



Gender Alliance for Development Centre



# Women's Labour Rights in Albania

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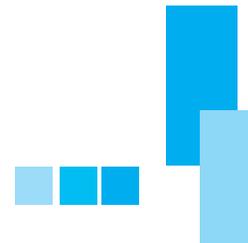
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# LIST OF ABBREVIATIONS



CEDAW Convention Against All Forms of Discrimination Against Women

CIRI Cingranelli-Richards (Human Rights Database)

CPIA Country Policy and Institutional Assessment (World Bank)

DFID Department for International Development

EU European Union

ECJ European Court of Justice

GADC Gender Alliance for Development Centre [Albania]

GEI Gender Equity Index

GEM Gender Empowerment Measure

HDI Human Development Index

ICT Information, Communications, Technology

IDRC International Development Research Centre (Canada)

ILO International Labour Organization



IMF International Monetary Fund  
IPA Instrument of Pre-accession Assistance [European Union]  
IVAWS International Violence Against Women Survey  
LGB Local Governance Barometer  
LSMS Living Standards Measurement Survey  
MDGs Millennium Development Goals  
MICS Multiple Indicators Cluster Survey  
MIPD Multi-indicative planning document [European Union]  
MoLSA Ministry of Labour and Social Affairs [Albania]  
ODI Overseas Development Institute [United Kingdom]  
OECD Organization for Economic Co-operation and Development  
OSCE Organization for Security and Co-operation in Europe  
OPHI Oxford Poverty and Human Development Initiative  
NGO Non Governmental Organization  
INSTAT National Statistics Institute  
OGC Oslo Governance Centre  
PRSP Poverty Reduction Strategy Process/Paper  
UNDAW United Nations Division for the Advancement of Women  
UNDP United Nations Development Programme  
UNECE United Nations Economic Commission for Europe  
UNICEF United Nations Children's Programme  
UNIFEM United Nations Development Fund for Women



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More Omer i nanës-o;  
A thue gjokun me ta prue?  
Dil nji herë për me lodrue  
bjer ndër gurra me u freskue  
kerko majat bashke me zana  
se ty varrin ta ruen nana,  
mori i miri i nanes-o!...

*Vajtimi i Ajkunës – Eposi i Kreshnikëve*





## FOREWORD

**W**hat determines the relative position of women in the labour market? First, one may look at the importance of pre-market productivity and other characteristics, such as the level of education and the field of study (technical fields versus humanities), health status, access to health and child care, or occupational and career preferences (inherited versus acquired through gender stereotyping). Second, one is interested in measuring how women are treated in the labour market relative to men; in particular, are they discriminated against by employers in hiring or promotion and in wage setting?

The quality of employment is a multi-dimensional index influenced by a whole range of components: wages, non-wage benefits, regularity of employment, length and terms of employment contracts, social protection (health, unemployment provisions, pensions), representation (trade union or other forms), working time, intensity of work, occupational risks, participation in decision-making, prospects for career advancement or up-grading of skills, social status attached to a job, and so on.

Women continue to suffer from overt labour market discrimination in many of these respects. Gender-sensitive policies should be designed to help women improve their labour market position; they should aim at more and better jobs, including wider occupational choices, skills development and enhanced demand for female labour, all in the interests



of poverty eradication, enterprise development, crisis response and reconstruction.

Labour is not a commodity, and labour markets are grounded in the social fabric. They reflect human motivation and need, including the need for security and fair treatment. The very purpose of the economic growth is to promote human dignity and quality of life, and the Decent Work Agenda, along with its core labour standards, not only strives to promote human rights but it also is linked to the issue of how labour markets can be made to function most effectively.

The Decent Work Agenda is a balanced and integrated programmatic approach to pursuing the objectives of full and productive employment and decent work for all at the global, regional, national, sectoral and local levels. The goal of promoting decent work can be achieved through a synthesis of four strategic objectives of the Decent Work:

- i. Standards and rights at work that give people the freedom to express their concerns;
- ii. Employment creation and development that provides opportunities for work that is productive and delivers a fair income;
- iii. Social protection that provides security in the workplace and social protection for men and women workers and their families, offers better prospects for personal development, and encourages social integration;
- iv. Governance and social dialogue that enable people to organise and participate in decisions that affect their lives and guarantee equal opportunities and equal treatment for all.

Unable to find up-to-date studies focusing on the implementation of such strategic objectives and the aspects of female and male participation in the labour market, the life-work balance for both genders and the work lives and other very specific issues, a dynamic team of researchers at GADC Tirana decided to take up the challenge. And this publication is the first important step in this direction. It answers many questions that we have often asked ourselves, and we believe we are not the only ones to raise these issues.

Hence, we hope that this publication will help you to gain better insight into issues that are related to equality between women and men in the labour market, provide support for arguments you use and help to promote further women's rights and social inclusion in the Albanian society. Moreover, we will be grateful for any feedback from you; we will be using it in our gender-equality-related work and activities.

*Enjoy reading*

*Gender Alliance for Development Centre*



## EXECUTIVE SUMMARY

The main objective of this study is to contribute in the establishment of a research and advocacy practice dedicated to the support and expansion of the social rights of working women through the enhancement of women's roles in trade union decision-making and the possible review and compliance check initiative focused on the policy and legislative framework for Women's Social Rights in Albania.

When conducting similar practices and exercises, researchers often use sample survey methodology to obtain information about a large aggregate or a population by selecting and measuring a sample from that population. Traditional research procedures compute statistics under the assumption that the sample is drawn from an infinite population by simple random sampling. Generally these procedures do not estimate correctly the variance of an estimator if they are applied to a sample drawn by a complex sample design. Therefore, we are making efforts to have in place procedures that analyze data from complex sample surveys. To select probability-based random samples from a study population, our team used the probability proportional to size (PPS) procedure, which provides a variety of methods for probability sampling.

The principle of parity of women and men occupies an important place in the Constitution of Albania and respective domestic legislation. The Constitution [in Article 18, point 2]



frames the principle of non-discrimination in this way: “No one can be discriminated against for reasons such as, gender, race and religion.” Though the Constitution does not define discrimination expressly, it provides for international agreements in which the State is a party to become part of the domestic legislation and even to prevail over such legislation, when contradictions are implied.

The Albanian literature reports the feminization of poverty in Albania, as statistics show a significant drop in the number of women participating in the labour market since the downfall of communism. The INSTAT data show that whereas 85% of women and 94% of men were employed in 1989, in the post-era the employment levels dropped by 40-50% for both sexes. Women suffered the most during this time and they withdrew from the labour market.

The INSTAT data for 2006 show that male employment rate was 58.8% and female employment was 38.2%, whereas unemployment rate for men was 11.8% and for women was 16.8%.

In general, access to the labour market is difficult for women and even more difficult for the Roma or Egyptian women, middle-aged, disabled or uneducated women. In 2004, 72% of unemployed women had been unemployed for more than a year. The public sector is the largest employer of women at a rate of 43.4%. Women occupy 24.6% of senior level positions and 54% of specialist level positions.

Only 39.3% of the employees within ministries and other central executive institutions are women. The percentage is rather lower in the local governments' administration, rating at 31.6%. The figures are a bit higher in municipalities, where 45.4% of the employees are women, whilst at the communal level the percentage has decreased to 21.9% and at the prefecture level to 24.3%.

The EU progress report for 2008 states that overall, the position of both trade unions and employer organisations continues to be very weak and the social dialogue remains at



an early stage. With regard to the labour and trade-union rights, the absence of a revised labour law is hampering the transformation of the National Labour Council into a National Social and Economic Council and it is delaying the revision of the law denying the right to strike to some state employees, which is not in line with the European Social Charter.

In order to eliminate discrimination in the private sector, the Labour Inspectorate in Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO) conducts monitoring in order to guarantee that the enacted legislation on the working conditions and health insurance is also enforced in the private sector. However, the private sector is less systemized when it comes to the procedures that guarantee compatibility with the anti-discrimination laws. Employment is left frequently to employer's preferences.

As Albania has accepted Article 20 of the revised European Social Charter, equality in employment between men and women is examined in this context. A breach of the non-discrimination principle as laid down in Article 9 of the Labour Code is punishable by a fine amounting to 50 times the monthly minimum wage (Article 202 of the Labour Code). Article 201 of the Labour Code provides for damages to be paid out to employees whose rights have been violated.

Our concern and recommendation is that in order to enable effective access to the justice system, the domestic law must provide for the sharing of the burden of proof to the benefit of the plaintiff in the cases of alleged discrimination.

With regards to the contractual terms, 30% of the respondents employed in the private sector report that they do not have a signed contract for their job whilst 15% of those employed in the public sector confirm to be under open procedures of finalising a contract with their employer. In both sectors, private and public, the majority of the employees are bound by individual contracts, respectively 90% in the public sector and 87% in the private sector. Seventy-two percent of the respondents in the public sector are contracted under undetermined contract duration, while only 3% of them have fixed-term contracts.

In the private sector, the figures vary from 56% with undetermined contract duration, to 17% with fixed-term contracts.

The working conditions are confirmed as safe by 70% of the respondents, while only 3% of them reported unsafe working conditions in the public sector. Nine percent of the respondents from the private sector considered the working conditions as unsafe and 60% of them as safe.

Women, thus, face a double bind in their efforts to achieve workplace equality. On one hand, the traditional gender ideologies prevented them from entering those occupations that paid well; they were pushed into other less well-paying sectors of the economy. On the other hand, when they enter those well-paying sectors, they are prevented from moving up.

- National-level analysis of how existing labour legislation can be extended to cover different groups of informal workers and where new legislation may be required, and also an analysis of the gendered implications of which labour standards and rights are more likely to be monitored and enforced than others in particular national contexts;
- Development of strategies for improving the enforcement of gender-relevant legislation and directives with respect to the informal economy (including the development of appropriate indicators and monitoring processes);
- Compiling of good practices of labour legislation, which focus specifically on excluded workers, such as domestic workers, and analysis of reasons for success and possibilities for replication. This should include an analysis of the implementation of the laws as well and with particular reference to the role of the labour inspection;
- In terms of business regulations, assess the obstacles the women face in starting up their own businesses.



## Introduction: Women's rights in Albania

This study focuses on women's rights in the formal sector in Albania wherein they are entitled to rights derived from the Albanian legislation mainly related to the following:

- The right to equal pay for equal work, level of expertise, experience, seniority and education;
- The right to equal treatment at the workplace (employment, training opportunities and working conditions);
- The right to social and health insurance access and means.

A progress report issued by the European Commission in November 2008 tracking Albania's harmonisation and implementation process of the EU acquis and relevant policies emphasizes that some progress is made towards strengthening women's rights in Albania. The law on Gender Equality adopted in July 2008 completes the legal framework with regard to equal rights granted to men and women in employment, education, decision-making, against discrimination and sexual harassment. The law on Gender Equality defines clearly the authorities responsible for the enforcement and monitoring of gender equality and their respective functions in the labour relations.

The law focuses specifically on the protection and equal gender treatment in labour relations focusing on the elimination of gender discrimination in job advertisements. It also ensures equal job application opportunities and recruitment process to ensure gender balance in job positions, provide equal working conditions and equal opportunities for their professional development. The law provides for equal criteria for job performance and equal pay for equal work and foresees measures for preventing sexual harassment at work.

In addition, in December 2007 the Government of Albania endorsed the National Strategy on Gender Equality and Eradication of Domestic Violence along with a three-year action plan which aims to:

- 
- a. Achieve gender equality in Albania through mainstreaming the gender perspective into all aspects of policies developed and applied. This means equal participation by women and men in the social, economic and political life of the country, with equal opportunities for them to enjoy all rights and to place their individual potential at the service of society;
  - b. Improve protection, performance of the judiciary system and support for the victims of domestic violence, and focus more specifically on prevention by tackling the root causes of domestic violence and abuse.

