



WHERE ARE THE "PROMISED" LABOR INSPECTORS

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LIST OF ABBREVIATIONS AND ACRONYMS

DMPO

Department for the Management of Public Officials

LI

Labor Inspectorate

KDI

Kosova Democratic Institute

LPO

Law on Public Officials

MESTI

Ministry of Education, Science, Technology and Innovation

MFLT

Ministry of Finance, Labor and Transfers

MIAPA

Ministry of Internal Affairs and Public Administration

Regulation on the Classification of Jobs

Regulation (GRK) No. 10/2022 on the Classification of Jobs in Civil Service

Regulation on Admission and Career

Regulation (QRK) No. 16/2020 on Admission and Career in the Civil Service of the Republic of Kosovo

ISHRM

Information System for Human Resources Management

CSK

Civil Service of Kosovo





INTRODUCTION

The existential necessity to be have a job, frequently leaves citizens unable to be more demanding in relation to their employment rights, as defined by the law. Numerous violations committed by employers, starting from work without a contract, irregular wage payment, unilateral termination of employment relations, non-payment of pension contributions, deprivation of the right to annual and medical leave or maternity leave remain evident for several years now.

The cases that as a subject have violations of labor relationship handled by KDI, reflect the need for better monitoring of the implementation of the labor law in Kosovo. KDI believes that the current situation and violations from the employment relationship can only be avoided by empowering and increasing the capacities of the Labor Inspectorate, as the institution responsible for overseeing labor law.

KDI believes that the empowerment of the Labor Inspectorate can be achieved through the enhancement of this institution's capacities and the increase in the number of inspectors, which would help in the prevention of workers' rights violations, fatalities at the workplace, and above all the punishment of employers who violate or neglect the rights provided by the Labor Law.

Indeed, this report aims to address the issue of enhancing the capacities of the Labor Inspectorate in relation to the supervision of labor law, specifically the issue of recruiting new labor inspectors. The report deals with the challenges faced by the relevant institutions involved in the recruitment process of labor inspectors, as well as aims to open discussions about the inaction of the competent institutions in overcoming these challenges regarding the recruitment procedures of these inspectors.

This paper manifests the present challenges that institutions encounter, both in the internal recruitment phase of inspectors, as well as in the external recruitment phase. The main findings of this work are: the lack of interest of current civil servants to apply for the position of labor inspector, the lack of categorization as a work group of the position "labor inspector", the lack of capacities of the DMPO, the non-functioning of the National Classification Commission as well as the lack of the state admission commission. Furthermore, this paper provides relevant recommendations for the institutions involved in this process in addressing the challenges arising from the recruitment process of new labor inspectors.





METHODOLOGY

KDI has contacted all the actors involved in the recruitment process of labor inspectors, when necessary for the sake of this discussion paper.

Pre-structured interviews have been conducted with some of the representatives of the institutions, including: Chief Inspector of the Labor Inspectorate - Hekuran Nikçi, Director of the Department for the Management of Public Officials - Bislim Bislimi and the Chairman of the Independent Union of the Private Sector - Jusuf Azemi. KDI conducted the interviews during March 2023.

While, despite the insistence of KDI and ongoing requests for information addressed to the Ministry of Internal Affairs and Public Administration, representatives from this ministry have not been willing to respond to KDI's questions.

Taking into account the complexity of this topic, this research also has its limitations. The main limitation of this work is the lack of response and cooperation of the Ministry of Internal Affairs and Public Administration in confirming the findings and sources of this work. Moreover, this ministry has not shown readiness to respond to KDI's questions regarding the commission formed by this institution. Furthermore, KDI has also faced hesitation from the Labor Inspectorate to conduct a verbal interview. This has resulted the report as such to be based only on the findings obtained from the interviewed parties and independent research, without any possibility of data confirmation and findings from other parties involved in this process.



WHY AREN'T NEW LABOR INSPECTORS BEING RECRUITED?

