

Employment of Persons with Disabilities in Albania¹

1. Labour market in Albania and the position of persons with disabilities

Like in other economies of the Western Balkans, the labour market in Albania has been burdened by a number of structural problems resulting in high overall unemployment and particularly difficult position of many vulnerable groups including persons with disabilities (PWDs). In the last few years however, the labour market in Albania has been showing signs of recovery. The employment rate has been growing steadily since 2014, followed by simultaneous decrease of unemployment and increase of participation rates over the same period. In 2017, Albania was the only economy in the region with the employment rate (population 15+) of over 50%, thus substantially beyond the regional average of 44.2%². In the same year, the unemployment rate in Albania reached its historical minimum of 13.6%, which is the second lowest in the region after Serbia (13.5% in 2017). In addition, participation rate in Albania grew to 58.3% (regional average was 53.5%) thus representing the highest participation rate in comparison to other five countries of the Western Balkans (i.e. Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo³, Montenegro and Serbia). In spite of the positive trends, job creation in Albania remains rather slow. As a common problem in the Western Balkans, there is high competitiveness on the supply side of the labour market. In such a situation, the negotiation power of employers remains strong thus negatively affecting possibilities for many vulnerable groups to find employment.

PWDs in Albania belong to vulnerable groups particularly hard to employ on the local labour market. Similarly to the region as a whole, PWDs in Albania have been stigmatised throughout history and thus excluded from various aspects of social life, including employment and education. Discrimination of PWDs in the sphere of work and employment is still present. Namely, PWDs are often not regarded by employers as potential workers and not even allowed to work because of being considered “invalids”⁴. In addition, children with disabilities are overrepresented among all primary school kids (6 to 14 years of age) not attending school, as only 75% of disabled kids are enrolled in primary schools in comparison with 96% of kids

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² Vulnerabilities Slow Growth, Western Balkans Regular Economic Report No.13, Spring 2018, World Bank Group, available at: <http://www.worldbank.org/en/region/eca/publication/western-balkans-regular-economic-report>

³ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

⁴ Human Rights Council's Universal Periodic Review, Implementation of the UN Convention on the Rights of Persons with Disabilities in Albania in 2014, available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=786&file=EnglishTranslation>

without disabilities⁵. Among various types of impairments, hearing and mobility problems are those that restrain most of the disabled kids to attend school. Limited accessibility of places and services remains among the main obstacles for PWDs to participate in education, social life and labour market equally as other members of the Albanian society.

Statistical data on PWDs in Albania are limited. The first National Strategy on Persons with Disabilities for the period from 2006-2015 reported on 75,044 persons with disabilities, counted based on their status of recipients of disability allowances. The figure represented only about 2.5% of the total population⁶. Taking into consideration the WHO definition pointing out that 10-15% of the population throughout the world face various types of disabilities, it is obvious that the share of PWDs in the Albanian population is highly underestimated due to inadequate data sources on PWDs. Therefore, in accordance with the WHO definition, PWDs population (all ages) in Albania may be estimated at between 290,000 and 435,000 persons, based on the total population of 2.9 million according to Census 2011.

The Washington Group (WG) methodology developed to better identify PWDs in a population was first time applied in Albania in Census 2011. In accordance, PWDs population (15+) was estimated at 6.2% (i.e. 129,216 persons) of the total population 15+ (2,084,137)⁷. On the other hand, broadening the definition of disability in the WG set of questions to include individuals “facing some difficulties” in addition to those with “strong difficulties and inability” to perform daily tasks, increases the share of population 15+ with disabilities at as much as 22%⁸. The share of PWDs in the population 15+ (working population) is particularly relevant when making judgements on their labour market position. With most important labour market statistics (employment rate, unemployment rate and participation rate) on PWDs being unavailable, their labour market position could only be judged based upon comparing the data referring to their registered unemployment and participation in active labour market measures provided through the Public Employment Service.

According to the available data⁹, over the last 3 years, overall registered unemployment in Albania has decreased from 149,822 registered unemployed at the end of 2015 to 89,780 persons at the end of 2017. Simultaneously, the number of registered unemployed PWDs has also decreased at much higher extent than in the case of overall registered unemployed. Namely, while 1,253 unemployed PWDs were registered in 2015, their number decreased to 479 in 2017.