## WHAT ARE THE WOMEN LABOUR RIGHTS?

### 1. Definition of labour rights

The labour rights or workers' rights are a set of legal rights and claimed human rights defining labour relations between workers and their employers, usually obtained under labour and employment law and which mainly relate to negotiating workers' pay, benefits and safe working conditions.

#### 1.1 Core labour rights

Each country has defined its own labour legislation based on the International Labour Organisation (ILO)'s standards set out in the Declaration of the Fundamental Principles and Rights at Work. These are known as core labour standards, which are universally applicable, and are composed of qualitative, not quantitative standards and do not establish a particular level of working conditions, wages or health and safety standards at the international level. The core labour standards are promoted as the universal minimum standards of workers' rights. They are:

- Freedom of association: workers are able to join trade unions that are independent of government and employer influence;
- Right to collective bargaining: workers may negotiate with employers collectively

- 
- as opposed to individually;
  - Prohibition of all forms of forced labour: includes security from prison labour and slavery and prevents workers from being forced to work under duress;
  - Elimination of the worst forms of child labour: implementing a minimum working age and certain working condition requirements for children;
  - Non-discrimination in employment: equal pay for equal work.

The establishment of the human rights-based approach to development in a country requires a review of the human rights situation guaranteed by the international standards (ILO), including labour rights. It is also important to take into consideration that human rights are based on two principles: the principle of equality, in particular between women and men, and the principle of prohibition of any form of discrimination, including gender-based discrimination.

## 1.2 Voluntary schemes and Corporate Social Responsibility

Corporate Social Responsibility (CSR) refers to the ethical behaviour of businesses towards its constituencies or stakeholders, (women) employees being one of them. CSR is a voluntary scheme based on core labour standards, but it goes beyond them by offering improved working conditions and attractive benefit packages to employees and their families, mainly related to additional health and life insurance, retirement matching funds or professional training and coaching and life-long learning programs.

## 2. EU definition/policy on labour rights and equal opportunities and discrimination

The first question to arise when studying the principle of non-discrimination in a given legal order is its relationship to the principle of equality. Generally speaking, equality and non-discrimination are positive and negative statements of the same principle. One is treated



equally when one is not discriminated against and one is discriminated against when one is not treated equally.

From its inception, the European Union Member states considered that the basic social right to vest to the definition of ‘common market’ was the freedom of the movement of labour. Today every EU citizen is entitled to taking up and pursuing employment in the territory of another member state under the same conditions as the citizens of the host state (EU Treaty, Article 1 and Regulation 1612/68).

A host state may only exclude an individual when there is evidence that his/her personal conduct poses a present threat to the public order. The host states may, however, impose conditions relating to the linguistic competence when this is directly relevant to their employment (ECJ case reference C-397/87).

Since 1969 (*Strauder v City of Ulm*) a ‘de facto’ body of general human rights principles has been introduced by the European Court of Justice (ECJ) to avoid clashes with national constitutional rights when making decisions.

The European Union law has always entailed both a general principle of equality before and in the law and a general principle of non-discrimination as two faces of the same coin<sup>1</sup>. The EU fundamental principle of equality, which is a non-written and general

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<sup>1</sup> See Joined Cases 117/76 and 16/77, *Albert Ruckdeschel & Co. and Hansa-Lagerhaus Stroch & Co. V Hauptzollamt Hamburg-St. Annen*; *Diamalt AG v Hauptzollamt Itzehoe* [1977] ECR 1753 at para. 7: ‘This does not alter the fact that the prohibition of discrimination laid down in the aforesaid provision is merely a specific enunciation of the general principle of equality, which is one of the fundamental principles of community law. This principle requires that similar situations shall not be treated differently unless differentiation is objectively justified.’ See Case C-147/ 03, *Commission of the European Communities v Republic of Austria* [2005] ECR I-5969 at para. 41. See Anardottir, *supra* n. 19 at 8; and Martin, *supra* n. 5 at 515^20.

principle of the EU law, finds many further expressions i.e. the non-discrimination principle(s) in the primary and secondary EU law<sup>2</sup>.

This is the case, for instance, with the prohibition of discrimination on grounds of nationality (Article 12 of the Treaty establishing the European Community (EC)) or the principle of equal pay for equal work (Article 141 EC). It has recently been guaranteed expressly, however, in a quasi-constitutional manner in Article 20 of the EU Charter of Fundamental Rights, while Article 21 of the EU Charter protects the principle of non-discrimination<sup>3</sup>.

The complementarities and interdependence between the principles of equality and non-discrimination in EU law have been confirmed in the case of the prohibition of gender discrimination, which is defined by Article 2(1) Directive 76/207/EEC as follows: “the principle of equal treatment shall mean that there shall be no discrimination whatsoever on grounds of sex either directly or indirectly by reference in particular to marital or family status.”

In any case, the relationship between equality and non-discrimination remains ambiguous in EU law to the extent that, in the absence of a specific principle of non-discrimination, the principle of equality could not until recently be invoked directly in a case of discrimination<sup>4</sup>.

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<sup>2</sup> See also, Lenaerts, ‘L’egalité de Traitement en Droit Communautaire ^ Un Principe Unique aux Apparences Multiples’, (1991) Cahiers de Droit Européen 3.

<sup>3</sup> The Charter was re-promulgated on 14 December 2007 (with the revisions to the horizontal clauses adopted by the 2004 Treaty, establishing a Constitution for Europe) and it will become binding when the 2007 Lisbon Treaty enters into force (OJ 2007/C 303/01). See Bell, ‘Equality and the European Union Constitution,’ (2004) 33, Industrial Law Journal, p. 242.

<sup>4</sup> See Martin, supra n.5 at 515^29. Compare, however, Case C-144/04, Werner Mangold v Rüdiger Helm [2005] ECR I-9981 at para.75; and Case C-300/04, Eman and Sevinger v College van burgemeester en wethouders van Den Haag [2006] ECR I-8055 at paras 57^8. See the discussion of the prohibited grounds of discrimination in the EU law, subsequently.



What we should consider as an important phenomenon is *the direct effect of EU law*, which gives individuals the power to claim rights conferred directly by EU treaties, regulations, decisions and directives (after their effective date) even if their member states have failed to introduce them into domestic law (Frankovitch case) or have not implemented them correctly (Factortame case). These rights may be claimed by an individual in relation to the state and related public bodies (vertical direct effect), or in relation to another individual (horizontal direct effect), because they are also subject to the same overarching framework of EU rules. However, the ECJ has been reluctant to rule in favour of horizontal direct effect in the application of directives.

The issue of justiciability and enforcement of EU law remains an open question with regard to the much wider range of fundamental labour rights contained within the Community Charter of the Fundamental Social Rights of Workers, as adopted by the European Parliament in 2007. The justiciability of the EU Charter's fundamental individual and collective rights is one option open to the ECJ in order to strengthen the enforcement of EU norms in the field of employment and industrial relations. This is part of the constant evolution of the doctrine by the ECJ faced with euro-litigation strategies: the use of EU law in litigation in order to achieve objectives in the employment and industrial relations fields.

### **3. Overview of women's situation in the global and domestic labour markets**

A growing body of literature in organization theory has explored the interrelationship between gender and organizations and gender and the labour market. The theoretical starting point is that in the bureaucratic hierarchies, men occupy positions at the top and women are concentrated at the bottom.

ILO research has found that approximately half of the world's workers are in sex stereotyped occupations, where one sex predominates to such an extent (representing at least 80%) that these occupations could be considered male or female (Wirth, 2001, p. 10). This has resulted in men and women being streamed into different trades, professions and jobs, a phenomenon which is often referred to as horizontal segregation.



Not only men and women have different jobs, but there are also differences in the extent to which they are represented in the hierarchy of positions within these jobs. Even in occupations dominated by women like health and education, men usually occupy the “more skilled,” responsible and better-paid positions and this is known as vertical segregation.

In overall, despite the progress made worldwide in the feminization of the labour force, women are still concentrated in the most precarious forms of work throughout the world, where male and female jobs are organized according to different principles regarding pay, working time and integration into career ladders and organizational structures. Important factors that influence occupational segregation are promotion paths, selection mechanisms, informal interaction and work place dynamics between women and men along with societal attitudes towards men and women, men’s role as family breadwinner and women’ role as family caretaker.

The challenges for women in the world of work often revolve around balancing work and family commitments. Due to these factors, women often experience a “sticky floor” and too rarely break through the “glass ceiling,” which refers to the vertical segregation, where recognition of factors such as skill levels, responsibility, pay, status and power are crucial to accessing management positions. “Glass ceiling” is a term coined in 1970 in the US to describe the invisible artificial barriers, created by attitudinal and organizational prejudices, which block women from senior executive positions. Whether this glass ceiling occurs in the workplace or in politics it is essentially a reflection of the social and economic gender inequality.

With the achievement of educational parity and changes in the social attitudes towards men and women, it had been assumed somehow that women would quickly move up the career ladder, but this has proved hard to achieve. In addition to the above challenges, women face sexual harassment at the workplace, which many studies consider as a problem in the employment relationships by undermining the productivity and dignity of the victims.



The gender division of time between work and family is probably the most significant gender issue of all and explains many of the differences between the work patterns and job types of men and women. Time-use studies show that women work longer hours than men in nearly every country. According to a 1995 UNDP Report, two-thirds of women's work is spent on unpaid activities (family care) and one-third on paid activities (work), while the opposite is true for men (Wirth, p. 16).

The promulgation of equal opportunity laws worldwide have lessened institutional discrimination, and in the recent years women's working lives have become characterized by more continuous labour force participation, but gender inequalities persist due to the factors mentioned above. Women have entered many professions previously reserved for men and their earnings have become an essential part of the household income, but the pay gap between men and women is on average at a rate of 30% at the global level. Even though some advances have been made towards wage equity, women still earn 50-80% of men's wages (ILO, 1995, p. 12, Gender, Poverty and Employment, Turning Capabilities into Entitlements).

#### 4. Women's situation in the labour market in Albania

The Albanian literature reports the feminization of poverty in Albania, as statistics show a significant drop in the number of women participating in the labour market since the downfall of communism. The INSTAT data for 1989 show that whereas 85% of women and 94% of men were employed, the post-era employment levels dropped by 40-50% for both sexes. During this time women suffered the most and withdrew from the labour market.

The INSTAT data for 2006 show that male employment rate was 58.8% and female employment was 38.2%, whereas unemployment rate for men was 11.8% and for women was 16.8% (Femra meshkuj 2006, INSTAT, p. 7).



The main reasons contributing to women's employment decrease during the transition period are related mainly to:

- a. closure of many industrial activities providing massive employment for women;
- b. orientation of new business activities towards trade and construction by providing more employment for men;
- c. rural-urban migration, which raises barriers for women to enter the urban labour market due to low level of education and technology use.

Women's participation in the labour market is one of the main indicators of women's empowerment, but on the other hand it is important to consider the indicator of the level of participation in the labour force. The INSTAT data for 2006 show that women account for 45.9% of the active labour force and men for 66.5%, which means that for every 100 females 54 are inactive or that the ration is twice as few women as men (out of 100 males only 33 are inactive). (Femra meshkuj 2006, INSTAT, p. 6).

Access to the labour market is difficult for women and even more difficult for the Roma or Egyptian women, middle-aged, disabled or uneducated women. In 2004, 72% of unemployed women had been unemployed for more than a year (WB, Labour market Assessment, 2006, p. 79).

The public sector is the largest employer of women at a rate of 43.4%. Women occupy 24.6% of senior level positions and 54% of specialist level positions (Femra meshkuj 2006, INSTAT, p. 6).

