

**LAW No. 03/L-019**

**ON VOCATIONAL ABILITY, REHABILITATION AND EMPLOYMENT OF PEOPLE WITH DISABILITIES**

**Assembly of Republic of Kosovo,**

According to article 65 (1) of the Constitution of the Republic of Kosovo,

Claiming that universality, inseparability, interdependence and relation of all fundamental human rights and freedoms and the need of persons with disabilities that those rights and freedoms are guaranteed without discrimination,

Aiming advancement of socio-material position and integration in everyday life of People with Disabilities;

Aiming proper implementation of fundamental principals and universal rights from employment relationship;

Adopts:

**LAW ON VOCATIONAL ABILITY, REHABILITATION AND EMPLOYMENT OF PEOPLE WITH DISABILITIES**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1  
Scope**

This law rules and determines the rights, conditions, forms of Vocational Ability, Rehabilitation and Employment of People with Disabilities, for their integration in open

labor market according to general and special conditions laid down by applicable legislation.

**Article 2  
Purpose**

Purpose of this Draft Law is legal and institutional support for ability, rehabilitation, incite and vocational training of appropriate employment for people with disabilities based on principles and equal treatment including the gender possibilities.

**Article 3  
Definitions**

Expressions and acronyms used, which are related to the topic reviewed and regulated by this Law have this meaning:

**“Disability”** is limited access and limit of usual activities of every day life of a person as a result of physical, sensory or mental impairment, which inhibit him/her to participate in everyday life activities.

**“Persons with disabilities”** are those persons who have acute physical, mental, intellectual or sensory impairments which in interaction with other different barriers may inhibit their full and effective participation in society on equal bases with others.

**“Categories of people with disabilities as consequence of impairment”** are: War invalid, war civil invalid, labour invalid, person born with physical, sensory and mental disability and person who has physical, sensory and mental disability as consequence of adversity or illness.

**“Ability, Rehabilitation”** is undertake of measures and activities in organized form by responsible institutions, and other institutions for reeducation of person with disabilities, with a purpose of enabling them to find an appropriate job and to be able for daily activities they need.

**“Vocational training”** is fundamental educational process for building skills, improving capacities to ensure and carry out qualitative work, to be advanced from a job position to another, and to deal with changes in technology and conditions of labor market. Vocational training is realized through different courses that are organized by Centers of Vocational Training mainly for the unemployed, as laid down by this law.

**“Commission for expertise”** is a team composed of medical experts and other field established by respective authority, aiming ascertainment and assessment of disability of a person.

**“Suitability of environment”** means the measures undertaken with a purpose of ensuring a free environment, free of obstacles and barriers of different nature.

**“Supporting means”** are those means that are used by people with disabilities, with a purpose of overcoming obstacles which limit their participation in usual activities.

**“Appropriate work”** means the work which is carried out from people with disabilities, in accordance with his/her physical, sensory and mental abilities and also in accordance with respective qualification gained during special education or vocational ability, rehabilitation.

**“Special school”** is a school which works and acts within education system intended for people with disabilities.

**“Vocational trainer”** is a professional person certified for the job, prepared and engaged to offer help in providing vocational support for person with disabilities in accordance with requirements of job positions of open labour market.

**“Special education”** means the education process approved by competent education organs for fulfillment of needs of people with disabilities.

**“Vocational ability, rehabilitation”** means all activities that intend ensuring knowledge, ability and experience necessary for efficient work within an occupation performed earlier, before disability, or retraining for a new profession that he could do it successfully.

**“Center for vocational ability, rehabilitation, and employment”** is the Institution in the role of legal person which deals with coordination, management and administration of vocational rehabilitation, retraining and incitement of employment for people with disabilities.

**“Assistant”** is necessary person without whom the disabled person could not have vocational rehabilitation and retraining for work or to create working relation.

**“Protective workplace”** is an enterprise which aims to provide work and appropriate employment, with place, space and respective equipments for people with disabilities.

