



The right to strike in the public services

Albania



The right to strike in the public services: Albania

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This factsheet reflects the situation in December 2020. It was elaborated and updated by Diana Balanescu (independent expert), reviewed by EPSU/ETUI and sent to EPSU affiliates for comment.

1. Legal basis

International level

UN instruments¹

Albania has acceded to both :

International Covenant on Economic, Social and Cultural Rights

(ICESR, Article 8)

International Covenant on Civil and Political Rights

(ICCPR, Article 22) on 04.10.1991²

Ratification of ILO instruments³

Convention No. 87 on Freedom of Association and Protection of the Right to Organise
(03.06.1957)

Convention No. 98 on the Right to Organise and to Collective Bargaining
(03.06.1957)

Convention No. 151 on Labour Relations (Public Service) (30.06.1999)

Convention No. 154 on Collective Bargaining (24.07.2002)

European level

Albania has ratified:

Article 6§4 (right to collective action) of the Revised European Social Charter of 1996

(ratification: 14.11.2002, entry into force: 01.01.2003)⁴

Albania has not accepted the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints⁵

Article 11 (right to freedom of assembly and association) of the European Convention on Human Rights

(ratification and entry into force on 02.10.1996)⁶

National level

The Constitution⁷ of Albania

Article 51 guarantees the right to strike with some restrictions as follows: *“The right of an employee to strike in connection with work relations is guaranteed. Limitations on particular categories of employees may be established by law in order to ensure essential social services.”*⁸

Applicable laws

- **In general:** the Labour Code⁹, Article 197 provides that “trade unions are entitled to exercise the right to strike for the purpose of solving their economic and social demands in compliance with the rules as defined by this Code.”
- **Specific laws for certain sectors :** Article 197/5 of the Labour Code provides that: *“Strikes cannot be organised in the services of vital importance where the interruption of work would jeopardise the life, the personal security, or the health of a part or of the entire population.”*¹⁰

Law No. 152 of 30 May 2013 on **Civil Servants** provides some rules for civil servants: “the civil servants shall have the right to strike, unless otherwise provided by law. In any case, the right to strike shall not be permitted in the area of essential services of the State activity such as transport, public television, water, gas and electricity, prison administration, administration of justice system, national defence services, emergency medical services, services for the food supply or services for the air traffic control.”¹¹

- The case law is not very rich. As indicated above, the right to strike is explicitly recognised by the Constitution and ordinary statutory law.
- The role of collective agreements is to provide the measures taken during the strike to ensure that “**minimum services**” are maintained (the workers ensuring minimum services are assigned through an agreement between the employer and the respective trade union/or trade unions of the employees; for a detailed analysis see Section 4 below).

2. Who has the right to call a strike?

According to the Labour Code, only trade unions have the right to organise and call a strike.¹²

3. Definition of strike

The **Labour Code** establishes the following types of strikes¹³:

- Trade unions are entitled to exercise the right to strike for the purpose of solving their **economic and social demands**.¹⁴ Trade unions shall have the **right to call and organise a strike** which shall aim to reach the conclusion/signing of a collective agreement¹⁵ or
- For the fulfilment of the demands resulting from the labour relations which are not regulated by this [collective] agreement, with the exception of the cases where the latter provides for a **complete imposition of peace** (as defined by Article 169 point 2),¹⁶
- A **solidarity/sympathy strike** shall be lawful if it supports a lawful strike. The sympathy strike should be terminated immediately if the strike on which it is based is declared unlawful by a court decision. From that moment the sympathy strike is considered unlawful too. Before the start of the sympathy strike, the representatives of the trade union organisation present in writing to the employer a notification calling the strike which shall contain the reasons, the place and the time/date of commencing the strike. A sympathy strike may commence no earlier than two days from the date of notification.¹⁷
- A **general strike** at the national or regional level is legal provided that: (a) is not contrary to the provisions of Articles 197/4, 197/5, 197/6 of the Labour Code¹⁸ (which refer at special cases in which the right to strike cannot be exercised, services of vital importance and minimum services), and other applicable legal provisions, and (b) is aimed at challenging policies and economic and social measures of the Government and/or the local government having an impact on employees' interests.¹⁹

The Labour Code expressly provides for the above mentioned types of strike. There are no explicit legal provisions on other types of collective action such as warning strikes, sit-ins, go-slow actions, rotating strikes, work-to-rule, picketing, blockades, etc.