Based on Law No. 2002/9 for the Labor Inspectorate in Kosovo, the function of the Labor Inspectorate (LI) is to supervise the implementation of the labor law, working conditions and protection at work.¹ LI is an independent body mandated by law to regulate the establishment of the employment relationships as well as the respect of rights and obligations of the parties arising from employment. In addition to oversight, as the primary function, the LI has the authority to provide advice and information to employers and employees, with the aim of effectively implementing legal provisions.² Considering legal competencies, the role of the IP should be proactive in relation to the identification of violations from the employment relationship and addressing these issues through the legal mechanisms at its disposal. However, the inefficiency of this body has resulted in numerous violations of the employment relationship.

Despite numerous violations of labor law, the number of inspectors and even more so the number of inspections by the IP has been small. KDI has consistently advocated for addressing this issue and has sought an increase in the number of inspectors, as well as inspections.³ Such a request had come as a result of the need for oversight of the Labor Law, since based on the reported cases, labor law violations were high while the inspections did not even approach the minimum requirements to ensure the implementation of the Labor Law. The KDI research has shown that an increase in the number of labor inspectors would ensure the respect of rights from the employment relationship which are guaranteed by the Constitution and the laws in force.⁴

In response to the situation created regarding the implementation of labor law, the current Prime Minister included in his governance plan⁵ the increase of the number of labor inspectors. The increase in the number of labor inspectors was also part of the party program of the Vetevendosje Movement.⁶

1 Article 2, of Law No. 2002/9 on the Labor Inspectorate in Kosovo

2 Article 2, b, of Law No. 2002/9 on the Labor Inspectorate in Kosovo

3 (MORE INSPECTIONS OR MORE INSPECTORS? Visit the link (<https://kdi-kosova.org/wp-content/uploads/2021/12/KDI-I-Me-shume-inspektive-apo-me-shume-inspektore.pdf>))

4 Ibid.

5 "GOVERNMENT PROGRAM OF THE REPUBLIC OF KOSOVO 2021 - 2025" May 2021, page 11, visit the link (<https://masht.rks-gov.net/wp-content/uploads/2022/06/Programi-i-Qeverise-se-Kosovo-2021-2025.pdf>) last accessed on 13 April 2023

6 "Priorities of ALL citizens TOWARDS the future" February 2021, page 11, see link (<https://www.selfendosje.org/wp-content/uploads/2021/02/Programi-mi-2021-LV.pdf>) last accessed on 13 April 2023

"For all the workers, we will make sure that they have decent working conditions guaranteed. We will arrange for every employment to be on a contractual basis, with pension contributions paid and no more than 40 hours of regular work per week. We will also increase by five times the number of labor inspectors, with the aim of preventing discrimination against employees and preventing work-related risks".

**Priority for ALL citizens TOWARDS the future,
Governance Plan of the Vetevendosje Movement, February 2021.**

However, this electoral promise, also reflected in the their governance plan, has not been fulfilled so far. Moreover, not only has the number of inspectors failed to increase, instead from **39** how many were **2020**, in **2023** the number dropped to **33 labor inspector**.⁷

This decline was reflected in a regression also in terms of the number of inspections carried out, as in the year **2021**, despite it being the pandemic year, **10,162 inspections**, were conducted, but this number dropped in **2022**, in which only **6,316 inspections** were carried out. ⁸ Paradoxically, despite the decrease in the number of inspections, the number of inspectors during 2021 and 2022 was **37**.⁹

