

**LAW No.04/L –008
ON SOCIAL ECONOMIC COUNCIL**

Assembly of Republic of Kosovo,

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

Approves

LAW ON SOCIAL ECONOMIC COUNCIL

**Article 1
Purpose**

This law regulates and defines the organization, scope, forms of work and the overall functioning of the Social Economic Council, as well as defining terms and criteria for representation of social partners in this tripartite body.

**Article 2
Scope**

1. The provisions of this Law apply to all social partners at national level, who, in the SEC, are represented by:

- 1.1. Employees' Organizations (trade unions);
- 1.2. Employers' organizations, and
- 1.3. Government of Kosovo.

**Article 3
The purpose of establishing the Social Economic Council**

Social Economic Council (SEC) shall be established with the aim of establishing and developing social dialogue in the Republic of Kosovo for employees and employers, on issues of specially importance, which are related to the realization of their economic, social and professional rights, that are achieved, through resolution of disputes in bilateral or trilateral agreements.

**Article 4
Definitions**

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

- 1.1. **Social Partners** – representatives of the employees' organizations (trade unions), representatives of employers' organizations and government authorities of the Republic of Kosovo.
- 1.2. **Socio – Economic Dialogue** - a democratic process of consultation and exchange of information between representatives of employers, employees and the Government.

1.3. **Employees' organizations (trade unions)** - independent voluntary organizations of employees, established to implement and protect the rights of workers.

1.4. **Employers' organizations** - organizations in which employers voluntarily unite to protect their interests.

1.5. **Professional bodies of SEC** - bodies of Social Economic Council, which are elected for the purpose of review and execution of certain issues in the field of Social Dialogue;

1.6. **Secretariat** - the organ of the Social Economic Council, which helps SEC in the completion of its tasks and responsibilities, through carrying out the organizational, administrative, operational and technical tasks.

1.7. **Ministry** – the respective Ministry of Labour and Social Welfare.

1.8. **SEC** - Social Economic Council.

1.9. **NGO** - Non Governmental Organization.

Article 5

Social Economic Council

1. Social Economic Council (hereinafter of the “SEC”), is a national-level body, which leads consultations and makes the proposals to the authority bodies on issues of work relationship, social welfare and other issues related to economic policies in the Republic of Kosovo.

2. Social Economic Council as the highest tripartite body is apolitical and will function independently, without influence of any grouping or political interest that comes from outside.

Article 6

The Composition of Social Economic Council

1. The Social Economic Council consists of fifteen (15) members, who, in this body, represent the interests of Employees' Organizations, Employers' Organizations and Government.

2. SEC consists of:

2.1. five (5) representatives appointed by the Employees' Organizations;

2.2. five (5) representatives appointed by the Employers' Organizations; and

2.3. five (5) representatives appointed by the Government of Kosovo.

3. Representation of Employees' Organizations and Employers' Organizations at SEC, shall be defined in accordance with the conditions and criteria set forth in Article 7 of this Law.

Article 7

Conditions and criteria for representation at SEC

1. Conditions and criteria for representation in SEC, for the Employees' Organizations are:

1.1. the total number of members, verified through evidence (personal statements, membership card, etc) and syndicate members payment, which can not be less than 10% of the total number of employees in the Republic of Kosovo;

1.2. the number of collective contracts related to the enterprises or different institutions;

