Responsible person for health at work

Following the general and specific measures taken by the Albanian government to fight the COVID-19 pandemic, the State Labour and Social Services Inspectorate (the “Labour Inspectorate”) has published a notice on its webpage requesting that any business entity must submit to the Labour Inspectorate by e-mail at the following address info@sl.i.gov.al the personal identification information and licence no. of the person responsible for health at work. The obligation to notify arises from the Red Protocol of Hygienic-Sanitary Measures COVID-19 which has been published recently in the Official Journal (5 May 2020) and although the Labour Inspectorate extends this obligation to all business entities, in our opinion, it can legally be imposed only to those entities that qualify under the Red Protocol of Hygienic-Sanitary Measures COVID-19 which entities, in addition, should also notify the State Health Inspectorate. The person responsible for health at workplace and/or the administrator are responsible for the implementation of the additional measures according to the relevant Protocols of Hygienic-Sanitary Measures COVID-19.

The notification to the Labour Inspectorate presupposes that the responsible person(s) have already been appointed or, if not, we recommend are appointed within the shortest delays. This is in fact a reminder of a pre-existing obligation under article 7 of law no. 10237, dated 18 February 2010 “On safety and health at work”, as amended, and Council of Ministers’ Decision no. 108, dated 9 February 2011 “On the abilities of employees, persons and specialized services dealing with matters of safety and health at work”, as amended (“CMD no. 108”) for any employer with more than 20 (twenty) employees in the Republic of Albania to either (i) organize the internal system of health and safety at work by appointing one or more employees (depending on the number of total employees and the type of economic activity) who shall be responsible for the implementation of the health and safety measures at work or (ii) outsource these services to a specialized service provider, if the capacities of the entity are not sufficient. On the other hand, employers with less than 20 (twenty) employees must always outsource these services to an external specialized service provider.
The persons responsible for the health and safety at work should be qualified for the safety, occupational medicine, ergonomics, industrial hygiene, psychosocial factors at the workplace, including violence and sexual harassment. Specific qualifications are set out in the CMD no. 108.

Depending on the circumstances of the case and provided that the measures set out by the Red Protocol of Hygienic-Sanitary Measures COVID-19 apply, additional sanctions may be imposed by the State Health Inspectorate under law no. 15/2016 “On the prevention and control of infections and infectious diseases” against business entities breaching such requirements.

In case of a first inspection by the Labour Inspectorate, the later may impose a sanction in the form of written warning for the entity to comply with the above legal requirement within a specific deadline. In case of failure to fulfill the obligation within the required deadline the Inspectorate may impose a penalty that goes from 10 (ten) up to 50 (fifty) monthly minimum salaries (the minimum salary in national level is 26,000 ALL/month).