



DECENT WORK CHECK

ALBANIA 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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TABLE OF CONTENTS

INTRODUCTION	1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR	2
01/13 WORK & WAGES	3
02/13 COMPENSATION	6
03/13 ANNUAL LEAVE & HOLIDAYS	9
04/13 EMPLOYMENT SECURITY	12
05/13 FAMILY RESPONSIBILITIES	16
06/13 MATERNITY & WORK	18
07/13 HEALTH & SAFETY	22
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT	26
09/13 SOCIAL SECURITY	29
10/13 FAIR TREATMENT	33
11/13 MINORS & YOUTH	37
12/13 FORCED LABOUR	40
13/13 TRADE UNION	43
QUESTIONNAIRE	47

INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

The text in this document was last updated in November 2023. For the most recent and updated text on Employment & Labour Legislation in Albania in Albanian, please refer to: <https://rroqime.al/>

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Labour Code No. 7961/1995, last amended by Law No. 136/2015
2. Labour Inspection and State Labour Inspectorate Act 2006
3. Order on Special Protection of Pregnant Women (Decision No. 397 of 1996)
4. Social Insurance Law No. 7703/1993
5. Law No. 10237/2010 on Workplace Health and Safety
6. Law No. 9634/2006 on Labour Inspection and State Labour Inspectorate
7. Criminal Code No. 7895/1995, last amended by Law No. 98/2014
8. Law No. 10221 on Protection from Discrimination
9. Albania's Constitution of 1998 with Amendments through 2012
10. Law No. 10347/2010 for the Protection of the Rights of the Child
11. Workplace Health and Safety Law 2010
12. Decision of the Council of Ministers No. 1039 of 2013

The text in this document was last updated in November 2023. For the most recent and updated text on Employment & Labour Legislation in Albania in Albanian, please refer to: <https://rroqime.al/>

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Albania has ratified the Convention 95 and 131 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Labour Inspection and State Labour Inspectorate Act 2006

Minimum Wage

Labour Code requires that workers should not be paid lower than the minimum wage set by the Council of Ministers. Minimum wage is determined on the basis of economic factors, the requirements of economic development and reduction of unemployment, production growth; and the needs of the employees and their families, given the level of general living of the employees in the country, the income earned from Social Security and the living standards of different social groups.

The Council of Ministers may impose a fee lower than the national minimum wage for cases of apprenticeship in the education system and vocational training in the dual form.

The tripartite National Labour Council is also consulted in preparation and implementation of labour legislation including minimum wages. Under the Council, specialized temporary tripartite commission can also be created. There exists a special permanent commission on wages. Following the commission's recommendation regarding minimum wage on a national level, the Minister of Labour makes a proposal to the Council of Ministers.

The State Labour Inspectorate is responsible for securing implementation of all labour legislation including minimum wages. In the event of violation of labour

legislation, a labour inspector imposes a fine amounting to 30 times the minimum wage.

Source: §111, 200 and 202 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §6 & 13 of the Labour Inspection and State Labour Inspectorate Act 2006; Council of Ministers' Decree, No. 399, date 03.05.2017 "For the imposition of minimum wage at the national level"; Council of Ministers' Decree, No. 77, date 28.01.2015 "For the imposition of minimum wage at the national level"

Regular Pay

Salary means basic pay and allowances of permanent character. The compensation that the employee receives for the expenses occurring because of his/her professional activity is not considered basic element of the wage.

Salary is paid under the provisions of the collective agreement or individual contract, or if this is not the case, the employer is obliged to pay basic wage for that particular kind of job.

The wage may be calculated on the basis of time, in accordance with the performed job (unit-related wage, duty-related wage, or commission-related wage); the wage may also be calculated in the function of the enterprise accomplishments (sharing the profit or income turnover). The payment for the job, which is not based on the time criteria, must be calculated in such a way that allows a worker to earn at least the same wage as a worker working on time basis.

Wages are paid monthly to the employee hired on monthly basis and fortnightly when the wage is calculated by the hour,

days or weeks except when otherwise provided for in a written agreement.

The wage must be paid in Albanian currency, unless otherwise defined by the agreement between the parties. It can be paid through banking cheques, postal cheques, or payment orders, when this kind of payment is necessary due to special circumstances, or when it is envisaged by the collective contract or by an arbitrage decision. When this kind of payment is not envisaged or set, the consent of the concerned employee is drawn. The employer is held financially liable to the employee in the cases where the bank fails to pay the employee his/her due amount within 30 days, starting from the day of depositing the sum on behalf of the employee.

Payment in kind must be agreed in writing between the parties and within the limit set by the Decision of the Council of Ministers. Payment in kind has to do only with accommodation and food that is consumed during the break at the enterprise by the employee. The amount of the salary to be granted in kind should not exceed 20% of the monthly salary.

For each wage, the employer provides the employee with the calculation including the total sum of the salary, the calculation bases if it is changeable, as well as all the deductions from it.

The employer is authorized to deduct from the employee's salary the income tax, the contributions of social and health insurance, which are defined by law, rules, collective or individual contracts. The employer, only through a written authorization given by the employee, may subtract trade union dues from the wage.

This authorization may be invalidated at any time.

In line with the Council of Minister Decision No. 277 (dated 6 April 2020), the Albanian Government approved a state guarantee for the loans being taken by companies from banks in order to pay employees' salaries and other social security contributions for three months. Salaries of employees earning more than ALL 150,000 were exempted from this state guarantee. It is not clear whether the program was extended further.

Source: §109, 110, 116-119 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Albania has ratified the Convention 171 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Overtime Compensation

Normal working hours are determined by the Council of Ministers in the collective or individual contract of employment, within the limits of the maximum weekly working time. Normal working hours for an employee are 08 hours a day and 40 hours a week. Duration of work is reduced for jobs that pose difficulties or that are harmful to health, as determined by the Council of Ministers. For employees under 18, the daily duration of work is not more than 06 hours a day.

Overtime means hours of work that is performed in addition to normal working hours. The employer may require the employee to perform overtime, as long as it is possible and necessary, and taking into account personal and family conditions of employees. Overtime hours must not exceed 48 hours per week and 200 hours per year. In special cases, for a period of up to 4 months, an employee may work more than 48 hours a week, but the average weekly working time should not be longer than 48 hours. Maximum number of additional hours may be extended, with the authorization of the Labour Inspectorate, in cases of force majeure or urgent work to the benefit of the population.

