



Strasbourg, 24 January 2001

FORM

**for the reports to be submitted in pursuance of the
revised European Social Charter**

Adopted by the Committee of Ministers on 17 January 2001

FORM FOR REPORTS

(To be completed in English or in French)

For the period to
made by the Government of in accordance
with Article C of the Revised European Social Charter and Article 21 of the European
Social Charter, on the measures taken to give effect to the accepted provisions of the
Revised European Social Charter, the instrument of ratification or approval of which
was deposited on

This report also covers the application of such provisions in the following non-
metropolitan territories to which, in conformity with Article L, they have been declared
applicable:

In accordance with Article C of the Revised European Social Charter and Article 23 of
the European Social Charter, copies of this report have been communicated to
.....
.....¹

¹ Please state whether you have received any observations from these national organisations of employers and workers, and supply those they have asked you to transmit. The information provided would be usefully supplemented by your communicating a summary of all other observations, to which you might add any comments that you consider useful.

The reports drawn up on the basis of this Form should give, for each accepted provision of the Revised European Social Charter, any useful information on measures adopted to ensure its application, mentioning in particular:

1. any laws or regulations, collective agreements or other provisions that contribute to such application;
2. any judicial decisions on questions of principle relating to these provisions;
3. any factual information enabling an evaluation of the extent to which these provisions are applied; this concerns particularly questions specified in this Form.

The Parties' reports should be accompanied by the principal laws and regulations on which the application of the accepted provisions of the Revised Charter is based. These may be sent in their original language and translation in one of the official languages of the Council of Europe may be asked for in exceptional circumstances.

The replies of the governments should, wherever appropriate, specify explicitly:

- a. whether they are only concerned with the situation of nationals or whether they apply equally to the nationals of the other Parties (see Appendix to the Revised Charter, points 1 and 2);
- b. whether they are valid for the national territory in its entirety, including the non-metropolitan territories if any to which the Revised Charter applies by virtue of Article 34;
- c. whether they apply to all categories of persons included in the scope of the provision.

A state bound by obligations under certain International Labour Conventions may find it sufficient to supply a copy of the relevant reports submitted to the ILO on the application of these conventions in so far as the latter cover the same field of application and the same reference period as the relevant provision of the Charter.

The information required, especially statistics, should, unless otherwise stated, be supplied for the period covered by the report.

Where statistics are requested for any provision, it is understood that, if complete statistics are lacking, governments may supply data or estimates based on *ad hoc* studies, specialised or sample surveys, or other scientifically valid methods, whenever they consider the information so collected to be useful.

The report should as far as possible be submitted by E-mail to the address *social.charter@coe.int* or be appended by a diskette *in Word format*. If this is not possible, the Parties are requested to submit their reports in five copies and the appendices in two copies.

PARTIES ARE REQUESTED:

- as far as the first report is concerned:
to reply to all questions appearing in this Form¹;
- as far as subsequent reports are concerned:
to update the information given in the previous report.

The secretariat is invited to distribute with this form a working document - that will be regularly updated - indicating the provisions of the United Nations, the ILO, the WHO, the European Union and the Council of Europe corresponding to the different articles of the Charter and a summary presentation of the different control mechanisms.

¹ Unless the information has already been provided in the report submitted in pursuance of the European Social Charter and that there have been no subsequent changes in the situation.

ARTICLE 1: THE RIGHT TO WORK

ARTICLE 1 PARA. 1

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"

Question A

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of "active" (job creation, training, etc.) and "passive" (financial compensation, etc.) measures.

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (eg. women, the young,¹ older workers, the long-term unemployed,² the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures and information, if possible, on their impact on employment.

Question B

Please indicate the trends in employment³ covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate,⁴ the employment rate⁵ and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

¹ Aged between fifteen and twenty-four.

² Persons without employment for over one year and seeking employment.

³ Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

⁴ The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the unemployed.

⁵ The employment rate represents persons in employment as a percentage of the population aged 15-64 years and living in private households.

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give a breakdown of the unemployed by region, category, sex, age and by length of unemployment.

Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

ARTICLE 1 PARA. 2

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]

Elimination of all forms of discrimination in employment

Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation.¹

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

Question B

Please indicate any methods adopted:

- a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;
- b. to ensure the acceptance and observance of the above policy through educational efforts.

¹ The term "discrimination" in this Form is to be understood in terms of ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1.

Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

Prohibition of forced labour

Question D

Please indicate whether any form of forced or compulsory labour is authorised or tolerated.¹

Question E

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

ARTICLE 1 PARA. 3

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to establish or maintain free employment services for all workers;"

Question A

Please describe the operation of free employment services available in your country, indicating the age, sex and nature of occupation of persons placed by them in employment and persons seeking employment.

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

¹ The term "forced or compulsory labour" in this Form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2.

Question B

Please describe the organisation of public employment services in your country indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

ARTICLE 1 PARA. 4

"With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to provide or promote appropriate vocational guidance, training and rehabilitation."

Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

- a. vocational guidance;¹
- b. vocational training;²

¹ If your country has accepted Article 9, it is not necessary to describe the vocational guidance services here.

² If your country has accepted Article 10, it is not necessary to describe the vocational training services here.

c. vocational rehabilitation;¹

with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK

ARTICLE 2 PARAS. 1 to 7

Please indicate, for Article 2 as a whole, the rules applying to workers in atypical employment relationships (fixed-term contracts, part-time, replacements, temporaries, etc.).

ARTICLE 2 PARA. 1

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;"

Question A

Please indicate what statutory provisions apply in respect of the number of working hours, daily and weekly and the duration of the daily rest period.

Question B

Please indicate what rules concerning normal working hours and overtime are usual in collective agreements, and what is the scope of these rules.

¹ If your country has accepted Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

Question C

Please indicate the average working hours in practice for each major professional category.

Question D

Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.

Question E

Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period (see also Article 2 paras. 2, 3 and 5).

Please indicate the reference period to which such measures may be applied.

Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.

Question F

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 2

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for public holidays with pay;"

Question A

Please indicate the number of public holidays with pay laid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.

Question B

Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.

Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state what proportion of all workers is not so covered (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 3

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to provide for a minimum of four weeks' annual holiday with pay;"

Question A

Please indicate the length of annual holidays under legislative provisions or collective agreements; please also indicate the minimum period of employment entitling workers to annual holidays.

Please describe, where appropriate, whether measures permitting derogation from statutory rules in your country regarding daily and weekly working hours have an impact on rules pertaining to the duration of annual holidays.

Question B

Please indicate the effect of incapacity for work through illness or injury during all or part of annual holiday on the entitlement to annual holidays.

Question C

Please indicate if it is possible for workers to renounce their annual holiday.

Question D

Please indicate the customary practice where legislation or collective agreements do not apply.

Question E

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 4

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;"

Question A

Please indicate the policies and the legislative measures taken to eliminate or to reduce the inherent risks of dangerous or unhealthy occupations. Please also describe the procedures for periodic review and evaluation.

Question B

Please state the occupations regarded as dangerous or unhealthy. If a list exists of these occupations, please supply it.

Question C

Where it has not yet been possible to eliminate or reduce sufficiently these risks, please state what provisions apply under legislation or collective agreements or otherwise in practice as regards reduced working hours or additional paid holidays in relation to this provision of the revised Charter.

Question D

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers concerned is not covered (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 5

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest."

Question A

Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.

Please indicate whether postponement of the weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.

Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.

Question B

Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 6

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;"

Question A

Please indicate the rules (in legislation, collective agreements) or other provisions which apply for informing workers in writing of the essential aspects of their contract or employment relationship.

Please describe the content and form of this information, as well as the point at which it must be communicated in writing.

Please indicate how rules or other measures are applied in practice.

Question B

If the rules are not of a general nature (Appendix to the revised Social Charter), please indicate the exceptions and referring to item b of the Appendix, please state the reason for their exclusion (see Article I of the revised Social Charter).

ARTICLE 2 PARA. 7

"With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

to ensure that workers performing night work benefit from measures which take account of the special nature of the work".

Question A

Please indicate the rules (legislation, collective agreements or in practice) in force which ensure that workers performing night work benefit from measures to take account of the special nature of the work (medical examinations, breaks, compensatory time off, access to company services, inspections, circumstances in which it is possible to transfer to day work, etc.). Please indicate in particular the hours to which the term "night work" applies.

Question B

Please indicate the proportion of any workers who are not covered (see Article I of the revised Social Charter).

ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

ARTICLE 3 PARAS. 1 to 4

Please indicate how organisations of employers and workers are consulted by the authorities on the measures required to implement each of the paragraphs of Article 3 (procedure and level of consultation, content and frequency of consultation).

ARTICLE 3 PARA. 1

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

to formulate, implement and periodically review a coherent national policy on occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;"

Please describe policy in the field of occupational safety, occupational health and the working environment and the measures taken to improve occupational safety and health and to prevent health and safety risks. Please describe also the measures of implementation of this policy as well as procedures for its periodic review and evaluation.

ARTICLE 3 PARA. 2

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with employers' and workers' organisations:

to issue safety and health regulations;"

Question A

Please list the principal legislative or administrative provisions issued in order to protect the physical and mental health and safety of workers, indicating clearly:

- a. their material scope of application (risks covered and the preventive and protective measure provided for) and;

- b. their personal scope of application (whatever the legal status – employees or not – and whatever their sector of activity, including home workers and domestic staff).

Please specify the rules adopted to ensure that workers under atypical employment contracts enjoy the same level of protection as other workers in an enterprise.

Question B

Please indicate the special measures taken to protect the health and safety of workers engaged in dangerous or unhealthy work.

ARTICLE 3 PARA. 3

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake, in consultation with employers' and workers' organisations:

to provide for the enforcement of such regulations by measures of supervision."

Question A

Please indicate the methods applied by the Labour Inspectorate to enforce health and safety regulations and please also give information, *inter alia*, statistical, on:

- a. the places of work, including the home, subjected to the control of the Labour Inspection, indicating the categories of enterprises exempted from this control;
- b. the number of control visits carried out;
- c. the proportion of workers covered by these visits.

Question B

Please describe the system of civil and penal sanctions guaranteeing the application of health and safety regulations and also provide information on violations committed:

- a. the number of violations;
- b. the sectors in which they have been identified;
- c. the action, including judicial, taken in this respect.

Question C

Please provide statistical information on occupational accidents, including fatal accidents, and on occupational diseases by sectors of activity specifying what proportion of the labour force is covered by the statistics. Please describe also the preventive measures taken in each sector.

ARTICLE 3 PARA. 4

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions".

Question A

Please indicate whether occupational health services (health, security and occupational health services) exist in all companies and in all sectors. If not, please state whether plans have been made to establish them, when they will be implemented in practice and/or whether provision is made for inter-company services.

Question B

Please describe the functions, organisation and operation of occupational health services.

ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION

ARTICLE 4 PARA. 1

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;"

"...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions;"

Question A

Please state what methods are provided and what measures are taken to provide workers with a fair wage, having regard to national living standards and particularly to the changes in the cost of living index and in national income.¹

Question B

Please specify if these include methods for fixing minimum wage standards by law or collective agreements.

Question C

Please indicate what proportion of wage-earners are without protection in respect of wages, either by law or collective agreement.

Question D

Please provide information on:

- national net average wage² (ie. after deduction of social security contributions and taxes³);
- national net minimum wage if applicable or the net lowest wages actually paid (ie. after deduction of social security contributions and taxes).⁴

Please provide information, where possible, on:

- the proportion of workers receiving the minimum wage or the lowest wage actually paid (after deduction of social security contributions and taxes);
- the trend in the level of the minimum net wage and/or the lowest wage actually paid compared to national net average wage and any available studies on this subject.

¹ If your country has accepted Article 16, there is no need to give information here concerning family allowances, etc.

² In principle the net average wage should be the overall average for all sectors of economic activity. The average wage may be calculated on an annual, monthly, weekly, daily or hourly basis. Wages cover remuneration in cash paid directly and regularly by the employer at the time of each wage payment. This includes normal working hours, overtime and hours not worked but paid, when the pay for these latter are included in the returned earnings. Payments for leave, public holidays and other paid individual absences may be included insofar as the corresponding days or hours are also taken into account to calculate wages per unit of time.

³ The net wage (average and minimum) should be calculated for the standard case of a single worker. Family allowances and social welfare benefits should not be taken into account. Social security contributions should be calculated on the basis of the employee contribution rates laid down by law or collective agreements etc. and withheld by the employer. Taxes are all taxes on earned income. They should be calculated on the assumption that gross earnings represent the only source of income and that there are no special grounds for tax relief other than those associated with the situation of a single worker receiving either the average wage or the minimum wage. Indirect taxes are thus not taken into account.

⁴ The net minimum wage should be given in units of time comparable to those used for the average wage.

ARTICLE 4 PARA. 2

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;"

"...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions;"

Question A

Please mention what provisions apply according to legislation and collective agreements as regards overtime pay, the method used to calculate the increased rates of remuneration and the categories of work and workers to which they apply.

Please specify what provisions apply in respect of overtime pay on Saturdays, Sundays and other special days or hours (including night work).

Question B

Please mention any special cases for which exceptions are made.

Please indicate, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours (see Article 2 para. 1) have an impact on remuneration or compensation of overtime.

ARTICLE 4 PARA. 3

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

to recognise the right of men and women workers to equal pay for work of equal value;"

"...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions;"

Question A

Please indicate how the principle of equal pay for work of equal value is applied; state whether the principle applies to all workers.¹

Question B

Please indicate the progress which has been made in applying this principle.

Question C

Please describe the protection afforded to workers against retaliatory measures, including dismissal.

Please indicate the procedures applied to implement this protection.

ARTICLE 4 PARA. 4

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

to recognise the right of all workers to a reasonable period of notice for termination of employment;"

"... The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

[The Appendix to the revised Charter stipulates that this provision shall be so understood as not to prohibit immediate dismissal for any serious offence.]

Question A

Please indicate if periods of notice are provided for by legislation, by collective agreements or by practice and if so, indicate the length of such periods, notably in relation to seniority in the enterprise.

Please indicate whether the periods of notice established by legislation can be derogated by collective agreements.

Please indicate the periods of notice applicable to part-time workers and to home workers.

¹ The term "equal pay for work of equal value" in this Form is to be understood in terms of ILO Convention No. 100 (Equal Remuneration), Article 1.

Please indicate in which cases a worker may not be given a notice period.

Please indicate whether provision is made for notice periods in the case of fixed-term contracts which are not renewed.

Question B

Please indicate whether wage-earners may challenge the legality of such notice of termination of employment before a judicial authority.

ARTICLE 4 PARA. 5

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards."

"...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

[The Appendix to the revised Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exception being those persons not so covered.]

Question A

Please describe how and to what extent observance of this paragraph is ensured in your country, specifying the ways in which this right is exercised, both as regards deductions made by the employer for his own benefit and for the benefit of third parties.

Please indicate whether legislation, regulations or collective agreements provide for the non-seizability of a part of the wage.

Question B

Please state whether the measures described are applicable to all categories of wage-earners. If this is not the case, please give an estimate of the proportion of workers not covered and, if appropriate, give details of the categories concerned.

ARTICLE 5: THE RIGHT TO ORGANISE

"With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations."

Question A

a. Please indicate whether any, and if so what, categories of workers and employers are prohibited by law from forming organisations, or restricted in doing so.

Please indicate, *inter alia*:

- the existence of legislation or special regulations applicable to the forming of organisations by civil servants and other persons employed by the public authorities at central or local level;
- to what extent the rights provided for in this Article apply to members of the armed forces and of the police, explaining in particular the nature and functions of any staff associations which may be available to them;
- whether nationals of other Contracting Parties lawfully resident or working regularly in the territory of your country may join or be a founding member of a trade union. Please indicate in particular whether they may hold positions in the administration or management of a trade union;
- the eligibility of workers, nationals of other Contracting Parties, for election to consultation bodies at the enterprise level such as works councils.

b. Please indicate any conditions of registration or otherwise with which employers' and workers' organisations must comply when they are founded and the provisions with which they must comply in the course of their existence.

c. Please indicate the measures intended to guarantee the exercise of the freedom to organise and in particular those to protect workers' organisations from any interference by employers and by the state. Please indicate how such protection from outside interference applies to employers' organisations.

d. Please indicate, where appropriate, any statutory provisions regarding the affiliation of employers' and workers' organisations with national federations of organisations and with international organisations of the same type.

Question B

a. Please describe how the right to join a trade union is protected in law and in practice and indicate whether any, and if so which, categories of workers are prohibited from joining a trade union or restricted in doing so.

b. Please indicate whether and how the right of workers not to join a union is protected in law and in practice. Please indicate in particular whether examples exist in practice of an obligation to belong to a trade union (closed shop clauses, etc.) and what are the measures taken in this regard.

