

Institutional capability for monitoring labor laws implementation





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INSTITUTIONAL CAPABILITY AND LEVEL OF IMPLEMENTATION OF THE LEGISLATIVE FRAMEWORK IN THE FIELD OF LABOR

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Introduction

Occupational Safety and Health in the Republic of Kosovo is considered as one of the least developed areas because over the years it continues to face many crises.

The Law on Safety and Health at Work, Safety and Health at Work is defined as "an integral part of the organization of the work process, taking preventive measures aimed at improving working conditions, protecting the health of workers, improving the working environment, physical and mental protection of employees and others participating in the work process

The responsible bodies have long worked and continue to work on the legislative framework related to the field of Safety and Health at Work. The Kosovar Legislative Framework has adapted a considerable number of laws and bylaws according to the standards of European Union (hereinafter referred to as the EU), where the basic basis is the guarantee of safety and health in the workplace. However, their adaptation is not positive in practice, as data from the Labor Inspectorate show a high number of accidents at work. The year 2021 in the last decade marks the year with the highest number of accidents at work, with a total of 188 (one hundred and eighty eight) accidents², despite the fact that the highest risk activities have not operated for full months due to the pandemic .

This high number of workplace accidents over the years in Kosovo indicates a low level of occupational safety and health. The partial implementation of the Law on Occupational Safety and Health and the failure to create proper conditions for employees, affects the high number of accidents.³ Another reason the inefficiency of the authorities responsible for conducting inspections, in this case the Labor Inspectorate, is also considered due to limited professional and technical capacities. Thus, during 2021 alone, about 96% of employees were left out of inspection.⁴ On the other hand, although the number of accidents at work is high, the imposition of administrative measures by the competent authorities is low. The total number of fines imposed by the Labor Inspectorate in 2021 was 281.⁵

This document aims to review the legislative framework related to occupational safety and health as well as the work of mechanisms responsible for this area, including analysis with statistical data from relevant sources.

Through the years-long review of the legislative framework related to safety and health in the workplace, a more detailed description will be made. In particular, the part of its implementation and the capacity of the institutional framework to oversee the implementation of the legislative

¹ Law no. 04 / L-161 on Safety and Health at Work. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8689>.

² Labor Inspectorate (2022) Labor Report.

³ Ministry of Labor and Social Welfare (2017) Sectoral Strategy 2018-2022. Retrieved from: <https://mpms.rks-gov.net/wpdm-package/strategjia-sektoriale-2018-2022/>

⁴ Labor Inspectorate (2022) Labor Report.

⁵ Labor Inspectorate (2022) Labor Report.





framework will be analyzed. This will make it possible to highlight the high number of obstacles and will facilitate the process of implementation of legislation in practice and through this will enable the promotion of the advancement of the legislative and institutional framework for employees and employers.

Particular attention will be paid to the main mechanisms in which the field of occupational safety and health extends, addressing concrete recommendations, especially for the Labor Inspectorate as the only state body to oversee the implementation of legal provisions in the field of labor relations. occupational safety and health at work.

At the end of the report will be analyzed the legislative and institutional framework in the field of safety and health at work in some of the countries in the region and Europe.

Current state of the Legislative Framework

Occupational Safety and Health in Kosovo is regulated by a considerable number of laws, ranging from general laws to specific and specific ones.

In order to harmonize with EU directives, the legislative framework on Occupational Safety and Health has worked over the years to make some changes. Current laws in the field of safety and health in the workplace aim at a regular work environment, in order to ensure that employees do not become part of accidents.

Occupational Safety and Health, although not specifically, in some articles is addressed in the Constitution of the Republic of Kosovo. Article 2 and freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the Republic of Kosovo and have priority in case of conflict, over the provisions Constitution, in Article 49, defines the right to work and exercise the profession, where the right to work is guaranteed and that every person is free to choose the profession and the place of work.⁷ Article 49 of the Constitution of the Republic of Kosovo, as a legal basis was the current Labor Law adopted in 2010, which with legal provisions defines the field of protection in the workplace.

Also, Law no. 04 / L-161 on Occupational Safety and Health specifically adopted regulates the above area. Whereas, regarding the mining activity, Law no. 05 / L-062 on Safety at Work in the Mining Activity, whose main purpose is safety at work in this activity.

Consequently, the Legislative framework in the field of occupational safety and health is regulated by the following laws:

⁶ "Constitution of the Republic of Kosovo" (2008). Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=3702>

⁷ "Constitution of the Republic of Kosovo" (2008). Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=3702>





- Work law
- Law on Occupational Safety and Health
- Law on Safety at Work in the Mining Activity
- Law on Labor Inspectorate.

LAW no. 03 / L-212 on Labor

Under the authority of UNMIK, labor relations were regulated by Regulation 2001/27 on the Basic Labor Law. This regulation prohibited discrimination at work, set the minimum age for work, prohibited forced labor, guaranteed the right to organize trade unions or other collective forms and collective agreements, defined the employment relationship, employment contracts and forms of contract, termination of employment contract, manner of receiving salary, working hours, annual leave, official holidays, maternity leave, medical leave, unpaid leave or other cases of family leave, labor inspection by the competent authorities, as well as punitive measures if employers did not comply with this regulation.⁸

Continued efforts to adopt a draft labor law began in 2006, to be finalized in December 2010 with Law no. 03 / L-212 of Labor. This law repealed UNMIK Regulation no. 2001/27 on the Basic Labor Law in Kosovo of 8 October 2001, the Law on Labor Relations of the SAC of Kosovo of 1989 and the Labor Law of Yugoslavia of 1977 with the relevant amendments.⁹

Law no. 03 / L-212 of Labor, the essential purpose is the regulation of rights and obligations from the employment relationship. Years later, in order to meet the requirements of the EU and increase the effectiveness of the law in question, consultations began on drafting a new Labor Law. This Law, among others, defines the Protection and Safety at Work, the obligations for the employer as well as the rights and duties of the employees are clearly defined in its article 42.

In order to more advanced regulation of the Field by the Labor Relations during 2018, a concept document was drafted by MLSW which was approved by the Government on June 26, 2018.¹⁰

The amendment of the legislative framework in the field of labor relations has been working for 3 (three) years, through the Draft Labor Law, which in addition to the Committee on Labor and Social Welfare, was reviewed in first reading in the plenary session of the Assembly of Kosovo, but with the fall of the Haradinaj Government, among others, this Draft Law remains on the verge of finalization and unapproved and as a result has returned to zero.

⁸Regulation no. 2001/27 On the Basic Labor Law in Kosovo (2001). Retrieved from: https://unmik.unmissions.org/sites/default/files/regulations/03albanian/A2001regs/RA2001_27.pdf

⁹"Labor Law No. 03 / L-212" (2010). Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735>

¹⁰ Government of the Republic of Kosovo, Decision no. 06/53 (2018). Retrieved from: <https://kryeministri-ks.net/wp-content/uploads/2018/07/Vendimet-e-Mbijjes-s%C3%AB-53-t%C3%AB-t%C3%AB-Qeveris-%C3%AB-s%C3%AB-Republik%C3%AB-s%C3%AB-Kosov%C3%ABs-2018.pdf>





During 2019 and 2020, the Draft Labor Law has been foreseen in the legislative plan. Even in the Hoti Government, the Draft Labor Law has been approved¹¹, but with the fall of the Government in question, this draft law has returned to zero, and as a result, the Labor Law of 2010 is still in force.

Even in the current government Kurti II, the Labor Law took place in the Legislative Program of 2021 with a deadline of approval until December 2021 but the same was not approved and passed to the Legislative Program of 2022.¹²

LAW NO. 04 / L-161 ON OCCUPATIONAL SAFETY AND HEALTH

It was adopted in 2013, and is in line with EU Directive 89/391 / EEC of 12 June 1989. With the entry into force of this law, Law no. 2003/19 on Occupational Safety, Protection of Employees' Health and Work Environment. The current law explicitly repeals all bylaws which as a legal basis had law no. 2003/19 .

The adoption of the Law on Occupational Safety and Health in 2013, implies the fact that the process of approximation of domestic legislation with that of the EU began even before the signing of the Stabilization and Association Agreement (SAA) between Kosovo and the EU, with it which Kosovo takes on new obligations in the field of Safety and Health at Work.

This law defines the principles which have to do with the prevention of risks encountered in the workplace, the obligations of the employer, preventive measures in order to eliminate risk factors in the workplace. The law also contains information provisions as well as general instructions which aim to improve the level of safety and health at work. The provisions contained in the law should be applied in the public, private, public-private sector and the state administration sector at the central and local level. The law does not apply in sectors whose activity is regulated by special laws, such as: Kosovo Security Forces, Police, Fire Service and Protection and Rescue Services.

MLSW during 2019 in order to advance the legislation in the field of safety and health at work drafted a concept document for the advancement of legislation in the field of safety and health at work which was approved by the Government on November 23, 2020. ¹³Recommended Opinion of This Concept Paper is the draft Law on amending and supplementing the Law no.04 / L-161 on safety and health at work. This option envisages improving and advancing the

¹¹ Office of the Prime Minister (2020). Work Report of the Government of the Republic of Kosovo (June-December 2020). Taken from: https://kryeministri-ks.net/wp-content/uploads/2021/01/RAPORTI-I-TE-ARRITURAVE_09012021_ZPS.pdf

¹² Legislative Program for 2021. Office of the Prime Minister. <https://kryeministri.rks-gov.net/wp-content/uploads/2021/06/Programi-Legjislativ-per-Vitin-2021...pdf>

¹³ Government of the Republic of Kosovo, Decision no. 06/45 (2020). Retrieved from: <https://kryeministri-ks.net/wp-content/uploads/2020/11/Vendimet-e-mbijes-s%C3%AB-45-t%C3%AB-t%C3%AB-Qeveris-%C3%AB.pdf>





legislative framework to ensure the regulation of occupational safety and health for all in accordance with EU legislation and standards.¹⁴

As a legal basis, this law had 22 (twenty two) bylaws, approved by MLSW and the Government of Kosovo which regulate specific areas defined by law.

Scope of the Law on Safety and Health in the Workplace and collision with other laws

Article 2 of Law no. 04 / L-161 on Occupational Safety and Health stipulates that this law applies to the public, private, public-private sector and the state administration sector at the central and local level. The only exception from the application of this article is paragraph 3 of this Law which stipulates that "The provisions of this Law do not apply to sectors whose activity is regulated by special laws, such as: Kosovo Security Force, police, fire service and protection and rescue services.¹⁵ The wording of this provision implies that the institutions to which this law does not apply are tax-numbered, and consequently, to all other institutions this law should apply.

However, in 2016 Law no. 05 / L-062 on Safety at Work in the Mining Activity, the scope of which includes all licensed entities in the mining sector. Also, in 2018, Law no. 06 / L-029 on Radiation Protection and Nuclear Safety, contains provisions which regulate the issue of health and safety at work for activities that include the use of nuclear energy and ionizing radiation.

Both of these laws are an exception to the LSSHP, although this exception is not explicitly stated in the LSSHP. This can cause confusion as to which law should be implemented in these institutions. The new law on Occupational Safety and Health should be addressed so that this law stipulates that it does not apply to sectors whose scope is regulated by special laws, without counting who these sectors are. This would serve that in the future, in case of issuance of a special law, there is no need to change the LSSHP.

Non-harmonization of fines in the Law on Safety and Health at Work with the Law on Minor Offenses

Article 25 of Law no. 04 / L-161 on Occupational Safety and Health determines the fines for natural and legal persons who do not apply the provisions of this law. The law sets fines for the employer that start from a minimum of five hundred (500) euros and go up to a maximum of thirty-five thousand (35,000) euros.¹⁶ As for the employees, the fines are from 100 to five

¹⁴Government of Kosovo, Second Draft Concept Paper on Advancing Legislation in the Field of Occupational Safety and Health. (2019). Taken from:

<https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=40729>

¹⁵ Law no. 04 / L-161 on Safety and Health at Work. Taken from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8689>.

¹⁶ Law no. 04 / L-161 on Safety and Health at Work. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8689>.





thousand (5,000) euros.¹⁷ These fines are not in accordance with Law no. 05 / L-087 on Minor Offenses. This is because Article 29 of the Law on Minor Offenses stipulates that the sanction for minor offenses for a natural person and the responsible person of a legal entity can not be less than 30 euros nor more than 2,000 euros.¹⁸ As for legal entities, this fine can not be less than 500 euros or more than 20,000 euros¹⁹.