Overtime hours of work are compensated with the 25% of the additional salary (125% of the normal wages), except otherwise stipulated in the collective agreement. The employer in agreement with the employee, can also compensate for the extra hours of work by providing a time-off equivalent to

the hours of overtime work within 2 months from the day of performance of overtime, except as provided otherwise the collective agreement.

Overtime work done during weekly holidays or public holidays is compensated with a compensatory rest day or higher wages (150% of the normal wage rate), unless otherwise stipulated in the collective agreement.

Source: §76-78, 81(1)-84, 88-91 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Night Work Compensation

Night work means all the work that is carried out between 22:00 to 06:00 of the following day. Workers who work at least three hours of their daily work during night hours are considered night workers.

Workers performing night work are entitled to the additional payment of at least 50% of their salary (150% of the normal wage). The Albanian Labour Code also provides for additional payment of 20% (120% of the normal wage) for workers engaged between 19:00 to 22:00.

Source: §80 & 81(2) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Compensatory Holidays / Rest Days

It is prohibited to work on public holidays except in cases determined by the Council of Ministers or collective agreement. If a worker has to work on public holiday, he/she is entitled to a time-off equivalent to the duration of the work performed on

official holidays along with the monetary compensation.

In case an employee is required to work on weekly rest day, a time-off equivalent to the duration of work performed plus an additional time-off which is at least 25% of the duration of work is provided one week before or after the performance of work on a weekly rest day.

Source: §86 & 87 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Weekend / Public Holiday Work Compensation

Labour law prohibits employees from working on weekly rest day and public holidays. If an employee has to work on weekly rest day, it is compensated with an additional payment of at least 25%, or time-off equivalent to the duration of work performed plus an additional time-off which is at least 25% of the duration of work.

If an employee is required to work on public holidays, he/she is entitled to 125% of the basic wage and compensatory time-off.

The method and extent of compensation is determined by the Council of Ministers, collective agreement or individual employment contract

Source: §86 & 87 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Albania has not ratified the above-mentioned Conventions.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Paid Vacation / Annual Leave

The duration of annual leave is determined by the collective agreement or individual employment contract. Generally, an employee is entitled to annual leave of 04 calendar weeks after a year of service. The duration of leave is determined on pro-rata basis if the length of service is less than one year. The periods of temporary disability to work are considered working time.

The employer, on consent of the employee, determines the starting date of the paid annual leave. Workers must be notified at least 30 days prior to the commencement of annual leave. Annual leave must be given during the working year or until the end of the first quarter of the following year, but it cannot be less than an uninterrupted week.

Workers are entitled to their full wages during the term of annual leave. Wages must be paid to the workers on the commencement of annual leave.

Annual leave is deferred when the employee during the holiday period, has been hospitalized or stays at home due to illness or accident, certified by a medical report. Annual leave can be carried forward for a maximum of three years. Employers are required to pay compensation in lieu of annual leave if workers were entitled to leave however could not avail it before contract termination.

If the employee, during the annual vacations with pay, carries out a job

payable by a third party, which runs contrary to the legitimate interests of the employer, the latter may not give him/her the salary for the vacations with pay or may ask him/her to return the prepaid salary.

Source: §92-94 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Pay on Public Holidays

It is prohibited to work on public holidays. If a public holiday falls on weekly rest day, the next working day, i.e., Monday is considered as a paid holiday.

Albanian public holidays are 13 in number. They include: New Year's Day (January 1 & 2); Summer Day (March 14); Nevruz Day (March 22); Catholic Easter (March 27); Orthodox Easter & International Worker's Day (May 01); Eid al-Fitr (End of Ramadan); Eid al-Adha (Feast of Sacrifice); Mother Teresa Beatification Day (October 19); Flag and Independence Day (November 28); Liberation Day (November 29); National Youth Day (December 8); and Christmas Day (December 25).

Dates of Catholic and Orthodox Easter vary each year. Muslim holidays follow the lunar calendar and their dates are liable to change.

Source: §86 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015;
www.bankofalbania.org/web/2014_Bank_Holidays_6260_2.php

Weekly Rest Days

Labour law provides for weekly rest of 36 hours, including 24 hours without

interruption. Weekly rest is generally provided on Sunday.

This weekly holiday is unpaid. Exceptional cases are regulated by the Council of Ministers or by collective agreement.

Daily rest breaks are 11 hours per day.

Source: §85 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Albania has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Written Employment Particulars

The contract of employment is an agreement between the employers and the employees, which regulates the labour relations, and contains the rights and obligations of both parties. Through the contract of employment, the employee undertakes to offer his/her services for a fixed or indefinite period of time within the framework of the organization and orders of another person who is called employer, and who undertakes to pay a given remuneration.

The employment contract is concluded when the above conditions of work and remuneration are met. The employment contract must contain the identity of the parties; workplace; a general description of the work; the date of commencement of work; the duration of a fixed-term contract; the duration of paid vacations; the term of notice to terminate the contract; the constituent elements of pay and the date of its issuance; normal weekly working time; a reference to the applicable collective agreement; the period of probation; and types and procedures of disciplinary measures, where there is no collective agreement.

The employment contract must be concluded in writing and contain the mandatory elements. In specified cases, if the employee has not been employed through a written employment contract and/or it does not contain the mandatory elements thereof, the employer must

comply therewith within 7 calendar days following the employment date.

When relations between the two parties are not clearly defined, the competent court or temporary employment agency, at the request the parties should determine the true nature of their relations, based on the provisions of the Labour Code and the facts related to the ability to work and compensation of employees.

In case the employee is required to work outside the Republic of Albania for a period of more than a month, the employer, after obtaining the consent of the employee, should give him a written document, which includes the following additional information:

- a) the duration of employment abroad;
- b) The currency in which wages will be paid;
- c) if necessary, the benefits in cash or in kind for employment abroad;
- d) if necessary, the conditions governing the employee's return.

The employment contract should be entered into with indefinite duration, except when its conclusion with definite duration is justified by objective reasons, related to the temporary nature of the task for which the employee is being employed. If the employer fails to comply with such provision, it runs the risk of being subject to a penalty amounting up to 30 times the applicable minimum salary.

Source: §12, 21 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Fixed Term Contracts

Contract of employment can be concluded for a certain period of time. Fixed term

contract must be justified by objective reasons related to the temporary nature of task/work in which the employee is engaged.

The contract of defined duration expires at the end of the envisaged time, without preliminary termination. If a worker keeps working on expiration of a fixed term contract, it is considered as a contract of indefinite duration. Fixed term contracts are prohibited for permanent tasks however there is no clear provision on length of single fixed term and its renewals.