Question C

a. Please furnish a complete description of any representativity criteria, ie. any conditions which trade unions must fulfil in order to be considered representative.

b. If such criteria exist, please also give information on the existence and type of appeal against decisions by the authority or authorities responsible for determining whether a trade union is representative or not. Please indicate the functions which are reserved for representative unions in respect of the negotiation and conclusion of collective agreements, participation in the nomination of various types of workers' representatives and participation in consultation bodies.

c. Please reply to the questions under a. and b. in respect of representativity of employers' organisations, except when negotiations at enterprise level are concerned.

Question D

Please indicate under what circumstances and on which conditions trade union representatives have access to the workplace. Please indicate also whether trade unions are entitled to hold meetings on the premises of the enterprise.

Question E

Please give information on the measures taken to ensure protection against reprisals on grounds of trade union activities.

ARTICLE 6: THE RIGHT TO BARGAIN COLLECTIVELY

ARTICLE 6 PARA. 1

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote joint consultation between workers and employers;"

Please indicate the legislative or other steps taken to encourage joint consultation between workers and employers in your country. In what way do the public authorities encourage or participate in such consultation? Please give particulars on the bodies responsible for such consultation, at the national, regional, or local levels as the case may be, and on the procedures entailed, together with information on the issues covered (financial issues, social issues, working conditions, etc.) and on the sectors of the economy to which the procedures apply.

ARTICLE 6 PARA. 2

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;"

Question A

Please give a description of the existing collective bargaining machinery and its results in both the private and public sector (indications of the number of negotiations and agreements concluded and other indicators or evaluation criteria).

Question B

Please indicate whether and how the law encourages or obliges employers or their organisations to bargain with workers' organisations collectively, and whether and how it encourages or obliges workers' organisations to bargain with employers or their organisations. Please also indicate how the question of union recognition is dealt with.

Question C

Please indicate to what extent, under what conditions, according to which procedures and for which types of subject matter the State can intervene in the process of free collective bargaining. Please indicate where state intervention occurred during the reference period.

ARTICLE 6 PARA. 3

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;"

Question A

Please describe such machinery as exists by virtue either of law, collective agreements or practice for the settlement of disputes by:

- a. conciliation;
- b. arbitration or court procedure;
- c. other methods of dispute resolution.

Question B

In so far as certain machinery may be compulsory, please describe:

- the sanctions imposed by law or by collective agreements used for its enforcement;
- their significance in practice.

Question C

Please describe the procedures provided, whether by law, staff regulations or practice, for settling disputes between public sector employees and the administration, and show whether existing procedures are open to them.

ARTICLE 6 PARA. 4

"With a view to ensuring the effective exercise of the right to bargain collectively, the Parties recognise:

the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

[The Appendix to the revised Charter stipulates that it is understood that each Contracting Party may, in so far as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article G of the revised Charter.]

Question A

Please explain the meaning of collective action in your country specifying what forms of action are recognised (strike, lockout, other forms), what are the permitted objectives of collective action and how the right to collective action is guaranteed.

Question B

Please indicate who is entitled to take collective action (individuals, groups/coalitions of workers, trade unions, employers or employers' organisations, etc.).

Question C

If the right to collective action is restricted, please state the content of these restrictions, and whether they are related to the purposes pursued or the methods employed by those taking action, or both, and by which authority they may be imposed.

Please also state any procedural requirements pertaining to collective action (eg. notice rules, cooling-off periods, conciliation/arbitration, ballot requirements, quorums, etc.).

Question D

Please indicate whether any existing restrictions to the right to collective action "are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals" (Article G of the revised Charter).

Question E

Please state the effect of strikes or lockouts on the continuation of the employment contract and any other consequences, eg. deduction from wages, liability, etc.

Question F

Please supply available statistics on strikes and lockouts.

ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

ARTICLE 7 PARA. 1

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;"

Question A

Please indicate whether the minimum age of admission to employment is regulated by legislation. If so, please send the relevant texts.

Please indicate whether the minimum age of admission to employment applies to all categories of work, including agricultural work, domestic work and work carried out in family enterprises.

Question B

Please state whether your country's legislation dealing with minimum age allows derogations. If so, please state the derogations provided for in general by law or granted by an authority.

Please provide a definition of "light work" and, if appropriate, the list of such work.

Question C

Please indicate the measures taken to combat illegal child labour and to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 2

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;"

Question A

Please state the occupations which are regarded as dangerous or unhealthy for the purpose of this provision. Specify whether a minimum age of admission of at least eighteen years is stipulated for each of these occupations.

Question B

Please indicate whether, in accordance with the Appendix, the law allows for derogations where the work concerned is necessary for their vocational training. If so, please indicate the type of work involved. Please indicate also how such work is supervised by the competent authorities and how the health and safety of the young workers concerned is protected.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 3

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;"

Question A

Please indicate the age at which education ceases to be compulsory under your country's present legislation.

Question B

Please indicate the statutory maximum duration of any work performed by children still subject to compulsory education before or after school hours and during weekends and school holidays.

Please indicate the nature of the work performed by these children.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 4

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;"

Question A

Please indicate the extent of this limitation, whether it follows from legislative, administrative, or contractual provisions or from practice.

Question B

Please indicate if any workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures and, if so:

- a. please provide statistics showing what proportion of all workers is not covered;
- b. please give the reasons for which certain workers are not covered;
- c. please state what special measures have been taken on behalf of workers under eighteen years who do not benefit from any limitation of their hours of work.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

Question D

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the proportion of young people not covered and, if possible, indicate the categories concerned.

Question E

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

ARTICLE 7 PARA. 5

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;"

Question A

Please indicate the general rules applying to the wages of young workers and to the appropriate allowances of apprentices.

Question B

Please give available statistical information on the level of wages for young workers and on the appropriate allowances for apprentices.

ARTICLE 7 PARA. 6

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;"

Question A

Please indicate the relevant regulations or collective agreements providing that the hours spent by young persons in their vocational training during normal working hours with the consent of the employer shall be treated as forming part of the working day, and specify, as far as possible, the time allowed to young persons for this purpose.

Question B

Please indicate whether the time devoted to vocational training is paid and on what basis.

Question C

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the proportion of young people not covered and, if possible, indicate the categories concerned.

Question D

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 7¹

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;"

Question A

Please indicate the minimum duration of annual holiday with pay for workers under eighteen years of age.

Question B

Please indicate how this provision is implemented in your country.

Question C

Please indicate whether the measures described are applicable to all categories of workers under eighteen years of age. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

Question D

Please indicate where appropriate why certain workers under eighteen years of age are not covered, and whether special measures have been taken on their behalf.

¹ If you have answered the question under Article 2 para. 3, it is not necessary to answer this question.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 8

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;"

[The Appendix to the revised Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under 18 years of age shall not be employed in night work.]

Question A

Please indicate the hours to which the term "night work" applies in your country's regulations for the purpose of such prohibition.

Question B

Please list the types of night work which persons under eighteen years of age are authorised to perform either generally or with special permission.

Question C

Please describe the scope of these exceptions and, in particular, the maximum duration and the age under which such derogations cannot be made.

Question D

Please indicate the hours during which night work by young persons is prohibited in all circumstances.

Question E

Please indicate whether the measures described are applicable to all categories of workers under eighteen. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

Question F

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 9

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;"

Question A

Please indicate in which occupations regular medical examinations are stipulated for persons under eighteen years of age.

Question B

Please indicate the conditions in which and how often these examinations are made.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations

ARTICLE 7 PARA. 10

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work."

Question A

Please describe the work which is considered, either directly or indirectly, as constituting a danger to the health or morals of young persons.

Question B

Please describe the measures to protect young persons who are in fact exposed to physical or moral danger at their work.

Please describe, in particular, the measures taken (stopping of work, transfer, vocational guidance, etc.) when a physical disorder is noted in young persons in the course of their work.

Question C

Please give a summary of the measures taken in order to protect young people outside work.

Question D

Please indicate the measures taken to protect children and young persons against all forms of violence, exploitation or ill-treatment (including sexual abuse) to which they may be subjected, including within the family.

Please indicate the extent of the problem (if possible, with data) and the measures taken or planned in order to guarantee children and young persons the protection to which they are entitled, including not only preventive but also other measures. Please also describe the preventive measures taken against smoking, drug and alcohol abuse, including multiple addiction, as well as against sexually transmitted diseases.

