




Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria e Kosovës - Vlada - Government
MINISTRIA E FINANCËVE, PUNËS DHE TRANSFEREVE
MINISTARSTVO FINANCIJE, RADA I TRANFERA
MINISTRY OF FINANCE, LABOUR AND TRANSFERS

October 2021



COOPERATION BETWEEN THE MINISTRY OF FINANCE, LABOUR AND TRANSFERS, THE PUBLIC EMPLOYMENT AGENCY AND PRIVATE EMPLOYMENT AGENCIES

FINANCED BY: ENHANCING YOUTH EMPLOYMENT PROJECT
DEVELOPED BY: LEVENT KORO

 Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC

EYE Enhancing Youth
Employment

ABBREVIATIONS

ALMP	Active Labour Market Programmes
CV	Curriculum Vitae
EARK	Employment Agency of the Republic of Kosovo
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
IEP	Individual Employment Plans
ILO	International Labour Organization
MFLT	Ministry of Finance, Labour and Transfers
MLSW	Ministry of Labour and Social Welfare
MoU	Memorandum of understanding
NQA	National Qualification Authority
NQF	National Qualification Framework
NQS	National Qualification System
PARES	Partnerships Between Employment Services
PEA	Public Employment Agencies
PES	Public Employment Service
PrEA	Private Employment Agencies
VTC	Vocational Training Centres

The development and publication of this document has been supported by the Swiss Agency for Development and Cooperation (SDC) through its project Enhancing Youth Employment (EYE), implemented by Helvetas and MDA. The content of this document is the sole responsibility of Levent Koro and does not necessarily represent the views of SDC.

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1. INTRODUCTION

Employment services play a critical role in achieving more effective and efficient outcomes in the labour market. They are provided both by governments through Public Employment Agencies (hereinafter referred to as PEA) within Ministries responsible for Labour and by private employment agencies (hereinafter referred to as PrEA). While the design of labour market policies rests within the Ministry responsible for Labour, the role of the PEA is to execute these policies through (i) providing accurate information about the labour market; (ii) assisting with job search, career guidance and job placement services; and (iii) administering a wide range of active labour market programmes (ALMPs) such as employment subsidies, vocational training, public works etc. PrEA, on the other hand, are also important stakeholders in the job matching system, contributing to improved labour market efficiency through offering vacancy announcements, job placement and recruitment services, head hunting and temporary employment. Government Regulation No. 20/2015 on the Rights, Responsibilities, Scope, Monitoring of the Work

and Reports of Non-Public Employment Service Providers defines non-public employment service providers as any enterprise or non-governmental organization which provides any of the five category of employment services independently from public authorities for job matching between jobseekers and employers.¹

PrEA have been steadily growing in Kosovo in the last decade offering various employment services to job seekers and employers. The EYE Project identifies that PrEA increased from 3 in 2012 to 15 (12 registered private businesses, 1 in process of registration and 2 NGOs) in 2015.² Similarly, the number of PrEA that are registered and licensed at the Ministry of Finance, Labour and Transfers (MFLT) according to different categories of services has increased from zero in 2016 to 28 in 2019.³ In parallel of the growing number of PrEA, the EYE Project also identified that the number of clients (job seekers and employers) using these services has been growing steadily. They have managed to increase their customers by 20 times in 3-4 years.⁴

¹ Employment services for mediation include these services: Category (A) – services related to job seeking, such as providing information, which aim is to mediate between specific job offers and job applications; Category (B) – services for job matching between job offers and job applications, where non-public employment service providers are not a party in the working relations; Category (C) – recruitment services which include the provision of advisory services for employers and job applications, where non-public employment service providers are not a part of the working relations, such as determining the qualifications, pre-conditions and other characteristics of the staff required to conduct the work planned by them, consulting various sources and methods to find candidates for special working posts, verification of candidates through various methods regarding the required qualifications, etc.; Category (D) – services comprised by employing workers with the aim of making them available for a third party, which may be a natural or legal person (hereinafter referred to as “user enterprise”) which sets their tasks and monitors implementation; Category (E) – services related to the mediation for people working abroad;

² EYE (2015): Report on Assessment of Performance, Services, and business model of online job portals in Kosovo.

³ See the list of non-public employment service providers registered and licensed in MLSW (<https://mpms.rks-gov.net/shpallje/publikime/>)

⁴ EYE (2016): Job Matching Services in Kosovo. Between 2013 and 2015, EYE identified that about 4,500 additional businesses started using the services from non-public providers. Similarly, about 190,000 new job seekers started using the services.

The legal framework is designed for the operation of PrEA. Government Regulation No. 20/2015 on the Rights, Responsibilities, Scope, Monitoring of the Work and Reports of Non-Public Employment Service Providers provides a key framework for the operation of PrEA and key principles to follow,⁵ while Administrative Instruction No. 03/2015 of the Ministry of Labour and Social Welfare sets the condition and criteria for the registration and licensing of the non-public employment service providers.

There is strong international and national legal and policy framework that support and promote active cooperation between public and private employment service providers and there are growing examples of cooperation in EU countries. Despite this, in practice there are very few practical cooperation arrangements between these stakeholders in Kosovo. Internationally, ILO convention No. 88 on Employment Services and convention No. 181 on Private Employment Agencies and its accompanying Recommendation No. 188 on Private Employment Agencies actively encourage cooperation between public and private employment services. EU countries on the other hand, not only promote active cooperation through policy documents such as the EU Employment Strategy or more recently the EU Growth Strategy (where employment constitutes part of the EU Growth Strategy) they actively use their funding instruments to directly promote cooperation between these actors. Nationally, Law No. 04/L-205 on the Establishment of the Employment Agency loosely states a potential role for PrEA in the delivery of employment services and activation measures, while more emphasis was given to the contracting of training services from training providers. On the other hand, the policy document of the Employment Agency 2019-2021 suggests PEA to consider establishing cooperation between non-public providers during this period and for service coordination between them, in order to reach a broader coverage of service customers.

