



European  
Social  
Charter

Charte  
sociale  
européenne



## — Albania and the European Social Charter —

### Signatures, ratifications and accepted provisions

Albania ratified the Revised European Social Charter on 14/11/2002 and has accepted 64 of the Revised Charter's 98 paragraphs.

Albania has not yet accepted the system of collective complaints.

### The Charter in domestic law

Automatic incorporation into domestic law based on Article 122 of the Constitution.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Albania](#) in 2007 and in 2012. In this latest report, the Committee considered that Albania could accept the following provisions:

Article 9 – Right to vocational guidance

Article 10§§1, 2, 3, 4, 5– Right to vocational training

Article 12§§2, 3 – Right to social security

Article 13§§2, 3, 4 – Right to social assistance

Article 14§§1, 2 – Right to benefit from social welfare services

Article 17§§1, 2 – Right of children and young persons to social, legal and economic protection

Article 18§§1, 2, 3, 4 – Right to engage in a gainful occupation in the territory of other parties

Article 27§§1, 2, 3 – Right of workers with family responsibilities to equal opportunities and equal treatment

Article 31§1 – Right to housing

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by Albania

Between 2005 and 2023, Albania submitted 13 reports on the application of the Revised Charter.

The [13<sup>th</sup> report](#), which was submitted on 31/12/2021, concerns the accepted provisions relating to thematic group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions have been published in March 2023.

The 14<sup>th</sup> report, which was to be submitted on 31/12/2022, should concern the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

- the right of children and young persons to protection (Article 7);
- the right of employed women to protection of maternity (Article 8);
- the right of the family to social, legal and economic protection (Article 16);
- the right of children and young persons to social, legal and economic protection (Article 17);
- the right of migrant workers and their families to protection and assistance (Article 19);
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27);
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in March 2024.

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity<sup>3</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

#### ►Article 151 - Right to work - Policy of full employment

Employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

#### ►Article 152 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

It has not been established that:

- the restrictions on access of foreign nationals to employment are not excessive;
- the national authorities have fulfilled their obligations to prevent forced labour and labour exploitation, to protect victims, to effectively investigate the offences committed, and to punish those responsible for forced labour offences.

#### ►Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The legislation explicitly covers only certain elements of pay for the purposes of equal pay principle.

#### ►Article 24 – Right to protection in case of dismissal

- It has not been established that retaliatory dismissal is prohibited;
- The legislation does not provide for the possibility of reinstatement in the private sector.

#### ►Article 25 - Right of workers to protection of their claims in the event of the insolvency of their employer

Workers claims are not effectively protected in case of insolvency of their employer under the privilege system.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

#### ►Article 351 – Right to safe and healthy working conditions - Safety and health regulations

- Employers' and employees' organisations are not being consulted by public authorities in practice.

#### ►Article 352 – Right to safe and healthy working conditions - Enforcement of safety and health regulations

- It has not been established that there are occupational health and safety regulations covering psychosocial risks;
- The level of protection against asbestos is inadequate,
- It has not been established that temporary agency workers, domestic workers and home workers are protected by occupational health and safety regulations, and
- Employers' and employees' organisations are not being consulted by public authorities in practice.

#### ►Article 353 – Right to safe and healthy working conditions - Consultation with employers' and workers' organisations on safety and health issues

- It has not been established that the accidents at work and occupational diseases are monitored effectively.
- It has not been established that the activities of the Labour Inspectorate are effective in practice.

#### ►Article 354 – Right to safe and healthy working conditions - Occupational health services

- It has not been established that measures are taken to promote the progressive development of occupational health services.
- It has not been established that there is no strategy to develop occupational health services for all workers.

#### ►Article 1151 – Right to protection of health - Removal of the causes of ill-health

- Public healthcare expenditure is too low.
- The provision of healthcare is subject to unnecessary delays.

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<sup>3</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 11§2 - Right to protection of health - Advisory and educational facilities*

- It has not been established that health education is incorporated into the school curriculum.
- It has not been established that counselling and screening services for pregnant women and children are frequent enough or that the proportion of mothers and children covered by this service throughout the country is sufficient.

► *Article 11§3 - Right to protection of health - Prevention of diseases and accidents*

- It has not been established that adequate measures were taken to overcome environmental pollution;
- efficient immunisation and epidemiological monitoring programmes are not in place;
- It has not been established that sufficient measures were taken to prevent smoking;
- It has not been established that adequate measures were taken to prevent accidents.