Only 39.3% of the employees within ministries and other central executive institutions are women. The percentage is rather lower in the local governments' administration, rating at 31.6%. The figures are a bit higher in municipalities, where 45.4% of the employees are women, whilst at the communal level the percentage has decreased to 21.9% and at the prefecture level to 24.3% (Femra meshkuj 2006, INSTAT, p. 7).



Seventeen percent of the business managers and owners are women vis-à-vis 83% who are men. Their businesses are located mainly in the big urban areas like Tirana, Durrës, and Elbasan and cluster around service sectors such as, legal counselling, public notaries, dentistry, pharmacy, hairdressing, or manufacturing (Metani, Omari, p. 20).

The public sector and private sector mentioned above refer to the formal labour sectors where employment relationships are regulated by law and women benefit from social insurance scheme, which include contributions for health insurance, pension fund, unemployment benefits, compensations for professional diseases or accidents at work or disability incurred at work as well as paid maternity leave. The social insurance scheme provides for both employers and employees to contribute an established percentage of employees' wage (30% by employer and 11% by employee).

Most women are either self-employed in the non-agricultural sector in the urban areas (15% women versus 31% men) or are employed in the informal sector (15% women versus 27% men) and do not benefit from any social insurance scheme, which makes them socially and financially vulnerable in case of health problems, accidents at work, unemployment, retirement, or pregnancies (WB, Labour Market Assessment, 2006, p. 79).

The informal sector is a dominant feature of the Albanian economy and vital for the wellbeing of the Albanian families, as it provides household incomes, but it is closely correlated with low income, poverty and social vulnerability.

According to surveys carried out by INSTAT (LSMS 2002, 2003 and 2004) men are better paid than women in all sectors. Women's salaries are 35% lower than men's as related to job position, age, education and other characteristics (Sectoral Strategy on Employment and Vocational Training, 2007-2013, p. 25). Only in the public sector the wage difference is not significant.

Several studies conclude that women in Albania have to deal with sexual harassment at the workplace, but have difficulties to quantify them for several reasons due to mentality, taboo issues, but also lack of legal mechanisms to report and remedy at the workplace.



The high level of unemployment among women, low education level, lack of training opportunities, gender-based discriminatory attitudes, poor access to resources and other entitlements/property and women's work at home as an integral element of the productive system all contribute to a disadvantaged unequal position of women in the labour market vis-à-vis men.

## 5. Actors involved in women's rights enforcement and monitoring at national level

There are a number of actors involved in women's rights formulation, enforcement and monitoring at the national and local level ranging from governmental institutions, businesses, civil society, media and donors' community.

### 5.1 Governmental institutions at central and local level

The Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO) is the responsible authority at the central level for ensuring gender equality in Albania, women's empowerment and advancement. MOLSAEO is responsible for enforcing and monitoring the implementation of Gender Equality Law in labour and employment relations.

The Ministry supervises and monitors the work of its subordinate institutions in charge of labour relations, which have regional offices as well performing the following main functions:

- National Employment Service observes the implementation of measures concerning equal opportunities policy in employment and vocational training process and alternatives;
- Labour Inspectorate is responsible for monitoring employment contractual conditions, gender parity, social and health and safety norms applied for employees in the public or private sector. The inspectorate has developed some basic monitoring standards concerning corporate social responsibility.



In particular, MOLSAEO is aware of the need to strengthen governmental mechanisms for gender mainstreaming. Since 2006, MOLSAEO has carried out the work on gender through the Section of Gender Equality within the Directorate of Equal Opportunities (DEO). DEO's mandate is to design and develop policies for promoting gender equality and addressing problems of ethnic, ethno-cultural and linguistic minorities, as well as fighting racial discrimination. DEO works to encourage and promote gender equality in all walks of life and to increase the overall participation of women in the economic, political and cultural life of the country.

Since 2006, progress has been made at the central and local levels with the appointment of gender focal point (GFP) in 14 line ministries, which contribute in mainstreaming gender in the sectoral development policies.

In the Parliament, a sub-Committee for Minors and Equal Opportunities was established within the parliamentary Commission of Work and Social Issues. The sub-committee cooperates with MOLSAEO on issues of gender equality and children's rights.

In addition, GFPs are appointed at the regional and local levels: 12 within prefectures and 58 in municipalities and they are involved in developing policies by ensuring gender mainstreaming mechanisms at the local level. The network of GFPs is supposed to support DEO in integrating a gender perspective into governmental policies at the national and local level.

The Regional Gender Focal Points are the key actors in providing technical assistance to the local government units to be particularly responsive to the actual needs of women and men by mainstreaming gender in all policy and programme areas and ensuring that the planning and implementation of gender responsive policies take place at the local level.

The implementation of labour relations at the local level is closely monitored and supervised by the Regional offices of National Employment Service, State Labour Inspectorate and State Social Service.

## 5.2. Role of other actors: Private sector

The private sector operators provide for over 80% of the overall employment and mainly operate in the following sectors (Hadëri, Labour Market Assessment in the North of Albania, 2008).

Light industry (textile industry 40%)

Construction sector 25%

Trade 18%

Albania has about 87,484 enterprises as per data provided by INSTAT in 2007 and the majority of them are small and medium enterprises. Only 1% of them represent large enterprises with over 80 employees.

The main challenge of the private sector is the formalization of the labour relations, where collective contracts are missing in most of the private businesses. The high cost of social insurance obliges the businesses to offer low wages to employees to set off labour costs or hire them on full-time or part-time agreements where social insurance costs are not paid. This affects employees' social benefits and deprives them of their labour rights as provided in the Labour Code. The group mostly affected in this category are women.

The well-established companies in the communication or banking sector, which are affiliates of international companies, grant to their employees additional benefits as part of their Corporate Social Responsibility Policy besides their compliance with the provisions of the Albanian law. The women employees at the Reiffeisen Bank benefit full monthly pay for the five first months of their maternity leave. In addition, all employees receiving up to 35,000 ALL per month are reimbursed the flat tax, where the majority of them are women (UNDP Baseline Study on CSR Practices in Albania, 2008, p. 24).



Other companies like NCB, Banca San Paolo Intesa, Albtelecom offer to their employees, career development opportunities, professional development training, special bonus pension schemes, family leisure activities or other bonuses improving their working and living conditions.

### 5.3 Role of civil society

During the years 1994-1996, the women's movement became dynamic and many NGOs were set up to protect women's rights in the context of political, social and economic transition that Albania was going through. According to the records of Gender Alliance Centre there are 110 registered NGOs working on women's issues, including human rights, family issues, social services counselling, training and support services. (NGO Report on the Situation of Women and Girls in Albania, p. 57, 2006).

Some of women's NGOs have joined the Coalition for the Preparation of the Alternative Reports in Albania for the UN Conventions, CEDAW included and in addition coordinate the response of NGOs when dealing with cases of human rights violations. Women's associations carry out research work on women's economic and social rights issues, collect data and provide policy recommendation to relevant governmental authorities. They contribute to the capacity building of governmental authorities, women and media and are advocates of women's rights in public.

They are key actors for monitoring and evaluating projects, programmes and policies for women's empowerment and their advancement in the labour market and decision-making and serve as feedback mechanisms in the policy re-formulation process. Women's NGOs have been active actors in drawing up the National Strategy on Gender Equality and Domestic Violence and National Strategy on Social Cohesion.

Women NGOs contribute in providing vocational training courses to women to start up their businesses in the service sector like: hairdressing, tailoring, handicrafts or agro-processing industry in the rural areas. This has led to the strengthening of the economic

and social situation of women, but also has enhanced the partnership with the local government to create an enabling environment for such initiatives.

## 5.4 Role of trade unions

Sixty trade union federations are registered at the Ministry of Labour and Social Affairs, but the majority of them are affiliated with the two large confederations: the Union of Independent Trade Unions of Albania (BSPSH) and the Confederation of Trade Unions of Albania (KSSH).

The trade unions have the merit of establishing the tripartite dialogue through the National Labour Council in 1996 and they have contributed to establishing the minimum wage, the pyramid of salaries in the public sector, pensions and other income.

In Albania, the trade union activities have contributed to the tripartism, which is indispensable to the signing of collective agreements. It must be emphasised that the level of employee coverage in the collective agreements is at the low level of 29% in Albania, while in other EU countries it goes to up to 98%.

This shows that the majority of employees in Albania do not benefit a collective contract and are at the mercy of employers (SEER Southeast Europe Review for Labour and Social Affairs, Issue: 02/2002, pp. 87-93, on [www.ceeol.com](http://www.ceeol.com).)

The EU progress report for 2008 states that overall, the position of both trade unions and employer organisations continues to be very weak and the social dialogue remains at an early stage. With regard to the labour and trade-union rights, the absence of a revised labour law is hampering the transformation of the National Labour Council into a National Social and Economic Council and it is delaying the revision of the law denying the right to strike to some state employees, which is not in line with the European Social Charter.



## 5.5 Role of donor agencies

In order to further the gender equality goals, MOLSAEO, DEO and the Section on Gender Equality in particular have received a significant technical support by UNIFEM Country Program, OSCE, UNDP, ILO, Austrian Development Agency and USAID.

The support has contributed to the technical assistance in the development of the National Strategies on Gender Equality and Domestic Violence, Employment and Vocational Training Strategy, capacity building of the public officials for gender mainstreaming in the public policies, CSOs, legal assistance for Gender Equality Law and promotion of gender equality for the public at large.

ILO has made a significant contribution in promoting core labour rights, strengthening capacities of existing trade unions in protecting employees' rights and promoting and institutionalizing social dialogue and tripartism.

## 5.6 Role of media

The media provides public information and plays a monitoring role in the situation of women in the labour market, the practical enforcement of their rights, working conditions, issues of gender discrimination at the workplace and even reports cases of sexual harassment.

# CONDITIONS FOR EFFECTIVE ENFORCEMENT OF WOMEN'S LABOUR RIGHTS

## 1. Basic Enabling Conditions

First and foremost, the women's rights discourse is built on respect for and implementation of equality and freedom of association. These are multi-faceted concepts, and may include:

- Freedom of movement;
- Employment and remuneration;
- Improvement of living and working conditions;
- Social protection;
- Freedom of association and collective bargaining;
- Vocational training;
- Equal treatment;
- Information, consultation and participation for workers;
- Health protection and safety at the workplace;
- Protection of children and adolescents;
- Elderly persons;
- Disabled persons;
- EU standards (implementation).



## 1.1. Legal framework

The principle of parity of women and men occupies an important place in the Constitution of Albania and respective domestic legislation. The Constitution [in Article 18, point 2] frames the principle of non-discrimination<sup>5</sup> in this way: “No one can be discriminated against for reasons such as, gender, race and religion.” Though the Constitution does not define discrimination expressly, it provides for international agreements in which the State is a party, to become part of the domestic legislation and even to prevail over such legislation, when contradictions are implied.

In addition to this, the Labour Code contains a more detailed definition of discrimination in employment relations, whereas during recent years (2003-2007), there was no legislative initiative recorded to review the respective definition in the Labour Code, with regards to the gender balance. Article 9/1 of the Labour Code prohibits all forms of discrimination at work and in profession, whereas paragraph 2 of this article provides for definition of discrimination in employment relations, pursuant to which, “Discrimination is the distinction, exclusion, or preference made on the basis of race, colour, sex, age, faith, political opinion, ethnic belonging, or social origin, physical or mental impairment that infringe the right of the individual to be equal in employment and training.”<sup>6</sup>

The law “On Gender Parity in Society” was adopted in its first version on 01.07.2004. It also gives a definition of the gender discrimination as “violation of equal rights for women and men,” or states that “discrimination is the active or passive action that expresses under valuation, disdain, limitation to rights or privileges, because of the person’s sex.” In order to achieve gender parity standards in accordance with the international documents

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<sup>5</sup> Since the UN CEDAW Convention is automatically implementable, then the definition of discrimination in Article 1 of this Convention was used to complete the respective laws and provisions with the meaning of gender discrimination.