This report seeks to discuss potential areas of cooperation between the Ministry of Finance, Labour and Transfers, PEA and PrEA, that could be acceptable by all labour market stakeholders. The scope of the report will be limited to explore cooperation modalities on employment services and some active labour market programmes such start-ups, internships and job subsidies that can be potentially delivered by PrEA. Vocational training and public work programmes are not covered by this report because they are not necessary provided by the PrEA. Vocational training is also clearly regulated by Law No. 04/L-205 on the Employment Agency and it is tied to accredited programmes within the framework of the National Qualification System. This report is organized in the following way: Section 2 presents a brief history of cooperation between the Ministry responsible for Labour, PEA and PrEA focusing more on EU and regional countries. Section 3 examines cooperation models promoted by ILO, the key lessons for successful cooperation between these parties, and the potential and limitations of establishing such cooperation arrangements in Kosovo. Finally, Section 4 presents key conclusions and recommendations to be considered for promoting cooperation arrangements that are acceptable by all labour market stakeholders.

⁵ Such as non-discrimination, adhering to confidentiality provisions in data storing and processing, upholding ethical and professional conduct, protection of basic rights etc.

2. THE BRIEF HISTORY OF COOPERATION

The Partnerships Between Employment Services (PARES) which promotes EU-level dialogue to improve cooperation between different employment service providers (public, private and non-profit) defines partnerships as cooperation for a common purpose to create a new structure or process, sharing information, risk and rewards in pursuit of a joint programme. Otherwise partners are independent bodies but agree to cooperate for a common purpose and for this reason they create a new organizational structure or process to plan and pursue a joint programme by sharing relevant information, risks and reward.



With the exception of some countries, cooperation between PrEA and PEA within the framework of partnerships defined by PERES presented above was not so strong in many countries until the end of 1990s. During this period both entities in many countries operated without any cooperation even if they provided similar and complementary services. Nevertheless, the adoption of ILO Convention No. 181 on

Private Employment Agencies in 1997, as well as the growing presence of PrEA, along with changes in the labour markets due to globalization and technological advancement have significantly contributed to the changing relationship between public and private employment service providers in many countries during the provision of employment services and in delivery of ALMPs. PrEAs more and more have started to be accepted as key players and partners of the PEA and of the Ministries responsible for Labour during the provision of employment services and ALMPs.

In EU countries more specifically, the adoption of the Employment Strategy and the allocation of EU funds that actively promote cooperation culminated in another cooperation dynamic between these actors. In many of its key documents, the EU stressed that it will be difficult for PEA to provide all services for all groups with high quality and efficiency and thus strongly recommended and supported cooperation between public and private employment services as a mean to reach the employment target set by the EU Strategy. The EU funds – such as the European Social Fund (ESF) and the European Regional Development Fund (ERDF) – facilitated the process of cooperation between private and public employment service providers by supporting local initiatives for job creation, often based around collaboration and partnership amongst local actors.⁶ As a result of these efforts, at the moment, transfers to private and non-profit providers account for about a third of the overall public expenditure on ALMPs in EU countries, though there is still a considerable variation between countries like the UK and the Netherlands, where more than two-thirds of expenditure goes to external providers, and others where the share is still well below one third.⁷



⁶ In 2011 EU launched an initiative on Partnership between Employment Services – named PARES to encourage EU-level dialogue to improve cooperation between the different employment services (public, private and non-profit) in EU member countries.

⁷ European Network of Public Employment Services (2020): PES partnership management. Written by Eamonn Davern.

3. COOPERATION MODELS

Article 13, paragraph 1 of the Private Employment Agencies Convention (ILO Convention No. 181) promotes cooperation between the public employment service and private employment agencies to ensure labour market efficiency, with the national labour market authority retaining responsibility for formulating labour market policies. It specifies: "A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish, and periodically review conditions to promote cooperation between the public employment service and private employment agencies." In addition, paragraph 16 of the ILO Recommendation No. 188 on Private Employment Agencies mentions that "bodies may be established that include representatives of the public employment service and private employment agencies."



Furthermore, paragraph 17 of the ILO Recommendation no. 188 (1997) on Private Employment Agencies proposes the following measures of public-private employment services cooperation:

- pooling of information and the use of common terminology to improve the transparency of the labour market functioning;
- exchange of vacancy announcements;
- initiate joint projects, for example in training;
- organize joint staff training;
- consulting regularly i.e. to improve professional practices;
- concluding agreements between the public employment service and private employment agencies regarding the implementation of certain activities, such as projects for the integration of the long-term unemployed;

From the list above, it is important to distinguish between non-commercial and commercial relationships between PEA and PrEAs. For this reason, the EU has identified three main categories of PEA-PrEA relationships.⁸ The first one is voluntary cooperation in the field of information and basic matching services (for example non-commercial information sharing such as on job vacancies). A certain set of cooperation measures proposed by ILO (for example the first five examples above presented by the ILO Recommendation No. 188) do not involve any transaction of funds between PEA and PrEA. The second one is defined as commercial cooperation or outsourcing since it involves the decision to allocate public resources to for-profit or non-profit PrEA to carry out certain employment services. This is similar to the last example above presented by the ILO Recommendation No. 188. The EU has also identified the third category of cooperation (which is not so relevant for Kosovo) – the so called competition in providing services, whereby the Ministry responsible for Labour/PEA contracts out all its employment services to external providers such as in case of Australia and in large extent in the case of the Netherlands. In the competitive form of partnership, government employment services are outsourced through a bidding or tendering process to PrEA and perhaps to other public institutions (for example for training programmes). In this case there is no reserved or presumptive service delivery role for the PEA. However, this management approach was considered contestable by many organizations including the OECD. Australia and to some extent the Netherlands are clearest examples of the competitive approach.

