

Labour Inspection Country Profile: Albania, March 2009

Labour Inspection Structure and organization

Name of the institution that manages work issues

The Ministry of Labour, Social Affairs and Equal Opportunities (MoLSA) is the main authority administrating labour and social matters. (<http://www.molsa.gov.al/>)

Department(s) responsible for Labour Inspection

The State Labour Inspectorate (SLI) was set up in 1995 as a public institution under the MoLSA. The SLI is composed of three General Directorates: the Inspecting Directorate, the Occupational Safety and Health Directorate and the Internal Services Directorate. Since 2006, the SLI has been operating as an autonomous institution.

There are other bodies with specific or labour-related inspection tasks. Defence or national security institutions inspect the safety and health issues regarding entities and persons subject to these institutions. In addition, the Central Technical Inspectorate, operating under the Ministry of Economy, Trade and Energy, includes specialized inspectorates such as the Inspectorate for Electrical Equipment and Installations, the Inspectorate for Control of Petroleum and Gas and the Inspectorate of Mine Inspection and Rescue; the latter performing technical safety controls in mines and carriers.

Concerning the responsibilities of the SLI for occupational safety and health, there is a certain duplication of efforts with those of the Ministry of Health and the State Sanitary Inspection (SSI). All companies liable to be monitored by the SSI need to make a self-declaration on the fulfilment of health and hygiene regulations on their premises. The SSI is also responsible for the monitoring and control of exposure to toxic substances, radiation, noise, vibration, extreme temperatures, and of occupational accidents and diseases.

As to social security legislation, both the State Labour Inspectorate and the National Fiscal Administration monitor the payment of contributions for social and health insurances: the SLI is responsible for the collection of these contributions from urban workers, whereas the Social Insurance Institute manages and supervises the collection of social contributions from rural workers.

Law that covers organization and functional composition

- Law No. 9634 on Labour Inspection and State Labour Inspectorate, dated 30.10.2006.

Scope of labour inspection

The State Labour Inspectorate 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. In addition, 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.

Local divisions

Albania has a coordinated labour inspection system, with a clear role for the central authority and the 12 regional labour inspectorates. There will also soon be labour inspectorates in the 36 districts.

Programming and communication

Labour inspection planning is done at central and territorial levels (annual, quarterly and monthly) in a coordinated and hierarchical manner. The Directorate of Inspection in the SLI coordinates work with the OSH directorate in the SLI. Cooperation and communication between the labour inspectorates in the field and the central authority, take place through monthly meetings between the General Inspector and all the regional office directors. Furthermore, all inspection visit minutes, minutes on fines, filled-in inspection forms and

monthly work reports are circulated from the regional directorates to the central level for information and data assessment purposes, and inspection plans at the central level are elaborated under the consultation and upon proposals submitted by the regional directors. A national strategy on safety and health at the workplace is planned for June 2009. This will be the base for the identification of priorities and the design of an annual plan for SLI in relation with OSH matters.

Several agreements have been concluded between the SLI, and other institutions such as the Ministry of Health, the State Sanitary Inspectorate (SSI), the Public Health Institution (PHI), the environmental protection inspectorate, the mining inspectorate and the tax authorities. In practice cooperation between the SLI and the SSI is weak and rarely practiced.

Current reforms

Albania is trying to align its legislation to the EU directives mainly in relation with occupational safety and health (OSH). Currently, the Government is working on the draft legislation, which once introduced, will have an impact on the work to be developed by the SLI. The Government of Norway is funding a technical cooperation project on Enhancing Labour Inspection Effectiveness, for improving, reinvigorating and modernizing the labour inspection system in Albania within the framework of the already-ratified labour inspection Conventions.

Human Resources and career development

Permanency of inspectors

Labour inspectors and controllers (with visit competencies but no powers to sanction) have the status of public civil servants. There is no real human resources strategy for their recruitment and career development. Job descriptions by position, selection processes and examinations for recruitment and policies for promotion or seniority are non-existent. Salaries and incentives are not attractive.

Selection process

Labour inspectors become public employees after being selected through a competition. There is still no clear methodology with regards to the way of hiring new inspectors and their qualifications. After being hired, the new employee performs unspecialized duties (no sanction powers) and is appointed as a labour controller. He/she always performs monitoring and control, accompanied by another inspector. After completing a year of work, the controller undergoes a qualification test prepared by the SLI. Based on the results of this test, the controller is promoted to inspector but in case of failure, he/she will continue to exercise the job as a controller.

There is no national training plan (aside from the three month orientation course, provided to all new recruited civil servants) and everything is learned on the job or by on the spot courses financed by foreign donors. In some cases, after the training course, inspectors have to pass additional exams.

Background required

The first condition for employment in SLI is a university degree. Preferred professionals are graduates from engineering, economics, and medicine.

Visits and functions

Types of visits

Inspection visits are performed in conformity with the central/territorial programme and also at the request of individuals. Labour inspections are carried out in a planned, random, and in a coordinated manner with other similar institutions such as SSI, the inspectorate for Electrical Equipment and Installations (IEEI) and the Inspectorate for the Control of Petroleum and Gas (ICPG). As a rule, 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 and only around five percent are motivated by complaints (the rate of complaints is really low).

Role of preventive measures

The use of a preventive culture as a labour inspection tool is not really applied. The present system is particularly weak as to promoting the prevention of occupational accidents and diseases and some techniques should be applied to improve effectiveness.

Programming

Registries and reporting of accidents/diseases at work

At present, an up-to-date and complete master registry of establishments at the headquarters and in the field offices does not exist. Private and public entities, before starting their activity have to apply for permission from the SLI. The registration, which follows the granting of the permission, has to be redone yearly. It is done manually in the regional inspectorate premises. This register is independent and not coordinated with the central registry of natural persons and legal entities. At the same time, any economical activity should be registered in the National Business Registration Centre and tax authorities also have a register for their purposes. However, there is no communication of any data entry from one institution to another.

In the event of an occupational accident, which causes the death of a worker or serious damage, the employer has to report the accident to the Prosecution Office, the SLI and SSI. Employers also have the obligation to keep within the company offices, a registry of occupational accidents and diseases. Each sheet of the register is signed by the labour inspector and should be preserved by the employer for a five-year period.

Sanction and administrative processes

Labour inspectors can impose measures and formulate recommendations that should be met within the period of notice, or impose penalties if the infractions are very serious. In case the entity does not improve the working conditions, the inspectors may then suspend or stop the economic activity of that entity. However, this decision requires confirmation, within 48 hours, by the General Inspector.

Non-appealed inspection acts or confirmed decisions become an executive title, which is only delivered by the court. However, an effective execution and thus, an efficient sanctioning is impeded by the fact that the labour inspectorate has to advance seven per cent of the amount of the fine (to be collected) once the labour inspectorate wishes to launch a judicial execution, and the labour inspectorate is neither reimbursed in the case of a successful execution, nor receives a share of successfully collected fines, accordingly allocated to the budget of the labour inspectorate.

Social partners and labour inspection

There is no law governing cooperation with the social partners and the SLI is not clear on how cooperation can progress. SLI has agreed to tackle this formally by 2010-11. Owing to lack of development of social dialogue, at central and decentralized levels, no tripartite structures exist to deal with subjects related with labour inspection matters. There is no real involvement of workers and employers in compliance matters. Additionally, the exchange of information or the participation in discussion on priorities and targets is rare or inexistent.

ILO Conventions ratified

Albania ratified Conventions No. 81 and No. 129 in 2004 and 2007 respectively.