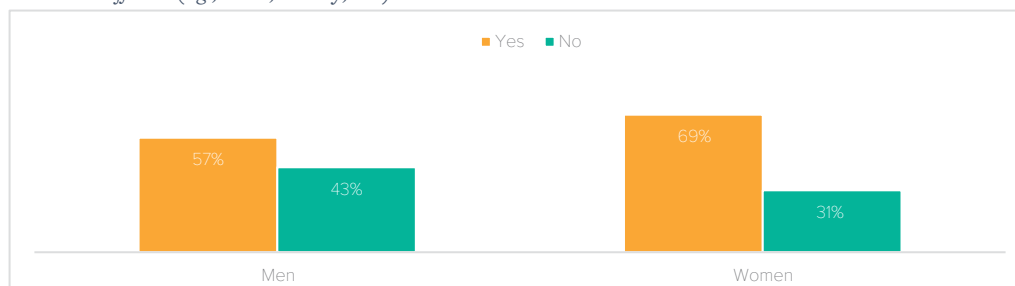
Figure 30. The proportion of the population that has declared an increase in the following activities



Source: Rapid gender Assessment socio-economic impact of COVID-19 on women and men in Albania, April 2020

The impact of the COVID 19 pandemic on psychology and mental health is another important area of study. Around seven out of ten women have declared to have felt that the pandemic has affected their psychological/mental/emotional health (e.g. stress, anxiety, etc.), compared to 57 percent of men.

Figure 31 . As a result of Coronavirus/COVID-19, did you (personally) experience psychological/mental/emotional health was affected (e.g., stress, anxiety, etc.)



Source: Rapid gender Assessment socio-economic impact of COVID-19 on women and men in Albania, April 2020

Due to Covid-19, women are working more from home and their involvement in caring and household chores has increased. On the other hand, even though more men are losing their jobs, they are not increasing their involvement in domestic responsibilities to the same extent that women are doing. All these factors combined have brought more stress and anxiety for women.

This section presents an overview of the identified best practices in developed countries in relation to family-friendly policies. Furthermore, cases have been highlighted from the private sector, too, alongside national examples of how family-responsive family policies are being implemented at present.

Work-Life Balance is about combining family commitments, leisure, and work, including paid and unpaid work. Across OECD countries⁴², the average time spent on leisure and personal care by full-time employed people ranges from around 14 to 16.5 hours per day. Full-time employed men enjoy 30 minutes more leisure and personal care time than women, while the young and old spend 50 and 25 minutes more than the middle-aged, respectively. In the 13 OECD countries with available data, the population's share of working long hours in unpaid work ranges from 7% to 17%. When considering both paid and unpaid working time together, women work, on average, 25 minutes longer per day than men do. Average satisfaction with the use of time, measured on a scale of 0-10, never exceeds eight and can be as low as 5.6. Middle-aged people are consistently the least satisfied with their use of time.

According to a study⁴³ published by UNICEF in 2019, Sweden, Norway, and Iceland occupy the top three places in the league table of national family-friendly policies. All three countries rank in the top third of the 31 ranked countries on paid leave reserved for fathers and the share of children under the age of three in childcare centers. Norway offers longer paid leave to mothers than Iceland and Sweden, both in terms of actual weeks and the full-rate equivalent weeks (i.e. adjusted by the rate of payment for a parent on average earnings).

Leave Arrangements

Parental Leave

SWEDEN

Parental leave can be taken from 60 days before the birth up until the child is 12 years old. Paid leave is 480 days per child, but only 96 days can be used after the child becomes four years old.

During the first year of the newborn both parents can take simultaneously up to 30 days.

NORWAY

Norway provides a flexible parental leave system with a maternal and paternal quota and a joint period that parents can share.

Maternal quota is 15 weeks at a benefit rate of 100 percent, and other 19 weeks at 80 percent. In addition to the maternal quota, the mother also gets the last three weeks before the estimated date of delivery.

Paternal quota is 15 weeks at a benefit rate of 100 percent, and other 19 weeks at 80 percent and can be taken from week seven after the birth in divided or consecutive weeks.

Joint period is 16 weeks that are fully covered, and 18 weeks at 80 percent which parents can share. When the father takes the parental benefit from the joint period, the mother can work, study or engage in other approved activity.

⁴² OECD Countries index prior accessed in September 2020,
link: <https://www.oecd-ilibrary.org/sites/e6597da1-en/index.html?itemId=/content/component/e6597da1-en#>

⁴³ Family-Friendly-Policies-Research UNICEF 2019, last accessed in September 2020,
link: https://www.unicef-irc.org/publications/pdf/Family-Friendly-Policies-Research_UNICEF_%202019.pdf

Paternity Leave

NORWAY

Paternity leave is 40 weeks at a benefit rate of 100 percent and 50 weeks at 80 percent.

