

# Questionnaire on Reforming the Legal Status of Teachers in Albania

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## I. Which categories of teachers are distinguished in your country?

According to the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” (article 24), the categories of teachers in Albania Education System are as following:

- Teacher of Preschool Education
- Teacher of the basic education
  - Teacher of the elementary education (1-6 grades)
  - Teacher of the lower secondary education (7-9 grades)
- Teacher of the upper secondary education (9-12)
  - Teacher of the gymnasium
  - Teacher of the vocational education
  - Teacher of the professional education.

## II. Which qualifications (diplomas) are required for each respective category?

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The article 57 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” requires the following diplomas for each respective category of teachers.

- Bachelor in Preschool Education is required for the teacher of preschool education.
- Diploma of the Second Cycle of University Studies is required for the following categories of teachers:
  - teacher of the elementary education (1-6 grades)
  - teacher of the lower secondary education (7-9 grades)
  - teacher of the upper secondary education – teacher of gymnasium (9-12).
- Diploma of the Second Cycle of University Studies in Education is required for:
  - teacher of the vocational education
  - teacher of the professional education
  - teacher that work with students with disabilities.

The teachers of the initial education and secondary education shall be entitled to practice the profession of the teacher following successfully completing the professional internship and having successfully passed the state exams, as provided for in the Law No. 10 171, dated 22.10.2009, “On regulated professions in the Republic of Albania”, as amended, and subordinate legal acts, issued for its implementation.

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**Are there any other requirements to be fulfilled (nationality, residence)?**

No, there are no requirements related to the nationality or residence. There are two laws that regulate employment of foreign teachers: Law No. 9959, date 17.07.2008 “On foreigners” and Law No. 8389, date 05.08.1998 “On Albanian Citizenship”.

**III. What is the nature of the teacher’s employment contract (public, private, %)?**

Teacher’s employment contracts are governed by two laws: a) “Labour Code of the Republic of Albania”; b) the Law “On Pre-University Education System in the Republic of Albania” and some by laws.

Four types of contracts for teacher’s employment are in use in Albania: collective, individual, permanent and temporary.

The Labour Code describes the rules on collective contracts, parties, scope of application, form of contract, durations, variety of collective contracts, part-time contracts.

Parties: Article 160

The collective contract of employment is entered into by one or more employers or organizations of employers, on one side, and one or two Trade Unions, on the other side.

The collective contract in pre-university education is signed up between the Minister of Education and the Teachers’ Trade Unions. Article 2, point 17 of the Law No.69/2012 “On Pre-University Education System in the Republic Of Albania” states that ““Social partner” are the trade unions with whom the Minister of Education and Science signs up the collective labour contract.”

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Scope of application: Article 161

1. The collective contract defines the territorial and occupational scope of its application.
2. The collective contract is entered into on enterprise or branch level in accordance with the agreement between the contracting parties.

Form: Article 166

1. The collective contract will be valid only if in a written form. All the parties must sign it. When a party is an organization, the representatives of the latter are assigned in compliance with the statute.
2. The collective contract may be terminated or changed only in writing.
3. The collective contract will be valid only if it is made in the form of a written decision given by the Reconciliation Office, which the parties have assigned through an agreement.

Duration: Article 173

1. The collective contract is bound for a defined or undefined duration.
2. Each party may terminate the collective contract bound for an undefined duration. In this case, the notice deadline extends to six months.
3. Each party may terminate the collective contract bound for a defined duration lasting more than three years, once the deadline has expired. In this case, the notice deadline extends to six months.
4. When several employers or employees bind the collective contract, the termination of the contract by any of them makes the collective contract between the rest of them remain valid.
5. The collective contract may not be kept in force in a reasonable way, when the circumstances change considerably and cannot be foreseen at the moment of binding it.

In this case, the most concerned party may address to the court to decide on its early termination.

Variety of collective contracts: Article 174

1. When, at the same enterprise, there is an inclination to implement two collective contracts, one bound on enterprise level or on the level of a group of enterprises, whereas the other one on branch level, any employee may demand the implementation of the most favourable provision.
2. If, at the moment of concluding the collective contract on branch level, the employer has been bound on collective contract on enterprise level or on the level of a group of enterprises, he/she may announce himself/herself free from the latter, once the contract bound on branch level enters into force, unless otherwise defined by the collective contract on branch level.

Part-time contract: Article 14

1. Through the part-time employment contract, the employee accepts to work on the basis of hours, half or complete working days for a normal weekly or monthly duration, which is shorter than that of full-time employees working under the same conditions.
2. The part-time employee enjoys the same proportional rights as the full-time employee.