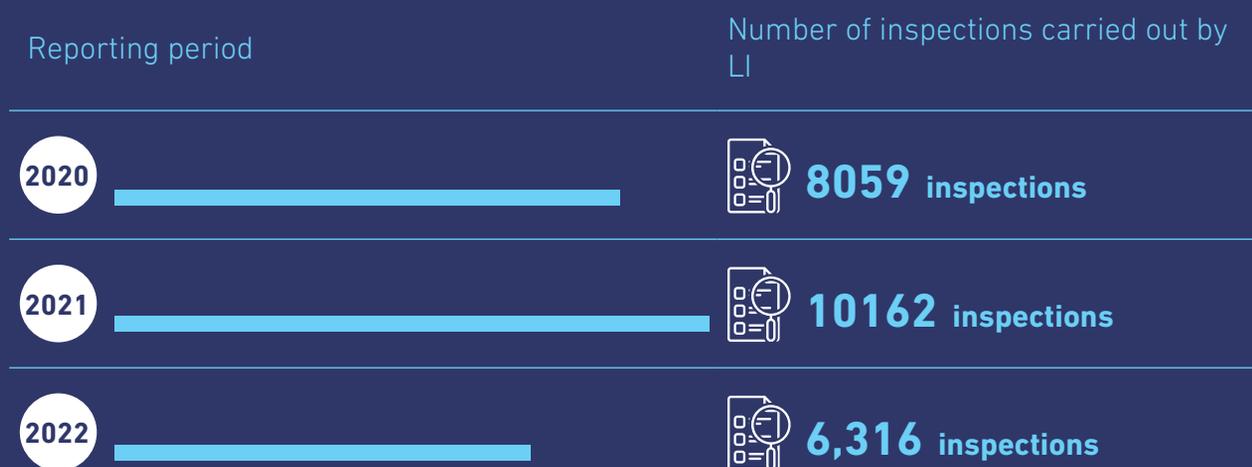


Figure 1. The trend of the number of inspections for 2020, 2021 and 2022¹⁰

⁷ Interview with the Chief Inspector of the Labor Inspectorate Mr. Hekuran Nikçi, on 30 March 2023

⁸ Annual Report for 2022 see link (<https://ip.rks-gov.net/wp-content/uploads/Raporti-Vjetor-2022-IP.pdf>) last accessed on 13 April 2023

⁹ Annual Report for 2022 see link (<https://ip.rks-gov.net/wp-content/uploads/Raporti-Vjetor-2022-IP.pdf>) last accessed on 13 April 2023

¹⁰ Annual Report for the year 2020 see link (<https://ip.rks-gov.net/wp-content/uploads/RAP-NARRATIV-I-IP-se-2020-002-compressed.pdf>) qasur së fundmi accessed 13 April 2023

Annual Report for 2021 see the link (<https://ip.rks-gov.net/wp-content/uploads/RAPORTI-VJETOR-2021.pdf>) last accessed on 13 April 2023

Labor Report for 2022 see link (<https://ip.rks-gov.net/wp-content/uploads/Raporti-Vjetor-2022-IP.pdf>) last accessed on 13 April 2023

Regarded as a positive move towards fulfilling this promise is the budget increase for the Labor Inspectorate in 2023, where the budget of this institution has been doubled from

790,632 Euro

as it was in **2022**

1,575,632 Euro¹¹

in the year **2023**

resulting in



increase compare to the previous

The increase in the budget is also reflected in the increase in the number of employees for this institution from

90



the actual number and increasing the number of the employed persons to

190



marking an increase by



111%

While the **young employees** are all expected to be employed as labor inspectors.¹²

The increase in the number of labor inspectors was also part of the European Reform Agenda (ERA) II, although it was emphasized that the number of inspectors would increase by **20 inspectors** during 2021-2022¹³

Despite the doubling of the budget for the Labor Inspectorate for **2023**, which was also a long-standing request of the Inspectorate itself, the recruitment of new labor inspectors, now as we enter the fifth month of 2023, has not been realized, due to legal and procedural issues related to the recruitment of labor inspectors.

¹¹ Law No. 08/L-193 on Budget Allocations for the budget of the Republic of Kosovo for 2023, approved by the Assembly of Kosovo on 30 December 2022.

¹² Email dated 23 February 2023, from the Labor Inspectorate to DMPD, received according to the Request for access to public documents dated 23 March 202

¹³ Point 3.3.b., 3.3.b.2.1 European Reforms Agenda (ERA) II see link (<https://kryeministri.rks-gov.net/wp-content/uploads/2022/05/1-PV-ERA-II-approved-gold-from-the-Assembly.pdf>) last accessed 13 April 2023



HOW IS THE RECRUITMENT PROCESS REGULATED IN THE PUBLIC ADMINISTRATION?