Source: §140, 149 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Probation Period

In accordance with the Labour Law, the duration of probation period is the first 03 months of work. The parties, exceptionally, may enter into a contract to carry out the same work.

The probation period may be reduced or removed by means of a written agreement or a collective agreement. During the probation period, either party may terminate the contract by informing the other party about its decision at least 5 days in advance.

If an employee is hired on fixed term basis, the parties envisage in writing a probation period, which lasts not longer than three months. A worker cannot be engaged twice on probation period for carrying out the same job.

Source: §142 & 150(1) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Notice Requirement

When the employer intends to terminate the employment contract of indefinite duration, he must notify the employee in writing at least 72 hours before the meeting and talk with him. During the conversation, the employee is presented with the reasons concerning the decision planned to be taken, and gives him the opportunity to express him/herself.

The termination of the contract is made known to the employee within a time limit of 48 hours up to one week after the appointment. In written notice, the employer determines the reasons for terminating the contract, which is related to the causes such as the capacity, conduct or operational requirements of the enterprise.

To terminate the contract of indefinite period, the parties must provide a notice period of:

- two weeks, when the employment relationship has lasted up to six months;
- one month, for the employment duration of over six months to two years;
- two months, for the employment duration of two years to five years; and
- three months for the employment duration of more than five years.

This notice period can be extended, as appropriate, by the end of the week or until end of the month. The same rule applies if the deadline notice is suspended during the period of disability for work, pregnancy or holidays given by the employer.

During the probation period, the notice deadline is 5 days. If a contract is not

terminated during the probationary period, this period is included in the total duration of fixed term contract. If parties are engaged in successive fixed term contracts of at least three years, the non-renewal of last contract by the employer is considered termination of an indefinite contract. Contracts are considered successive when the gap between two contracts is less than three months.

When a fixed term contract is entered into for three to five years, the employee may terminate it at the end of three years while serving a notice of two months. If the fixed term contract is concluded for more than five years, a worker may terminate the contract at the end of five years while serving a notice of three months.

When one of the parties terminates the contract without respecting the deadline notice, then the termination is considered as a termination of contract with immediate effect. An employer who does not respect the procedure provided in the law, is obligated to pay the employee a damage compensation equal to a salary of two months, which is added to other possible damage compensations. The termination of the contract contrary to labour law remains invalid.

During the notice period, when labour contracts settled by the employer, the employee is entitled to 20 hours a week of paid leave to look for a new job. The employer is obliged to define the reasons on termination of the employment contract in the termination notice addressed to the dismissed employee.

Source: §143 & 144, 150(2) & 151 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Severance Pay

Workers are entitled to a seniority related reward if the employer terminates the contract, and the labour relations have lasted at least three years. The employee loses the right to the seniority-related reward, if his/her dismissal from work is of immediate effect and based on reasonable causes.

The compensation is equivalent to at least 15 days' wages for each completed year of employment (based on average wages at the end of employment).

Similar benefits are applicable in the case of termination of a fixed term contract which has lasted for at least three years.

Source: §145 & 152 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Albania has ratified the Convention 156 only.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Paternity Leave

Labour law provides 03 days of paid holiday to the father on birth of a child.

Source: §96(3) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Parental Leave

The employee, after a year of continuous work with the same employer, has a right to unpaid leave of at least 04 months, until the child reaches the age of 6 years. The right to request parental leave for each parent is individual and is not transferable, except when one parent dies. Permission can be given separate but no less than one week a year. Duration of leave is determined by written agreement between the employer and employee.

In case of adoption of a child, parental leave is granted within 6 years from the date of adoption child, but no later than when the child reaches the age of 12 years.

The employee must notify, in writing, the employer, at least two weeks before the commencement of leave. The employer has the right, after consultation with the employee, to postpone the starting date of the leave for enterprise related reasons. The employer informs the employee in writing, within two weeks from the date of the request, the reasons for the postponement of parental leave.

Source: §132/1 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Flexible Work Option for Parents / Work-Life Balance

When the pregnant woman decides to start work after the period of 63 days after child birth, until the child reaches the age of one year, she may chose between the two options:

- a paid leave of two hours during the normal work duration or
- reduced work duration, for two hours, with the same salary as if she had worked full time.

Source: §105(3) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Albania has ratified the Convention 183 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Order on Special Protection of Pregnant Women (Decision No. 397 of 1996)
- Law No. 7703 of the Social Insurance Act 1993

Free Medical Care

Pregnant workers, in agreement with the employer, have the right to paid leave for medical visits, when these are required to be carried out during working hours. No provision could be located in labour law regarding free post-natal and antenatal medical care. All general medical services are however free. The insured person is reimbursed 35-100% of the cost of essential medications.

Source: 105a(1) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

No Harmful Work

Pregnant or breastfeeding women cannot be employed in heavy work or damaging to the health of mother and child. The Council of Ministers sets out heavy work or damaging to the health of mother and child, as well as specific rules on working conditions for pregnant women and nursing mothers.

Pregnant women and mothers with children under one year are not allowed to work at night, i.e., from 08 pm to 05 am in summer (or 06 am in winter). It is forbidden for a pregnant or breastfeeding mother to transport loads that jeopardize the health of both mother and child.

In every activity that represents danger of exposure to hazardous agents, working processes and conditions as defined by the Council of Ministers, the nature, level and duration of exposure for pregnant women, new mothers and breastfeeding women must be assessed by the employer with the purpose to take into account every risk to safety and health as well as any other impact on pregnancy or child breast-feeding.

When a pregnant woman, the woman who has just given birth and/or breastfeeding woman returns to work after availing the maternity leave but previous job position is not considered appropriate, as defined in the legislation to protect the safety and health at work, the employer has to take the measures necessary to ensure adaptation of working conditions and/or working hours, in order to avoid any danger to an employee and/or child.

If the adjustment of working conditions or hours is not technically feasible, the employer transfers her to another job that is appropriate for her health condition. If the transfer is also not possible, the employee enjoys benefits under the social security legislation in force for the entire period, that is necessary to protect her safety and health and/or the child.

Source: §55(5), 104, 108(1) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §02 & 05 of the Order on Special Protection of Pregnant Women (Decision No. 397 of 1996)

Maternity Leave

Generally, maternity leave is 365 calendar days, including a compulsory leave of minimum 35 days prior to and 63 days after

childbirth.