The fines set out in the Law on Health and Safety at Work for employers are in line with the Law on Minor Offenses when we consider the exception set out in paragraph 6 of Article 29 of the Law on Minor Offenses, which provides that fines for offenses in the field, among others, safety and security at work, can be doubled to the specified maximum. This means that for the violations defined in the LSSHP can go up to a maximum of 40,000 euros. However, the fines set by the LSSHP for employees (for natural persons) are not in accordance with the Law on Minor Offenses. This is because the maximum set by the Law on Minor Offenses for Natural Persons is 2,000 euros, and when paragraph 6 of Article 29 of this Law is taken into account, this fine can go up to a maximum of 4,000 euros. Whereas, the maximum of 5,000 euros set by LSSHP for employees exceeds the maximum allowed by the Law on Minor Offenses.

It is important to note that Law no. 05 / L-087 on Minor Offenses was adopted in September 2016, and entered into force in January 2017. Although Article 167 of this law explicitly states that all provisions for minor offenses that are not in accordance with this law must be harmonized within one (1) year from the entry into force of this law²⁰, LSSHP has not been amended even almost 5 years after the entry into force of this law, making these provisions regarding minor offenses contrary to the Law on Offenses.

The right to appeal against the fine

The Law on Health and Safety at Work does not specify who is the competent body for imposing fines. The only provision that refers to this issue is in Article 24 of the LSSHP which stipulates that the supervision of the Law is done by the Labor Inspectorate.²¹ The Labor Inspectorate did not have the competence to impose fines with any legal provision with Law no. 2002/9 on the Labor Inspectorate. However, in Article 5 of Law no. 03 / L-017 on Amending and Supplementing

¹⁷ Law no. 04 / L-161 on Safety and Health at Work. Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=8689>.

¹⁸ Law no. 05 / L-087 on Minor Offenses. Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=12839>

¹⁹ Law no. 05 / L-087 on Minor Offenses. Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=12839>.

²⁰ Law no. 05 / L-087 on Minor Offenses. Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=12839>

²¹ Law no. 04 / L-161 on Safety and Health at Work. Retrieved from: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=8689>.





the Law on Labor Inspectorate, the Labor Inspector has been given exclusive competence to impose fines by decision. In case of change of LSSH in the future, the competence of the body for imposing the fine must be clearly specified.

The Law on Health and Safety at Work also does not specify the issue of appeals against fines. Whereas, Law no. 2002/9 on the Labor Inspectorate, although it did not define the competence of the inspector to impose fines, nevertheless defines in article 6 the right to appeal against the decision of the Labor Inspector. The provision of article 6 of this law is the only provision that regulates the procedure according to the complaint, since this provision has not been subject to amendment Law no. 03 / L-017. According to Article 6 of the Law, against the decision of the labor inspector can be appealed to the authority of the Labor Inspectorate. Thus, although this law defines the right of appeal, this is not sufficient as it is not specified who is the second instance body that will decide on the appeal. In order to preserve the principle of reciprocity, it is necessary at the time of amending the Law on Labor Inspectorate to determine who is the second instance body, competent to handle complaints.

However, although there is no legal basis in practice, the responsibility for reviewing complaints against the Labor Inspectorate belongs to the Chief Labor Inspector, where the latter by decision appoints the Complaints Review Commission consisting of three (3) members. Another violation is the fact that the lack of human resources within the Labor Inspectorate results in members of the commission being any of the active inspectors in the Labor Inspectorate.

LAW no. 05 / L -062 ON SAFETY AT WORK IN MINING ACTIVITY

This law was adopted in March 2016 and has limited activities because its provisions extend only to the mining sector. Its scope applies to all activities that include research, exploitation or enrichment of Minerals in the Republic of Kosovo.²²

"This law sets out general principles for the prevention of occupational hazards and the protection of the health of employees in the mining sector, the obligations of the employer, the rights and obligations of employees and persons responsible for occupational safety and health of employees, and sets standards. necessary for safety at work in mining activities. This law aims at the systematic improvement of the safety and health of workers at work, the prevention of injuries at work, occupational diseases and other diseases related to the work of the mining sector.²³

The state institutions responsible for the implementation of the Law on Safety at Work in the Mining Activity are:

²² Law no. 05 / L -062 On Safety At Work In Mining Activity. Retrieved from: <https://kosovo-mining.org/wp-content/uploads/2017/09/LIGII-P%C3%8BR-SIGURI-N%C3%8B-PUN%C3%8B-N%C3%8B-ACTIVITIES% C3% 8B-MINERARE.pdf>

²³Law no. 05 / l-062 on Safety at Work in the Mining Activity. Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12324>





- **The Ministry of Economic Development** develops national policies in the field of mining and minerals.
- **The Mining Inspectorate**, as noted above, is the responsible institution that controls the implementation of Law no. 05 / L-062 on Safety at Work in the Mining Activity.

As noted above, the scope of this law is not excluded from the scope of LSSHP, which in practice causes a challenge in implementation.

LAW NO. 2002/9 ON THE LABOR INSPECTORATE

After the 1990s, the field of labor inspectorate was regulated by UNMIK Regulation 2001/27 on the Basic Labor Law. In 2002, based on the above regulation, Law no. 2002/9 on the Labor Inspectorate. This law defines the duties and responsibilities of the LI.

So far the Law did not have any substantial changes except for the fact that in 2008 it was amended by Law no. 03 / L-017 on "Amending and Supplementing the Law on Labor Inspectorate".²⁴ The changes made to this law were essentially only procedural and not radical changes. key problems for the labor inspectorate, as containing deep legal loopholes pushes the labor inspector to act on the basis of unwritten practices²⁵. Priority inspections should be given priority. We consider that regular inspections, as well as inspections at the request of the party are one of the forms that results in a real inspection of the situation in the workplace, because the employer will not be able to prepare in advance.

With the amendment of the law in 2008 we do not have a specification of the competencies of the Chief Inspector, Deputy Chief Inspectors, the professional criteria for labor inspectors are not mentioned, the conditions for admission and evaluation of inspectors are not predetermined, as well as many other gaps faced by the Inspectorate. Labor as the only state mechanism for overseeing the implementation of relevant laws and bylaws related to labor relations as well as safety and health in the workplace.²⁶

The Draft Law on Labor Inspectorate was part of the Legislative Plan of Governments since 2017. After many continuous efforts by MLSW, on August 28, 2020, the Government approved the Draft Law on Labor Inspectorate.²⁷ However, this law failed to pass in Parliament due to short-lived governance.

²⁴Law no. 03 / L-017 on amending and supplementing the Law on Labor Inspectorate (2008). Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2581>

²⁵Center for Policy and Advocacy, (2020). Analysis of the Draft Law of the Labor Inspectorate. Taken from: https://qpa-rks.org/wp-content/uploads/2020/11/LigjiiperInspektorattePunes_Final-ALB.pdf

²⁶Center for Policy and Advocacy, (2020). Analysis of the Draft Law of the Labor Inspectorate. Taken from: https://qpa-rks.org/wp-content/uploads/2020/11/LigjiiperInspektorattePunes_Final-ALB.pdf

²⁷Government of the Republic of Kosovo, Decision no. 05/28 (2020). Retrieved from: <https://kryeministri-ks.net/wp-content/uploads/2020/08/Vendimet-nga-mbijja-e-28-t%C3%AB-e-Qeveris%C3%AB.pdf>





The draft law on the Labor Inspectorate was also part of the Legislative Program 2021, but was withdrawn during October ²⁸.

Furthermore, the change in the legislative framework of the Law on Labor Inspectorate was considered very important by more than half of the current number of labor inspectors who participated in completing a questionnaire regarding the institutional framework in the field of labor safety and health in the workplace ²⁹.

Scope of the Law on Labor Inspectorate

Article 1 of Law no. 2002/9 on the Labor Inspectorate defines the scope of the Law, which extends to all workplaces, regardless of which legal provisions are in force and which relate to working conditions, protection at work and protection of workers' health. This law does not contain an exception defined in Article 2 paragraph 3 of the LSSHP, which excludes from its scope some sectors. This means that the Law on Labor Inspectorate is applied in all sectors without exception, including the sectors excluded by the LSSHP, which makes its implementation difficult in these sectors. However, the biggest challenge of implementing this law is in the sectors in which the LSSHP is not implemented as well as in the sectors which are not explicitly excluded from the LSSHP but which are regulated by special laws. Specifically, these sectors include mining activities as well as activities regulated by Law no. 06 / L-029 on Radiation Protection and Nuclear Safety. This is because the institutions responsible for the implementation of these laws are not the Labor Inspectorate.

Thus, in article 13.3.1 of Law no. 05 / L-062 on Safety at Work in the Mining Activity stipulates that the Mining Inspectorate is authorized to determine safety measures in case of danger to life, human health and the working environment. Also, Article 44 of Law 06 / L-029 on Radiation Protection and Nuclear Safety empowers the Kosovo Agency for Radiation Protection and Nuclear Safety to conduct inspections related to occupational safety and health in the sectors covered by this Law. Moreover, both of these laws entitle the Mining Inspectorate and the Agency, respectively, to impose fines for non-compliance with these laws. This causes ambiguity in the scope of the Law on Inspectorate, as this law does not exclude these sectors from the scope. In case of amendment of the Law on Labor Inspectorate, the sectors in which the Labor Inspectorate does not have the competence to inspect in relation to safety and health at work should be specified.

²⁸Office of the Prime Minister. Decision no. 02/42 on amending and supplementing the Legislative Program of 2021. Retrieved from: <https://kryeministri.rks-gov.net/wp-content/uploads/2021/10/Vendimet-e-Mbijjes-se-42-te-to-Government-of-the-Republic-of-Kosovo.pdf>

²⁹Questionnaire regarding the Institutional Framework in the field of Safety and Health in the Workplace.





Responsible Institutions in the Field of Occupational Safety and Health

The main actors in the field of occupational safety and health are: the Ministry of Labor Finance and Transfers, the Labor Inspectorate, the Mining Inspectorate and the National Council for Safety and Health.

Ministry of Finance, Labor and Transfers

In the Ministry of Finance, Labor and Transfers (hereinafter referred to as MFLT), operates the Department of Labor and Employment, Division of Labor Relations, Social Dialogue, Health and Safety at Work, which is responsible for drafting policies on employment and safety and occupational health. Also, the Ministry is responsible in cooperation with the Labor Inspectorate to draft the Development Program of the Labor Inspectorate, which sets specific objectives which must be achieved within certain periods.

Also, with the drafting of policies, adequate standards are set in accordance with the international ones, which have a positive impact on the above-mentioned field. These standards are related to the improvement of working conditions, the reduction of informal employment and the strengthening of supervisory mechanisms.

MFLT, through policy making, aims to advance in the field of labor relations, as well as safety and health at work, in order to achieve compliance with the obligations arising from the Stabilization and Association Agreement.

In the above-mentioned division, in order to fulfill the duties, four (4) officials are employed, including the Head of the Division. It is considered that the ideal number to fulfill the duties belonging to this division would be ten (10) officers³⁰.

The low human capacity compared to the duties and responsibilities of the respective division on the one hand and the frequent changes of governments on the other hand are two of the key challenges which make the work of this division difficult by directly affecting the short-term and long-term objectives and creating stalemate in laws and strategies for years.³¹

Furthermore, the amalgamation of the Ministry of Labor and Social Welfare into the PFMT poses a particular challenge, as its internal functioning is not yet clear. The Ministry of Finance, Labor and Transfers has not yet approved the new regulation on internal organization, which would include the Departments and Divisions transferred by MLSW. Given that since 2019 has entered into force Law no. 06 / L-113 on the Organization and Functioning of the State Administration and Independent Agencies, it is necessary to approve the new regulation of the internal organization of the MFLT. Furthermore, Regulation (NRC) no. 01/2020 on Standards of Internal Organization, Systematization of Jobs and Cooperation in Institutions of State Administration

³⁰Ahmeti, Leunora. Ministry of Finance, Labor and Transfers. Interview.

³¹Ahmeti, Leunora. Ministry of Finance, Labor and Transfers. Interview.





and Independent Agencies, which derives from the Law on Organization and Functioning of State Administration, obliges all institutions of state administration within six (6) months after the entry into force of this regulation to issue new regulations for the internal organization and systematization of jobs.³² Although this regulation entered into force in April 2019, the MFLT has not yet issued a new regulation. It is recommended that as soon as possible MFLT issues a regulation on internal organization to be harmonized with this law, but also to systematize the structures transferred by MLSW.

Labor Inspectorate

The Labor Inspectorate (hereinafter referred to as LI) as an executive body was established in 2002, in accordance with Law 2002/9 on the Labor Inspectorate in Kosovo. This body was established within the Ministry of Labor and Social Welfare (at that time, now MFLT) as an independent body which has the task of overseeing the implementation of the legislative framework in the field of labor relations, safety and health at work.

