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Qeveria - Vlada - Government

*Ministria e Financave, Punës dhe Transfereve - Ministarstvo Finansija, Rada i Trasfera -
Ministry of Finance, Labour and Transfers*

Labour Inspectorate

ANNUAL REPORT FOR 2022

Prishtina, 2023

This report is prepared based on the reports of the Department for Planning and Legal
Affairs in the Labour Inspectorate.

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Foreword by the Chief Inspector Mr. Hekuran Nikçi

Since assuming the office of Chief Labour Inspector on 1 June 2022, I have made joint efforts to improve the performance of the Labour Inspectorate. This included implementing measures to increase transparency and accountability within the institution, ensuring that the needs of our inspectors are met and fostering a culture of integrity within the institution.

One of the main areas I have focused on is increasing transparency within the institution as well as with external parties such as the media, unions, institutions, etc. This has included the implementation of regular reporting mechanisms to ensure that the work of the Labour Inspectorate is transparent and open to scrutiny. By doing so, we are able to demonstrate to the public, employees and employers the progress we have made in protecting employees' rights and improving the enforcement of labour relations and occupational safety and health legislation.

Another area I have focused on is ensuring that labour inspectors have the resources and support they need to do their jobs effectively. This includes providing the necessary equipment, training, and support to carry out their work safely and efficiently. We have also implemented measures to ensure that our inspectors are well-informed about the latest developments in laws and regulations and that they are able to access the guidance and support they need to carry out their work.

In addition to these measures, I have also made a joint effort to foster a culture of integrity within the institution. This includes promoting ethical behaviour and taking a zero-tolerance approach to any misconduct or breach of the law. By doing so, I believe we are better able to maintain the trust and confidence of the public, employees, and employers in the work of the Labour Inspectorate.

As Chief Labour Inspector, during the period June 1 - December 31, 2022, I have also been involved in various initiatives and partnerships to improve the enforcement of labour and occupational safety and health laws. This includes cooperation with other government agencies, international organizations, and NGOs, as well as partnerships with employers' and workers' organizations. By working closely with these partners, we are better able to identify and address the challenges facing employees in Kosovo and develop effective solutions to protect their rights.

In conclusion, I believe that the measures I have implemented as the Chief Labour Inspector have contributed to the strengthening of the Labour Inspectorate of Kosovo and its ability to effectively protect the rights of workers in our country. By increasing transparency and accountability, ensuring the needs of our inspectors are met and fostering a culture of integrity within the institution, I believe we are better able to fulfil our mandate and have a positive impact on the lives of workers in the Republic of Kosovo. However, there is still much work to be done, so we will continue to strive to improve and strengthen the enforcement of laws that the Labour Inspectorate oversees and ensures that all employees have access to good working conditions in the Republic of Kosovo.

Labour Inspectorate

The LI is an independent executive body mandated by the applicable legislation to supervise the implementation of positive legal provisions that regulate contractual legal relations, the rights, and obligations of the parties in the legal reports created in the work process.

LI is led by the Chief Labour Inspector assisted by three deputies (for labour relations, occupational safety, and occupational health). The Chief Inspector reports directly to the Minister of MFLT for his work and that of the institution he leads.

The LI structure consists of an executive part and an administrative part.

1. The executive part consists of:

The Chief Labour Inspector, the three deputies of the Chief Labour Inspector (deputy for labour relations, deputy for occupational safety and deputy for occupational health) and labour inspectors.

2. The administrative part consists of:

Department for Legal Affairs and Strategic Planning

Department for General Administration, Budget, and Finance

Divisions for Coordination (7 Regions)

Personnel unit.

In total, during 2022 the number of employees in LI is 64.

The total number of labour inspectors who exercise their function in the entire territory of the Republic of Kosovo is 37, of them 4 operate only in the municipalities of the northern part of Kosovo. According to the gender structure, 30 are men, and 7 are women. According to the professional structure: 6 are technical profiles (2 machinery, 2 construction and 2 chemistry), 2 economists and 29 lawyers.

The laws and sub-legal acts under the Labour Inspectorate supervision are:

- **Law No. 03/L-212 on Labour,**
- **Law No. 04/L-161 on Safety and Health at Work**
- **Law 08/L-067 on Inspections**

In addition to these two basic laws, the LI supervises the implementation of some special provisions of some other laws as follows:

- **Law no. 04/L-156 on Tobacco Control,**
- **Law no. 03/L-200 on Strikes,**
- **Law no. 03/L-019 on Vocational Ability, Rehabilitation and Employment of People with Disabilities**
- **Law No. 04/L-219 on Foreigners**
- **Law No. 04/L-011 for Organizing Trade Union in Kosovo**
- **Law No. 02/L-81 on Infants' Breastfeeding Incitement and Protection**

The LI also oversees the applicability of sub-legal acts originating from these laws and which are related to labour relations, occupational safety, and health.

The field of application of these laws includes the public, public-private and private sectors from the work relationship, while the state administration at the central and local level is also included in the safety and health at work. These laws have a legal effect not only on the citizens of the Republic of Kosovo, but also on the foreign citizens who work in the Republic of Kosovo either as legal entities or as natural persons.

Implementation of work duties by the Labour Inspectorate in 2022

The LI, through inspections in working entities both in the public and private sector, supervises the observance of positive legal provisions in implementing the rights and obligations of the parties in the work process (employers and employees). Thus, through quality inspections and increasing the presence of inspectors in these subjects, counselling employers, employees and their representatives, the organization of the work process is improved, discriminatory forms are avoided, and the ability to convince the parties to invest more in creating trust is created, ensuring better, safer and healthier conditions for work, in training workers for safe work, on how to use and maintain work tools and equipment in an orderly manner so that workers are able to regularly use personal protective equipment.

In this part, beyond the statistical data, some achievements divided by department throughout the year 2022 will be presented. These findings are focused on the second half of the year 2022, when the chief inspector of the labour inspectorate was appointed.

Office of the Chief Inspector

1. In October 2022, work began on drafting the AEIP Strategic Development Plan 2023-2027. This plan will be ready and will start implementation from January 2023. The AEIP Strategic Development Plan 2023-2027 as the main component/objective foresees: 1. Reforming the structure of the Labour Inspectorate, 2. Creation of the Labour Inspectorate Information System (Digitalization), 3. Evidence-based planning of labour inspections, 4. Capacity building of labour inspectors, 5. Raising awareness and improving communication, as well as 6. Improving the physical infrastructure of the Labour Inspectorate.
2. This year, AEIP has been actively transparent with external parties, including the media, unions, chambers, state institutions, and non-governmental organizations.
3. 100 new labour inspectors are planned and budgeted for 2023.
4. In November 2022, AEIP joined the organization "ENETOSH" (European Network Education and Training in Occupational Safety and Health).
5. In September 2022, AEIP participated in the Bilbao Summit and the Focal Points meeting in Spain, resulting in establishing contacts with influential people in EUOSHA.