Duration of the contract of employment: Article 140

1. (1) The contract of employment is entered into:
  - a. for an undefined duration;
  - b. for a defined duration.
2. As a rule, the contract of employment is entered into for an undefined duration. Entering into a contract of employment for a defined duration must be justified through objective reasons, which are connected with the temporary nature of the assignment that the employee will be charged with. If the parties entering into the contract do not exactly define its duration, this contract will be considered as of undefined duration.

The individual contracts are used mostly for the part-time employment and usually in the private education sector.

**Are teachers considered civil servants?**

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No, teachers in Albania are not considered the civil servants.

#### **IV. Who is the teacher's employer (state, local community, specific educational body)?**

Actually, the state is the teacher's employer in the public education system. But according to the Law No.69/2012 "On Pre-University Education System in the Republic of Albania", article 60, "The teachers shall be appointed to a vacancy in a public educational institution by the director of the institution in open competition, following the proposal of candidacies of the evaluation commission. The commission shall, in its composition, have a representative from the local educational unit, the chairman of the board of the institution, the chairman of the council of parents of the institution and two teachers being selected by the Council of Teachers in that institution. One of the teachers, having the longest experience in the institution, shall chair the evaluation commission. The evaluation procedures are defined by a minister's instruction".

So, the new law gives the right and the responsibility of employment to the educational institution.

The teacher's employer in the private education system is the owner of the institution, or school administrator, or school director, depending on the rules written in the statute of the institution.

## Who pays the teacher's wages?

The State through the Regional Educational Department or Educational Office pays the teacher's wages for the public education system. The Decision of the Council of Ministers No. 194, dated 22.04.1999 "On approval of the wages structure of the teaching personnel in the pre-university education", changed contains the criteria and rules for teachers wages.

## V. How are teachers recruited?

Employment in the education sector is regulated under the rules of the public sector. All teachers, in public and non-public schools, must meet state requirements. Besides the Labour Code; the Law No.10 171, date 22.10.2009 "On Regulated Professions in the Republic of Albania" changed by the Law No. 10357, date 16.12.2010; the Law No.69/2012 "On Pre-University Education System in the Republic of Albania", there are the following specific legal documents that regulate the procedures of the teacher's recruitment, selection and appointment: Normative Provisions (2002); Order of the Minister of Education and Science No. 490, dated 27.12.2005; Order of the Minister of Education and Science No. 22, dated 18.09.2006 "On the Appointment of Teaching and Management Staff in the Pre-university Education"; Code of Ministry of Education and Science No. 8937, dated 22.12.2005 "For schools with status 'National Level Schools'"; Decision of Council of Ministers No. 66, dated 03.02.2010 "On the Establishing the Regional Education Departments and Education Offices"; Collective Agreement dated 2010-2014, date 25.05.2010.

A job in the education sector can be obtained on the bases of competition. When two or more candidates run for a single job, the director of the institution opens competition and creates the commission composed by a representative from the local educational unit, the chairman of the board of the institution, the chairman of the council of parents of the institution and two teachers being selected by the Council of Teachers in that institution. One of the teachers, having the longest experience in the institution, chairs the evaluation commission.

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The selection criteria include:

- level of diploma,
- GPA,
- seniority in education,
- training courses and qualifications recognized by the Ministry of Education and Science.

The priority is given to those candidates who have served for a period longer than 3 years far away from their residence or in disadvantaged areas; and to the candidates that have the status of "working disabled", certified by the decision of the relevant official committee.

Recruitment of teachers in special schools that have the status of the national schools is based on the criteria presented in the Chapter XIII of the Normative Provisions (2002), in the Order No. 490, date 27.12.2005, of the Minister of Education and Science , and in the Code No. 8937, date 22.12. 2005. According to the article 58, paragraph 2 of the Normative Provisions, letter b and c, selection procedures are organized by the school based on the criteria set by the Ministry of Education and Science. The school commission selects three best candidates and presents them to the Regional Educational Department that takes appointment decision. Each selected candidate initially works as a teacher assistant for one year.

## **VI. Is a permanent appointment as a teacher possible?**

### **Under what conditions?**

Yes, generally, the appointment as a teacher is permanent. The appointment decision is taken before the beginning of the new school year. There are the following criteria: required diploma for the level of education or profile, and at least one year teaching experience. Novice teachers are hired with 1 year employment contract.

