

The role of Albanian judges in the implementation of EU standards (Directive 2019/1158) regarding "Work and personal life balance for parents and carers"



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- " Work and personal life balance for parents and carers "
- Local colouring - global dimension

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60 MIJË GRA

NË SHQIPËRI JANË
JASHTË TREGUT TË
PUNËS PËR SHKAK TË

**PUNËS SË PAPAGUAR
TË KUJDESIT NË SHTËPI.**

Burimi: INSTAT/ Anketa e Forcave të Punës 2023



60,000 WOMEN

IN ALBANIA ARE OUT
OF THE LABOUR FORCE
BECAUSE OF

**UNPAID DOMESTIC
AND FAMILY CARE.**

Source: INSTAT/ Labour Work Survey 2023



Why? Instat 2025

- Men are more present in the labour market than women. WHY?
 - Respectively 82.3% and 69.3% for ages 15-64.
- The causes of inactivity vary from one gender to another. WHY?
 - 14.0% of women declare that they are inactive in the labour market, because of fulfilling household duties, while only 0.4% of men declare this as a reason for inactivity.
 - <https://www.instat.gov.al/media/aimnosvx/pressrelease-gra-dhe-burra-2025.pdf>

- 1 in 4 women in Albania are out of the labour market, because they have to dedicate themselves to the family, while 1 in 5 are self-employed, thus being twice less likely to be economically independent compared to men.
- Digital violence and unpaid labour remain among the most widespread forms of gender discrimination.
- Studies show that women spend 21.74 percent of their time during the day on unpaid labour such as cooking, cleaning, and childcare, while men contribute only 3.47 percent.

Albanian legal framework

- Constitution of the Republic of Albania
 - Marriage and the family enjoy special protection from the state.
 - Children, young people, pregnant women and new mothers have the right to special protection from the state.
- The two most important domains in our lives – Family and work or work and family.
- Labour Code and Regulatory Legislation of Labour Relations
- Family Code and Regulatory Legislation

Law 64/2025 “On Gender Equality”

- Article 32: **Evaluation of unpaid work**
- 1. Unpaid work is evaluated as a contribution to the development of the family and society, when women and men:
 - a) Care about the well-being of the family;
 - b) Care about children;
 - c) Care about other family members;
 - d) Work in agriculture and household economy.
- 2. The entities defined in Paragraph 1 of this Article shall benefit from community services, health and social care policies, labour and employment policies, as well as vocational training and education, based on the legislation in force.

Law 64/2025 “On Gender Equality”

- 3 Public institutions shall draft and adopt policies for public services, infrastructure, technology, social care, for children and the elderly, for people with disabilities, as well as others who need care, through the adaptation of the rules for unpaid work of women and men.
- 4. Public institutions shall draft and adopt policies for work-life balance by promoting the participation of women and young people in the labour market, raising awareness of the equal sharing of care responsibilities between men and women, taking measures to eliminate the gender gap in income and wages, as well as their implementation by private entities.
- **5. Public and private employers shall review employment rules, provisions of individual and collective labour contracts, with the aim of including rules for flexible and reduced working hours, in addition to remote work.**

Law 64/2025 “On Gender Equality”

- 6. The Council of Ministers, upon the proposal of the Ministry responsible for labour and employment and the ministry responsible for gender equality issues, shall take measures to draft policies and review legislation to provide for flexible arrangements or reduced working hours for parents, carers up to a certain age of the child and other family members caring for relatives.
- 7. The Statistical Institute shall, no less than once every 4 years, publish the harmonised time use survey.

Article 26

- 2. Discrimination shall be prohibited when selecting a candidate for employment, in employment relations and in the termination of employment relations by the employer for reasons related to the possibility of future pregnancy, planned pregnancy, pregnancy, termination of pregnancy and any medical circumstances related to pregnancy, motherhood, parental responsibility, civil status and/or family responsibilities. It shall not constitute discrimination if the workplace is defined as heavy work or work hazardous to the health of breastfeeding women and pregnant women on the basis and pursuant to the Labour Code.

Article 29: Discriminatory notices

- 3. It shall constitute discrimination if requirements or preferences, which relate to family and marital status or family obligations, are specified in the notice. It shall be prohibited to request information from the advertiser about the applicant's private or family life in job advertisements.