Fathers should take a minimum of two months paternity leave. Due to the system in place, companies are aware that a new father needs to take care of the newborn, and this practice is widely understood and accepted.

SLOVENIA

Fathers are entitled to 30 calendar days at a benefit rate of 100 percent paid days, plus an additional 10 days for the birth of twins or 20 days for triplets).

Childcare Leave

SWEDEN

When the child is unwell, a parent has 120 days per child up to the age of 12 covered at 80 percent. They can also take seven days off, for which no doctor's note is required.

Financial Arrangements

SWEDEN

Sweden contributes with about 120 euros a month per child up to 16 years old.

NORWAY

The government provides free schooling and supplies (books and other materials), as well as free healthcare for children until the age of 18.

AUSTRIA

All the examination programs, during pregnancy, and until the child reaches the age of five years are free of charge if the panel of doctors of the health insurance company are consulted accordingly.

CROATIA

Maternity leave for an employed or self-employed mother who meets the insurance criteria, is at 100 percent of the base of her salary. If these conditions are not met, the cash benefit is 310 euros per month.

Parental allowance

SLOVENIA

The parental allowance is intended for mothers (or fathers after 77 days from the birth of a child) who are not insured for parental care (students, unemployed) and amounts to 258.09 euros per month.

Childcare allowance

AUSTRIA

Since March 2017 Austria has adopted a new system of childcare allowance known as the flat rate

system which varies from 15 to 35 euros per day (depending on the chosen duration of allowance). The duration of the allowance is between 365 to 851 days from the birth date of the child if one parent claims it, and 456 to 1063 days from the birth date of the child if both parents claim it. For the income-related system of childcare allowance, the amount is 80 percent of the last income not longer than 365 days following the birth of the child if one parent claims it, and no longer than 426 days if both parents claim it.

Access to childcare

AUSTRIA

Austria provides day care facilities for babies and toddlers up to the age of three. The government also offers employee day care centers in or near the place of work, that help the employees have easier access to childcare. Another system is the day parents care where fathers and mothers care for one or more children at home in a family unit. The financing of this system is covered through parent's contributions, public subsidies, and partially through childcare aid. Also, grandmas and grandpas can be hired for dedicated childcare.

Finally, for school-aged children apart from the school care and private care, there are also the options for all-day schools and open schools as alternative solutions for childcare.

Work Arrangements

Protection of employment contract

AUSTRIA

Austria has regulated the protection of employees during pregnancy, maternity leave, part-time employment and abortive birth by setting a certain period of time in which employees cannot be dismissed. As a result, women employees are not allowed to be dismissed during pregnancy and until four months after childbirth. Employees cannot be dismissed during maternity leave and until four weeks after the leave has expired. Employees who choose to work part-time after the birth of the child cannot be dismissed during the part-time employment until four weeks after the end of the part-time employment and until the child becomes four years old.

Flexible working hours

CROATIA

When the child requires enhanced or special care and nursing due to health or development issues as certified by a doctor, one of the employed or self-employed parents may spend half of their working hours providing care to their child. This arrangement can be used after parental leave and can last until the child turns three years old. While working part-time the parent is entitled to a cash benefit equal to 310 euros per month covered by the Croatian Health Insurance Fund.

In terms of the private sector, IBM⁴⁴ is taken as a case study, even though it gives an overview of the balance of work-life without specific details on gender issues. IBM's attention to work-life problems started in the early 1960s, when the company instituted a one-year unpaid leave of

⁴⁴ Harmonizing work family and personal life, from policy to practice, Poelmans and Caligiuri, Cambridge University Press, 2008 Chapter 5, page 116-130

absence, and in 1980 the company pioneered individual work schedules allowing some day-to-day flexibility. In 1998, the company started a global initiative to help its workers find more balance between work and life. To better address work-life issues, IBM formulated a work-life strategy that consists of three pillars regarding culture, flexibility and dependent care.

The plan concerning culture gathered data and used them to address cultural barriers. The process then took into consideration flexibility and workload issues to meet current and future employees' real needs and expectations, and increased the global support offered for childcare and elderly care. IBM developed a program customized by country. It included childcare centers, vacation camps throughout the year, referral systems, seminars and topics on childcare, building in-home care networks, schools, and after school programs. The technology company offers schedule and career flexibility, health insurance after working just 20 hours a week, 14 fully paid weeks off for birth mothers and six weeks for adoptive mothers, and free breast milk shipping.