⁵ Ferre, C., Galanxi E., Dhono, O., Profile of the Disabled Population in Albania, January 2015, United Nations Support to Social Inclusion in Albania Programme, available at:

<http://www.al.undp.org/content/dam/albania/docs/Census%202011%20Profile%20of%20PWD%20final.pdf>

⁶ Government of the Republic of Albania – Ministry of Labour, Social Affairs and Equal Opportunities, National Strategy on People with Disabilities, September 2006

⁷ Government of the Republic of Albania, Ministry of Social Welfare and Youth, National Action Plan on Persons with Disabilities 2016-2020, June 2016

⁸ Ferre, C., Galanxi E., Dhono, O., Profile of the Disabled Population in Albania, January 2015, United Nations Support to Social Inclusion in Albania Programme, available at:

<http://www.al.undp.org/content/dam/albania/docs/Census%202011%20Profile%20of%20PWD%20final.pdf>

⁹ Official data received through Joint Assessment for Employment Policies and Programs, Experience exchange at the regional level for the Employment of People with Disabilities (PWD), hosting country – Serbia: Questionnaire on the participation of Western Balkan countries

Substantially higher number of PWDs registered in 2015 may have resulted from issuing a special programme directed at enhancement of employment of PWDs approved by the Council of Ministers in 2014 (DCM 248). On the other hand, taking into consideration the negative attitudes toward employment of PWDs mentioned above as well as the rather small number of PWDs included in ALMPs (181, 153 and 139 persons in 2015, 2016 and 2017 respectively) such a decreasing trend of registered PWDs is likely to result from their generally low labour market opportunities rather than from effective labour market policies directed at this population. The table 1 below shows the data on registered unemployed overall and PWDs.

Table 1: Registered unemployed, overall and PWDs from 2015-2017

Year	Overall population	Overall population/ female	Share of female in %	PWDs	PWDs/female	Share of PWDs female in %	Share of PWDs in overall registered unemployed in %	Share of PWDs female in registered unemployed female overall in %
2015	149,882	76,015	51	1,253	461	37	0,8	0,6
2016	119,71	59,92	50	761	296	39	0,6	0,5
2017	89,78	47,394	53	479	230	48	0,5	0,5

Source: official data obtained from peer country representatives

Table 1 clearly shows that the share of PWDs in registered unemployed over the last three years has constantly remained under 1%. The figure is substantially lower than the share of PWDs in overall population should any of the previously discussed definitions be taken into consideration (e.g. 6.2% according to Census 2011). At the same time, it is among the lowest in the Western Balkans together with the Former Yugoslav Republic of Macedonia with 1.43% of registered unemployed PWDs in overall registered unemployed. In conclusion, it is evident that further improvement of employment policies directed at PWDs in Albania is of crucial importance.

2. Assessment of regulatory framework with regard to employment of PWDs

The legislative framework with regard to employment of PWDs in Albania includes a number of legal acts regulating the rights of specific groups of PWDs, including labour invalids¹⁰, war veterans¹¹, blind persons¹², and para- and quadriplegic persons¹³, adopted since 1990s and amended by other laws (e.g. Law No. 7889, "On the status of Labour Invalids" dated 14.12.1994. amended by Law No.8052 dated 21.12.1995 and by Law No. 7821 dated 26.12.2000.) as well as followed by the Decisions of the Council of Ministers (DCM) regulating special aspects of rights of the blind and para- and quadriplegic persons (e.g. DCM No, 227 "On obtaining the status of the blind", DCM No. 31 "On the benefits from the status of para- and quadriplegic invalids", and many other). In addition, the rights of PWDs are built in the Albanian Constitution, which guarantees equal employment rights (Article 49) and sets legal grounds for rehabilitation, vocational training and social integration of the disabled and the continuous improvement of their living conditions (Article 59)¹⁴. Further, the Law on Protection from Discrimination¹⁵

¹⁰ Law No. 7889, "On the status of Labour Invalids" dated 14.12.1994. (amended)

¹¹ Law No. 7663, "On the status of War invalids during the war against Natzi-fascists" dated 21.1.1993.

¹² Law No. 8098, "On the status of the Blind" dated 28.3.1996.

¹³ Law No. 8626, "On the status of para- and quadriplegics" dated 22.6.2000.

¹⁴ Government of the Republic of Albania – Ministry of Labour, Social Affairs and Equal Opportunities, National Strategy on People with Disabilities, September 2006

prohibits discrimination and introduces the concept of reasonable accommodation. Pursuant to the Law, denial of adaptations and modifications that are appropriate and necessary for the persons with restricted ability are considered discrimination (Article 5).

Other relevant laws in the field of work and employment assuring the rights of PWDs include the Labour Code¹⁶, the Law on Employment Promotion¹⁷ as well as the Law on Inclusion of and Accessibility for Persons with Disabilities¹⁸, assuring the right for independent living as well as access to employment. The Labour Code prohibits discrimination based on physical and mental disability (Article 9). The Law on Employment Promotion sets legal grounds for vocational retraining of PWDs (Article 14), imposes the obligation of employers to employ PWDs (Article 15) and assigns incentives for employers who employ PWDs (Article 16).