6. In July 2022, second-instance cases were dealt with urgently, restructuring the second-instance committee. This has resulted in providing a response from the second instance to the parties.
7. From June 2022, compliance with the Labour Inspectorate's law regarding the handling and reviewing party complaints was strengthened. The practice of not exceeding the official duty of the labour inspector regarding complaints has been established, and consequently this has resulted in a smaller number of complaints received at the second instance within the AEIP.
8. During the months of June-December 2022, the number of inspections has increased, reaching the target set for the ERA (European Reform Agenda).
9. Collaboration with KIPA and ILO has been established to ensure that labour inspectors, especially one hundred (100) young labour inspectors, undergo training at KIPA, whereby inspectors are continuously trained throughout the year.
10. First comprehensive awareness campaign launched on 15 December 2022 – May 2023
11. In August 2022, wrong practices were prohibited, especially in allocating cases to private enforcement agents in the AEIP regions. Until then, a private enforcement agent handled all AEIP cases. This practice has been ensured not to repeat again.
12. Inter-institutional cooperation has increased, especially with TAK, to combat informality and undeclared work.
13. The level of responsibility and accountability in AEIP has increased.

Procurement Division

The labour inspectorate has faced difficulties in creating decent working conditions for inspectors. Over the years, they have faced a lack of basic conditions such as technological equipment, vehicles, official materials, and basic operational conditions. From June 2022, this division has managed to complete the procurements that have enabled:

- Provision of labour inspectorate vehicles necessary for field inspections.
- Supplying official material for all LI needs
- Renovation of offices.
- Supply with air conditioner.
- Supplying inspectors with technological equipment and internal network.
- Servicing of all labour inspectorate vehicles.

Department of Finance and Shared Services

Some of the main activities of this department throughout 2022 are:

1. In July 2022, a 24-hour ban on the use of official vehicles was imposed, which has resulted in the reduction of fuel expenses by double per month, and at the same time, the number of inspections has increased.
2. Total revenues for 2022 are 581,367.85 Euros. Out of which, in the January-May period, the revenues were €174,357.89 (30% of total revenues), while in the June-December period, €405,759.96 (70% of total revenues). The difference in revenues between 2021 and 2022 is 171,936.26 Euros more than in 2022.
3. In June 2022, all active official vehicles of the Labour Inspectorate have started to be insured. With this action, the number of traffic fines imposed on official AEIP vehicles that were not insured has been eliminated.
4. In August 2022, all AEIP offices, including the offices of the Regional Coordination Regions, were supplied with office supplies. With this action, the work capacities in general in AEIP have been increased.
5. In August, September and November 2022, LI officers have been supplied with new work computers (PCs).
6. In November 2022, almost all AEIP offices were renovated.
7. In November 2022, the general working conditions of the AEIP were improved, installing a new air conditioner and servicing the official vehicles of the LI.

Human resources division:

The activities of this division during 2022 were:

1. In August 2022, the WCS (Work Continuity System) was functional in all facilities where the AEIP offices are located, starting from the Central Directorate and continuing with the facilities of the Regional Coordination Divisions. With this action, the observance of the official schedule 08:00 - 16:00 has been strengthened.
2. In June 2022, all requests (opening/closing) of annual, medical and other leaves are managed through SMAED.
3. In July 2022, AEIP began to pay the salaries of AEIP personnel independently, without the support of the Line Ministry.

4. 18 new staff have been recruited, including: a certification officer, procurement officer, support officer, expenditure and property officer, labour inspectors in DKR-Prishtina, DKR-Gjakova, DKR3-Pejë, DKR-Gjilan, and DKR-Ferizaj, Planning and Projects Officer, Senior Professional Cooperation Officer, Revenue and Commitments Officer, Reception and Logistics Officer.

Department for strategic planning and legal affairs.

During 2022, the Department for SPLA has prepared one hundred and twenty-seven (127) cases according to the request of the State Advocacy, 15 responses to the claims have been filed to the competent courts, and 15 responses to the claim rejection have been compiled.

During this year, the Department for SPLA has drawn up a new form of data collection from LI regions and based on them, it has collected weekly and monthly data, reports and other according to the internal needs of LI as well as for other institutions, civil society, and other interested parties.

Throughout the year, AEIP has carried out 6316 inspections, reaching the target set for 2022 with the IP-ERA Performance Plan.

During the year 2022, the LI has carried out **6,316 inspections** in total: (planned 3323, repeated 1602, extraordinary (random) 46, 405 inspections due to accidents at work, 81 inspections in cooperation with other supervisory institutions and 860 inspections according to the complaint of the parties. A total of **51,058** workers were treated in the inspections carried out. Out of the total number of workers (32,698 men and 18,360 women). During 2022, were treated with priority cases of workplace accidents where workers suffered injuries during the exercise of the work activity. In total, **394 accidents** occurred, and **15 of them** ended with fatality or death at work.

The most frequent violations of the legal provisions made by the employer towards the workers in terms of work relations are: non-compensation for work during official and annual holidays, work during the weekend, night shift work, compensations, and employment termination.

In terms of safety and health at work, the most frequently identified irregularities were: lack of worker training, lack of risk assessment in the workplace, use of personal protective equipment, and low medical checks.

In terms of irregularities found in non-compliance with the legal provisions, the following administrative measures were taken: **2741** warnings, **359** punitive measures-fines, and **88** work suspensions.

During 2022, the second-level body operating within the LI examined a total of 818 complaints submitted by the parties regarding the decisions of the labour inspectors.

Conclusions and recommendations

The Labour Inspectorate of Kosovo has made progress in improving the enforcement of the labour law and occupational safety and health law. However there is still much work to be done to ensure that all workers have access to good working conditions.

Increasing transparency and accountability within the institution, meeting the needs of labour inspectors and the general raising of work capacities, promoting a culture of integrity within the institution as well as transparency with external parties such as the media, unions, institutions, etc., have contributed to strengthening the Labour Inspectorate and its ability to effectively protect workers' rights.

In order to continue improving the implementation of the laws that are supervised by the Labour Inspectorate, the following recommendations are proposed:

- Increasing the budget and resources allocated to the Labour Inspectorate, including hiring additional inspectors and providing the necessary equipment and tools.
- Increasing cooperation and coordination with other government agencies, international organizations, and stakeholders to improve the enforcement of labour relations and occupational safety and health laws.
- Creating a database and digitizing LI to function more accurately, faster, easier, and more efficiently.
- Increasing awareness and understanding of the legislation among workers and employers through targeted training and capacity-building activities.
- Increasing transparency and accountability within the institution and fostering a culture of integrity.
- Ensuring that inspectors have the resources and support they need to carry out their work effectively.
- Implement a complaints and feedback mechanism for workers to report violations and provide feedback on the Inspectorate's performance.
- Developing a comprehensive strategy to address discrimination, violence, and harassment in the workplace, including providing training and education to workers and employers on how to recognize and prevent discrimination, violence, and harassment.

- Develop a monitoring system to track the implementation of labour laws and regulations and to identify areas where additional support and resources are needed.
- Increasing cooperation with institutions and other stakeholders to address the challenges faced by workers in Kosovo and to develop effective solutions for the protection of their rights.
- Continually assess the performance and effectiveness of the Inspectorate and implement changes as needed to improve its ability to protect workers' rights in Kosovo.