**“Working Center”** is a specialized workplace which employs people with disabilities who can not be employed or carry out work according to special and general conditions in Protective Workplace.

**“CVT”** are Centers of Vocational Training.

**“CREKs”** are Centers for Rehabilitation, retraining and Employment in Kosovo,

**“MLSW”** Ministry of Labour and Social Welfare,

**“RCE”** Regional Centers of Employment,

**“MOE”** Municipal Offices of Employment,

## **CHAPTER II**

### **STATUS OF PEOPLE WITH DISABILITY TO WORK**

#### **Article 4**

1. Depending on status and realization of rights, a person with disability to work is:
  - 1.1. person with disability, beneficiary of financial means, who realizes the rights and benefits in accordance with legal provisions on social assistance and pensions of persons with disabilities.
  - 1.2. person with disability who realizes the rights and benefits according to provisions on pension and invalidity insurance.
  - 1.3. person with disability, who realizes the rights and benefits according to Legal provisions on protection of War and Civil Invalids.
  - 1.4. pupil from age fifteen (15) up to eighteen (18) with mental, physical retardation or combined according to legal provisions applicable on secondary education, providing the language of signs to deaf persons and Bright alphabet for blind persons;
  - 1.5. the youngster from age fifteen (15) up to eighteen (18) years old with difficulties in development, who realizes the rights and benefits according to legal provisions on social assistance and other provisions.
  - 1.6. person with disability older than eighteen (18) years old, who could not realize the right to vocational rehabilitation, ability and employment according to legal provisions as referred to in indent 1 up to indent 3 of this Article

#### **Article 5 Discrimination**

1. Discrimination includes every differentiation, exclusion or advantage based on race, color, sex, religion, age, marital status, political opinion, national or social background, language or trade union membership, which consists on power of prohibiting equal opportunities or treatment regarding employment or occupation.
2. Every differentiation, exclusion or advantage regarding any respective job position based on respective skills required for that job position, are not considered as discrimination.
3. Discrimination towards a person on disability grounds whose abilities to ensure, carry out or progress in a job position are considerably low as consequence of mental, physical and sensory disability ascertained on time, is prohibited.
4. Every kind of discrimination on disability grounds is prohibited and equal and effective support is guaranteed for persons with disabilities towards all kinds of discrimination in all situations.

## **CHAPTER III**

### **PROCEDURES FOR ASSESMENT OF ABILITY TO WORK FOR PEOPLE WITH DISABILITIES**

#### **Article 6**

1. Decrease of capacity to work for People with disabilities according to Paragraphs 1, 2, 3 and 6 of Article 4, of this Law is determined by professional commission of expertise, which works and acts within competent Department of MLSW.
2. Decrease of capacity to work for people with disabilities according to Paragraphs 1, 2, 3 and 6 of Article 4 of this Law in first level, is determined by professional commission in Competent Regional Office of KPAD.

3. Initiation of procedure for acknowledging the right referred to in Paragraph 1 of this Article is presented with claiming from person with disabilities. If it is impossible to initiate the procedure by disabled person, the initiative for procedure is done by his close family, legal representative, defender or third person.

4. The request for procedure on assessing the decrease of capacity to work for people with disabilities is raised based on the request of the person with disabilities, member of a close family, legal representative, his guardian or third person.

5. Attached to the request shall be provided necessary documents on determination of decreased ability to work

6. Claimer of request, who is dissatisfied with decision of professional commission of the first level, has a right to appeal to second level organ within MLSW.

#### **Article 7**

1. Ministry of Labour and Social Welfare in cooperation with Ministry of Health, with special sub legal act determines the level of working capacity for persons with disabilities.

2. Procedures of application for determination of disability and acknowledge of the rights to ability, rehabilitation, and employment are regulated by sub legal acts issued by Ministry of Labour and Social Welfare.