Question E

Please supply all relevant information concerning the bodies responsible for supervising the application of these provisions (in particular the social service and judicial bodies) and how they function, and on the methods employed to carry out such supervision (enquiries, etc.)

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

ARTICLE 8 PARA. 1

"With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:

to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least 14 weeks;"

Question A

Please indicate the length of maternity leave, showing, where appropriate, its division before and after confinement.

Question B

Please indicate whether in some cases the total duration of leave before and after confinement may be less than fourteen weeks.

Question C

Please indicate whether the benefits during maternity leave are provided in the form of paid leave (if normal pay is reduced, please indicate the amount), under a social security system or from public funds, stating whether the payment of benefits is subject to conditions and if so, which.

Question D

Please indicate, in circumstances where part or all of benefits payable during maternity leave are not covered by paid leave, the amount of social security benefits or benefits from public funds in monetary terms and, as appropriate, as a percentage of the wages previously paid to the worker.

Question E

Please indicate any sanctions that may be imposed on an employer failing to observe this provision, and state whether the employed woman has the option of voluntarily giving up all or part of her maternity leave.

Question F

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

ARTICLE 8 PARA. 2

"With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:

to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;"

Question A

Please indicate what arrangements exist to give effect to this provision.

Question B

Please also indicate the sanctions provided for dismissals in breach of this provision.

Question C

Please indicate if reinstatement is ensured in cases of dismissal in breach of this provision and, in the exceptional cases where this is not possible, the amounts of compensation awarded.

Question D

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

ARTICLE 8 PARA. 3

"With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:

to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;"

Please indicate the rules which apply in this respect, stating whether time off for breastfeeding is considered as working hours and paid as such.

ARTICLE 8 PARA. 4

"With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:

to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;"

Please give details on the regulations of night work of pregnant women, women who recently have given birth or who are nursing their infants and stating in particular the hours to which the term "night work" applies.

ARTICLE 8 PARA. 5

"With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Parties undertake:

to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women".

Question A

Please give details of measures to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining.

Please indicate the point in time when this protection takes effect and ceases. Please indicate the measures taken to protect the employment rights of these women.

Question B

Please indicate what other kind of unsuitable occupations by reason of its dangerous, unhealthy or arduous nature are prohibited and what measures are taken to give effect to such prohibition.

Please indicate the point in time when this protection takes effect and ceases. Please indicate the measures taken to protect the employment rights of these women.

Question C

Please give details of any authorised exceptions.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

"With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults."

Question A

Please give a description of the service - its functions, organisation and operation - specifying in particular:

- a. whether access to services is free of charge;
- b. whether vocational guidance work is carried out in the public or private sectors;
- c. the measures taken to supply all persons with adequate information on the choice of employment;
- d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other;¹
- e. the measures in hand for improving the services;
- f. the details of special measures to assist disabled persons.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.

Question C

Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.

Question D

Please indicate:

- a. the total amount of public expenditure devoted to vocational guidance services during the reference period;

¹ If your country has accepted Article 10 para. 1, it is not necessary to describe these measures here.

- b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);
- c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background;
- d. the geographical and institutional distribution of vocational guidance services.

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING

ARTICLE 10 PARA. 1

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;"

Question A

Please give an account of the functions, organisation, operation and financing of the services designed to provide vocational training for all persons including those with disabilities,¹ specifying in particular:

- a. the rules laid down by legislation, collective agreements or carried out otherwise;
- b. the total amount of public expenditure devoted to vocational training;

¹ If your country has accepted Article 15, it is not necessary to describe the services for persons with disabilities here.

- c. the number of vocational and technical training institutions (at elementary and advanced levels);
- d. the number of teachers in such schools in the last school year;
- e. the number of pupils, full-time and part-time in such schools in the last school year.

Question B

Please indicate how the arrangements for vocational training are provided with reference to the various types of vocational activity and, if data are available, to age and to sex.

Question C

Please state what measures are taken to ensure a close link between vocational guidance and training on the one hand and employment on the other.¹

Question D

Please indicate the methods adopted by your government with a view to providing access to higher technical education and university education on the basis of the sole criterion of individual aptitude.

Question E

Please indicate whether equality of access to vocational training opportunities is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

ARTICLE 10 PARA. 2

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments."

¹ If your country has accepted Article 9, it is not necessary to describe these measures here.

Question A

Please give an account of the legal framework and the functions, organisation, operation and financing of apprenticeships and/or other systems for training young boys and girls in various jobs in your country.

Question B

Please give an account of the measures taken to implement this provision, stating approximately, if possible, the number of young persons benefiting from training systems.

Question C

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Question D

Please describe any measures under which private apprenticeship schemes are assisted out of public funds.

Question E

Please indicate whether the measures described are applicable to all categories of young boys and girls likely to benefit from and wishing to undertake apprenticeship or vocational training. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

Question F

Please indicate whether equality of access to apprenticeship training is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

ARTICLE 10 PARA. 3

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote, as necessary:

- a. adequate and readily available training facilities for adult workers;*

- b. *special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;"*

Question A

Please give details of the facilities provided for the training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change.

Question B

Please indicate how the arrangements for vocational training are divided between the various types of vocational activity.

Question C

Please state whether the measures described are applicable to all categories of interested workers likely to benefit from and in need of training or retraining facilities. If this is not the case, please give an estimate of the proportion of those not covered and, if appropriate, give details of the categories concerned.

Question D

Please indicate the approximate number of adult workers who have participated in training or retraining measures.

Question E

Please describe special measures to assist adult women wishing to take up or resume employment.

Question F

Please indicate whether equality of access to adult training and retraining is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

ARTICLE 10 PARA. 4

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake;

to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;"

Please indicate the special measures taken to provide or promote the retraining and reintegration of long-term unemployed, including as far as possible information on the number of participants and the results achieved.

ARTICLE 10 PARA. 5

"With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to encourage the full utilisation of the facilities provided by appropriate measures such as:

- a. reducing or abolishing any fees or charges;*
- b. granting financial assistance in appropriate cases;*
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;*
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally."*

Question A

Please give a brief account of any fees or charges imposed in respect of vocational training and indicate, where appropriate, the measures taken to reduce or abolish such fees or charges.

Question B

Please describe the system existing in your country for providing financial assistance (allowances, grants, loans, etc.) to participants in vocational training. Please indicate also the nature of the financial assistance provided (amounts, duration, eligibility criteria, etc.).

Please indicate whether equal treatment in respect of financial assistance is ensured for nationals of all the Contracting Parties to the Charter lawfully resident or working regularly in your territory.

Question C

Please indicate the measures taken to include time spent on training taken by workers, at the request of their employer, in the normal working hours.

Question D

Please indicate the supervision and evaluation measures taken in consultation with the social partners to ensure the efficiency of apprenticeship and other training arrangements for young workers.

Question E

Please indicate if the provision of sub-paragraphs (a), (b) and (c) of Article 10 para. 4 are applicable to the great majority of the persons concerned.

ARTICLE 11: THE RIGHT TO PROTECTION OF HEALTH

General aspects¹

Question A

Please indicate the forms of ill-health which at present raise the greatest public health problems in your country by reason of their frequency, gravity and any sequels.

Please indicate what illnesses were the main causes of death.

Question B

Please describe the measures aimed at ensuring universal access to health care. Please also indicate on what conditions the various health services are made available to the whole of your country, describing the geographical distribution of these services.

Question C²

Please indicate how public health services are organised in your country and state, if possible:

¹ States having accepted one or more paragraphs of Article 11 are invited to respond to the questions under this heading.

² If the statistical information requested under this provision is available from publications of Eurostat, WHO or OECD you are invited to refer to the relevant publication.

- a. the number of private or public preventative and screening clinics (if possible distinguishing between general or specialised, particularly in the fields of tuberculosis, sexually transmitted diseases, AIDS, mental health, mother and child welfare, etc.) and the annual attendance of them making special mention of services for schoolchildren;
- b. the regular health examinations arranged for the population in general or for a part thereof, and their intervals;
- c. the number of general hospitals and public or private establishments for specialised treatment (especially for tuberculosis, psychiatry – including day hospital –, cancer, after-care, functional and occupational rehabilitation). Give the respective proportions of public and private establishments. Please indicate the number of beds available (or of places in case of day hospitals or rehabilitation clinics accepting out-patients);
- d. the number per 1 000 persons of doctors, dentists, midwives and nurses, indicating, if possible, the situation in urban and rural areas;
- e. the number of pharmacies per 1 000 persons and if possible their geographical distribution;
- f. Please indicate the percentage of GDP allocated to health expenditure.

