

Albanian labor code is enhanced by new health and safety law

In February 2010 a new law (no. 10237 “On health and safety in working premises”) came into force. This Law intends to better integrate the actual legal environment in relation to security and safety conditions of employees in the working premises. The law stipulates that employers must abide by the mandatory security and safety standards in every working area. Employers must eliminate risk factors and provide training, information and consultation services for their employees.

The Albanian Labor Code (Law no. 7961 dated 12.07.1995 “The Labor Code in Republic of Albania” as amended) is mostly focused and oriented to provide extensive protection to employees in the framework of the employment relationship. It provides for, but is not limited to, the rights and obligations of employer and employees and key features that the employment contract should contain, for the formalities to be observed in the framework of the employment relationship and for the working conditions to be provided to the employee.

The section on working hours and overtime occupies a relevant part of the Albanian Labor Code, so as the section on employment relationship termination which provides for the types of employment relationship recognised by the Albanian Labor Code and procedures to be observed in case of termination of the employment relationship. It is to be noted that not much space is given to the Collective Agreements though some articles provide for its requirements and other issues of termination.

The Albanian Labor code, as well as the employment legislation and practice in Albania are in continuous development. Despite this, the informality of employment relationships remains a constant pressing issue. There are cases where the employment relationship is not governed by an employ-

ment contract between parties, explained Renata Leka and Besa Tauzi, partner and assistant manager at Boga & Associates. “This causes avoidance of responsibilities for the employer and privation for the employee from the rights recognised by the Albanian Labor Code. Further, in the ambit of the recent introduction of the new provisions on health and safety in working premise, there are cases where technical conditions for health safety in the working premises, especially for those areas of business where considered as “risky” i.e. manufacturing, construction activities, etc. as provided under the Albanian Labor Code still need adequate improvements”. However, the new law is expected to provide for a better environment in terms of safety in the working premises.

The employment law team at Boga & Associates advises on all areas of employment law.

“Our firm is mostly engaged in providing legal advice to local and international companies being in the position of employer and in dispute resolutions deriving from employment relationships. When advising our clients or when we are asked to draft the employment contract governing the employment relationship we are strongly committed to ensure full compliance with the labor law by the employer and remind the later compliance with all rights, guarantees and technical conditions required by the Albanian Labor Code to be complied with,” commented Ms Leka and Ms Tauzi.



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