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A Gender Perspective on Chapter 19 on Social Policy and Employment in the 2021 Country Reports

Introduction

In accordance with EU commitments, ideally all chapters of Country Reports should be gender mainstreamed, including Chapter 19: Social Policy and Employment. A coalition of women's rights groups working to address gender-based discrimination related to labour in the Western Balkans (WB) has analysed the 2021 European Union (EU) Country Reports from a gender perspective, focusing on Chapter 19. The analysis draws from evidence-based research conducted by the partners in 2021. This work has been supported by the EU and co-funded by the Swedish International Development Cooperation Agency within the Action *Empowering CSOs in Combatting Discrimination and Furthering Women's Labour Rights*.

Key Issues in 2021

Evidence from monitoring suggests that all WB Country Reports should have included attention to the following three key issues related to Chapter 19, from a gender perspective:

- 1) All governments' treatment of **gender-based discrimination** in labour: ongoing monitoring of and attention to gender-based discrimination in this chapter is important considering that such discrimination is a key factor contributing to women's concerning low labour force participation in the region.
- 2) All governments' progress in harmonising legislation with the EU **Work-Life Balance Directive**: evidence suggests that countries providing for improved work-life balance among women and men, as well as more flexible, family friendly workplaces, can contribute significantly to increasing women's employment rates, as well as to addressing broader socialised gender inequalities within societies.
- 3) How government **measures to address COVID-19** have impacted diverse women and men: evidence suggests that government responses to COVID-19 have had a detrimental impact on women's labour force participation; women also have benefitted less than men from government measures to encourage economic recovery. Given the EU's substantial financial contributions to support WB COVID-19 recovery efforts, Country Reports in 2021 and 2022 should address specifically any identified gender inequalities in government responses to COVID-19 and request that gender analysis better inform future responses, towards a gender-transformative approach, in accordance with the [EU Gender Action Plan \(GAP III\)](#) and [OECD/DAC](#) guidance for a gender perspective in programming.

Moreover, in accordance with EU GAP III principles, gender mainstreaming of Chapter 19 should include an intersectional approach, ensuring attention to how age, geographic region, ethnicity, and/or ability, among other factors, may hinder particular groups of women and/or men from accessing employment and social services.

The sections that follow describe the current situation in each country and provide recommendations that the European Commission, Council and Parliament can raise with the respective governments.

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ALBANIA

Current Situation

- 1) **Gender-based discrimination:** Albania has a solid legal framework to protect workers from gender-based discrimination, as per the Law on Protection from Discrimination (LPD), Labour Code (LC), Law on Gender Equality (LGE), and Criminal Code (CC). However, these laws have been amended separately over time without sufficient harmonisation, so different definitions of discrimination and inconsistencies exist, creating confusion in reporting. Roma women, LBTQI+, and women with different abilities face multiple forms of discrimination. National strategies and efforts to empower them are not aligned with non-discrimination legislation. While the LPD shifts the burden of proof to the person who commits sexual harassment, in criminal offences involving sexual violence at work, the burden of proof remains with the victim, which hinders reporting.¹ Implementation also remains problematic. In the last three years, no reports of sexual violence at work exist (per the CC) and reporting of gender-based discrimination remains low. Main reasons include fear of retaliation, concerns about job loss, and lack of trust in institutions. Low awareness regarding reporting mechanisms continues. Courts still lack experience with such cases. Required human and financial resources remain inadequate.
- 2) **Work-life balance:** The LC is not aligned with the 2019 EU Directive on work-life balance. Therefore, there are no clear provisions on carers' rights and paternity leave is given after maternity leave ends. While provisions for more flexible working arrangements are included in the LC, including telework and working from home, they are not implemented in practice. Therefore, the gendered nature of care responsibilities for family members and unequal division of work at home between men and women reinforce existing patriarchal norms. In some sectors, employers do not always respect rights to paid leave, national holidays, and other forms of leave.
- 3) **COVID-19 response:** More women than men worked from home amid government restrictions to curb the spread of COVID-19. Care responsibilities increased more for women than men.² Women faced loss of income due to business closures. The government's COVID-19 response package, especially the "war wage" did not reach all employers equitably. The agriculture sector, 'Fason'³ industry, tourism, and small and medium enterprises (SMEs) benefitted less.⁴ Persons employed in the informal sector, primarily women, were completely excluded from relief.⁵ The pandemic interrupted a Ministry of Education, Sport and Youth initiative called 'Let's do Homework' through which schools, mainly in Tirana, engaged students two additional hours; the initiative provided unpaid childcare, enabling mothers to enter the labour market.