The recruitment of public officials in the state administration in Kosovo is currently regulated by Law No. 06/L-114 on Public Officials of 2020. This law regulates the admission, classification of positions, changes, termination of employment, rights and obligations as well as other issues related to the employment relationship of the public official in the institutions of the Republic of Kosovo.¹⁴ Unlike the old civil service law which regulated recruitment in the state administration in a decentralized manner, with the current law on public officials, recruitment in the state administration is regulated according to the centralized model¹⁵

Since 2020, recruitment according to the centralized model in the state administration falls under the competence of the Department for the Management of Public Officials (DMPO) within the Ministry of Internal Affairs and Public Administration (MIAPA). According to the law, this department, based on requests from relevant institutions, organizes and announces recruitment calls for vacant positions throughout the entire state administration.¹⁶ The procedure led by this department is known as the external recruitment procedure, in addition to which we also have the internal recruitment procedure, which is led by the Human Resources Unit of each institution.¹⁷

The Regulation on admission and career in the civil service determines that an open position in the civil service must first be filled by civil servants of the same category, through the procedure of transfers within the category, i.e. through internal recruitment.¹⁸

If the internal recruitment procedures in the institution, through the transfer of civil servants in positions, are not successful, then the said position can be announced for external recruitment, according to the public competition.¹⁹ The procedure according to the public job announcement for the recruitment of new civil servants, for all positions in the professional category, is led by the DMPO, in line with the requirements of the institutions.²⁰

With the implementation of a new centralized model of external recruitment through DMZP, the need has also arisen for the reclassification of positions and job vacancies in the civil service. The current regulation for the classification of roles and

14 Article 2, of Law No. 06/L – 114 on Public Officials

15 Article 11, par. 4, of Law No. 06/L – 114 on Public Officials 16 ë

16 Article 7, of Law No. 06/L – 114 on Public Officials

17 Article 34.3, of Law No. 06/L – 114 on Public Officials

18 Article 5, par. 1, of Regulation (GKR) No. 16/2020 on Admission and Career in the Civil Service of the Republic of Kosovo

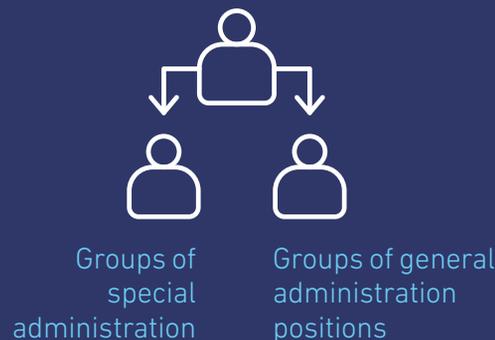
19 Article 64, par. 3, of Regulation (GKR) No. 16/2020 on Admission and Career in the Civil Service of the Republic of Kosovo

20 Article 7.1, of Regulation (GKR) No. 16/2020 on Admission and Career in the Civil Service of the Republic of Kosovo



positions at work, in force since 2022, defines the classes for each category of the civil service, the designations of the positions for each class, the general description for each category and class, the procedure and methodology of the classification of work positions as well as the division of groups of general administration and special administration in the civil service of Kosovo. According to this regulation, all positions in the civil service are divided into four functional categories, each of which includes one or more classes.

In order to organize recruitment procedures in Kosovo's civil service, this regulation groups the positions of the professional category according to:



This regulation defines a total of 65 work groups for special and general administration. These working groups assemble specialists according to the specific field of education, such as: *legal specialist, financial specialist, economics specialist, public procurement specialist, auditing specialist, human resources specialist, and others*.