LI extends its scope to all workplaces throughout the territory of Kosovo, regardless of which legal provisions are in force relating to working conditions, protection at work and maintaining the health of workers in general.³³

The highest authority is the Chief Inspector of the Labor Inspectorate, who is appointed by the Government of the Republic of Kosovo on the proposal of the Minister of the Ministry of Finance, Labor and Transfers after the completion of an open competition procedure based on Law no. 06 / L-114 on Public Officials. The candidate for Chief Inspector must have a University Degree, eight (8) years of work experience, five (5) years of managerial work experience.

On the other hand, also all positions in the Labor Inspectorate are recruited based on no. 06 / L-114 on Public Officials. For other leadership positions such as the position of Head of Regional Coordination Divisions, a University Degree in the field of legal or technical sciences, 5 years of professional work experience is required. For the position of Labor Inspector, a university degree in law or technical sciences is required, as well as three (3) years of professional work experience.

The Labor Inspectorate compiles and publishes a general annual report on its work. Since 2016, when the official website of the Labor Inspectorate became operational, only during 2017 and 2018 LI published a report for the first three (3) months of the year, while further reporting was annual and moreover during 2019 on the official website of LI does not appear at all the annual report.

³²Regulation (QRK) No. 01-2020 on Standards of Internal Organization, job systematization and cooperation in state administration institutions and independent agencies. Taken from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=27043>

³³Law no. 2002/9 on the Labor Inspectorate, (2002). Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3252>





Also, the annual reports until 2020 contained only statistical data, where it is worth noting that each year there was a discrepancy in the published statistics. The annual report published for 2020 was more substantial compared to previous reports.

As in the PFMT, the Labor Inspectorate should as soon as possible issue a new regulation on the internal organization and systematization of jobs, so that internal structures are in accordance with Law no. 06 / L-113 on the Organization and Functioning of the State Administration and Independent Agencies.

Current state of LI

The Labor Inspectorate is currently headed by an acting Chief Inspector of the Labor Inspectorate. The Labor Inspectorate consists of: Chief Inspector, Deputy Chief Inspector and Inspectors. The Office of the Chief Inspector consists of: Chief Labor Inspector; Deputy Chief Labor Inspector for Labor Relations; Deputy Chief Labor Inspector for Safety at Work; Deputy Chief Labor Inspector for Occupational Health; and Support staff.³⁴

In accordance with the hierarchical observance, the Chief Inspector reports directly to the Minister of Finance, Labor and Transfers, while the Deputy Chief Inspectors report to the Chief Inspector.

The law does not specify the number of inspectors in LI, while currently there are only 31 active inspectors, of which only 8 are women. Twenty-four (24) are lawyers by profession, four (4) are engineers, two (2) are economists, and one (1) are from other fields. Inspectors are not specialized in the relevant areas of occupational safety and health as well as in the legal employment relationship.

Consequently, work in the Labor Inspectorate is not pre-profiled in the field of occupational safety and health and in the field of labor relations. This led to inspectors who are lawyers by profession to inspect the field of safety and health in the workplace while inspectors by profession engineers to inspect the field of employment.

Regarding the part of internal organization, the work in the Labor Inspectorate is divided into separate departments and divisions; if:

1. " Department for Policy , Planning and Legal Aff
2. Department of Finance and General Services;
 - 2.1 Division for Human Resources;
 - 2.2 Division for Budget and Finance;
 - 2.3 Division for IT and Logistics Services.

³⁴Government of the Republic of Kosovo, (2015), Regulation (NRC) No. 15/2015 on Internal Organization and Systematization of Jobs in the Labor Inspectorate. Taken from:
<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11275>





3. Procurement Division.³⁵

The work in LI is also divided into regional divisions, as follows:

1. " Coordination Division in the Region of Prishtina "
2. Coordination Division in the Mitrovica Region;
3. Coordination Division in the Peja Region;
4. Coordination Division in the Gjakova Region;
5. Coordination Division in the Prizren Region;
6. Coordination Division in the Ferizaj Region;
7. Coordination Division in the Gjilan Region " .

Challenges of the Labor Inspectorate for overseeing the implementation of the Employment Legislative Framework

The low implementation of the legislative employment framework in our country is already evident. In a report published by the Kosovo Stability Initiative (IKS) for "Monitoring the Implementation of the Labor Law in Kosovo" which surveyed four hundred (400) private sector companies with coverage throughout Kosovo, it appears that:

- Cash continues to be a form of payment for 34% of workers;
- 52.4% of businesses apply for limited time contracts;
- 26% of workers are not entitled to paid annual leave;
- Maternity leave does not apply to 45% of women, while 31% of women do not exercise this right voluntarily;
- 56% of workers work overtime,
- 83% of businesses require employees to work at least one day during the weekend.
- 53% of businesses do not have a person responsible for safety and health in the workplace³⁶.

On the other hand, the Labor Inspectorate as the only body within the executive responsible for monitoring the implementation of legislation in the field of labor relations and health and safety at work, encounters the lack of basic conditions that affect the non-improvement of the implementation of the framework legislative.

The basic conditions include the lack of human resources of LI, and the lack of technical conditions.

If we look at the current number of inspectors in relation to the number of employees, it falls to one (1) inspector per over (ten thousand) 10,000 employees, a number that is insufficient to

³⁵Government of the Republic of Kosovo, (2015), Regulation (NRC) No. 15/2015 on Internal Organization and Systematization of Jobs in the Labor Inspectorate. Taken from:

<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=11275>

³⁶ Kosovo Stability Initiative, (2021). Labor Law Implementation Monitoring Report in Kosovo. Retrieved from: <https://iksweb.org/wp-content/uploads/2022/01/Microsoft-Word-Monitorimi-i-bizneseve-Final.docx.pdf>





achieve the objectives of this institution, which is the inspection in countries of work and providing advice to all employees and employers at least once a year. Increasing the number of inspectors is also recommended by the European Commission through the annual reports that the latter compiles for Kosovo. Despite this, the Labor Inspectorate, in practice in recent years has faced a significant decrease in the number of inspectors, which has affected the inefficiency of the work of this body and the low level of safety and health in the workplace. in general.

The table below shows the number of active businesses divided into regions as well as the number of active inspectors in the Labor Inspectorate by regions.

Difficult technical conditions with which the labor inspectorate operates, low salary compared to duties and responsibilities, high workload for an inspector, poor management, as well as the retirement of some inspectors, a number which was not met by inspectors young people are among the main reasons that led to the reduction in the number of inspectors.

	Prishtina region	Mitrovica region	Peja region	Gjakova region	Prizren region	Ferizaj region	Gjilan region
Number of active businesses	64,836	14,589	13,289	14,444	17,508	17,645	17,966
Number of Inspectors in the Labor Inspectorate	13	6	3	3	4	5	5

Moreover, the small number of inspectors affects that in the region of Peja and Gjakova in most inspections only one (1) inspector participates and this fact calls into question the objectivity during the inspection process. ³⁷While in the question addressed to all inspectors of the respective regions, how many inspectors are preferred to participate in an inspection, 70% of them answered that there should be two (2) inspectors.³⁸

Thus, over 90% of the current number of inspectors consider it very important to increase the number of inspectors.

Increasing the number of inspectors is defined as an objective in the current Government Program. ³⁹Moreover, the current government has promised to increase the number of labor inspectors fivefold.

³⁷Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

³⁸Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

³⁹Office of the Prime Minister. Program of the Government of Kosovo 2021-2025, (2021). Retrieved from : <https://kryeministri.rks-gov.net/wp-content/uploads/2021/05/Programi-i-Qeverise-se-Kosoves-2021-2025.pdf>





On the other hand, 48% of the current labor inspectors consider that the ideal number of inspectors would be 100-150, while 33% estimate that there should be more than 150 inspectors, the other percentage consider that meeting the needs of the Labor Inspectorate is ideally with a number of 60-80 inspectors.⁴⁰

Also, over 95% of the current number of inspectors consider that increasing the number of inspectors would mean increasing the number of inspections and increasing the quality of work of the LI in general.⁴¹

Among other things, the increase in the number of administrative staff was seen as very important by over 95% of current inspectors in LI, this because the administrative work is covered by labor inspectors,⁴² which deprives them of carrying out more inspections.

It is worth mentioning that the Labor Inspectorate has not yet fulfilled the recommendations of the Internal Auditor for the Executive Body of the Labor Inspectorate in 2020 and 2021, which required the appointment of a logistics service official. This is due to "very high expenditures on petroleum products without justification with the kilometers traveled, the use of official vehicles not in accordance with the criteria and the spending of public money without reasoning with insufficient evidence."⁴³

On the other hand, in addition to low professional capacities, the lack of technical conditions within the LI is evident, the conditions vary from region to region, but the essence remains the same. With the exception of the Prishtina Region which has a contracted company for office maintenance, inspectors from other regions also deal with maintenance.

Consequently, all inspectors (32 in total who participated in completing the questionnaire) considered as very important the advancement of the technical capacities with which the Labor Inspectorate operates⁴⁴.

It is worth noting that within the labor inspectorate there is a lack of proper cooperation with the college, where 75% of the number of current inspectors consider it as the main challenge faced by the lack of proper cooperation within the labor inspectorate.⁴⁵

⁴⁰Center for Policy and Advocacy, (2021). Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

⁴¹Center for Policy and Advocacy, (2021). Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

⁴²Center for Policy and Advocacy, (2021). Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

⁴³Ministry of Labor and Social Welfare, (2020). Final Audit Report, Revenue Logistics and Infrastructure Division.

⁴⁴Center for Policy and Advocacy, (2021). Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.

⁴⁵Center for Policy and Advocacy, (2021). Questionnaire regarding the Institutional Framework in the field of Safety and Health at Work.





National Council for Occupational Safety and Health

The National Council for Safety and Health at Work (hereinafter referred to as the ICCPR), has as legal basis Article 4 of the Law on Safety and Health at Work. ⁴⁶KNSSHP was established in 2016 by the Government of the Republic of Kosovo.

KNSSHP, continuously monitors the situation of safety and health at work of employees, drafts policies to improve the level of safety and health at work and proposes recommendations to the Government. It consists of 11 (eleven) members, 3 (three) representatives of the Government, 2 (two) representatives of employers, 2 (two) representatives of workers, 2 (two) experts in the field of occupational safety and health, 1 (one) occupational medicine expert and 1 (one) ad-hoc expert, depending on the nature of the case.⁴⁷

The cooperation of KNSSHP and MLSW is seen as very necessary in order to exchange concrete information on the current state of safety and health in the workplace.

Mining Inspectorate

The Mining Inspectorate (referred to hereafter IM) initially had legal basis UNMIK Regulation 2005/2 on the Establishment of the Independent Commission for Mines and Minerals in Kosovo, then Law no. 03 / L-081 amending UNMIK Regulation 2005/2 on the Establishment of the Independent Commission for Mines and Minerals in Kosovo in 2008, and finally Law no. 03 / L-163 on Mines and Minerals which repealed all previous regulations and laws.

The Mining Inspectorate is an institution responsible for controlling the implementation of Law no. 05 / L-062 on Safety at Work in the Mining Activity. Acts as a department within the Independent Commission for Mines and Minerals (hereinafter referred to as ICMM), and exercises functions and powers in accordance with the Law on Mines and Minerals.

Specifically, the Mining Inspectorate is responsible for inspecting the exploration, exploitation and special activities of any person to ascertain whether the person exercising these activities possesses a license or permit issued by the ICMM and to ascertain whether the activities are ongoing, was exercised in accordance with the relevant license or permit and the implementing safety and environmental regulations issued by the Ministry in accordance with the mining law.⁴⁸

Organization of the Mining Inspectorate

The IM is headed by the Chief Inspector, who is appointed by the ICMM board and reports to the latter.

⁴⁶Law 04 / L-161 on Safety and Health at Work, (2013). Retrieved from: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8689>

⁴⁷Law 04 / L-161 on Safety and Health at Work, (2013). Retrieved from: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8689>

⁴⁸Law no. 03 / L-163 On Mines and Minerals, (2010). Retrieved from: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2702>





The IM employs a total of twenty-three (23) inspectors and two administrative officers. According to the position ten (10) mining inspectors (not including the chief inspector), five (5) geological inspectors and one (1) geological inspectors, four (4) electrical machinery inspectors, one (1) quality control inspectors ⁴⁹.

The inspectors further report on their work to the Chief Inspector.

The Mining Inspectorate supervises the entire territory of the Republic of Kosovo, divided into regions, as follows:

- Prishtina region;
- Prizren region;
- Peja region;
- Gjilan region;
- Mitrovica region.