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination:** The 2021 report for Albania mentions gender 28 times, women 43 times, and non-discrimination 20 times. Gender-based discrimination is not mentioned per se, but portions of Chapter 19 and 23 address discrimination in labour. In Chapter 23, the report mentions improvements to the LPD and draws attention to the importance of establishing case law based on those improvements.⁶ However, the report does not mention the lack of case law related to gender-based discrimination in

¹ Republic of Albania [Law No. 7961](#), 12.7.1995, Labour Code of the Republic of Albania, amended.

² UN Women Albania, [Rapid Gender Assessment Albania](#), 2020.

³ This term relates to textile and footwear companies operating in Albania.

⁴ Xhafa E., and Kuçi, L. 2020. "[The World of Work during the Pandemic](#)".

⁵ Ibid.

⁶ [EU Albania Report 2021](#), pp. 26, 32.

employment; inconsistencies in the legal framework on discrimination and employment; and the need to harmonize definitions, redress mechanisms, and fines in the LPD and LGE. Discrimination against vulnerable groups, such as LGBTQI+, women with disabilities, and ethnic minorities are mentioned in Chapter 23, but an intersectional approach is lacking in Chapter 19. The EU should:

- Encourage the government to harmonize definitions of discrimination and grounds for discrimination across different legislation.
 - Emphasise the importance of adopting the ILO convention on harassment in work and encourage preparatory work in revising legislation in line with it.
 - Encourage establishing case law on gender-based discrimination related to labour.
 - Emphasise the need for the Commissioner for Protection against Discrimination, Labour Inspectorate, and courts to better collect and publish data, enabling evidence-based decision-making on policies and programs to effectively counter gender-based and intersectional discrimination in labour.
 - Emphasise the need to strengthen institutions' human and financial resources, towards increasing citizens' trust and awareness of redress mechanisms, towards increased reporting of discrimination in labour.
- 2) **Further work-life balance:** The 2021 Albania report only mentions transposing the EU Directive on occupational health and safety, focusing on limited implementation, such as in textiles and shoes.⁷ It notes the gendered nature of domestic work, disproportionately affecting women. However, it does not relate this to work-life balance or implementing the LC, which are particularly important amid the COVID-19 pandemic. The EU should:
- Encourage transposition of the EU Work-Life Balance Directive into national legislation.
 - Encourage the government to ensure legislation is implemented by employers.
 - Recommend introduction of carers' leave into the LC.
 - Encourage institutions responsible for implementing labour and non-discrimination legislation, particularly inspectors, to pro-actively ensure employers respect provisions on leave, flexible working arrangements, and other measures for work-life balance.
 - Encourage government attention to the unequal share of domestic work among women and men. Support the government, human rights institutions, and CSOs to conduct awareness campaigns on engaging more men and boys in care work.
- 3) **Improve COVID-19 response:** The 2021 Albania report identifies and briefly analyses the gendered impact of COVID-19 on employment, focusing on the gendered nature of domestic work and women in the informal economy.⁸ The EU should:
- Expand in future reports and acknowledge in political dialogue with the government gender analysis of the socioeconomic impact of COVID-19 on women, especially in reduced income from employment due to their concentration in the informal economy and in "super-spreader" sectors, such as textiles, shoes, and call centres.
 - Encourage the government to collaborate with and support gender experts in civil society in conducting in-depth ex-post intersectional gender impact analysis of the government's COVID-19 economic response package to inform future decisions.