Charts

Official report

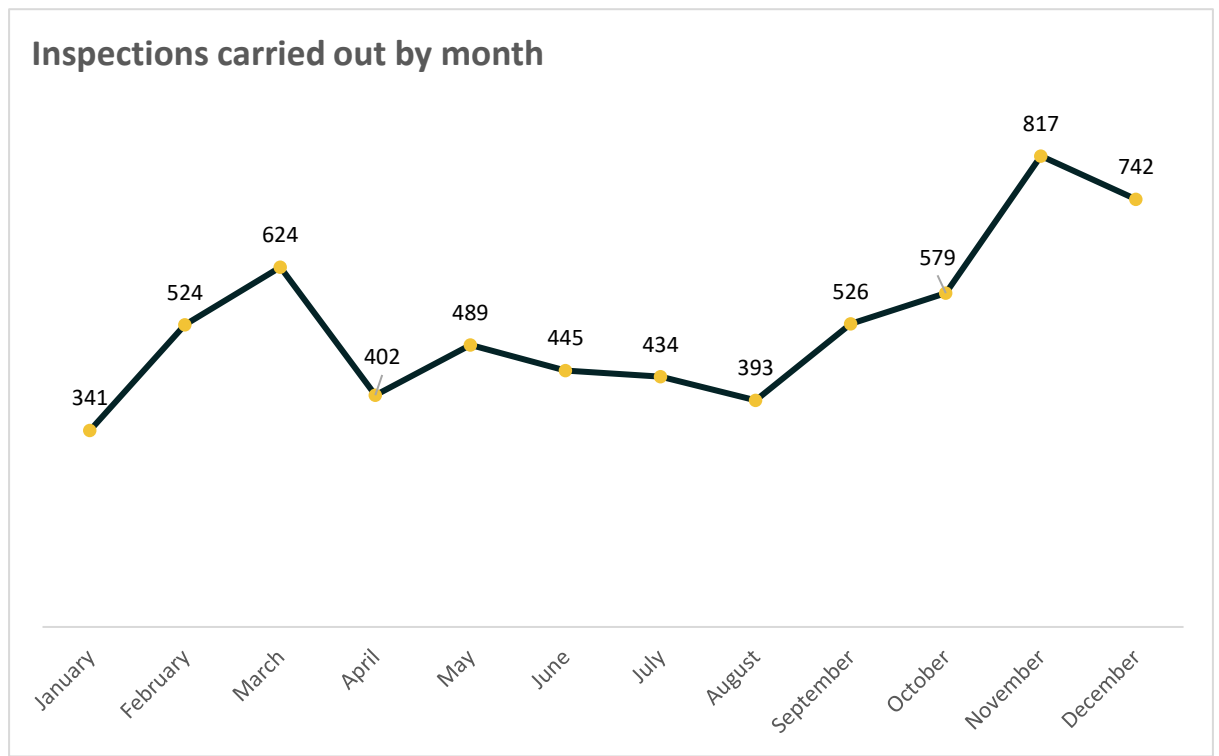


Chart 1: Inspections carried out by month

Inspections by sector

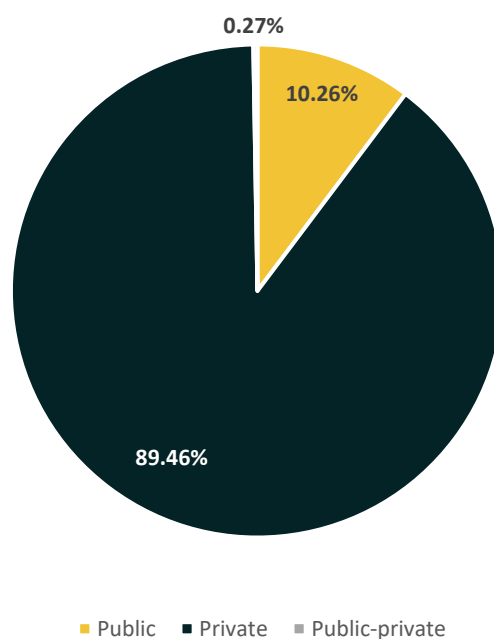


Chart 2: Inspections by sector

Inspections according to complaints by month

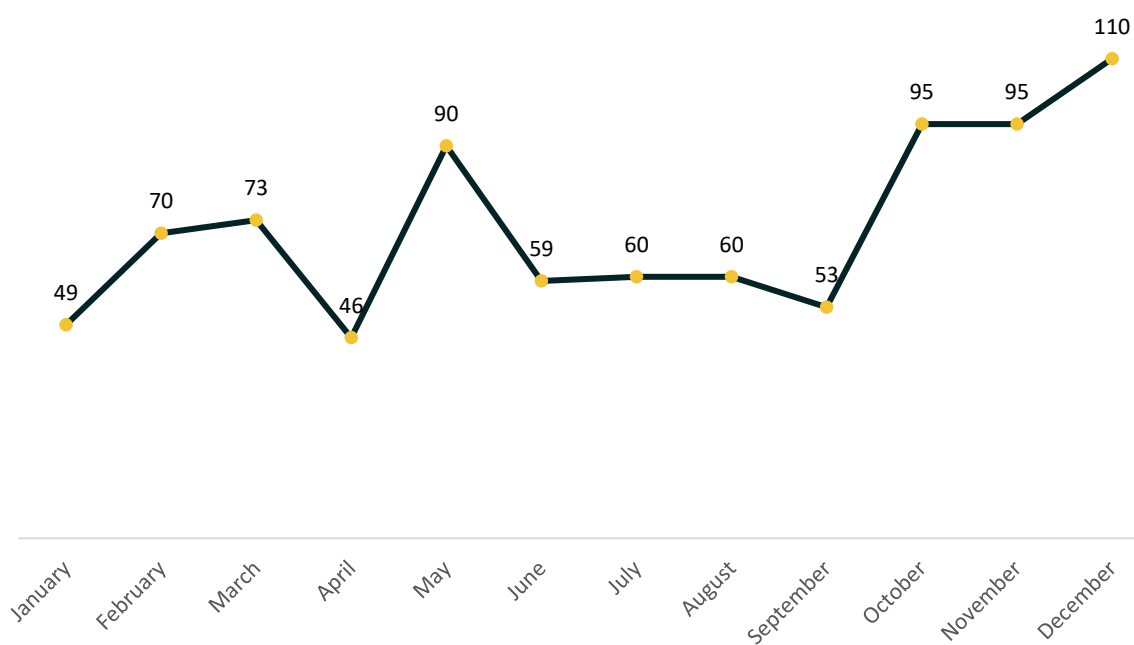


Chart 3: Inspections according to complaints by month