Nevertheless, in practice, it is not easy to establish PEA and PrEA cooperation arrangements especially for the first type cooperation modality which has a non-commercial character. Parties are generally motivated to cooperate by common point of interest which brings win-win situation to all parties involved. Thus, identifying common point of interest that generates win-win situation to all parties involved which is the basis of every robust partnership is not easy in the non-commercial partnerships. For this reason, partnerships are deemed not to be successful if they are not based on a mutual commitment that generates a win-win situation for all partners involved. Secondly, parties that are involved need to bring (balanced) value to the common point of interest. Cooperation would not be successful if there is no balanced contribution from each party for the common purpose or if one party brings much greater value than another. In addition, there should be a lead organization with strong facilitation and partnership building skills in any cooperation platforms. Good facilitation skills promote conducive and comfortable communication and discussion among actors and other stakeholders which is an important instrument to promote partnership and build trust. Good partnership building skills provide vision and steer the partnership by identifying each partners' interest. It also important to define the objectives of

⁸ EC (1998): PES-PrEA Relationship in a European Framework.

the partnership and assess how the objectives can be met as well as to follow up on the results and the level of partnerships and adjust if necessary. A bureaucratic approach to partnership, on the contrary, is likely to be counterproductive in comparison to more open, inclusive approaches that allows for organic developments. Finally, it is important to mention that building a trust relationship between different parties takes time and commitment. Successful cooperation between employment services is founded on trust, mutual recognition (of common objectives) and respect (for different agendas). It can take time for a common understanding of this kind to be reached and it is by necessity a progressive process.⁹

The Partnering Initiative identifies 10 points for building effective partnerships.

- 1.** Know and respect your partners: understand where your interests align and where they differ; the resources and value they bring; their culture; their specific drivers for engagement; as well as their limitations and internal challenges. And be open and transparent about your own drivers, value and limitations to help build trust. If you find your underlying values are simply too different – walk away.
- 2.** Ensure that all partners have the knowledge and skills around the process of partnering to agree principles and co-create the partnership. Partnership facilitators can help take partners more efficiently through the process of building a robust, effective partnership and are essential for complex arrangements.
- 3.** Identify clear partnership objectives that deliver results and offer significant value to each of the partners, and include specific measurable goals to track progress and demonstrate success and value-add to each partner. Remember that different partners may have different reporting needs and all needs should be respected.
- 4.** Co-create a partnering agreement that sets out clear roles and responsibilities along with objectives and a governance/decision-making structure that ensures proper accountability and efficient delivery. Appreciate that partnerships tend to be iterative in design and the agreement will need to adapt.
- 5.** Start small and scale up to allow partners to develop effective relationships, build up trust, and test and adjust the partnership's operational and governance arrangements before moving to more ambitious plans.
- 6.** Build strong institutional commitment by the partners by identifying the clear value of the partnership to each partner's priorities, widening engagement beyond an individual person by engaging senior champions, and integrating where possible with other partner activities.
- 7.** Ensure the highest standard of project management to support a task-focused approach, with partners actively engaged in delivering time-limited tangible and practical results.
- 8.** Embed the highest standards of relationship management to ensure that partners are kept fully engaged and valued, the principles of partnership – equity, transparency, and mutual benefit – are achieved, and that any issues can be recognised and dealt with early.
- 9.** Ensure strong communication both within the partnership – contributing to the project and the relationship management – and externally to celebrate success and continue to build buy-in with other stakeholders.
- 10.** Build in ongoing review, including 'health checks' to assess the partnership, ensure partners are receiving value, the operations are efficient and the partnership is on track to deliver its objectives, and adjust as necessary.

Source: <https://thepartneringinitiative.org/news-and-views/tpi-blog/10-steps-to-perfect-partnership/>

⁹ Furthermore, each member of the partnership should be represented at the manager level with appropriate authority to contribute to the development and decision-making of co-ordinated services within the partnership.

3.1. Model 1: Voluntary Cooperation

This model presents a basic level of partnership. Such a partnership ideally should provide mutual benefits to partners without the need for financial commitments. It is voluntary in nature but parties find benefits in entering into voluntary partnerships. The benefits of this type of partnerships are easy to manage and there is no need for complicated contractual obligations. This typically refers to actions such as the pooling and sharing of relevant information and the exchange of vacancies and jobseekers' CVs, hence allowing for better matching and ultimately leading to better labour market outcomes for the clients of PEAs and PrEAs. Nevertheless, as it was explained above, it is difficult to create partnerships on voluntary basis. It is not just partners that need to identify a common purpose which creates a win-win situation to parties involved (without the involvement of financial commitments) and being committed and willing to engage in long term forums to create trust and partnerships, the legal and policy framework also has to be conducive for entering such partnerships. In practice it is difficult to find areas where all these conditions are fulfilled. Some of the potential areas of cooperation within this model and what is the potential and limitations of establishing such cooperation arrangements are discussed below:

3.1.1. Organize (at least annual) policy forums on employment services

It is a type of cooperation modality which can create a forum for communication and discussion among actors and other stakeholders. This will also serve as a platform for building and maintaining partnership and creating trust among parties involved. This form of relationship is characterized by a loose relationship between actors and can have a strategic orientation. Such a platform can be called policy forum, strategic platform, network and consultation meeting and can be used to share information, discuss topics and network with other stakeholders based upon mutual agreements.

Such forums can be used to discuss about employment services (i.e. identify main trends, priorities and achievements of employment services as well as identify main needs, weaknesses and constraints faced during the delivery of employment services). However, setting up a platform to start discussing cooperation is a pre-requisite. For this reason, key representatives from the Ministry of Finance, Labour and Transfers, PEA and some key representatives of the most interested private employment agencies should agree to arrange and meet at least once each year in order to learn about each other's business, identify common objectives and agree on a process to explore potential cooperation.¹⁰ For this reason, these forums initially should be used for knowing each party, understanding where their interests align and differ; the resources and the value they bring; their specific drivers for engagement; as well as their limitations and challenges. Subsequently, these forums should also be used to define the cooperation objectives, to identify a course of action to achieve the objectives as well as to track progress on the results made in regards to the cooperation objectives and assess if the results offer significant value to each of the partner.

How do different stakeholders feel about this area of cooperation? No particular difficulties were identified during the interview process with various stakeholders. All parties interviewed (the Ministry responsible for Labour, PEA and various PrEAs) were all willing to engage in this process. Nevertheless, some of them emphasized the need for adequate skills and expertise to facilitate and to build, manage and assess results of both coordination and the intended change.

¹⁰ Such forums can be formalized initially by a very general memorandum of understanding (MoU) that sets out the basis for cooperation and main objectives. But as the cooperation matures this may be extended with statements about mutual recognition, details of the form of cooperation and the specific role of each partner. For more information see sub section on formalising agreements.