Bosnia and Hercegovina

Current Situation

- 1) **Gender-based discrimination:** Bosnia and Herzegovina (BiH) remains the only WB state whose Constitution neither contains provisions related to equality between women and men, nor prescribes a ban on discrimination against women in public and private

⁷ Ibid, p. 90.

⁸ Ibid, pp. 94-95.

spheres. Dozens of disturbing testimonies about sexual harassment and abuse in social media regarding the #nisamtrazila movement in early 2021⁹ affirm that BiH does not have a safe, confidential system for filing complaints on gender-based discrimination at work. Related case law is poorly developed. Women, the most frequently affected, lack adequate legal and psychological support; though institutions are required to provide it, this service exists in only 10 courts.¹⁰ The labour market remains unadjusted to the needs of persons with disabilities. Women with children with disabilities often face discrimination, facing challenges maintaining adequate, consistent work. Women in remote areas, mothers with children with disabilities, elderly women, and Roma women are at risk of social isolation and require more support towards employment.¹¹

- 2) **Work-life balance:** Labour laws are not harmonised with the Work-life Balance Directive. None of the labour laws¹² recognise the term 'paternity leave'. Nor do they establish a non-transferable, individual right of the other parent to use parental leave. Currently, it is not a non-transferable right of the parents.¹³
- 3) **COVID-19 response:** The pandemic has further deteriorated the position of workers in low-profit industry sectors (textiles, leather, footwear) and trade, where women comprise the majority of the workforce. Amid preserving production and profit in these sectors in 2020, numerous labour rights violations were recorded, primarily violations of epidemiological measures and inspection bodies' conscious disregard for the lives and health of workers. Women in marginalised groups (Roma, single parents, LGBTQI+, with disabilities, survivors of sexual violence, war torture, and gender-based violence) faced worsened conditions during COVID-19.¹⁴ An analysis of BiH protective measures found that they were almost completely gender blind. Principles of proportionality and constitutionality were missing, while many measures have had a disproportionately negative effect on vulnerable groups.

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination:** Incorporate into the Constitution a comprehensive definition of the prohibition of discrimination against women, which covers direct and indirect discrimination in public and private spheres. Familiarise all public institutions with temporary mechanisms to protect and advocate for adoption of Decisions on Zero Tolerance Policy and/or other internal mechanisms for preventing sexual harassment and gender-based harassment in labour. Increase the availability of free legal services and psychological support for persons suffering gender-based discrimination.
- 2) **Further work-life balance:** Align labour laws with the EU Work-life Balance Directive by introducing at least ten paid working days of paternity leave, at least two months non-transferable parental leave, leave for caregivers, and flexible working conditions.
- 3) **Improve COVID-19 response:** Ensure protective measures are in line with international standards and gender mainstreaming, aimed at mitigating effects on women

⁹ By February 26, 2021, there were more than 4,000 reports by women on the Facebook group who testified to sexual harassment at work, colleges, and public spaces.

¹⁰ These are the district courts in Banja Luka, East Sarajevo and Trebinje, the Basic and Appellate Courts of the Brčko District, the Prosecutor's Office in Mostar, and the cantonal courts in Sarajevo, Zenica, Bihać and Novi Travnik. According to the systematization, the Cantonal Court of Tuzla has the position of a psychologist, but it does not have an employed person. In all other cases, municipal, district, or basic courts hire psychologists from prosecutor's offices or social work centers as needed. More [online](#).

¹¹ [The Report on Progress in Implementing Beijing Declaration and Platform for Action in BiH within the Beijing +25 process](#).

¹² RS Labor Law, Labor Law of the Federation of BiH, and Labor Law of Brcko District.

¹³ Petrić, Natalija, "[Presentation of the EU Work-life balance Directive 2019/1158](#)", Helsinki Citizens' Assembly Banja Luka, 2020.

