

## Chapter 2

### Recommandations & Conclusions:

The shadow report conducted by the Centre for Labour Rights (CLR) in Albania highlighted the entire legal and institutional framework aimed at the alignment with the Acquis of the European Union.

Although steps have been taken to improve the legal framework, this harmonization is still not complete.

The adoption of Law 79/2021 "On Foreigners", inevitably brings the need for adaptation of by-laws to the new law, as well as training of AKPA employees and the drafting of manuals for the proper implementation of the legislation in force.

Legal and institutional deficiencies for the legal acts of Chapter No. 2 in the local legislation, training of the employees of the institutions involved in the approximation of the legislation of this chapter should be the focus of an updated analysis.

Access to the labor market should be evaluated as an equal opportunity for all beneficiaries, Albanian or foreign citizens, and a detailed analysis of the sectors will highlight the real opportunities for EU citizens to access them and the barriers that exist. To make this possible, human capacity and infrastructure are required to make it happen.

The efforts of the Albanian state are oriented towards the development of the IT system as a requirement to connect to EURES, which will offer EU citizens access to employment in Albania, equal treatment with Albanian citizens in terms of employment, conditions of employment, remuneration, study and professional training.

The continuous work in alignment with the acquis in the field of free movement of employees requires effective implementation of the legislation in force in the field of foreigners, employment, professional education training as well as working conditions and labor relations, for EU citizens in the Republic of Albania.

One of the biggest challenges of joining the EU is related to the possibility of coordinating social security schemes for Albanian citizens living and working abroad, as well as workers from EU Member States employed in Albania. This requires the signing of social protection agreements with many other EU countries.

## Chapter 19

### Recommmendations & Conclusions:

The tripartite social dialogue should be strengthened as it plays an important role in the identification of problems and their efficient solution. The tripartite participation in the talks plays a key role in the design and implementation of appropriate policies in the labor market, which, in addition to the problems related to the participation of the labor force, and the lack of opening new jobs for special categories, has also been under the negative influence of the consequences caused by Covid 19, as well as the consequences caused by conflicts in the international arena. Social dialogue must be developed both in the public sector and in the private sector with the aim of also strengthening the implementation of the law and the protection of labour rights.

The strengthening of inter-institutional cooperation, the creation of bridges of cooperation between law-enforcement and law-monitoring institutions is necessary to guarantee the speed of institutional control activity, to ensure the taking of appropriate measures in cases of detection of violations and the creation of appropriate mechanisms for preventing violations of labor legislation. The design and implementation of action plans and strategies in this direction must be carried out continuously.

The drafting of employment policies adapted to the needs of the labor market, the creation of dedicated awareness programs for young people who are choosing a profession, as well as the drafting of schemes, programs and action plans to implement appropriate interventions in the labour market related to the employment of young people would serve not only to reduce the unemployment figures, but it would also prevent young people from leaving the country.

Ongoing reform of the State Inspectorate of Labor and Social Services. Strengthening the professional and infrastructural capacities should be a priority to guarantee the improvement of the monitoring and control functions of this institution.

Collective contracts should be improved in terms of the respect of collective rights related to the development of negotiations for their connection, the scope of their topics in the private sector, as well as the improvement of their role as important professional resources. The improvement of the social dialogue should include the respect of the main stages of the process for the development of talks with the aim of concluding the collective contract.

The system of resolving labor conflicts should be considered. Conflicts arising from labor relations are individual and collective, from which most of the individual conflicts are related to the solutions of the employment contract unilaterally by employers (dismissals from work), and collective ones which often refer to collective dismissals from work or sporadic cases of conflict between trade union organizations regarding representation. The appropriate legal determinations regarding representation in court for the resolution of a conflict arising from labor relations, as well as the creation of a suitable alternative and special system for the resolution of conflicts would not only resolve them

quickly and efficiently, but it would improve the applicability of labor legislation as a whole.

The consequences of bridging the principle for the prohibition of forced labor should be regulated in more detail, including the appropriate legal definitions related to violations of this principle. Respecting this principle is a priority in the framework of the protection of labour rights, as well as the free movement of employees.

The drafting of plans related to the definition of the objectives of decent work is an important issue, not only regarding the process of approximation with international standards in the field of labor relations, but also the protection and continuous development of labour rights with great impact in the country's economy.

The implementation of the law and its monitoring should be strengthened, referring to the further need for harmonization of the relevant legislation with the *EU work-life balance directive*, including issues of gender equality in employment.

As the European Commission suggests, the mechanisms that serve the good functioning of the Social Fund should be consolidated in order to guarantee the principles of sufficiency, equality, transparency and sustainability. The coverage and distribution of the Social Fund must be done in the right way.

It is also necessary to expand the access of persons with limited abilities to public services, employment, professional education and specialized services.