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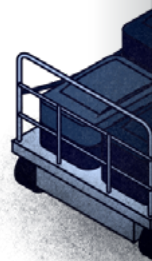
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Preportr

GRADUAL RETALIATION AGAINST AIRPORT WORKERS



In 2019, hundreds of Pristina Airport workers went on strike to demand their rights stemming from the Labor Law and the Collective Agreement. According to the trade unionists, after the strike, a part of the workers was fired and firing of workers are continuing nowadays as a sign of revenge. The Labor Inspectorate has recognized the right of the workers. During the strike, in the absence of certified staff, some airport officials loaded 99 suitcases onto the plane without undergoing the relevant checks



Tirana Bytyqi

Visar Xhekaj, after finishing the night shift, was resting at home, when he received a phone call from the airport officials with the request that he should urgently go to the workplace. Considering that his job position was baggage scanning operator, he urgently went to Pristina Airport, where he was told that he should report to the human resources office. When he got there, he saw dozens of his colleagues waiting in line in the corridor.

“It was an unclear situation. I only saw gloomy and worried faces”, says Xhekaj.

He says that no one knew what they were specifically invited for, until the first worker came out of that office and told them that they had terminated his contract.

“This person had about 20 years of work experience at the airport and when he received the decision that he was

fired, it was shocking. Many others have started crying in that corridor”, he says.

Xhekaj, who had five years of work experience at the International Airport of Pristina “Adem Jashari”, says that when it was his turn to enter the office, he was also told that his employment contract will not be extended.

“The official answer written in the documents was the termination of the contract”, said Xhekaj.

But he was not the only one who had this fate. Together with him, 86 other workers are fired so far.

All the workers with whom Preportr spoke, said that the only reason for this mass dismissal is that those who were fired, participated in an organized strike in 2019.



**"I say with full conviction that
the employer has taken revenge on us
by firing us."**

Visar Xhekaj, former baggage scanning operator at PAN "Adem Jashari"

"I say with complete conviction that the employer has taken revenge on us by firing us," says Visar Xhekaj.

The same opinion is shared by Bashkim Latifi, the head of the Prishtina Airport Workers' Union "Adem Jashari", the union which had organized the strike in 2019. Latifi, who has also been fired, says that the dismissals were made by not renewing the contract of some workers, while others, according to him, were dismissed based on the negative evaluation of the work, or any violation during work, and that, accord-

ing to Latifi, were only management tricks to make such decisions.

He says that in the first month after the strike, the employer hired 65 new workers, trained them, and licensed them to work at the airport. Latifi says that after they took the new workers, after two months, dozens of workers were processed in disciplinary commissions.

"These actions were vindictive, insulting and non-respect of the agreement", says Latifi.

Rejected claims of workers

During the strike of 2019, the demands of the striking workers against their employers were to pay them the risk and the dangerousness in the workplace, to have no discrimination in wages for workers who have the same workplace, to pay the meals of workers according to the collective contract, to be paid 50 percent of additional working hours on weekends and to be paid for work experience.

That these requests had a good base, was somehow acknowledged also by the Labor Inspectorate after the inspections it made at the airport. According to a report issued on March 5, 2021, the inspectorate had identified some of the violations committed by the employer.



“The employer has violated Article 5 paragraph 1 of Law No. 03/L-212, by discriminating against employees in salaries, since employees for the same positions, the same job duties, receive different salaries, where some of them are favored with higher wages where, based on this provision, discrimination related to labor relations is prohibited”, it is stated, among other things, in the report of the Labor Inspectorate.

The syndicalist Latifi says that during the strikes, they reached an agreement with the employer to accept the demands of the workers, but according to him they were deceived, because that agreement was not respected by the employer.

In addition to the fact that the agreement was not respected, Latifi says that the airport management has planned the firing of the workers, as a form of revenge and as a way to intimidate the workers from joining other strikes.

The managers of the company have warned me not to go on strike, telling me that they will fire me.

Besnik Ademi,
former head of baggage handling

In some cases, workers have been warned about the consequences they will face if they join the strike.

“The managers of the company have warned me not to go on strike, telling me that they will fire me. Everyone knows this, because that day I told to all coworkers at the airport about this threat that was made to me”, says Besnik Ademi, who was the head responsible for the luggage management.

He says that he was also depressed by the lack of appreciation of his work by the management, since according to him, he respected the schedule and all the work rules and that he was always very engaged in work.

“There have been cases when we loaded over five thousand kilograms on two planes at the same time. It happened that I loaded a plane all alone, due to the lack of workers. We have never taken care of our health. Most of the workers who have worked in that sector have problems with their back”, he says.

Ademi says that after the end of the strikes, the behavior of the airport management towards the workers had changed. According to him, the workers were monitored more than they should, and they were even given orders for work that they did not perform earlier.

“They also forced us to clean. Many times I told the shift manager that I don’t have the position of a cleaner and I don’t do this job, while he told me that you have to work because you wanted a salary increase, you even went on strike for it” said Ademi.

He says that in addition to the financial and emotional damages, in the first months he also suffered from the perception of the social and family circle, being assumed by them that he did something very bad for what that they fired him.