Another best practice company is Zalando SE, an e-commerce company based in Berlin. It was founded in 2008, and is currently Europe's biggest online fashion platform, present in 17 European markets with more than 30 million active customers. Zalando employs around 14,000 people from more than 130 countries. About 2000 employees are dedicated to tech in Zalando's Tech Hubs. Zalando offers parental benefits to its employees in which the leave can be taken for a maximum of 3 years. The minimum length of parental leave is one month, two months in case of parental allowance. The e-commerce company offers *pmeFamilienservice* which provides a lot of information about work-life balance. It also provides childcare services concerning kindergarten.

The *pmeFamilienservice* supports employees on this topic with the placement of care personnel, ambulant services, and assists in dealing with illness, need for care, and disability. In life situations coaching, *pmeFamilienservice* helps with a range of counselling services on health problems, psychological disorders, addiction, and dependencies or the subject of leadership competence. In exceptional cases, *pme* also offers help with the topic of relocation. The company provides a child-parent room on their premises in case children cannot go to kindergarten or have temporarily dropped out.

American Express⁴⁵ embraces the work-life balance, too. The idea is for employees to find the work-life fit that's right for them, ranging from caring for employees' physical and mental health to offering flexibility outside the office. There are onsite fitness classes as well as counselling and wellness centers/nurses on location. AmEx is considerate of finances, too. Its perks are complete with commuting reimbursement, deals, and discounts exclusive to American Express employees, tuition reimbursement, and health saving/flexible spending accounts, programs for employees nearing retirement, and paid parental leave. As one of the companies with the best work-life balance, American Express also offers flexible work arrangements/hours in some roles. That means employees can work in a way that suits them without ever compromising quality. Please refer to the annexes for listed companies with the best work-life balance in the US.⁴⁶

Due to a lack of public data in the Albanian context, no companies are known to operate with the work-life balance in mind in the private sector. However, encouraging decisions were issued by the Commissioner on Protection from Discrimination in relation to gender-responsive family policies, which may be found in the legal analysis section.

⁴⁵ Companies with the best work life balance, last accessed in September 2017, link: <https://bestcompaniesaz.com/best-companies-for-work-life-balance/>

⁴⁶ Companies for Working Mothers 2017, bussiness insider, last accessed in September 2020 link: <https://www.inc.com/business-insider/companies-for-working-mothers-2017.html>

CHALLENGES AND RECOMMENDATIONS

This section identifies some of the main challenges that were encountered during the legal and data analysis of this report, followed by recommendations as to how these challenges may be addressed and resolved.

1. The legal and regulatory framework in Albania regarding family-friendly policies has significantly improved not only in terms of incorporating important international instruments but also the amendment of domestic legislation and its harmonization with European Union directives. The findings of the analysis show that Albania is in the process of adopting ILO Convention 190 regulating gender discrimination and sexual harassment in the workplace. However, the 2019 EU Directive on the balance of personal and family life is yet to be transposed into national legislation.

Recommendation: The adoption and ratification process of ILO Convention no. 190 should be pushed further on the Assembly's agenda, so it is discussed in the first months of 2021. In addition, there is a need to transpose the EU's 2019 Directive on Work-Life Balance, regarding the arrangements of paternity and parental leave.

2. Albania has shown a commitment to adopting several international treaties and conventions as part of its national legislation concerning women's protection against gender discrimination and providing equal treatment and equal opportunities for them. However, the promotion of work-life balance in national strategies and coordinating public and private institutions to implement work-life balance policies continues to pose a significant challenge.

Recommendation: The Government should adopt a national strategy with work-life balance and gender-responsive family policies as its central pillar. State institutions in charge of employment policies and international treaties and conventions, stakeholders in charge of protecting women's rights and their employment rights along with the business community, civil society organizations, and donor community should be invited to contribute towards the strategy and its action plan. Furthermore, given that the Government of Albania is going to prepare the new Gender Equality Strategy 2021–2030, the author's strong recommendation is that it plans for specific actions that fight gender stereotypes on the one hand, and provide for better education for boys and girls, on the other, paving the way for equal and balanced relations in future families. Specific measures addressing the balance between family and work life should also be included in the strategy and its action plan, in particular since they will cover the next decade. Another recommendation would be to improve both the quality and the frequency of data collection and for them to become an integral part of this strategy (conducting the TUS periodically, the impact of COVID in women's work at home, etc.).

3. Albania has no specific law regulating let alone promoting the work-life balance. Nevertheless, certain provisions are found in several laws, although they are not fully harmonized with the EU acquis. Most importantly, dedicated regulations that promote the work-life balance and/or that raise awareness of equal treatment and equal opportunities in both the private and public sectors are not in place.