4. Who may participate in a strike?

As mentioned above, Article 51 of the Constitution guarantees the right to strike to employees with some restrictions.²⁰ However, only trade unions have the right to call a strike.²¹

According to the Labour Code, the participation in a strike is **voluntary**. No one may be forced to participate in a strike against his/her will.²²

Restrictions on the right to strike

- **Special cases**

According to the Labour Code, the strike cannot be exercised or, if it has begun, it shall be suspended in special cases for as long as this situation continues to prevail.²³ The following shall be considered as special cases:

- (a) Natural catastrophes;
- (b) State of war;
- (c) Extraordinary situations;
- (d) Cases where the freedom of elections is jeopardised.²⁴

- **Services of vital importance**

Under Article 197/5 of the Labour Code, a strike cannot be organised in the services of vital importance where the interruption of work would jeopardise the life, the personal security or the health of a part or of the entire population.²⁵ In this case, the collective disputes must be solved definitely and in a mandatory way, in accordance with Article 196 of the Labour Code, through arbitration.

According to Article 196 of the Labour Code, in the services of vital importance, as defined by this Code, the disputes shall be resolved in a mandatory way and definitely, [following the procedure of mediation and reconciliation], by a Court of Arbitration consisting of arbitrators chosen by the parties.²⁶ If the parties fail to agree, the arbitrators are appointed by court from the list of arbitrators within 5 (five) days from the date of request of one of the parties.²⁷

Under the law, the following are considered to be services of vital importance²⁸:

- (a) indispensable medical and hospital services;
- (b) air traffic control services;
- (c) indispensable fire services;
- (d) indispensable prisons services.

It is of relevance that the “**essential services in the strict sense of the term**” have been defined by the ILO as those services “the interruption of which would endanger the life, personal safety or health of the whole or part of the population.”²⁹

- **Procedural requirements regarding minimum services**

Under Article 197/6 of the Labour Code, the strike cannot be exercised if there is a failure in providing minimum services.³⁰ Minimum services may be required in the water supply, electricity supply and other service sectors to meet the basic needs of the population, in order to ensure that these needs are met.³¹

In order to **provide minimum services** during the strike, trade unions must assign and ensure the workers necessary for guarding and maintaining the machinery and equipment. The workers ensuring the minimum service are assigned through an agreement between the employer and the respective trade union or trade unions of the employees.

When the parties fail to agree on the number and duties of the employees ensuring such minimum level of services, the dispute must be resolved, compulsorily and finally, within 24 hours, by an **arbitrator** chosen by lot by the court, from the list of arbitrators, at the request of one of the parties.³²

- **Civil servants**

Under Article 35 of Law No. 152 of 30 May 2013 on Civil Servants, “the civil servants shall have the right to strike, unless otherwise provided by law. In any case, the right to strike shall not be permitted in the area of essential services of the State activity such as transport, public television, water, gas and electricity, prison administration, administration of justice system, national defense services, emergency medical services, services for the food supply or services for the air traffic control.”³³

The law applies to any official (referred to as “civil servant”) who exercises public authority in a State administration institution, an independent institution, or in a local self – government unit, with the exception of the following categories:

- (a) elected officials,
- (b) ministers and deputy ministers;
- (c) officials appointed by the Assembly, the President or Council of Ministers; (d) judges and prosecutors;
- (e) civil judicial administration;
- (f) militaries of the armed forces;
- (g) personnel of the State intelligence service;
- (h) personnel of the direct service delivery units;
- (i) members and chairmen of the steering committee of the collegial bodies or institutions under the Prime Minister or Minister;
- (j) administrative employees;
- (k) cabinet officials.