### **Thematic Group 3 "Labour rights" – Conclusions 2022**

No reports were submitted in 2013 and 2017 concerning the Articles in thematic group 3; therefore, the Committee was unable to adopt Conclusions in the 2014 and in the 2018 cycles.

► *Article 2§1 - Right to just conditions of work - Reasonable working time*

Regulations permit weekly working time of more than 60 hours in various sectors of activity.

► *Article 2§3 - Right to just conditions of work - Annual holiday with pay*

- Employees may relinquish annual leave in return for increased remuneration;
- Employees' right to take at least two weeks of uninterrupted holiday during the year in respect of which the holidays were due is not sufficiently guaranteed.

► *Article 2§7 - Right to just conditions of work – Night work*

It has not been established that:

- the possibilities of transfer to daytime work are sufficiently provided for;
- night workers are effectively subject to compulsory regular medical examination.

► *Article 4§1 - Right to a fair remuneration - Decent remuneration*

It has not been established that the minimum wage can ensure a decent standard of living.

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

Collective agreements may provide for a minimum notice period of one month in the case of workers with five or more years' service.

► *Article 5 - Right to organise*

- Police personnel do not enjoy the right to form trade unions;
- It has not been established that the prohibition from enjoying the right to form a trade union was not applied to an excessively high proportion of senior civil servants.

► *Article 6§1 - Right to bargain collectively - Joint consultation*

- The refusals to grant trade unions with representative status are not subject to judicial review;
- Joint consultative bodies do not exist in the public sector.

► *Article 6§2 - Right to bargain collectively - Negotiation procedures*

- It has not been established that the promotion of collective bargaining is sufficient;
- The legal framework does not allow for the participation of employees in the public sector in the determination of their working conditions.

► *Article 6§3 - Right to bargain collectively - Conciliation and arbitration*

The circumstances in which compulsory arbitration is permitted go beyond the limits set by Article G of the Charter.

► *Article 6§4 - Right to bargain collectively – Collective action*

Employees in electricity, water supply services, air traffic control, fire protection and prison services are denied the right to strike.

► *Article 21 - Right of workers to be informed and consulted*

It has not been established that:

- the legal framework effectively secures the right of workers to information and consultation within an undertaking;
- personal and material scope of the right to information and consultation within an undertaking comply with the requirements of the Charter;
- there are effective sanctions and remedy available when employers have failed to respect their employees' right to be informed and consulted.

► *Article 22 - Right of workers to take part in the determination and improvement of working conditions and working environment*

Employees are not granted an effective right to participate in the decision-making process concerning the shaping and improvement of their working environment.

► *Article 26§1 - Right to dignity in the workplace - Sexual harassment*

It has not been established that workers are afforded sufficient and effective remedies against sexual harassment in relation to work.

► *Article 26§2 - Right to dignity in the workplace - Moral harassment*

- It has not been established that appropriate prevention measures are in place against moral harassment in relation to work;
- Workers are not guaranteed effective protection against moral harassment in relation to work.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

- The protection granted to workers' and union representatives against dismissal is not extended for a reasonable period after the end of their mandate ;
- There is nothing to establish that appropriate facilities are granted to workers' representatives.

**Thematic Group 4 "Children, families, migrants" - Conclusions 2019**

► *Article 7§1 - Right of children and young persons to protection- Prohibition of employment under the age of 15*

The protection of children from child labour exploitation is not guaranteed in practice.

► *Article 7§2 - Right of children and young persons to protection - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*

Children are exploited for work in the energy sector, mainly in the mines of Bulqiza; the prohibition of employment under the age of 18 for dangerous or unhealthy activities is not guaranteed in practice.

► *Article 7§3 - Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The protection of children subject to compulsory schooling is not guaranteed in practice.

► *Article 7§4 - Right of children and young persons to protection – Working time*

The effective implementation of the law is not guaranteed in practice.

► *Article 7§5 - Right of children and young persons to protection – Fair pay*

The wages paid to young workers and apprentices are not fair.

► *Article 7§6- Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time*

The effective implementation of the law is not guaranteed in practice.