So, every job position in the civil service is part of one of the work groups, of either special or general administration, defined according to the regulation for the classification of jobs²². However, when an institution needs to recruit employees for a certain position, a position that cannot be grouped in one of the above-mentioned groups or is not included in one of these groups, the institution may then submit a request to the responsible minister for Public Administration for the creation of an ad hoc working group for the purpose of recruiting the necessary positions.²³ Any such request must first be reviewed by the National Classification Commission. The Minister for Public Administration may approve or reject such request only after the opinion is issued by this commission.²⁴

The creation of an ad hoc group is temporary and can only serve to run a recruitment procedure for that group. For the permanent approval of an ad hoc group of positions, the Minister for Public Administration, following a proposal of the commission, has the means to change the regulation by adding a new work group.²⁵

21 Article 26, Regulation (GRK) No. 10/2022 on the Classification of Jobs in Civil Service

22 Article 27, par.1, of Regulation (GRK) No. 10/2022 on the Classification of jobs in the Civil Service

23 Article 28, par. 1 of Regulation (GRK) No. 10/2022 on the Classification of jobs in the Civil Service

24 Article 28, par. 2 of Regulation (GRK) No. 10/2022 on the Classification of jobs in the Civil Service

25 Article 28, par. 6 of Regulation (GRK) No. 10/2022 for the Classification of jobs in the Civil Service



WHAT ARE THE CHALLENGES IN RECRUITING LABOR INSPECTORS?

Despite the fact that the Labor Inspectorate today has the budget to employ 100 additional labor inspectors, it is facing many challenges in achieving this objective.

In order to analyze where the challenges are in this process, the KDI during the last months has interviewed actors from the institutions responsible for the recruitment process of inspectors, in order to open discussions and reveal the problems related to the recruitment of these inspectors.

The findings from the conducted interviews and research show that the recruitment of new labor inspectors is challenging for institutions both in the internal recruitment phase and in the external recruitment phase.

Stage 1 As the main finding in the internal recruitment phase is

- ailure of internal competitions for labor inspectors due to lack of interest of current civil servants to apply for this position.

Stage 2 While the challenges that have followed the external recruitment are:

- the lack of categorization as a working group of the "labor inspector" position, the lack of DMPO capacities,
- dysfunction of the National Classification Commission and
- absence of the state admissions commission.

INTERNAL RECRUITMENT

Lack of ability of recruiting labor inspectors due to lack of applicants

The law on public officials has determined that the filling of vacant positions in the civil service, whether in the professional, low or even middle management category, is done first through the procedure of movement within the category²⁶. So, whenever public institutions need to recruit one or more employees for a given position, the relevant institution will first open an internal recruitment procedure. Such filling of vacant positions in the civil service through the movement of employees within the category is known as parallel movement. The condition for the movement of a civil servant within the category is that the employee is employed in the same category as the category according to the announced position.²⁷

If the internal recruitment turns out to be unsuccessful or the parallel movements of employees have been exhausted, then the institution can submit a request to the DMPO for the initiation of external recruitment procedures²⁸. Such a request for the start of external recruitment procedures was presented by the Labor Inspectorate on 23 February 2023, with which it requested the DMPO to start the recruitment procedures and announce a competition for the admission of 100 new labor inspectors²⁹. The Labor Inspectorate has justified such a request with the fact that this institution has already announced 7 competitions for the recruitment of labor inspectors for a total of 28 positions, of which two procedures have failed while five have been partially successful, this as a consequence of applicants' lack of interest in the "labor inspector" positions.³⁰ Thus, the request to start external recruitment procedures is justified by the impossibility to recruit inspectors through internal competitions as well as by the lack of current inspectors to fulfill the mandate of this institution.

In the period July-August 2022, the Labor Inspectorate announced a total of 28 positions for "labor inspector", of which three positions were announced for the Labor Inspectorate in Mitrovica, three positions for the Labor Inspectorate in Ferizaj, two positions in The Labor Inspectorate in Gjilan, three positions for the Labor Inspectorate in Peja, ten positions for the Labor Inspectorate in Prishtina, four positions for the Labor Inspectorate in Prizren and three positions for the Labor Inspectorate in Gjakova.³¹ From a total of 28 positions announced in 2022, only 8 labor inspectors have managed to be recruited.³²

