Dear reader!

We are presenting to you the first issue of our monthly newsletter, entirely dedicated to protecting and promoting labour rights, promoting employment, vocational education and training and progress of trade union movement in Albania.

For any suggestion or opinion in regard to these issues, please write to us at: info@clr.al or call us at +00355 69 470 2057.

Wishing you a pleasant reading!

Edison Hoxha, CLR Director

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On January 27, 2019, the Center for Labor Rights introduced a study aiming at improving social protection for the categories of self-employed, family workers and retirees that continue to work. The launching event was attended by Prof. Dr. Arben Malaj, former Minister of Finance and Economy and by many scholars and experts in economy and social issues, as well as by representatives from trade unions and civil society. The study brought three proposals to the Council of Ministers, the Social Insurance Institute, Health Insurance Institute and to tax administration.

Through analyzing the legal framework for social insurance, experts engaged by the CLR identified some shortcomings related to compulsory health and social contributions.

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On February 12, 2019, the CLR and the Union of the Independent Trade Unions of Albania jointly presented to the Parliamentary Commission for Work, Social Issues and Public Health their conclusions and suggestions to improve the situation in the garment and shoe-making industry, with regard to the implementation of the Law “On Safety and Health at Work” in this sector. The public hearing happened after the denounced repeated cases of health incidents at the workplace in several factories of these industries. The CLR and the trade-union consider as a priority taking urgent measures to monitor and improve the situation, as the safety of workers in this sector is put in danger and the risk of new health incidents is still high. Safety and health at work are yet neglected aspects in the garment and shoe-making sector that employs more than 75,000 workers.

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CLR study: legal improvements to social protection scheme

Study to better protect the self-employed, family workers and retirees

No more workers in hospital!

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On January 29, 2019, one of the factories of the above-mentioned industry (a garment plant) situated in Durres reported that the health deterioration of the employees was due to the gas leakage in the air conditioning system at working premises. Is this the truth?

No more than three months ago, 40 women and girls, employees from the same factory were urgently recovered in the Durres hospital from their working premises. They had shown the same symptoms of poisoning, which had come exactly from the same cause as today: the gas leakage from air conditioners! Even then the company pass it over with a superficial medical report from the hospital, a small fine from the State Labour Inspectorate and it resumed its operation as if nothing had happened.

The State Labour Inspectorate and the State Health Inspectorate have suspended the work of both companies operating within the same work environment, assessing that the continuation of the activity constituted a high and inevitable risk to the safety and health of the employees. The workers denounced that the activity resumed two days later.

In total, both companies employ 119 employees.

The plants were inspected earlier by the State Labor Inspectorate, which found violations regarding:

- bad practices in labor relations and employment contracts
- deficient general working conditions
- absence of the Work Safety and Health Council, as provided by law
- lack of a safety and health risk assessment document
- absence of company’s doctor in one of the factories
- failure to provide employees with forensic report
- failure to inform and instruct employees about technical safety rules and workplace risks

From the direct inspections and contacts that the CLR has had with the employees, there are no trade union structures operating in these factories. Also, the Work Safety and Health Council, which is the most important legal instrument for ensuring safety and health at work and preventing such cases, turned out to be not functional.

The State Labour Inspectorate has completed the report after the administrative investigation carried out at the company "Lovers Albania" Ltd, producing military clothes in Durres, following the incident with the workers of this business on 18th of May last year. According to the Inspectorate, the observed violations relate to non-compliance with the provisions of the Labour Code that provide for protection for special categories, for pregnant women, many of them resulted to have worked in excess of normal working time, exceeding the normal duration of hours of work per week.

As to the cause of the incident with 15 women working in that factory that got poisoned, an incident that for some days reached the headlines in the media, the official report of the State Labour Inspectorate clearly explains that it is awaiting the response of the analysis at the Prosecution Office Investigative Laboratory.

The CLR hopes that we will not be waiting Godot forever. It will further investigate the issue at the Prosecutor's Office, requesting information on the investigation, whether the it continues or has got stuck.
In May 2018, 40 women got poisoned in one of the garment plants in Durres. No responsible structure of our State was set in motion. In November 2018, 15 women got poisoned again at another garment factory in Durres. Again none from our public institutions moved.

This is not the only case of women getting poisoned and risking their life from the precarious working conditions in the factories of the garment and shoe-making industry.

On January 19, 2019, workers in another factory in Shkoder, in the north of the country went in strike, due to difficult working conditions.