It is considered that the addition of three other regions is necessary to better cover the safety work in the mining activity, it is also considered necessary to increase the number of mining inspectors for six (6) inspectors ⁵⁰.

IM, independently monitors these activities:

- Research, exploitation and special activities of mineral resources in the Republic of Kosovo;
- Evaluation of minerals used by mines and quarries for the calculation of the Mineral Rent;
- Implementation of safety and protection measures at work;
- Implementation of international standards for mining activity;
- Inspections of fatal (serious) injuries and serious injuries, as well as environmental damage or property damage and measures that need to be taken;
- Inspections of pre-mine areas for mass minimization prepared according to the exploitation project, to ascertain the compliance of the technical parameters in the application;
- Mining inspections and taking measures for safe mining by implementing all safety measures and rules provided for mass mining;
- Issuance of permits for transfer of explosives from the main underground mine explosives depots and maintenance of records on the state of the explosives quantity;
- Regular inspections of underground and surface mines and facilities for processing and enrichment of mineral raw materials;
- Regular annual inspections of licensed enterprises according to AI.No.02 / 2016 (for supervision and inspection of license holders exercising mining activity);
- Termination of mining activities if these activities are not carried out in accordance with laws, regulations, legal provisions, standards and technical norms;
- Inspections of illegal mining activities and taking measures to prevent them;

⁴⁹Gashi, Jahir. Mining Inspectorate. Interview.

⁵⁰ Gashi, Jahir. Mining Inspectorate. Interview.





- Coordination of inspection with other institutions ".⁵¹

Current state of safety and health at work in the mining activity

In mining we have a number high number of workplace accidents over the years, which indicates the low level of safety and health in the workplace in this activity. In 2019 alone, eighty-three (83) employees have suffered accidents at work and three (3) of them have suffered fatalities ⁵².

In the Annual Report of the Independent Commission for Mines and Minerals as the most common causes of accidents at work are considered:

- Poor technical condition of technical-technological equipment and facilities and inadequate handling of these facilities;
- Condition of stairs in surface mines (angles and heights of working stairs and general angle);
- Carelessness and negligence of workers;
- Insufficient use of personal protective equipment;
- Lack of knowledge and insufficient professional training ".⁵³

It is estimated that the low level of safety at work, in the mining activity, is as a result of the insufficient number of inspectors, because it is impossible to monitor the implementation of the law on Occupational Safety in the Mining Activity. Among other things, it is emphasized that the Mining Inspectorate for accidents at work is notified only in those cases when accidents are serious and fatal.⁵⁴

It should be noted that the findings of the National Audit Office indicate that the Inspectorate for Mines and Minerals as a department in the ICMM, has not done enough to hold accountable the Economic Operator (referred to as EO) to comply with legal rules and criteria and to recultivate / rehabilitate the damaged area where minerals have been exploited by both legal and illegal EOs. ⁵⁵The Auditor has even identified concrete cases in which the Inspectorate has not acted in accordance with the Law on Mines and Minerals. This means that there have been violations of the Law by the Inspectors themselves. ⁵⁶Thus, in a concrete case during 2019, where the risk in the workplace was present, the inspectorate only issued remarks not suspending the

⁵¹ Independent Commission for Mines and Minerals, (2020) Annual Report For 2019. Retrieved from: https://www.kosovo-mining.org/wp-content/uploads/2020/10/Annual_Report_KPMM_2019-shq.pdf

⁵² Independent Commission for Mines and Minerals, (2020) Annual Report For 2019. Retrieved from: https://www.kosovo-mining.org/wp-content/uploads/2020/10/Annual_Report_KPMM_2019-shq.pdf

⁵³ Independent Commission for Mines and Minerals, (2020) Annual Report For 2019. Retrieved from: https://www.kosovo-mining.org/wp-content/uploads/2020/10/Annual_Report_KPMM_2019-shq.pdf

⁵⁴ Independent Commission for Mines and Minerals, (2020) Annual Report For 2019. Retrieved from: https://www.kosovo-mining.org/wp-content/uploads/2020/10/Annual_Report_KPMM_2019-shq.pdf

⁵⁵National Audit Office. (2020). ICMM Performance Audit Report. Retrieved from: <http://www.zka-rks.org/wp-content/uploads/2020/12/Raporti-auditimit-mineralet-ndertimore-2020-Shqip.pdf>

⁵⁶National Audit Office. (2020). ICMM Performance Audit Report. Retrieved from: <http://www.zka-rks.org/wp-content/uploads/2020/12/Raporti-auditimit-mineralet-ndertimore-2020-Shqip.pdf>





works as defined by the Law on Mines and Minerals in such cases.⁵⁷ While in another case almost similar to the previous one, where the lives of employees were endangered as it had to do with the lack of instructions for work of employees, lack of qualifications of employees for jobs, lack of protective equipment, lack of control of the mechanism, technical condition of working tools, etc., the Inspectorate did not act in accordance with the legal provisions which provide for the suspension of works, but only reprimands were issued.⁵⁸

In this form, in addition to the violation of the Law on Mines and Minerals, we also have violations of the Law on Safety at Work in the Mining Activity, by the Mining Inspectorate which is responsible for overseeing the implementation of these two laws and bylaws. Having as legal basis, the laws in question. This is very worrying because in this way we have no law enforcement and this among other things significantly reduces the level of safety and health in the workplace.

Also, in this activity, extraordinary inspections were not implemented at all according to the National Audit Office.⁵⁹

Lack of cooperation between Inspectorates

The lack of a unifying legal basis for inspectorates in Kosovo highlights significant institutional contradictions, especially in those inspectorates that have similar goals.

Thus, the Labor Inspectorate and the Mining Inspectorate do not coordinate with each other regarding the publication of unified statistics on the number of accidents at work, which means that in the end the exact number of accidents at work in the country is not known. Level country. A non-unification of these statistics also leads us to an incorrect conclusion of the degree of safety and health throughout the country because the number of accidents at work reflects the degree of safety and health of a country.

Since the cases of accidents in the mining activity are not under the direct control of the Labor Inspectorate, it is recommended that the Labor Inspectorate confirm the cases of accidents which occur at work in the mining activity but verify the safety and health conditions in this activity to be carried out by the Mining Inspectorate.

Such a practice would enable a more accurate ascertainment of the degree of safety and health in the workplace.

Harmonization of occupational safety and health legislation with EU legislation

Harmonization of Kosovo legislation with that of the EU in the field of employment The starting point is the Stabilization and Association Agreement (hereinafter referred to as the SAA)

⁵⁷National Audit Office. (2020). ICMM Performance Audit Report. Retrieved from: <http://www.zka-rks.org/wp-content/uploads/2020/12/Raporti-auditimit-mineralet-ndertimore-2020-Shqip.pdf>

⁵⁸National Audit Office. (2020). ICMM Performance Audit Report. Retrieved from: <http://www.zka-rks.org/wp-content/uploads/2020/12/Raporti-auditimit-mineralet-ndertimore-2020-Shqip.pdf>

⁵⁹National Audit Office. (2020). ICMM Performance Audit Report. Retrieved from: <http://www.zka-rks.org/wp-content/uploads/2020/12/Raporti-auditimit-mineralet-ndertimore-2020-Shqip.pdf>





between Kosovo and the European Union which entered into force in 2016. Articles 82 and 106 of the SAA aim to support Kosovo in the reform of employment, health and safety policies. at work, aligning the legislative framework with that of the EU and creating equal opportunities.⁶⁰

The current Legislative Framework in the field of occupational safety and health has made progress in aligning with the EU acquis, but with a view to the full transposition of European Council Directive 89/391 / EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (Framework Directive) is provided by MLSW Law on Amending and Supplementing the current Law.⁶¹

The Government of Kosovo in order to implement the SAA annually drafts the National Program for the Implementation of the Stabilization and Association Agreement (hereinafter referred to as NPISAA). In the NPISAA, the Government determines the activities that it will carry out during the year in order to implement the SAA. These activities are divided into two main groups: legislative measures and implementing measures.

The NPISAA is divided into 35 chapters of the acquis, which cover all areas in which legislation needs to be approximated. Chapter 19 of the acquis includes Social Policy and Employment, where every year measures are proposed to approximate Kosovo legislation with the acquis in the field of employment, equality, health and safety at work.

Also, in order to measure the level of implementation of the NPISAA, every year, the Government drafts the Report on the implementation of the NPISAA during that year and comes out with statistical data regarding its implementation.

If these reports are analyzed over the years, there are serious delays in the approximation of legislation from this chapter. During 2020 alone, 57.14% of the measures planned in the NPISAA under Chapter 19 of the acquis have not been implemented.⁶² While in 2019, the implementation rate was even lower, with 62.50% of the measures planned in the NPISAA under Chapter 19 of the acquis not implemented.⁶³

As a result, European Commission Reports on Kosovo over the years have seen workplace safety and health as a concern. The concrete recommendations arising from the EC Reports on Kosovo provided a limited approximation of the legislative framework in the aforementioned area. Based on these recommendations over the years, the current Labor Law has been adopted,

⁶⁰ European Union, (2015). Stabilization and Association Agreement Through Kosovo on the one hand and the European Atomic Energy Union on the other. Taken from: https://www.mei-ks.net/repository/docs/kosovo-eu_saa_final_sq.pdf

⁶¹ Government of Kosovo, (2019). National Program for the Implementation of the Stabilization and Association Agreement (PKZMSA) 2019 - 2023. Retrieved from: https://www.mei-ks.net/repository/docs/20190510083007_pkzmsa_2019-2023_final.pdf

⁶² Government of Kosovo, (2021). Report on the implementation of the National Program for the Implementation of the Stabilization and Association Agreement (NPISAA) during 2020.

⁶³ Government of Kosovo, (2020). Report on the implementation of the National Program for the Implementation of the Stabilization and Association Agreement (NPISAA) during 2019. Retrieved from: https://www.mei-ks.net/repository/docs/raport_on_implementation_of_pkzmsa_during_2019.pdf





which although strengthened the legal framework in the field of labor, was considered to have achieved only limited progress in approximation. This is because Kosovo is required to harmonize its legislation with the EU acquis, including EU rules on non-discrimination on the basis of gender in the employment process as well as maternity leave and parental leave.⁶⁴

With the adoption of the Law on Safety and Health at Work in 2013, progress was made in the field of safety and health at work, aligning with European standards.

The EC Report on Kosovo 2020 states that the state of Kosovo now has to concentrate on the practical implementation of legislation in the field of safety and health at work as it is considered that they are sufficiently aligned with EU directives.⁶⁵

The capacity of the Labor Inspectorate over the years has been considered deficient in Country Reports. The small number of inspectors, lack of data, lack of technical equipment, are some of the key factors that directly affect the inefficiency of IP work.

Another important fact is that the Country Report, among other things, expresses concern regarding the accuracy of workplace accident data⁶⁶.

A similar recommendation was given in the EC report on Kosovo for 2021, which states that the implementation of legislation in the field of safety and health at work remains weak, as although there was an increase in the number of inspections by the Inspectorate of Labor, these inspections had very little impact, as the focus was on inspections related to the COVID-19 pandemic⁶⁷.

Review of the Strategic Development Plan for the Labor Inspectorate (2017-2021)

The Strategic Development Plan for the Labor Inspectorate, defines strategic objectives which are intended to be achieved in the specified period of time 2017-2021. These objectives primarily aimed at developing the Labor Inspectorate in order to influence the improvement of workers' rights according to EU and ILO standards⁶⁸.

⁶⁴ European Commission (2020) Progress Report for Kosovo. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

⁶⁵ European Commission (2020) Progress Report for Kosovo. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

⁶⁶ European Commission (2019) Progress Report for Kosovo. Retrieved from: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

⁶⁷ European Commission (2021) Progress Report for Kosovo. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/kosovo-report-2021_en

⁶⁸ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2020). Retrieved from: <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>





This Strategy has an action plan only for the years 2017, 2018, while for other years the Labor Inspectorate did not draft an Action Plan, but until the end of 2021 this institution worked pursuing the general objectives of this strategic development plan.

In general, there is a not very good planning of objectives. Thus, in some cases, a specific objective contains only one activity, and in some cases the activity is formulated identically to the specific objective. In the new strategic plan, the LI must be careful in planning its objectives and activities, in order to have the best possible planning, to improve the work of the Labor Inspectorate.

However, although the Strategic Development Plan states that the monitoring of the implementation of this plan should be done systematically and rigorously ⁶⁹, the Labor Inspectorate has not compiled a single report on the implementation of this strategic development plan for years.

As such Strategic Development Plan for the Labor Inspectorate (2017-2021), contained a total of four (4) strategic objectives and each objective also has specific objectives.