(3) In procedure of deciding for determination of decreased ability to work for Persons with disabilities and also acknowledge of the right to work according to this Law, are applied Legal provisions on general administrative procedure.

### **CHAPTER IV**

#### **VOCATIONAL ABILITY, REHABILITATION AND TRAINING OF PEOPLE WITH DISABILITIES**

#### **Article 8**

1. Person with disability has a right to Rehabilitation and Vocational Training according to general conditions laid down by this Law. In certain cases rehabilitation shall be made in special schools and other Institutions according to curriculums for vocational ability, Rehabilitation, when it is necessary due to the burden and type of importance it has.

2. Vocational ability, rehabilitation of people with disabilities includes these measures and activities:

- 2.1. determination of mental capacity to work,
- 2.2. information, vocational counseling and evaluation of occupational capacity,
- 2.3. analyzing labour market, possibilities of employment and inclusion at work,
- 2.4. evaluation of possibility for ability, rehabilitation and draft of ability, rehabilitation programs,
- 2.5. vocational training, additional qualification, re qualification with advancement and maintaining programs regarding working and social skills up to the period of employment,
- 2.6. information and counseling with technological processes during vocational training for employment,
- 2.7. self and joint programs for advancement of social work and integration into society,
- 2.8. vocational education, planning and application of selected technology,
- 2.9. advising proposals on application on different techniques and technologies regarding learning and work parallel to evaluation of possibilities of their application,
- 2.10. technical help, support, follow up and evaluation of results, as well as
11. information, support and financial resources,

3. Duration of professional ability, rehabilitation, depends on remaining capacity to work, complexity of organization and application of measures and activities.

4. Vocational ability, rehabilitation of people with disabilities is organized and managed by Center of Vocational Rehabilitation of Kosovo.

5. Activities of Vocational Rehabilitation and ability are realized in educational institutions, employment offices, Centers of Vocational Training, and other legal persons, who meet conditions for vocational training and education, laid down by this law and other applicable laws.

#### **Article 9**

##### **Personal engagements for vocational training and rehabilitation**

1. Person with disability, alone can contribute to his/her vocational rehabilitation, retraining and employment:

- 1.1. looking forward to education and his/her vocational training dependent from opportunities offered and his/her abilities and skills,
- 1.2. applying in public vacancy announcement for job positions, for which positions the criteria are met,
- 1.3. receiving the work offered and readiness for carrying out such work,
- 1.4. respecting the technology discipline during training and occupational work,
- 1.5. cooperation on issues of training and occupational work with the doctor, defectologist, psychologist, social worker, technologist and directly with dependent employee.
- 1.6. approving of reasonable proposal offered by employer regarding change of work, respectively assigning on other adequate works due to termination of the needs or inability to carry out current works,
- 1.7. through vocational training during work, according to the needs and additional qualification or re qualification with a purpose of maintaining the job position.

#### **Article 10**

##### **Governmental policies for vocational training**

1. Governmental policies regarding vocational training and employment of people with disabilities shall include:

- 1.1. vocational training and rehabilitation and other forms of support for employment of people with disabilities;
- 1.2. principals, forms of action and methods of vocational preparation implemented generally in qualification of other persons are implemented in cases when people with disability up to the level allowed by his/her abilities;
- 1.3. possible and necessary measures for creating and developing specialized services of vocational training regarding people with disabilities, which help for finding a job and advancement in job position;
- 1.4. educational curriculums according to modular system which enables individual training for people with disabilities;
- 1.5. joint training of people with disabilities with others, in the same space with the same trainer, with a purpose of their integration into society;
- 1.6. engagement of institutions that do offer vocational training to create a suitable physical environment for less difficult access of people with disabilities;
- 1.7. training of administrative and technical staff of rehabilitation and employment institutions, who directly work with people with disabilities.