Recommendation: In line with the EU Directive, a special law regulating work-life balance should be drafted and adopted. As mentioned in the legal analysis section, several provisions can be found in the Labor Code and the Social Insurance Law. These laws have been amended on several occasions and to enter into the details of that process, would only adding confusion to the clarity this research piece is attempting to provide. With the

legislative technique in mind, it is our recommendation that rather than having a puzzle of laws contributing to this important domain, a new law is drafted instead, along with the supporting by-laws on work-life balance and the promotion of equal treatment and equal opportunities in the private and public sectors. It is also our recommendation that once this law is adopted, a series of awareness-raising campaigns are organized for the public to become acquainted with the new provisions, alongside the training of state officials who will be dealing with the provisions of the new law. Public institutions, the international community and civil society organisations can all help in this regard, and can do so immediately, building upon the provisions that already exist in Albanian legislation. They can go in parallel with other actions for fighting gender stereotypes on traditional and patriarchal gender-based sharing of duties and responsibilities, improving the awareness of fathers about the role they can play by taking on responsibilities of helping with anything that is needed in raising their children, etc.

Organizing obligatory pre-marital and pre-parental courses or sessions may also be considered, in particular given the impact it can have in changing mindsets from a young age.

4. The findings of this analysis are that the legal mechanisms to restore the right that has been infringed – discrimination on the basis of gender, pregnancy or parental responsibility in employment – are the Commissioner for Protection from Discrimination and the Administrative Court. Both of these mechanisms are set in motion by a complaint or a lawsuit that is filed by the individual/the party claiming their right has been violated. The Labor Inspectorate is another such mechanism. It examines both working conditions and the rights of employees. Unlike the other two mechanisms, the Labor Inspectorate is set in motion not only by complaints or referrals/denunciations but mainly through on-the-spot inspections. Therefore, identifying violations or finding discrimination of citizens who may not even have knowledge of the CPAD or may lack the means to pursue the case in court remains a challenge. Just as much of a challenge is the identification of employers who fail to apply maternity leave arrangements for the pre-natal period, for instance.

Recommendation: A specific mechanism should be in place to assess the private and public work domain, along with recruitment processes in case discrimination takes place. It is the recommendation of the authors that this mechanism comes under the Commissioner on Protection from Discrimination and is given the form of a task force that conducts frequent checks and assessments in the premises of both public and private employers.

5. Parental leave is regulated by the Labor Code, which provides for a 4-month unpaid leave until the child reaches six years of age. The main concern about this provision is that being unpaid, despite their good intentions, parents mostly feel unable to take this leave given the repercussions of months of no remuneration. In addition, the analysis finds that employers fail to provide sufficient information to their employees about this option, should they wish to take it.

Recommendation: Since Albania has embarked upon its EU integration process, and all laws should be aligned with the EU acquis, government institutions must review the policy of unpaid parenting leave, harmonize it fully with the EU directive on work-life balance. Reference can and should be made to best practices, such as Sweden or Norway in this regard. Furthermore, employers should include parental leave rights as part of other types of leave making clear reference to it in either the employment contract or the company's internal regulations.

6. For paternity leave, the main challenge is that this is a newly introduced concept for Albanian society at large, and until recently, a benefit that has been provided to mothers only. The regulation is lacking certain modalities on how this type of leave works for fathers.

Recommendation: Additional rules on paternity leave should be drafted to regulate it in detail. Awareness should be raised through videos or short films, TV debates, and, most importantly, of role models of fathers already actively engaged in this role.

7. Findings show that maternity leave and childcare regulations are in place. When compared with best practices, the elements that are missing include provisions for mothers who cannot meet the criteria for maternity leave allowance and childcare leave without a doctor's note, when the child is unwell.

Recommendation: The Government must provide for cases that seem to fall outside the norm, such as when the mother and father fail to meet the criteria required to benefit from either maternity or paternity leave because they are unemployed or because they are students. In addition, parents should be able to take off a certain number of paid days as childcare leave even if they do not have a doctor's note.

8. Findings of the analysis show that there is no clear regulation on access to childcare, and there are no local companies that have policies in place for childcare services or none that can be easily identified.

Recommendation: Provisions should be made about childcare access offered by the government or employers for working parents. Reference can be made to Austria, as the best practice case in the EU. Even though some private companies are providing access to childcare for their employees, a mapping study of these companies should be conducted. This study will identify best practices and include those companies in the drafting process of all required documents and strategies to promote a work-life balance and gender-responsive family policies.

9. Desk research of statistical indicators shows that administrative data sources do not provide a lot of data disaggregation. Fertility analysis has an added value once data are disaggregated by the education level of the parents or their employment status. The report has tried to address this issue using data from ADHS which has been conducted twice in Albania.