<sup>6</sup> See ILO Convention provisions, No. 111



and to make the above law applicable in practice, a review process was started in 2006. The general principles of the enacted Law state that this Law is based on the principle of parity and non-discrimination and on other principles sanctioned by the Constitution of the Republic of Albania (RA), by the Convention “On Elimination of all Forms of Discrimination against Women” and by other international acts, ratified by the RA.

Aiming at achieving the most contemporary standards on gender parity, the review of this Law was proposed and this caused the drafting of the new bill, “On Gender Parity in Society,” which took effect only in 2008. This bill gives a fuller definition of gender discrimination being in full accordance with the definition of discrimination given by CEDAW. The definition of discrimination pursuant to the new bill is formulated as follows: “Discrimination on grounds of gender is every distinction, exclusion or limitation on gender grounds, the purpose or consequence of which is the harm, non-recognition, non-enjoying and non-practice in an equal way by each gender of human rights and freedoms, provided for in the Constitution and the laws in political, economic, social, cultural and civil fields”.

## 1.2. Improvements in legislation and secondary legislation and other specific measures for elimination of women’s rights infringements

In the recent years, the Albanian legislation, especially the criminal legislation has changed in a progressive and qualitative way, including in its content the different international acts, in which Albania is a party and the continuous approximation process with the European Union’s acquis. The Albanian official institutions, in particular the Ministry of Justice, Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO), Ministry of Education, etc, undertook legal initiatives to improve the legal framework that guarantees women integrity, gender parity, and concrete measures for the social cohesion in Albania.



In addition to the national legislation improvements, Albania ratified a number of international acts during the period 2003-2006, which intend to eliminate discrimination against women. Some of these international instruments are listed below:

- Protocol No. 12 of the European Convention “On Protection of Fundamental Human Rights,” ratified by Law No. 9264, dated 29.07.2004, the focus of which is the prohibition of discrimination in general;
- Optional Protocol of the Convention “Against Severe Inhuman or Degrading Torture and Treatment,” ratified by Law No. 9094, dated 03.27.2003;
- European Convention “On Compensation of Victims of Violent Crimes,” ratified by Law No. 9264, dated 29.07.2004;
- Convention of the European Council “On Measures against Trafficking of Human Beings,” ratified by Law No. 9642, dated 20.11.2006.

The adoption of Law No. 9118, dated 01.07.2004 “On Gender Parity in Society” marked a positive step in drafting the new legislation on gender parity. Though, this was a good initiative on women’s rights enforcement, the respective practice showed that the law had a number of gaps, among which, we may mention: the failure to complete its functions, the ambiguities it created in the former Committee for Gender Parity or its failure to issue secondary legislation.

In order to further improve the existing legislation, the Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO), as the responsible authority for gender parity issues as stated above, committed itself to review the Law “On Gender Parity in Society,” and to draft the new bill (No. 9198, dated 10.07.2004), according to the decision taken in the meeting of the Inter-ministerial Committee on Gender Parity. The new law was drafted as a necessity to guarantee equal opportunities between men and women, with the purpose of eliminating direct and indirect discrimination, based on gender and the public life of the country. The initiative for this review was undertaken by various actors, one of which was the Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO)



and to this end, legal and gender experts conducted work supported by OSCE and UNDP.

The draft law was reviewed by the Council of Ministers in January 2008 and it was further discussed in the Parliamentary Committee for Health, Labour and Social Affairs. Changes were made to the presented draft, especially with regards to the equal gender representation, by providing for representation percentage/quota (Article 20). The bill was adopted and promulgated by a presidential decree No. 5850, dated 30.7.2008.

The main purposes of this law are the protection of citizens from any form of discrimination made because of gender and the guarantee of equal possibilities and opportunities for men and women to achieve the highest standards in the field of gender parity. These shall be achieved especially through the improvement of functions in the field of gender parity which this law will complete and by strengthening the institutional mechanisms that will implement the deriving legal framework. The law introduces new definitions such as the ones on gender discrimination, gender integration and percentages and it gives a fuller definition of sexual harassment in the working place and other harassments.

The Labour Code also contains specific sanctions regarding employees' rights at the workplace. Article 9, paragraph 1 prohibits any form of discrimination in employment and professional activity, without specifying the employer, which may be a public institution or a private subject. The discrimination may be sanctioned in virtue of the respective provisions, at the maximum limit of up to 50 monthly minimum wages.

In order to eliminate discrimination in the private sector, the Labour Inspectorate in Ministry of Labour, Social Affairs and Equal Opportunities (MLSAEO) conducts monitoring in order to guarantee that the enacted legislation on the working conditions and health insurance is also enforced in the private sector. However, the private sector is less systemized when it comes to the procedures that guarantee compatibility with the anti-discrimination laws. Employment is left frequently to employer's preferences. The infringements of the non-discrimination principle at the workplace are the subject of the sanctions set forth by the Law



which imposes a fine of up to 50 times the minimum wage (Article 202 of the Labour Code). Some of the main provisions of this Code are: Article 10 “Participation in Trade Unions,” Article 32/1 “Employers Obligation to Observe and Protect Employees Personality,” Article 32/2 “Prohibition of Sexual Harassment,” Chapter 8, Articles 39-75 “Health and Insurance in the Working Place,” Chapter 9, Articles 76-97 “Working Hours and Paid Leave,” Chapter 10, Articles 98-108: “Special Protective Measures for Women and Children” and Chapter 11, Articles 109-134: “Remuneration.”

The Code of Administrative Procedures, which is binding for all the public administration bodies, during the exercise of their functions through individual acts, sanctions the general administrative activity principles, like legality, protection of public interest and privacy rights, access to official documentation, accountability, justice and objectivity, impartiality, parity and proportionality.

Article 1 of the Civil Code provides for every natural person, who enjoys full and equal capacity, to have civil rights and obligations within the limits provided for by the law, without conditioning the enjoyment of civil rights, due to ethnic belonging or social origin, and without providing for special preferences based on race, colour, sex, age or faith.

The Civil Procedural Code also provides for the binding obligation of having equal and same regulations for adjudicating civil disputes related to it, without conditioning the enforcement of these regulations for individuals, on the basis of gender, age, ethnicity or race.

The new Family Code was adopted after several years of extensive work through Law No. 9062, dated 08.05.2003. In the definition of the marriage, the Family Code states the moral and legal parity of spouses as a basic important life principle. Likewise, it is worth pointing out that the Albanian legislation addresses the violence on gender grounds in particular, including also domestic violence.

### 1.3. Difficulties in enforcing women's labour rights

Article 9 of the Albanian Labour Code prohibits discrimination in employment on grounds of race, skin colour, sex, age, religion, political beliefs, nationality, social origin, family relations or physical and mental disabilities. Differences, distinctions, exclusions or preferences required by a particular occupation are not considered to constitute discrimination.

As Albania has accepted Article 20 of the revised European Social Charter, equality in employment between men and women is examined in this context. A breach of the non-discrimination principle as laid down in Article 9 of the Labour Code is punishable by a fine amounting to 50 times the monthly minimum wage (Article 202 of the Labour Code). Article 201 of the Labour Code provides for damages to be paid out to employees whose rights have been violated.

Our concern and recommendation is that in order to enable effective access to the justice system, the domestic law must provide for the sharing of the burden of proof to the benefit of the plaintiff in the cases of alleged discrimination.

Furthermore, Article 1 and 2 of the European Social Charter stipulate that the remedies available to the victims of discrimination must be adequate, proportionate and persuasive. We, therefore, consider that the imposition of predefined upper limits for the compensation that may be awarded is not in line with the European Social Charter, as in certain cases it may preclude damages, which are commensurate with the real loss and damage, from being awarded; and these limits may not be sufficiently persuasive for the employers.

## ASSESSING WOMEN'S LABOUR RIGHTS IN ALBANIA

The main objective of this study is to contribute to the establishment of a research and advocacy practice dedicated to the support and expansion of the social rights of working women through the enhancement of women's roles in trade union decision-making and the possible review and compliance check initiative focused on the policy and legislative framework for Women's Social Rights in Albania.

The intended result is to obtain a clear and coherent picture of the situation of women and their social and economic rights with particular focus on labour relations in Albania. Designed as an independent civic initiative, this research study can be considered a pioneering experience. The study implies a review of the domestic legislation vis-à-vis the standards imposed by the European Union and the International Labour Organisation, a review of the enacted regulations and policies, as well as data analysis and in-depth interviews with key actors.

Some of the main issues the study focused on are:

- Gender differences in the decision-making levels of employment and in the hierarchical structure of the workplace in general;
- Promotion of the decision-making role;
- Access to information and vocational training;

- Educational and qualification level of both men and women employees;
- Level of employees' knowledge of their economic and social rights.

## 1. Methodology

### 1.1. Reasons for selected specific areas

This study was conducted over a five-month period, between March and July 2009. In order to obtain a clear picture of the critical issues, the team of experts consulted a number of publications such as, studies, research and policy papers, analytical reports and legal research analysis that focus on specific topics of employment, socio-economic rights and equal opportunities, which are relevant to the main goal of the study: women's labour rights in Albania - current state of affairs. The main methodological instrument applied to collect the data was a survey based on a predefined questionnaire. The questionnaire was adopted to serve the assessment of the quantitative data collected.

In fact, the survey was pre-tested in some enterprises in order to improve and outline the final draft of the questionnaire. The questionnaire consisted of 34 multiple-choice questions. The questionnaire was built upon specific thematic headings to facilitate relevant data collection. The first part was limited to generalities i.e. the respondents confirmed their gender, age, relationship with the head of the household, civil status and education. This part of the information enabled the measurement of the representation level of the targeted areas, which was acquired through the sampling model applied against country's population data and the comparison of study results with those acquired at the national level such as, studies based on LFS or LSMS data.

The second part was designed to collect data on specific employment circumstances and conditions of each respondent [female] such as: employment relations, sector involved, position and professional background. The third part consisted in collecting data on labour rights and work safety. These data would build the ground for women's labour



rights analysis in Albania. The fourth part of the questionnaire was designed to collect data on career and professional development opportunities.

Besides the quantitative data analysis the team was also involved in qualitative data analysis. To achieve this, a number of semi-structured interviews were conducted with the human resources experts, managers, company owners and shareholders in the specific targeted areas. The interviewees were not involved in the quantitative data collection process. This was deliberately planned in order to facilitate information flow on working conditions enabled, but also for measuring how labour rights are addressed by the employers in their internal development and regulatory frameworks with particular focus on the women's labour rights.

Tirana, Shkodra and Korça were selected as the most appropriate areas for conducting the survey due to the following reasons: Tirana was selected as an area where qualitative and diverse responses to predefined assumptions would be available for assessment. This was supported by the data that confirmed a heterogynous population of the capital regarding cultural, regional and economic aspects. Therefore, the city gains a very high level of population representation at the national level. Tirana offers a higher rate of employment opportunities for women, compared with the rest of the country. The city was selected as a convenient research area due to the highest number of private sector operators, public institutions and administration.

The study was designed to cover a wide geographic area at the national level with particular features that would impact the research assumptions on women employment level and their social rights. The two other survey locations were Shkodra [northwest] and Korça [southeast]. These areas were selected under the assumption that the labour market and the social rights were impacted by specific and diverse local factors as well.

