

Employment of Persons with Disabilities according to Albanian and International legislation

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Abstract

Through this modest work, we will be able to answer many questions regarding the rights of persons with disabilities, to create a horizon for the rights provided by our legislation or that of the international arena, for their employment and integration in work. What are the challenges of persons with disabilities in the labor market? What are the main institutions that can make the connection between individuals with special abilities and employers? To address these issues, it is important that all labor market actors - employers, trade unions, workers' organizations and governments - work together to promote and protect the employment rights of people with disabilities. This includes educating and raising awareness among employers, improving laws and policies, and providing more opportunities for training and professional development for people with disabilities. In conclusion, employment rights for persons with disabilities are a matter of social and human justice. By ensuring that these individuals have equal access to the labor market, we not only respect and protect their rights, but also contribute to a fairer and more equal society. The scientific methods used in this study are: analytical, comparative and data collection methods, combined in the issues addressed. Analytical method The use of this method is mainly based on the analysis of the provisions of the law. The comparative method through the use of this method aims to make an interpretation of the data that will be obtained to compare different laws, domestic and international. The method of data collection to achieve the objectives of the paper, the collection of information was done by sharing the literature which was benefited from different sources of information, mainly on the web-online.

Keywords: Disability, Employment, Integration, Convention, law.

1. The right to work of persons with disabilities in accordance with Albanian and International legislation

Albania has also regulated the creation of employment spaces for persons with disabilities with the law "On promoting employment". According to this law, in Article 14, the rules for the employment of persons with disabilities are defined. In this article, there are several points that oblige entrepreneurs and state institutions to offer employment opportunities to persons with disabilities, who have the appropriate education, have been trained or have a certain preparation. Thus, in Article 15 of this law it is stated: "Each employer who employs more than 24 employees is obliged to employ one person with a disability for every 25 employees of his staff. An employer

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may employ a person with a handicap severe instead of five persons with light handicaps", the law states, while it is the Ministry of Labor and the State Labor Inspectorate that controls the implementation of this article. This is itself an aspect of the law, which favors and supports the employment of persons with disabilities. In fact, the law also defines measures against entities in case of non-employment of persons with disabilities. However, this applies mainly to private entities, since the state itself is another mechanism that should provide employment in the public administration of these persons. Therefore, in this article we will focus precisely on the implementation of the law by public institutions, specifically the municipalities of the country.

Also, the right to work is reflected in several international documents and conventions, starting from the Universal Declaration of Human Rights, which in its 23rd² article guarantees everyone, equally, the right to work, free employment, fair and favorable working conditions and also protection from unemployment. Further, the International Convention on Economic, Social and Cultural Rights, which provides for the right to secure a living through work. This Convention, in paragraph n 6, states that the realization of the right to work includes technical and professional orientation as well as training programs. The Convention on the Rights of Persons with Disabilities is a comprehensive convention.

Which has already been ratified by the Albanian Parliament on November 15, 2012, decreed by the President of the Republic on December 3, 2012, and accepted at the UN on February 22, 2013, is permeated by the spirit of inclusiveness in policies and programs of human rights issues persons with disabilities.

The CRPD, among other things, imposes on state parties the obligation to protect and promote the rights of persons with disabilities in all policies and programs (Article 4, General Obligations). It is a matter here to include in policies and programs, which deal with different issues, which foresee the issues of persons with disabilities or which may have effects for this community.

However, this is not the only article of the CRPD, which extends the obligation regarding the inclusion of the issues of persons with disabilities in various government programs or development programs. Thus, in the opening of the CRPD, point (o) emphasizes that: "Persons with disabilities must have the opportunity to be actively involved in decision-making regarding programs and policies that affect them in a way direct. This article is a predecessor of article 4, point e, which talks about factual inclusion in all programs and policies of all levels.

It promotes and protects the rights of persons with disabilities and is expected to better and more fully address the issues of persons with disabilities, including their integration into civil, political, economic and social life. social. Among the principles of CRPD are respect for the dignity of persons with limited abilities, independent living, full and effective participation in all spheres of life, acceptance of human diversity, equality, non-discrimination and accessibility. This convention fundamentally changes the approach to persons with disabilities. From objects of rights, persons with limited abilities are subjects with full rights. From this perspective, the experience of persons with limited abilities should be integrated into the interpretation of laws, to emphasize more the rights of persons with limited abilities, thus strengthening not only the position of persons with limited abilities, but of all. CRPD does not bring new rights. It