Strategic Objective 1:

"The most effective realization of workers' rights and guaranteeing the minimum of standards by developing the inspection process in the fields of labor relations, safety and health at work ⁷⁰."

Specific objectives:

1. "Increasing the quality of inspections by conducting more substantive and comprehensive inspections, as well as by increasing the number of inspections by 10% by the end of 2017.

The above-mentioned specific objective regarding the part of increasing the number of inspections has been achieved. During 2017, the Labor Inspectorate conducted 10.4% more inspections compared to the previous year. Statistical data show that in the following years we have an increase in the number of inspections. However, the decline in the number of inspectors over the years calls into question the conduct of more substantive inspections.

2. Reduction of undeclared work at work by 5% and the number of persons engaged in work in violation of applicable laws, for each year starting from 2017".

⁶⁹ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2021). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁷⁰ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2021). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>





The Labor Inspectorate during 2017 managed to legalize 1224 workers ⁷¹, while in 2016 there were a total of 1302 ⁷²legalized workers which shows a decrease in 2017 despite the aforementioned target.

Even worse is the year 2018 where only 712 ⁷³workers were legalized, while 2019 marks an increase in the number of legalized workers with a total of 2042 ⁷⁴to be followed by a decrease in 2020 with only 409 ⁷⁵legalized workers, a number that is very high. low because we are aware that in the labor market in Kosovo is a significant number of informal employees about 25.7% ⁷⁶.

Strategic Objective 2:

"Human resource development and technical capacity building of LI."⁷⁷

Specific objectives:

1. "Increasing the number of labor inspectors for 10 people in 2017 and 2018.

Although the Labor Inspectorate has allocated a budget for new recruitments, on the official website of the Labor Inspectorate, it seems that from 2017 to 2018 a total of four (4) vacancies were opened, of which only one (1) external vacancy and only three (3) labor inspectors were recruited. As a result, we conclude that this objective has not been achieved.

Furthermore, from 2016 to 2021 only seven (7) labor inspectors have been recruited including movements within the categories.

2. Holding 17 trainings for labor inspectors regarding the implementation of special regulations from occupational safety and health which result from the transposition of individual EEC directives, until the end of 2018 or from one training for each transposed directive.

The Labor Inspectorate does not have accurate data on the number of trainings conducted over the years as there is a lack of a unifying system, but the responsible officials have stated that this number of trainings has been conducted and has probably been exceeded.

3. Organizing and holding over 10 trainings during 2017 and 2018 on administrative procedures, public financial management and trainings in the field of youth protection (15-18 years) defined by the positive legislation of Kosovo.

⁷¹ Labor Inspectorate, (2017). Labor Report. Retrieved from: <https://ip.rks-gov.net/wp-content/uploads/Raporti-i-Punes-per-vitin-2017-nga-Inspektoriati-i-punes-2.pdf>

⁷² Labor Inspectorate, (2016) Labor Report. Retrieved from: https://ip.rks-gov.net/?page_id=2703

⁷³ Labor Inspectorate, (2020). Labor Report.

⁷⁴ Labor Inspectorate, (2019) . Labor Report.

⁷⁵ Labor Inspectorate, (2020). Labor Report.

⁷⁶ Kosovo Agency of Statistics, (2021). Statistical Yearbook of the Republic of Kosovo.

⁷⁷ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2021). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>





4. Establishment of the Information System during 2017 " .

The Information System has not been implemented.

5. Equipped with two cars each year ⁷⁹.

The Labor Inspectorate, during 2017 has owned four (4) vehicles used by the Agency for Administration of Sequestered or Confiscated Assets, in 2019 has purchased three (3) vehicles, during 2020 has purchased only one (1) vehicle with the budget of the Labor Inspectorate. So, during the implementation of the Strategic Development Plan, the Labor Inspectorate was equipped with a total of eight (8) vehicles, of which only four (4) vehicles purchased with the budget of the Labor Inspectorate.

From this we conclude that the Labor Inspectorate has not achieved even this objective since from 2017-2021 the Labor Inspectorate had to be equipped with a total of ten (10) vehicles.

Strategic Objective 3:

"Improving LI communication with employees and employers and the general public ⁸⁰. "

Specific objectives:

1. "Holding 3-4 awareness campaigns during 2017 and 2018 to increase the level of implementation of the provisions of laws and bylaws, raising awareness of the mutual rights and obligations of employers and employees in the field of employment and from safety and health at work.
2. Creation of a functional website of the Labor Inspectorate during 2017.

The website of the Labor Inspectorate was created during the implementation period of this plan. However, it is not fully functional and as such does not increase the transparency of this body. We only have the publication of the reports of the Labor Inspectorate, even though these publications are not regular, the part of publishing the activities carried out by the Labor Inspectorate is missing, and the part of the contacts often lacks the renewal of data.

3. Establishment of a communication ⁸¹line (call ce

The communication line of the Labor Inspectorate has been established but has not been functionalized. We have received information from the Labor Inspectorate that the lack of human resources is the main factor that resulted in not meeting this objective.

⁷⁸ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2021). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁷⁹ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2021). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁸⁰ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2020). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁸¹ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2020). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>





Strategic Objective 4:

"Advancing inter-institutional coordination in reducing informal employment" ⁸².

Specific objectives:

1. "Signing of memoranda of understanding with the Kosovo Police, Business Registration Agency, Pension Trust, Agriculture Inspectorate by the end of 2017.

For five years in a row, the Labor Inspectorate has not managed to sign even a memorandum of cooperation with any of the above institutions.

2. Increase by 10% the number of joint inspections with the Kosovo Police and the Tax Administration of Kosovo by the end of 2017 "

The data from the reports of the Labor Inspectorate reflect a small increase in the number of inspections in cooperation with other institutions. During 2017, only 79 inspections were carried out in cooperation with LI with other bodies ⁸⁴, years later a relatively small increase is seen which does not promise much in this regard. During 2018 we have 160 LI inspections with other institutions ⁸⁵, while in 2019 we have decreased to 123 ⁸⁶, then in 2020 only 66 were performed ⁸⁷, a very low number compared to the purpose of the aforementioned objective.

A significant number of challenges faced by the labor inspectorate reflected in the failure to achieve the high number of objectives mentioned above.

As mentioned above, the LI has not issued any report regarding the implementation of the Strategic Development Plan. Furthermore, now the Labor Inspectorate has formed the working group for drafting the new Strategic Development Plan for the Labor Inspectorate, without making a report on the evaluation of the Strategic Development Plan 2017-2021. The LI should first come up with a detailed report on the implementation of the current plan, to be clearer about what the new strategic plan will contain.

⁸² Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2020). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁸³ Ministry of Labor and Social Welfare, (2017). Strategic Development Plan for the Labor Inspectorate (2017-2020). <https://ip.rks-gov.net/wp-content/uploads/Plani-zhvillimor-strategjik-i-IP-2017-2021.pdf>

⁸⁴ Labor Inspectorate, (2017). Labor Report. Retrieved from: <https://ip.rks-gov.net/wp-content/uploads/Raporti-i-Punes-per-vitin-2017-nga-Inspektoriati-i-punes-2.pdf>

⁸⁵ Labor Inspectorate, (2018). Labor Report. Retrieved from: <https://ip.rks-gov.net/wp-content/uploads/Raporti-12-Mujor-2018-.pdf>

⁸⁶ Labor Inspectorate. (2019). Labor Report.

⁸⁷ Labor Inspectorate. (2020). Labor Report. Retrieved from: <https://ip.rks-gov.net/wp-content/uploads/RAP.-NARRATIV-I-IP-se-2020-002-compressed.pdf>





Comparative analysis

This part of the paper analyzes the legislative framework and institutional framework in the field of occupational safety and health, in other countries such as: Albania, Northern Macedonia, Croatia, Latvia and Slovenia.

Albania

Current state of safety and health at work

Albania has shown progress in the employment legislative framework by adopting laws which have included the transposition of directives within the EU in the field of health and safety at work.

The problem lies in the implementation, during 2020 there has been an increase in the number of accidents at work with a total of 182 compared to ⁸⁸2019 where there were 176 accidents ⁸⁹, while in those with fatalities there has been a decrease in the number from 38 ⁹⁰in 2019 at 36 in 2020.⁹¹

Legislative Framework

also The constitutional provisions of the Republic of Albania indirectly define the field of safety and health in the workplace, while other laws and bylaws specifically address this field.

Article 49 of the Constitution states that "The state, within the constitutional competencies and means at its disposal, as well as in addition to the initiative and private responsibility, aims: employment in appropriate conditions of all able-bodied persons ⁹². "

The Labor Code of the Republic of Albania in Chapter VIII defines Health Insurance and Protection, where in special articles are specified the responsibility of the employer towards the employees as well as the general measures that must be taken by the employer in the workplace in order to accident avoidance.⁹³

The legal act that specifically addresses the field of occupational safety and health in Albania is the Law on Occupational Safety and Health, adopted on 18 February 2010. The purpose of this law is to guarantee safety and health protection where through information and employee

⁸⁸ ISHPSHSH (2020) Annual Analysis. Retrieved from: <http://inspektoriaqipunes.gov.al/wp-content/uploads/2021/02/Analize-vjetore-2020.pdf>

⁸⁹ISHSHSH (2019) STATISTICAL ANALYSIS OF INSPECTION INDICATORS. Retrieved from: <http://inspektoriaqipunes.gov.al/wp-content/uploads/2020/06/Raport-2019-ISHPSHSH.pdf>

⁹⁰ISHSHSH (2019) STATISTICAL ANALYSIS OF INSPECTION INDICATORS. Retrieved from: <http://inspektoriaqipunes.gov.al/wp-content/uploads/2020/06/Raport-2019-ISHPSHSH.pdf>

⁹¹ ISHPSHSH (2020) Annual Analysis. Retrieved from: <http://inspektoriaqipunes.gov.al/wp-content/uploads/2021/02/Analize-vjetore-2020.pdf>

⁹² Constitution of the Republic of Albania, article 49. Retrieved from: <https://www.wipo.int/edocs/lexdocs/laws/sq/al/al057sq.pdf>

⁹³ Labor Code of the Republic of Albania. 2003. Retrieved from:





counseling will eliminate and prevent occupational risks. The provisions of this law apply to all sectors of private and public activity.⁹⁴

On the other hand, Law no. 9634, On Labor Inspection and the State Labor Inspectorate, which entered into force in 2006, stipulates that "The purpose of this Law is to ensure the implementation of labor legislation by the entities on which it operates law, in accordance with the procedures for conducting on-site inspections"

Institutional Framework

The Government of Albania does not have a ministry that directly deals with the issue of labor. The responsible bodies that directly deal with the field of Occupational Safety and Health are: the State Inspectorate of Labor and Social Services (SISI) and the Inter-Ministerial Council for Occupational Safety and Health.

AISI, was established in 1993⁹⁶, operates within the Ministry of Finance and Economy, as a body responsible for overseeing the implementation of legislation in the field of occupational safety and health for natural and legal persons, public and private.⁹⁷

More precisely, the State Labor Inspectorate is responsible for ensuring the implementation of legal provisions related to working conditions, duration of work, wages, insurance, hygiene and well-being, employment of children, women, is also responsible for providing advice for employers and employees, to inform the authorities responsible for the deficiencies as well as to propose the necessary tools and instruments to improve the current state of safety and health in the workplace.⁹⁸

It is headed by the Inspector General who is appointed by the Prime Minister with not less than five (5) years of work experience⁹⁹, while he reports on his work to the relevant Minister of Finance and Economy.¹⁰⁰

⁹⁴Law on Labor Inspection (Albania) http://www.ikub.al/LIGJE_CATEGORY2/13/08/21/PerKRIJIMIN-ORGANIZIMIN-DHE-FUNKSIONIMIN-E-INSPEKTORATIT-SHTETeROR-Te-PUNeS-EH-false

⁹⁵Law on Labor Inspection and the State Labor Inspectorate. State Inspectorate of Labor and Social Services. Retrieved from: <https://www.infocip.org/al/?p=6025>

⁹⁶ State Inspectorate of Labor and Social Services. Retrieved from: <http://inspektoriatipunes.gov.al/sq/historiku-i-inspektoratit/>

⁹⁷ State Inspectorate of Labor and Social Services, 2006. Law no. 9634, dated 30.10.2006 on Insect. Retrieved from: http://www.ikub.al/LIGJE_CATEGORY2/13/08/21/PerKRIJIMIN-ORGANIZIMIN-DHE-FUNKSIONIMIN-E-INSPEKTORATIT-SHTETeROR-Te-PUNeS-DHE012ook.aspx?