The CLR, in close cooperation with the industry’s trade unions and civil society partners engaged in labor rights are following with concern the developments of the grave incident endangering the life of workers in the textile factory in Filakë Durrës.

In the textile industry there is no trace of decent trade unions’ activity. The unions are not active and have no links with the employees, and by this they reduce proper workers’ protection.

The CLR calls for engagement of all parties over the legal obligation to make operational in the factories of this industry the work safety and health councils, for which establishment and members’ training the Center offers specialized assistance.

We also call on workers to organize into trade unions as the best way to represent and protect their interests in the working place.

The repeated cases of violation of health and even life of employees in the public energy sector in recent years make imperative the establishment and functioning of the Safety and Health Councils in the public sector as well, as the law provides.

The Center for Labour Rights calls on public sector employees:
- to denounce the flagrant deficiencies in safety and inappropriate working conditions;
- to organize themselves in solid trade unions that represent their interests and are everyday with them at their working places;
- to not allow formal structures and leaders that stay idle and only carry on conferences or congresses once a year.

Only through the structures provided by the Law on Safety and Health at Work and through raising awareness among the employees of the Public Electricity Distribution Operator and of the entire public sector for their rights, we can achieve safer and better working conditions and the respect of our labour legislation.
The authors of the study suggest compulsory health insurance contributions for employees to be calculated within the minimum and maximum salary limit; while for self-employed, non-ensured family workers and those who make voluntary insurance, compulsory contribution is calculated according to the minimum wage.

Currently, the law provides that self-employed and unpaid family workers must pay compulsory health insurance to 3.4 per cent of the double of the minimum wage. For employees, mandatory health insurance is paid at 3.4 percent of their gross salary within the minimum limit and without any maximum limit.

Employee insurances (medical and social insurances) are paid half by the employer and the employee. While in the case of self-employment, they are paid 100% by the self-employed. For persons with high gross wages, in the range of two to three times higher the maximum wage, contribution health is calculated at 1.7 per cent of the salary.

The researchers, authors of the study articulate that benefits and treatments from the health insurance scheme have no distinction between these categories of people. They share the opinion that the legal amendment to allow the self-employed to pay contributions based on the minimum wage and not on its double will reduce tax evasion, as it will encourage them to declare the real incomes.

The second proposal is related to the social contributions of persons working as house workers in services such as caretaker (babysitter), cook, cleaner, assistant for the elderly, who according to a Council of Ministers' Decree of 2015 pay a minimum monthly contribution of 3,948 Albanian Lek (ALL or 32 euro).

They do not, however, currently get the same benefits from health insurance scheme, such as maternity leave and pay or unemployment insurance.

Study experts suggest that the Council of Ministers’ Decree No. 77, dated 28 January 2015 should be amended to add the phrase that "People working as house workers should be compulsorily provided for the pension, maternity leave and pay, unemployment pay and health care insurance, calculated according to minimum wage".

The third proposal of the study affects the compulsory contributions of pensioners who continue to work in the private sector even after retirement.

A decree of the Council of Ministers no. 551 dated 8.11.1993 charges self-employed and self-employed retirees in the private sector with the obligation to continue to pay contributions and at the same time with the right to receive a pension. According to survey experts, retired employees do not get any benefit for compulsory contributions they pay beyond the mandatory years of contribution.

At present, they do not benefit pension reimbursement for additional contributions after retirement. A current draft law seeks to address this point by foreseeing that employed retirees continue to pay social insurance and receive their pension. On termination of employment during retirement, they will get a pension increased by 0.2% per month.

However, the authors of the study view this proposal to change the law as ineffective. They think it imposes on pensioners the obligation to pay contributions for services they do not benefit, such as maternity leave and pay, unemployment pay, etc.

The study suggests that retirees should receive the pension and not pay contributions, → cont. on pg. 5
On February 21, 2019, the daily "Today", the third paper on sales in Albania and influential in forming public opinion, published the article titled "Illegals of miners’ legal bonus!", addressing the issue of lack of transparency and wide consultation among stakeholders on legal initiatives to the benefit of employees working under difficult conditions.

Among other things, the article states that "In January this year, the Prime Minister of the country meets with representatives of former miners as an interest group and promises the launch of a legislative process to make a specific law for difficult professions. Immediately, the two ministries, the Ministry of Finance and Economy and the Ministry of Infrastructure and Energy issue a joint order on February 4th, appointing a working group for the preparation of the law "On the supplementary financial treatment of workers who worked underground in mines, in oil and gas industry and in metallurgy". So far so good. What's wrong is the choice of the stakeholders representative, in this case of 8 thousand miners, oil drillers and metallurgists. Rather than appointing some trade unions and civil society activists in this area, following prior information and consultation, instead of publicly announcing such a good initiative and asking the opinion of field experts, by including them in the working group, everything is done in complete secrecy, as illegals.