- **Military personnel:** active military personnel do not have the right to strike. It is a serious disciplinary misconduct for armed forces personnel to organise, promote or participate in strikes.³⁴
- The employees of the **Intelligence and Security Defence Agency** do not have the right to strike or to make collective demands.³⁵
- The employees of the **Republican Guards** do not have the right to organise in trade unions and to exercise the right to strike or gathering.³⁶
- **Judges and prosecutors** do not have the right to strike.³⁷

5. Procedural requirements

- A strike may not begin before the trade union or trade unions, on one side, and the organisation or organisations of employers, on the other side, have made efforts to reach an agreement through **mediation and reconciliation procedure**;³⁸ Trade unions cannot organise and declare a strike without having used mediation or the Reconciliation Office first.³⁹ The process for resolving disputes firstly requires parties (employers and employee representatives) to make use of a mediator, who should resolve the dispute within 10 days. If the dispute remains unresolved, parties can address the Reconciliation Office at regional or national level. The National Reconciliation Office is only addressed when the dispute involves more than one region, or if the respective minister decides to involve them.⁴⁰
- In the **services of vital importance**, as defined by the Labour Code, the disputes shall be resolved in a mandatory way and definitely, following the procedure of mediation and reconciliation, by a Court of Arbitration consisting of arbiters chosen by the parties. If the parties fail to agree, the arbitrators are appointed by court from the list of arbitrators within 5 (five) days from the date of request of one of the parties;⁴¹
- A **solidarity strike** may not begin earlier than two days from the date of notification containing the reasons, the place and the time/date of commencing the strike;⁴²
- With regard to balloting mechanisms, the Labour Code does not specify any conditions in this sense; only trade unions have the right to call a strike;⁴³
- **Minimum services** must be ensured in sectors concerning the fulfilment of the basic needs of the population (see Section 4 above);⁴⁴
- The **use of force** to interrupt a lawful strike of workers is prohibited;⁴⁵
- The trade unions may undertake actions through **peaceful means** in order to persuade the workers to participate in a strike, without violating the right to work of the workers who are not on strike;⁴⁶
- A **peace obligation** may be provided by the collective agreement signed between the parties. Each of the parties must not use any conflicting means against the other party on the issues regulated by the agreement. The imposition of work peace is absolute only when the parties have expressly agreed to that;⁴⁷
- The strike shall terminate when the parties **reach an agreement**, or when the trade union that has called the strike decides to interrupt it.⁴⁸

6. Legal consequences of participating in a strike

Participation in a lawful strike

- The Labour Code provides **protection** for the employees on strike, including the prohibition for the employer to dismiss or replace the employees on strike with new employees;⁴⁹
- Any action that includes compelling, threatening or discrimination of workers because of their participation or non-participation in a strike shall be prohibited;⁵⁰
- During the strike, the obligations and rights resulting from the **employment relationship**, including the right to wages, shall be suspended, with the exception of rights related to social security, accidents at work and occupational diseases. The suspension period shall not affect seniority and its related effects;⁵¹
- **Dismissal** of employees due to their participation in a lawful strike shall be unlawful. This provision shall be inapplicable when the employee, during the strike, commits an act which is contrary to law;⁵²
- During the strike, the employer shall be forbidden to **replace workers** on strike with other persons, who at the time of the announcement of the strike were not his/her employees; likewise, the employer shall be forbidden to employ new employees after this date;⁵³
- **Lock-out**: no conditions found in the legislation.⁵⁴

Participation in an unlawful strike

- When the strike was found **unlawful** “according to a court decision”⁵⁵, the employer may terminate the employment relations with the workers on strike. The employer has the right to terminate the contract of employment with the workers who will not restart to work within three days, this being of immediate effect. The employer is also entitled to claim damages from workers. In this case, the provisions governing the procedures of dismissal from work shall not be applicable;⁵⁶
- The employer’s **demand for damages** may also be addressed against the trade union which has organised the strike;⁵⁷
- When the strike is accompanied by **unlawful actions**, the parties shall address the case to the court. It is the court which determines the responsibilities of the parties, the actions that they must carry out as well as the damage caused and the obligation of the party to pay it. If the circumstances allow, the Court may decide on resuming the work.⁵⁸

7. Case law of international/European bodies

International Labour Organisation

The Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁵⁹

Observation (CEACR) - adopted 2019, published 109th ILC session (2021)⁶⁰

The Committee noted the observations of the International Trade Union Confederation (ITUC), received on 1 September 2019, which alleged violations of trade union rights in practice.