In Korça the clothing business is dominant, with around 4500-5000 female workers, representing 31% of the regional economy.<sup>7</sup> There are around 29 enterprises in the

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<sup>7</sup> Korça Municipality, Strategic Plan for Economic Development 2005-2010, 2006.



municipalities of Korça and Bilisht, while in Shkodra there are 18<sup>8</sup> operators working in the clothing sector, as the biggest labour market opportunity particularly for women and young women. The textile undertakings in Korça are mostly established by Greek operators, while in Shkodra by Italian operators.

Previous studies on textile and clothing sector analyse that an increase of the labour force cost might cause a status quo in the further development and expansion of the given sector. This in turn will impact the employment opportunities for women in the quoted areas. The informal sector is revealed through irregular short-term contracts, unpaid social and health insurance and a low level of women workers' knowledge of their rights.

These assumptions are the guiding principles which will be observed through the tested methodological tools and produce the relevant data analysis and conclusions.

## 1.2. Data collection and analysis: Sampling

The sample selection was done in virtue of the respective methods described above and the Labour Force Survey 2007<sup>9</sup> conducted by INSTAT was used as a data base, adding to this the total number of the employer operators from the private and public sector in each specific selected location.

In June 2007, the Labour Force Survey reported 1 188 employed individuals between the ages of 15 and 64. The employment level in the national context was at 56.4%. The level of employment was higher for male workers at 64% compared to 49% for female workers. This indicator was higher for male workers in all age groups. Among the targeted population in the age range of 15-64 years, 55% of the employed individuals had concluded the 8-year education.

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<sup>8</sup> Shkodra Municipality, Strategic Plan for Economic Development 2005-2010, 2006.

<sup>9</sup> INSTAT, the Labour Force Survey 2007



	Male	Female	Total	Male	Female	Total
State sector	99916	80842	180758	15.1	15.4	15.2
Private agriculture sector	243387	317025	560412	36.7	60.4	47.2
Private non-agriculture sector	320526	126606	447132	48.3	24.1	37.6
Total	663829	524473	1188302	100.0	100.0	100.0

Source: INSTAT 2008

The employment structure for the targeted age range of 15-64 years showed that employment at the state [public] institutions constituted only 15% of the employment in total. The employed women were participating at a higher rate in the private agricultural sector, whilst men were more involved in the private non-agricultural sector (the women represented only around ¼ of the employed individuals in the private non-agricultural sector).

The specific weighting was done based on the employment sectors in the Albanian economy referred to in the Labour Force Survey 2007. Afterwards, a number of public and private operators were randomly selected in each sector to conduct the women's labour rights survey. The number of public structures and private undertakings to be selected was based on the specific weighting of each activity vs. the respective total including both the public and the private sector.

The survey team was advised that the selection of the women respondents within these administrations and undertakings was to be conducted randomly. The following criteria were taken into consideration while conducting the survey:

First, the adult women and young women capable of working would be the subject of this survey.

Second, the survey was to be conducted after working hours in order to avoid any possible interference from the employer and/or his/her management representative.

The questionnaires were completed using the ‘face-to-face’ approach. The survey team received a training prior to the questionnaire procedure, during which each section and each comprising question in the approved format was discussed and clarified. During training the practical examples were explored to test the survey team competence. The survey was launched simultaneously in all three cities: Tirana, Shkodar and Korça. The process was conducted in 15 consecutive days. After completing the field questionnaire phase, the survey team started the elaboration data process which was due within two weeks.

This study implied the use of the comparative analysis method at a large scale. This method has been utilized first to tackle women’s labour rights in Albania and neighbouring countries, second to observe the dynamics of women’s labour rights in a relatively short period (March-July 2009) and third, to enable a comparison between demand and offer in the domestic labour market based on the socio-economic and demographic features of the respondents. Such features include gender, age group, education, civil status or number of children, residence, family income level, etc.

Based on the above methods and tools and the interconnection between them, a complete assessment of the social, economic, legal, political, historical and traditional factors and their impact in defining and shaping the labour market in Albania dividing it according to the economy sectors and measuring the effects this market will have on the women’s rights in Albania.

### 1.3. Sample: The main characteristics

In total there were 701 women respondents, out of which 445 were married, while 221 unmarried. The survey sample was oriented towards women not less than 18 years of age, who were also part of the economic active age (up to 60 years)???. The reported



level of education of the respondents was as follows: 8% of them had concluded primary 8-year education, 27% of them had concluded secondary education, while around 50.1% of them had followed and concluded university education, and only 4% had post-university education.

Around 69% of the respondents were parents. The average number of children per couple was 1.5. The survey team also observed that 78% of the respondents belong to the new family pattern whilst 18% of the respondents are part of the nuclear family organisation.

Around 58% of the respondents have the role of the spouse/wife in the family whilst only 4% of the respondents are in the position of Pater familias – head of the family.

Around 70% of the respondents are employed in the private sector, whilst 21% of them are employed in the state-run structures. It was also reported that 17% of the respondents were self-employed, whilst 83% were employed by different operators within the public or private sector.

With regards to the professional role or job position, it is reported that 75% of the respondents are simple workers whilst around 13% of them are in supervisory roles. The survey data confirmed that the highest percentage of the respondents (around 56%) was employed in the following sectors: textile industry, banking and financial industry, education, and public administration.

#### 1.4. Survey limitations

The survey was conducted by selecting the smallest urban unit, the workplace. Although the total number of respondents was a considerable one, 700, and the division according to the sectors was done proportionally to the specific weighting of each sector, the first limitation relates to the distribution approach and its incapability to comply with the activity criteria that each respondent could represent - a theme or activity within any given sector. To this end, the survey team made reference to the sample pattern and not to the whole population in Tirana, Shkodra and Korça.



The sampling pattern was based only on the urban areas of the three selected municipalities, leaving out of the focus of this study the workers in the private -agricultural sector, where the number of the women workers is reported to be much higher than that of the men.

The second limitation relates to the study accuracy level. It is a well-known fact that every empirical research has a certain level of accuracy which depends significantly on the honest answers of the respondents. In our case the questions addressed to the respondents required information on sensitive issues that define/impact the income stability and probably the welfare situation of the respondents, daring the limits of privacy when querying on sexual harassment cases. Therefore, we still believe that the respondents have hesitated slightly in giving honest answers. More problematic were the reported answers related to the knowledge and information on the social rights and labour legal framework. This was repeatedly confirmed though questions on the social and health security practices, collective bargaining etc.

The questionnaire load is rated at an average level, and the questionnaire was filled out based on the answers received from the face-to-face interaction with the respondents, an approach which cannot exclude the possibility of derogations by the survey team itself. There are no derogations or deliberations reported by the survey team from the field observations. All the team members have performed the tasks correctly striving to be as much as possible objective, independent, accurate and correct in accomplishing the assigned task.

The selection of the individuals that defined the sampling pattern might indicate another limitation of the study. Since the selection of the individuals was conducted by the survey team, the random selection could have been derogated due to the subjective and biased judgement. However, the selection criteria were made clear to all the team members and the additional data enabled through the semi-structured interviews assisted in verifying the findings.



## 2. Survey: Summary of findings

The level of education differs significantly from the public sector to the private sector. Eighty-two percent of the individuals employed in the public sector have attended university and post-university education. In the private sector the respective figure is around 46%. The same discrepancy is identified also between the primary and secondary education. What we could emphasise is that the public sector seems to have attracted qualified and overqualified employees. Eighty-two percent of them have completed university and post- university education.

Another finding is the civil status. The expectation is to have a rather stabilized family situation for those respondents employed in public sector. This is confirmed by a figure of 77% married respondents estimated within the public sector, while in the private sector the finding is 62%. The unmarried in the private sector are almost double of those in the public sector, differing from 34% to 18%. A stabilised situation is defined by a higher number of children that mothers employed in the public have. Sixty percent of them confirm to have 2 or more children, while the finding in the private sector is 50%. Thirty-four percent of the women respondents employed in the private sector have no children, while only 19% of those employed in the public sector confirm the same thing. This is explained by the social responsibility framework that supports women employed in the public sector.

The self-employed are rated at 22%. The figure shows that private initiative and freedom of establishment are at satisfactory level.

Amongst public services, the top-rated sectors for employing women are education with 25% and healthcare with 10%. In 97% of the cases respondents are employed full-time.

With regards to the contractual terms, 30% of the respondents employed in the private sector report that they do not have a signed contract for their job whilst 15% of those employed in the public sector confirm to be under open procedures of finalising a contract



with their employer. In both sectors, private and public, the majority of the employees are bound by individual contracts, respectively 90% in the public sector and 87% in the private sector. Seventy-two percent of the respondents in the public sector are contracted under undetermined contract duration, while only 3% of them have fixed-term contracts. In the private sector, the figures vary from 56% with undetermined contract duration, to 17% with fixed-term contracts.

The working conditions are confirmed as safe by 70% of the respondents, while only 3% of them reported unsafe working conditions in the public sector. Nine percent of the respondents from the private sector considered the working conditions as unsafe and 60% of them as safe.

The public sector is rather limited in the high-level salaries, where less than 1% of the respondents declare to receive more than 75,000.00 ALL net per month, while the respondents who receive this range of salary from the private sector are around 5%. But, on the other hand, there is a higher percentage of those who receive low salaries in the private sector - 10%, compared to the ones in the public sector - 6%. A considerable part of the respondents from the private sector receive the second level of minimum wage, ranging from 16,000.00 ALL to 25,000.00 net per month. The majority of the respondents in the public sector, around 34%, declare to receive a salary ranging from 25,000.00 ALL to 35,000.00 ALL net per month. In total around 60% of the respondents from the public sector receive a salary range of 25,000.00 ALL to 45,000.00 ALL net per month. The respondents from the private sector who receive this salary range account only for 30% of the total.

Meanwhile, around 77% of the respondents from the public sector feel safe and only 10% of them feel unsafe. The same situation is present in the private sector as well. As expected, the safety level related to the income sustainability for the respondents from the private sector is lower - 63%. The positive attitude that dominates among the respondents from the public sector is visible through the satisfaction level related to the sustainable incomes. Therefore, only 7% of the respondents in the public sector are very



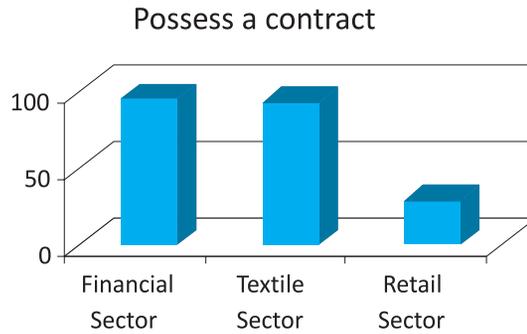
unsatisfied, while around 16% of the respondents from the private sector report the same. In total, 70% of the respondents from the public sector declare to be satisfied and very satisfied, while the respondents from the private sector declaring the same are only 60%. The positive attitude is explained by the difference observed in the salary level. A positive attitude is expressed by 72% of the respondents in the private sector and 86% of those in the public sector.

Besides this, 83% of the respondents in the public sector confirm to have participated in professional development and training activities offered by the respective employers, while only 41% of the respondents from the private sector confirm the same. Almost half of the respondents employed in the private sector confirm to have received specialised thematic training sponsored by their employers. Career development is scored as prevalent to 29% of the respondents in the public sector, and only to 22% of the respondents in the private sector. This proves that the private sector in Albania has a long way to go to reach the western standard.