¹⁴ See: https://eu-monitoring.ba/site/wp-content/uploads/2021/07/HRP_inicijativa_bhs_web_1207.pdf.

in social isolation (in remote areas, mothers with children with disabilities, elderly women, and employed women under in vitro fertilization, etc.).

Kosovo

Current Situation

- 1) **Gender-based discrimination:** Both the Labour Law and gender-based discrimination continue contributing to discrimination against women in hiring, promotion, pay, contract length, maternity leave, and sexual harassment at work.¹⁵ The legal framework remains convoluted with discrimination treated differently in the LGE, LPD, and Labour Law.¹⁶ This contributes to confusion that hinders reporting. Thus, few cases of gender-based discrimination related to labour have been reported, and responsible institutions still lack experience treating such cases. Reporting rates for gender-based discrimination remain low, particularly for women facing multiple discrimination, such as based on gender *and* ethnicity, age, ability, sexual orientation, or gender identity. Inspections remain weak, due to few labour inspectors and minimal knowledge regarding gender-based discrimination.¹⁷
- 2) **Work-life balance:** The Labour Law is not harmonised with the EU Work-life Balance Directive. It does not provide sufficient paternal and parental leave, flexible work hours, or carers' leave. This contributes to reinforcing existing socialised gender roles and to the disturbingly low employment rates among women. Limited availability of care services, despite commitments in the National Development Strategy, hinder women's ability to work, particularly amid COVID-19 measures.
- 3) **COVID-19 response:** Governmental isolation measures, school/kindergarten closures, and limited public services contributed to an increase in unpaid care labour performed by women. Around 34% of women indicated an increase in their workload.¹⁸ Though more women lost their jobs during the COVID-19 pandemic, men have benefitted more from government relief measures.¹⁹ By prioritizing funding for businesses (where women remain underrepresented) over investments in social infrastructure, particularly care services, the government is reinforcing pre-existing inequalities.

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination** by harmonising the relevant legal framework and amending the Labour Law. Increase the number of labour inspectors, including by improving the gender balance among them. Further their knowledge and capacities by institutionalising obligatory training on gender equality and gender-based discrimination, including multiple forms of gender-based discrimination (e.g., based on ability, ethnicity).
- 2) **Further work-life balance:** Finalize and adopt the draft Labour Law, including flexible work, maternity, paternity, parental, and care leave provisions as per the EU Work-Life Balance Directive. Urgently allocate resources for appropriately financing these. Recognise and address unrecognised economies such as the unpaid care economy. Invest in care, which would create more jobs, enable more women to work, improve educational outcomes for children, and contribute to economic development in accordance with the EU Barcelona Objectives.
- 3) **Improve COVID-19 response:** Support and conduct in close cooperation with gender experts in civil society an ex-post gender impact assessment of government recovery

¹⁵ KWN, forthcoming research on *Gender-based Discrimination in Labour*.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Krasniqi, Judita, for D4D, [Who pays the highest price? The impact of Covid-19 on women's employment in Kosovo](#), 2021.

¹⁹ KWN, "[The Pandemic Knows no Gender?](#)", Pristina, Kosovo, 2020.

efforts to date. Based on this gender analysis, revise recovery efforts, prioritising investments in social infrastructure, including care, healthcare, education, social services.