- 1.3. the number of trade union branches, affiliated to trade union forms of organization at the national level, which apply for representation at SEC;
 - 1.4. number of resolving labor disputes and other disputes through Collective Agreements and mediation;
 - 1.5. membership in International Organizations of workers.
2. Conditions and criteria for representation at SEC for Employers' Organizations are:
 - 2.1. the total number of affiliated companies, which can not be less than 10% of the total number of enterprises registered in the Tax Administration of the Republic of Kosovo;
 - 2.2. number of workers employed in companies affiliated in Employers' Organizations which apply for representation at KES;
 - 2.3. number of resolving labor disputes and other disputes through Collective Agreements and mediation;
 - 2.4. number of enterprises and other economic entities which directly affect the promotion of employment and unemployment alleviation;
 - 2.5. membership in International Organizations of Employers;
3. Institutions of the Republic of Kosovo, at the Social Economic Council, shall be represented by the ministers of these ministries:
 - 3.1. Minister of Labour and Social Welfare;
 - 3.2. Minister of Finance;
 - 3.3. Minister of Trade and Industry;
 - 3.4. Minister of Education, Science and Technology, and
 - 3.5. Minister of Health;
4. Ministry will announce public invitation for representation at SEC, for employees' organizations and employers' organizations of the national level operating and working in the Republic of Kosovo.
5. Ministry of Labour and Social Welfare within six (6) months after entry into force of this Law, shall issue sub-legal act on composition of selecting commission for the members of SEC from the employees' and employers' organizations.

Article 8

SEC functions

1. Functions of the Social Economic Council are:
 - 1.1. counseling and guidance of the institutions of Republic of Kosovo, in creation and implementation of labor policy, social welfare and economic policies;
 - 1.2. promote consultations between the parties, as well as the endorsement of contracts and collective agreements, at national level;

1.3. other activities of social economic dialogue for development and advance of labor policies and social welfare in the Republic of Kosovo.

Article 9

Duties, responsibilities and competences of SEC

1. SEC with the purpose of successful implementation of its functions is responsible and competent for:

1.1. the establishment, development and progress of social dialogue in the Republic of Kosovo;

1.2. legal initiatives for issuance or supplementing and amending the legal and sub-legal acts in the field of labor and employment, social protection and economic policies in general;

1.3. review and evaluation of social policies as well the undertaking measures for the creation of social stability in the Republic of Kosovo;

1.4. promotion of ideas for solving social issues and problems in Kosovo;

1.5. policies promoting employment, reducing unemployment, competitiveness, labor productivity, prices, wages and minimal wage of employees in the Republic of Kosovo;

1.6. review of draft laws and sub-legal acts in the field of employment and social protection, in order to provide recommendations to the Government and Assembly of the Republic of Kosovo;

1.7. providing the assessments and opinions for the responsible bodies regarding the implementation of primary and secondary legislation in the field of employment and social protection;

1.8. assessment of the functioning of the Labour Councils in private sector enterprises, public and other forms of statutory organization of enterprises.

1.9. providing and providing recommendations for the prevention and elimination of informal labor market in the Republic of Kosovo.

1.10. as for other issues which can be solved through socio-economic dialogue.

Article 10

SEC assessments and recommendations

1. SEC shall review the draft laws, sub-legal acts and other political and strategic documents that are important to social and material position of employees and employers.

2. The assessments and recommendations regarding the reviewed document, from paragraph 1 of this Article, shall be submitted to the relevant Ministry which is responsible for the reviewed issue at SEC.

3. The relevant Ministry is obliged that within thirty (30) days from the date of receipt of the assessment-recommendation, to notify the SEC for its position regarding the issue in question.

4. In cases where the assessments-recommendations are unacceptable to the relevant ministry, the SEC may present to the Government of Kosovo, the assessment-recommendation regarding the issue in question.

Article 11 SEC Bodies

1. For the development and promotion of socio-economic dialogue in the Republic of Kosovo, SEC shall establish its bodies.

2. SEC bodies are:

2.1. professional committees of SEC;

2.2. the ad-hoc negotiating groups;

2.3. the Secretariat of SEC.