ARTICLE 11 PARA. 1

"With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

to remove as far as possible the causes of ill-health."

Question A

Please indicate infant and perinatal mortality rates for the reference period concerned.

Please indicate the life expectancy at birth in your country.

Question B

Please describe any special measures taken to protect the health of:

- a. pregnant women, mothers and babies;
- b. children and adolescents;¹
- c. the elderly;
- d. disadvantaged persons or groups (for example the homeless, families with many children, drug addicts and the unemployed, etc.).

Please supply information on all measures taken to protect the reproductive health of all persons, in particular adolescents.

ARTICLE 11 PARA. 2

"With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;"

Question A

Please indicate what advisory and screening services exist:

- a. for schools;
- b. for other groups.

Question B

Please describe any measures taken to further health education, including information campaigns.

ARTICLE 11 PARA. 3

"With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

to prevent as far as possible epidemic, endemic and other diseases, as well as accidents."

¹ If your country has accepted paragraphs 9 and 10 of Article 7, it is not necessary to repeat the information given thereon here.

Question A

Please indicate what measures other than those mentioned above are taken to prevent epidemic, endemic and other diseases (compulsory or optional vaccination, disinfection, epidemics policy).

Question B

Please indicate what general measures are taken in the public health field, such as:

- a. – prevention of air pollution,
 – prevention of water pollution,
 – prevention of soil pollution;
- b. protection against radioactive contamination;
- c. protection against noise pollution;
- d. food hygiene inspection;
- e. minimum housing standards;
- f. measures taken to combat smoking, alcohol and drug abuse, including multiple addiction, as well as against sexually transmitted diseases.

ARTICLE 12: THE RIGHT TO SOCIAL SECURITY

ARTICLE 12 PARA. 1

"With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

to establish or maintain a system of social security;"

Please indicate the measures taken to give effect to this undertaking, specifying the nature of the existing system, in particular funding arrangements, giving information allowing the percentage of the population covered and the level of benefits to be determined.

ARTICLE 12 PARA. 2

"With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:

to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;"

Question A

Please specify the branches of social security in which the social security system in force in your country fulfils (or goes beyond) the requirements of the European Code of Social Security.

Question B

With regard to the branches of the social security system in force which do not reach the level provided for in the Code, please indicate the differences between your established standards and those of the Code.

ARTICLE 12 PARA. 3

"With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

to endeavour to raise progressively the system of social security to a higher level;"

Question A

Please describe any measures taken to establish higher social security standards, in particular any measures raising the system to a higher level than that of the European Code of Social Security.

Please also provide information in relation to the standards of the Protocol to the European Code of Social Security and/or the revised European Code of Social Security.

Question B

As far as any other changes in the social security field are concerned, especially in so far as they are not aimed at bringing the system to a higher level, please include the following elements:

- the nature of the changes (field of application, conditions for granting allowances, amounts of allowance, lengths, etc.);
- the reasons given for the changes, the framework of social and economic policy they come within and their adequacy in the situation which gave rise to them;

- the extent of the changes introduced (categories and numbers of people concerned, levels of allowances before and after alteration);
- the existence of measures for those who find themselves in a situation of need as a result of the changes made (this information can be submitted under Article 13);
- the results obtained by such changes.

ARTICLE 12 PARA. 4

"With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

to take steps, by the conclusion of appropriate bilateral and multilateral agreements, or by other means, and subject to the conditions laid down in such agreements, in order to ensure:

- a. equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;*
- b. the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties."*

[The Appendix to the Charter states that the words: "... and subject to the conditions laid down in such agreements ..." in the introduction to this paragraph are taken to imply *inter alia* that with regard to benefits which are available independently of any insurance contribution a Contracting Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Contracting Parties.]

Question A

Please give the list of bilateral and multilateral agreements as provided for in this provision and indicate how they allow, for the various social security benefits, the implementation of the principles provided for in sub-paragraphs a) and b).

Question B

Please indicate whether, in the absence of any bilateral or multilateral agreements, the nationals of other Contracting Parties concerned are granted the implementation of the principles provided for in sub-paragraphs a) and b) for the various social security benefits.

Question C

Please indicate the length of the prescribed period of residence before nationals of the other Contracting Parties become eligible for benefits which are available independently of any contribution.

ARTICLE 13: THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

ARTICLE 13 PARA. 1

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;"

Question A

Please describe the general organisation of the current public social and medical assistance schemes.

Question B

Please provide detailed information on the different types of social and medical assistance, specifying for each one:

- its form (benefits in cash and/or in kind);
- the categories of persons covered and the number of persons who were in receipt of assistance during the reference period;
- the conditions for the granting of assistance, the criteria used to assess need, the procedure for determining whether a person is without adequate resources, and the body which decides when assistance is to be granted;
- as far as possible, information demonstrating the adequacy of the assistance with respect to the cost of living.

Question C

Please indicate the means by which the right to assistance is secured, indicating whether individuals may uphold their right before an independent body.

Question D

Please give the amount of public funds (central government or local authorities) allocated to social and medical assistance as well as the percentage of GDP this represents, and, if possible, give an estimation of the amount of private funds devoted to assistance.

ARTICLE 13 PARA. 2

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;"

Please indicate briefly how this Article is implemented and what measures are used to ensure in particular, the absence of any direct or indirect diminution of political or social rights.

ARTICLE 13 PARA. 3

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;"

Please describe the main services covered by this provision, especially the manner in which they are organised and operate, including their geographic distribution.

Please give as far as possible information about:

- the staff responsible for providing advice and personal help, as well as an indication of their qualifications and duties;
- measures aimed to ensure an adequate response to the needs of individuals and families.

ARTICLE 13 PARA. 4

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to apply the provisions referred to in paragraphs 1, 2 and 3 of this Article on an equal footing with their nationals to nationals of other Contracting Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11th December 1953."

[The Appendix to the Charter stipulates that Governments not parties to the European Convention on Social and Medical Assistance may ratify the Social Charter in respect of this paragraph provided that they grant to national of other Contracting parties a treatment which is in conformity with the provisions of the said Convention.]

Please indicate the guarantees which ensure conformity with this provision. Please describe more specifically the provisions which ensure that any repatriation of nationals of other Contracting Parties who are legally within the territory on the sole ground that they are in need of assistance is carried out according to the conditions laid down in Article 6 to 10 of the European Convention on Social and Medical Assistance 1953.

ARTICLE 14: THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

ARTICLE 14 PARA. 1

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;"

Question A

Please describe the measures taken to apply this provision and list the principal social services of the type mentioned, describing their functions and the target groups they serve.

Question B

Please describe the organisation and administration, the financial resources and working methods of these services, their financial and other relations to the organs of social security and the qualifications of the staff employed by these services.

Question C

Please state what measures have been taken to promote these services during the reference period, whether the individuals are entitled by law to their use or whether those administering have a discretion in granting or withholding them. Please indicate also whether there is a right of appeal against decisions to grant or withhold services.

ARTICLE 14 PARA. 2

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services."

Please indicate the measures taken to provide for or to encourage the participation of individuals and charitable organisations and other appropriate organisations in the establishment and maintenance of such services.¹

ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

ARTICLE 15 PARA. 1

"With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;"

Question A

Please indicate the criteria applied to grant disabled status and give an estimation of the total number of persons with disabilities as well as the number of persons with disabilities of working age.

¹ If paragraph 1 of this Article has been accepted it is sufficient to supplement the reply concerning that paragraph here.

Question B

Please describe the measures taken to provide persons with disabilities with education, guidance and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private, and provide information on the following points:

- a. assessment of the skills of persons with disabilities and criteria used to assess the prospects of rehabilitation of persons with disabilities;
- b. organisation of education for persons with disabilities in ordinary schools and/or specialised schools (access, number of persons and establishments);
- c. organisation of vocational guidance for persons with disabilities (access, number of persons with disabilities receiving guidance through mainstream or specialist provision);
- d. organisation of vocational training (access, number of persons with disabilities receiving vocational training through mainstream or specialist provision);
- e. adjustment of the methods of vocational rehabilitation in accordance with the needs of the labour market;
- f. financial assistance available to persons with disabilities undertaking vocational rehabilitation.

Question C

Please specify whether the measures mentioned above are available to all persons with disabilities irrespective of age, the nature and origin of their disability.

Question D

Please specify:

- a. the number and nature of the principal institutions giving general education, guidance and vocational training and the number of places available;
- b. the number of persons undergoing such training;
- c. the number of staff, their qualifications and the measures taken to ensure their expertise;
- d. the organisation of co-operation between general and specialised services.