Montenegro

Current Situation

- 1) **Gender-based discrimination:** The Government's ambitious economic reform program "Europe Now"²⁰ remains gender blind, with only incidental effects of the measures on women, established without binding gender analysis. Legislation is still not harmonised with international standards and the EU Acquis. The Law on Prohibition of Discrimination does not incriminate discrimination based on sex; sexual harassment is not criminalised through the Criminal Code changes. The Labour Inspectorate has poor performance in processing cases involving gender-based discrimination in labour and employment, particularly for women with different abilities, Roma, and LBT women. Electronic processing of gender-based discrimination cases in all relevant institutions is lacking, as well as statistics including gender-disaggregated data in reference to the types of case reported, as well as by age, ethnicity, and ability. The 2021 Montenegro Report offers a detailed overview of women's participation in the labour market and illustrates how the existing structure of the social benefits system discourages women, as the financial return required to work (i.e. reservation wage) tends to increase with the number of children. It provides data reflecting higher inactivity and lower employment rates of women compared to men. It underlines obstacles women are facing in the labour market, such as the gender gap, sexual harassment in the workplace, insufficient work-life balance policies, poor access to affordable childcare, unpaid work, and weak tax benefit systems. Traditional socialised family gender roles and gender-based discrimination continue to discourage women from engaging in formal employment. In the MNE Economic quarterly report, it is noted that women represent 60.1% of total unemployment.²¹ There is a lack of strategies combating long-term unemployment of Roma women who face added discrimination. The EC 2021 Report recognises the lack of strategies addressing multiple discrimination of women and girls with disabilities.
- 2) **Work-Life Balance:** The new Labour Law is not fully harmonised with the EU Work-Life Balance Directive. Montenegro has introduced parental leave, but labour legislation does not prescribe non-transferable parental leave solely for fathers. Reconciling work and family life remain issues and require recognition in labour legislation, including for carers.
- 3) **COVID-19 response:** Job losses from the recession and its aftermath have disproportionately affected women and youth, which may set back efforts to raise their perennially low rates of labour force participation. The pandemic had had adverse effects on women's employment,²² and the number of unemployed women in June 2021 increased by 8,774 compared to June 2020,²³ representing 56% of the total number of newly unemployed. Thus, employers laid off more women than men during the crisis. The 2020 UNDP Research²⁴ showed that in the three months of the COVID-19 pandemic (April-June 2020), women earned an estimated 122.3 million euros in cash equivalent of the value of unpaid care and domestic work, while men earned 63.5 million euros. Thus, women worked 92% more than men in the field of unpaid care and domestic work.

²⁰ See: <https://www.gov.me/en/article/europe-now-programme-receives-positive-feedback-in-the-eu>.

²¹ [EU Candidate Countries' & Potential Candidates' Economic Quarterly](#) (CCEQ), Third Quarter, p. 14, European Commission Directorate-General for Economic and Financial Affairs, October 2021.

²² The Montenegrin Central bank, [Analiza realnog sektora](#), Podgorica, 2021.

²³ National Employment Agency, [Monthly-Report](#), 30 June 2021.

²⁴ UNDP Montenegro report "[Women's Contribution to the Economy of Montenegro – Utilization of Care work by women during Covid-19](#)", November 2020, p. 14.

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination** by harmonising the relevant legal framework, i.e. the Law on Prohibition of Discrimination, to introduce the definition and scope of discrimination based on sex (Ministry of Justice, Human and Minority Rights). Introduce sexual harassment in the Criminal Code of Montenegro (Ministry of Justice, Human and Minority Rights). Strengthen the legal authority and capacities of the Labour Inspectorate to identify and process cases involving gender-based discrimination in labour and employment, particularly for women with different abilities, Roma, and LBT women (Ministry of Labour). Improve electronic processing of gender-based discrimination cases in all relevant institutions and standardised tracking of statistics including gender-disaggregated data in reference to the types of case reported, as well as age, ethnicity, and ability. Consolidate various databases to obtain systematically organised data on women and men. Systematically analyse the impact of proposed policies on men and women, and design a special set of measures that address specific needs of women and men.
- 2) **Further work-Life balance:** Revise the present draft Labour Law to include maternity, paternity, carers, and parental leave provisions in accordance with the EU Work-Life Balance Directive; allocate resources for appropriately financing these leaves.
- 3) **Improve COVID-19 response:** Continuously research the impact of COVID-19 on women and publish data on ex-post gender impact assessment of government recovery assistance provided, disaggregated by sex; measure the unpaid care and domestic work done by women and design policies to ensure additional income support in return for their contributions.