Recommendation: Administrative data provides periodic information at a relatively low cost. On the other hand, surveys are costly, and they provide data only at a specific point in time. In this context, strengthening the process of collecting administrative data would allow for better analysis and appropriately measuring the impact that family-friendly policies have in the country. Moreover, gender disaggregation should be a must for all administrative data collection systems. Data should be disaggregated by age, residency, education, employment, disability, ethnicity, etc.

10. Data about nurseries, and therefore childcare, are missing from this report, as nurseries are managed by the local government, in other words the 61 municipalities in the country.

Recommendation: Centralize and standardize the data collection system for nurseries. The decentralization does nothing to help data standardization and makes it very difficult to access real data for the purpose of analysis. Therefore, a single institution should take charge of collecting this type of data in a single, unified and centralized system while

applying a standardized methodology.

11. The last Time Use Survey was conducted in 2010, which makes its data old and out of date. This report has tried to address this challenge by enriching the relevant section using another alternative survey conducted in Albania in 2016 by Eurofond on Quality of Life.

Recommendation: Implement a new Time Use Survey in Albania (TUS) - These types of surveys are not conducted more frequently than once in five or ten years, since time use is not expected to vary much over time. However, considering the new conditions, such as the impact of COVID-19 and tele-working, as well as legislative changes that might happen within the framework of family-friendly policies, the TUS could be repeated every 4-5 years instead.

12. Currently, around eight in ten children between 3-6 years of age are enrolled in kindergartens. However, analysis of this domain remains superficial since there are no data on where the parents reside, what their employment status is, their education, or their satisfaction with the service provided by such institutions. Therefore, the actual analysis does not provide a picture of potential challenges parents might encounter in accessing such institutions in the country.

Recommendation: Enhance the disaggregation of the data collection system for kindergartens.

13. To have a better and deeper analysis for successfully implementing family-friendly policies, quantitative and qualitative surveys among individuals and enterprises should be conducted. This will enable a better and more thorough understanding of their needs and challenges to implement such policies in the right direction and to target the specific needs in the country.

Recommendation: Implement dedicated surveys among individuals and/or enterprises to measure their needs and difficulties of a work-life balance.

14. The actual data from LFS do not provide sufficient information to analyze employment or unemployment rates, labor force participation rates and the number of children that women or men have given birth to. This type of analysis is crucial in the context of family-friendly policies. Moreover, LFS is a great tool in the hands of policymakers since this survey is conducted annually by INSTAT, which could make it possible to measure the impact of such an analysis over time.

Recommendation: Include the possibility of analyzing the direct impact of the number of children on employment rates in the country using the LFS survey by adapting its methodology to make this disaggregation possible.

Summary table: Albania's legal framework on family-friendly policies

Laws	<ul style="list-style-type: none"> - Constitution of the Republic of Albania (Law no. 8417, dated 22.11.1998, as amended) - Law no. 7703, dated 11.05.1993 "On Social Insurance in the Republic of Albania", as amended - Law no. 7961, dated 12.7.1995 "The Labor Code of the Republic of Albania", as amended - Law no. 9669, dated 18.12.2006, "On Measures against Domestic Violence" as amended - Law no. 9970, dated 24.7.2008 "On Gender Equality in Society" - Law no. 10221, dated 4.2.2010 "On Protection from Discrimination", as amended - Law no.10 237, dated 18.2.2010 "On Health and Safety at Work" - Law no. 93/2014 "On the Inclusion and Accessibility of Persons with Disabilities" - Law no. 121/2016 "On Social Care Services in the Republic of Albania". - Law no. 111/2017 "On Legal Aid guaranteed by the State" - Law no. 22/2018 "On Social Housing" - Law no. 15/2019 "On promoting Employment" - Law no. 57/2019 "On Social Assistance in the Republic of Albania"
Sublegal acts. by-laws	<ul style="list-style-type: none"> - Regulation no. 494 of the SSI, dated 05.10.1993 "On the issuance of reports for temporary incapacity for work" - Regulation no. 37, of the Social Insurance Institute (SII), dated 23.12.2004 "On the assignment, administration and payment of short-term benefits" - Decision no. 634 of the Council of Ministers, dated 15.7.2015 "On the Approval of the Regulation" On the Introduction of Occupational Safety and Health Measures for Pregnant Women and New Mothers"

LAW No. 7961, dated 12.7.1995, The Labour Code of the Republic of Albania, as amended

LABOUR CODE OF ALBANIA

1. The law is anti-discriminatory of working parents and women in a work environment?

YES. Article 9 of the Labor Code prohibits any kind of discrimination in the field of employment. Furthermore, this article defines discrimination itself.

