

**LAW No. 05/L – 077**

**ON REGISTRATION AND PROVIDING OF THE SERVICES FOR UNEMPLOYED,  
JOBSEEKERS AND EMPLOYERS**

**Assembly of the Republic of Kosovo,**

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

Approves:

**LAW ON REGISTRATION AND PROVIDING OF THE SERVICES FOR UNEMPLOYED,  
JOBSEEKERS AND EMPLOYERS**

**Article 1**

**Purpose**

The purpose of this Law shall be to regulate the conditions and procedures for registration of unemployed, jobseekers and employers, providing the employment services and measures by the Employment Agency of the Republic of Kosovo (hereinafter EARK) as well as their obligations to EARK, to receive these services aimed at increasing employment and prevention of long-term unemployment in the Republic of Kosovo.

**Article 2**

**Scope**

The provisions of this Law shall apply to EARK, the registered unemployed, jobseekers and employers.

**Article 3**

**Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Registered Unemployed** – any person of age from eighteen (18) to sixty-four (64), who is unemployed and registered in EARK;

1.2. **Registered Jobseeker** – any person seeking a job from the age of fifteen (15) to eighteen (18), persons working full-time or part-time or persons temporarily suspended from job, that are registered in the online service system of EARK;

1.3. **Registered Employer** – natural or legal person that provides employment to the employee and pays for the work or services performed and that is registered in the Employment Office in person or in the online service system of EARK;

1.4. **Declaration of Unemployment** – an official document issued by the Employment Office through which it is certified that the person is unemployed and has actively been seeking job;

1.5. **Vocational training and retraining** – activities aiming to provide knowledge and practical skills for effective performance of activities within a group of vocation or a group of vocations;

1.6. **Vulnerable groups** – persons classified by the employment advisors, who have more difficulties in finding jobs, such as unemployed persons under twenty-five (25) years of age, long-term unemployed registered over twelve (12) months, unemployed without professional qualification, unemployed persons with disabilities, social assistance beneficiaries, etc;

1.7. **Persons with disabilities** – persons suffering from long-term physical, mental, intellectual or sensory injury, which in conjunction with various barriers, may prohibit their full and effective participation in society under equal basis with others;

1.8. **Suitable employment** – any work which is in accordance with the conditions and requirements of the legal provisions regulating the employment relationship, the work performed by the person in accordance with the ability, possibility as well as in accordance with the relevant qualification acquired during his education, vocational training or retraining;

1.9. **MLSW** – the respective Ministry of Labour and Social Welfare;

1.10. **EARK**– the respective Employment Agency of the Republic of Kosovo;

1.11. **DLE** – Department of Labour and Employment;

1.12. **EO**– Employment Office, as organizational structure of EARK;

1.13. **VTC**– Vocational Training Centre, as organizational structure of EARK;

1.14. **Online service system**–providing the employment services for clients by EARK through internet, email, telephones, etc.

1.15. **Individual Employment Plan (IEP)** - plan developed for the person who is part of the vulnerable group, to increase his opportunity for find any job;

1.16. **Job club** – specific programme of Employment Public Services – EPS, which gathers a group of unemployed individuals on regular basis in order to provide support for developing the abilities of the unemployed to seek and find job. The club shall enable the members to expand their contacts network, it shall provide support during job seeking in the group and shall create self-confidence and optimism of participants;

1.17. **Job fairs** – an event that is developed in a certain zone several times a year, where a number of employers and jobseekers come together for the purposes of application and interviewing for job.

#### **Article 4**

##### **Terms for providing of employment services by EARK**

1. Employment services shall facilitate employment of persons that are seeking job and employers in finding the adequate working power.
2. The Employment Offices shall, during the employment mediation, treat the parties without discrimination based on ethnicity, gender, age, religion, political affiliation, colour or any other grounds for discrimination, regulated according to the legal provisions into force.
3. EARK shall ensure the confidentiality in all their activities and services.
4. All services provided for the registered unemployed, jobseekers and employers shall be free of charge.