The legal documents that support appointment procedures are the following: Labour Code; the Law No.10 171, date 22.10.2009 “On Regulated Professions in the Republic of Albania” changed by the Law No. 10357, date 16.12.2010; the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”, Normative Provisions (2002); Order of the Minister of Education and Science No. 490, dated 27.12.2005; Order of the Minister of Education and Science No. 22, dated 18.09.2006 “On the Appointment of Teaching and Management Staff in the Pre-university Education”; Code of Ministry of Education and Science No. 8937, dated 22.12.2005 “For schools with status ‘National Level Schools’”; Decision of Council of Ministers No. 66, dated 03.02.2010 “On the Establishing the Regional Education Departments and Education Offices”; Collective Agreement dated 2010-2014, date 25.05.2010.

## **VII. What are the career possibilities of a teacher? (salary, promotion?)**

### **(Please mention the legal norms and law)**

The career possibilities of a teacher are regulated based on the Law No.69/2012 “On Pre-University Education System in the Republic of Albania”. According to the Article 59 of this Law, qualification categories for teachers are three:

- a. “Qualified teacher”;
- b. “Specialised teacher”;
- c. “Master teacher”.

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Granting of the category to the teachers shall be based on the experience, training and on successfully passing the final examination of the respective qualification category. The criteria and procedures of qualification of teachers shall be set out by instruction of the Minister.

Every qualification category shall be accompanied with a supplement amount to the salary, the extent of which shall be determined upon the decision of the Council of Ministers.

## **VIII. Can teachers be transferred to another school (voluntarily, involuntarily?).**

### **Under what conditions?**

### **(Please mention the legal norms and law)**

Yes, teachers can be transferred from one school to another on the voluntary or involuntary bases. The transfer procedures are regulated by the Ministry of Education and Science regulations. The Chapter XII, article 55 of the Normative Provisions states:

- 1 The movement of teachers to work as an employee, made in accordance with the Labor Code (Chapter III).
- 2 Desire removal from office of teachers is a right of the individual, which is defined in the Labor Code. In these cases, it notifies the school principal in writing 30 days before the date of termination. The school principal shall notify the entity and the latter makes replacement necessary.

Generally, the reasons of the teacher transfer can be: increase or decrease of the number of students in the education institution, increase or decrease of the number of classes, new regulations on the study programs, job vacancies, health status, social reasons, emergency needs. During the transition period, some cases of the teacher transfer for the political reasons are registered.

## **IX. Is a part-time teaching job feasible?**

### **Under what conditions?**

**(Please mention the legal norms and law)**

Yes, a part-time teaching job is feasible in Albania. The Labor Code, the Collective Contract 2010-2014, and the Instruction No.21, date 23.07.2010 of the Minister of Education and Science "On norms of teaching in the pre-university education" are the legal documents that regulate the part time teaching job. A part-time teaching job can be offered usually when a permanent teacher absences for different legally foreseen reasons.

## **X. Can a teaching job be combined with other paid activities (e.g. as a self-employed person)?**

### **Under what conditions?**

**(Please mention the legal norms and law)**

Normally, it cannot be combined. The Law No.9367, date 07.04.2005 "On preventing conflicts of interest in exercising public functions", and Law No. 9131, 08.09.2003 "On the rules of ethics in public administration" impose restrictions. But the article 44 of the Normative Provisions foresees that in the case of absence of a teacher, than a teacher from the same school and from the same subject can be charged to teach and for the additional workload will receive a supplementary payment.

## **XI. Do teachers receive in-service training?**

**(Please mention the legal norms and law)**

Yes, the Law No.69/2012 "On Pre-University Education System in the Republic of Albania" has foreseen rules on professional development, while the Instruction of the Minister of Education and Science of 2013 "On function of the system of the professional development of the teaching personnel" gives orientations on function and procedures of the in-service training.

Article 58 of the Law No.69/2012 states:

1. The educational institution shall plan the professional development of teachers in accordance with their needs and in compliance with the central, local educational policies and those of the institution.
2. The forms of professional development are: internal professional development, training sessions, professional networks, consultation, short-term and long-term courses.
3. The teachers and directors shall be trained at least 3 (three) days per year.
4. The training sessions shall be held according to the "demand - offer" system, based on the requests from the educational institutions and offers from training agencies, which may be public or private. The training programs shall be accredited by the Ministry.

5. The local educational units shall organise the continuous professional development of teachers in cooperation with training agencies with accredited training programs, selected in open competition, in line with the procedures provided for in the instruction of the Minister.
6. The financial resources for the training sessions shall be from the individual contribution of the educational employee, state budget, projects of local and foreign non-profit-making organisations, foundations, institutions, and other legal sources.