“Discrimination” shall mean any differences, exclusions, restrictions or preferences based on gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious and philosophical beliefs, economic, educational or social situation, pregnancy, parental affiliation, parental responsibility, age, family situation or civil status, place of residence, health condition, genetic predispositions, disability, living with HIV/AIDS, joining or affiliation with trade union organizations, affiliation with a special group or any other cause, aiming at or a consequence to obstruct or make impossible to practice the right for employment and profession, in the same way as others.

Furthermore, this article defines that “5. the prohibition of discrimination and the application of the principle of equal treatment in the exercise of the right to employment and profession shall apply in respect of:

- a) opportunity for employment, self-employment and occupation, including the selection criteria and recruitment conditions, of any branch of activity and at all levels of the professional hierarchy, and promotion;
- b) access to all types and levels of professional orientation, vocational training, advanced vocational training and retraining, including work experience in practice;
- c) working and employment conditions, including termination of employment contract and salary;
- d) membership and activism in trade union organizations and employers’ organizations, or any organization, whose members exercise a particular profession, including the benefits provided by these organizations”

2. The right to parental Leave is defined in the law

Yes, Article 132/1 regulates parental leave.

“The employee, who has worked for one consecutive year for the same employer, is entitled to unpaid leave of not fewer than 4 months, until the child, he/she is in charge of, reaches the age of 6. The right to claim parental leave is individual for each parent and is not transferrable.”

3. Maternity leave is a right defined and regulated by the law

Yes. Article 105 regulates maternity leave. The Social Insurance Law defines the amount one benefits from giving birth to a child. Furthermore, it regulates that “the woman may refuse to work to benefit income from Social Insurance. 63 days after giving birth to a child, a mother can decide for herself if she wants to return to work or to stay at home and benefit

from social insurance. (3) If a mother decides to go back to work after the 63-day period following childbirth has come to an end, she reaches an agreement with her employer about feeding the baby, as per the following options until the child becomes 1 year old: either a 2-hour paid break within the normal working hours, or working hours are reduced by 2 hours, whilst the salary remains the same, as if the mother had worked for the entire/normal length of the working day (4) Once maternity leave comes to an end, the employee is entitled to return to the position she held before going on maternity leave, or to an equivalent position, under conditions which are not less favorable to her, benefiting from any improvement conditions of her employment, just as she would have during her absence.”

4. Flexible working conditions regulated by the law

YES, Article 15 sets out the rules of working from home and teleworking .

1. With a work-from-home contract, the employee performs his/her work at home or in another place which has been agreed upon with the employer, under the terms agreed between them in the employment contract.
2. With a teleworking contract, the employee carries out his/her work at home or in another place designated in agreement with the employer, using information technology, within the working time determined by the employee, under the terms agreed between them in the employment contract.
3. Provisions of this Code shall also apply to employment contracts, as defined in paragraphs 1 and 2 of this Article, with the exception of:
 - a) provisions regulating weekly working and rest times, overtime, working on official holidays and night work;
 - b) provisions regulating the right to compensation for work-related hardships.
4. Working conditions for employees working from home or teleworking may not be less favorable than those of other employees who perform the same or comparable job. For this reason, the employer should take measures:
 - a) to facilitate teleworking by making available, installing and maintaining necessary computer equipment for its execution, unless the employee performing teleworking uses personal equipment;
 - b) to prevent the isolation of the employee, establishing conditions to meet with the other employees.
5. The employee shall not be deemed to be working from home or teleworking, if he or she works in a place other than the one agreed upon

with the employer or, in special circumstances, with their consent or upon agreeing with the employer, the employee performs another type of work, provided in the contract.

5. Access to Childcare is regulated by the law

No, the Labor Code does not have provisions regulating access to childcare.

Law no. 7003, dated 11.05.1993 “On social insurance in the Republic of Albania” as amended

SOCIAL INSURANCE LAW

1. The law is anti- discriminatory of working parents

No

2. Parental Leave is defined in the law

No, there are no regulations due to the fact that the Labor Code has made parental leave an unpaid leave although the law does regulate childbirth allowance

Article 29

Childbirth allowance

- 1. Childbirth allowance is paid to an insured person, who is the mother or father of a child that is born, provided that one of them has contributed to the insurance scheme for at least one year prior to the birth of the child.*

The allowance is payable only once, and the mother has priority should she be insured.

- 2. The amount for each child born will be an amount equal to 50 percent of minimum monthly wage.*

3. Maternity right is defined and regulated by the law

Yes, articles 27-28 have regulated maternity leave and maternity

payment including in case of adoption.