In case a woman is pregnant with more than one baby, the antenatal period becomes 60 days making maternity leave a total of 390 days. After the period of 63 days following delivery, the woman decides whether she wants to work or benefit from social security. In case the pregnant woman decides to start work after the period of 63 days after child birth, until the child reaches the age of one, she may choose between the two options:

- a paid leave of two hours during the normal work duration; or
- reduced work duration, for two hours, with the same salary as if she had worked full time.

Source: §104(1) & 105(2 & 3) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §27(2) of the Law No. 7703 of the Social Insurance Act 1993

Income

Maternity leave benefit is paid by the Social Insurance System; financed by contributions of employers and the insured workers. Maternity benefits in Albania are of three types. The qualifying conditions for each of them are as follows: 1) Maternity benefit is payable to a woman with regard to pregnancy and childbirth, provided she has acquired 12 months of social insurance. 2) Maternity allowance benefit is awarded to reimburse loss of wage of an insured person who has to change employment for reasons of pregnancy, provided that one-year contributions have been paid, prior to being eligible to the benefit. 3) Birth grant is awarded to an insured person who is the mother or the father of a new born child, provided that one of them has contributed for one year prior to the childbirth. The

grant is payable only once and the mothers have priority in eligibility, if insured.

The maternity benefit is paid for 365 calendar days. The benefit is extended to 390 days in case of multiple births. The rate of maternity benefit for insured women is: a) 80 per cent of daily average of the annual assessment basis of last calendar year for the period prior to birth and for 150 calendar days after the birth; b) 50 per cent of daily average of the annual assessment basis of last calendar year for the rest of the period. The amount of maternity benefit for economically active women is equal to the base flat-rate old-age pension.

Source: §27, 28 & 29 of the Social Insurance Law No. 7703/1993

Protection from Dismissals

Employment of pregnant women workers is secure during pregnancy. In cases of termination of the employment contract by the employer, when the woman is working during pregnancy or has returned to work after childbirth, the employer has to prove that the cause of dismissal was not related to pregnancy or childbirth.

The termination of the employment contract announced by the employer in the period during which the woman is receiving benefit from social security insurance because of delivery or adoption is invalid. If the termination is announced before the protection period (maternity leave), and the notice deadline still remains valid, this deadline must suspend during the protection period. The notice deadline restarts to be valid only after the expiry of the protection period.

Source: §105a(2) & 107 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Right to Return to Same Position

At the end of maternity leave, an employee is entitled to resume her position at the workplace or an equivalent position is provided on terms that are no less favourable than she enjoyed earlier. She is also entitled to the benefits and every other improvement in conditions of employment that occurred during her absence.

Source: §105(4) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Breastfeeding

Breastfeeding mothers are entitled to a paid break of at least 20 (twenty) minutes every 3 (three) hours, in case this is justified by their condition(s).

Source: §06 of the Order on Special Protection of Pregnant Women (Decision No. 397 of 1996)

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Albania has ratified both the Conventions 81 and 155.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Law No. 10237/2010 on Workplace Health and Safety
- Law No. 9634/2006 on Labour Inspection and State Labour Inspectorate

Employer Cares

The employer has the obligation to take all necessary measures to ensure the safety and protection of physical and mental health of the employees during the performance of their employment activity. According to the Albanian Labour Code, the employer must inform its employees of any dangers related to their employment activity and train them on the safety, health, and hygienic rules to follow. The employer should make every effort to prevent work-related accidents and occupational diseases by indicating the technical safety rules.

The employer must take care of the hygienic conditions of the working areas and, after consulting with the employees, adopt the necessary protective measures against such risks as dangerous substances, machines, heavy weight transport, air pollution, noises, and vibrations.

In the cases where the activity may be the cause of special risks, the employer should organize periodical medical controls at its own expense, both in the initial phase of the employment relationship and during its continuity. According to the Albanian Labour Code, the employer should ensure healthy and safe working conditions, such as appropriate working areas, stability and safety of the working plant, periodic

repairs, appropriate air conditioners for clean air, acceptable level of noises and vibrations, machinery maintenance, and preventive measures against fire and explosions.

The employee, in accordance with the rules, must use the work tools, the devices, the employer's means and the equipment placed at his/her disposal for safety.

In order to ensure the protection of workers in every aspect related to safety and health at work, employers must take measures on preventing risks, providing information and ensuring all the necessary means at the workplace. Employers are required to follow general principles of prevention of risks taking into account the nature of the activities of the enterprise / establishment; evaluate the risks to the safety and health of workers. There is a provision for consultation with workers and their representatives on the planning and introduction of new technologies, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers and take appropriate steps to ensure that only workers who have received adequate instructions have access to areas where there is serious and specific danger.

In view of the COVID, the Albanian government introduced safety and protection of health measures at workplaces. The measure are divided into three categories, depending on the number of employees i.e., Green Protocol (0 – 25 employees), Yellow Protocol (26 – 50) and Red Protocol (more than 51 employees). It is employer's responsibility to provide hand soap, hand sanitizer, mask and gloves. The employer should ensure disinfection of workplace, ventilation and to maintain

social distancing among employees. Employer could also allow work from home and flexible working hours.

Source: §24, 39-75 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §6 of the Workplace Health and Safety Law 2010

Free Protection

When the measures of collective protection fail to protect the employees, the employer, free of charge, must put at the disposal of the employee's individual protective equipment designed for protection against fire. The protective equipment must be tested and cleaned before the employees. They must be in good condition to be used in any time and stored in places protected from dust and other contaminants.

In case the general safety measures are not sufficient to ensure the employees' protection, the employer is obliged by the law to provide to the employees at its own expense individual safety equipment to protect against the activity risks.

Measures to improve health and safety at workplace must not have any financial impact for workers. Employers are required to provide the employees with individual protective equipment designed for protection against fire, which must be tested and cleaned before handing to them.

Source: §68 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §6 of the Law No. 10237/2010 on Workplace Health and Safety

Training

According to the Albanian Labour Code, the employer must inform its employees of any dangers related to their employment activity and train them on the safety, health, and hygienic rules to follow. The training procedure foreseen is performed during the employment relationship and it is repeated every time the working conditions are subject to modifications.

The employer must ensure that workers receive the adequate training in the event of the introduction of new technology or work equipment; in the event of a change of the work process in a way that it affects the level of health and protections at work. In the event of transfer or change of job. The training on safety and health at work must be adapted to the specific work position and developed according to the new risks.