### **CHAPTER V**

#### **EMPLOYMENT CONDITIONS**

##### **Article 11**

##### **Special and general conditions of employment**

1. Person with disability has a right to employment, integration in labour market with general and special conditions laid down by this Law.
2. With special conditions people with disabilities are employed in Center for Vocational Ability, Rehabilitation, protective work place and at working center, who based on working abilities and according to general conditions are not able for employment in open labour market or are not able to keep their job.
3. Employment with special conditions of people with disabilities is considered also self employment and employment in family economy.
4. With general conditions is meant employment of people with disabilities in open labour market.

#### **Article 12** **Employment in open labour market**

1. State administration bodies, employers of private and public sectors and also nongovernmental organizations are obliged to employ people with disabilities with appropriate conditions.
2. Each employer is obliged to employ a person with disability, in every fifty (50) employee;
3. Employer who does not meet obligations referred to in paragraphs 1 and 2 of this article, is obliged to pay monthly contributions for incitement of employment for persons with disabilities in the level of 1% of minimal wage to the Kosovo budget.
4. Depending on status and category of disability, Ministry of Labour and Social Welfare with special sub legal act, will rule and determine job positions and appropriate jobs for people with disability.

#### **Article 13** **Establishment of employment relationship**

1. Person with disabilities concludes employment relationship by signing the labour contract in accordance with Labour Law, Collective Agreement and internal act of employer.
2. Person with disabilities has all the rights and duties laid down by Labour Law, Collective Agreement, this Law and labour contract.
3. Person with disabilities may work during the night, over time or in changing working time, in harmony with evaluation of professional commission which has determined the decreased working ability.
4. Bearer of ensuring employment for people with disabilities may accord with the employee regarding adaptation of working conditions and employment relationship, working time, working time duration, professional supervision, covering expenses of adaptation also the level of those expenses and other employment relations.
5. Bearer of ensuring employment as referred to in Article 18 of Paragraphs 1, 2 and 3 of this Law or other natural or legal person, may accord with person with disabilities regarding conditions of adaptation and employment relationship, working time, working time duration, professional supervision, covering work adaptation expenses also level of those expenses and other employment relations.

#### **Article 14** **Center of Vocational Ability, Rehabilitation and Employment in Kosovo**

1. Center of vocational training, rehabilitation and employment of Kosovo is in competence of the Ministry of Labour and Social Welfare.
2. Center of vocational training, rehabilitation and employment of Kosovo is an institution established with a purpose of vocational rehabilitation and incitement of employment of people with disabilities.

3. Financial means for the work of the Center are assured by establisher, by service activities of the Center also by local and foreign donations.
4. Creation of protective workplaces and working centers is regulated with special sub legal act issued by MLSW.

#### **Article 15**

1. Center of vocational ability, rehabilitation and employment of people with disabilities engages for:
  - 1.1. vocational ability, rehabilitation according to labour market needs for all people with disabilities.
  - 1.2. incite of appropriate employment for people with disabilities, in accordance with remaining capacity to work.
  - 1.3. development of programs, practices and strategies for vocational ability, rehabilitation and incite of employment for people with disabilities.
  - 1.4. appropriate and efficient implementation of vocational ability, rehabilitation education curriculums determined by Kosovo Government.
  - 1.5. creation of support projects regarding vocational and employment rehabilitation of people with disabilities.
  - 1.6. investigation regarding subvention and different donations with a purpose of supporting self employment of people with disabilities.
  - 1.7. developing respective technology, regarding training and education of people with disabilities.
  - 1.8. creation of protective workplace, working center and other enterprises, which enable rehabilitation and employment of people with disabilities and also
  - 1.9. coordination, management and administration of many other issues which are related with rehabilitation and employment of people with disabilities.

