

Albania | Issue 02/10

To keep you up-to-date with the latest economic and financial developments, this bulletin provides information that may affect the operation of your business in Albania

Safety on Working Premises

Starting from February 2010, the safety and health conditions at working premises recognize a better regulation upon introduction of the new law no. 10237 dated 18.02.2010 “*On the Safety and Health in the Working Premises*” (the “**Law**”).

The Law intends to better integrate and harmonize the current legal environment in relation to safety and health conditions during the working activity.

The Law is focused in setting out the mandatory requirements towards employers operating either in private or public sector in relation to the safety and health standards in every working area through measures aimed to prevent the professional risks, eliminate the risk factors and to provide training, information and consultation service for the employees.

General Requirements for the Employer

The employer must periodically inform the employees on any risk they may face in relation to the activity they are pursuing, and should perform the assessment of the risk conditions in order to upgrade and improve the current safety and security conditions.

The employer should ensure the protection of its employees and adopt the security and safety standards to prevent risks and industrial accidents as well

as occupational disease, provide appropriate information and training service etc. In adopting such specific measures, employer must take into consideration the basic principles of prevention such as: avoidance of danger, assessment of non avoidable danger; compliance of the working procedures with the safety and health conditions and with the employees’ needs, compliance of the working process with the technological improvements, substitution of dangerous elements with those representing less risk etc.

In case the capacities of the employer are inadequate or insufficient to organize itself the protection and prevention service, the employer may outsource such services from professional individuals or entities.

Subject to certain personal conditions of the employees, the Law provides for a list of employees considered as “sensitive” towards exposure to risky situations (*likewise pregnant and breastfeeding women, minors and challenged (disabled) persons*). More detailed and appropriate safe working conditions, protection standards and training and information service are set forth for this category of employees.

The Law requires establishment by the employer of an appropriate medical service within the working premises. All accidents, occupational disease or other similar facts are notified to the Employment Inspectorate and Social Security Institute.

General Requirements for the Employees

Employees must immediately inform their employer about potential and real risky situations at working premises. They must follow the safety and health instructions as provided by the employer in relation to the working premises and the use of tools and working equipments.

Supervising and Consulting Organs

The authority in charge of supervising the implementation of the Law is the Labor Inspectorate which has the power to adopt specific measures and to impose administrative fines.

The Law provides for the creation of the Working Safety and Health Council for each enterprise having more than 50 employees or operating in dangerous fields as a consulting body composed by the representatives of the employers and employees and aiming to serve as a periodic consulting table for safety issues.

The Council will have the power to review, assess and also participate in the preparation of the risk prevention programs to be applied in the working premises of an enterprise as well as to suggest and take initiatives on the improvement of the risk prevention procedures. The Council may be established on single professional basis or on inter-professional basis. The rules of organization and functioning of this consultative organ shall be set forth in a forthcoming decision of Council of Ministers

The employer is obliged to implement the proposals issued by the Council in cooperation also with the Labor Inspectorate and the Health Inspectorate.

The Law determines as well the creation of the Inter-ministerial Council for the Security and Health Issues in the Working Premises having powers of advising, recommending and proposing related measures to the Council of Ministers.

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