North Macedonia

Current Situation

- 1) **Gender-based discrimination:** This year's country report on Chapter 19 provides gender-disaggregated data on employment rates, but ignores intersectional inequalities (e.g., employment gap among rural women and men is 24 p.p.).²⁵ The report does explicitly recommend that the state should, 'continue to implement activation measures for long-term and low-skilled unemployed people, including women, persons with disabilities and Roma, and ensure proper monitoring and evaluation of such measures'. Further, Chapter 19 shares the salary gap indicator from the 2021 Global Gender Gap report and comments the overall score of North Macedonia. Gender gaps in participation are not addressed in Chapter 19, but are mentioned in *Economic Development and Competitiveness*, stating that: 'the gender gap widened again slightly in 2020, (...) as male labour market participation dropped by less during the pandemic than female participation' (p. 53). Chapter 19 implies that women are at a bigger risk of harassment at work and that gender stereotyping and the gender pay gap persist, but does not provide an adequate intersectional analysis of gender-based discrimination in labour and does not recommend any specific measures. The capacities to implement labour policies and legislation are evaluated as insufficient and the performance of the State Labour Inspectorate is assessed as low, but recommendations refer only to improve the capacities to address issues related to safety at work without mentioning capacities for dealing with gender-based discrimination.
- 2) **Work-Life Balance:** Chapter 19 does not address high gender gaps in employment of parents with young children (among parents with children younger than six years old, it

²⁵ Eurostat (last update: 10/09/2021 23:00). [Employment rates by sex, age and degree of urbanisation \(%\)](#).

is 32.4 p.p. compared to 14.4 p.p. among those without children²⁶), or the high rate of women out of the labour force due to responsibilities related to caring for children, adult persons in need, or other family responsibilities (50.5% of inactive women compared to 1.7% of inactive men²⁷). It only states that measures are being taken to increase childcare and pre-school capacity. There is no mention of progress in implementing the Work-Life Balance Directive in the new Law on Labour Relations Law. The report states that work on the new labour law continued, ignoring the fact that the Law remains stuck in drafting and negotiations.

- 3) **COVID-19 response:** Although the Report states that 'women are among the categories most severely affected by the pandemic' (p. 25), Chapter 19 does not explicitly address the disproportional effect of the pandemic on women in the context of paid and unpaid labour. Struggling to balance work and family responsibilities, women disproportionately carried the brunt of childcare closures, but this is not recognised in the report as a danger to women's social and economic rights. Further, nothing is said on women working in precarious industries (e.g., textile and garments) who faced sub-minimum wage salaries, dismissal, threats, misuse of fixed-term employment contracts, violations of pregnancy and maternity leave, and violations of the right to use the governmental measure allowing parents to take paid leave for caring for children under age 10. The Government has adopted six sets of economic measures so far, with no indications of gender analyses being utilised to inform the relief measures, but the report says nothing about the gender-blind approach of the government and the danger of ignoring gender inequalities.

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination:** Further the knowledge and capacities of relevant authorities (e.g., labour inspectors, courts), ensuring a systematic response to prevention and protection against gender-based discrimination. Ensure protection of workers with non-standard employment contracts and women working in precarious industries.
- 2) **Further Work-Life Balance:** Adopt immediately the new Labour Relation Law, ensuring its harmonisation with the EU Work-Life Balance Directive and invest in care policies.
- 3) **Improve COVID-19 response:** Support and conduct in close cooperation with gender experts in civil society an ex-post gender impact assessment of government recovery efforts to date. Based on this gender analysis, revise recovery efforts to ensure gender-transformative approach in response to COVID-19.