⁹⁸State Inspectorate of Labor and Social Services, 2006. Law no. 9634, dated 30.10.2006 on Insect. Retrieved from: http://www.ikub.al/LIGJE_CATEGORY2/13/08/21/PerKRIJIMIN-ORGANIZIMIN-DHE-FUNKSIONIMIN-E-INSPEKTORATIT-SHTETeROR-Te-PUNeS-DHE012ook.aspx?

⁹⁹State Inspectorate of Labor and Social Services, 2006. Law no. 9634, dated 30.10.2006 on Insect. Retrieved from : <https://www.infocip.org/al/?p=6025>

¹⁰⁰State Inspectorate of Labor and Social Services, 2006. Law no. 9634, dated 30.10.2006 on Insect. Retrieved from: http://www.ikub.al/LIGJE_CATEGORY2/13/08/21/PerKRIJIMIN-ORGANIZIMIN-DHE-FUNKSIONIMIN-E-INSPEKTORATIT-SHTETeROR-Te-PUNeS-DHE012ook.aspx?





It should be noted that Albania has coordination in the Labor Inspectorate, the central authorities have a clear role, then operate twelve (12) Regional Labor Inspectorates.¹⁰¹

The Inspectorate consists of three Directorates: the Directorate of Inspection, the Directorate of Occupational Safety and Health and the Directorate of Internal Services.¹⁰² The cooperation between the directorates is genuine. The Directorate for Inspection in cooperation with the Director for Occupational Safety and Health as the directorate responsible for monitoring the implementation of legislation on occupational safety and health, in order to prevent accidents and occupational diseases in the workplace, coordinate the work. Cooperation is established through monthly meetings between the Inspector General and all regional directors.¹⁰³

SSI, consists of ninety (90) inspectors¹⁰⁴ who have the status of civil servants. This number of inspectors is assessed as insufficient to achieve the goal of this body, therefore even with the Progress report of 2020, it is required to strengthen the capacity of human resources in this body¹⁰⁵.

IPS, during 2020 with the capacity of human resources that has operated has managed to carry out 5993 inspections, so one inspector during the year has conducted 67 inspections.

Inter-Ministerial Council for Occupational Safety and Health, is another important body in the field of occupational safety and health, whose key tasks are:

- a) " to advise the Council of Ministers on occupational safety and health issues. For issues of special importance, the national inter-ministerial council for occupational safety and health issues may hold joint meetings with the National Labor Council;
- b) to propose to the Council of Ministers the main programs for the issues of safety and health at work;
- c) to assess the concrete situation of occupational safety and health and to submit proposals and recommendations for the improvement of the situation, to the ministry responsible for occupational safety and health issues and other responsible state authorities, according to the provisions of this law;

¹⁰¹ International Labor Organization. Retrieved from: https://www.ilo.org/labadmin/info/WCMS_112487/lang--en/index.htm

¹⁰² International Labor Organization. Taken from: https://www.ilo.org/labadmin/info/WCMS_112487/lang--en/index.htm

¹⁰³ International Labor Organization. Retrieved from: https://www.ilo.org/labadmin/info/WCMS_112487/lang--en/index.htm

¹⁰⁴ State Inspectorate of Labor and Social Services, (2019). Statistical Analysis of Inspection Indicators. Retrieved from: <http://inspektoriaqipunes.gov.al/wp-content/uploads/2020/06/Raport-2019-ISHPSSH.pdf>

¹⁰⁵ European Commission (2020) Progress Report for Albania. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf





c) to approve the annual report on occupational safety and health issues, submitted by the minister responsible for these issues¹⁰⁶ .

Albania	
Legislative Framework	<ul style="list-style-type: none"> - Constitution; - Labor Code of the Republic of Albania; - Law on Occupational Safety and Health; - Law on Labor Inspection;
Institutional Framework	<ul style="list-style-type: none"> - Ministry of Finance and Economy; - State Inspectorate of Labor and Social Services; - Inter-Ministerial Council for Occupational Safety and Health;

croatia

The current situation

There is a genuine cooperation of institutions which are responsible for the field of occupational safety and health in order to draft national policies, strategies and normative acts.¹⁰⁷ During 2019 in Croatia there were 982 accidents at work, of which 53 suffered fatalities.¹⁰⁸

Legislative Framework

The legislative framework in the field of Occupational Safety and Health in Croatia is regulated by the Labor Law and the Law on Safety and Health at Work. The current labor law was adopted

¹⁰⁶ Assembly of the Republic of Albania (2010) Law on Occupational Safety and Health. Retrieved from: <https://www.dpshttr.al/sites/default/files/downloads/dokumente/Ligji%20Nr.10237%2C%20dat%C3%AB%2018.02.2010%20%E2%80%9CP%C3%ABr%20Sigurin%C3%AB%20dhe%20Sh%C3%ABndetin%20n%C3%AB%20Pun%C3%AB%E2%80%9C.pdf>

¹⁰⁷ <https://osha.europa.eu/hr/about-eu-osha/national-focal-points/hrvatska>

¹⁰⁸ <https://www.total-croatia-news.com/business/50632-workplace-fatalities-in-construction-sector-up-75-in-past-3-years>





by the Croatian Parliament in 2004.¹⁰⁹The third chapter provides for the protection of life, health, privacy and dignity of workers. In Article 28 stipulates that the employer must ensure the protection of life and health of workers, based on compliance with the nature of the work in order to prevent possible accidents.¹¹⁰

It should be noted that the field of Occupational Safety and Health was first regulated in 1996 by the Law on Safety and Health at Work (OG 59/96). Since that period the law has undergone about 50 changes.¹¹¹The last amendment to this legal act was in 2014 with the adoption of the Law on Health and Safety at Work by the Croatian parliament.¹¹²

Some of the changes that are included in the 2014 Law on Health and Safety are related to the use of new technology, and for the first time this law directly addresses the issue related to the stress experienced by employees in the workplace. or work-related.¹¹³

The main objective of this law is to protect employees in the work environment and to prevent various injuries and diseases.¹¹⁴Also, the purpose of this law is to regulate safety and health in the workplace, to ensure the unimpeded mental and physical development of young people, to protect women, to protect persons with disabilities and persons with occupational diseases.¹¹⁵

The rules for safety and health protection in the workplace are aimed at eliminating occupational hazards, preventing injuries at work, occupational diseases and other diseases.¹¹⁶

Institutional Framework

The mechanisms responsible for overseeing the field of occupational safety and health are: the Ministry of Labor and Pension System, Family and Social Policy, the National Council for

¹⁰⁹ Croatian Parliament Legislative Committee, Labor Act, (2004). Retrieved from: http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Labour-Act.pdf

¹¹⁰ Croatian Parliament Legislative Committee, Labor Act, (2004). Retrieved from: http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Labour-Act.pdf

¹¹¹New Law on Safety and Health at Work. Retrieved from: <https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹¹²The Croatian Parliament Occupational Health and Safety, Retrieved from: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Uprava%20za%20rad/ohs-act.pdf>

¹¹³New Law on Safety and Health at Work. Taken from: <https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹¹⁴New Law on Safety and Health at Work. Taken from: <https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹¹⁵New Law on Safety and Health at Work. Taken from: <https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹¹⁶New Law on Safety and Health at Work. Taken from: <https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>





Occupational Safety, the State Labor Inspectorate and the Institute for the Advancement of Occupational Safety.

Ministry of Labor, Pension System, Family and Social Policy: has administrative functions and other tasks related to: labor law, labor market, employment and labor market policy, unemployment registries, labor retraining and employment programs employment growth.¹¹⁷

National Council for Occupational Safety: It was established in October 2000 by the Government of the Republic of Croatia. ¹¹⁸It is an advisory body, with the main purpose of continuous monitoring in the field of safety and health at work, reviewing and proposing legislative changes in order to improve the safety and health of workers, in cooperation with representatives of employers and workers.¹¹⁹

The main task is: analyzing, evaluating policies related to safety and health in the workplace, as well as providing proposals to the Government for eventual changes. ¹²⁰Another task of the council is to monitor the implementation of the law, regulations and specific laws related to safety and health at work, proposes concrete measures to improve the system of health and safety at work.¹²¹

Council for Occupational Safety and Health consists of seven members, who are appointed by decision of the Government, two representatives proposed by the minister responsible for labor, one representative proposed by the minister responsible for health, two representatives of employers, two representatives of workers proposed by the representative associations of employers and higher level workers according to a special regulation.¹²²

The Council may also, if necessary, propose amendments to the Government in order to align them with international regulations, as well as propose measures to improve the workplace safety system in the Republic of Croatia.

¹¹⁷Ministry of Labor, Pension System, Family and Social Policy. Taken from:

<https://mrosp.gov.hr/about/7147>

¹¹⁸ Occupational Safety and Health (OSH), Croatia 2016, Retrieved from:

https://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:HRV,,2016:NO

¹¹⁹Croatia: New Law in occupational health and safety, Received from:

<https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹²⁰Croatia: New Law in occupational health and safety, Received from:

<https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹²¹Croatia: New Law in occupational health and safety, Received from:

<https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>

¹²² Occupational Safety and Health (OSH), Croatia 2016, Received from:

https://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:HRV,,2016





State Labor Inspectorate: functions as an administrative and budgetary organization within the Ministry of Labor and the Pension System, which is also responsible for its financing.¹²³The State Labor Inspectorate operates based on the Law on Labor Inspectorate adopted in 2014, which defines the functions, responsibilities and organization. The main function of the Labor Inspectorate is to conduct inspections in the field of health and safety at the workplace, unless otherwise provided by law.¹²⁴The Inspectorate is organized in the head office, regional offices and branches of regional offices.¹²⁵

Inspectors in the field of safety and health at work include: inspection in relation to injuries in the workplace, supervision of the work of persons authorized to make the assessment of safety in the workplace, as well as inspection of compliance with the regulation of special construction related to safety in the construction area.¹²⁶

Labor inspectors are authorized to make decisions to terminate any activity which is considered to endanger health and safety in the workplace.¹²⁷

Institute for the Advancement of Safety at Work - is a public institution, established by the Government of Croatia in 2014.¹²⁸The Institute for the Advancement of Occupational Safety took over all the functions of the Croatian Institute for the Protection of Safety and Health at Work. The functions of the Institute are described in the Occupational Health and Safety Act. The main objective of the Institute focuses on the aspects of safety and health in the workplace. The institute will be responsible for monitoring and proposing measures to improve workplace safety. The institute also monitors the training and certification of employees and organizations.¹²⁹

The main functions of the Institute are: monitoring the field of health and safety at work, to prepare guidelines and methods that can affect the improvement of safety and health at work, to conduct statistical surveys, cooperation with national and international organizations and

¹²³The Croatian Parliament, Labor Inspectorate Act, Retrieved from:

<http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-inspektoratu-rada-nn-19-14-eng.pdf>

¹²⁴The Croatian Parliament, Labor Inspectorate Act, Retrieved from:

<http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-inspektoratu-rada-nn-19-14-eng.pdf>

¹²⁵The Croatian Parliament, Labor Inspectorate Act, Retrieved from:

<http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-inspektoratu-rada-nn-19-14-eng.pdf>

¹²⁶Occupational Safety and Health System at the national level-Croatia. Taken from:

https://oshwiki.eu/wiki/OSH_system_at_National_Level_-_Croatia#Other_OSH_bodies

¹²⁷ Occupational Safety and Health System at the national level-Croatia. Retrieved from

https://oshwiki.eu/wiki/OSH_system_at_National_Level_-_Croatia#Other_OSH_bo_dies

¹²⁸ Occupational Safety and Health System at the national level-Croatia. Retrieved from:

https://oshwiki.eu/wiki/OSH_system_at_National_Level_-_Croatia

¹²⁹ New Law on Safety and Health at Work. Retrieved from:

<https://www.eurofound.europa.eu/publications/article/2015/croatia-new-law-on-occupational-health-and-safety>





institutions professional and scientific. ¹³⁰The Institute provides professional assistance to employers' unions, persons authorized for health and safety at work issues and other tasks defined by legal provisions.

croatia	
Legislative Framework	<ul style="list-style-type: none"> - Work law; - Law on Safety and Health at Work;
Institutional Framework	<ul style="list-style-type: none"> - Ministry of Labor, Pension System, Family and Social Policy; - State Labor Inspectorate; - Institute for the Advancement of Safety at Work; - National Council for Safety at Work;

Slovenia

The current situation

It is considered necessary to change the legislation in the field of safety and health at work in order to improve the current situation, where in 2019 alone there were 191 accidents at work ¹³¹. The capacity of human resources in the labor inspectorate as a body for overseeing the implementation of legislation on safety and health at work is not satisfactory even though in 2019 alone 121 employees were employed ¹³².