#### **Article 5**

##### **Registration of Unemployed**

1. Any unemployed person shall have the right to be registered with the Employment Office in order to obtain employment services, if meeting the following conditions:
  - 1.1. does not have any registered trade entity or other legal entity, or is not co-owner in any trade entity or any other legal entity;
  - 1.2. does not have any farm registered in the farms registry before the Ministry of Agriculture and Rural Development;
  - 1.3. is not retired, or early retired;
  - 1.4. is not regular pupil or student;
  - 1.5. actively seeks job and is available for work;
  - 1.6. is citizen of the Republic of Kosovo and lives in Kosovo, is foreign citizen or person without citizenship, if he has a permanent or temporary residence permit in the Republic of Kosovo;
  - 1.7. is not registered in the Employment Office.
2. Registration of unemployed shall be done in the Employment Office that operate under EARK.
3. For the purposes of registration, the unemployed shall personally visit the Employment Offices in their respective places of residence and shall present:
  - 3.1. valid ID;
  - 3.2. proof of completed education;

- 3.3. evidence on any trainings completed.
4. Employment Offices shall carry out the registration of unemployed persons based on the declaration of such person.
5. The Registry of unemployed shall include:
  - 5.1. personal details;
  - 5.2. details of education and training;
  - 5.3. data on work experience;
  - 5.4. professional interest;
  - 5.5. any other information directly related to mediation for jobseekers.
6. Collection, storage, processing and disclosure of personal details of the registered unemployed by the Employment Office shall be done in conformity with the applicable legislation for protection of personal data.
7. Employment Office shall obtain and document the consent of any unemployed person before publication, dissemination, communication and delivery of personal information to employers.
8. The registered unemployed shall be entitled to review his/her personal data held in the Employment Office database and request revision and correction of data, in case of any noted mistakes or irregularities, along with updates.

#### **Article 6** **Registration of Jobseekers**

1. Any jobseeker shall have the right to be registered with the online service system of the Employment Office in order to obtain mediation services in employment.
2. Registration through online service system of EARK shall be done by opening his/her personal account and building his/her profile in the form of CV.
3. Collection, storage, processing and communication of personal data of registered jobseekers by the online service system shall only be limited to issues related to qualification and professional experience of the jobseekers and any other information directly related to jobseekers mediation.
4. Data from jobseeker's profile may be communicated to a third party with the purpose of mediating for employment or training only upon the consent of the registered jobseeker.

#### **Article 7** **Registration of Employers**

1. Any employer that meets the legal requirement shall have the right to be registered with the

Employment Office in order to obtain mediation services in employment.

2. The employers shall be registered with the Employment Office or through the online service system. Online registration shall be done by opening an account and building the Employer's Profile;

3. Registration of employers shall be done by collecting basic information of the Employer, such as:

3.1. business name;

3.2. business/fiscal number;

3.3. address;

3.4. type of business;

3.5. economic activity ,and

3.6. any other information deemed relevant for mediation.

#### **Article 8**

##### **Providing of the services for the registered unemployed**

1. Employment Office shall provide services for the registered unemployed, based on an assessment of their needs, such as:

1.1. provision of information on labour market;

1.2. provision of information on services and measures provided by Employment Office;

1.3. professional counselling;

1.4. employment mediation;

1.5. job search professional assistance;

1.6. career orientation and lifelong learning opportunities, based on their needs;

1.7. development of Individual Employment Plan;

1.8. issue of Declaration of Unemployment;

1.9. mediation for employment abroad;

1.10. jobclubs;

1.11. job fairs;

1.12. other measures related to the employment services.

2. For mediation for employment abroad, EARK shall mediate only with the countries that have established diplomatic relations with Kosovo. In order to mediate for employment of registered unemployed abroad, EARK shall enter into a framework contract with the foreign employer. The contract with the employer shall, as a minimum, include the following aspects:

2.1. basic information on foreign Employer;

2.2. description of the job, location and duration of contract;

2.3. level of remuneration as well as any other allowances or benefits which the person employed will enjoy;

2.4. terms governing social insurance; accidents insurance, health insurance and other contributions;

2.5. any liability of parties in case of default or non-compliance with the contract between the EARK and the employer including parties that cover the travel cost, return of the person assigned to the work and procedure for pursuing claims relating to these rights;

2.6. travel and return of persons assigned to work;

2.7. issues involving visas and work and residence permits abroad;

2.8. medical examinations, if so required;

2.9. translation of documents; and

2.10. number of work places.