The Committee requested the Government to provide its comments in this respect. The Committee noted that the Government's report has not been received. It was therefore bound to repeat its previous comments (see the Observation below).

Observation (CEACR) - adopted 2016, published 106th ILC session (2017)⁶¹

For a number of years, the Committee had been requesting the Government to take measures to:

- amend section 197/7(4) of the Labour Code concerning sympathy strikes and;
- ensure that all public servants who do not exercise authority in the name of the State are able to exercise the right to strike. The Committee noted with satisfaction that the Government informed that Act No. 136 of December 2015 on some supplements and amendments to the Labour Code, amends article 197/7 to provide that sympathy strikes shall be lawful provided that it supports a legal strike.

The Committee further noted that the Government informed that Act No. 152/2013 on civil servants provided for the right to join unions and professional associations and for the right to strike to civil servants except as otherwise provided by law. The Government indicated that in any case the right to strike is not permitted in relation to essential services of state activity.

The Committee recalled in this regard that prohibitions to the right to strike, which curtail the right of unions to organise their activities to defend the interest of workers, may only be imposed in relation to public servants exercising authority in the name of the State, essential services in the strict sense of the term (the interruption of which would endanger the life, personal safety or health of the whole or part of the population) or in situations of acute national or local crisis (for a limited period of time and to the extent necessary to meet the requirements of the situation).

The Committee observed that the list of essential services provided in Article 35 of the Act on the civil servants includes services such as transport or public television, which may not be considered essential services in the strict sense of the term.

The Committee requested the Government to indicate any further exceptions to the right to strike set out in the laws and to take any necessary measures to ensure that the legislation is amended in accordance with the abovementioned principles.

European Social Charter

Conclusions on Article 6§4 of the European Committee of Social Rights (ECSR)

Conclusions 2010 - Albania - Article 6§4⁶²

The Committee noted that there was a **prohibition of strikes in electricity and water supply services**, and considered that such a ban could serve a legitimate purpose since work stoppages in these areas, which are essential to the life of the community, could create a threat to the lives of others or to public health.

However, simply prohibiting all employees in these services, even though essential, from striking could not be considered proportionate to the requirements of these sectors, and therefore necessary in a democratic society. At most, the introduction of a minimum service requirement in these sectors might be considered in conformity with Article 6§4. The Committee therefore considered that in this regard the situation in Albania was not in conformity with Article 6§4 of the Revised Charter. There has been no change to the situation.

The Committee further considered that a strike ban with respect to **air traffic control, fire protection** and **prison services** could serve a legitimate purpose since work stoppages in these sectors could pose threats to public order and national security. However simply prohibiting all employees in these sectors from striking, without any distinction as to their function, cannot be considered proportionate, and therefore necessary in a democratic society. In order to be able to assess the situation, the Committee asked whether the strike ban extends to all employees in these sectors or only to staff essential for maintaining necessary services. Meanwhile, it reserved its position on this point.

Committee again asks for information on what are the criteria used to determine a **minimum service** needs to be introduced and what would be its scope, what are the sectors concerned and who is responsible to decide on their necessity and scope.

The Committee thus concluded that the situation in Albania was not in conformity with Article 6§4 of the Revised Charter on the ground that employees in electricity and water supply services are denied the right to strike.⁶³

8. Bibliography

- Clauwaert, S. and Warneck, W. (2008) Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points, Report 105, Brussels: ETUI (<https://www.etui.org/publications/reports/better-defending-and-promoting-trade-union-rights-in-the-public-sector>).
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- EU Commission Staff Working Document, Albania 2020 Report, 6 October 2020, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf .
- COVID-19 Health System Response Monitor, Albania, available at: <https://www.covid19healthsystem.org/countries/albania/livinghit.aspx?Section=5.%20Governance&Type=Chapter> .
- OECD, The COVID-19 crisis in Albania, 30 November 2020, available at: <https://www.oecd.org/south-east-europe/COVID-19-Crisis-in-Albania.pdf> .
- Council of Europe, Notifications under Article 15 of the Convention in the context of the COVID-19 pandemic, Albania, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/webContent/62111354> .