3.1.2. Exchange of vacancies

In some countries PEA and PrEA share and exchange their job vacancies. Both PEA and PrEA in those countries have understood that they can improve their service through better information by working together and sharing their vacancies for which both parties have existing competences. Benefits of sharing details of job vacancies between PEA and PrEA is also to expand the potential pool of jobseekers that will see and subsequently apply to job advertisements. Expanding the pool of jobseekers is expected to increase the probability of a good match. Better matching benefits both the jobseekers through greater satisfaction and decreased quits and the employers through decreased layoffs, increased productivity and the economy as a whole. The exchange of vacancies is expected to create benefits not only to jobseeker and employers but also for PrEA and PEA. PrEA is expected to benefit from the exchange of job offers by attracting a higher number of views and clicks to their job vacancies since their vacancies are disseminated more widely by making them available to all potential job seekers. Similarly, such data exchange will benefit in great detail the PEA since it will allow access to a greater number of job vacancies.

Nevertheless, based on feedback obtained from different stakeholders it seems that basic conditions to create this type of partnership are not fully filled. Certain PrEA have justified concerns about sharing their vacancies since they recently created a market for paid services for vacancy announcement. Thus, sharing their vacancies with PEA may negatively impact their market share in the mid to long term. For this reason, some PrEA feel that exchange of job vacancies may not bring equal benefits to both parties in the mid to long run. Furthermore, the number and type of vacancies are an important element of the competitive advantage of the PrEA. For this reason, some others were willing to share job vacancies only if such announcements in other sites are channelled directly to their website. PEA, on the other hand is also willing to engage since they are not able to attract a significant number of job vacancies, given that such cooperation modality is backed by some legal reference and some technological solutions are available for automatic exchange of job vacancies and no manual labour is involved.

3.1.3. Mutual Referral of job seekers (i.e. exchange of CV-s)

Similar to the exchange of vacancies, the exchange of CVs especially for positions difficult to fill brings similar benefits for those PrEA that provide recruitment services as well as for PEA. The exchange of CVs is also expected to expand the pools of relevant jobseekers which will increase the probability of a good match. In principle, sharing the CVs reflects the interest of different actors to join forces when they can have a mutual advantage. In some countries where market segmentation of the clients served is clearly separated between PrEA and PEA¹¹ there is more justification for this type of exchange.

Such market segmentation is yet not so clear in Kosovo. While both PEA and PrEA continue to attract job vacancies for low-skilled positions, there is some market segmentation for recruitment services. Although at an early development stage, in-depth interviews with stakeholders do suggest that PrEA more frequently deal with groups of employers in market segments with sectors or qualification levels that public employment services are less likely to be in contact with.

Nevertheless, although all parties are willing to engage in this type of cooperation modality, there are some legal provisions that prevent the operationalization of such voluntary cooperation. According to the Law No. 05/L-077 on Registration and Providing Services for Unemployed, Jobseekers and Employers, as well as to the Law No. 04/L-205 Employment Agency, the PEA offers services to employers, the

¹¹ Where PEA is more focused on low-skilled positions and PrEA on middle and high skilled positions.

unemployed and jobseekers free of charge and not for intermediaries such as PrEA that also charge for their services.

3.1.4. Referrals to job vacancies

Similar to other cooperation modalities, referrals to job vacancies published in PrEA and PEA too have a potential to expand the pool of jobseekers who can apply to job vacancies. No particular difficulties were identified by parties for this type of cooperation. Both PEA and PrEA were willing to make referrals to job vacancies published in the web-pages. Nevertheless, since job vacancies of PEA at the moment are not published in their official web-site, such cooperation at least for the short-term will be one-way cooperation.

3.1.5. Staff training, inclusion in job fairs etc.

This type of coordination modalities is easy to enter and manage and can have multiple benefits. These include an increase in human capital of public and private providers as well as expand the opportunities to expand their client base. For this reason, all parties have expressed that they are willing to participate and engage in this type of cooperation modality and invite each other in staff training as well as to join in job fairs when such activities are organized either by external or internal funding.

3.1.6. Legal Base for voluntary cooperation

There is no specific legal base for voluntary cooperation between PEA and PrEA. However, many of the cooperation modalities under voluntary basis do not require any legal basis to construct. Referral to job vacancies, inclusion of staff in any of training programmes organized or facilitating policy forums on employment services do not require any legal basis to take place. Such cooperation modalities can easily be organized under the framework of Memorandum or Understandings and implemented based on these grounds (see section below for more details about formalizing arrangements).

On the other hand, some other types of cooperation modalities do require some sort of legal reference to enter in cooperation. As mentioned above, the exchange of CVs is restricted by two key legal acts for the PEA limiting their services only for employers, unemployed and jobseekers and not for intermediaries such as PrEA. Only those PrEA that offer employment leasing can use services of PEA on the exchange of CVs as they are perceived as employers but lease their workers to third party (i.e. to user enterprise). Similarly, for the exchange of job vacancies with PrEA, PEA requires some legal reference for entering such cooperation arrangements along with some technological solutions.

3.1.7. Capacities required to manage voluntary cooperation

Although it depends on the type of cooperation, in general there is no need for strong capacity requirements to manage voluntary collaboration efforts other than to have an adequate skill and some expertise to facilitate, build and manage partnerships. Furthermore, to deliver a good quality coordinated service offer, progress should be continuously reviewed through a virtuous circle of monitoring, reviewing, assessing and improving. Ideally, key performance indicators should be collectively agreed upon to assess results of both coordination and intended change and a monitoring and evaluation system should be part of the 'institutional architecture' of the partnership.

3.1.8. Formalizing arrangements

Most of the cooperation modalities can be initiated on voluntary basis through Memorandums of Understanding. The MFLT, PEA and interested PrEA usually enter into co-operation arrangements at the national level through a memorandum of understanding (MoU). Operational service delivery will be more effective if the agreement sets out common clear objectives, the responsibilities of each partner, and the expected and measurable outcomes from the joint activity and services to be delivered.¹² When the interest of the public and private agents are aligned and they share objectives, the evolution of the partnerships goes more smoothly. Nevertheless, it is important to ensure that all actors participate in the design of a partnership or framework agreement.