1. Maternity is paid to the insured woman for the birth of her child, when she has been insured for at least 12 months. Excluded from this rule is the case when a woman falls pregnant again within 12 months.
2. The benefit period is 365 calendar days, including a minimum of 35 days before and 63 days after the birth of the child. For a woman who is pregnant with more than one child, the benefit period will be 390 calendar days, including a minimum of 60 days before and 63 days after childbirth.
3. Maternity income for the insured woman is:
 - a) 80 percent of the daily average of the estimated net base of the last twelve months from the date of birth of the right to payment for the prenatal period and for 150 calendar days after birth,
 - b) 50 percent of the daily average of the estimated net base of the last twelve months from the date of birth of the right to payment for the following period.
4. Maternity income for women insured as self-employed in agriculture is calculated according to point 3 of this article. For the period until the equalization of the contributions paid by the self-employed in agriculture with the self-employed in non-agricultural activities, the maternity income is determined by a decision of the Council of Ministers.
5. The mother who adopts a child up to 1 year of age and who has been insured for no less than 12 months, is entitled to postpartum leave, which begins the day of adoption, but not earlier than after 63 days from the child's birth and lasts no more than 330 days from the day of the child's birth. The minimum leave for the adopting mother is 28 days.
6. When a child is adopted during maternity leave, the mother who gave birth will have a benefit period until the day of adoption, but not less than 63 days after birth.
7. After the period of 63 days after the birth, the right to leave for care of the child has also the father or the insured adopter, if this right is not exercised or there are no conditions for the mother to benefit.

Article 28

Pregnancy allowance

(Amended point 2, with Law no. 104/2014, dated 31.07.2014, article 14)

1. *The insured woman, who by decision of the competent medical commission changes her position due to pregnancy, is entitled to receive income compensation for the lower income that she received due to the job change. Entitlement to this compensation is for women who have been contributing to the insurance scheme for no fewer than 12 months.*

2. *The amount of allowance that will be received as compensation is equal to the difference between the salary of the previous job and the salary of the new job. This compensation may not be more than 50 per cent of the daily average of the assessable base of the last calendar year.*

4. Flexible working conditions regulated by the law

No, there are no regulations in the law in this regard

5. Access to Childcare is regulated by the law

No, there are no regulations in the law in this regard

DCM No 740, dated 12/12/2018 “On determining the immediate financial assistance to mothers with newborns and the gaining procedure”

DCM ON FINANCIAL ASSISTANCE FOR NEW BORN

1. The DCM is anti-discriminatory of working parents

No, since it is a by-law and it is pursuant to the above law, it does not have any specific regulations

2. Parental Leave right is defined in the law

No, since it regulated only the financial assistance to newborns, there are no rules in this regard

3. Maternity right is defined and regulated by the law

No, there is no specific rule in this regard but the decision does define the rules for financial assistance. The first paragraph determines the amount of immediate financial assistance (bonus) for mothers with newborn babies and the procedure, as follows:

- a) the amount of 40,000 (forty thousand) ALL for the birth of the first child;

- b) the amount of 80,000 (eighty thousand) ALL for the birth of the second child;
- c) the amount of 120,000 (one hundred and twenty thousand) ALL for the birth of the third child and other subsequent children;
- d) mothers who give birth to twins will receive the amount of 80,000 (eighty thousand) ALL for each child;
- e) mothers who give birth to at least triplets, will receive 120,000 (one hundred and twenty thousand) ALL for each child.

4. Flexible working conditions regulated by the law

No, there are no regulations in the law in this regard

5. Access to Childcare is regulated by the law

No, there are no regulations in the law in this regard

ANNEX II: CONTEXTUAL GENDER INDICATORS IN ALBANIA

Indicator		Source
Population		
Population	49.9 % Men 50.1 % Women	INSTAT, 2019
Sex ratio at birth	109 ⁴⁷	INSTAT, 2019
Total fertility rate	1.36	INSTAT, 2019
Mean age at marriage	31 Men 28 Women	
Life expectancy	77.6 Men 80.6 Women	INSTAT, 2019
Education		
Pupils enrolled in upper secondary education	53 % Men 47 % Women	INSTAT, 2019
Students in enrolled tertiary education	40 % Men 60 % Women	INSTAT, 2019
Graduates	33.6 % Men 66.4 % Women	INSTAT, 2019
Employment		
Participation in labor force (15-64 years)	77.6 % Men 61.6 % Women	LFS, 2019
Employment rate (15-64 years)	68.2 % Men 54.4 % Women	LFS, 2019
Unemployment rate	12.2 % Men 11.8 % Women	LFS, 2019
Women in decision-making		
Participation in parliament (no of seats held in Parliament)	70.5 % Men 29.5 % Women	INSTAT, 2019
Ministerial positions	43 % Men 47 % Women	INSTAT, 2019
Owners or administrators of active enterprises	74.6 % Men 25.4 % Women	Business register, 2019
Human rights		
Percentage of women 20-24 who are married or in a union before 18 years old	6.1 %	Domestic Violence of Women and Girls in Albania, 2019
Adolescent birth rate (per 1000 girls)	14.2	INSTAT, 2019

