

Legal News

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I. Law no. 57/2017 "On some amendments and additions in the Law "On labor inspection"

On 20.04.2017 the Albanian parliament approved the law no. 57/2017 "On some amendments and additions in the law no. 9634, date 30.10.2006, "On labor inspection", as amended.

The amendments to the law are published with the Official Gazette no. 102, dated 10.05.2017 and will enter into force 15 days from the publication date.

The legislator introduced important amendments to the law, such as the re-defining of the definition of Labor Inspectorate itself, the provision of a holistic list of applicable legislation in the ambit of labor inspections, etc.

Additionally, the legislator, also, introduced the concept of the informal employment which is considered the employment relationship being not subject to, from a legal and practical point of view, the employment law requirements, tax procedures, and in view of such flaws the employee does not benefit from the rights deriving from such laws.

Another important novelty is the re-formulation of article 15 of the law "Means of enforcement in case of infringement to the employment legislation".

The amended article 15 provides for the competencies of the labor inspectors in the ambit

of inspection activities to be carry out by the same.

Competencies of the inspectors include but are not limited to the review the employment contracts entered into by the employer and its employees, inclusive of powers to order amendments to the contracts being in breach of the law, competencies related to the employment of minors, persons of limited ability, pregnant women, etc.

The same article empowers the inspectors with duties to carry out inspections on health and safety rules at the working place, checking foreign employees are equipped with proper documents, etc.

Pursuant to the amended paragraph 5 of article 22 of the law, the employer, before starting to use the enterprise or a part of it,, as well as in case of changes to the technology, working organization scheme is required to obtain beforehand permission from the inspectorate.

The legislator intervened also into the obligations of employees. The amended article 25 of the law reads that the employee follows the orders and instructions of the employer on health and safety measures at work, make use of the working tools and means individual protection equipment, as well as, actively, takes part in training activities in accordance with the applicable legislation.

The legislator, also, amended article 35 of the law.

Based on the amended article 35 re-named "Urgent Measures", the labor inspector takes urgent measures (i.e. suspension, shutting down the activity, etc.) in case of informal employment, or when in case the working activity presents immediate, serious, inevitable threat to the health and safety of employees and is necessary their evacuation from the workplace.

The urgent measure is considered a supplementary sanction and goes along with the monetary fines applicable to the case.

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