Scattered legislative framework, unequal protection of specific groups of PWDs such as deaf persons, persons with intellectual disabilities and persons with psychosocial disabilities who are not even recognized as PWDs in Albanian legislation, call for urgent action toward the development of a comprehensive legislative framework in which current legal acts would be harmonized and inexistent protection of rights of all groups of PWDs enabled¹⁹. In the absence of such a comprehensive legal framework, protection of rights of PWDs in Albania is mainly based on the UN Convention on the Rights of Persons with Disabilities (the UN Convention). Like in other economies of the region, the UN Convention became part of the local legislation in Albania after its ratification in 2012 but for the next six year it remained the only Western Balkan economy yet to sign the Optional protocol to the UN Convention.

Apart from the legislative acts, the National Strategy and National Action Plan for PWDs for the period 2016-2020 make an important part of the regulatory framework with regard to PWDs in Albania. The Strategy and the Plan are fully harmonized with the UN Convention and the European Disability Strategy. In addition they dedicate “special focus to the employment policies implemented through employment promotion programmes and vocational training programmes dedicated to PWDs” and foster a new approach to disability and capacity assessment putting stronger emphasis on social rather than previously dominant medical model²⁰.

3. Assessment of employment policy and ALMPs for PWDs

The Law on Employment Promotion No. 7995 (the Law) acknowledges the vulnerable status of PWDs and assures their priority treatment in active labour market measures (ALMPs) as part of the employment policy based on active employment promotion measures as well as the provision of income support (Article 4). Pursuant to the Law, ALMPs include 1) mediation for employment, 2) programmes of creating new jobs, 3) professional counselling and 4) vocational training and retraining programmes (Article 6). With regard to employment of PWDs the Law

¹⁵ Law No. 10221, “ On Protection from Discrimination” dated 4.2.2010.

¹⁶ Law No. 7961, "Code of Labour of the Republic of Albania" dated 12.7.1995.

¹⁷ Law No. 7995, "On Employment Promotion" dated 20.9.1995.

¹⁸ Law No. 93/2014 “On Inclusion of and Accessibility for Persons with Disabilities” dated 24.7.2014.

¹⁹ For more details please see: Human Rights Council’s Universal Periodic Review, Implementation of the UN Convention on the Rights of Persons with Disabilities in Albania in 2014, available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=786&file=EnglishTranslation>

²⁰ Government of the Republic of Albania, Ministry of Social Welfare and Youth, National Action Plan on Persons with Disabilities 2016-2020, June 2016

envisages special attention to be paid to the mediation for vulnerable groups including PWDs (Article 7) and sets provisions to assure access of PWDs to vocational retraining (Article 14). Employment promotion of PWDs is prescribed in the Law by imposing the obligation of employers to employ PWDs (Article 15) and assigning incentives for employers who employ PWDs (Article 16).

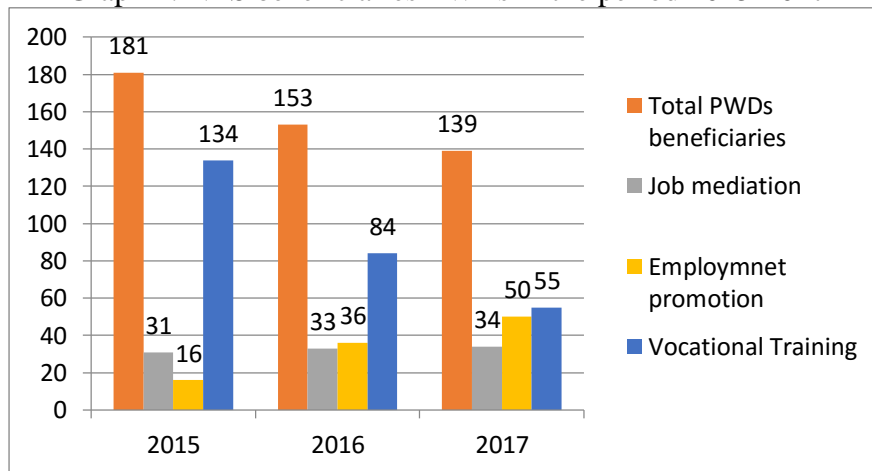
The obligation to employ PWDs follows the logic of the quota scheme applied in other Western Balkans economies (except the Former Yugoslav Republic of Macedonia) as it prescribes that all employers with more than 24 employees have to employ a PWD and an additional one after each 25 employees they employ. Should an employer decide to employ a PWD with a serious handicap, this will equal 5 PWDs with less serious handicap employed by this employer. Employers may apply for subsidies for equipment for work places for PWDs while tax exemption is applied to salaries they pay to PWDs employed. On the other hand, employers who fail to comply with the obligation must pay an amount equal to the minimum wage for every person/month they were obliged to employ at a special account of the National Employment Fund (the Fund) which should be used for job creation of jobs for PWDs.