The question is why have these "illegals" avoided broad and open public consultation? And why 3 days ago they organize a formal meeting with the presence of some media, selling it for meeting and consulting with interest groups? Why are not the numerous NGOs in the field and EU Delegation experts in the country, for which the return of social justice and the priority treatment of hard and high-risk workers is something sacred, invited? Why is not the current Albanian legislation, which speaks clearly of a comprehensive and transparent process at the stage of drafting a bill, in prior consultation with real stakeholders, respected? In this way, the good will of the Prime Minister is put into danger. The eight thousand miners, oil driller and metallurgists deserve everything, but not this miserable treatment by their supposedly representative! Not the screaming lack of consultation with stakeholders, who could have engaged experts to guarantee integrity and feasibility of the ongoing draft law. No mentioning in the draft bill of how much will be the fiscal burden in the State Budget from the supplementary financial treatment of these eight thousand people, so measures are taken before end to ensure appropriate funds, prior to the singing “Sorry, we have no funds!”. For sure 8 thousand miners, oil drillers and metallurgist deserve more!"
On 8th of February 2019, CLR activists organized a meeting with representatives of the Independent Trade Union of Albanian Education, a promising structure for strengthening the trade union movement, since throughout the country we have over 34 thousand teachers working in 1370 9 year elementary and middle schools and in 504 secondary schools. Their trade union activity needs better orientation and structuring.

The CLR discussed with the Trade Union the ways to conduct capacity building of its members. The first meeting was held in December 2018 during training sessions at the Labour Academy and the representatives of the Union expressed that they had seen in the Tirana branch managers shared with CLR experts ideas for new approaches. CLR advised that the Independent Trade Union of Albanian Education, Tirana branch should structure its trade union council, creating working groups to:

1. draft the trade union’s strategic plan;
2. make visible and raise the public profile of the organization (design, edit and distribute information materials, leaflets, posters in school premises, redefine communication through using social media networks and leave away the stereotype of the trade union model that functions only through meeting rooms, training sessions, in order to come close to the needs of teachers and work with them on daily basis);
3. develop discussions at branch level of the trade union for eventual additional services that can be offered to trade union members.

In honor of the International Day of Decent Work, the Center for Labour Rights held recently a meeting with oil and gas workers in Patos town, in cooperation with the new Union of Albanian Oil and Gas Workers. The participants appealed for more union responses to protect and respect the labour rights. The CLR stressed the need for cooperation between trade unions and workers. "This spirit of cooperation should serve the best improvement in working conditions and relations. We need to impose not only the respect for our rights, but have to see also the obligations deriving from labor legislation, in particular the contribution of each of us for a genuine trade union movement for our rights" said CLR director Edison Hoxha. The oil and gas workers raised a lot of issues of their concern, that need urgent focus of their trade union and cooperation with all stakeholders, such as:

- review of salaries;
- renovation of machineries and equipment which is obsolete;
- improvement of working premises and conditions;
- provision of transport facilitation for workers, etc.

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Labour Academy is organized by the Center for Labour Rights (CLR), a non-profit organization supported by Olof Palme International Center. It promotes labour movement in Albania and assists the interests of Albanian workers.

All trainings are offered FREE. Duration: March 2019 - June 2019, 2-4 days per month.

Criteria for becoming a PARTICIPANT:
- individuals between 18 and 35 years of age.
- individuals employed in all sectors of the Albanian private or State economy, as well as civil society activists and other interested free professionals.

To be part of Labour Academy's training sessions, please apply on the link below.
http://clr.al/wp-content/uploads/2019/02/Formular-aplikimi-p%C3%ABr-pjesemarrje-ne-Akademin%C3%AB-e-Pun%C3%ABs-2.pdf

For direct information, please call: 067 20 08 370

Labour Academy calls for March-June 2019 sessions

On February 12, 2019, the Center for Labour Rights (CLR) and the Union of Independent Trade Unions of Albania (UITA) officially sent the following proposals and recommendations to the Parliamentary Committee on Labor, Social Affairs and Public Health (the Gender Equity Parliamentary Subcommittee) in regard to improvement of the applicability of the law "On Safety and Health at Work", on the occasion of repeated health incidents in this sector of the industry:

1. Council of Ministers and the line ministries should complete the by-laws and institutional framework for safety and health at work and work medical structure.