Article 12 Professional tripartite committees

1. Within SEC, there are established and function the following professional permanent tripartite committees:

1.1. The Committee for legislation;

1.2. The Committee for employment and vocational training;

1.3. The Committee for wages, prices and pensions;

1.4. The Committee for protection of health, environment and safety at work for employees;

1.5. The Committee for finance, economy and privatization;

1.6. Committee or Ad-Hoc Working Group; and

1.7. Other professional committees to review issues which are of SEC's jurisdiction.

2. Professional tripartite committees shall be established to review and provide recommendations on issues that are their competence in SEC meetings and other governmental bodies for the purpose of orientation and implementation of state policies in areas that they cover.

3. To achieve the objectives, each committee may engage qualified professionals in the field to which it is competent.

4. The composition of committees shall be established by the SEC, and this composition can not have more than nine (9) members.

5. Committee meetings shall be chaired by the Chairman of the Committee.

6. Chairman of the Committee shall be appointed by the SEC, while the members are appointed by their supervisors.

7. Rules and procedures set out in Regulation on SEC work shall also be applied in the work of committees and ad-hoc negotiating groups.

Article 13
Ad-hoc negotiating groups

1. To resolve the various conflicts from work, social welfare and economic matters, the representatives of the Social Economic Council establish ad-hoc negotiating groups.
2. Ad-hoc negotiating groups established at SEC, consist of either party represented in SEC.
3. Ad-hoc negotiating groups are responsible for developing final recommendations for SEC, regarding the matters relating to negotiations under their mandate.
4. Ad-hoc negotiating groups shall be chaired by authorized representative of the SEC.

Article 14
SEC Secretariat

1. For efficient and legal functioning of SEC, there shall be established and function the SEC secretariat, as an administrative professional body.
2. SEC Secretariat should have its own Office with the necessary inventory for the normal functioning of this body.
3. The Secretariat consists of three (3) officers who are elected by the Government of the Republic of Kosovo, employees' organizations (trade unions) and employers' organizations.
4. Representation in the SEC Secretariat will be in conformity to the presenting force at SEC.
5. SEC Secretariat is responsible to perform professional, administrative, technical and operational duties for the Social Economic Council and the bodies which are elected by SEC.
6. The work of the Secretariat is directed by the Head of the Secretariat, who is responsible for his and the Secretariat's work and reports to the Head of SEC.
7. For the successful execution of the functions, duties and responsibilities of the SEC, set forth in Article 8 and 9 of this Law, the Secretariat should cooperate with all the organizational structures of SEC, as well as with other organisms of interest.

Article 15
Financial resources for the SEC work

1. Budget for the scope of SEC, shall consist of:
 - 1.1. financial means of the budget of the Republic of Kosovo;
 - 1.2. voluntary contributions of Employers' and Employees' Organizations, and
 - 1.3. various local and international donations.
2. Means from the budget of the Republic of Kosovo will be used for compensation of members of SEC

3. Financial means collected from contributions of Employers' and Employees' Organizations will be used for funding the seminars, study visits, organizing conferences and other issues that are of interest to the above mentioned organizations.

4. SEC, in legal term, makes a proposal and prior approval of the Annual Draft Budget, and through the Ministry proposes that to the Government of Kosovo for approval.

5. For commitment, contribution and efficient work of SEC, SEC members shall have the right to monthly compensation.

5.1. this compensation is 10% of monthly salary - the gross, of the Ministers in the Government of the Republic of Kosovo.

5.2. monthly compensation is not entitled to SEC member, when he is not present in a meeting of the SEC.

6. For the commitment, contribution and efficient performance of permanent professional committees, committee members shall have the right to monthly compensation.

6.1. this compensation is 10 % of gross monthly wages of permanent secretary of the Ministries at the Government of Republic of Kosovo;

6.2. monthly compensation is not entitled to a member of permanent professional committees, when he is not present, at least, in two (2) meetings appointed by permanent professional committees.

7. Members of working groups and ad-hoc negotiating groups for their commitments to these groups can be compensated by a special decision of the SEC;

8. The monthly amount of contributions for employers' and employees' organizations that should be paid for SEC, will be determined by special act issued by the SEC.