Source: §11, 13, 19, and 43 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Labour Inspection System

The department of State Labour Inspectorate (SLI) established under The Ministry of Labour, Social Affairs and Equal Opportunities (MoLSA) is responsible for labour inspection. Labour inspectors ensure compliance with legal requirements in the field of labour legislation and the social services.

The State Labour Inspectorate (SLI) has the responsibility of enforcing legal provisions and collective agreements relating to the conditions of work such as; working time, wages, safety, hygiene and welfare, child labour, migrant work and other vulnerable workers. Additionally, the labour

inspectorate is authorized to control the payment of social security contributions and to issue the working permission for the 14 – 16 year olds. Labour Inspectors may, in particular cases, also directly impact on the employment relationship, finalizing individual labour contracts and adjusting contract provisions in individual labour contracts. The SLI also grants permits for starting any economic activity, which implies an initial verification and assessment of the premises plans, including equipment, devices and number of workplaces.

The main duty of the OSH Directorate is the monitoring and implementation of labour legislation in the OSH field, with the purpose of preventing accidents and occupational diseases.

The employer must always keep relevant documents in enterprise and present when asked by the labour inspector, e.g., occupational accidents at the enterprise; risk assessment document for each position, and list of dangerous substances used in the company.

Inspections are made by at least two people, one inspector and one controller or by two inspectors. Most of the visits are planned and programmed.

Source: §41 & 42 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; Law No. 9634/2006 on Labour Inspection and State Labour Inspectorate

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Albania has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Income

When the employee cannot work due to illness, he/she is entitled to 14 days of paid sick leave. During sick leave, an employee is provided 80% of the salary which is not covered by Social Security.

The employee must prove his inability to work through a medical report issued by doctor. At the request of the employer, the employee is also obliged to undergo examination by another doctor assigned by the employer. This doctor may declare the inability to work to employees only, maintaining medical confidentiality.

In case, there is a discrepancy in the views of the employee and the doctor appointed by the employer, the employee must undergo another assessment by a doctor assigned by Labour Inspectorate.

When the disease is the result of gross negligence of the employee under the agreement between the parties, the right to wage is simplified or scrapped altogether. In the absence of agreement this right is decided by the court.

Sickness benefit, managed by the Social Insurance Institute, are financed through contributions from workers (0.12% of covered earnings) and employers (0.18% of covered earnings). The benefit from the Social Institute is paid from the 15th day for up to six months and is extendable for three months in case the Medical Commission

certifies the likelihood of recovery in that period. The amount of benefit from social insurance system depends on years of coverage (70% of average daily salary if a worker has up to 10 year of insurance coverage and 80% for insurance coverage of more than 10 years).

Source: §130 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §20-25 of the Social Insurance Law No. 7703/1993

Medical Care

Medical benefits for insured worker include medical care and the cost of rehabilitation. All general medical services are free.

Benefits are provided for social insurance and social assistance beneficiaries, unemployed persons, asylum seekers, children younger than age 18 (age 25 if a university student) with no income from business activities, victims of trafficking, and certain other persons according to law.

The insured is reimbursed from 35% to 100% of the cost of various essential medications. There is no limit to duration.

Source: ISSA Country Profile Albania

Job Security

No relevant provision could be located in labour law that secures job of an employee during sickness.

Disability / Work Injury Benefit

Occupational diseases are defined by the Council of Ministers. There is no minimum qualifying period to avails work injury benefits.

In case of temporary disability, 100% of the insured worker's average daily wage in the last three years is paid for up to 12 months.

In case of permanent disability, for an assessed loss of at least 67% of working capacity, the benefit is 80% of the insured worker's average daily wage in the year before the accident occurred or disability began. The minimum benefit is 80% of the legal minimum wage. The amount of supplement for full disability is a flat-rated amount.

The amount of benefit for permanent partial disability, assessed for the loss of at least 33% of working capacity, ranges between 50-80% of the insured worker's average daily wage in the year before the accident occurred or disability began, depending on the degree of loss of working capacity. The supplement for partial disability is a flat-rated amount.

An assessed loss of 10% to 33% of working capacity is considered as minor permanent disability. Lump sum amount is paid according to a schedule in law.

Half of the permanent disability pension the deceased received or was entitled to receive is paid as Spouse's pension. Eligible survivors include a widow(er) caring for a dependent child younger than age 8, a widow(er) with a disability, or a widow aged 50 or older or widower aged 60 or older.

Orphan's pension is 25% of the permanent disability pension the deceased received or was entitled to receive is paid for each dependent orphan younger than age 18 (age limit is extended to 25 years for students). The orphan's benefit is increased to 50% for full orphans if there are no other eligible dependents.

Other eligible survivors are entitled to 25% of the permanent disability pension the deceased received or was entitled to receive. These include each dependent parent, grandparent aged 65 or older who lived with the deceased person for the last 12 months, and dependent grandchildren.

All survivor benefits combined must not exceed 100% of the permanent disability pension the deceased received or was entitled to receive.

Source: §43-52 of the Social Insurance Law No. 7703/1993

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Albania has ratified the Convention 102 and 168 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

Pension Rights

Law provides pension rights at the age of 65 (men) or age 60 and four months (women) with at least 35 years and eight months of contributions. The pensionable age is reduced to 55 years with at least 30 years of contributions for a mother with six or more children older than 8 years.

The amount of Old-age pension (social insurance) is the ratio of the insured worker's contributions to the number of contributions required for a full pension in the current year (35 years and eight months in 2016) multiplied by the amount of the old-age social pension, plus 1% of the insured worker's average covered earnings used to calculate contributions for each year of coverage.

A person is entitled to partial pension at the age of 65 (men) or age 60 and four months (women) with at least 15 years but less than 35 years and eight months of contributions. Partial pension is a percentage of the full pension, according to the number of years of contributions.

Early pension is a reduced pension, paid up to three years before the normal retirement age with at least 35 years and eight months of contributions. In case of early pension, the full pension is reduced by 0.6% for each month it is taken before the normal retirement age.

The pension may be deferred. It is increased by 0.5% for each month of deferral after the normal retirement age.

Old-age social pension (social assistance) is provided at the age of 70 years to a person who has been a resident of Albania for at least the last five years, is not eligible for any social insurance pension, and has income less than the amount of the old-age social pension.