3.2. Model 2: Outsourcing

This model typically involves contracting services to other providers. As explained above, since the 1990s, contracting has become a widespread practice for PEAs across Europe. The type of arrangement is commercial while the Ministry responsible for labour or the PEA retains the dominant role as planner and overall manager of the programmes. Under this modality, public sector funds are used to accomplish public policy goals, but the service delivery agency is outside the public sector.

In general, there are two main reasons for establishing this type of cooperation modality. The first one is to contract out the services which are currently offered by PEA (both employment services such as job counselling, matching and ALMPs in the form of start-up assistance, internships etc.) where the aim is to expand the capacity of the PEA to perform their current tasks and reach out higher number of clients (either job seekers or employers) compared to in-house only services. The second one is contracting the complementary services where the aim is to expand the capacity of the PEA to perform complementary services (i.e. those services or clients where PEA is not able to deliver or reach out potential clients, which involve delivering employment services or ALMPs for vulnerable categories such as those addicted to various substances, victims of domestic violence, trafficking etc.). Under this modality the choice of the services contracted is based on the need to complement, not directly compete, with services directly provided by the PEA. Such an approach acknowledges that the PEA may have gaps in the provision of services or the clients served. Clients may demand services which already exists in the private sector and for which the PES has no comparative advantage or there are clients where PES have no comparative advantage to offer services to. Therefore, in terms of management it makes better sense to subcontract PrEA rather than to provide such services by PEA.

There is a variation between countries in their decision about the type of services, about the clients that are kept in house and the services contracted to PrEA. Some countries decide to keep certain services in-house. These include the identification of potential clients, providing basic counselling services and outsourcing certain services such as intensive counselling, coaching and referrals to ALMPs through contracted non-public providers. Some others outsource all types of services to non-public providers starting from the identification, basic and intensive counselling services and access to ALMPs. For example, the Slovenia PEA prepares individual employment plans (IEP) to those most difficult to accommodate and contracts PrEA to offer employment services based on IEPs. In this case PrEA are responsible for implementing IEP. A public tender specifies the service to be provided, the target groups

¹² In case of MOUs, the PARES Strategic Dialogue 2013 provides recommendations to employment services on the drafting of a MoU, including, identifying concrete fields and forms of cooperation, formulating a clear statement of intent, providing a flexible framework for cooperation, and developing an action plan for its implementation.

and other conditions that the provider has to meet and funds available. After the selection process, the PEA signs a contract with more than one successful bidder.

The benefits for contracting the services: With the benefits for contracting the same services that are directed to mainstream clients (e.g., job counselling, matching, other activation measures), PEAs can further increase the scale of services provided (compared to in-house only). On the other hand, by contracting out complementary or specialized services, PEA can expand its services for hard-to-place groups as these require specialized skills and resources that PEAs are usually not able to offer. Recent labour market trends in Europe suggest that this target group will soon be growing and evidence shows that the long-term unemployed facing multiple barriers account for a relatively high proportion of PEA clients in many countries.

Difficulties in getting into such arrangements: First of all, additional capacities are required for planning, procuring and managing the contracting of services to PrEA. In addition, for contracting services to work, transparent public procurement and contract management processes are required in addition to strong accountability frameworks. Furthermore, dedicated or additional government funds are required for contracting services. For example, while existing funds of PEA are located at subsidies, PrEA cannot be contracted from these funds if they are not transferred into goods and services under the current budget envelop. Alternatively, if existing funds within the PEA are already committed, then additional funds would be required for outsourcing the services. For this purpose, a political decision is required at least to start or pilot the outsourcing of such services and then assess its effectiveness and efficiency before scaling up. Finally, the contracting authority has to have knowledge of the current offer from the private and not-for-private sector since contracting requires a market of providers with appropriate capacities although the private sector is much quicker in expanding capacities where demand exists. Thus, contracting services requires a clear understanding of what services are needed and which ones can be offered through PEA, and which ones through PrEA.

3.2.1. Expand the capacity of the PEA to perform current services

PEAs through contracting services that they are supposed to offer can gain access to expertise from outside the public sector, which enables them to offer more and better services to their clients. This allows an increase in the quantity of services provided (for instance, assisting all the new youth unemployed aged 16-24 including those that are not in the labour market – the so called NEETs). One of the advantages of this model is that it allows rapid expansion (and scaling back) of service delivery (i.e., flexibility) without having long-term financial commitments. Results-based contracts can also enhance effectiveness and efficiency of services delivered by the PrEA. By engaging in partnerships and purchasing services, PEAs can also contribute to the development of a market for providers.

In addition, coordination and partnerships have become an important instrument for PEAs to deal with the growing demands for these services which was the case following the onset of the Covid-19 pandemic. Given increased demands for PEA services, it has become evident that PEAs are not in the position to deliver all the required services alone and that partnerships were indispensable to increase the coverage, quality and efficiency of services. Indeed, partnering with other labour market stakeholders has become a major instrument for PEAs to better accommodate the growing demands for such services triggered through shocks such as Covid-19, as they provide access to external capacity and expertise while increasing PEAs' flexibility in responding to dynamic and difficult labour market conditions.

PrEAs are willing and ready to engage in this type of cooperation modality as this may bring a possible additional source of revenues for them. Compared to traditional public structures, private bodies are considered more flexible, less bureaucratic and more service-oriented, and they may have noteworthy information and networking on key actors in the labour market. Thus, the strength of private employment agencies lies in their ability to intervene rapidly and efficiently in a designated sector of the labour market, delivering personalized quality services in a more flexible manner.

Moreover, this may present a good opportunity for PEA to expand its mainstream services to clients that are not reached by the PEA. PEA is facing limitations in terms of the coverage of its services. At the moment client – advisor ratio is 1 advisor to 2666 registered unemployed. Referring to the total number of the registered unemployed within the PEA at the end of 2018 (which was 50% lower than the figure in 2021), PEA was able to generate vacancies for about 12 per cent of its clients without vacancies from Active Labour Market Programmes (and 15% including ALMP vacancies). Job placement is the most important indicator of the performance of PEA since its main objective is the integration of clients in the labour market. By the end of 2018, PEA realized 3,764 job placements through job placement services. Compared to the number of persons registered as unemployed with PEA by the end of 2018 (which was around 100,000), the number of job placements realized reached a rate of 4% in 2018.