In line with the above, it is evident that the initial ground for the implementation of ALMPs referring to professional rehabilitation and employment of PWDs has been set, yet further improvement should be allowed by the recently drafted new Law. Additionally, while the obligation to employ PWDs (quota scheme) in Albania has been in existence for many years, its effects have remained insignificant due to the lack of proper mechanisms of implementation and control by the relevant institutions. Apart from mentioning in the Law, special account of the Fund dedicated to creation of jobs for PWDs has not been put into operation.

Limited possibilities for PWDs to find employment have resulted in rather small number of registered unemployed who seek employment through NES. As shown in the table 1 above, the number has been continuously decreasing reaching less than 500 persons in 2017. With a lack of separate legal document regulating employment policy of PWDs in Albania, the Council of Ministers issued the decision in 2014 (DCM 248) “On Employment Promotion Programme for the Employment of PWDs”. The programmes were piloted in 2014 in two cities while in 2015 these were offered on the country level. However, the number of beneficiaries was rather small (14 in 2014 and 31 in 2015)²¹. Graph 1 below clearly shows that while the total number of NES beneficiaries has been decreasing since 2015, their participation in employment promotion programmes has increased. On the other hand, participation in vocational retraining has severely decreased while job mediation in absolute terms remained rather constant.

²¹ Government of the Republic of Albania, Ministry of Social Welfare and Youth, National Action Plan on Persons with Disabilities 2016-2020, June 2016

Graph 1: NES beneficiaries PWDs in the period 2015-2017



Source: official data obtained from national representatives

Though slight increase in employment promotion programmes should be considered a positive trend it is still rather insignificant taking into consideration the total number of NES beneficiaries (registered unemployed overall) and small share of registered PWDs (less than 1%). The total number of registered unemployed PWDs decreased severely from 1,253 persons in 2015 to 479 persons in 2017 and the number of beneficiaries included in job mediation, employment promotion programmes and vocational retraining was kept rather low in spite of various actions have been undertaken to assure accessibility to PWDs and to promote its programmes and services dedicated to this category. This has been inconsistent with the fact that the overall fund for ALMPs has substantially increased since 2014, i.e. from 2.2 mil EUR to 3.9 mil EUR as of 2017. Therefore, to improve this situation policy makers within relevant institutions in addition to drafting the new Law may also take into consideration the need for creating special programmes and policies to enhance professional rehabilitation and employment of PWDs as well as to establish a separate fund for financing ALMPs for PWDs.

4. Assessment of success factors and transferability

The success factors listed in the host economy case study revolve around 1) recognition of rights to work and employment and assuring equal opportunities for PWDs based on recognized status of PWDs and assessment of working capacities, 2) development of four pillars of employment policy and 3) proper implementation of ALMPs for PWDs through NES. On the other hand, employment policy toward PWDs in Albania has been a part of the general employment policy and thus is hard to compare with the host economy. As previously explained, the legal framework is rather scattered and the rights of various groups of PWDs are regulated separately. The special Law on professional rehabilitation and employment of PWDs is non-existent. Medical definition is still prevalent in the assessment of working capacities though the new interdisciplinary model has been promoted in the National Action Plan on Persons with Disabilities 2016-2020. Against such a backdrop, it is advisable to follow the success factors listed in the host economy case study in further development of the employment policy directed at PWDs in Albania. While the obligation to employ PWDs has already been built in the legislative framework, it should be further developed into an appropriate quota-levy scheme to produce more positive effects on employment of PWDs. Alternative models of complying with the obligation (e.g. transferring monthly salaries into a special Fund and/or supporting

professional rehabilitation and self-employment of PWDs through procurement agreements or purchasing of goods and services) should be used to support employment and self-employment programmes of PWDs. In addition, attention should be paid to the development of programmes for professional rehabilitation of PWDs as well as the establishment of special forms of enterprises (e.g. enterprises for professional rehabilitation, social enterprises, sheltered workshops, job centres and similar). Finally, still of crucial importance in the very near future, would be the establishment of a special Fund and/or allocation of financial and human resources that would allow higher participation of PWDs in various programmes offered through NES as well as the development of adequate system of monitoring and evaluation of such programmes.

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