► *Article 7§7 – Right of children and young persons to protection - Paid annual holidays*

The effective implementation of the law is not guaranteed in practice.

► *Article 7§8 – Right of children and young persons to protection - Prohibition of night work*

The effective implementation of the law is not guaranteed in practice.

► *Article 7§9 – Right of children and young persons to protection - Regular medical examination*

The effective implementation of the law is not guaranteed in practice.

► *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*

- It has not been established that measures taken to combat trafficking of children are sufficient;
- Measures taken to assist children in street situations are not sufficient;
- Measures taken to protect children from economic exploitation are not sufficient.

► *Article 8§1 – Right of employed women to protection of maternity - Maternity leave*

The required period of twelve months of contribution to the social security scheme prior to pregnancy to be entitled to maternity benefits is too long.

► *Article 8§2 - Right of employed women to protection of maternity - Illegality of dismissal*

- It has not been established that there is adequate protection against unlawful dismissal during pregnancy,
- The compensation awarded in the event of unlawful dismissal during pregnancy and maternity leave is inadequate, and
- Reinstatement is not the rule in cases of dismissals on the grounds of pregnancy or maternity leave (after childbirth) in the private sector.

► *Article 19§3 – Right of migrant workers and their families to protection and assistance - Co-operation between social services of emigration and immigration states*

It has not been established that the cooperation between social services in emigration and immigration countries is sufficient.

► *Article 19§4 – Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

- The State has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by this provision,
- The right to equality regarding employment, right to organise and accommodation is subject to an effective mechanism of monitoring or judicial review.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance - Family reunion*

- Social benefits are not included in the calculation of the level of means required to bring in the family or certain family members;
- Family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

► *Article 19§10 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§3, 19§4, 19§6 and 19§12 apply also to self-employed migrant workers.

► *Article 19§12 – Right of migrant workers and their families to protection and assistance - Teaching mother tongue of migrant*

It has not been established that the teaching of mother tongue is offered to migrant workers.

**The Committee has been unable to assess compliance with the following rights:**

**Thematic Group 1 "Employment, training and equal opportunities"**

▶Article 1§3 - Conclusions 2020

**Thematic Group 2 "Health, social security and social protection"**

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**Thematic Group 3 "Labour rights"**

▶Article 2§2 - Conclusions 2022

▶Article 4§2 - Conclusions 2022

▶Article 4§3 - Conclusions 2022

▶Article 4§5 - Conclusions 2022

▶Article 29 - Conclusions 2022

**Thematic Group 4 "Children, families, migrants"**

▶Article 19§1 - Conclusions 2019

▶Article 19§11 - Conclusions 2019

## **II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

### **Thematic Group 1 "Employment, training and equal opportunities"**

▶ Law no. 9570 of 3 July 2006 amending the Employment Act defined the aim of employment policies, introduced the concept of access to public employment services and contain a clearer definition of concepts such as "jobseeker" and "employment services".

### **Thematic Group 2 "Health, social security and social protection"**

▶ The Decision of the Council of Ministers no. 742 of November 2003 obliges all enterprises employing more than 15 persons to have an occupational doctor.

▶ Law no. 9774 of 12 July 2007 on the evaluation and administration of noise in the environment was approved.

▶ Law no. 9518 of 18 April 2006 on the protection of minors from alcohol use included measures to raise awareness among young people about alcohol-related problems.

▶ Law of 28 January 2008 created a National Food Authority.

▶ Law no. 9928 of 9 June 2008 established free dental care for children up to the age of 18.

### **Thematic Group 3 "Labour rights"**

▶ Article 151§2 of the Labour Code sets an obligation of three-month notice for termination of fixed-term contracts between three and five years.

▶ Article 181 of the Labour Code provides for the protection of the trade union representatives and Article 202 provides for sanctions in case of violation of the rights provided for in Article 181.

### **Thematic Group 4 "Children, families, migrants"**

▶ Law no. 9034 of 20 March 2003 on the Emigration of the Albanian Citizens for Employment Purposes punishes the spreading of false and unlawful information made for profitable purposes in the field of emigration.

▶ Article 108 of the Labour Code and the Decision of the Council of Ministers no. 397 of 20 May 1996 provide that pregnant women and breastfeeding mothers may not be obliged to start work before 5.00 am (in summer, 6.00 in winter) or work after 8.00 pm.