## **XII. Is a leave of absence possible?**

**For what reasons (sabbatical, vacation, educational leave, leave for social reasons, medical reasons,..)?**

**(Please mention the legal norms and law)**

Yes, the leave of absence is possible and it is regulated by the Labour Code; by the Decision of the Council of Ministers No.511, date 24.10.2002 “On duration of work and leave of absence in state institutions”, changed, and by Normative Provisions, 2002. Based on the Albanian legislation the leave of absence can be given for the following reasons: vacation, educational leave, social reasons, medical reasons, maternity and adoption leave for women.

The Article 92, point 1 of the Labour Code sets that “The duration of the annual vacations with pay is defined by the collective contract or by the individual contract of employment”.

## **XIII. Is there a specific liability for teachers?**

**(Please mention the legal norms and law)**

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The liability for teachers as an employee is regulated based on the Labor Code. Chapter Employee’s Obligations contains articles and rules about personal job performance (article 22), binding in obedience (article 23), binding in caution at work (article 24), binding in rendering accounts and in giving back (article 25), binding in loyalty (article 26), employee’s responsibility (article 27), prohibition against competition after the termination of labor relations (article 28, 29, 30, 31).

The article 56, point 3 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” states that “The teachers shall be tasked to:

- a. Implementing this law and by-law acts for its implementation;
- b. Taking care of the progress for each student;
- c. Implementing and developing the curriculum;
- d. Updating the professional powers;
- e. Implementing the standing rules of the institution;
- f. Provide his/her assistance for the performance of the institution he/she is hired”.

The article 67, point 2 of the Law No.69/2012 “On Pre-University Education System in the Republic of Albania” asks “The employees of the educational institution shall not be entitled to make available to others, outside the institution, personal data of a person, indicating his identity, with the exception of cases when the person submits a request or grants his consent”.

While the point 5 of article 67, prohibits the employees of the educational institutions to provide data on educational achievements and conduct of a student in an educational institution publicly or to a specific person.

The Normative Provisions through article 44 presents the specific obligations of teacher and some restrictions such as: the teacher is prohibited, for matters of his private needs, to remove the student

from classroom; the teacher cannot offer private courses; the teachers is not allowed to smoke in the classrooms; the teacher drink alcoholic drink during working hours.

#### **XIV. What is the disciplinary status of teachers? Is there a specific teacher's ethics? What are the disciplinary sanctions?**

**(Please mention the legal norms and law)**

The disciplinary status of teachers is regulated based on the following legal documents:

- The Labour Code (article 37. 153)
- Law No.69/2012 “On Pre-University Education System in the Republic of Albania” (article 60)
- The Collective Contract (2010-2014)
- Normative Provisions 2002 (article 44)
- Code of Teacher's Ethics in the Public and Private Pre-university Education (2012).

In case of a break of work discipline, serious damage or repeated damage to property of the institution, employees are given disciplinary sanctions such as advice, warning, transfer from the upper education level to lower education level for one year, compensation for damage determined based on the contract or on the court decision. The director of the public institution shall dismiss the teacher from the institution due to:

- a. infringement of the provisions of the Labour Code, this law and other by-law acts;
- b. violation of ethics and conduct of the institution;
- c. lack-of progress of students, low results on the school tests, low results on the external tests of the local or national level, low results in the national examinations, negative evaluation of the State Inspectorate of Education.

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#### **XV. What reforms on the status of teachers are planned taking into account the financial constraints in the sector?**

**(Please mention the legal norms and law)**

The reform on the status of teachers is focused in improvement of the legislation, in expanding the teacher education university programs, in transforming the professional development and in-service training system, in teacher promotion, in improving the payment system. In the framework of this reform are approved these laws:

- a) the Law No.69/2012“On Pre-University Education System in the Republic of Albania”,
- b) the Law No.10 171, date 22.10.2009 “On Regulated Professions in the Republic of Albania” changed by the Law No. 10357, date 16.12.2010;
- c) the Law No. 9741, date 21.05.2007, changed “On Higher Education In Republic of Albania”. Some decisions of the Council of Ministers on teacher's salary are taken during these 8 last years. As the results the salary of teachers is increased from the year to year.



## **XVI. How does the government deal with the problems of teaching as becoming an aging profession and how will it make the teaching profession attractive for younger teachers?**

**(Please mention the legal norms and law)**

The government policy is focused in two directions to cope with the problems of teaching profession: in increasing the number of teacher education university study programs and in increasing the teacher's salary. The Government Programs for period 2009-2013 and the Strategy of Higher Education 2008-2013 are two policy documents that support the initiative of the government towards the developments in teaching profession.

## **XVII. References**

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