² Article 23, points 1 and 2 of the UDHR stipulates that: "Everyone has the right to work, to freely choose a profession, to have favorable working conditions and to be protected from unemployment." Everyone, without any discrimination, has the right to receive the same salary for the same work." https://www.ohchr.org/en/UDHR/Documents/UDHR_Translations/aln.pdf

reiterates rights provided for in the Convention and other international documents, but the Convention aims to better address the rights and serves as a guide for their realization. Also, CRPD creates the Committee on the Rights of Persons with Disabilities, which, among other things, monitors the implementation of this Convention. States, which become parties to this Convention, have the duty to take legal and administrative measures to implement the rights provided for, to have these rights in mind when drafting policies or laws, to ensure that various institutions implement the provisions of provided for in the convention, take measures for protection against discrimination, promote the rights of persons with disabilities, etc.

With regard to the right to work, the CRPD, in Article 27³, addresses the obligation of States Parties to ensure the right of persons with limited abilities to work, on an equal basis with others, ensuring that persons with disabilities disabled not to be discriminated against because of their limited ability. It is important that according to the CRPD, the right to work means the whole chain of elements and procedures before and after employment. It is worth noting that employment means: the method of recruitment, the moment of employment, continuity in work, growth in the professional career, safe and favorable conditions during the 21 period of employment until the moment of termination or termination of the contract and beyond. Further, Article 27 imposes on states the obligation to ensure reasonable accommodation in the workplace. The implementation of this article has been assessed as very essential, based on the fact that various studies show that the most frequent cases of discrimination against persons with limited abilities are encountered during employment.

2. Some of the challenges faced by persons with disabilities in the labor market:

1. *Discrimination*: Although laws in many countries prohibit discrimination based on ability, the practice of discrimination continues to be a major challenge. This can include anything from being denied qualified jobs to being treated unfairly in the workplace.
2. *Lack of access and accommodation*: Often, workplaces are not equipped with the appropriate infrastructure or technology to accommodate people with disabilities. This can create significant obstacles for their employment and performance.
3. *Lack of opportunities for training and development*: People with limited abilities often do not have access to training and development programs that can help them develop their skills and advance in their careers.
4. *Prejudices and stereotypes*: Often, people with limited abilities face prejudices and stereotypes that can influence employers' decisions to hire or not.

³ Article 27 of the KDPK, provides that: "State Parties recognize their right to work to work, like the rest of the population; this includes the right to have the opportunity to earn a living by doing freely chosen or accepted work in a work and/or work environment that is open, inclusive and accessible to persons with open abilities. The company Parties will protect and realize the right to work, including the acquisition of work skills during employment, taking the appropriate steps, such as legal measures with the goals, among others: (a) to prohibit discrimination due to of related skills in all matters related to my work, are the persons of agreement at work, employment, the whole of employment, walking to work and the crime of safe and employment conditions; (b) Protecting the right to adequate skills to remain, one of all employees, including guaranteeing equal and free equal opportunity for my evaluation, safety and working conditions for equal work, including and protection from harassment and resolution of complaints; (c) To guarantee that persons with their good skills in the state of labor rights and trade union rights of all; (d) To guarantee that persons with skills have access to general technical and vocational guidance programs, to employment services and to guarantee continuing and vocational training. (e) promotion of work and employment opportunities for persons with work-acquired skills, as well as providing assistance for finding, earning, maintaining and returning to work; (f) promoting opportunities for self-employment, free private activities, cooperative activities and opening a personal business"

5. *Lack of information and awareness:* Often, employers and work colleagues do not have sufficient knowledge about the abilities and potential contribution of people with disabilities. This can lead to a lack of understanding and support.
6. *Transportation Difficulties:* For some individuals with disabilities, traveling to and from work can be a challenge, especially in areas where public transportation is not convenient or accessible.

In order to address these challenges as much as possible, a broad commitment by all labor market actors is necessary, including employers, trade unions, workers' organizations and governments. This can include improving laws and policies, increasing awareness and education, and providing more opportunities for training and professional development for people with disabilities.

3. Some strategies that can help address employment challenges for people with disabilities:

1. *Education and Awareness:* Increasing workplace awareness and education about the abilities and contributions of people with disabilities can help minimize prejudice and discrimination.
2. *Equal Employment Policies:* Implementation of equal employment policies that guarantee that persons with disabilities have equal access to employment opportunities and are not discriminated on the basis of ability.
3. *Accommodation and Adaptability:* Providing accommodations and adaptations in the workplace, such as assistive technologies or changes in work structure, that can help people with disabilities perform their duties effectively.
4. *Training and Professional Development:* Offering training and professional development opportunities that help people with disabilities develop their skills and advance in their careers.
5. *Partnerships with Disability Organizations:* Employers can partner with organizations that work to protect the rights of people with disabilities to help recruit, train, and accommodate employees with disabilities.