2. Council of Ministers should put into operation the Inter-ministerial Council for Work Safety and Health, a structure provided by law, but which has not functioned until now.

3. Parliament of Albania should adopt the new ILO Convention “Against gender-based Violence in Work”, which will mitigate conflicts, discrimination and violence of any kind on girls and women workers.

4. Labour Inspectorate and Health Inspectorate should train their inspectors to increase their professional and ethical capacities.

5. State Inspectorate of Labour and Social Services, the Health Inspectorate, the General Directorate of Taxes, the Social Insurance Institute and the State Police should increase coordination to ensure the proper performance of the labor standards by the employers, as well as sanction the violations in a reasonable manner, based on the principle of proportionality, up to criminal prosecution for severe offenses.

6. The responsible State institutions, such as Labour Inspectorate and Tax Administration should promote the spirit of cooperation between them and em-

The Center for Labour Rights will follow with priority the implementation of these recommendations with the commissions in Parliament and in cooperation with all interested parties.

Be a Labour Academy Partner!

- Are you an employee worried about the injustices you face in the workplace?
- Are you tired of working always with the same salary and working conditions that do not improve?
- Do you want your voice as an employee to be heard more by the employer?
- Are you willing to engage in protecting your workplace rights and those of your colleagues?
- Do you want to become a member of the trade union and, why not, a future leader of it?
- Are you a new activist wishing to learn more about labor rights and engage in their protection?

There is a solution for you!
It is the Labour Academy.

Join CLR and UITA proposals

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Labour Rights
ALBANIA

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The Center for Labor Rights (CLR) appreciates the transparent and inclusive process implemented by the Parliament of Albania and the Ministry of Finance and Economy on the occasion of discussion of the draft law "On Promotion of Employment". Invited to give its opinion on the bill, CLR has officially sent it to the Parliament on February 15, 2019, proposing the following:

1. We judge that the funding for the establishment of the Social Employment Fund in the form of a monthly contribution of half the salary from the minimum wage, from any employer who does not employ a person with disabilities for every 50 employees (point 2, article 21) he/she has employed in his/her company, will be negligible for employment promotion programs nationwide (somewhere around 2-3,000 euro per month), considering the limited number of enterprises employing over 50 employees in Albania and the difficulties to set the company's obligation and to collect the contribution.

2. Considering the urgency of real employment promotion as a nationwide problem, we suggest that in the substantial and real resources of the Social Employment Fund be added the letter "b", Point 2, Article 22 "2 percent of the State Budget’s plan surplus (revised plan or not during the year) of collecting taxes and fiscal tariffs in the Republic of Albania for the current year should go on behalf of the Social Employment Fund in the State Budget of the following year". So, if the surplus is at the level of 30 million euro for 2019, 600 thousand euro (2 percent) will automatically go to the Social Employment Fund for 2020. The present letters "b" and "c" of Point 2 of Article 22 will become letters "c" and "d".

In the framework of the project "To enable women in clothing industry to recognize their rights at work", implemented in collaboration with "Aulona" Center, with the support of Olof Palme International Center, CLR organized recently in the city of Vlora the closing meeting of the project. Within the framework of this project, the implementers organized 8 workshops with the participation of 198 women and girls in five of Vlora's shoe manufacturing companies.

The women and girls participating in the workshops have gained knowledge of their rights at work, of how to address and monitor issues related to working conditions, and where to go and report them in case of disagreement with the employer.

The CLR is preparing a video and a study to present the outcomes of the activity in the days to come.

On January 25 and 28, 2019, in the framework of the regional project "Towards improved health and safety in the Western Balkans", the CLR held meetings with representatives of some key trade unions in the country, to discuss the issue of safety and health at work. According to a recent CLR study, the Safety and Health Councils (a prerogative of the law) are not functional and fictitious in most cases when they are established. The vast majority of State-owned enterprises and private companies have not established them, even formally. The work doctor’s profile is also missing.

The study highlighted many aspects of the social protection of employees to be ensured through the implementation of the Law on Health and Safety at Work. CLR experts pointed out that law enforcement was not sufficiently monitored by State-run structures, due to the merger of the ministry responsible for monitoring it. From the meetings, the Union of Independent Trade Unions of Albania came up with the idea that the findings and concerns of both the CLR and theirs were prepared in a reminder that would be sent to the Parliament and in particular to the Committee on Labour, Social Affairs and Public Health on the occasion of consultations on the implementation of the Law on Safety and Health at Work.