3.2.2. Expand the capacity of the PEA to provide complementary services

It is widely recognized that the traditional standardized approach of PEA to dealing with all client groups is incompatible with the complex needs that some of them have especially those hard to place in the labour market. Thus, in order to be effective, services have to be carefully tailored to meet the specific needs of individuals that have multi-dimensional problems (i.e. disabled people, victims of violence of trafficking etc.). Given the diversity of clients that may require assistance, it is unreasonable to expect a single team of advisors in each local office to have the full set of skills and experience necessary to help them all, particularly those who are most vulnerable and difficult to place.

For this reason, many PEAs in other countries entered in contractual arrangements for obtaining complementary services from specialized PrEA or other non-public providers for clients that face multi-dimensional problems. The type and the quality of services provided or the type of clients served is expected to increase by outsourcing complementary services (for instance, implementing new services for groups that are not served by PEA i.e. disabled people or, in general, providing specialized services for specific target groups).

While PrEAs are willing and ready to engage in this type of cooperation modality, their capacities to provide complementary services at the moment are rather limited, although in principle they are much quicker to expand capacities where demand exists. On the other hand, at the moment, specialized NGOs in Kosovo have greater capacity in providing complementary services. Moreover, depending on the experience of existing providers, capacity building may be needed to strengthen PrEA service delivery for specific groups deemed important by the PEA or the Ministry responsible for labour.

3.2.3. Legal Base for outsourcing

There is very clear legal basis for this type of cooperation for both its forms. While public procurement rules can be used for contracting services to PrEA, the Regulation MF-No-04/2017 on Criteria, Standards and Procedures for Public Financing of NGOs can be used for outsourcing complementary services to specialized NGOs (or non PrEA).¹³

On the other hand, the Law No. 04/L-205 on Employment Agency and bylaws for the PEA are more restrictive in nature for contracting services. The Law No. 04/L-205 on Employment Agency includes provisions for contracting training but not for employment services and/or for complementary services. Article 2, Paragraph 3 of the Law includes provisions about non-public providers and limits their services inappropriately only for specific groups. Paragraph 4 and in the same manner Article 6, Paragraph 1.6. limit the contracting opportunities by the PEA only for non-public providers that provide accredited training. This leaves out the opportunity to contract non-public employment service providers for certain types of services which is also encouraged and requested by the 2019-2022 Policy Document for the PEA.

The same provisions are also included in the by-laws on PEA. Regulation No.01/2018 (MLSW) on ALMPs which regulates how PEA manages ALMPs includes many provisions that allow employers from the private sector to apply for certain ALMP, but not the intermediaries that are not directly the employer of job seekers (PrEA) other than those that offer employment leasing services. Similarly, Article 8, paragraph 1.3 of the regulation limits contracting opportunities by the PEA only to non-public providers that provide accredited training and only in those professions that are not offered by VTC. Similarly, Article 9, paragraph 7 foresees that the contracting and the provision of services by accredited external providers can be implemented by applying public procurement procedures or public calls which refers to Regulation MF-No-04/2017 on Criteria, Standards and Procedures for Public Financing of NGOs.

3.2.4. Capacities required to manage outsourcing and formalizing arrangements

As explained in the sub-sections above, additional capacities are required for the contracting authority (either by the Ministry responsible for Labour or by PEA) to plan, procure and manage the service contracts. As for planning, the contracting authority has to define policy objectives, targets groups, the service offer and at the same time have a clear understanding of the kind of services provided by non-public providers, their current capacities and their potential for development and delivery. This type of partnerships is done through commercial contracts. However, there are variations as to what contract constitutes. Thus, certain contracting models require greater institutional capacity at the PEA during procurement and monitoring compared to others. For example, if contracts foresee premiums for PrEA for successful placements, then PEA has to apply a rigorous monitoring mechanism to measure successful placement numbers or rates.

In reference to the initiation of procurement procedures, PEAs or the Ministry responsible for Labour typically specify the content, the expected outcomes, the scope of the service and the duration of the

¹³ Public funding of NGOs is allowed according to this regulation based on the principles of (i) competitiveness, (ii) transparency in procedures and decision making (iii) pre-determined criteria which all proposals will be evaluated, (iv) Full compliance with the principles of accountability, (v) Public funds will be used for projects and programs that are in the public interest; (vi) Ensuring two-tier mechanism on handling applicants' complaints. Thus, any budgetary organization can fund NGO projects and programs according to a public call. This regulation includes procedures for planning, criteria that applicants must meet, public call as well as for monitoring and reporting.

desired interventions. Offers are assessed through the use of an evaluation criteria which may involve the quality of the proposed service, the capacity and the experience of the bidders, as well as the price. One or more providers can win the right to supply a specific set of services depending on the existing capacities and the scope of service.

Furthermore, the contracting authority has to closely monitor the completion of contracts to ensure that the private contractors deliver the desired quality of services. Nevertheless, there is often a lack of information about service usage as well as about the effectiveness and efficiency of individual service providers. The number of clients served is often used as a target output while gross integration rates (i.e. the rate of job placements) are therefore often used as a proxy for net impact (i.e. the additional share of job placements achieved by the provider, compared to a situation without an assignment to private services). However, collecting such information is not easy if it cannot be done automatically by PEA from the readily available sources such as the Tax Authority. Thus, regular performance monitoring is recommended to be carried out (fixed period) and key milestones should be set to meet short-, medium- and long-term targets. It is also suggested to consult with job-seekers and employers through surveys and focus groups/panel discussions which sometimes can overwhelm the contracting authorities. Payment for such services is often made up of a combination of an upfront fixed payment per job seeker and subsequent premiums given for successful placements, though the weight of these components varies significantly between countries. However, evidence from other countries has shown that such arrangements can push PrEA (deliberately or not) to concentrate efforts on those job seekers perceived as more easily trained or likely to be quicker to place in employment.