A situation similar to that of the Labor Inspectorate, of the failure of internal competitions due to the lack of interest of applicants, unfortunately also exists with many public administration institutions. Undoubtedly, the contributing factors in this direction are the reformation of the state administration and, moreover, the transition from the decentralized form of external recruitment to the centralized one. This reform has brought indirect and serious consequences for all state administration institutions in terms of the development of internal recruitment procedures. Since the implementation of the reform, the state administration, belonging to the DMPO, for three years in a row, has not developed any external

26 Article 38 of Law No. 06/L – 114 on Public Officials

27 Article 28, of Law No. 06/L – 114 on Public Officials

28 Article 64, par. 2, of Regulation (GRK) No. 16/2020 for admission and career in the Civil Service of the Republic of Kosovo

29 Request for access to public documents dated March 23, 2023 for the Ministry of Interior and Public Administration

30 Email dated 23 February 2023, from the Labor Inspectorate to DMPO, received according to the Request for access to public documents dated 23 March 2023

31 Competitions announced on the official website of the Labor Inspectorate, see the link (https://ip.rks-gov.net/?page_id=2560) last accessed on 10 April 2023

32 KDI interview with Mr. Hekuran Nikçi, Chief Inspector of the Labor Inspectorate on 3 March 2023

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recruitment procedure for hiring new civil servants³³. This has resulted in the enormous shrinking of the administration and the creation of about 6,000 vacant positions in the civil service.³⁴ Voluntary resignations of civil servants, retirements of civil servants, transitions to the private sector, migrations, and others are also considered contributing factors to the shrinking of the state administration.

This shrinking of the state administration has also indirectly affected the development of internal recruitment procedures in state administration institutions. The existence of 6,000 vacant positions in the state administration has been translated as the disinterest of civil servants to apply for internal recruitment. Throughout these three years, when external recruitments have been missing, the institutions have been forced to try and retry to fill these positions through internal competitions. Moreover, the number of employees in the administration has continued to decrease, thus affecting the number of potential applicants in these internal competitions. Therefore, the "impossibility" for DMPO to develop procedures for external recruitment of employees has brought competition within the administration, namely the institutions themselves, which compete for the same employees, every time an internal recruitment competition is opened.

Another determining factor in the lack of interest of employees to compete in Labor Inspectorates is the unattractive salary. In the framework of internal recruitment, parallel movements are usually made by civil servants of the same category, therefore the salary in the position for application corresponds or is the same as the salary from the previous position of the employee.

Therefore, the internal recruitment for the Labor Inspectorate turns out to be problematic, especially when we talk about the recruitment of labor inspectors and where the number of positions that should be recruited is 100, while the interest of the applicants is lacking. The procedure of their recruitment has been transferred as a matter to DMPO, where the latter has not yet announced the competition for external recruitment of these inspectors.³⁵

In addition, the recruitment of labor inspectors is often considered a political issue, even by union representatives it is seen as intentional by the ruling party. The delay of the opening of the external competition is being evaluated as creating opportunities for the ruling party to accommodate party supporters.³⁶

EXTERNAL RECRUITMENT

Lack of Working Group "inspector"

Although the regulation for the classification of jobs in the civil service defines 65 work groups divided into special and general administration groups and for each of these groups it defines the required educational fields, within this regulation the work group is missing "inspector" or even the educational qualification needed for this position.

The lack of the "inspector" working group has created difficulties in the development of external recruitment procedures for the needs of the Labor Inspectorate. This situation has appeared not only in the recruitment of labor inspectors, but also in the recruitment of inspectors from other sectors of education, health and others.

In addition, the Labor Inspectorate has already addressed an official request to the DMPO for the initiation of external recruitment procedures for the "Labor Inspector" position³⁷. The reason for submitting such a request is because the procedures for moving within the category have been exhausted within the institution.³⁸

33 Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023

34 Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023

35 Email dated 23 February 2023, from the Labor Inspectorate to DMPO, received according to the Request for access to public documents dated 23 March 2023.

