

Legal News

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“On the status of workers in
petroleum and gas industry”



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The Albanian parliament approved, on 02.02.2017, the law no. 8/2017 “On the status of workers in the petroleum and gas industry” (“Law”). The Law was published with the Official Gazette no. 31, dated 23.02.2017, and has entered into force 15 (fifteen) days following its publication.

The scope of the Law is to determine the status of the workers in the petroleum and gas industry, and more specifically the legal, economic-financial and social position of the same, rights and obligations attached to such workers, as well as the relevant legal guarantees for their implementation.

The right to obtain the status of the petroleum/gas workers is vested on current and former employees starting from the commencement working date in the relevant sector. The status is granted, also, to persons who experienced accidents at work, despite the duration of their employment.

Each person who benefits the status shall be provided with official identification document, which is issued by a commission established for this purpose by the ministry responsible for petroleum and gas industry (“Ministry”). Below the main novelties brought by the Law:

Documents for the status

The documents attesting that a person is a current or former worker in the petroleum/gas industry are as follows:

- i. For a former worker, the employment booklet, followed by a specific official attestation, issued by the enterprise or institution where the latter was employed, confirmed by the Ministry, in which is determined the employment of such person in the petroleum and gas industry and the duration of the employment;
- ii. For a current worker, the employment booklet, followed by the specific attestation issued by the company or institution where the latter is employed, and confirmed by the Ministry, in which is determined the employment of such person in the petroleum and gas industry and the duration of the employment. Once the Law is effective, the term of the current members of the Governing Board shall continue until the expiry of their mandate according to the Decision no. 04-V-840, dated May 6, 2014 and Decision no. 05-V-164, dated November 30, 2015 of the Assembly of the Republic of Kosovo.

The Law sets out that the work period, of former and current worker, in the same or equivalent profession, in other countries, with which the Republic of Albania has concluded agreements with regard to social security matters, is also considered as work performed in the petroleum and gas industry.

Salary

The Law provides that the salary of oil worker is determined according to the collective contract and reflects all obligations set forth by the Labor Code, as well as the particular difficulties such work represents and its impact on health.

In any case, the salary of petroleum/ gas workers should not be less than 150% (one hundred fifty percent) of the minimum salary applicable in Albania.

Financial benefit after termination of employment

Persons with the status of petroleum/gas workers and having an employment seniority over 20 (twenty) years for males and over 15 (fifteen) years for females, being unemployed at the moment of entry into force of this Law, are

entitled, inter alia, to a financial benefit, which in any case may not be less than 80% (eighty percent) of the minimum salary applicable in Albania.

Additionally, workers who, after the entry into force of this Law, become unemployed as result of the restructuring of the company or for reasons not related to them, along with priority for hiring purposes, will, also, benefit from the employer a financial remuneration in amount and duration determined in the collective contract, but, in any case, the remuneration cannot be less than 80% (eighty percent) of the minimum salary and should be awarded for a period of at least 3 (three) years.

Social security contributions

For workers of the petroleum and gas industry shall be paid an additional social security contribution amounting to 5% (five percent) of the gross salary to be paid in the obligatory social securities fund as per the relevant procedures set out in the respective legislation in force. Such percentage of contribution shall be divided in 3% (three percent) to be paid by the employer and the remaining 2% (two percent) will be paid by the worker.

Medical and social treatment

According to the provisions of the Law, the beneficiaries of the status of petroleum/gas workers shall undergo free medical examinations twice a year, near Albanian public or private medical institutions. The ministry responsible for health builds itself or obliges companies operating in the petroleum and gas industry to build medical centers equipped with medical equipment and specialists that will treat the health problematics, caused by the work in this industry:

- a) In case of diseases that are confirmed as caused directly or indirectly from the work in the petroleum and gas industry, workers will receive medical treatment, free of charge, in public or private institutions that are in (contractual) relationship with the Mandatory Insurance Fund of Health Care (MIFHC). If these public or private medical institutions, under contract with MIFHC, do not provide the relevant medical treatment, workers will be treated in other domestic private medical institutions that have the capacity to provide such medical treatment. In such case, the treatment for former workers shall be financed by the Albanian state

budget, whilst that of current workers from the companies where the latter are employed.

- b) In case the diseases, as mentioned in point a) hereinabove, cannot be treated in Albania, workers shall be treated free of charge abroad. In such case, the treatment for former workers shall be financed by the Albanian state budget and that of current workers from the companies where the latter are employed.

Furthermore, current workers shall benefit of an additional paid annual leave amounting to 25% (twenty five percent) of the working days that are determined in the relevant legislation in force.

Other benefits

Persons having the status of petroleum/gas workers shall be beneficiaries in cases of privatization in the petroleum and gas industry this vis-a-vis their employment duration, work qualification and category degree.

In the case of concessions to be granted in the petroleum and gas industry, the concession agreement shall contain the obligation of the concessionaire to create a professional pension fund, according to the applicable legislation, with not less than 10% (*ten percent*) of the employees' gross salary.

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