⁴⁷ The natural level is 104-106 boys per 100 girls born during a reference period, usually a year

Abbott

In addition to eight weeks of paid maternity leave, the healthcare company has an on-site childcare center at its headquarters in Abbott, Illinois, that serves 471 kids and charges sliding-scale fees. Managers at Abbott are also said to help working moms when faced with personal challenges and often offer reduced hours and the ability to work remotely.

Accenture

Women at this professional services company can take 16 fully paid weeks of maternity leave, can choose to work locally for a full year afterwards, and have breast milk shipped home (for free) when they travel for business. Moms can also access up to 120 hours of subsidized backup-care services a year, and flexible work arrangements are encouraged.

Bank of America

Parents receive 16 weeks of paid leave for birth or adoption, as well as childcare reimbursements of up to \$240 a month. Employees can also talk to a doctor by phone or video chat and receive diagnoses and prescriptions almost instantly.

Deloitte

The professional services firm has a number of advancement initiatives, encourages customized schedules, and offers everyone up to 30 paid days off a year. It also offers childcare reimbursements, as well as up to 16 weeks of fully-paid family leave for moms and dads and up to six months of paid time off to birth mothers.

EY (formerly Ernst & Young)

Men and women welcoming a child through birth, adoption, surrogacy, foster care, or legal guardianship in the US are all eligible for up to 16 weeks of fully paid parental leave. The professional services firm also offers pre-natal breastfeeding webinars, free breast pumps and travel kits for milk storage, new-parent coaching, and up to \$25,000 in coverage for fertility treatments and adoptions.

Intel

The tech company offers \$40,000 for IVF, egg freezing, and other procedures for employees struggling to get pregnant, in addition to \$20,000 for drugs. Adoptive parents can request up to \$15,000 per child to pay for out-of-pocket expenses. And parents with special-needs kids have access to free financial planning, help with legal and quality-of-life issues, and an affinity group for those with diverse abilities.

Johnson & Johnson

The healthcare company offers employees access to on-site daycare facilities, health and lifestyle coaching, concierge services, and free college counseling. Adoptive parents and dads are eligible for eight fully-paid weeks of leave, while birth mothers receive 17 weeks.

KPMG

Parents-to-be at the audit, tax, and advisory services firm can take advantage of mentoring sessions, group discussions for those about to go on leave, and a lactation program that offers consultations around the clock and will deliver a breast pump to expecting parents' homes two weeks before the baby's due date. When new moms return from their up-to 18 weeks of fully paid leave, they can chat with a new-parent coach.

McKinsey & Co.

The management consulting firm offers 16 weeks of paid leave for all birth parents and eight weeks for non-birth parents. It additionally offers on-and-off-ramping services, role flexibility, and sabbaticals. Employees raising kids with special needs (including preemies and multiples) can meet in an affinity network, obtain guidance from a firm-contracted doctor, and receive 20 extra paid days of parental leave.

Procter & Gamble

New mothers who give birth or adopt get 16 fully paid weeks of leave, as well as peer mentoring when they come back from maternity leave. Employees at the consumer-goods company are also allowed to reduce or adjust their hours, work from home, compress their schedules, or take leaves of absence.

PwC

Women at the professional services firm can join a program that lets them work just a few months each year, and new moms receive at least six weeks of paid maternity leave, if not more. The firm's working-mothers group gives people a place to discuss kids, flexibility, advancement, and anything else they like.

Prudential Financial- Parents at the financial-services firm receive national daycare discounts, 200 hours of subsidized backup care per year, and they save \$5,000 a year in pre-tax dependent-care accounts with a 25% match. Some of the firm's offices have their own childcare facilities, as well as on-site fitness centers and wellness clinics. And birth mothers receive eight weeks of fully paid leave, while adoptive parents receive four weeks of leave in addition to \$10,000 in aid.

Unilever

The consumer products company offers access to priority slots at 36 childcare centers and subsidized back-up care available 50 days per year. The company also provides 16 weeks of paid maternity leave and breast-milk shipping.

Zoetis

The insurance provider's 20,000-square-foot fitness center comes complete with saunas, mother's room, and juice bar. In addition, everyone at the company can adjust their schedules or work anywhere they like.

**Expanding
Choices** through
Family-Friendly Policies



With funding from
 Austrian
Development
Cooperation