Source: §31-33 of the Social Insurance Law No. 7703/1993

Dependents' / Survivors' Benefit

Survivor pension (social insurance) is provided if the deceased worker received or was entitled to receive a social insurance old-age or disability pension. Eligible survivors include a widow(er) caring for a dependent child younger than age 8; a widow(er) with a disability; a widow aged 50 or older or a widower aged 60 or older; dependent orphans younger than age 18 (age limit is extended to 25 years for students, no limit if disabled from childhood); dependent parents and grandparents aged 65 or older who lived with the deceased for the last 12 months; and dependent grandchildren. Spouse's pension (social insurance) is 50% of the social insurance old-age or disability pension the deceased received or was entitled to receive. The spouse's pension ceases on remarriage.

Orphan's pension (social insurance) is 25% of the social insurance old-age or disability pension the deceased received or was entitled to receive is paid to each orphan. The pension rate is increased to 50% for a full orphan if there are no other eligible dependents.

Other eligible survivors (social insurance) receive 25% of the social insurance old-

age or disability pension the deceased received or was entitled to receive.

All survivor benefits combined must not exceed 100% of the social insurance old-age or disability pension the deceased received or was entitled to receive.

Source: §40-42 of the Social Insurance Law No. 7703/1993

Unemployment Benefits

Unemployment benefits are provided to the insured worker with at least one year of contributions who is not receiving any other benefits (except for partial disability), is registered at an unemployment office, and is willing to undergo training.

A flat-rate benefit is paid as unemployment benefit for up to 12 months or for a total of 365 calendar days if the insured worker has temporary periods of employment. The unemployment benefit must provide for a minimum standard of living according to law.

Child's supplement included in unemployment benefit is 5% of the unemployment benefit, up to 30%, is paid to each dependent child younger than age 18. The supplement is reduced by 50% if one parent is employed or receiving a pension.

These benefits are adjusted annually.

Source: §53-55 of the Social Insurance Law No. 7703/1993

Invalidity Benefits

Disability pension (social insurance) is paid for a total disability (blind, severely disabled, or incapable of any work) or

partial disability (incapable of usual work but capable of work under special conditions) with coverage in at least 75% of the difference in years between the insured worker's age and age 20, including at least one year in the last five years before the disability began.

Disability pension (social insurance) is the ratio of the insured worker's contributions to the number of contributions required for a full pension multiplied by the amount of the old-age social pension, plus 1% of the insured's average covered earnings used to calculate contributions for each year of coverage. The minimum monthly disability pension is 75% of the legal monthly minimum wage.

A reduced disability pension is paid if the insured has a total disability but does not qualify for a full disability pension as assessed by the Medical Commission. A percentage of the full disability pension is paid as a reduced disability pension based on the difference between the actual years of coverage and those required for the full disability pension.

If the insured worker requires the constant attendance of others to perform daily functions, constant-attendance supplement of 15% of the insured worker's average covered earnings used to calculate contributions is paid.

Child's supplement is 5% of the flat-rate pension. It is paid for each dependent child up to age of 18 years.

The disability pension is replaced by the old-age pension at the normal retirement age if the amount of the old-age pension is greater. These benefits are adjusted annually.

Disability social pension (social assistance) is assessed with a physical, sensory, mental, or psychological disability resulting from birth, an accident, or illness but does not meet the contribution requirements for the social insurance disability pension.

Source: §35-37 of the Social Insurance Law No. 7703/1993

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Albania has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015

Equal Pay

The employer pays the employee equally for equal work or work of equal value, without any discrimination.

Equal work or work of equal value is based on all relevant criteria, in particular the nature of the work, its quantity and quality, working conditions, vocational training and seniority, physical and intellectual efforts, experience and responsibilities. Change in wages, which are based on objective criteria defined at this point, is not considered as discrimination in pay.

Source: §115 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Sexual Harassment

Labour law prohibits sexual harassment at workplace. The law defines harassment as any form of unwelcome conduct, expressed in words or actions, physical and symbolic, of a sexual nature, which aims at or leads to the violation of personal dignity, in particular when creating an intimidating, hostile, degrading, disparaging or offensive environment, and includes such action carried out by the employer against an employee, a jobseeker to work or between employees.

The employer is forbidden to carry out any action of sexual harassment against the employee and prohibits the commitment of such actions by the other employees. The

employer must ensure the safety and protection of physical and mental health of employees; take all necessary measures to stop harassment at workplace; and prevent any behaviour that undermines the dignity of the employee.

The employer is forbidden to harass worker with actions that have the purpose or result in the degradation of working conditions, to a degree that can lead to violation of the rights and dignity of the person, damaging the physical or mental health or damage the victim's professional future.

Any person who identifies or receives information from any employee about being harassed, must immediately signal the employer or the relevant structures about the perpetrator.

The employee who complains of being harassed, must present evidence proving harassment. It is the responsibility of the accused to prove his innocence. The employee who complains about being harassed should not be penalized for this reason, or fired, or discriminated against or be the victim of sexual harassment.

Law on Protection from Discrimination also prohibits sexual harassment. According to Criminal Code, sexual harassment constitutes a criminal offence and is punishable with one to five years of imprisonment. When this offence is committed in complicity, against several persons, more than once, or against children, it is punishable by three to seven years of imprisonment.

Source: §32 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §108(a) of the Criminal Code No. 7895/1995, last amended by Law No.

98/2014; §12 of the Law No. 10221 on Protection from Discrimination

Non-Discrimination

The Constitution of Albania prohibits discrimination. It states, “No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.” It further states that a person may not be discriminated against for the above-mentioned reasons without a reasonable and objective justification.

Law on Protection from Discrimination and Labour Code prohibits all kinds of direct and indirect discrimination. They define discrimination as any distinction, exclusion, restriction or preference, based on race, colour, ethnicity, language, gender identity, sexual orientation, political opinions, religious or philosophical beliefs, economic, educational or social status, pregnancy, parentage, parental responsibility, age, marital or family status, marital status, residence, health status, genetic predispositions, disability, living with HIV / AIDS, joining or belonging to unions, affiliation with a particular group, or in any other reason, that has the purpose or effect to prevent or make impossible the exercise of the right to employment and occupation, in the same way as others.

Differences, limitations, exclusions or preferences, based on a characteristic related to the reasons mentioned above may not constitute discrimination when, due to the nature of the professional activities, or situations in which the profession or activity is conducted, these features constitute a real and professional

requirement necessary, provided that the objective differential treatment be justified and the requirement may not exceed what is necessary for its implementation.