Inspections by activity

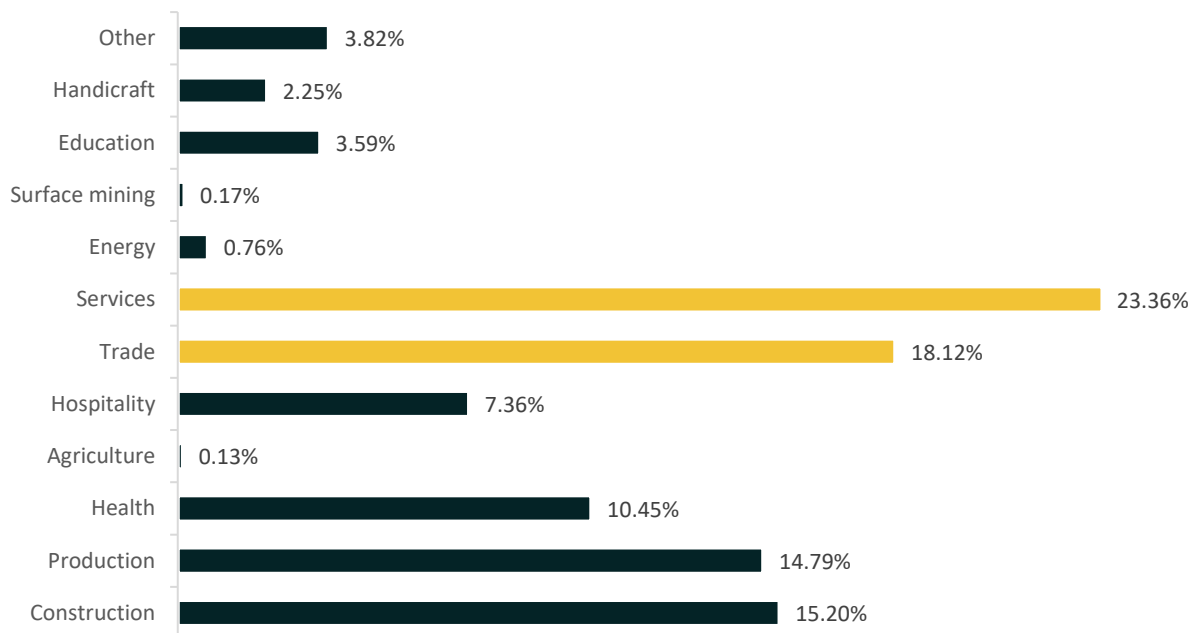


Chart 4: Inspections by activity

Inspections by type

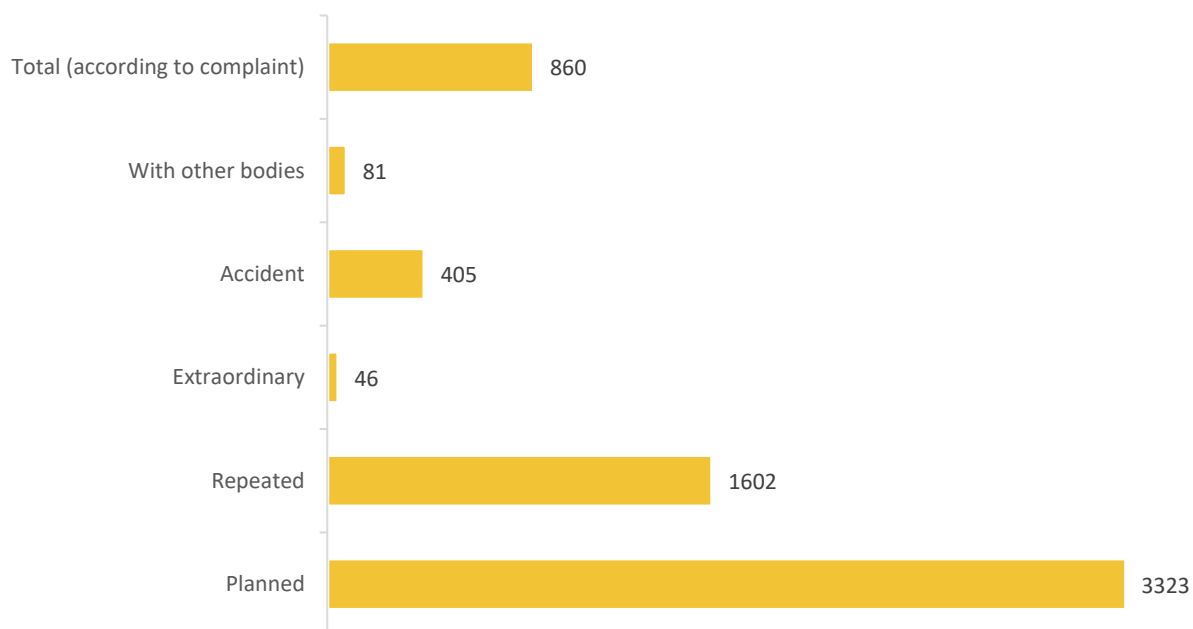


Chart 5: Inspections by type

Inspections by sector

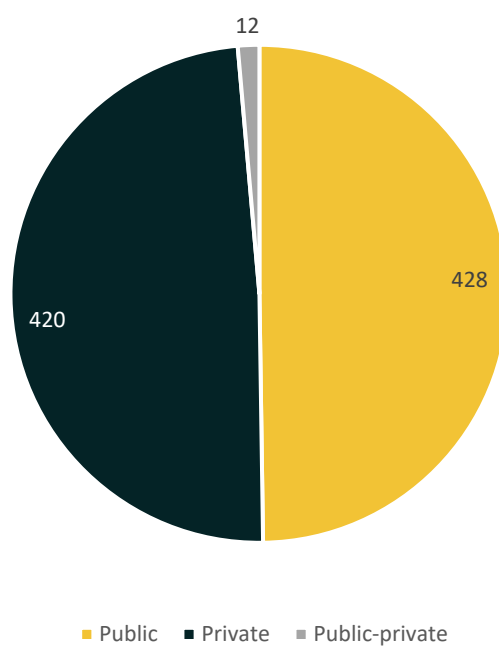


Chart 6: Inspections by sector