Legislative framework

The Legislative Framework in Slovenia is regulated by the Law on Labor Relations and the Law on Health and Safety at Work.

The Law on Labor Relations was initially adopted in 2002. In 2013 the last modification of the law was made. Article 33 of the Law on Labor Relations of Slovenia provides for the provisions

¹³⁰Occupational Safety and Health System at the national level-Croatia. Retrieved from:

https://oshwiki.eu/wiki/OSH_system_at_National_Level_-_Croatia#Other_OSH_bodies

¹³¹ Republika Slovenia Ministrstvo Za Delo: ~ : ã } [Ê Á Ù [& ã æ | } ^ Á Z æ â ^ ç ^ Á ã } Á Ò } æ \ ^ Á

Republika Slovenije Za Delo, Received from:

<https://www.gov.si/assets/organi-v-sestavi/IRSD/LETNA-POROCILA-IRSD/Porocilo-o-delu-IRSD-v-letu-2019.pdf>

¹³² Republic of Slovenia Ministry of Delo, Druzino, Social Affairs in Enake Opportunities Inspectorate

Republic of Slovenia for Delo, Retrieved from: <https://www.gov.si/assets/organi-v-sestavi/IRSD/LETNA-POROCILA-IRSD/Porocilo-o-delu-IRSD-v-letu-2019.pdf>





on safety and health at work. The employer, respecting the provisions for safety and health in the workplace, is obliged to provide a safe environment for employees.¹³³

The Law on Health and Safety at Work in Slovenia was adopted in 2011.¹³⁴

The main purpose of this legal act is to define the main duties of employers and employees related to safety and health in the workplace and to determine the necessary measures to ensure the safety of employees¹³⁵.

In 2011, the National Assembly of the Republic of Slovenia adopted a national program defining strategies for health and safety at work. Through this program, the National Assembly focuses on protecting workers' lives, health and preventing accidents and occupational diseases in the workplace.¹³⁶

Institutional Framework

In Slovenia responsible for the field of work are: Council for Work and Safety at Work Ministry of Labor, Family and Social Affairs, Labor Inspectorate, Energy and Mining Inspection.¹³⁷

Council for Work and Safety at Work: functions as an advisory body. The Council proposes and discusses recommendations to the relevant Ministry regarding workplace safety and health, as well as the definition of uniform policies. The Council body includes well-known experts in their respective fields.¹³⁸

It consists of occupational health and safety experts, social security experts and experts from employers' organizations or unions. Council members from employers' organizations and trade unions are appointed by the Minister on the proposal of the Economic and Social Council.¹³⁹

¹³³Law on Labor Relations. Received from :

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=97493&p_country=SVN&p_count=561

¹³⁴ Law on Labor Relations. Received from :

<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5537>

¹³⁵Law on Labor Relations. Received from :

<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5537>

¹³⁶ OSH System at national level - Slovenia, obtained from:

https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Slovenia#OSH_authorities_and_Inspection_services

¹³⁷Republic of Slovenia Government, About the Ministry of Labor, Family, Social Affairs and Equal Opportunities, Taken from:

<https://www.gov.si/en/state-authorities/ministries/ministry-of-labour-family-social-affairs-and-equal-opportunities/about-the-ministry-of-labour-family-social-affairs-and-equal-opportunities/>

¹³⁸ OSH System at national level- Slovenia, retrieved from:

https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Slovenia#OSH_authorities_and_Inspection_services

¹³⁹ OSH System at national level- Slovenia, retrieved from:

https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Slovenia#OSH_authorities_and_Inspection_services





The Ministry of Labor, Family, Social Affairs and Equal Opportunities - has the following functions: status, rights and obligations of employees, pension insurance schemes and those for people with disabilities; collective agreements; employment policies at home and abroad; prevention of undeclared employment; the status and full social protection of persons with disabilities; youth, children and families; scholarships and vocational training ; safety at work; family and demographic policies; social protection and welfare; social assistance for deprived individuals; families and population groups; the situation of women and the provision of equal opportunities for women and men; training of children with developmental disorders, etc.¹⁴⁰

Labor Inspectorate- is an organ administrative within Ministry of Labor, Family and Social Affairs. The Labor Inspectorate is a body overseeing the implementation of the law on Occupational Safety and Health and it operates within the regulations issued under it, as well as other regulations governing the field of health and safety at work. The labor inspectorate also oversees the safety measures specified in the employer's general acts. The Labor Inspectorate also provides assistance to employers and workers regarding enforcement and other regulations, collective agreements and general acts within its jurisdiction.

Energy and Mining Inspection: provides oversight of the implementation of regulations in the field of electrical engineering and mining.

" Through inspections in the field of electricity, and reliable operation of energy equipment is ensured, ie. electricity generation equipment, electricity transmission and distribution networks and other equipment for the supply and use of electricity.¹⁴¹ By providing controls, inspectors help correct deficiencies during the construction or reconstruction phase of power vehicles, which improves the safety, reliability and economic use of such vehicles. "Controls of low-voltage systems in buildings and lightning protection systems in public buildings are intended to ensure safety by reducing the risks to employees, animals and property."¹⁴²

The main purpose of the Mining Inspectorate is safety and health in underground and surface mining works. Inspectors conduct inspections based on legislative acts governing mining, safety

¹⁴⁰ Ministry of Labor, Family, Social Affairs and Equal Opportunities - Slovenia, Received from: <https://oiraproject.eu/it/Partners/ministry-labour-family-social-affairs-and-equal-opportunities#:~:text=Ministry%20of%20Labour%2C%20Family%2C%20Social%20Affairs%20and%20Equal,of%20Labour%2C%20Family%2C%20Social%20Affairs%20and%20Equal%20Opportunities>

¹⁴¹ Republic of Slovenia Government, About the Ministry of Labor, Family, Social Affairs and Equal Opportunities, Taken from: <https://www.gov.si/en/state-authorities/ministries/ministry-of-labour-family-social-affairs-and-equal-opportunities/about-the-ministry-of-labour-family-social-affairs-and-equal-opportunities/>

¹⁴² Republic of Slovenia Government, Energy and Mining Inspection, Retrieved from: <https://www.gov.si/en/state-authorities/bodies-within-ministries/inspectorate-of-infrastructure/inspektoratu-za-infrastrukturo/inspekcija-for-energy-in-rudeness/>





and health of employees in the workplace. The purpose of the mining inspectorate is to inspect on a regular basis in the field of mining. In the event of fatal or group accidents at work or dangerous incidents, the field inspectorate opens an investigation to examine the circumstances.¹⁴³

Slovenia	
Legislative Framework	<ul style="list-style-type: none">- Work law- Law on Health and Safety at Work
Institutional Framework	<ul style="list-style-type: none">- Ministry of Labor, Family, Affairs, Social Affairs and Equal Opportunities- Labor Inspectorate,- Energy and Mining Inspection

NORTH MACEDONIA

Current Occupational Safety and Health Status

The level of occupational safety and health in Northern Macedonia is assessed as inadequate. Implementation of legislation on health and safety at work is lacking, inter-institutional cooperation is lacking, administrative capacity responsible for overseeing the implementation of legal provisions related to Occupational Health and Safety is assessed as lacking, although during 2019 there was progress in recruiting inspectors new ¹⁴⁴, progress was made in 2020 where five (5) new inspectors were recruited ¹⁴⁵.

During the year In 2020, 667 workplace injuries were reported, of which 18 were fatal.¹⁴⁶

¹⁴³ Zakon o varnosti in zdravju pri delu (ZVZD-1), Taken from:

<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5537>

¹⁴⁴ European Commission, (2020). Progress Report on Northern Macedonia. Retrieved from:

https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf

¹⁴⁵ European Commission, (2021). Progress Report on Northern Macedonia. Retrieved from:

https://ec.europa.eu/neighbourhood-enlargement/north-macedonia-report-2021_en

¹⁴⁶ State Labor Inspectorate in Northern Macedonia, (2020). Labor Report. Retrieved from:

https://dit.gov.mk/~drzaveninspekt/?page_id=6878#





Legislative Framework

Article 32 of the Constitution of the Republic of Macedonia envisages the field of safety and health at work, which states "Everyone has the right to work, to free choice of employment, to protection at work and to material security in temporary unemployment".¹⁴⁷

Safety and Health at Work in Northern Macedonia is also defined by the Law on Labor Relations, Article 32 states that "The employer is obliged to implement the provisions of the Law on Labor Relations for the purpose of ensuring protection at work, to protect their life and health, as well as the health and lives of other persons. It is the right and obligation of every worker to take care of his own safety and the safety of other persons working with him, in accordance with the training and instructions given to him by the employer, in order to know the health safety measures in work and be trained in their implementation, in accordance with the regulations".¹⁴⁸

Whereas, the Law on Safety and Health at Work specifically regulates the field of safety and health in the workplace, which defines preventive measures, rights, obligations and responsibilities of the employer and the organizational structure of the health care system.

Institutional Framework

In Northern Macedonia, the Ministry of Labor and Social Policy is the main authority for labor and social protection issues.

The field of Safety and Health is within the competence of the State Labor Inspectorate, which is a body of the Ministry of Labor and Social Policy.

State Labor Inspectorate (STI) - the main purpose is to oversee the implementation of laws and other regulations on labor relations, employment and protection at work as well as collective agreements¹⁴⁹.

The work and organization in this institution is regulated by the Law on Labor Inspection. IPH, function as a body within the Ministry of Labor and Social Policy¹⁵⁰.

¹⁴⁷Constitution of the Republic of Northern Macedonia. Retrieved from:
<https://www.sobranie.mk/content/ustav%20al/ustav%20rsm-al-ok.pdf>

¹⁴⁸Law on Labor Relations, (2005). Retrieved from:
https://mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B0%D0%BA%D0%BE%D0%BD%D0%A0%D0%B0%D0%B1%D0%9E%D0%B4%D0%BD%D0%BE%D1%81%D0%B8.pdf

¹⁴⁹ Law on Labor Inspection. Retrieved from:
https://www.mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%98%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D0%A2%D1%80%D1%83%D0%B4.pdf

¹⁵⁰Law on Labor Inspection. Retrieved from:
https://www.mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%98%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D0%A2%D1%80%D1%83%D0%B4.pdf





The highest authority is the Director of the Inspectorate with at least five (5) years of professional work experience, appointed and dismissed by the Government of the country for a four (4) year term with the possibility of another term¹⁵¹.

On the other hand, the inspector at the IPH must have a university degree in the field of Mechanical Engineering, Civil Engineering, Architecture, Electrical Engineering, or a university degree in the field of Technology and Safety at Work¹⁵². Also, the inspector must have at least five (5) years of professional work experience after graduation and have passed the psychological test and integrity test based on the regulation regarding civil servants¹⁵³.

Occupational Safety and Health Council- is composed of a group of advisory experts that formed by Government of the Republic of Macedonia. The Council reviews and provides opinions and guidance regarding the program in the field of occupational safety and health, the strategy for the prevention and reduction of injuries in the workplace, occupational diseases and other illnesses and injuries which are related to work, as well as examines expert bases for drafting laws and other provisions on occupational safety and health and documents of international organizations related to occupational safety and health.¹⁵⁴

The Council consists of fifteen (15) members: four (4) members from the representative organizations of employers, four (4) members from the representative unions, three (3) members appointed by the Government of the Republic of Macedonia, one (1) member representative of the faculty which implements educational activities in the field of occupational medicine, one (1) representative member of the association of occupational safety professionals and one (1) representative member of the association of occupational medicine experts.¹⁵⁵

¹⁵¹Law on Labor Inspection. Retrieved from:

https://www.mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%98%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D0%A2%D1%80%D1%83%D0%B4.pdf

¹⁵² Law on Labor Inspection. Taken from;

https://www.mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%98%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D0%A2%D1%80%D1%83%D0%B4.pdf

¹⁵³Law on Labor Inspection. Retrieved from:

https://www.mtsp.gov.mk/content/pdf/trud_2017/pravilnici/16,11-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%98%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D0%A2%D1%80%D1%83%D0%B4.pdf

¹⁵⁴BalconOSH. Safety and Health in the Workplace, (2018). Retrieved from: <http://project-balcanosh.net/wp-content/uploads/2018/11/OCCUPATIONAL-SAFETY-AND-HEALTH-STUDY-MACEDONIA.pdf>

¹⁵⁵BalconOSH. Safety and Health in the Workplace, (2018). Retrieved from: <http://project-balcanosh.net/wp-content/uploads/2018/11/OCCUPATIONAL-SAFETY-AND-HEALTH-STUDY-MACEDONIA.pdf>





Northern Macedonia	
Legislative Framework	<ul style="list-style-type: none"> - constitution - Law on Labor Relations - Law on safety and health in the workplace - Law on Labor Inspection
Institutional Framework	<ul style="list-style-type: none"> - Ministry of Labor and Social Policy - State Labor Inspectorate - Occupational Safety and Health Council

Serbia

Current situation in Serbia

The level of safety and health at work in Serbia is low, there is a lack of implementation of the law in force¹⁵⁶, only during 2020 there were 10,295 injuries in the workplace, of which 11 suffered fatalities¹⁵⁷.