Notes

- 1 Status of accession/ratification by Albania of UN Treaties available at: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en> (accessed on 10 December 2020)
- 2 Under articles 5 and 122 of the Constitution, the international conventions on human rights ratified or acceded to by Albania, including the Covenant [ICESCR], have become part of the domestic legislation and have been directly applicable and their provisions can be invoked before and applied by the domestic courts, see UN Committee of Economic and Social Rights, 'Concluding Observations on the combined second and third periodic reports of Albania', 18 December 2013
- 3 Status of ratification by Albania of ILO Conventions available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102532 (accessed on 10 December 2020)
- 4 Status of ratification by Albania of the Revised European Social Charter of 1996 available at : https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=ZPrR6Yru and <https://www.coe.int/en/web/turin-european-social-charter/signatures-ratifications> (accessed on 10 December 2020)
- 5 Status of ratification of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed 10 December 2020).
- 6 Status of ECHR ratifications available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL (accessed on 10 December 2020)
- 7 The Constitution of Albania was adopted on 21 October 1998, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/53345/99625/F190284648/ALB53345.pdf>
- 8 Article 51 of the Constitution of Albania; see also ECSR, Conclusions 2006 on Article 6§4 in respect of Albania, available at: [https://hudoc.esc.coe.int/eng#{"ESCArticle":\["06-04000"\],"ESCDcLanguage":\["ENG"\],"ESCDcType":\["Conclusion"\],"ESCStateParty":\["ALB","MNE"\],"ESCDcIdentifier":\["2006/def/ALB/6/4/EN"\]}](https://hudoc.esc.coe.int/eng#{)
- 9 Law No. 7961 of 12 July 1995 – Labour Code (unofficial English translation), available at: <https://www.ilo.org/dyn/natlex/docs/SERIAL/41344/63433/F1167646799/ALB41344.PDF>
- 10 See Section 4 for a detailed description
- 11 See Article 35 of Law No. 152/2013 on Civil Servants, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=99780; the Law 152/2013 repealed Law No. 8549/1999 on the Status of Civil Servants
- 12 Article 197/1 of the Labour Code; see also ECSR, Conclusions 2006 on Article 6§4 in respect of Albania. In previous conclusions, the ECSR asked whether only the trade union having the largest number of members at enterprise, sectoral or industry level may call a strike, and reserved its position on this point (Conclusions 2010 and Conclusions 2006). In both monitoring cycles 2014 and 2018, Albania did not submit the corresponding national report on the implementation of the Charter.
- 13 See Eurofound, Living and Working in Albania, Industrial Action and Disputes, 5 June 2018, available at: <https://www.eurofound.europa.eu/fr/country/albania#industrial-action-and-disputes>
- 14 Article 197 (2) of the Labour Code
- 15 Article 197/3 (2) of the Labour Code
- 16 Article 197/3 (2) of the Labour Code
- 17 Article 197/7 of the Labour Code as amended by Law No. 136 of 5 December 2015 amending the Labour Code, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100843
- 18 See Section 4 below for a detailed description of these provisions
- 19 Article 197/8/a of the Labour Code was added through the Law No. 136 of 5 December 2015 amending the Labour Code, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100843
- 20 See Article 51 of the Constitution and Article 197(1) of the Labour Code
- 21 Article 197 (2) of the Labour Code
- 22 Article 197 (3) of the Labour Code
- 23 Article 197/4 (1) of the Labour Code
- 24 Article 197/4 (2) of the Labour Code
- 25 Article 197/5 (1) of the Labour Code

26 Article 196 of the Labour Code

27 Amendments brought to Article 196 last sentence through the Law No. 136 of 5 December 2015 amending the Labour Code, Article 82 available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100843 before this amendment the arbitrators were assigned by the Minister of Labour and Social Affairs; see also Albania Country Profile 2019, ILO CEELEX, Section 6.2. “Arbitration”, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE_AR:ALB,,2019

28 Article 197/5 (2) of the Labour Code

29 Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “essential services in the strict sense of the term” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points, Report 105, Brussels: ETUI, pp. 79-81.