4. CONCLUSION RECOMMENDATIONS

4.1. Main Conclusions

This assessment looked at the potential areas of cooperation between the Ministry of Finance, Labour and Transfers, PEA and PrEA, that could be acceptable by all labour market stakeholders. Both ILO and the EU have identified two main categories of PEA-PrEA relationships that are relevant for Kosovo. The first one is voluntary cooperation in the field of information and basic employment services (for example non-commercial information sharing such as on job vacancies). The second one is about commercial cooperation or outsourcing since it involves the decision to allocate public resources to for-profit or non-profit PrEA to carry out certain employment services and ALMPs.



The voluntary cooperation presents a basic level of partnership. It is voluntary in nature but parties find benefits in entering into voluntary partnerships. Even if there are many benefits from this type of partnerships (such as easy to manage and there is no need for complicated contractual obligations) in practice it is difficult to create partnerships on voluntary basis. Not just partners need to identify a common purpose which creates a win-win situation to parties involved (without the involvement of financial commitments), actors need to provide balanced contributions and they need to be committed and willing to engage in long term forums to create trust and partnerships.

From various cooperation modalities on voluntary basis, no particular barriers were identified for organizing a policy forum, referral to job vacancies and staff training, while certain legal and market related barriers were identified for the exchange of vacancies and exchange of CVs of jobseekers. While there is no specific legal base for voluntary cooperation between PEA and PrEE, many of the cooperation modalities under voluntary basis do not require any legal basis to be constructed unless exchange of vacancies and exchange of CVs of jobseekers which requires explicit reference or revision of the current legal provisions. Finally, the assessment finds that there is no need for specialized capacities to manage voluntary collaboration efforts other than to have the adequate skills and some expertise to facilitate, build and manage partnerships.

Outsourcing typically involves contracting services to other providers. In general, there are two sub modalities within this type of cooperation. The first one is to contract the services which are currently offered by PEA (both employment services such as job counselling, matching and ALMPs such as start-ups assistance, internships etc.) with the aim of expanding the capacities of the PEA to perform their current tasks and reach out to a higher number of clients (either job seekers or employers) compared to in-house only services. The second one is contracting the complementary services where the aim is to expand the capacity of the PEA to perform complementary services (i.e. those services or clients where PEA is not able to deliver or reach out potential clients such as delivering employment services or ALMPs for vulnerable categories such as those addicted to various substances, victims of domestic violence, trafficking etc.).

PrEAs are willing and ready to engage on these types of cooperation modalities as these may bring possible an additional source of revenue for them. Nevertheless, for the second type of commercial cooperation modality, their capacities at the moment are rather limited to provide complementary services, although they in principle are much quicker to expanding capacities where demand exists.¹⁴ Additionally, outsourcing services may present a good opportunity for PEA since they are facing limitations in terms of coverage of its services. There is a very clear legal basis for this type of cooperation for both its forms. While public procurement rules can be used for contracting out services to PrEA, the Regulation MF-No-04/2017 on Criteria, Standards and Procedures for Public Financing of NGOs can be used for outsourcing complementary services to specialized NGOs (or non PrEA). Nevertheless, additional capacities are required for the contracting authority (either by the Ministry responsible for Labour or by PEA) to plan, procure and manage the service contract. Furthermore, dedicated or additional government funds are required for service contracting. Finally, the contracting authority has to have a sound knowledge of the current offer from the private and not-for-private sector since contracting requires a market of providers with appropriate capacities, although the private sector is much quicker in expanding capacities where demand exists. Thus, contracting services requires a clear understanding of what services are needed and which ones can be offered through PEA, and which ones through PrEA.

¹⁴ However, specialised NGOs in Kosovo at the moment have greater capacity in providing complementary services.

4.2. Main Recommendations

Following are the key recommendations:

- The Ministry of Finance, Labour and Transfer together with the EARK are recommended to implement a sequential “learning by doing” approach when it comes to cooperation with PrEA given the limited experience with partnerships so far. This approach should allow trying and testing various cooperation modalities and adequate sequencing of partnership arrangements while building capacity to manage such partnerships along the way. For this reason, they are recommended to start with easily implemented initiatives and then gradually move towards establishing cooperation arrangement that are more difficult to implement. Particularly when there is no existing culture of cooperation, it can be helpful to focus cooperation on a particular area of common interest. For example, a good strategy may involve starting with facilitating policy forums on employment services and using this platform for knowing each party, understanding their capacities and willingness to engage, identifying potential areas of cooperation and subsequently defining at least short-term cooperation objectives and how these objectives may be achieved. Usually, cooperation starts with an exchange of information and develops progressively to cover more concrete actions that require specific input from both sides. A sequenced approach is therefore warranted, starting with less complex partnership models and building experience over time.
- Creation of voluntary cooperation arrangements is also depended on having an adequate skill by the lead organization to facilitate and all parties to build and manage partnerships. In this respect, undertaking quick assessment on existing knowledge and skills of organizations on facilitation and building and managing partnerships will be key to facilitate this process. Subsequently, depending on the results of assessment, rapid training programmes on these skills have to be developed and delivered.
- In parallel, the Ministry of Finance, Labour and Transfer is recommended to work on the completion of the legal framework for voluntary cooperation by including provisions during the revision of the Law No. 04/L-205 on the Employment Agency by enabling organizations to enter into some forms of voluntary cooperation modalities as well as to outsource services beyond training provision to non-public providers.
- It would be of great importance to conduct pilots for contracting services both on the existing services and ALMPs as well on complementary services for a priority target group (either by public funds, donor funds or mixed donor and public funds) with relatively simple contractual and monitoring arrangements.¹⁵ Piloting these type of partnership initiatives will be used to learn from this process, build capacities, see the response from the non-public sector and assess results of the new partnerships (e.g., regarding outcomes achieved, the satisfaction of jobseekers and employers, the sustainability of outcomes) by conducting impact and cost benefit analysis. Subsequently, the MFLT and EARK can be recommended to further intensify the partnerships as their experience and capacity to manage such arrangements grows.