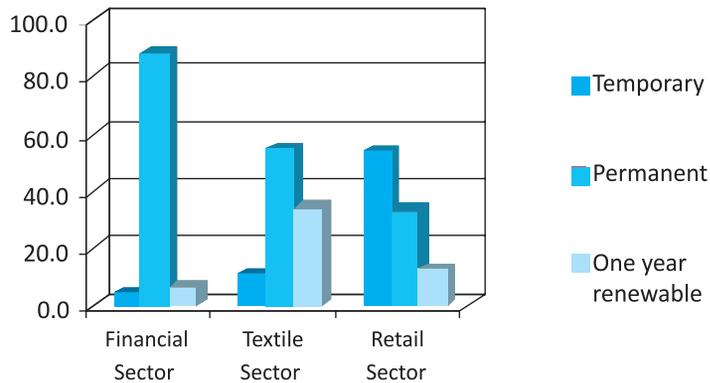
The financial and textile sector confirm an explicit trend towards the application of the regulatory framework and the formalisation of activity, given that more than 95% of the respondents have a labour contract. While only 30% of the respondents from the small trade businesses confirm the same. However, there is an explicit difference in terms of contract duration within the textile and financial sectors. Eighty-eight percent of the respondents in the financial sector have undetermined employment contracts and 5% have fixed-term contracts. In the textile sector 55% of the respondents have undetermined employment contracts and only 34% of them in the respective sector have a renewable one-year contract which reveals insecurity.

A more significant formalisation of the financial sector is observed through the high percentage of those who found jobs through mass media, while only 18% of the respondents from the textile sector did so. The latter is dominated by less formal approaches concerning job finding, either through relatives/friends or through direct contact from the employer. Fifty-two percent of the respondents from the textile sector found jobs in similar ways, while in the financial sector only 30% of them.

Graphic: Contract proceeding according to sectors

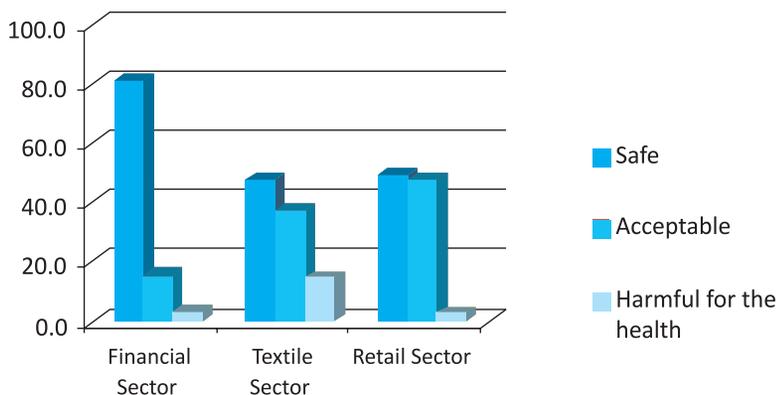


Graphic: Contract duration according to sectors



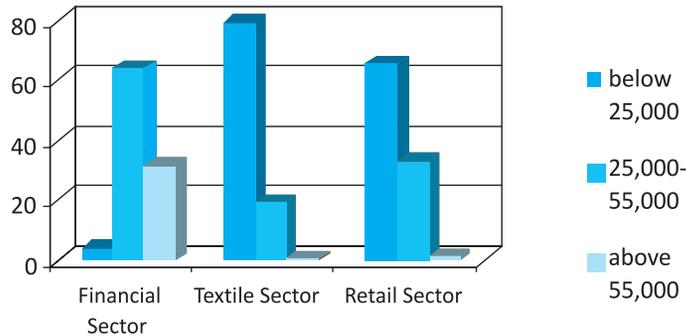
In the financial sector 81% of the respondents confirm to have decent working conditions. This statement is confirmed by 48% of the respondents in the trade sector and 49% of the respondents in the textile sector. Moreover, in the textile sector a higher percentage is observed, - 15% - compared to other two sectors with 2-3%, of the respondents that confirm to work under indecent conditions. This is an expected outcome taking in consideration the difficult conditions and inconvenient work schedule in the textile factories.

Graphic: Work conditions according to sectors



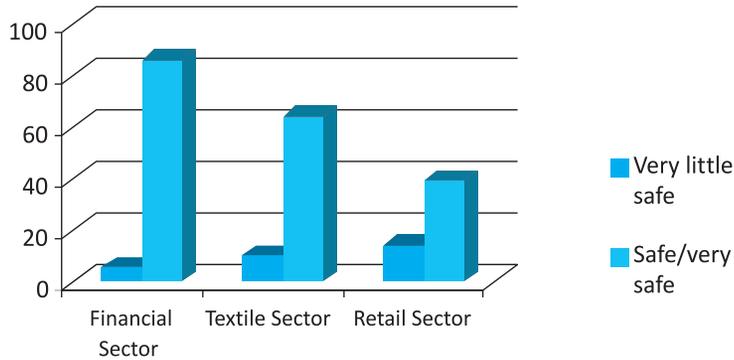
In the textile sector around 15% of the respondents receive salaries that are under the minimum level, while the major part, 65%, receive a salary range of 16,000.00 ALL to 25,000.00 ALL and only 1% of the respondents declare to get paid a high level salary. A similar situation but with a slight improvement is observed in the trade sector.

Graphic: Income (salary) level according to sectors



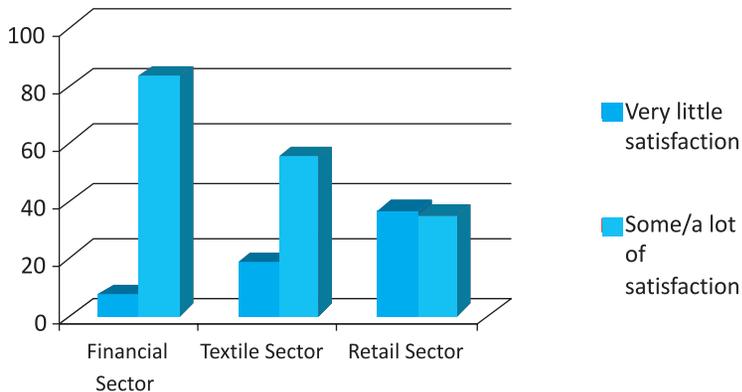
We observe a completely different picture in the financial sector. Only 3% of the respondents receive salaries under the minimum level. The majority or 72% receive an average and high-level salary, while a significant number making up for 10% of the respondents receive salaries above the maximum level. Moreover, in the financial sector, 85% of the respondents confirm to feel safe and very safe with regards to the financial sustainability in their jobs; in the trade sector only 39% of the respondents do so, while in the textile sector the respondents who declare similar perspectives are somewhere above 64% of total. Those who declare to feel very unsafe are dominant in the trade sector, 15% of the respondents, and this is expected since business is defined to be more uncertain and volatile. The unsafe-feeling respondents account for 10% of the interviewees employed in the textile sector and for only 5% of those employed in the financial sector.

Graphic: Safety at workplace according to sectors



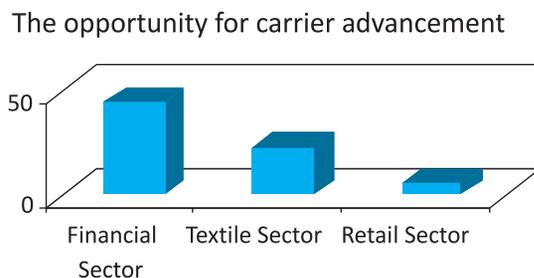
The same rating is noticed also under the heading ‘Satisfaction from job income’ where most satisfied are respondents from the finance sector - 82% - and only 8% of them feel unsatisfied. In the textile sector, the unsatisfied account for 19% of the respondents, while 55% of them declare to be satisfied. The situation is rather serious in the trade sector where 37% of the respondents declare to be very unsatisfied, while 35% have a positive consideration.

Graphic: Satisfaction situation at workplace according to sectors

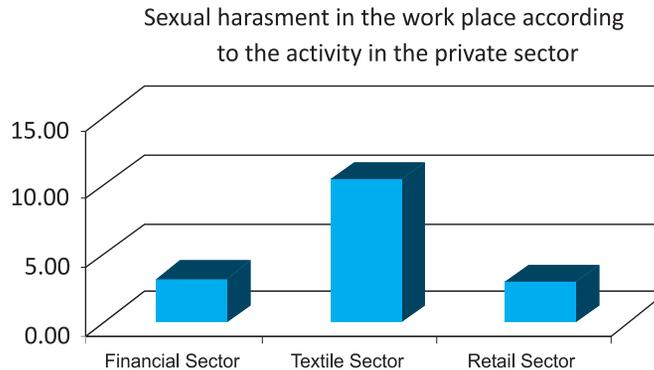


The financial sector offers more career opportunities, with around 45% of the respondents confirming to have received a promotion with their job responsibilities. The others who confirm the same are respectively 23% of the respondents from the textile sector and only 6% of those working in the trade sector. A feature that distinguishes the financial sector from the two other sectors is also the assessment of the salary the respondents receive in this sector. Forty percent of the respondents from the financial sector confirm to be paid for a standard of 8 working hours per day including a break. This is confirmed by only 5% of the respondents working in the trade and textile sector. Forty-seven percent of the respondents working in the trade sector confirm to have a disbalance between their salary and their working time. This rapport is confirmed by only 17% of the respondents from the two other sectors.

Graphic: Career opportunities according to sectors



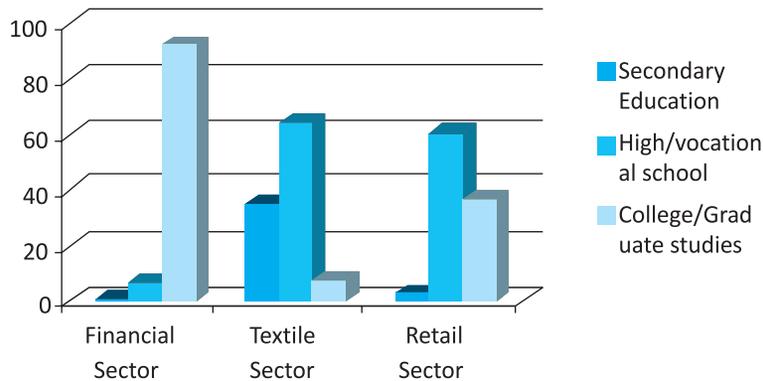
The textile sector in Albania reveals a delicate and problematic issue, sexual harassment at the workplace. In the financial and trade sector only 3% of the respondents confirm to be intimidated sexually, while in the textile sector the figure is about 10%, which in turn makes the issue problematic. The finding could be ‘supported’ by the gender-oriented employment culture in the sector, where traditionally the majority is comprised of women and quite often women at a very young age. The situation requires attention in order to tackle the problem quickly and with the appropriate measures.



It is striking to read that the respective data from the respondents in the public sector is almost 0 (less than 1%), while in the private sector the percentage of the respondents to have suffered sexual harassment is still low, only 4%. We assume that the figure '0' is manipulated and not reflecting the truth if we consider the hesitant attitude of the respondents when asked about such experiences and the fear of job loss is implied, should any of the respondents confirm/disclose such cases.

The financial sector is by all means very close to the western standards in a number of ways. There is a higher percentage of women employees with university and post-university education in this sector, reaching 92% of the total. This figure sets a clear contrast when compared with the two other examined sectors. Seven percent of the respondents in the textile sector have attended higher education, while 65% of them have attended secondary and vocational secondary education. Those who have attended an 8-year primary education, account for 27% of the respondents employed in this sector.

