

# Better integration of people with disabilities into the Albanian labour market

ESPN Flash Report 2019/52

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*In March 2019, the Albanian parliament approved a new Employment Promotion law. The law requires the establishment of a national Employment Social Fund to support the integration of people with disabilities into the labour market. The fund, which should be operational by mid-2020, will be managed by the newly created (July 2019) National Agency on Employment and Skills. A recent law on social assistance (July 2019) will provide an additional incentive for boosting the employment of people with disabilities.*



## Description

The 2011 census figures indicate that 6.2% of the adult population (aged 18 or above) in Albania suffer from some sort of disability. Data from the State Social Services show that 163,987 persons (all ages, including those unable to work and children) benefited from disability payment schemes in the period March–April 2019. There are no available data on the employment rate of people with disabilities at the country level. The only data available from the National Employment Services (NES) are those related to registered unemployed jobseekers. At the end of 2018, 479 people with disabilities were registered as unemployed jobseekers (i.e. 0.7% of registered unemployed); 138 of them were involved with various NES programmes. 68 of the registered unemployed from this category (around 15%) were employed through NES during the year 2018.

In March 2019, the Albanian parliament approved a new Employment Promotion law. The law paves the way for a comprehensive institutional and policy reform of the employment and vocational and training sector. It transforms and reorganises the National Employment Services into the National Agency for Employment and Skills (NAES). The law provides for the establishment of a national Employment Social Fund to support the upskilling and employment of people with disabilities, as well as any necessary adaptations to the workplace.

Under this law, all public and private employers with 25 employees will have to hire one person with disabilities. They will then be required to take on another person with disabilities for every additional 50 employees thereafter. Those who do not comply with this quota will have to pay a full minimum wage (26,000 ALL, i.e. approximately 210 EUR) to the Employment Social Fund for every month in which they are not employing the respective quota of persons with disabilities.

The fund will support employment, training, self-employment or workplace adaptation programmes for people with disabilities. It will be administered by its own Administrative Board (NAES will implement the measures) and financed by employers, the government and possibly other donors as well.



## Outlook and commentary

Disability in Albania is still often considered and treated as a condition requiring merely cash assistance (i.e. the focus is essentially on economic aid and disability cash benefits). For many years, this mindset has influenced policies and practices, based on the belief that people with disabilities need care and medical assistance, because they are unable to live an independent life. Due to the lack of access to adequate education, lack of accessible services, lack of adapted support

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structures and stigma, people with disabilities do not fully enjoy their human rights, including the right to decent work.

The quota provision, as well as the compulsory payment to be made by employers not respecting it, was part of the original Employment Promotion law of 1995. However, these elements of the law were never implemented because the secondary legislation was never enacted, specifically the relevant decisions of the council of ministers to establish and approve the statutes of the internal organisation and administration of the national Employment Social Fund. Obligations to meet the quota were not monitored and levies were never collected. Despite the good intentions and the progressive approach back in 1995, the law failed to support the employment of people with disabilities. Another attempt in 2014, supported by an EU funded project on Human Resources Development, initiated the process of establishing what was then referred to as the "National Employment and Skills Development Fund". It remained an initiative, and the proposal for a dedicated law was not considered any further.

In the light of the failures of the past, the revision of the law was accompanied by a wide consultation process with the private sector, and with the organisations representing people with disabilities. As various options for obligations and levies were being considered, consultations highlighted that the spirit of the old law should be upheld and emphasis placed on implementation. Although the collection of levies for the fund is a legal mechanism, the primary concern of the new law is ensuring the employment of people with disabilities in eligible private companies and public bodies. The funds collected would then be

utilised for making work more accessible and ensuring that the job placement and upskilling programmes are made available for this vulnerable category.

Provisions such as bylaw and instructions for the establishment of the Employment Social Fund are due to be completed by April 2020. Particular elements that relate to the management of the fund, such as the establishment of the board and the role of tax offices, labour inspection services as well as instruments and capacity development for the new NAES, are to be tackled. On the technical level, the functioning of the fund requires sustained inter-agency cooperation to assess disabilities and the need for supported employment. In-depth assessments of unemployed jobseekers with disabilities, including existing physical, infrastructural or communication barriers, will need to be put in place. Indeed, its success will also rely on the current reform of the evaluation of people with disabilities: their degree of disability and their work ability (expected to be completed by 2021). Therefore, the State Social Services, the NAES as well as any other actors will need to be involved in defining and developing the appropriate mechanisms for profiling, eligibility criteria and the nature of employment support. Operational guidelines, monitoring and evaluation structures will be needed for employment and levy collection. Cross-sectorial coordination to support integrated employment service delivery will be crucial, as will be coordination with other on-going reforms in the social sector.

A recent law on social assistance (July 2019) removed a former provision which stated that after 48 months of employment, persons

with disabilities would lose disability cash benefits. This will constitute an additional incentive for boosting employment of these individuals.

Even though all these efforts and interventions are welcome, it is not yet clear to what extent the Employment Social Fund will lead to significant results in the integration of persons with disabilities into the labour market.

### Further reading

Employment Promotion Law:  
<http://www.parlament.al/Files/ProjektiLiqje/20190318131036liqje%20nr.%2015,%20dt.%2013.3.2019.pdf>

Employment Promotion Law Commentary:  
<http://www.parlament.al/Files/ProjektiLiqje/20190121102410RELAACION%20-%20NXITJA%20E%20PUNESIMIT.pdf>

Profile of Disabled Population in Albania:  
<https://www.undp.org/content/dam/albania/docs/Census%202011%20Profile%20of%20PWD%20final.pdf>

National Employment Service Annual Report 2018:  
<http://www.shkp.gov.al/wp-content/uploads/2019/07/BULETINI-2018c.pdf>

PwD Statistics State Social Service:  
<http://www.sherbimisocial.gov.al/raporte/>

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