4. National Plan for Persons with Disabilities 2021-2025⁴

Specific objective 1- Increasing the quality of training services to promote the inclusion of persons with disabilities in the labor market.

Specific objective 2- Increasing opportunities for employment and self-employment for persons with disabilities.

Specific objective 3- Improving the quality and efficiency of services aimed at promoting the integration of persons with disabilities in the labor market.

Specific objective 1. Increasing the quality of training services to encourage the inclusion of persons with disabilities in the labor market: One of the main elements that directly affect the increase in the employability of persons with disabilities is training, theirs through attending professional courses. The policy of offering these courses free of charge, in vocational training centers in all regions of the country, helps to increase the capacities of persons with disabilities. Aiming to expand the variety of professions available for PWDs, the Plan envisages not only the expansion of the range

⁴ For more, see the National Plan for Persons with Disabilities, prepared by the Ministry of Education and Culture, at the link: https://shendetesia.gov.al/wp-content/uploads/2022/03/Plani-Kombetar-PAK-2021-2025_AL.pdf

of VET courses, unified or special, but also their inclusion in foreign language courses (English) and of learning the basics of computer use, being exempted from the payment fees of these courses according to the legislation in force.

Important activities that will help to increase the number of persons with disabilities who enroll in vocational training courses are those related to increasing accessibility, such as: the association of existing curricula with those of new with programs adapted to accommodate the needs of all categories of disability, the opening of new courses, such as vocational training for sign language interpreters. These will also be accompanied by the training of teachers and VET instructors to work with persons with disabilities, as well as the promotion of positive cases of employment after the completion of professional education or training courses by persons with disabilities, as positive models in the field of vocational training.

Specific objective 2. Increasing opportunities for employment and self-employment for persons with disabilities: The improvement of the employment legislation contains essential changes for the employment of persons with disabilities, bringing new programs and measures to promote the employment of persons with disabilities. limited. Law no. 15/2019, "For the promotion of employment" also creates the Social Employment Fund (FSP) dedicated to disability, which serves to ensure the promotion of employment, integration and social inclusion of persons with disabilities. This fund is used to finance projects aimed at employment; self-employment; rehabilitation for work; vocational training and retraining; orientation and counseling for employment; support services, adaptation of the workplace for disabled people, including deaf people and work invalids assessed as partially able to work by the relevant commissions; social reintegration programs and support for promoting the employment of family members of persons with disabilities.

Specific objective 3. Improving the quality and efficiency of services aimed at promoting the integration of persons with disabilities in the labor market: The restructuring of the central institution AKPA, responsible for the implementation of employment policies, also determines the appropriate measures that will be taken in PKVPAK for achieving the objective. In addition to the design of new curricula to provide training in "Basic Skills, which have already begun to be applied in the QFPP, in particular for persons with disabilities, measures will be taken to design and approve guidelines on service delivery manuals for the job seeker and the employer. In this process, priority will be given to the assessment of persons with disabilities regarding profiling and employability. The review of the evaluation criteria in the performance management and quality assurance system of the AKPA is foreseen for the realization and reporting of the goals set for increasing the employment of persons with disabilities.

Measures related to the awareness and information of employers and employees with disabilities are related to the obligation of employers for contributions within the FSP, the creation of information packages regarding quotas for the employment of persons with disabilities and the realization of awareness campaigns for the approach of PWD jobseekers to the employment offices. The identification of the real employment situation of persons with disabilities at the national level affects the increase in the effectiveness of employment services. The AKPA will intervene in the improvement and expansion of the statistical database of the AKPA, in order to collect specific information on persons with disabilities as unemployed jobseekers in accordance with the data obtained from the Electronic Register of Disabilities.

Cooperation with the State Labor Inspectorate is a key factor in the implementation of the legislation on the Social Employment Fund

5. The legal framework regarding the promotion or employment of persons with disabilities

The Albanian legal framework guarantees the right to employment of persons with disabilities, including this category under the general term of citizen. Also, the Albanian legal framework provides special support measures to encourage employment for special categories, including persons with limited abilities, measures to protect them from discrimination in the field of employment, as well as creating facilities for employers who employ persons with disabilities limited. From the legal framework and current policies that guarantee the right to professional training and employment.

