

QUESTIONS

- LABOR CODE PROVIDES WIDE RANGE OF PENALTIES FOR VIOLATIONS. DOES THIS CREATES OPPORTUNITY FOR ARBITRARITY WHEN APPLIED?
- ARE THE ABOVE PENALTIES FLEXIBLE AND EFFICIENT?

COMPARATIVE OVERVIEW

ALBANIA	SERBIA	ROMANIA	GREECE	MONTENEGRO	KOSOVO
<p><i>Group 1-</i> up to 20 x 22,000= 440,000 ALL)</p> <p><i>Group 2-</i> up to 30 x 22,000= 660,000 ALL)</p> <p><i>Group 3-</i> up to 50 x 22,000=1,100,000 ALL)</p> <p>Repeated violation total amount of fines at max. 5,500,000 ALL)</p>	<p><i>Group 1-</i> 400 Euro/800 Euro</p> <p><i>Group 2-</i> from 3,230 Euro up to 8,075 Euro</p> <p><i>Group 3-</i> from 4,846 Euro up to 12,112 Euro</p> <p><i>Group 4-</i> from 6,460 Euro up to 16,200 Euro</p>	<p>Fines from 67 Euro up to 22,300 Euro</p> <p><i>Note: (tight range of fines as per the specific violations which are detailed in sub-groups.)</i></p>	<p>Fines from 500 Euro up to 50,000 Euro.</p>	<p><i>Group 1-</i> from 30 Euro up to 2,000 Euro</p> <p><i>Group 2-</i> from 150 Euro up to 6,000 Euro</p> <p><i>Group-</i> from 500 Euro up to 20,000 Euro</p>	<p><i>Group 1-</i> from 100 Euro up to 10,000 Euro</p> <p><i>Group 2-</i> up to 20,000 Euro (<i>i.e the employee under 18 years old</i>)</p> <p><i>Group 3-</i> up to 30,000 Euro (<i>i.e. discrimination</i>)</p>

The amount of fines it is determined on the basis of: If the violation is repeated, Duration of violation, Severity of the damage, Number of the damaged employers .

✓ **Labor inspectors have wide discretion in imposing the fines**

- Almost all the countries foresee wide range of fines for violations of labor legislation.

✓ **Methodology and Commentaries at disposal of labor inspectors**

- State Labor Inspectorate (SLI) and Central Inspectorate are working for the Methodology.

✓ **Provisions of fixed fines for violations of labor legislation does not help in the differentiation of violations**

- The structure of the sanctions regarding labor legislation is a combination between administrative and criminal sanctions.

✓ **The trend is for the increase of administrative (fines) and criminal sanctions**

- (Serbia, France, Italia etc.)

✓ **Albania Labor Code does not have the more *severe sanctions* or the *wider range of fines* between the maximum and minimum**

✓ **During 2016 SLI imposed 117 fines**

- The amount of fines ranges from 22,000 ALL up to 880,000 ALL. The maximum amount of fine 5,500,000 ALL is imposed only once in 2014. Awareness, education of employers and warnings increase the efficiency of sanctions.