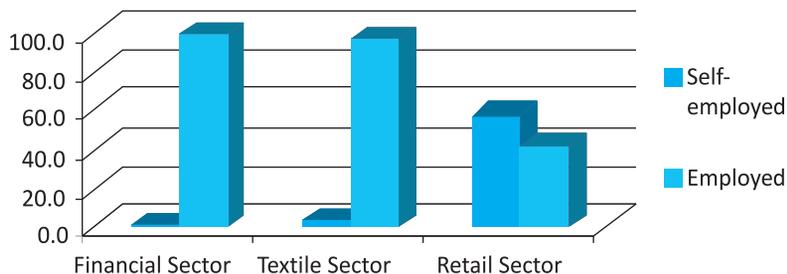
Graphic: Education level according to sectors



Such results are expected as this specific sector developed through an unqualified labour force, which has a lower cost as well. Somewhere in between we discover that the commercial sector has grown spontaneously throughout the years and that certain groups of the society have found their success. Thirty seven percent of the respondents from this sector have attended higher education, while 60% of them have attended secondary education and only 3% have attended just primary education.

The respondents from the financial sector are mostly married (around 62%), which confirms a certain status gained by those employed in this specific sector and also the relative older age of its employees. However, around 35% of the respondents are unmarried, a figure that could refer to young employees who are recruited to start their career from lower job positions. This situation is rather similar to that in the textile sector in which 71% of the respondents are married while 26% of them are unmarried. The small trade business is different from the aforementioned sectors since the married respondents account for approximately 58% and the unmarried respondents account for 34% of the total. A significant finding from this sector is that around 5% of the respondents are in a 'co-living' relationship.

Graphic: Employment status according to sectors



In the textile sector, 84% of the respondents are simple workers, while in the two other sectors 75% of the respondents are simple workers. The financial sector seems to have a better organised hierarchy, in a ‘pyramid’ pattern.

If we compare the data on the employment status in the three cities in which the survey was conducted, the findings show that employment in the public sector in Korça is rather higher than the national average ranking at 30%, while 2/3 of the respondents are employed in the private sector. The number of the self-employed respondents is quite low compared to the ones employed else place, the majority of whom are simple workers.

Higher education is dominant in Korça since more than half of the interviewees confirm to have completed their university studies. The city remains strong in its considerations regarding education, which are enhanced by the presence of a regional public university.

The majority of the respondents are married, while the divorced respondents are a minority. This is enhanced through the strong family ties, which are still present in the Albanian society. At the same time, the Albanian family is becoming smaller when it comes to the number of children, particularly in the urban areas. More than half of the respondents confirm to have 2 children, while those who confirm having more than 2 are quite a minority, only 5%.



As expected, the textile sector employs 1/3 of the overall labour force in Korça. That is closely followed by the public administration and public services in which 26% of the respondents are employed. The survey confirms a critical situation in two important sectors of the local economy: construction employs less than 1%, while production/manufacturing employs only 3% of the respondents.

Only 5% of the respondents confirm to receive monthly salaries of less than ALL 16,000.00, which is in turn unlawful, since the standardised minimum salary in Albania is not less than ALL 16,000.00. A relative majority or 1/3 of the respondents are paid up to ALL 25,000.00 per month, while around 80% of the respondents are paid within the range of ALL 16,000.00 to 45,000.00 per month. Only 2% of the respondents receive more than ALL 75,000.00 per month.

The situation looks relatively positive with regard to the confidence the respondents have in income sustainability from their jobs. Almost 3 out of 4ç feel confident or very confident about their job income sustainability, while only 10% are not sure. The positive feedback is also reflected in the satisfaction level measured from the acquired welfare. Around 60% of the respondents confirm to be satisfied and very satisfied, while 16% of them confirm to be very unsatisfied.

Finally, from the responses, we concieve a positive working milieu. Only 7% of the respondents confirm to have been subject of any sexual harassment in their workplace. This figure might not reveal the problem per se, given the hesitation many of the respondents show to affirm it. The figure though is rather high in Korça, 7%, compared to 2% in Shkodra, while in Tirana it gets lower, only to 1.5%. The latter figure raises doubts concerning the veracity of the answers in the two given cities.

In Tirana there are a smaller number of respondents who confirm that their working conditions are less safe, around 56% compared to 64% of them in Shkodra and 76.5% in Korça. This figure may reflect a lower level of security in the private sector, which is more spread in Tirana, but it is very likely that in Tirana the respondents have a higher standard concerning security level.



By all means the capital is at a leading level concerning the personal monthly income, although the difference is not significantly high. In Tirana the respondents who confirm to receive less than the official minimum salary level are only 8%, while in Shkodra this category measures 18% and in Korça 5% of the respondents. Tirana also leads in the percentage of the respondents who receive monthly salaries higher than ALL 75,000.00. The percentage at an absolute level is low: 5.5% higher than in Shkodra and Korça, where the figure is only 2%, and this in turn confirms the expectation of a lower level of welfare outside Tirana. However, this is not necessarily translated into a higher level of satisfaction from the respondents in Tirana. In Tirana and Korça the satisfied respondents rank at 60% while in Shkoder the figure is 75%. The monthly incomes and living standards are rather high in the capital, but in spite of this, the satisfaction level has diminished. This is observed through responses that confirm much less satisfaction, 16% in Tirana and Korça and only 4% in Shkodra.

The employment sector is more spread out and developed in Tirana but also more flexible. In Tirana the respondents who confirm to be safe and very safe with regarding job sustainability measure the lowest percentage in all the three cities. Therefore, in Tirana, around 60% of the respondents confirm to be safe while this figure ranks at 73% in Korça and at 77% in Shkodra. As a matter of fact the flexibility is observed through a higher mobility of employees, but also through salary level changes that occurred during the survey period. In Tirana the figure is 71% of the respondents, while in Shkodra it is 68% and in Korça 85%.

In Tirana, the inhabitants who have completed higher education account for approximately half of the respondents and together with those who have attended post-university education they account for 60% of the respondents. This marks the highest rate in all the three cities examined. The respective variable marks 54% in Shkodra, while the average achieved by bringing together the data from Tirana, Korça and Shkodra marks 50% of the respondents, who confirm to have attended university and post-university education.

The civil status in Tirana is significantly different compared to the two other cities. The number of married respondents is lower than those in Shkodra and much lower than the



number of married respondents in Korça. Eventually the number of unmarried respondents is higher. This shows that society in Tirana is organised differently from the other two cities, and this is explained by the fact that public life is far richer and offers more opportunities. Moreover, in Tirana a small number of respondents [although not significant, only 2%] confirm to co-live with their partner, a clear influence from the western society lifestyle.

Tirana leads in the development of the private sector with more than 75% of the respondents [working in it] versus 66% registered in the two other respective cities. Beside that, Tirana shows a lower number of respondents employed in the public sector, around 16%, while Shkodra marks 27% and Korça 30% of the respondents. The figure is rather low, knowing that the capital has the largest network of state institutions.

At the same time Tirana leads with the number of self-employed respondents, around 21%, while Shkodra marks 9.5% and Korça 12%. This confirms better opportunities afforded to the individuals on the right to undertaking.

In Tirana, the highest number of the respondents is employed by the small trade sector 19%, education sector 18% and manufacturing sector 18%, as well. A feature of Tirana is the presence of a far expanded financial sector, which employs 17% of the respondents. In Shkodra the financial sector and the public administration are in the leading position concerning employment, each employing 14%. As expected the production sector in Shkodra is rather limited and employs only 7.5% of the respondents, which in turn is higher than Korça with 3% of the respondents.

The employment sector in Tirana is rather more flexible than in the two other cities. The number of full-time employees is lower, while those working part-time are much more, marking 91% [9% full time]. In Shkodra the part-time employees mark 94% and full-time mark 6%; in Korça part-time employees account for 98% and full-time account for 2%. A small number of workers have employment contracts in place accounting for 69% in Tirana, 87% in Shkodra and 73% in Korça.

## CONCLUSIONS & POLICY RECOMMENDATIONS

The right to work recognises the right of everyone to the opportunity to make his/her living by work which they freely choose or accept. This implies that one should not be forced to engage in employment and that the State develops a system designed to guarantee all workers, regardless of their gender, equal access to employment. Workers should not be unfairly deprived of employment.

Work as specified in Article 6 of the International Convent on Social Economic and Cultural Rights must be ‘decent work’, that is work that respects a person’s human rights, including workers’ rights regarding conditions of remuneration and work safety. The right to work includes the prohibition of arbitrary dismissal. The right to work is closely linked to the rights in Article 7 to just and favourable working conditions and to the trade union rights in Article 8. These rights are components of the overall right to work.

In view of such legal considerations, this study sought to deliver a coherent independent analysis on the set of conditions offered to women workers with regard to their labour rights. The findings acquired through questionnaires and interviews assisted the research team in concluding with the following conclusions and recommendations:

Women are employed in those job categories and/or sectors which represent conditions of ‘unpaid’ or low-paid work.



Women suffer the discrimination of less paid work despite their [executive] positions in enterprise hierarchy, and low access to career development opportunities; Women, thus, face a double bind in their efforts to achieve workplace equality. On the one hand, traditional gender ideologies prevented them from entering those occupations that paid well; they have been pushed into other less well-paying sectors of the economy. On the other hand, when they enter those well-paying sector, they are prevented from moving up. This is what is known as the “glass ceiling”.

The right to work does not guarantee that everyone will have the job they want, or even a job, but it requires that the full employment be an explicit aim of the governments and outlines the progressive steps that should be taken by the government in order to help people find employment. These steps include the provision of technical and vocational guidance, training programmes, policies and programmes to promote full and productive employment, and other initiatives to give people the necessary skills to find decent work.

The government also has an obligation to ensure non-discrimination and equal protection of employment. This means that the government has an obligation to ensure the right of access to employment, especially for marginalised and disadvantaged individuals and groups, and to avoid measures that generate discrimination in the public and private sectors against such individuals or groups.

Specific steps to implement preventive measures against discrimination and infringements of women’s labour rights could include:

- Adoption of a women’s rights policy, ensuring that it takes account of labour and working conditions and is based on standards established by the International Labour Organization and, where relevant, the Organisation for Economic Cooperation and Development, and the International Finance Corporation Performance Standards. Apply the policy locally through a sector-based approach in the urban and rural context;

- 
- Demand from all the business partners to adhere to the company policy and urge them to develop a similar standard of their own. Where the company is not able to exert that level of control, make clear to the business partners, including government, state-owned enterprises, joint ventures, suppliers, franchisees, agents and other sub-contractors, the importance the company places on protecting the right to work, and encourage them to develop a similar standard and take responsible actions.

Moreover, in view of labour standards implementation and achievement of ‘Decent Work’ agenda objectives, this study expands its advantage by exploring gaps, problems and causes, and based on them, draws a set of recommendations summarised in compliance with the international framework of labour standards:

#### a. Rights and regulatory frameworks

The relationship between law, regulations and their impact on informality i.e. infringement of labour standards and ‘decent work’ is a key policy issue. Three types of legal and institutional frameworks are of importance: labour legislation, business regulations and legal frameworks which secure the rights to property, title assets and financial capital. All these three areas have a gender dimension and as such any research in the regulatory frameworks needs to address the gender differential of their impacts. This is essential for enabling both men and women towards formalization. More detailed areas of intervention are:

- National-level analysis of how existing labour legislation can be extended to cover different groups of informal workers and where new legislation may be required, and analysis of the gendered implications of which labour standards and rights are more likely to be monitored and enforced than others, in particular national contexts;
- Development of strategies for improving the enforcement of gender-relevant legislation and directives with respect to the informal economy (including the development of appropriate indicators and monitoring processes);

- 
- Compilation of good practices on labour legislation which focus on specifically excluded workers, such as domestic workers, and analysis of reasons for success and possibilities for replication. This should include an analysis of implementation of laws as well and with particular reference to the role of labour inspection;
  - In terms of business regulations, assessments of the obstacles women face in opening their own businesses.

#### **b. Improvement of access to social security**

Social protection coverage to the informal workers remains extremely limited. This study has highlighted how women workers could be more vulnerable to social exclusion and multiple risks due to their dual productive and reproductive roles. There is a pertinent need for further research in this area. More specifically:

- Compile lessons learnt on successful social security financing in the informal economy covering both men and women and based on occupations or communities;
- Review and amend social security laws, and pension programs to make government incentives to family life consistent with a family structure in which husbands and wives are equal partners.