Sami Hasolli says he experienced the same thing.

“The social circle where I live, they don’t know why I left my job. Prejudices have started by saying that he caused problems at work, that’s why they fired him”, says Hasolli, who was a vehicle operator at Pristina Airport.

The inspectorate and the court gave right to the workers

Considering the decision of the airport management as unfair, Visari, Besniku and Samiu, began to follow the legal ways to claim their rights. They, together with all the dismissed workers through the union, filed a complaint with the Labor Inspectorate.

The head of the airport workers’ union, Bashkim Latifi, says that all the workers who filed a complaint at the inspectorate won the case in the first and second instance.

In relation to this issue, the Labor Inspectorate, during the examination of the workers’ complaints, has identified violations by the employer contrary to the Labor Law, related to termination of contracts without notice, termination of the contract without giving the reasons for its termination or non-continuation of the contract by the employer and in violation with all procedures for terminating the employment relationship. Preportr has provided some of the decisions that the inspectorate issued regarding the complaints of some of the workers.

In general, in these decisions among other things, it is stated that referring to the handbook of the human resources unit, it results that the decisions not to continue the employment relationship of the employees were signed by a person not competent to issue decisions on employment relationships, namely by the director of human resources.

“In the description of the director of human resources work duties, it appears that the employer has not given him the authorization for decisions regarding the discontinuance, interruptions or termination of the employment relationship, and in the description of the work duties of the same, it appears that he is only responsible for recruitment in employment”, it is stated in the decisions of the inspectorate.

Further, the inspectorate finds that based on the fact that the performance of employees throughout 2017 and 2018 was above average and the company during the inspection did not provide documentation that would prove that the company's conditions and the company's operational circumstances have changed for the worse, it is considered that the employer, when issuing notices and decisions for non-continuation of the individual employment contracts of the employees, has acted in complete opposition to the provision of Article 1 of the Individual Employment Contract of the employees.

In some of the decisions of the inspectorate, it is emphasized that for a part of the employees, the employer did not provide the performance reports for 2019 on the grounds that they are engaged in work as seasonal employees and despite the fact that with the provision of article 1 paragraph 1.1 of the individual work contract, the employer was obliged to evaluate their performance, before issuing a notice/decision not to continue the employment relationship.

According to the labor inspectorate, another discriminatory aspect is represented by the fact that the employer, with the notification of the dismissal of the workers, gave the sole reason for disobeying the employer's work rules, but the same did not present any evidence that the dismissed workers did not respect the work rules.

Also, the Labor Inspectorate has determined that during the examination of the documentation provided for inspection by the employer, as well as by the independent trade union association of ANP "Adem Jashari", it results that the employees who were given the notice of non-renewal of the contract are members of trade union associations who in the strike of 19/20/21.08.2019 organized by the Adem Jashari Trade Union Association, turns out to have participated in the strike in which they claimed that their rights to equal treatment in work and work processes is being violated by the employer.

However, the company that manages the Airport of Pristina, Limak Kosova, has ignored the decisions of the labor inspectorate, which, among other things, emphasizes that the workers must return to their workplaces and be paid for the period they were fired from the work. Taking this into account, all the dismissed workers have sent the case to the Basic Court of Pristina in the branch in Lipjan.

Bashkim Latifi says that the court has already made decisions for some of the workers and has given them right. According to him, the decisions emphasize that workers must return to work and be financially compensated for the time they have been expelled from work.

But the airport management has appealed these decisions to the Court of Appeal and the workers are waiting for the decision of this court, while expressing their disappointment with the delays in handling these cases.