Serbia

Current Situation

- 1) **Gender-based discrimination:** The inactivity rate for women includes a description of different forms of unpaid care labour that women are burdened with, which is a welcome improvement. Chapter 19 of the *Serbia 2021 Report* as a whole, however, does not provide an adequate intersectional analysis of gender-based discrimination in labour. Though there is mention of youth and women in rural areas, Chapter 19 does not make any reference to: Roma women or women of other ethnic minorities; LGBTQIA+ communities; people with different abilities. Women face barriers in accessing and maintaining employment. Reporting rates for gender-based discrimination remain low, particularly for women facing multiple forms of discrimination that intersect with gender, such as based on ethnicity,

²⁶ Eurostat (Last update: 02-06-2021). [Employment rate](#) of adults by sex, age groups, educational attainment level, number of children and age of youngest child (%).

²⁷ Eurostat (last update: 10/09/2021). [Inactive population](#) not seeking employment by sex, age and main reason, selected year 2020, age cohort 15 to 74 years.

age, ability, sexual orientation, or gender identity. Gender-based discrimination remains widespread in hiring, promotion, pay, contract length, maternity leave, and sexual harassment at work.²⁸

- 2) **Work-Life Balance:** There is no mention of Serbia's progress in implementing the Work-Life Balance Directive in the *Serbia 2021 Report*. In Serbia, neither the Law on Financial Support for Families with Children nor the Labour Law are harmonised with the EU Work-life Balance Directive. Serbian legislation does not provide sufficient paternal and parental leave, flexible work hours, or carers' leave. This contributes to reinforcing existing socialised gender roles and to disturbingly low employment rates among women.
- 3) **COVID-19 response:** Outside of impacts on women's inactivity rate, little is said about the drastic impacts that the pandemic had on women's economic and social rights. Though the report mentions that the COVID-19 pandemic disproportionately affected vulnerable individuals, no intersectional approach or description of groups most affected was provided. Regarding vulnerability, Serbia is the only WB country that has not introduced any special social policy measures towards the most vulnerable citizens during the State of Emergency and the COVID-19 crisis, despite its legal obligation under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights and the non-discrimination provisions of the European Convention on Human Rights.²⁹ The position of tradeswomen ('essential workers' during the pandemic) has been further exacerbated since the pandemic began due to constant exposure to possible infection. They faced poor protection measures against infection; lack of effective access to the right to fair and favourable working conditions; overextended working hours; and denial of the right to sick leave.³⁰

Recommendations for the EU to raise with the Government

- 1) **Address gender-based discrimination:** Promote anti-discrimination mechanisms towards greater knowledge on gender-based discrimination in labour among citizens and law enforcement, focusing on marginalised groups (e.g., women with different abilities, Roma, and LBT women) and in cooperation with women's rights groups. Amend the Law on Prohibition of Discrimination to provide the Labour Inspectorate and other inspections with the authority to submit complaints to the Commissioner for the Protection of Equality, as well as to allow trade unions to submit these complaints. Including women in the EC recommendations as a separate category that requires specific financial and institutional resources is welcome. Groups made increasingly vulnerable must be named directly in the EC's report to ensure accountability, including an intersectional approach to priority areas in recommendations towards the government. A more intersectional approach would ensure that diverse women are included in recommendations presented to the Serbian government (pages 98 and 99).
- 2) **Further work-life balance:** Revise the present Law on Financial Support for Families with Children and Labour Law to include maternity, paternity, parental leave, and carers' leave provisions in accordance with the EU Work-Life Balance Directive; allocate resources for appropriately financing these leaves.
- 3) **Improve COVID-19 response:** Ensure an intersectional, gender-transformative approach when creating economic relief measures in response to COVID-19 that are in-line with the non-discrimination provisions of the European Convention on Human Rights.

²⁸ Kvinna till Kvinna, *Gender-based Discrimination and Labour in Serbia*, 2019 and forthcoming, 2021.

²⁹ A 11 – Initiative for Economic and Social Rights, "[Serbia is the only country in the region that has not taken special measures to protect the poorest](#)", Belgrade, October 2020.

³⁰ A 11 - Initiative for Economic and Social Rights, "[The Position of Tradeswomen During the Pandemic of COVID-19](#)", Belgrade, April 2021.