30 Article 197/6 (1) of the Labour Code

31 Article 197/6 (2) of the Labour Code

32 Article 197/6 (4) of the Labour Code; this provision was amended through Article 85 of the Law No. 136 of 5 December 2015 amending the Labour Code, available at:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100843 before this amendment the arbitrators were assigned by the Minister of Labour and Social Affairs or by the administrative body assigned by him.

33 See Article 35 of Law No. 152/2013 on Civil Servants, available at:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=99780; the Law 152/2013 repealed Law No. 8549/1999 on the Status of Civil Servants

34 Law 173/2014 “On the discipline of the Armed Forces of the Republic of Albania”, Article 13, see Albania Country Profile 2019, ILO CEELEX, Section 6.4.10 “Categories of workers not allowed to strike”, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE_AR:ALB,,2019

35 Law 65/2014 “On the Intelligence and Security Defense Agency”, Article 45, see Albania Country Profile 2019, ILO CEELEX, Section 6.4.10 “Categories of workers not allowed to strike”, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE_AR:ALB,,2019

36 Law 8869/2003 “On the Republican Guard”, Article 32 see Albania Country Profile 2019, ILO CEELEX, Section 6.4.10 “Categories of workers not allowed to strike”, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE_AR:ALB,,2019

37 Law 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, Article 7 (3)

38 Article 197/3 (3) of the Labour Code

39 For more details on collective dispute resolution mechanisms, please see: Eurofound, Living and Working in Albania, Industrial Action and Disputes, 5 June 2018, available at:

<https://www.eurofound.europa.eu/fr/country/albania#industrial-action-and-disputes>

40 Ibid

41 Article 196 of the Labour Code

42 Article 197/7 of the Labour Code; see also Albania Country Profile 2019, ILO CEELEX, Section 6.3.2 “Strike notice”, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE_AR:ALB,,2019

43 Article 197/1 of the Labour Code

44 Article 197/6 of the Labour Code

45 Article 197/2 (1) of the Labour Code

46 Article 197/2 (2) of the Labour Code

47 Article 169 (2) and (3) of the Labour Code

48 Article 197/10 of the Labour Code

49 Deloitte Albania Sh.p.k, 'The International Comparative Legal Guide to: Employment & Labour Law 2017' 7th Edition, Chapter 3 Albania, p. 10 available at:

https://www2.deloitte.com/content/dam/Deloitte/al/Documents/legal/EMP17_Chapter%203_Albania.pdf

50 Article 197 (4) of the Labour Code

51 Article 197/8 (1), (2) and (3) of the Labour Code

52 Article 197/8 (4) of the Labour Code

53 Article 197/2 (3) of the Labour Code

54 See also Albania Country Profile 2019, ILO CEELEX, Section 6.5 "Conditions to initiate a lockout", available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YE AR:ALB,,2019

55 The phrase "according to a court decision" has been added through Law No. 136 of 5 December 2015 amending the Labour Code

56 Article 197/9 (1) of the Labour Code

57 Article 197/9 (2) of the Labour Code

58 Article 197/9 (3) and (4) of the Labour Code

59 See Observations and Direct Requests of CEACR concerning the implementation of ILO Convention No. 87 in respect of Albania, available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::>, consulted on 10 December 2020

60 Observation (CEACR) adopted 2019, published 109th ILC session (2021), Convention No. 87, available at:

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4020207,102532,Albania,2019

61 Observation (CEACR) adopted 2016, published 106th ILC session (2017), available at:

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3301077,102532,Albania,2016

62 ECSR, Conclusions 2010 on Article 6§4 in respect of Albania available at:

63 Article 197/5 (2) of the Labour Code was amended through Law No. 136 of 5 December 2015 amending the Labour Code, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100843; strikes are now allowed in the electricity and water supply services if a minimum service is ensured according to Article 197/6 (2) of the Labour Code, see Section 4