1. Constitution of the Republic of Albania
2. Law No. 10 221, dated 04.02.2010 "On Protection from Discrimination"
3. Law No. 7961, dated 12.07.1995 Labor Code of the Republic of Albania (Amended)
4. Law No. 7995, dated 20.09.1995 "On Promotion of Employment"
5. Decision, No. 248, dated 30.04.2014, "On the program to promote the employment of persons with disabilities"
6. Decision no. 47, dated 16.01.2008 "On the program to promote employment through training"
7. Decision no. 48, dated 10.01.2008, "On the extent and criteria of benefiting from Employment promotion programs for unemployed jobseekers in difficulty"
8. Decision No. 632, dated 18.09.2003, "On the employment promotion program for female job seekers"
9. Law, No. 47/2014, "On some additions and changes to Law No. 9355, dated 10.3.2005, "On Assistance and social services" (Amended)
10. Law No. 93/2014 On Social Inclusion and Accessibility of Persons with Disabilities;
11. Law 8089, dated 28.03.1996, on the "Status of the Blind"
12. Law 8626, dated 22.06.2000 on "Status of Paraplegic and Tetraplegic Disabled"
13. Law No. 7889, dated 14.12.1994 "On the Status of Work Invalids"
14. Law number 8872, dated 29.03.2002 "On Education and Vocational Training", (Amended)
15. Regulation on the Organization, Rights, Duties and Functioning of the Medical Commissions for Determining the Ability to Work of the Disabled, dated 30.05.2005
16. Law No. 7703, dated 11.05.1993, 'On social insurance in the Republic of Albania (Amended)
17. National Strategy for Employment and Skills 2014-2020
18. National Strategy for Persons with Disabilities

6. Official statistics regarding the employment of persons with disabilities

About 6.2% of the adult population in Albania has declared that they have at least one disability⁵. Adults with disabilities of working age are sometimes more likely to be out

⁵ For more, see the paper published by INSTAT "PROFILE OF PERSONS WITH DISABILITIES IN ALBANIA", page 6 of this paper, accessed on the web with the link: https://www.instat.gov.al/media/3706/profil_i_personave_me_aft_si_t_kufizuar_n_shqip_ri.pdf

of the labor force than people without disabilities. Another study found that people with disabilities are up to 5 times less likely to be employed than others⁶.

Also, with the e-mail dated 18.04.2024, addressed to the National Employment and Skills Agency (AKPA), with the subject "Information requested in connection with the number of employees with disabilities", with the content of the request (...) what is the number of persons with limited abilities that your institution has employed during the last 5 years (2019-2024), either in the private or state sector, at the national level?⁷

According to their official response (AKPA), the following data are reflected;⁸

	2019	2020	2021	2022	2023	Jan-Mar 2024
Participant in the employment promotion program	111	67	57	48	40	22
employed	82	50	32	18	266	50
Total employment	193	117	89	66	306	77

*Employment of persons with disabilities during the years 2019-2024.

CONCLUSION

As predicted above in this paper, the right of persons with disabilities is protected by Albanian and international legislation.

But just issuing laws is not enough without taking some concrete and practical measures. As such they would remain abstract. Therefore, to make the law on Employment of Persons with Disabilities I would recommend:

Investing in training and professional development for people with disabilities can help them grow in the labor market and improve their lives;

Creating a work environment tailored to their needs can bring huge benefits to companies, including workforce diversity and creating a more inclusive environment; Government policies and regulations should focus on supporting the integrity and rights of persons with disabilities in the workplace;

Initiatives to encourage collaboration between the private, public sector and non-governmental organizations can help create sustainable and supported employment opportunities for people with disabilities;

Integrating technology and innovation into workplaces for people with disabilities can help alleviate barriers and facilitate their inclusion in the labor market.

These measures, in my opinion, would do little to increase the responsibility of employers, to include in their workforce, even people with special skills.

Everyone is a genius in their own right. But if you judge a fish by its ability to climb a tree, then it will live its whole life thinking it's stupid.
=Albert Einstein=

⁶ For more see the published paper "Persons with disabilities in Albania – Regulatory framework and public services" page 11 of this paper, accessed at the link: <http://special.aipa.al/wpcontent/uploads/2019/04/People-with-disabled-in-Albania-Regulatory-framework-and-public-services.pdf>

⁷ See the e-mail dated 18.04.2024 <https://1drv.ms/b/s!Ah5igmGtOKgShDy3LXwAkzXdKJjR>

⁸ See the reply via e-mail dated 22.04.2024 https://1drv.ms/b/s!Ah5igmGtOKgShDq3Sm2XOe3Utu_8

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