#### **Article 16**

##### **Employment evidence of people with disabilities**

1. Employment evidence of people with disabilities according to this law is carried out and leaded by employment offices, according to dwellings.
2. Form and rules of keeping evidence are determined by Ministry of Labour and Social Welfare with sub legal act.
3. Employer is obliged to send to officials of employment the following information for people with disabilities who are employed by him/her:
  - 3.1. name, surname and address of residence;
  - 3.2. date of employment relationship conclusion;
  - 3.3. date of employment relationship termination.
4. Deadline for submitting these information by employer regarding employees that are in employment relationship is sixty (60) days from the day of entry into force of this Law, as referred to in Paragraph 3 of this Article, while the deadline regarding new employees and also termination of employment relationship for people with disabilities is thirty (30) days from the day of commencing work, respectively the day of employment relationship termination.

#### **Article 17**

##### **Obligations of new employer (recently established)**

1. New employers, from very moment of acquiring the license for exercising the activity, in a deadline of twenty four (24) months are released from obligations regarding employment of people with disabilities.

2. Employer as referred to in Paragraph 1 of this Article, which requires postpone of the deadline for twenty four (24) months regarding obligation of employing people with disabilities, is obliged to justify the request in a detailed manner.

3. Copy of decision which is issued by responsible organ of MLSW regarding postpone of the obligation as referred to in Paragraph 2 of this Article is submitted to office of employment.

4. Employers who are established and registered according to Law, but are not obliged for employment of people with disabilities according to paragraph 2 Article 12 of this law may employ this category in appropriate work according to this Law and shall enjoy stimulations and benefits laid down by this Law.

## **CHAPTER VI**

### **BENEFITS OF EMPLOYERS BY EMPLOYING PEOPLE WITH DISABILITIES**

#### **Article 18**

##### **Financial benefits in the occasion of employment**

1. Employer who employs people with disabilities, as well as the person with disabilities who exercises independent activity, the right for customs and tax facilitation shall realize according to the tax and customs laws in force.

2. For a person with hundred percent (100%) disabilities user of pension for disabilities, the pension shall be transformed to a personal assistance for assistant at work.

#### **Article 19**

##### **Material stimulation in money**

1. Employer who employs the person with disability who is unemployed, according to law provisions, except employer as referred to in Article 11 of this Law, he/she also has the right to material means.

2. Material stimulation in money is determined in the level of compulsory contribution in wages, determined by compulsory provisions of pension insurance, based on compulsory contribution paid for wages, determined by provisions on health insurance and also compulsory contribution paid for wages, determined according to law which regulates mediation in case of employment and the rights during the period of unemployment.

3. Request for payment of material stimulation in money is presented by employer to the budget of Kosovo. The receipt of material stimulation in money is attached to the request, with the data of people with disabilities, and on contribution paid in wages for those people. To the request is attached also evidence that contributions have been paid for all employees and copies of wage bank account for people with disabilities, while first time also evidence for employment and remaining capacity to work.

4. Employer may present the request for payment of material stimulation in money at the end of month. Stimulation in money is paid in a deadline of thirty (30) days from the day of presenting the request with necessary data.

5. The competent bodies are authorized for vocational rehabilitation and employment of people with disabilities, to publish the form of realization of rights to material stimulation, and also through directing competent organs, to oversee regularity of calculation of stimulation in money and credibility of evidences.

#### **Article 20**

Center for vocational ability, rehabilitation and employment in Kosovo, for services provided to people with disabilities pays public services at the same level as house works.



## **Article 21**

1. For tax cuts, revenue cuts and other alleviations, Center for vocational ability, rehabilitation, protective workplace, working center and other employers keep special accounting.
2. Means assured by benefits are used only for:
  - 2.1. extend of capacity of the Center for training and employment of people with disabilities,
  - 2.2. generation of new job positions,
  - 2.3. supplying of the Center with new technology, and
  - 2.4. improving the standard of people with disabilities.