The prohibition of discrimination and application of the principle of equal treatment in the exercise of the right to employment and occupation apply in relation to:

- a) access to employment, self-employment and occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, and promotion;
- b) access to all types and at all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- c) employment and working conditions, including termination of the contract of employment and remuneration;
- d) membership and involvement in unions and employer organizations, or any organization whose members exercise a particular profession, including the benefits provided by these organizations.

The employer is obliged to provide reasonable accommodation of the workplace for people with disabilities or persons located in faraway places. To provide reasonable accommodation, the employer must make modifications and adjustments as necessary and appropriate, necessary in exceptional cases and that do not impose an excessive burden on the employer. It is not considered excessive burden for the employer when a reasonable level of adaptability that is required is guaranteed by the laws and regulations in

force. Denial of reasonable accommodation by the employer constitutes discrimination.

In cases where the employment contract is terminated because of discrimination, the employer should pay the employee damages (as compensation) of 12 (twelve) monthly salaries. Other remedies also may include payment of expert witness fees, and court cost and expenses, etc.

According to Criminal Code Discrimination is punishable by a fine or up to five years of imprisonment.

Source: §18(2 & 3) of the Albania's Constitution of 1998 with Amendments through 2012; §09 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §253 of the Criminal Code No. 7895/1995, last amended by Law No. 98/2014; Law No. 10221 on Protection from Discrimination

Equal Choice of Profession

Labour law ensures equal treatment in exercise of the right to employment and occupation. Every person, without gender discrimination has access to employment, self-employment and occupation, including selection criteria and recruitment conditions. Workers have access to all types and at all levels of vocational guidance, vocational training, advanced training and vocational retraining, including practical work experience.

No provision could be located in law that prohibits women from doing same job-related tasks as men.

Source: §9(5) of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Albania has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Law No. 10347/2010 for the Protection of the Rights of the Child
- Workplace Health and Safety Law 2010

Minimum Age for Employment

Minimum age for employment is 16 years. Exceptionally, children between 15 to 16 years of age can be employed for light work during the holidays from school, provided that this employment doesn't harm their health and physical growth. The minors from 15 to 16 years of age may become subject to vocational guidance and training in accordance with the rules set by decision of the Council of Ministers. Minors can be employed in tasks that may not hinder:

- a) their safety, health or development; and
- b) their participation in school, in vocational guidance or training programs to be adopted by institutions, or the ability of children to benefit from this training.

The Council of Ministers defines light work and establishes special rules for the duration and maximum performance conditions for children.

Children under the age of 15 or children who are attending compulsory education can be employed for purposes of exercise of cultural, artistic, sporting or advertising activities only if the following conditions are fulfilled:

- a) cultural or similar activities with them should respect the requirements laid down in labour law;

- b) Labour Inspectorate gives prior authorization case.

The Council of Ministers establishes special decision rules on working conditions and the procedure for granting authorization. Children under 18 should undergo full medical examination and can be employed only when recognized as fit for work. Night work is also prohibited for the minors under 18 years of age.

Specific provisions of the Labour Code that apply to employees under the age of 18, must be applied, to the extent possible, for each employee legal relationship aimed at employment or work in any occupation.

Constitution guarantees free public education and the Law on Pre-University Education System sets the compulsory education age as 16 years.

Source: §98-103 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §22 of the Law No. 10347/2010 for the Protection of the Rights of the Child

Minimum Age for Hazardous Work

Minimum age for the hazardous work is 18 years. Only adults over 18 can be employed in hard labour or pose a risk to their health or personality. The Council of Ministers determines special rules for the duration and conditions for difficult or dangerous jobs. Overtime work and night work is prohibited for minors under 18.

In accordance with the Workplace Health and Safety Law 2010, minors must be protected from all kinds of danger at the workplace. Work by minors is prohibited if it goes beyond their physical and mental capacity; includes exposure to toxic agents

or carcinogens, exposure to radiation, extreme temperatures or noise or vibration.

A 1996 Decree of the Council of Ministers on the Protection of Minors at Work and a 2002 Decree of the Council of Ministers on Defining Hazardous and Hard Works specify the work prohibited for minors and also set the minimum age for light work.

Source: §100 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §34-35 of the Workplace Health and Safety Law 2010

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Albania has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Criminal Code No. 7895/1995, last amended by Law No. 98/2014

Prohibition on Forced and Compulsory Labour

Labour law prohibits all forms of forced and compulsory labour. Law defines forced labour as any job or service imposed on the individual against his/her will under the menace of penalty/punishment.

Use of forced labour is prohibited as:

- a) coercive measure or sanction against persons who have or express beliefs contrary to the ruling political, economic and social order;
- b) a method of mobilization or exploitation of labour for purposes of economic development;
- c) disciplinary measure at work;
- d) conviction for participation in a strike; and
- e) a measure of racial, social, national or religious discrimination.

Following are not included in forced labour:

- a) any work or service required under the law for the Armed Forces of the Republic of Albania, which relate to the work of purely military character;
- b) any work or service to the individual as a punishment determined by the court and during which person is not put at the service of citizens or private entities except for cases provided for in the law;
- c) any work required in case of war or due to force majeure, natural disasters, especially fire, flood, famine, earthquake, epidemic or any

circumstances that endanger life or normal living conditions of the entire population or a part thereof.

In accordance with the Criminal Code, forced labour is punished with ten to twenty years of imprisonment.

Source: §08 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; §128(b) of the Criminal Code No. 7895/1995, last amended by Law No. 98/2014

Freedom to Change Jobs and Right to Quit

Labour Code allows workers change jobs and gives every worker the right to quit. The parties may terminate the contract of indefinite period by providing a written notice depending on the length of service. The duration of notice period is:

- two weeks, when the employment relationship has lasted up to six months;
- one month, for the duration over six months to two years;
- two months, for the duration of the two years to five years; and
- three months for the duration of more than five years.

This notice period can be extended, as appropriate, by the end of the week or until end of the month. For more information, please refer to the section on employment security.

Source: §143 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Inhumane Working Conditions

The employer might order the employee to carry out overtime, to the extent it is possible and necessary, as well as by taking into consideration the personal and familiar conditions of the employee.

The number of overtime hours must not exceed 200 hours per year. Additionally, the employee cannot be required to work overtime, if the latter has worked 48 hours within a week. In particular cases, but for not longer than up to 4 months, the employee may work overtime work beyond the said threshold (48 hours per week), provided that the average weekly working time, during the entire period, should not be more than 48 hours.