Administrative measures

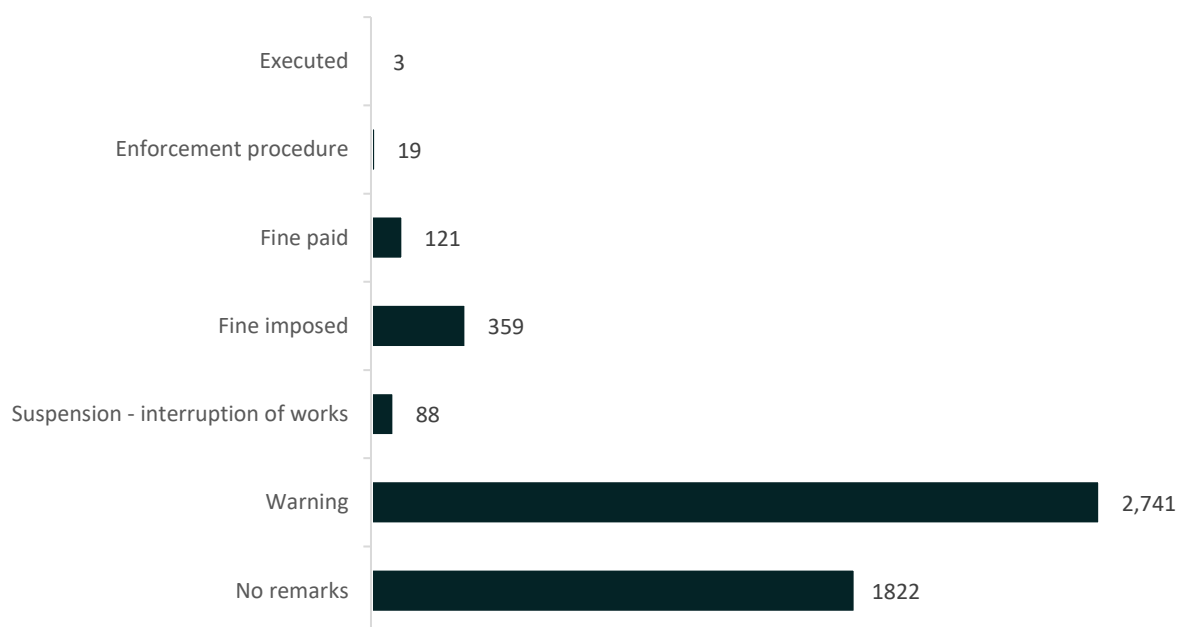


Chart 7: Administrative measures

Inspected workers

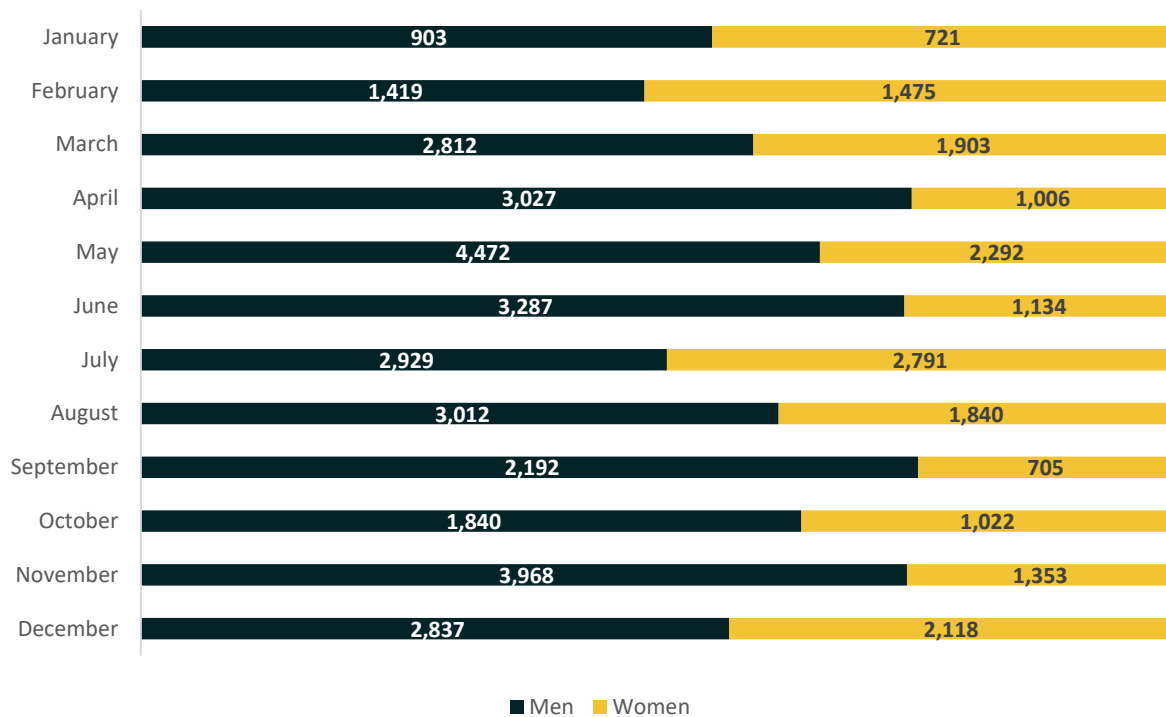


Chart 8: Workers inspected by month

Employment relationship

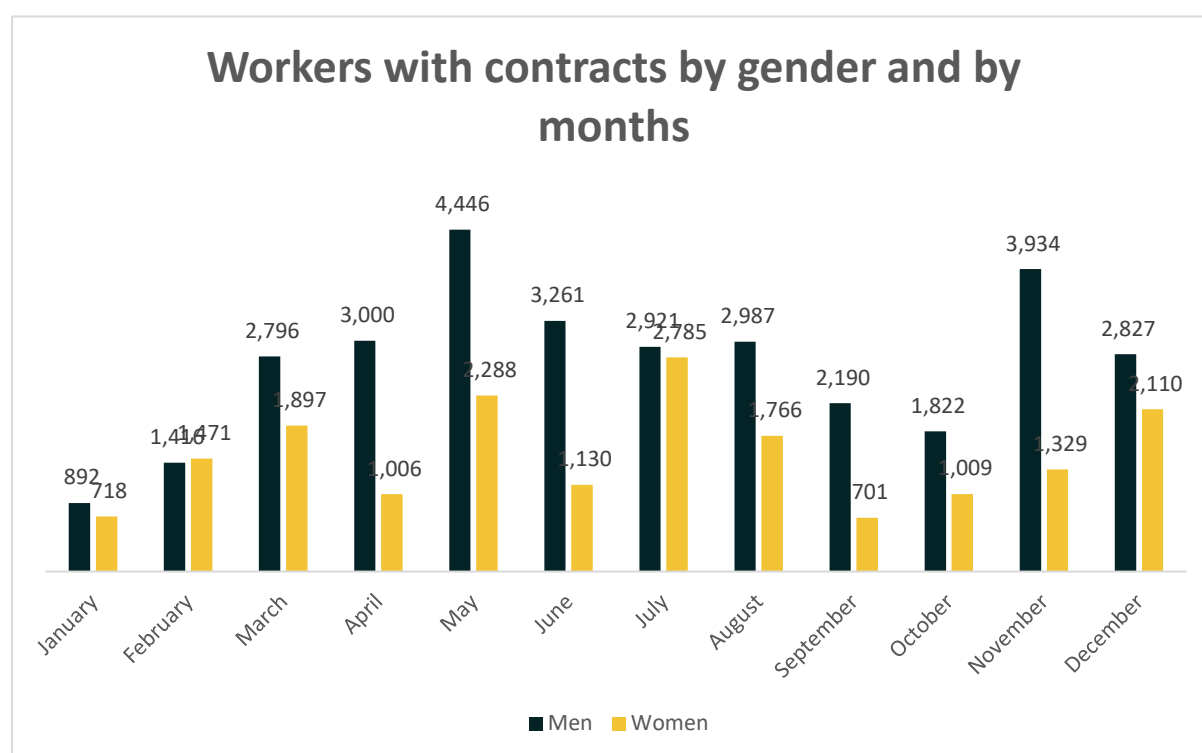


Chart 9: Workers with employment contracts according to month by gender