3. In order to mediate for employment of unemployed persons abroad with a foreign employer, EARK is obliged to enter into a contract with the registered unemployed. The contract entered into with the Unemployed shall include, as a minimum, provision of paragraphs from 2.1 to 2.9 of this Article.

4. EARK shall provide information related to living conditions and the overall working conditions abroad, as well as information on procedures and terms for admission of foreign persons into the labour market (work permit) in the country of employment.

5. EARK is responsible for the persons who are employed abroad for the legality of their work and all obligations arising from the framework contract.

6. EARK shall maintain a registry of data for all persons who were subject to mediation for employment abroad, provided that the information is limited to issues directly related to recruitment.

### **Article 9**

#### **Services for regular pupils and students in the Employment Offices**

1. Regular pupils and students as well as other persons from the age of fifteen (15) to eighteen (18) that obtain services from Employment Office shall not be registered as unemployed.
2. Employment Office shall only provide career orientation services for regular pupils.
3. Regular students seeking part-time job are considered as registered jobseekers.

### **Article 10**

#### **Services for registered jobseekers**

1. The Employment Office shall, through the online service system as an online platform, provide the following services for the registered jobseekers:

- 1.1. creation and management of personal profile;
- 1.2. notices for available suitable jobs, based on personal profile;
- 1.3. notices on available suitable vocational training;
- 1.4. application for suitable jobs; and
- 1.5. application for suitable training.

2. Registered job seekers that visit the Employment Offices can be provided with these services as defined in paragraphs 1.1, 1.3, 1.4, 1.6, 1.9 and 1.12 of Article 8 of this Law.

### **Article 11**

#### **Services for registered employers**

1. The Employment Office shall, through the online service system as an online platform, provide the following services for the registered employers:

- 1.1. creation and management of Employers' Profile;
- 1.2. publication of job vacancies;
- 1.3. notices for suitable candidates, based on published vacancies;
- 1.4. notices for training opportunities;
- 1.5. tracking of job applications; and
- 1.6. searching of the suitable candidates related to job vacancies.

2. Employers using directly services of Employment Office, in addition to services in the paragraph 1 of this Article, may also benefit from pre-selection and selection services for recruitment of candidates.

## **Article 12**

### **Labour Market Active Measures**

1. Employment Offices shall provide the following active labour market measures for the registered unemployed based on an assessment of their needs, and for the registered employers, such as:

- 1.1. employment subsidies;
- 1.2. on-the-job training;
- 1.3. vocational training;
- 1.4. internships;
- 1.5. self-employment and promotion of entrepreneurship;
- 1.6. public works, and
- 1.7. other measures related to the employment services.

2. MLSW shall issue sub-legal acts regulating the manner of implementing active labour market measures.

## **Article 13**

### **Obligations of the registered unemployed**

1. Obligations of the registered unemployed shall be:

- 1.1. to be present at the Employment Office in order to learn about employment opportunities and obtain employment services at least once in three (3) months;
- 1.2. to be present at the Employment Office on any call from Employment Office, in order to learn about the new employment opportunities and active labour market measures;
- 1.3. to not reject suitable employment and active labour market measures as provided by the Employment Office;
- 1.4. undertake any activities set out under the Individual Employment Plan;
- 1.5. actively seek employment; and
- 1.6. notify of any changes affecting his ability to gain or forfeit the status of registered



unemployed at latest fifteen (15) days upon occurrence of such change.

**Article 14**  
**Obligations of registered jobseekers**

1. Any information entered into the jobseeker's profile should be true.
2. The jobseeker shall use the online profile or his/her account at least once every six (6) months.
3. Jobseekers that misuse the profile shall be subject to punitive measure under legislation into force.

**Article 15**  
**Obligations of the registered employers**

1. Any information entered into the employer's profile should be true.
2. Registered employers shall refrain from publishing job vacancies that contain restrictions or discriminations based on gender, ethnicity, age, religion, skin colour and on any other grounds protected by respective Laws.
3. Registered employers should not commit discrimination in recruitment during the selection process.

