



Republika e Kosovës
Republika Kosova-Republic of Kosovo

Qeveria - Vlada - Government

Ministria e Drejtësisë -Ministarstvo Pravde -Ministry of Justice

ADMINISTRATIVE INSTRUCTION
MOJ -NO. 05/2024
ON WORKING CONDITIONS AND COMPENSATION IN CASE OF
INABILITY TO WORK FOR CONVICTS¹

¹ Administrative Instruction MD – No. 05/2024 on Working Conditions and Compensation in Case of Inability to work for Convicts, approved by the Minister of the Ministry of Justice dated: 12.07.2024, with decision No. 169/2024

Minister of the Ministry of Justice,

In support of Article 75 (paragraph 3) of Law no. 08/L-132 for the Execution of Criminal Sanctions, based on Article 11 (paragraph 1, sub-paragraph 1.5) of Law No. 08/L-117 for the Government of the Republic of Kosovo, as well as in accordance with Article 9 (paragraph 2) of the Regulation (GRK) - No.17/2024 on Rules of Procedure of the Government of the Republic of Kosovo,

Issues:

ADMINISTRATIVE INSTRUCTION MOJ - NO. 05/2024 ON WORKING CONDITIONS AND COMPENSATION IN CASE OF INABILITY TO WORK FOR CONVICTS

Article 1 Purpose

The purpose of this Administrative Instruction is to determine the working conditions for the convict, protective measures and safety measures at work, the responsibility of the Correctional Institution for safety and health at work, as well as the compensation in case of incapacity caused at work for the convict.

Article 2 Scope

This Administrative Instruction applies to all Correctional Institutions and to all convicts engaged in work within Correctional Institutions.

Article 3 Working conditions in the Correctional Institution

1. The Correctional Institution as an employer is responsible for creating a suitable environment, ensuring the necessary conditions, as well as health protection in the workplace.
2. The Correctional Institution is obliged to continuously assess the risks for each workplace, in the absence of internal capacities for risk assessment, the engagement of experts in the relevant field may be requested.
3. The Correctional Institution is obliged to cover all the expenses for the treatment of the convict who suffered an injury at work while being held in the Correctional Institutions.
4. The Correctional Institution is guided by the principle of equal treatment in taking safety and health measures at work for all employed convicts.
5. The Correctional Institution is obliged to organize and undertake necessary measures for safety at work, including but not limited to:
 - 5.1. prevention of risks at work;

- 5.2. providing relevant work-related information;
 - 5.3. providing adequate training
 - 5.4. maintenance of all adequate equipment necessary for work.
6. The Correctional Institution shall provide the convict with the protective equipment provided for protection against exposure to injuries and hazards at work.
7. The Correctional Institution must have available the equipment for providing first aid.
8. The Correctional Institution is obliged to provide:
- 8.1. providing first aid;
 - 8.2. evacuation of the convict in an adequate manner;
 - 8.3. organizing contact with the relevant service;
 - 8.4. fire protection;
 - 8.5. rescue of convicts in case of danger.
9. The Correctional Institution prepares the accident report at its workplace and informs and cooperates with the competent institutions.
10. In case of unforeseen and extraordinary circumstances (force majeure), the Correctional Institution is not responsible for the injuries of the convict at the workplace.
11. The Correctional Institution makes available to the convicts the necessary instructions or danger signs in order to prevent danger for each workplace.

Article 4

Obligations of the convict during working hours

1. The convict must adhere to the necessary rules for safety at work and work environment, as well as take care of his safety and health.
2. The convict must use protective equipment properly, use it carefully and keep it in working order.
3. The convict must take care of the protection and health of other persons affected by his work.
4. The convict must use the equipment and work tools according to the established instructions and inform the responsible official about any technical defect.
5. The convict must respect the obligations defined by the employer in the field of safety and health at work, otherwise he will be responsible for the damages caused.

Article 5

The rights of the convicted person engaged in work within the Correctional Institution

1. The convicted person has the right to benefits, protective measures and health care in his work with the relevant legislation in force.
2. For the compensation of those convicted against injuries at work, including occupational disease, measures are taken under conditions no less favorable than those provided by the Labor Law.

Article 6

Compensation in case of disability caused by injury at work

1. In cases where health treatment for convicts who have suffered an injury at work cannot be done in public health institutions, the Director of the Correctional Institution takes a decision on the compensation of the expenses incurred for the health treatment of the convict.
2. The Correctional Institution, after completing the reports, processes the case for compensation in the Finance Department of the General Directorate of the Kosovo Correctional Service.
3. If, after the evaluation of the health condition, it is determined that the convict is not capable of continuing to work due to the injury at work, the Correctional Institution compensates the convict with 100% of his salary for up to 90 working days. After the period with salary compensation, the convict who is not able to continue working, by decision of the Director of the Correctional Institution, is released from work.
4. The damage suffered by the injury caused intentionally by the convict is not compensated by the Correctional Institution.

Article 7

Application

The provisions of this Administrative Instruction are appropriately applied to detained persons who are held in Correctional Institutions.

Article 8

Withdrawal

The entry into force of this Administrative Instruction, Administrative Instruction MoJ-No.04/2015 on working conditions and compensation in case of incapacity caused at work for convicts is repealed.

Article 9
Entry into force

This Administrative Instruction enters into force seven (7) days after publication in the Official Gazette of the Republic of Kosovo.

Albulena Haxhiu

Minister of Justice

12.07/2024