36 Interview with the Chairman of the Independent Trade Union of the Private Sector of Kosovo, Mr. Jusuf Azemi dated 20 March 2023

37 Email dated 23 February 2023, from the Labor Inspectorate to DMPO, received according to the Request for access to public documents dated 23 March 2023.

38 Request for access to public documents dated 23 March 2023 for the Ministry of Internal Affairs and Public Administration

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Although DMPO has accepted such a request since February 2023 and inter-institutional meetings have also been held between the chief inspector of the Labor Inspectorate and the director of DMPO³⁹, recruitment procedures for labor inspectors have not yet started. This is because, as assessed by DMPO, the start of external recruitment procedures for labor inspectors is related to some challenges of a procedural and legal nature that this department is facing.⁴⁰

The Director of DMPO, in relation to the request of the Labor Inspectorate for the start of external recruitment procedures, has stated that:

"with the current regulation for the classification of jobs, the inspector work group does not appear. In order not to announce an external competition for the recruitment of inspectors under the title, for example, "legal specialist" and to come to a situation where the competition is contested procedurally and could consequently be cancelled, we have asked the Minister of Internal Affairs to establish by decision the general administration group "inspector in ministries/ executive agencies".

Bislim Bislimi, Director of the Department for Human Resources Management/ MIAPA, interview for KDI dated 23 March 2023

The possibility of establishing a new work group, out of the 65 work groups, is provided by the current regulation itself, which gives the necessary authorizations to the minister for the establishment of a new ad hoc work group to carry out recruitment for certain position.⁴¹ For the establishment of such an ad hoc working group with the title "inspector in the ministry/executive agency" according to the request of the DMPO, the minister of internal affairs must first receive the opinion of the National Classification Commission.⁴²

"DMPO has already submitted a request to the Minister of Internal Affairs for the establishment of this ad hoc work group for the recruitment of labor inspectors, while the necessary legal procedures have been completed and there is the full will of the Minister for the establishment of this group".

Bislim Bislimi, Director of the Department for Human Resources Management/ MIAPA, interview for KDI dated 23 March 2023

³⁹ Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023

⁴⁰ Ibid.

⁴¹ Article 28, par.1, of Regulation (GRK) No. 10/2022 on the Classification of jobs in the Civil Service

⁴² Article 28, par. 2, of Regulation (GRK) No. 10/2022 for the Classification of jobs in the Civil Service

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Lack of members of the National Classification Committee

The National Classification Committee is a committee established on the basis of the regulation for the classification of jobs in the civil service, while the same is appointed by the minister responsible for public administration. According to the regulation, an integral part of this committee are: two representatives of the Ministry responsible for public administration, one representative of the Ministry responsible for Finance, one representative of the Ministry responsible for Education, one representative of the Ministry responsible for Labour.⁵⁰

The regulation for the classification of jobs determines that when an institution submits a request to the minister responsible for public administration for the formation of a new ad hoc work group, this committee is authorized to examine such request and give its opinion regarding with the approval or rejection of the request. While the minister can approve or reject such a request for the formation of a new working group, only after consultation with the National Classification Committee.⁵¹

Currently, the issue of the composition and formation of the National Classification Commission is another challenge of a procedural nature, overcoming of which is necessary, in order to develop the external recruitment of labor inspectors. This is because this committee is not functional and in full composition, as a result of the absence of one of the members from the ranks of the Ministry of Finance.⁵²

DMPO has already addressed the issue of the functionalization of this committee to the minister responsible for public administration, while according to DMPO, a member of the Committee is expected to be appointed from the ranks of the Ministry of Finance.⁵³

Regarding the appointment of the member of the National Classification Committee and the functioning of this committee, Mr. Bislimi declares that:

"Such problems are not insurmountable and always avoidable... it is normal for a committee to remain without any of its members, considering that in public administration there are frequent movements of employees and often a committee consisting of representatives of a certain institution, remains without that representative since the employee has left the institution or the civil service itself".

Bislim Bislimi, Director of the Department for Human Resources Management/ MIAPA, interview for KDI dated 23 March 2023.