Law on Protection from Discrimination

- 9. “Denial of reasonable adjustment” is that form of discrimination that occurs whenever there is a denial or refusal to make necessary and appropriate modifications or adjustments, which are needed in a particular case and do not impose an excessive burden, in order to ensure the enjoyment and exercise on an equal basis of the fundamental rights and freedoms, recognized in the national legal framework, for persons with disabilities, or occurring in the other conditions mentioned in Article 1 of this Law.

Family Code

- Article 1: Marriage, as a legal cohabitation, is based on the moral and legal equality of the spouses,
- **Compensatory contribution: Article 147**
- The Court may oblige one of the former spouses to pay to the account of the other a contribution intended to compensate as much as possible the inequality that the division of property in the divorce may cause to the life of the other, in addition to the obligation of alimony.
- Article 50: Marriage gives rise to a mutual obligation ... for moral and material support, for cooperation in the interest of the family and cohabitation.

Family Code

- Article 149 (regarding compensatory contribution)
- When determining the needs and resources, the Court shall take into consideration:
 - a) The age and health status of the former spouses;
 - **b) The time spent and the time they have to spend on the education of the children;**
 - **c) Their professional qualifications;**
 - **ç) Their willingness for new jobs;**
 - d) The rights they enjoy and those foreseen for the future;

PURPOSE OF THE DIRECTIVE AND KEY POINTS

- Define minimum rights
- Paternity leave
- Parental leave
- Carers' leave
- Flexible working arrangements
- Legal protection
- <https://eur-lex.europa.eu/EN/legal-content/summary/work-life-balance-for-parents-and-carers.html>

Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers

- It repealed Council Directive 2010/18/EU464
- It addresses structural barriers by promoting shared parental responsibilities through enabling more women to apply for and take up leadership roles.
- It supports gender equality by improving parental leave for fathers and work-life balance.

Convention No. 156 concerning Workers with Family Responsibilities (1981),

- It was ratified in 2007.
- It promotes gender equality in employment by ensuring that workers with family care responsibilities – especially women – are not discriminated against.
- The Convention calls for workplace policies that support work-life balance, equal opportunities and the sharing of family responsibilities.

Main concerns

- Social norms
 - Reinforce traditional gender roles.
 - Limit women's autonomy.
 - Burden them excessively with unpaid care work.
 - Limit their access to formal employment and career advancement.
- 25.3% of girls-women who are not employed, do not attend school or vocational training; perform unpaid care work, compared to only 0.2% of boys/men in this category.
- GBV remains a critical concern, with high levels of underreporting due to stigma, economic dependence on the perpetrator, and insufficient institutional support.

What are the most typical cases in Court related to employment relations?

- Group discussion
- An female employee returns from maternity leave. The employer places her in a different position than before the maternity leave.
 - What do you think are the relevant factors in determining whether this would be legal, or not?
 - How would you handle this scenario?
- If a female employee has requested to switch from full-time to part-time work after maternity leave but this is not accepted by the employer?
 - What are the potential and legal problems?

Costs and some of the consequences for the employer?

- Providing of compensations
- Costs of defending against a lawsuit
- Employee legal expenses
- Employee reinstatement
- Bad publicity
- Business/company reputation

Legal measures adopted by Albania

- Measures aimed at addressing the problem of unpaid care work and balancing work and family life include:
 - Paid maternity leave (365 days, 80% of salary for the first 6 months)
 - Paternity leave.
 - The Labour Code allows for flexible work for parents and carers.

Legal measures adopted by Albania

- Paid care leave for people with disabilities.
- The Labour Code allows for flexible work for parents and carers.

Are legal measures sufficient?

- Parental leave remains underutilized by fathers.
- Traditional gender norms discourage men from taking leave.
- Workplace policies do not strongly encourage the sharing of parental responsibilities, which affects women's career advancement.

EU Court of Justice ruling increases job protection for **carers** of disabled children

- Case C-38/24 [Bervidi]
- UN Convention on the Rights of Persons with Disabilities (CRPD) ratified by Albania
 - If the employee is in the category of PwD-s
 - If a family member is in the category of PwD-s
- https://infocuria.curia.europa.eu/tabs/jurisprudence?sort=DOC_DATE-DESC&searchTerm=%22C-38%2F24%22&publishedId=C-38%2F24

Questions?
Thank you!