Source: §90 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Albania has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Albania's Constitution of 1998 with Amendments through 2012
- Labour Code No. 7961/1995, last amended by Law No. 136/2015
- Decision of the Council of Ministers No. 1039 of 2013

Freedom to Join and Form a Union

Freedom to join trade union is provided by the law. Employer cannot employment conditional with the trade union membership.

Trade Unions and the Organizations of Employers are professional organizations. The professional organizations of employees and of employers are independent social organizations that are created as volunteering unions of employees or of employers with the goal to represent and protect the economic, professional and social rights and interests of their members.

Trade union rights are applicable to all and no exclusions could be located in the law. A 2004 law on the status of servicemen of the Armed Forces of Albania allows active soldiers to organize in association which do not have a political or trade unionist character. They have the right to create federations, confederations and join them. Any organization, federation or confederation has the right to join international organizations of employees or of employers.

The act of creation and the statute of any professional organization must be signed by at least five founding members representing the organization of employers, and at least twenty founding

members representing the organization of employees. The statute must obligatorily define the name of the organization; the place where its residence is located; its goals; the conditions of admission, resignation and expelling of the members; the rights and duties of the members; the composition and functioning of the steering bodies as well as the duration of mandates; as the case might be, belonging to the federation or confederation; and the measures to be taken in case of its dismissal. The highest body of the organization fixes the amount of membership fees.

The trade union organizations, federations and confederations must submit their respective acts of creation and statutes to the Court of Tirana. These organizations acquire the juridical personality after 60 days, starting from the date on which it has submitted its statute to the Court of Tirana, unless otherwise decided by the court. Any trade union organization must deposit a copy of its statute at the Ministry of Labour. Trade Union organization cannot bear the name of any existing organization.

Source: §50 of the Albania's Constitution of 1998 with Amendments through 2012; §10, 176-180 & 187 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

Freedom of Collective Bargaining

A collective agreement is a contract concluded between one or more employers or organizations of employers one or two trade unions, on the other side. It contains the provisions governing the conditions of employment, the entering into contracts, the content and concluding of individual employment contracts, the vocational

training as well as the relations between the contracting parties.

The collective contract must contain provisions that are more favourable for the employees than those provided by the laws and sub-legal acts in force, with the exception of the cases expressly defined by law.

A collective agreement defines the territorial and occupational scope of its application. It enters into operation on enterprise or branch level in accordance with the agreement between the contracting parties.

The collective contract must be in a written form, signed by all the parties. The employer must deposit the original copy of the collective agreement at the Ministry of Labour within 5 days within five days of its conclusion. In the cases of the changing or renewal of the collective contract, same procedure has to be followed, which includes negotiation, mediation and arbitration.

A collective agreement may be concluded for a definite or indefinite duration. Either party may terminate the collective agreement of indefinite duration by providing a notice deadline that extends to six months. A collective agreement of definite duration lasting more than three years may be terminated once the notice deadline (maximum 6 months) has expired.

The court has the authority to settle any individual or collective dispute concerning the implementation of the contract.

Labour Code provides for a permanent tripartite advisory body named as National Labour Council. The Council examines issues of common interest and finds

acceptable solutions for the parties. NLC is composed for 27 members as follows: 10 representatives each from worker and employer groups and 7 representatives from Government. Government representatives are Ministers for Social Welfare and Youth; Finance; Health; Education and Sports; Justice; Economic Development, Trade and Entrepreneurship; Urban Development and Tourism.

Mandate of the NLC includes giving opinion and comments on labour legislation; employment and vocational training policies; employee protection, well-being; workplace safety and health; programs of economic and social development; and application of international labour standards.

Labour Code also provides for Regional Tripartite Consultative Councils with representation from worker, employer and government agencies. It is composed of 15 members with five members each from worker, employer and government groups. The Councils also examine issues of common interest to find acceptable solution at the regional level.

Source: §159-161, 166-175 and 200 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015; Decision of the Council of Ministers No. 1039 of 2013

Right to Strike

The right to strike is guaranteed by the Constitution of the Republic of Albania. Trade unions are entitled by the law to exercise the right of strike for resolution of their economic and social demands. Participation in the strike is voluntary, not by force or against anyone's will. Compelling, threatening or discrimination

of the workers because of their participation or lack of participation in a strike is prohibited. Only the Trade Unions have the right to organize and announce the strike. All workers except military personnel have the right to enter into strike. The right to strike is not permitted in the area of essential services of the state activity such as transport, public television, water, gas and electricity, prison administration, administration of justice, national defence services, emergency medical services, services for the food supply or services and air traffic control services.

Minimum services may be required, during strike, in the sectors of services concerning the fulfilment of the basic needs of the population in order to guarantee the fulfilment of its basic needs. Trade unions must assign and ensure the workers necessary for guarding and maintaining the machinery and equipment.

Strike is lawful if it fulfils the following conditions:

- a) It is organized by a trade union, which enjoys juridical personality, or is affiliated to an organization of employees with juridical personality.
- b) It aims to reach the signing of a collective agreement or fulfilment of the demands which are not regulated by this contract, except in cases where collective agreement has a peace clause prohibiting strikes during the currency of collective agreement.
- c) Both the parties have made efforts to come to an agreement, by becoming subject to the procedure of mediation and reconciliation.
- d) It is not contrary to the legislation in force.

The strike cannot not be exercised, or if it has begun, it can be suspended, in special cases including:

- a) Natural catastrophes
- b) State of war
- c) Extraordinary situation
- d) The cases where the freedom of elections is put at stake

The use of force to interrupt the lawful strike of the workers is prohibited. The organizations of employees may undertake actions through peaceful means in order to persuade the workers to participate in strike, without violating the right to work of the workers that do not participate in strike.

The employer, during strike, are forbidden to replace striking workers with other persons, who, in the time of the announcement of the strike, have not been his/her employees; likewise, employer is forbidden to employ new employees after this date.

While the strike is taking place, the parties must make efforts, through negotiations, to reach a common understanding and sign the relevant agreement. The strike terminates when the parties reach an agreement, or when the trade union that has announced the strike decides to interrupt it.

Source: §51 of the Albania's Constitution of 1998 with Amendments through 2012; §197 of the Labour Code No. 7961/1995, last amended by Law No. 136/2015

QUESTIONNAIRE

The text in this document was last updated in November 2023. For the most recent and updated text on Employment & Labour Legislation in Albania in Albanian, please refer to: <https://rroqime.al/>

DECENTWORKCHECK.ORG

Check

Decent Work Check Albania is a product of WageIndicator.org



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |

07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |

08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |

09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>

11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Albania scored 47 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.