#### **c. Productivity enhancement through better capabilities and access to resources**

Women workers require an array of services to enable them to either be gainfully employed in the formal sector or to run successful small businesses. This ranges from entrepreneurship development services and skills training among others. While these cannot be successful in isolation from other requirements, they are still necessary and as such, the following specific project areas could be considered:

Entrepreneurship development

- Analysis of the gender differences in start-up capital, the use of income/profits from work and how these, along with “non-labour” resources such as land, property and infrastructure affect longevity, size and growth of informal enterprises;

- 
- Analysis of the effects of competition (between women and women and women and men) on women (and other marginalized groups) entrepreneurs within the informal economy;
  - Analysis of the factors determining segregated occupational paths, in particular the cultural and geo-political contexts skills training;
  - Analysis of the operation and effects of gendered relations of power in the design, implementation and facilitation of training programmes, including curriculum development, course offerings, recruitment, post-training support, and the training of trainers;
  - Follow-up analysis of training programmes which evaluate the actual impacts of particular programmes for poor women (and other marginalized groups);
  - Analysis of the gendered dimensions of microfinance and microcredit, including the limitations of micro-credit when directed only to women without awareness of intra-domestic relations;
  - Policy-oriented research on the impact of strategies to enhance women's capabilities through skill formation and skill diversification within local /national growth frameworks.

#### d. Organization, representation and social dialogue

The concerns of informal economy workers and particularly women workers can be easily overlooked in the process of policy making and legislative change. As such, organization, representation and social dialogue are valuable means for ensuring that policy development in relation to informal economy takes into account the diversity of interests and especially the different interests of men and women. In recent years, efforts have been stepped up in enhancing the organization and representation of informal economy workers and units through various strategies. ILO's commitment towards this objective can be further strengthened through focusing on the following areas of research:

- 
- Analysis of the barriers and constraints on women’s collective organization and political participation more generally (i.e. competition between different groups of workers, gendered constraints and inequalities in reproductive work, women’s isolation and individualization in global value chains; gendered social norms and attitudes, gendered violence or threats of violence);
  - More detailed and varied examples, case studies and templates of women’s successful organizing with respect to informal economy issues and analysis of the potential for promoting gender equality and decent work through developing alliances;
  - Analysis of the gendered dimensions of trade union organization and informal economy workers.



## APPENDIX 1

### INTERVIEWS

#### GUIDING QUESTIONS FOR THE MANAGING AND ADMINISTRATIVE STAFF OF HUMAN RESOURCES IN THE ENTERPRISES / CORPORATIONS / INSTITUTIONS

*Important materials that should be gathered [by the interviewer]:*

1. Written materials that describe the working conditions (eg, regulations, petitions signed by employees, posted announcements by the directors of the enterprises/corporations/institutions prohibiting certain actions etc.).
2. Photography (digital if possible) of employees, of the enterprise/corporation/institution, and of employees' homes.

*General Information on the Factory / Enterprise / Institution*

3. Name and address of the enterprise/corporation/institution (important: mention any the know branch, if any)
4. General number of employees.
5. Percentage of female/women employees

- 
6. Number of employees with a regular and seasonal contract:
  7. Property of the company and of the headquarter (names and nationalities of the individuals and companies)
  8. Is the production/service conducted by a second plant/enterprise?
  9. Management of the enterprise/corporation/institution if it is different from the ownership:
  10. What are the products/services that are offered by the enterprise/corporation/institution?

### *Salaries and Profits*

11. What is the standard monthly salary, without including overtime and per diems?  
Is the standard salary based on the hours, days, months; part-time; other forms?  
What is the total average salary including overtime; and how much is the per diem?
12. How often / How are the salaries paid?
13. How is the actual salary calculated? Is it based on the working hours or is there a bonus system; how does it function? Is the salary kept? Is there any decrease from the salary? If Yes, what are the reasons and what is the amount? How often does this happen?
14. List the main monthly expenses (rent, transport, food, medicine, education) for a worker that is paid part-time? Could a worker cover all these expenses by this salary?
15. What are the monthly benefits that an employee enjoys?
16. How long does the maternity leave last? When do they prefer to go back to work?

### *Working hours and Over time*

17. What are the working hours and working days?

- 
18. How many hours do you work as overtime per week?
  19. Do the employees have the right to chose if they want to work or not overtime?
  20. What is the maximal number of days that the enterprise/corporation/institution allows to an employee to work without any rest?
  21. What is the payment for the overtime?

### *Quota*

22. What are the different quota/objectives/norms in a normal working day for the employees?
23. What happens if an employee does not reach the objectives?
24. What happens to the conditions of the needed time to fix or repair the “mistakes” or the wrong procedures during the working process? Could the salary be cut only because of this time?

### *Freedom of socialization/organization*

25. Is there an association or committee of employees in the enterprise/corporation/institution? Is this association independent or supported by the enterprise/corporation/institution and/or the government?
26. What do the directors of the enterprise/corporation/institution think for the associations? What do the workers think for the association of the enterprise/corporation/institution, if it exists?
27. Was there any revenge for the employees involved in the organizations, manifestations, protests or other activities out of the working contest?
28. Is it possible for the employees to discuss with the managers or supervisors for the working conditions in the enterprise/corporation/institution? What changes when this happens? Do things get better?

### *Health and Security*

29. What are the policies/services in relation to the treatment of the employees who are injured during the work?
30. What kind of training exists for the employees in relation to the instruments, machines that they use or the substances that they are in contact with?
31. How many times are they allowed to use the toilet during the working hours?
32. Is there potable water at their disposal? Is there any first aid kit?
33. What is the policy followed by the enterprise/corporation/institution in relation to the temporary sick days?

### *Code of Conduct*

34. Is the “Code of Conduct” posted in a visible place/walls of the enterprise/corporation/institution? If Yes, is it written in a simple language to be understood by the employees?
35. Is the enterprise/corporation/institution ever visited by:
  - a. Consumers
  - b. Public Health Inspectorate
  - c. State Employment Inspectorate
  - d. State Social Security Service
  - e. What was the purpose of the visit?
  - f. How often are these visits conducted?

The interview was conducted today on, dd/mm/yyyy:

Mr./Ms

Position

Enterprise/Corporation/Institution



## APPENDIX 2

### Questioner on quantitative data

Questioner #

INTERVIEWER

Phone number of the person that is being interviewed \_\_\_\_\_

### *Gender Alliance for Development Center*

### *Overview on the rights of women and girls expressed in the working contracts in Albania*

The Questioner is conducted on / \_\_\_\_ / \_\_\_\_ / 2009

Time (for fulfilling the questioner) Filloi: \_\_\_\_:\_\_\_\_

Finished \_\_\_\_:\_\_\_\_

Name of the Enterprise/Corporation/Institution and the working place \_\_\_\_\_

***Part 1: General demographical information***

**1. Gjinia:**

1. Po

2. Jo

**1. Age?**

\_\_\_\_\_

**2. Education level:**

1. preschool; 2. elementary; 3. 8-year school; 4. high school; 5. vocational high school;  
6. university; 7. post-university

**3. Civil Status:**

1. single; 2. married; 3. divorced; 4. Widow; 5. Separated; 6. Live together

**4. How many children do you have (if any)?**

( 0, 1, 2...)



**5. You family:**

1. Many families;
2. One family;
3. One parent (father);
4. One parent (mother);
5. Other \_\_\_\_\_

**6. You are :**

1. head of the family
2. spouse/partner
3. child
4. niece/nephew
5. mother/father
6. sister/brother
7. husband/wife
8. grandfather/grandmother
9. father in law/mother in law
10. no blood relation



*Part 2 : Working relations*

**7. In which sector do you work?**

- 1. private
- 2. state
- 3. non-profitable

**8. Working status:**

- 1. self-employed
- 2. employed

**9. What position do you hold?**

- 1. simple employee (Specialist)
- 2. supervisor
- 3. manager (chief of sector)
- 4. chief/ chief of human resources
- 5. director
- 6. other (specify) \_\_\_\_\_

**10. In which sector do you work?**

- 1. Construction
- 2. Agriculture

- 
3. Textile
  4. Tourism / Hotel/ Restaurant
  5. Retail commercial
  6. Health
  7. Education
  8. Public Administration
  9. Finance
  10. Production
  11. NGO
  12. Media
  13. Transport
  14. Other

11. What is your profession (*not necessary related to the actual working place*)? \_\_\_\_\_

12. Working hours:

1. full time; 2. part-time; 3. work in two places

13. How many hours do you work per day? \_\_\_\_\_

*Part 3: Knowledge on the working rights and work insurance*

14. Do you have a working contract signed by the employer?

1. Yes 2. No Go to 18

15. Your working contract is:

1. Individual
2. Group
3. Collective with the union
4. Collective with the employer
5. Other (specify \_\_\_\_\_)

16. Your work is:

1. Temporary (with contract determined by a specific time)
2. Permanent (with contract by an unspecified time)
3. Yearly, renewable



**17. What is the time line of your contract ?**

\_\_\_\_\_ in years (if it is less than one year, specify the months)

**18. Do you pay the insurances:**

1. Social
2. Health
3. Life
4. I do not know
5. Other (specify) \_\_\_\_\_

**19. Does the employer pay for your insurances?**

1. Yes
2. No

**20. Does your employer pay your insurances based on your salary (or based on a lower declared salary compared to your actual salary)?**

1. Yes
2. No



**21. Does your employer offer obligatory medical checkups once a year?**

1. Yes
2. No Go to 21

**22. What are the working conditions at the working place in relation to your personal, physical and health security?**

1. Safe
2. Acceptable
3. Damaging to the health
4. Exposed towards the physical risks

**23. Your monthly incomes in lekë (ALL) are:**

1. under 16.000
2. 16.000 – 25.000
3. 25.000 – 35.000
4. 35.000 - 45.000
5. 45.000 – 55.000
6. 55.000 – 75.000
7. over 75.000



**24. How certain are you for the continuation of your incomes from this working place?**

1. little
2. slightly
3. certain
4. rather certain
5. very certain

**25. How happy are you with the prosperity created by the incomes in this position?**

1. little
2. slightly
3. happy
4. rather happy
5. very happy

**26. How did you find this working place?**

1. through the employment office
2. through the cousins

- 
3. through the information channels
  4. an employer contacted me
  5. I tried to start a business of mine
  6. other (specify) \_\_\_\_\_

**27. For how long did you have to search to be employed in this working place?**  
\_\_\_\_\_ months

*Part 4: Career and Qualification opportunities*

**28. For how many years have you been working in this position?**  
\_\_\_\_\_ years

**29. Have your incomes changed during this period?**

1. Yes
2. No     **Go to 31**

**30. If Yes, do you think you receive:**

1. as much as the employer could afford

- 
2. as much as you deserve
  3. in direct relation to the amount/hours of work
  4. in indirect relation to the amount/hours of work
  5. only for 8 effective working hours in a day/without lunch break and without overtime
  6. only for 8 effective working hours in a day/ including lunch break but without overtime

**31. Have you received any training or qualification by your employer?**

1. Yes
2. No

**32. Have you changed your position in this enterprise/corporation/institution, that is to say in a better position?**

1. Yes
2. No

**33. What were the used criteria for this better position?**

1. base on the results achieved in this work

- 
2. years of work
  3. education/school graduation/respective trainings
  4. the enterprise/corporation/institution grew larger
  5. promoting policies of the enterprise/corporation/institution

**34. Have you ever been sexually harassed in the working place?**

1. Yes
2. No



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