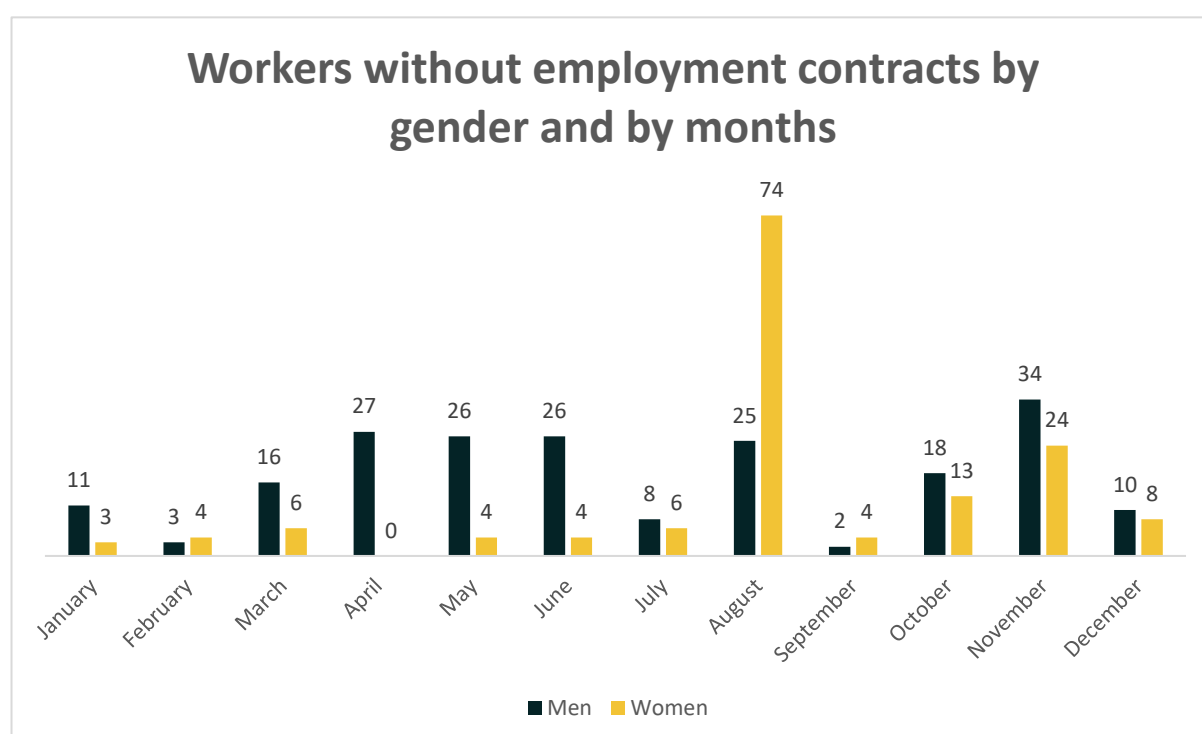


Chart 10: Workers without employment contracts according to month by gender

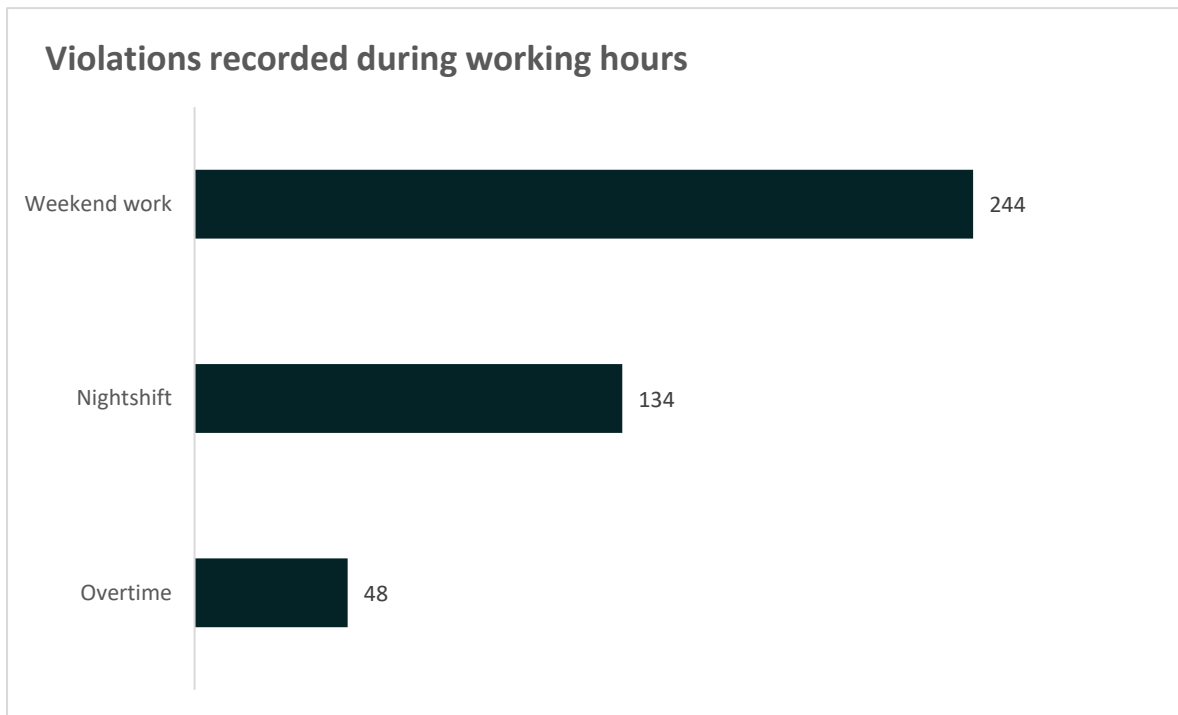


Chart 11: Violations recorded during working hours

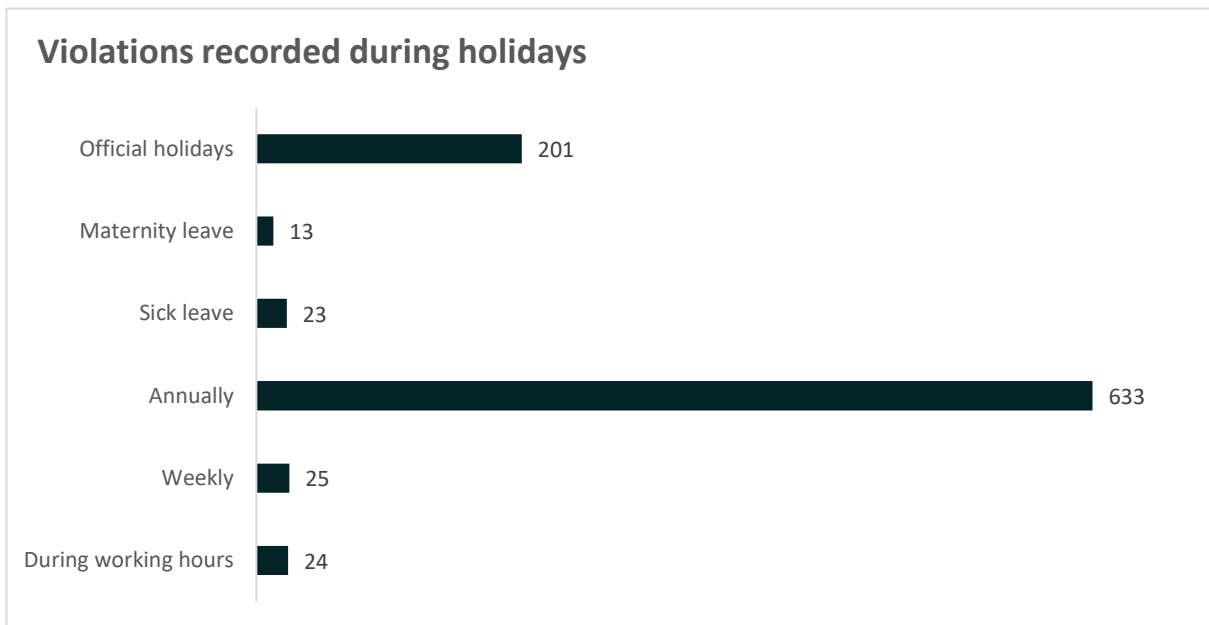


Chart 12: Violations recorded during the holidays

Violations recorded in salaries