ARTICLE 15 PARA. 2

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”

Question A

Please describe the measures taken to promote the employment of persons with disabilities in an ordinary working environment and in particular the measures concerning the placing of persons with disabilities; incentives for employers to hire persons with disabilities and, where appropriate, measures obliging employers to adjust working conditions. Please provide information on employment obligation for persons with disabilities.

Please specify the measures to ensure the retention of persons with disabilities in employment (duty of occupational redeployment for persons who become disabled following an accident at work or an occupational disease, ban on dismissal of workers because of their disability, obligation for employers to adjust working conditions, provision of support for persons with disabilities to start their own business, etc.).

Question B

Please indicate the number (or an approximation) of persons with disabilities who during the reference period found paid employment (whether in specialised institutions or not; in the public or private sector).

Question C

Please provide information on sheltered employment structures (type, capacity, pay rates for persons with disabilities working there). Please indicate the opportunities which exist to transfer from sheltered employment to open employment.

ARTICLE 15 PARA. 3

“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”

Question A

Please indicate how national policy promotes the independence, the full integration and participation in the life of the community of persons with disabilities. Please describe in particular how this applies to children with disabilities.

Question B

Please describe:

- a. the measures taken to overcome barriers to communication and mobility;
- b. the measures taken to enable access to transport, housing, cultural activities and leisure for persons with disabilities.

Question C

Please indicate how organisations representing or assisting persons with disabilities are consulted or involved in the formulation and implementation of the social integration policies for persons with disabilities.

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

Question A

Please mention if the legislation in your country provides specifically for the legal protection of the family, bearing in particular on equality in law between spouses, on family relationships and on marital conflict, and also any special measures to facilitate solutions other than divorce to such conflicts.

Please describe the marital property regimes existing in your country.

Question B

Please describe the economic measures taken on behalf of the welfare of the family¹:

- a. by the award of benefits in cash² (eg. family allowances) which permanently ensure financial compensation, at least in part, for family burdens, indicating the manner and the levels in which such benefits are given (with relevant figures) as well as the number of persons concerned (percentage of the population);
- b. by the award of occasional benefits in cash or in kind other than social and medical assistance benefits, intended to give material assistance to families in certain specific circumstances (e.g. marriage, setting up or tenancy of housing appropriate to the size of the family group) giving, wherever possible, statistical information;
- c. by alleviating certain expenses (eg. tax relief for family and children, special transport rates for families). In so far as tax relief is concerned, please specify whether tax concessions vary according to the number of children; and if so, how and to what extent;
- d. by assistance to the newly married;
- e. by providing the necessary financial assistance to women who are not covered by a social security system for a reasonable period before and after confinement, as well as medical care or other adequate care during childbirth³.

¹ This question also covers the situation of single-parent families.

² If your country has accepted Article 12 para. 4 it is not necessary to describe the measures taken to ensure equal treatment in respect of allocation of family benefits forming part of social security. If your country has accepted Article 31 para. 3, it is unnecessary to describe measures concerning housing benefits.

³ This question has been taken from the 1981 Form for reports under Article 17 of the Charter.

Question C

Please indicate whether in your country there exists social and/or cultural services of particular interest to the family, such as advice to families (either to the whole family or to its members, eg. to mothers, pregnant women, children of various ages), home-help services, family holiday homes, etc.

Please indicate the childminding services available to families, in particular crèches, nurseries and after-school and holiday schemes for children.

Please give a general description of the organisation and facilities of these services. In your answer please distinguish between public and private services and between services available free or against payment. Please give relevant statistical data.

Question D

Please indicate whether legislation or other provisions in your country provide for protection of victims of violence or sexual abuse within the household.

Please indicate whether there are regulations and measures to prevent the risk of ill-treatment and to support and rehabilitate the victims.

Question E

Please indicate if the legislation in your country provides for family representation on advisory or administrative bodies with a view to defending family interests.

Question F

Please indicate what measures have been taken to promote the construction of family housing, and supply full statistics of the work accomplished.

Question G

Please indicate the measures taken in the field of family planning information.

Question H

If your country publishes official statistics concerning the composition of the family and its economic and social position, please provide a summary of the latest available statistics. In so far as the socio-economic position is concerned, describe the manner in which socio-economic categories are classified in your country.

ARTICLE 17: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

ARTICLE 17 PARA. 1

“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;*
- b. to protect children and young persons against negligence, violence or exploitation;*
- c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family’s support;”*

Question A

Please state whether your legislation makes provision for:

- a. procedure for the establishment of the paternity or maternity of children born out of wedlock. If appropriate, state the reasons why some categories of children cannot benefit from these procedures and describe any special measures taken on behalf of these categories;
- b. liability for the maintenance of children born out of wedlock, and whether the rules applicable differ from those for children born within marriage;
- c. special arrangements for the guardianship and custody of children born out of wedlock;
- d. the legitimisation of children born out of wedlock;
- e. special rules for the inheritance right of children born out of wedlock.

Question B

Please describe the measures in force with regard to adoption. How close does the status of the adopted child come to that of the biological child ?

Question C

Please indicate how the legal representation of children is ensured, notably in case of conflict with or between the parents or the persons in charge of the child. Are children entitled to be heard and have their views taken into account during legal proceedings? If so, from what age and on which issues?

Question D

Please indicate if your legislation provides for special institutions or special courts (possibly child tribunals or special procedures) to deal with young offenders.

Please indicate what is the age of criminal responsibility, at which sanctions can be applied; the penalties available and the conditions under which they are carried out, notably for penalties involving restrictions on liberty. Please also indicate the measures of protection, education and treatment and the care provided as a means of prevention or as an alternative to detention, as well as the measures to minimise the risk for vulnerable young people.

Question E¹

- a. Please indicate the preventive measures taken to protect the health of children and young persons.
- b. Please describe primary and specialised health services available to children and young persons, including psychiatric care.

Question F

- a. Please describe the provision of child day-care services, especially in terms of capacity, staffing, funding and accessibility.
- b. Please indicate whether any socio-medical services are provided through schools and day-care services, and measures ensuring adequate nutrition of children and young persons.

¹ It is not necessary to answer this question if the information has been provided under Article 11.

Question G

Please indicate compensatory measures (educational, social assistance, leisure, etc.) taken to protect children and young persons with special needs, including those with disabilities. Please also indicate whether your country provides early intervention to facilitate these persons integration into society on reaching adulthood.

Question H

Please indicate the age limit for individual entitlement of young persons to social security or social assistance benefits. Please state whether any exceptions are made, for example, in relation to children in institutions.

Question I¹

Please indicate the measures taken in legislation and in practice to protect children and young persons against physical and moral dangers, ill-treatment, corporal punishment, negligence, exploitation, violence and sexual abuse. Please indicate whether psycho-social services or other services (shelters, telephone hotlines) exist for children victims of such treatment.

Question J

- a. Please indicate the support, including financial support, offered to foster families. Please state the number of children and young persons living in foster families in your country.
- b. Please indicate the number of places and children in residential care, as well as the living conditions in these establishments (nutrition, health services, recreational facilities, privacy and communication with family and friends);
- c. Please describe the arrangements made for inspection of standards in residential care.
- d. Please indicate the criteria according to which parental rights and duties may be abrogated, and to which children may be separated from their families and placed in the care of third parties. Please indicate how the right of both children and parents to express their opinions in such circumstances is secured.

Question K

Please indicate the role of private organisations in providing care and assistance to children and young persons, and the legal framework governing their activities, in particular with respect to state inspection.

¹ If your country has accepted Article 7 para. 10, it is not necessary to repeat the information given thereon here.

Question L

Please provide information on the level of public expenditure, as well as the number and qualifications of staff in this field.

ARTICLE 17 PARA. 2

“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools”.

Question A

Please indicate whether free primary and secondary education is universally available in your country. Please indicate the extent to which mainstream education is open to children and young persons with disabilities.

Question B

Please indicate as far as possible the extent of truancy in primary and secondary schools.

Please indicate what measures are taken to encourage regular attendance and what sanctions exist for truancy.

Question C

Please indicate any measures or initiatives to encourage regular attendance in favour of children and young persons from minority groups (eg. ethnic or linguistic minorities) and vulnerable groups (eg. those with disabilities, those suffering from dyslexia, those in long-term care, those from disadvantaged backgrounds).