The suitcase scandal

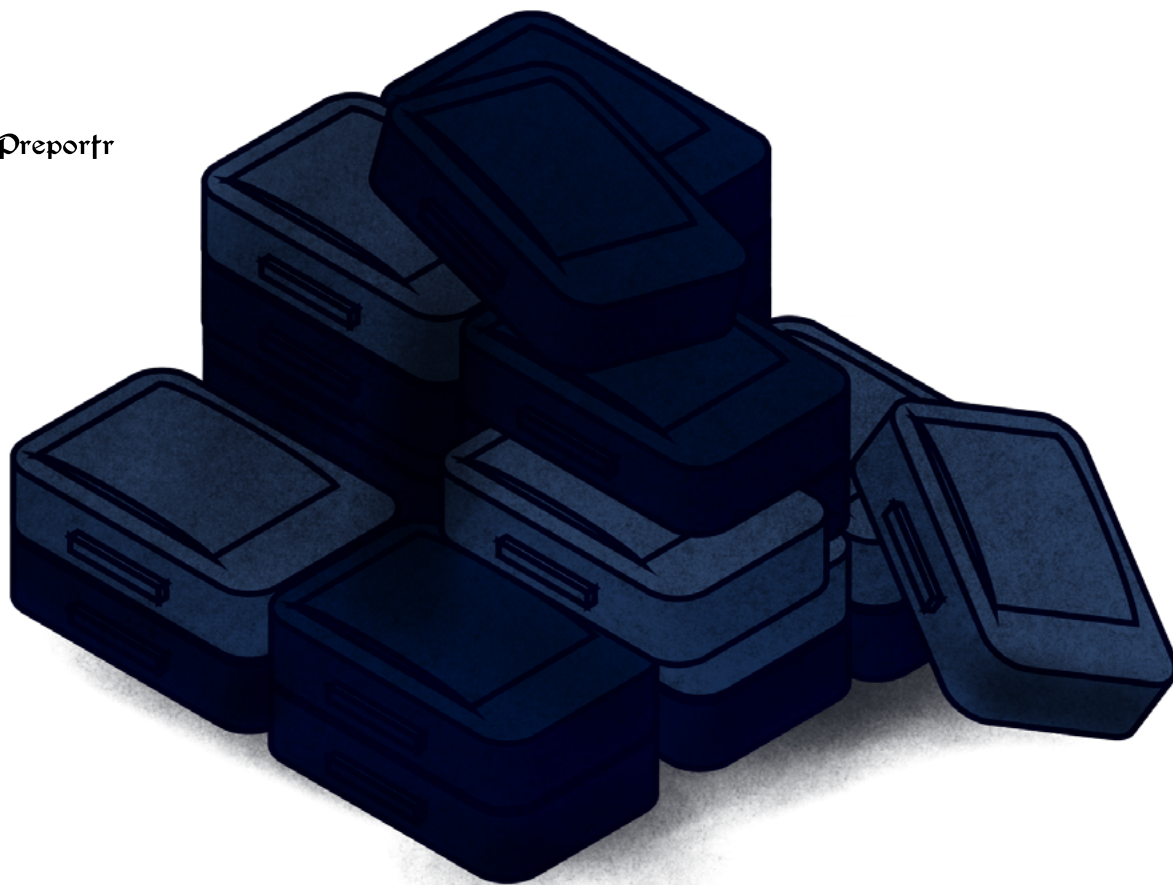
The airport management had not received the workers' strike very well. While wanting to ignore it and to continue the work, a scandal occurred at the airport, where it is suspected that 99 suitcases were loaded onto the plane without undergoing the relevant control and scans.

Visar Xhekaj was a witness to this event. He tells Preporfr that when he noticed such a thing, he immediately notified the police and the shift chief.

Xhekaj says that during the time when the person passed the luggage without being checked, he made a video with his phone to have as evidence and showed those images to the competent authorities.

I asked him (the worker) if he knows what he is doing with this action and that such a thing is not allowed, I was told "talk to Mr. Gokmen (Director of Limak Kosova)". The airport management was fully aware of everything that happened there," he said.

Only operators trained and certified by the Ministry of Internal Affairs, according to the National Program for Civil Aviation Security for the Republic of Kosovo, are responsible for examining passengers and their baggage. Consequently, other persons are not allowed to do that work.



During 2019

2,373,698

passengers traveled to Pristina airport, while in August of the same year alone, when the suitcase scandal occurred, there were over

300 000

passengers, with an average of close to 10,000 passengers per day.

After this event, the inspectors of the Ministry of Internal Affairs “arrived” at Pristina Airport to conduct an inspection on the raised suspicions and compiled a report.

In this report, which was provided by Preporfr, it is said that 99 bags were sent to the plane without being checked (scanned-examined) with screening equipment and by the screening operators, passing the baggage only through the “X-ray” spare device, which operated without a stage operator. Also, 6 separate pieces of lug-

gage were sent, which were deemed suspicious and had to be rechecked by the X-ray operator.

“The official has misused the position. The airport official was not authorized to activate the scanning system (including the x-ray and the conveyor belt) for baggage control,” the MIA report states, among other things.

The report also states that the airport official should be denied access to the maintenance of staging equipment, due to abuse of position and to deny the access

to the airport security area, due to performing work for which was neither responsible nor authorized.

The report asks to find out the circumstances why the shift leader did not react in time, after the notification by the screening operator about the violation of security rules at the screening control point of the baggage intended for storage of the plane.

On the basis of this report, the prosecution filed an indictment against the official who passed the suitcases without undergoing the relevant checks, which can be seen from the video recordings which are included in the report of the Ministry of Internal Affairs, but together with it, accused are also three other persons who were officials licensed to operate with "X-ray".

Drizan Shala, an expert in the field of security, describes the incident at the airport as the most serious breach of security that has occurred at Pristina Airport, since according to him, the passengers who were on that plane and the airport infrastructure were directly violated.

"An inaction and lack of proper supervision in these luggage could have been done by people who are connected to organized crime using this space and placing suspicious materials in those luggage", said Shala.

Regarding all these issues, Preportr has sent questions to the office for information of Pristina International Airport "Adem Jashari", but so far has not received any answer.

"The official has misused the duty. The airport official was not authorized to activate the screening system (including x-ray and conveyor belt) for checking the baggage"

**Inspection report
of the Ministry of Interior**

On the other hand, workers do not give up their right. Although disappointed and demotivated due to dismissal, they say they are ready to return to work in order to set an example that they must fight for the rights of workers.

"If the court of appeals gives me the right, I want to return just to show others that the state works properly, the law works and that everyone should support and have faith in the country's institutions", says Xhekaj.

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