**Article 16**  
**Maintenance of records by EARK**

1. Employment Office shall maintain records on:
  - 1.1. registered unemployed;
  - 1.2. registered jobseekers;
  - 1.3. registered employers;
  - 1.4. all services provided for the registered unemployed, jobseekers and the employers as well as active labour market measures offered for the unemployed.
2. For registered unemployed records shall be maintained with the electronic database, while copies of valid IDs, education certificates as well as training certificates shall be maintained in a separate hard copy or electronic files.
3. For registered jobseekers and employers, records shall be kept in the electronic database.

### **Article 17**

#### **Disconnecting the maintenance of records for registered unemployed**

1. Employment Office shall discontinue maintenance of records of registered unemployed, if:
  - 1.1. is not present at Employment Office twice in succession in the course of six (3+3) months;
  - 1.2. enters into employment relationship;
  - 1.3. registers a business or commences self-employment activities;
  - 1.4. becomes full-time student;
  - 1.5. rejects the meditation offered for suitable employment twice;
  - 1.6. refuses to enter into an active measure twice or discontinues it without justification;
  - 1.7. refuses to actively seek work in the labour market;
  - 1.8. refuses to implement activities under Individual Employment Plan or fails to comply with the Individual Employment Plan;
  - 1.9. the temporary or permanent residence permit of the foreign citizen is withdrawn.
2. Maintenance of database records for a registered unemployed may also discontinue at his/her request.

### **Article 18**

#### **Removal from records of registered unemployed**

1. Registered unemployed will be removed from the Employment Office records on the following grounds:
  - 1.1. they become sixty-five (65) or enter into early retirement;
  - 1.2. becomes fully incapable for work, as defined under the Law; and
  - 1.3. in case of death.

### **Article 19**

#### **Disconnecting the maintenance of records for registered jobseekers**

1. Maintenance of records for registered jobseekers shall discontinue in following cases:
  - 1.1. any information entered into the jobseekers profile is false;

1.2. Jobseeker fails to use his/her online profile or account at least once a year.

#### **Article 20**

##### **Discontinuation of the maintenance of records for registered employers**

1. Maintenance of records on registered employers shall discontinue in following cases:

1.1. information entered into the employer's profile is false;

1.2. the employer terminates its economic activity;

1.3. employer attempts to commit discrimination during announcement of job vacancies and during selection and recruitment of candidates, at his/her request.

#### **Article 21**

##### **Re-registration**

1. Registered unemployed, removed from database under Article 17, paragraphs 1.5, 1.6 and 1.7 of this Law are entitled to be re-registered in the Employment Offices as the registered unemployed, upon the expiry of six (6) months. Other registered unemployed shall be entitled to re-registration without any time limit.

2. Registered jobseekers that were removed from database under Article 19, paragraph 1.2 of this Law shall be entitled to re-registration in the online service system upon a request submitted to EARK, while registered jobseekers that were removed from database under Article 19 paragraph 1.1 of this Law may re-register after a period of at least six (6) months.

3. Registered employers, that were removed from database under Article 20, paragraph 1.1 of this Law shall be entitled to re-registration in the records following a period of at least six (6) months, while registered employers that were removed from the database under Article 20, paragraph 1.3 of this Law shall be entitled to re-registration in the records upon the expiry of at least one (1) year.

#### **Article 22**

##### **Issuance of sub-legal acts**

The Ministry shall, within six (6) months upon entry into effect of this Law, issue sub-legal acts for proper and full implementation of this Law.

#### **Article 23**

##### **Abrogation of acts**

1. Upon entry into force of this Law there shall be abrogated the Law No. 04/L-83 on registration and records of unemployed and jobseekers.

2. Until the issuance of sub-legal acts, within the term foreseen by this Law, Regulation No. 01/2012 on Active Labour Market Programmes and all sub-legal acts that are not in contradiction with this Law shall remain into force.

**Article 24**  
**Entry into effect**

This Law shall enter into effect fifteen (15) days upon its publication in the Official Gazette of the Republic of Kosovo.

**Law No.05/L - 077**  
**16 June 2016**

**Promulgated by Decree No.DL-022-2016, dated 01.07.2016, President of the Republic of Kosovo Hashim Thaçi.**