Question D

Please indicate what proportion of children and young persons complete the secondary education cycle successfully and the existing possibilities for those for whom it is not the case.

ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

ARTICLE 18 PARA. 1

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to apply existing regulations in a spirit of liberality;"

Question A

How is this paragraph observed in your country, both with regard to wage-earners and with regard to others?

Question B

Please indicate the number of permits granted compared with the number of applications made.

Question C

Please state whether your country applies restrictions to the right to engage in a gainful occupation by nationals of other states and if so, please mention the grounds.

ARTICLE 18 PARA. 2

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;"

Question A

Please describe the formalities which must be observed by nationals of the other Contracting Parties and the members of their families or by their employers, with regard to their residence in the country and the exercise of an occupation, whether they are seeking paid employment or wish to engage as self-employed, distinguishing between wage-earners or salaried employees, self-employed traders or craftsmen, heads of agricultural or non-agricultural concerns, various professions.

Please state what derogations have been made to the rules normally applicable and with regard to what categories of persons.

Question B

Please indicate what chancery dues or other charges are payable by foreign workers or their employers.

Question C

Please indicate the steps taken to simplify the formalities described in Question A and to reduce the charges referred to in Question B.

ARTICLE 18 PARA. 3

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to liberalise, individually or collectively, regulations governing the employment of foreign workers;"

Question A

Please specify whether, and if so under which conditions, a foreign worker may:

- a. change his place of occupation;
- b. change his occupation;
- c. claim the renewal of the permit.

Question B

Please describe the situation of the holder of a work permit if he loses or gives up his job while the permit is still valid.

Question C

Please indicate the other steps taken to apply this provision of the Charter.

ARTICLE 18 PARA. 4

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties."

Please indicate whether there are any restrictions or special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.

ARTICLE 19: THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

ARTICLE 19 PARA. 1

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;"

Question A

Please indicate how the free services to assist migrant workers are organised and operated.

Question B

Please indicate whether national laws and regulations provide for action to combat misleading propaganda relating to emigration and immigrating, and mention any measures that it has been judged suitable to take.

Question C

Please indicate whether information is available for migrant workers in their own language.

ARTICLE 19 PARA. 2

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;"

Question A

Please give details of measures to facilitate the departure, travel and reception of migrant workers and of administrative formalities on departure and arrival.

Question B

Please indicate how the medical and health services referred to in this paragraph are organised and function.

ARTICLE 19 PARA. 3

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;"

Please describe the measures taken to ensure collaboration between the services mentioned of immigration and emigration countries, distinguishing between the social services of the countries of origin or destination of migrant workers which are Contracting Parties.

ARTICLE 19 PARA. 4

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

- a. *remuneration and other employment and working conditions;*
- b. *membership of trade unions and enjoyment of the benefits of collective bargaining;*

c. *accommodation;"*

Question A

Please indicate how the laws, regulations and administrative measures enacted in your country ensure in practice that migrant workers receive no less favourable treatment than your own nationals with regard to the advantages mentioned in this paragraph.

Question B

Please indicate in particular how discrimination is avoided between foreigners and nationals in access to housing.

ARTICLE 19 PARA. 5

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;"

Please describe how the requirements of this paragraph are observed in your country.

ARTICLE 19 PARA. 6

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;"

[The Appendix to the revised Charter stipulates that for the purpose of applying this provision, the term "family of a foreign worker" is understood to mean at least the worker's spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.]

Question A

Please indicate how the reunion of migrant workers' families is facilitated, particularly by measures taken in regard to accommodation.

Question B

Please indicate which members of the family are taken into account when considering family reunion.

Please indicate the age limit for admission into the territory for the purpose of family reunion of children of migrant workers.

Question C

Please indicate whether it is possible to refuse permission to enter the country in which a migrant worker is already established to a member of his family by reason of that member's physical or mental health.

ARTICLE 19 PARA. 7

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this Article;"

Please indicate whether the forms of legal assistance available to indigent nationals (exemption from costs or their payment or part-payment from public funds) are also available to migrant workers and their families.

ARTICLE 19 PARA. 8

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;"

Question A

Please indicate the regulations applicable to the expulsion of migrant workers specifying in particular the grounds for expulsion and the procedures observed.

Question B

Please specify what possibilities of appeal are available against such expulsion orders.

ARTICLE 19 PARA. 9

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;."

Please indicate the limits within which migrant workers may transfer their earnings and savings.

ARTICLE 19 PARA. 10

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to extend the protection and assistance provided for in this Article to self-employed migrants insofar as such measures apply;"

Please indicate the extent to which the relevant provisions of paragraphs 1 to 9 of Article 19 apply to self-employed migrant workers.

Please specify in particular whether the protective measures and the assistance provided for by these provisions are applied on the same conditions as for employees and whether they guarantee equal treatment with nationals exercising the same occupation.

ARTICLE 19 PARA. 11

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to promote and facilitate, the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;"

Please indicate the measures taken to promote and facilitate the teaching of the national language (or languages) of the receiving state to the migrant worker and his/her family, in particular:

- a. the number and nature of the principal institutions especially in terms of capacity, staffing, funding and accessibility;
- b. the number of persons undergoing such teaching.

ARTICLE 19 PARA. 12

"With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker."

Please indicate the measures taken to promote and facilitate the teaching of migrant workers' mother tongues to their children, in particular:

- a. the number and nature of the principal institutions, especially in terms of capacity, staffing, funding and accessibility;
- b. the number of children undergoing such teaching.

ARTICLE 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

"With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;

d. *career development, including promotion*".

Question A

Please state how the rights contained in this provision have been protected in legislation. This information should be specified according to the areas listed in paragraph 1 of Article 20.

Question B

Please indicate whether legislation provides a right for a worker to take legal action before a court or other competent authority in order to ensure the effective implementation and exercise of his rights under this provision. The information shall cover the four areas specified in the provision.

Question C

Please state whether clauses in collective agreements and employment contracts that contravene the principles of non-discrimination may be declared null and void and according to which procedure.

Question D

Please describe which safeguards legislation provides against gender discrimination and against retaliatory measures undertaken by the employer. Please state how it provides for the rectification of the situation (reinstatement in cases of dismissal, financial compensation, etc.). Please indicate also whether there are other sanctions against an employer who is guilty of such discrimination.

Question E

Please describe who has the burden of proof in cases of alleged gender discrimination in your country and whether this issue is regulated in legislation or case law. If the latter is the case, please enclose some decisions based on this case law.

Question F

Please describe the specific measures to prevent discrimination against women in matters of employment and occupation, particularly in cases of pregnancy, confinement and during the post-natal period.

Question G

Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, specifying whether this is due to the nature of the activity or the conditions in which it is carried out.

Question H

Please indicate whether measures of positive action in favour of one gender aimed at removing *de facto* inequalities are allowed under the legislation and, if so, whether such measures were taken during the reference period.

Question I

Please provide information on the situation in practice covering the four areas specified in the provision, ie. on:

- a. the employment situation of both sexes (ie. the number of men and women who are in employment, unemployed, working part-time or on fixed-term contracts or other forms of temporary contracts);
- b. access to and participation in vocational guidance, training, retraining and rehabilitation and the extent to which women train for jobs which have traditionally been occupied by men and *vice versa*;
- c. differences in terms of employment and working conditions, including remuneration (with an indication of the differences between full-time workers on permanent contracts and part-time workers or workers on fixed-term contracts or other forms of temporary contracts);
- d. differences in career advancement between the sexes in the various sectors of the economy.

Question J

Please indicate what active policies carried out by your authorities to achieve equal opportunities and equal treatment in employment and what practical measures have been taken to implement these policies.

Question K

Please indicate if social security matters as well as provisions concerning unemployment benefit, old age benefit and survivor's benefit are considered to be within the scope of this provision.

ARTICLE 21: THE RIGHT TO INFORMATION AND CONSULTATION

“With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and*
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.”*

Question A

Please describe the rules and/or the mechanisms whereby the right of workers to information and consultation within the undertaking either directly or through their representatives is guaranteed, for example through legislation, collective agreements or other means.

Please indicate by whom and on what basis the workers’ representatives are designated.

Question B

Please indicate the nature of the information to be supplied on the economic and financial situation of the undertaking, and its frequency. Please indicate the nature and substance of the consultation on decisions which might affect workers’ interests, as well the timing. If the rules are determined by collective agreement, please provide information concerning the main agreements.

Question C

Please indicate any exceptions applying to the obligation to supply information, whether they concern a right to refuse to give certain information or confidentiality rules referred to in Article 21 para. a.