¹⁵ For example, to further support the labour market integration of young people, Bosnia and Herzegovina in cooperation with the World Bank and the Swedish International Development Cooperation Agency (Sida) started a pilot in 2018, contracting employment services to youth aged 18 to 30. Private employment service providers were invited to offer counselling and job matching services to this target group, and payments of providers was based on a mix of performance indicators (e.g., enrolment, placement, sustainability of placement).

- Separately from pilots for contracting services, it would be very useful to assess or have an understanding about the kind of services that can be provided by PrEA and specialized non-public sector actors, their current capacities and the extent to which they can potentially expand these capacities in the short-to-medium term.
- After establishing cooperation arrangements on voluntary basis and after conducting analysis on pilots for contracting services, the Ministry of Finance, Labour and Transfer together with EARK can prepare a much wider and mid-term programme for cooperation with PrEA and other specialized non-public providers on employment services and ALMPs.



ANNEXES

Annex 1: Cooperation Modalities

I. Voluntary Cooperation

Type of Cooperation: Organize (yearly) policy forums on employment services

Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
<p>Strategic consultation, partnership creation and management</p> <p>Identification of main trends, needs, weakness, priorities and goals of employment services. But these forums can also be used to create, manage and review collaboration.</p>	Adequate skills and expertise are required to build, manage and evaluate the results of the collaboration	Informal arrangements or institutional platforms	Willing to participate and get involved in this cooperation modality	Willing to participate and get involved in this cooperation modality	Willing to participate and get involved in this cooperation modality

Type of Cooperation: Exchange of job vacancies

Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
<p>For PrEA: PEA distributes PrEA job vacancies more widely making them available to their clients</p> <p>For PEA: there is greater access to job vacancies</p>	<p>The main conditions of successful collaborations have not been met such as:</p> <ul style="list-style-type: none"> A win-win situation Common goal Adding equal value Both sides are ready to cooperate vigorously 	Legal rule		Willing to engage, but this issue needs to be clearly regulated (to have some legal basis)	<p>Some are unwilling to engage with the justified fear that they will lose their market potential</p> <p>Some willing to engage if vacancies are channeled to their website.</p> <p>Some are willing to engage</p>

Type of Cooperation: Exchange of CV-s					
Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
It will enable the expansion of the pool of jobseekers that can apply. This will increase the probability for a better job matching	PES legally provides services to employers, the unemployed and jobseekers. Not for intermediaries (who charge for their services)	Informal arrangements or institutional platforms		Willing to engage however aware of legal restrictions	Willing to get involved in this cooperation modality
Type of Cooperation: Mutual referral of job seekers					
Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
It will enable the expansion of the pool of jobseekers that can apply. This will increase the probability for a better job matching	No particular difficulties were identified But this for now will be a one-way cooperation	Informal arrangements or institutional platforms		Ready to get involved in this process	
Type of Cooperation: Staff training, inclusion in job fairs					
Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
Increasing human capital	No particular difficulties were identified	Informal arrangements or institutional platforms		Ready to get involved in this process	Ready to get involved in this process

II. Outsourcing or Commercial Cooperation

Type of Cooperation: Expand the capacity of the PEA to perform their current tasks

Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
Enhancing basic LMP services supply Contracting employment services and ALMPs (i.e. internship, start-ups, etc.) PES can further expand the level of services provided	Requires additional procurement and management capacity Requires government funding for contracting under goods and services	Market-based service provider contracts	The youth guarantee scheme on the government's agenda	Limited capacity: there are only 75 advisors and 200,000 job-seekers Funds for ALMPs are allocated under subsidies	Willing to participate and get involved in this process

Type of Cooperation: Expand the capacity of the PEA to perform complementary services

Aim/Benefits	Difficulties	Prevalent contractual agreement	Perspective of the Ministry	Perspective of PEA	Perspective of PrEA
Providing LMP services and other LMP measures for disadvantaged groups Providing complementary services to groups that are difficult to reintegrate into the labor market	Requires additional procurement and management capacities Requires government funding for contracting What is the current market of providers with adequate capacity for complementary services	Market-based service provider contracts		Has limited capacity to offer complementary services	PrEA: Limited capacity to provide complementary services NGOs: have more expertise / capacity to provide complementary services

Annex 2: List of key informants

Name	Position	Organization
Ardit Krasniqi	Manager	Portal Pune
Gemb Shehu	Manager	Pristina Consulting Group
Arion Rizaj	Manager	KosovoJob
Muhamet Klinaku	Head of Department	EARK
Shpetim Kalludra	Head of Division on ALMPs	EARK
Ylber Aliu	Chief of Division on Labour Policies	Ministry of Labour and Social Welfare
Gojart Lubeniqi	Manager	Puna Ime
Labinot Bajgora	Coordinator	European College of Kosovo (ECK)
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Annex 3: List of relevant documents that have been reviewed

Arellano, A. et al. (2008): Successful partnerships in delivering public employment services
Employment Agency of Republic of Kosovo (EARK): Labour and Employment Yearly Report, 2018
EU Commission, DG Employment, Social Affairs and Inclusion: Analytical Papers from European Commission Mutual Learning Programme for PES (2013): "Successful Partnerships for delivery of PES"
EU Commission, DG Employment, Social Affairs and Inclusion - European Network of Public Employment Services (2020): PES partnership management
European Job Mobility Laboratory (2011): Partnerships Among Employment Services
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ILO (2003): Public Privat Partnerships in Employment Services, Skills Working Paper No.17
IZA World of Labour (2016): Public or private job placement services—Are private ones more effective?
Partnership between Employment Services (PARES) Strategic Dialogue (2014): Delivering a Coordinated Service Offer
Partnership between Employment Services (PARES) Strategic Dialogue (2015): Contracting Out: Recommendation to Employment Services
PARES Strategic Dialogue (2012) Fields and forms of co-operation: Recommendations to employment services
OECD (2015): Strengthening public employment services, Paper prepared for the G20 Employment Working Group
World Bank (2019): Improving Public Employment Services Through Partnerships with Non-Public Providers; Synthesis of international experience and implications for Kosovo
The World of Public Employment Services (2015): Challenges, Capacity and Outlook for Public Employment Services in the New World of Work

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