Figure 1: Violations recorded in salaries

Violations recorded during termination

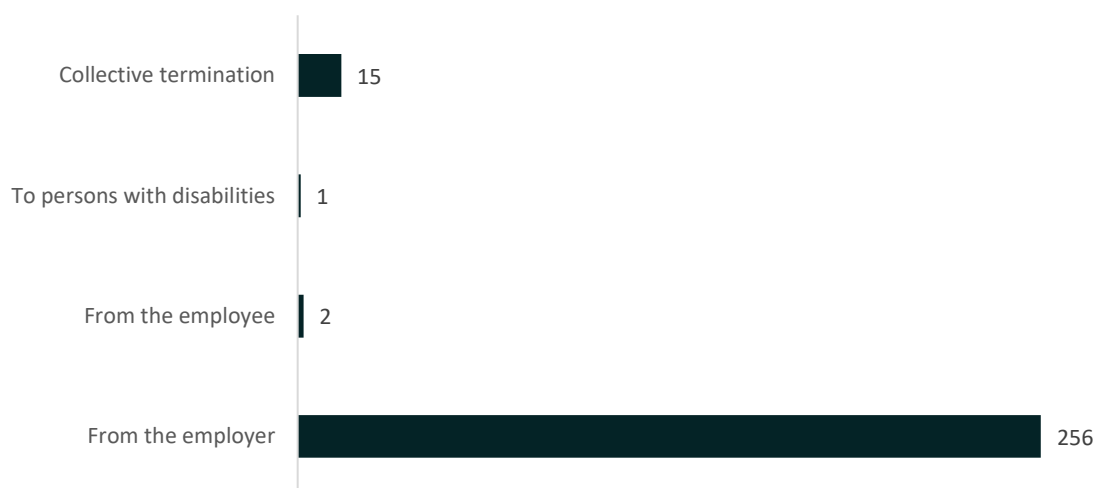


Chart 13: Violations recorded upon termination

Safety and health at work



Chart 14: Training of workers by month



Chart 15: Workplace risk assessment

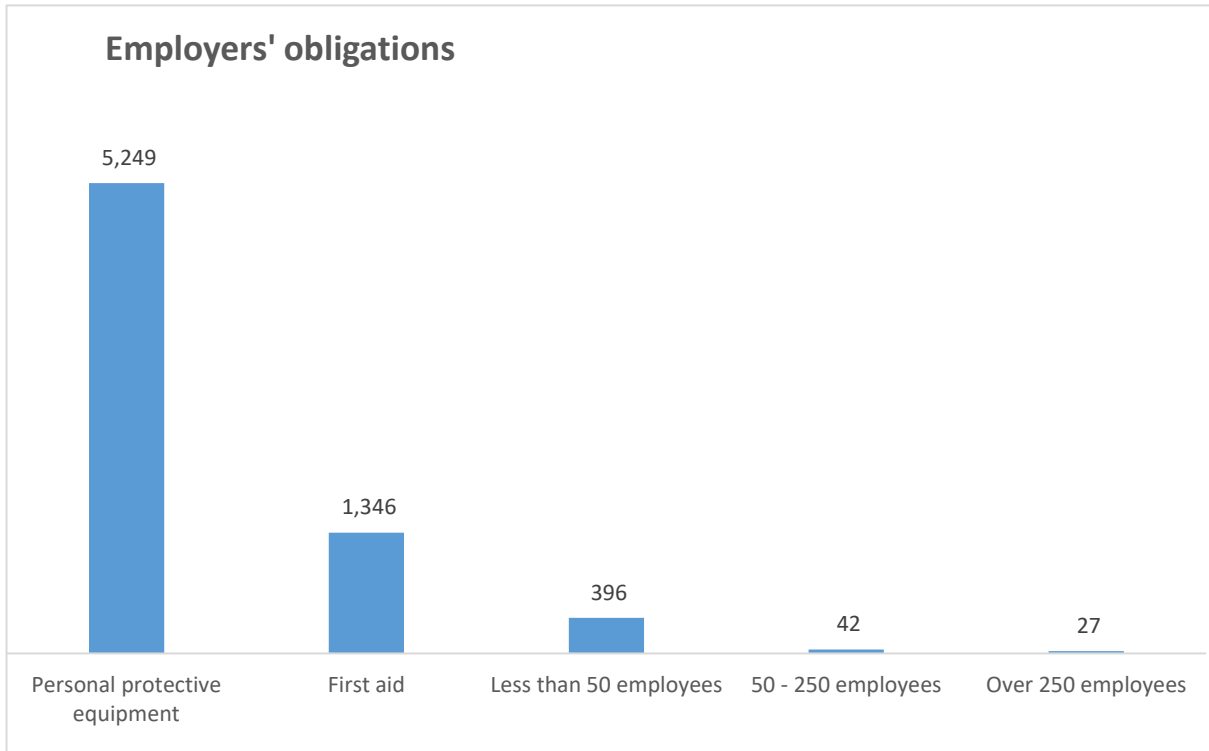