## **Article 22**

### **Donations for special destination**

1. Center for vocational ability, rehabilitation and employment in Kosovo, protective workplace and working center, may accept donations in financial means and equipments.
2. If donation is a definite Grant, then criteria are determined within agreement by donor, while if the Grant is indefinite then the criteria are determined by Government.
3. Donations in financial means are not used for wages of employees, which according to tax provisions are considered incomes.
4. Donations in financial means or equipments, center for vocational rehabilitation, protective workplace and working center, manage and use them as means with special destination.
5. Means of special destination are managed in special accounts.
6. Beneficiaries of special destinations referred to in paragraph 1 of this article, are obliged to submit annual financial report to overseeing body for vocational ability, rehabilitation and employment and for donor as well.
7. Material means referred to in paragraph 1 of this article, which are not spent for destinations as in paragraph 2 of this article, are transferred to Kosovo budget and are used for vocational rehabilitation and employment of persons with disabilities.

## **CHAPTER VII**

### **FINANCIAL MEANS OF EMPLOYMENT FOR PEOPLE WITH DISABILITIES**

#### **Article 23**

1. Financial means for employment of people with disabilities are assured by:
  - 1.1. State administration organs, employers of private and public sector, where the person with disabilities has worked previously and where his/her disability to work during work process was determined. Employers and employees associations, different local and international NGOs, through receive of different donations, Assurance of these means and reports through these subjects, for subvention of employment of people with disabilities is regulated by special agreement.

#### **Article 24**

1. Financing for rehabilitation, vocational training and employment of persons with disabilities is made by the Kosovo budget.
2. Budget for rehabilitation, vocational training and employment of persons with disabilities is managed and overseen by Ministry for Labour and Social Welfare in Kosovo.

3. Necessary means for rehabilitation, vocational training and employment of persons with disabilities are provided from Kosovo budget as founder means, means of special contributions; suffice means of special destination, other incomes based on the law and other provisions, and also donations of local and international legal persons.

4. Means collected shall be dedicated for:

- 4.1. developing programs and advancement of vocational rehabilitation and employment of people with disabilities;
- 4.2. financing institutions for vocational rehabilitation;
- 4.3. payment of material stimulation in money;
- 4.4. joint financing of programs for maintaining employment of people with disabilities;
- 4.5. for other job positions of people with disabilities.

## **CHAPTER VIII**

### **DISCIPLINARY PROVISIONS**

#### **Article 25**

1. With a penalty in money from five hundred (500) up to two thousand (2000)€ shall be punished the employer and his curator:

- 1.1. that discriminates in employment according to Article 5 of this Law,
- 1.2. who does not pay special contribution, while he/she was obliged to pay it according to Article 12 of this Law,
- 1.3. that towards person with disability behaves in contradiction with provisions of Article 13 of this law,
- 1.4. who does not submit the data regarding person with disability according to Article 16 of this law,
- 1.5. that uses the means for special destination for other purposes and does not manage into special account according to Article 22 of this law,
- 1.6. who does not submit financial annual report for means with special destination according to Paragraph 6, Article 22 of this law and also
- 1.7. who does not pay suffices means of special destination in sub budgetary code according to Paragraph 7 Article 22 of this Law.

#### **Article 26**

##### **Oversee**

Oversee of legality of this Law and sub legal acts implementation, is made by Ministry on Labour and Social Welfare.

## **CHAPTER IX**

#### **Article 30**

##### **Transitory and final provisions**

1. Employers are obliged regarding internal acts which regulate employment relationship be harmonized with provisions of this Law no longer than six (6) months after this law has entered into force.

2. Up to issuance of internal act referred to in Paragraph 1 of this Article, are directly applied provisions of this Law.

#### **Article 28**

Up to the day of entering into force of this Law, people with disabilities do realize the rights and duties from employment relationship based on provisions that have been enforced.

**Article 29**

Ministry of Labour and Social Welfare, in coordination with other respective ministries, shall issue sub legal acts for implementation of this Law within deadline of 1 year after entering into force.

**Article 30**

By entering into force of this Law are nullified all legal provisions into force that are in contradiction with it.

**Article 31**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-019**  
**18 December 2008**

**Promulgated by the Decree No. DL-084-2008, dated 07.01.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**