Labor legislation is partially aligned with the EU acquis. The Law on Inspection Supervision is deemed necessary to be amended in order to harmonize with the relevant International Labor Organization Conventions previously ratified by the state of Serbia.¹⁵⁸

Legislative Framework

Occupational Safety and Health is defined by constitutional provisions directly, it is emphasized that the dignity of persons at work must be respected in order to create safe and healthy conditions, to respect working hours, daily, weekly, annual leave, and fair compensation for

¹⁵⁶European Commission, (2019). Progress Report for Serbia. Retrieved from:

https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia_report_2020.pdf

¹⁵⁷ Government of Serbia, (2021). Ministry of Labor, Employment, Veterans Affairs and Social Affairs.

Retrieved from: <https://www.minrzs.gov.rs/sites/default/files/2021-03/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%A3%D0%BF%D1%80%D0%B0%D0%B2%D0%B5%20%D0%B7%D0%B0%20%D0%B1%D0%B7%D1%80%20%D0%B7%D0%B0%202020.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>

¹⁵⁸European Commission, (2020). Progress Report for Serbia. Retrieved from:

https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia_report_2020.pdf





work etc.¹⁵⁹The Law on Labor Law, in Chapter VII, provides for the protection of employees in the workplace, including the protection of life and health at work.¹⁶⁰

On the other hand, a special law that regulates the field of occupational safety and health is the Law on Occupational Safety and Health. The essential goal is "the implementation and improvement of safety and health at work of persons participating in the work process, as well as persons in the work environment, in order to prevent injuries at work, occupational diseases and work-related diseases."¹⁶¹

Serbian Association for Occupational Health and Safety - has been formed as a professional association that brings together experts, engineers, employee representatives and other persons who are professionally oriented towards the safety and health system at work. The purpose of this association is based on improving occupational safety and health as well as improving the working environment and conditions. The association was registered on December 21, 2004 as a voluntary, professional organization. apolitical. non-governmental and non-profit. The association now has more than 500 members, consisting of the president who manages the board.¹⁶²

Ministry of Labor, Employment, Veterans and Social Affairs of the Republic of Serbia- Within this ministry, the Directorate for Occupational Safety and Health functions as an administrative body¹⁶³. The key tasks are: taking care of the harmonization of regulations with EU and ILO regulations, collecting and analyzing data on occupational injuries, and for this comes out with annual reports, provides education for officials responsible for safety and health in work, as well as for inspectors, informs the public about the situation in the field of safety and health at work¹⁶⁴.

The Labor Inspectorate , operating within the Ministry of Labor, Employment, Veterans and Social Affairs, has a key role in overseeing and enforcing laws and regulations pertaining to the field of work, the field of labor relations and occupational safety and health.¹⁶⁵

¹⁵⁹ Constitution of Serbia. Retrieved from:

https://www.srbija.gov.rs/view_file.php?file_id=2391&cache=sr

¹⁶⁰ Labor Law. Retrieved from: https://www.paragraf.rs/propisi/zakon_o_radu.html

¹⁶¹Law on Occupational Safety and Health. Retrieved from:

https://www.paragraf.rs/propisi/zakon_o_bezbednosti_i_zdravlju_na_radu.html

¹⁶²Safety and Health in the Workplace. Retrieved from: http://web.deu.edu.tr/isamer/OHS_Serbia.pdf

¹⁶³Law on Occupational Safety and Health. Retrieved from:

https://www.paragraf.rs/propisi/zakon_o_bezbednosti_i_zdravlju_na_radu.html

¹⁶⁴ Law on Occupational Safety and Health. Retrieved from:

https://www.paragraf.rs/propisi/zakon_o_bezbednosti_i_zdravlju_na_radu.html

¹⁶⁵ Ministry of Labor, Employment, Veterans and Social Affairs. Taken from:

<https://www.devex.com/organizations/ministry-of-labor-employment-veteran-and-social-affairs-molevsa-serbia-128290>





The Labor Inspectorate annually drafts the Work Plan in order to achieve the priorities of labor inspection.¹⁶⁶

Council for Safety and Health at Work- was established in 2005, has the following tasks: contributes to the adoption of regulations in the field of occupational safety and health, to the development of the national program in the field of occupational safety and health, as well as to the development of preventive policies on related issues. with safety and health at work.¹⁶⁷

Serbia	
Legislative Framework	<ul style="list-style-type: none"> - constitution - Labor Law - Law on Occupational Safety and Health
Institutional Framework	<ul style="list-style-type: none"> - Ministry of Labor, Employment, Veterans and Social Affairs, - Labor Inspectorate - Occupational Safety and Health Council

Latvia

Legislative Framework

The system of occupational safety and health protection is defined by the Law on Occupational Safety and Health and some aspects of Occupational Safety and Health are covered by the other main law, the Labor Law.

¹⁶⁶ Labor Inspectorate Inspection Plan (2021) Retrieved from:

<https://inspektor.gov.rs/page/635/%D0%9F%D0%BB%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8-%D0%B8%D0%BD%D1%81%D0%BF%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D1%81%D0%BA%D0%BE%D0%B3-%D0%BD%D0%B0%D0%B4%D0%B7%D0%BE%D1%80%D0%B0-%D0%B7%D0%B0-2020>

¹⁶⁷ Ministry of Labor, Employment, Veterans and Social Affairs. (2020). Labor Report. Retrieved from:

<https://www.minrzs.gov.rs/sites/default/files/2021-03/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%A3%D0%BF%D1%80%D0%B0%D0%B2%D0%B5%20%D0%B7%D0%B0%20%D0%B1%D0%B7%D1%80%20%D0%B7%D0%B0%202020.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>





The purpose of the Law on Labor Protection is to guarantee and improve the protection of safety and health of employees and self-employed persons at work, defining the obligations, rights and mutual relations in labor protection between employers, employees and their representatives, self-employed persons, and also state authorities.¹⁶⁸

The Law on Workplace Protection has more than 20 regulations detailing the special requirements provided by this law. These regulations are issued by the Cabinet of Ministers as the Latvian legal system is built in such a way that general legal requirements are approved by Parliament and then implemented by regulations approved by the Cabinet of Ministers.¹⁶⁹

According to the Law on Protection of the Workplace, every employer is responsible for conducting internal supervision of the workplace, including the assessment of risks in the work environment, the establishment of an organizational structure of labor protection in the company and provide advice to employees on improving occupational safety in order to establish a proper Safety and Health system in the Company¹⁷⁰.

There are several other laws in the field of occupational safety and health legislation, which are:

- Law on compulsory social security in relation to accidents at work and occupational diseases
- Law on surveillance of hazardous equipment
- Law on Chemicals
- Law on Fire and Fire Safety¹⁷¹

Institutional framework

Ministry of Welfare, is responsible for Occupational Safety and Health policy in Latvia is the Ministry of Welfare, within which operates the Department of Labor Relations and Occupational Safety and Health Policy, while control of the Occupational Safety and Health system in practice,

¹⁶⁸Occupational Safety and Health System at the national level - Latvia. Retrieved from: https://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Latvia

¹⁶⁹Occupational Safety and Health System at the national level - Latvia. Retrieved from: https://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Latvia

¹⁷⁰Occupational Safety and Health System at the national level - Latvia. Retrieved from: https://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Latvia

¹⁷¹ Occupational Safety and Health System at the national level - Latvia. Retrieved from: https://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Latvia





is provided by The State Labor Inspectorate which operates under the supervision of the Ministry in question.¹⁷²

State Labor Inspectorate - The main function of the Inspectorate is in accordance with the Law on the State Labor Inspectorate adopted on June 19, 2008, repealing the previous laws.

It is headed by the Director of the Labor Inspectorate, who is appointed and dismissed in accordance with the requirements of the State Civil Service Law by the Minister of Welfare. The Labor Inspectorate each year sets the key objectives which must be achieved within the following year.¹⁷³

Inspectors must have degrees in the following fields: Engineering, Natural Sciences, Occupational Health and Safety, Law.¹⁷⁴ After the selection, the Inspectors receive 200 hours of training as well as annual trainings which are organized by the Latvian School of Public Administration and by various training service enterprises.¹⁷⁵

During 2020, the Labor Inspectorate operated with 123 inspectors and a total of 10,384. Consequently an inspector in Latvia conducts 84 inspections per year.

The Inspectorate is financed from the state budget, the administrative fines reviewed by the Inspectorate are transferred to the revenues of the basic state budget.¹⁷⁶

Latvia	
Legislative Framework	<ul style="list-style-type: none"> - Law on Occupational Safety and Health - Work law

¹⁷²Law on the State Labor Inspectorate. Latvia. Retrieved from: <https://likumi.lv/ta/id/177910-valsts-darba-inspekcijas-likums>

¹⁷³Law on the State Labor Inspectorate. Latvia. Retrieved from: <https://likumi.lv/ta/id/177910-valsts-darba-inspekcijas-likums>

¹⁷⁴ International Labor Organization. Retrieved from: https://www.ilo.org/labadmin/info/WCMS_209359/lang-en/index.htm#:~:text=The%20State%20Labour%20Inspectorate%20

¹⁷⁵International Labor Organization. Retrieved from: https://www.ilo.org/labadmin/info/WCMS_209359/lang-en/index.htm#:~:text=The%20State%20Labour%20Inspectorate%20

¹⁷⁶ Law on the State Labor Inspectorate. Latvia. Retrieved from: <https://likumi.lv/ta/id/177910-valsts-darba-inspekcijas-likums>





	<ul style="list-style-type: none"> - Law on compulsory social security in relation to accidents at work and occupational diseases - Law on surveillance of hazardous equipment - Law on Chemicals - Law on Fire and Fire Safety
Institutional Framework	<ul style="list-style-type: none"> - Ministry of Welfare - State Labor Inspectorate

Comparative Analysis (2019)							
	Nr. of inspectors	Nr. of inspections	Total number of accidents	Number of minor accidents	Number of serious accidents	Number of deaths	Number of fines
Chuang	33	14000	143	75	58	10	220
Albania	90	5993	182	-	-	36	85
Northern Macedonia	115	23821	2034	-	-	24	67
Serbia	262		1029	8623	1662	114	216
Slovenia	31	5891	191	183	6	2	281
Croatia	215	-	-	982	-	53	-
Latvia	123	10384	2272	2017	226	29	1520





Nr.	KOSOVO	Albania	Northern Macedonia	Serbia	SLOVENIA	croatia	Latvia
Qualifications for Chief Inspectors	- University degree; Eight (8) years of work experience; Five (5) years of managerial work experience	-University Diploma - five (5) years of work experience	-University degree Five (5) years of work experience To have passed the psychological test and an integrity test To know English, to have an internationally recognized certificate	/	/	-University Diploma Five years of work experience, of which 2 years as inspectors	/
Qualifications for Inspectors	-University degree (law, technical sciences) Three (3) years of professional work experience.	/	/	University degree in: Law, Economics . Civil, mechanical, electrical engineer, architecture engineer, chemical engineer; geologist.	-University degree in legal, economic, or technical sciences Five (5) years of work experience To have passed the professional exam for inspector	-University degree Two (2) years of work experience	-University degree in law, engineering , natural sciences, or occupational safety and health.





Recommendations

- Increase the number of officials within the Division of Labor Relations, Social Dialogue, Safety and Occupational Health in the Ministry of Finance, Labor and Transfer for another six (6) officials.
- MFLT to draft new regulations for the internal organization and systematization of jobs.
- LI to draft new regulations for the internal organization and systematization of jobs
- Increase the number of labor inspectors by 100-150 inspectors
- Increase the number of administrative staff in LI.
- Divide inspectors into labor inspectors as well as inspectors in the field of occupational safety and health.
- The measurement of the amount of the fine for natural persons determined by the law on Safety and Health at Work should be done in accordance with the Law on Minor Offenses.
- Establish a commission as a second instance body to review complaints against the Labor Inspectorate by decision of the Minister of Finance, Labor and Transfers.
- The Labor Inspectorate to confirm the cases of accidents at work which occur in the mining activity, the verification of safety conditions in this activity to be performed by the Mining Inspectorate.