Chart 16: Employers' obligations

Employees' rights and obligations

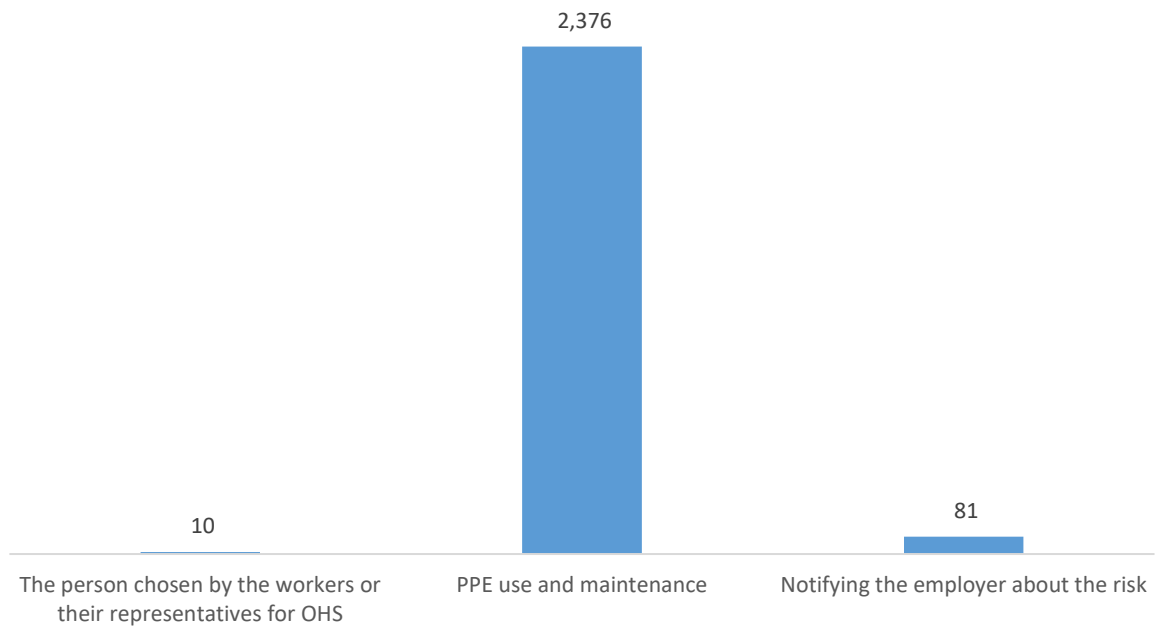


Chart 17: Employees rights and obligations

Technical conditions

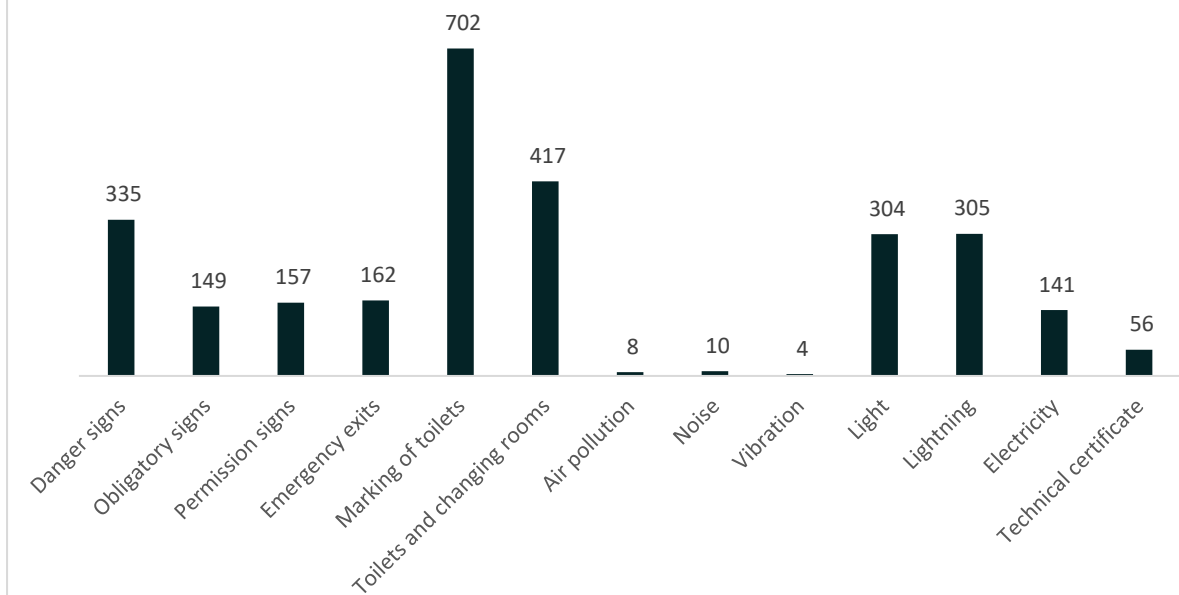


Chart 18: Technical conditions

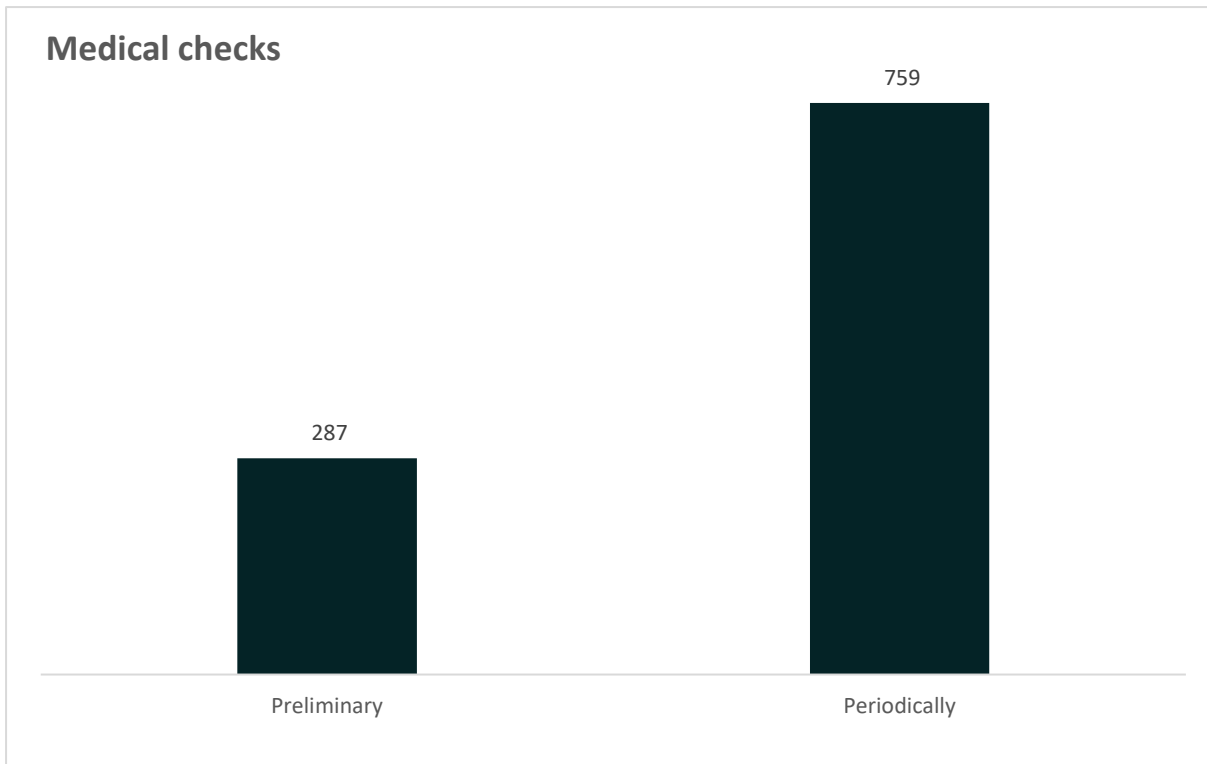


Chart 19: Medical checks