Article 16 **Work manner at SEC**

1. SEC meetings are open and headed by the Chair of the SEC. In his absence, he is replaced by his deputy.

2. Head of SEC represents this body, connects legal work, signs acts, agreements and contracts, manages with the financial means of SEC and is responsible for the legality of SEC work.

3. The post of the Head of SEC will be, with rotation, exercised by the representatives of Republic of Kosovo, representatives of the employees' organizations (trade unions) and representatives of employers' organizations.

4. SEC for its work and positions taken on certain issues, for which it presents estimations or recommendations, can inform the public, through media.

5. Forms of work for this body, so detailed shall be regulated and defined by the Regulation for SEC work.

Article 17 **Taking of Decisions in SEC**

1. SEC decisions are adopted by the 2/3 of votes of the permanent members of the SEC.

2. In its meetings SEC may invite different NGOs and respected people (scientists, experts, professionals and analysts), to resolve and set an important issue, having no voting rights.
3. All members represented at SEC have the right to a vote.
4. During the voting, the permanent members vote by closed voting, while the Chairman shall notify in meeting the voting results.
5. Chair of the SEC may decide that all social partners to vote by opened voting, when dealing with procedural and technical issues.

Article 18 **Organization of meetings**

1. The Social Economic Council holds its regular meetings at least once in a month.
2. For reviewing the emergency issues of social dialogue, which are specially significance for social partners, SEC can also hold extraordinary meetings.
3. Regular and extraordinary meetings shall be convened by the Chairperson of SEC.

Article 19 **Leadership**

1. SEC meetings shall be led by the Chairman, who will be elected in accordance with the provisions of paragraph 3 of Article 17 of this Law.
2. Chairman of SEC in the first year after approval of this Law and establishment of this body will be the representative of the Government, respectively Minister of respective Ministry of Labor and Social Welfare, who shall be followed by rotation by representative of employers' and representative of employees.
3. The mandate of the Chairman of the SEC lasts one (1) year.

Article 20 **Duties and responsibilities of the Chairman**

1. Duties and responsibilities of the Chairman of the SEC are:
 - 1.1. to head SEC meetings, according to the provisions of this Law, Regulation on SEC work and other sub- legal acts;
 - 1.2. propose the agenda and conclusions of meetings of SEC;
 - 1.3. inform the Government, through the Minister of the respective Ministry for Labour and Social Welfare for recommendations of SEC, and the thoughts and attitudes of employees' and employers' organizations;
 - 1.4. prepare Annual Report for SEC work, and
 - 1.5. other duties defined by Regulation for Development of Works of SEC and other sub-legal acts.

Article 21 **Appointments and dismissals at SEC**

1. Each social partner appoints its own representatives in SEC, according to the rules for elections and appointments.

2. Mandate of SEC members lasts four (4) years who also can be reappointed.

3. Mandate of SEC members shall terminate, with:

3.1. resignation;

3.2. expiration of term of his appointment;

3.3. if convicted for at least six (6) months of imprisonment, and

3.4. with the dismissal;

3.5. for health reasons; and

3.6. in case of death.

Article 22

Law Enforcement

On the proposal of the Chairman of the SEC, for right and entire implementation of this Law, within six (6) months, after the entry into force of this Law, SEC Secretariat is obliged to prepare other necessary sub-legal acts, which, in its meetings, shall be reviewed and approved by this body.

Article 23

Repeal of applicable legislation

Upon entry into force of this Law, there shall be superseded the provisions of Administrative Instruction for the Establishment of the Tripartite Consultative Council and the provisions of the Decision no. 09/57 dated 13.03.2009, issued by the Government of Kosovo, as well as any other legal provision which is inconsistent with this Law.

Article 24

Entry into force

This Law shall enter into force (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.04/L -008
21 July 2011

Promulgated by Decree No.DL-010, dated 03.08.2011, President of the Republic of Kosovo
Atifete Jahjaga.