Since legally the request for the establishment of a new work group must first be examined by the National Classification Committee and only with the committee's recommendation can a new work group be established, KDI estimates that it is necessary that this committee to be operationalized as soon as possible.

⁵⁰ Article 28, par. 3, of Regulation (GRK) No. 10/2022 for the Classification of jobs in the Civil Service

⁵¹ Ibid.

⁵² Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023

⁵³ Ibid.

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KDI, through requests for access to public documents addressed to the Ministry of Internal Affairs and Public Administration, has tried several times to get information on whether the members of this committee have been appointed, but has not received an answer.

Lack of capacities within DMPO

The reform in the public administration implemented through the law on public officials has provided for the transfer of powers for the development of external recruitment procedures for the entire state administration to the DMPO, next to the Ministry of Education, Culture, Sports and Science, as the only competent department. This reform and transfer of competences for external recruitment to DMPO was aimed at promoting more transparent and merit-based recruitment procedures. As part of the reform, an electronic Human Resources Management System (HRMIS) was introduced, which is managed by DMPO⁵⁴ and will be used for the publication of all active competitions in the administration, as well as serve as a platform for applications by citizens interested in becoming part of the civil service. Since the implementation of the reform and the entry into force of the law on public officials, DMPO has not developed any external recruitment procedure⁵⁵. The non-development of external recruitment procedures despite the demands and needs of the institutions has influenced not only the shrinking of the administration but also the handicap of certain departments and divisions, as a result of staff shortages. The lack of recruitments and reduction of staff is also reflected in the composition of the DMPO itself.

DMPO, despite the key role it has in the recruitment of civil servants for the needs of the entire administration, currently does not have the necessary human capacities to fill all vacant positions in the civil service.⁵⁶ This department operates with only 21 employees (staff), while judging by the volume of work and requests, it should have at least 80 employees (staff).⁵⁶ In addition to the lack of human capacities, the preparatory processes, trainings, instructions and the necessary forms for the implementation of the new recruitment procedures remain problematic in this department. This is because the officials of this department have been introduced to a new centralized form of recruitment model as well as an electronic Human Resources Management System (HRMS), without any adequate training and without prior preparation. The reform in the administration has also introduced for the first time the electronic testing for applicants during their recruitment, which should be administered by the DMPO.

Regarding the capacities of DMPO for the development of recruitment procedures, Mr. Bislimi considers that:

"the introduction of electronic testing as well as new assessment forms are positive in terms of guaranteeing a higher level of meritocratic recruitment, however, I don't know how much DMPO wants this efficiency, speed, quality in the administration of these procedures because DMPO for the first time starts exercising this responsibility given to it by law in 2020".

Bislim Bislimi, Director of the Department for Human Resources Management/ MIAPA, interview for KDI dated 23 March 2023.

⁵⁴ Article 11, par. 1.9 of Law No. 06/L – 114 on Public Officials

⁵⁵ Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023

⁵⁶ Interview with the Director of the Department for Human Resources Management/ MIAPA Mr. Bislim Bislimi dated 23 March 2023





RECOMMENDATIONS

- The Labor Inspectorate should undertake adequate actions in terms of increasing the number of labor inspectors and prioritize their recruitment;
- The Labor Inspectorate in cooperation with the Department for the Management of Public Officials to manage the process of recruiting new labor inspectors by responding to all the needs of this process;
- To raise the human capacities of the Department for the Management of Public Officials, within the Ministry of Internal Affairs and Public Administration, including the recruitment of additional staff and the continuous training of personnel in accordance with the innovations that bring reforms in administration;
- The Ministry of Internal Affairs and Public Administration as well as the Department for the Management of Public Officials to form as soon as possible the ad-hoc groups of general administration for the positions of "inspectors in ministries/ executive agencies";
- Ministry of Internal Affairs and Public Administration to appoint all members of the National Classification Committee and to take care of its functioning;
- The Ministry of Internal Affairs and Public Administration as well as the Government propose and appoint as soon as possible the members of the State Admission Commission and take care of its functioning.



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