Question D¹

If some workers are not covered by provisions of this type either by legislation, collective agreements or other measures, please indicate the percentage of workers not so covered.

Question E²

Please indicate whether certain undertakings are excluded from the obligation of information and consultation on the grounds that they employ less than a certain number of workers. If so, please state the specified number of workers below which undertakings are not required to comply with this provision.

Question F

Please indicate whether there are certain undertakings, such as religious undertakings or other undertakings within the meaning of paragraph 4 of the appendix to Article 21, excluded from the rights guaranteed in this provision. If so please provide details on this subject.

Question G

Please describe the legal remedies available to workers or their representatives who consider that their rights under this provision have not been respected, and please indicate the applicable sanctions.

ARTICLE 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

“With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;*
- b. to the protection of health and safety within the undertaking;*
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;*

¹ See Article I and the appendix thereto.

² See paragraph 6 of the appendix to Article 21.

d. *to the supervision of the observance of regulations on these matters.”*

Question A

Please describe the rules and/or the mechanisms whereby the right of workers to information and consultation within the undertaking either directly or through their representatives is guaranteed, for example through legislation, collective agreements or other means.

Please indicate by whom and on what basis the workers’ representatives are designated.

Question B

Please state whether workers’ participation concerns all of the areas covered by Article 22:

- the determination and improvement of the working conditions, work organisation and working environment;
- the protection of health and safety within the undertaking;
- the organisation of social and socio-cultural services within the undertaking;
- the supervision of the observance of regulations on these matters.

Question C¹

If some workers are not covered by provisions of this type either by legislation, collective agreements or other measures, please indicate the proportion of workers not so covered.

Question D²

Please indicate whether certain undertakings are excluded from the obligations contained in Article 22 on the grounds that they employ less than a certain number of workers. If so, please state the specified number of workers below which undertakings are not required to comply with these provisions.

Question E

Please indicate whether there are certain undertakings, such as religious undertakings or other undertakings within the meaning of para. 4 of the appendix to Article 22, excluded from the rights guaranteed in this provision. If so please provide details on this subject.

¹ See Article I and the appendix thereto.

² See paragraph 6 of the appendix to Article 22.

Question F

Please describe the legal remedies available to workers or their representatives who consider that their rights under this provision have not been respected. Please indicate the applicable sanctions.

ARTICLE 23: THE RIGHT OF ELDERLY PERSONS TO SOCIAL PROTECTION

“With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- *to enable elderly persons to remain full members of society for as long as possible, by means of:*
 - a. *adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;*
 - b. *provision of information about services and facilities available for elderly persons and their opportunities to make use of them;*
- *to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surrounding for as long as they wish and are able, by means of:*
 - a. *provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;*
 - b. *the health care and the services necessitated by their state;*
- *to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.”*

Question A

Please describe the measures of social protection and the social services in your country to enable elderly persons to remain full members of society as long as possible.

Question B

Please indicate the measures taken to ensure that elderly persons have adequate monetary and non-monetary resources within the meaning of this provision.

Question C

Please provide information on total public expenditure during the reference period on social protection and social services for the elderly.

Question D

Please indicate by which ways information about the services and facilities available for elderly persons are provided to the persons concerned.

Question E

Please describe the measures taken to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, in particular by means of:

- a. provision of housing suited to their needs and their state of health or adequate support for adapting their housing;
- b. the health care and any other services in the home necessitated by their state.

Question F

If private services exist, please describe the forms of co-operation between public and private services in the are covered by this provision.

Question G

Please provide information on the number of elderly living in institutions, public or private, giving as far as possible the number of institutions and their staff and on the availability of places in relation to the number of applications. Please also indicate what form of assistance is granted to elderly persons living in institutions (eg. covering the costs of their stay).

Question H

Please provide information on any regulations applicable to institutions for the elderly, public or private, including procedures observed when institutionalising elderly persons.

Please indicate how control of these institutions is carried out.

Question I

Please indicate the measures taken to guarantee respect for the privacy of elderly persons in institutions and their participation in decisions concerning living conditions in such institutions.

ARTICLE 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT

“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;*
- b. the right of workers whose employment is terminated without valid reason to adequate compensation or other appropriate relief.*

To this end, the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.”

Question A

Please state the valid grounds for termination of employment provided by national legislation and whether national legislation prohibits certain cases of termination of employment¹.

Please specify whether these grounds appear in legislation or regulations or whether they are derived from court decisions or other sources and provide examples of case law on this point.

Please state whether termination of employment is notified in writing, and if so, whether the employer is required to state the reasons for dismissal in the notification.

Please state what are the workers' rights in cases of unilateral amendments by the employer to the substantive conditions of the employment contract.

¹ See paras. 1 and 3 of the Appendix to Article 24.

Question B

Please state whether workers who consider that they have been dismissed without valid reason have a right of appeal to a tribunal or an impartial authority.

Please indicate the time-limit which workers must observe to exercise this right of appeal.

Please state where the burden of proof lies.

Question C

If the court or tribunal to which the appeal lies considers that the termination of employment is unjustified, please indicate whether the worker is entitled to adequate damages (and describe how the level of damages is determined) or to any other form of compensation (and indicate what such compensation consists of).

Inasmuch as the remedy for unfair or unlawful termination of employment is monetary, please indicate:

- a. whether this applies to all enterprises, regardless of their size;
- b. whether there is a minimum level of damages;
- c. whether the choice of damages (instead of reinstatement) is left to the worker, the employer or the court.

Question D

Please list the categories of workers excluded from this protection and indicate how they are in conformity with item 2 of the Appendix to Article 24.

If workers who are employed under a fixed-term contract are excluded (item 2 of the Appendix to Article 24) from this protection, please provide a definition of a fixed-term contract.

If there is a trial period of employment for this protection, please indicate its length.

ARTICLE 25: THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

“With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers’ claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.”

Question A

Please indicate whether workers’ claims in the event of the insolvency of their employer, are secured by means of a guarantee institution, a privilege, a combination thereof or by other means.

Question B

Please state how the term “insolvency” has been defined and to which situations it has been applied.

Question C¹

Please indicate which claims are protected in case of the insolvency of the employer.

Question D

Please indicate whether there are any categories of workers not covered by the protection offered in this field by reason of the special nature of their employment relationship.

Question E

Please indicate whether workers’ claims are limited to a prescribed amount. If so, state what the amount is and how it is determined.

ARTICLE 26: THE RIGHT TO DIGNITY AT WORK

Please indicate how organisations of employers and workers are consulted by the authorities on the measures required to implement each of the paragraphs of Article 26 (procedure and level of consultation, content, and frequency of consultation).

¹ See paragraph 3 of the appendix to Article 25.

ARTICLE 26 PARA. 1

“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations:

to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;”

Question A

Please indicate which forms of behaviour are considered as sexual harassment.

Question B

Please indicate what awareness-raising, information and preventive activities to counter sexual harassment at work or in relation to work are carried out (eg. description, target groups, expenditure, etc.).

Please indicate the role of the employer in preventing and combating sexual harassment. Please provide details with regard to training schemes, publications and infrastructures that exist and that employers put into place in order to effectively combat sexually harassing behaviour.

Please indicate any specialised infrastructures to receive and deal with complaints against such behaviour (eg. ombudsman, counselling, etc.).

Question C

Please describe any protective measures undertaken to prevent sexual harassment in the workplace and indicate whether any sanctions are provided by law against such behaviour (in particular financial and other compensation).

Please give details on the relevant court procedures, indicating where the burden of proof lies.

Please indicate the employers’ liabilities in case of recorded sexual harassment at the workplace.

Question D

Please indicate if reinstatement is provided in cases of dismissal or voluntary resignation as a result of sexual harassment at work or in relation to work and in cases where reinstatement is not possible, please indicate the amount of the damages awarded. Please specify the measures provided to combat any form of retaliation following a sexual harassment claim.

ARTICLE 26 PARA. 2

“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations:

to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct”.

Question A

Please indicate which forms of behaviour are considered as reprehensible or distinctly negative and offensive actions directed against individual workers.

Question B

Please indicate any prejudicial actions against workers’ dignity other than sexual harassment, which are recognised and combated through different measures such as legislation, regulations, collective agreements, etc.

Question C

Please answer the questions B to D of paragraph 1 with respect to reprehensible or distinctly negative and offensive actions directed against workers other than sexual harassment.

**ARTICLE 27: THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO
EQUAL OPPORTUNITIES AND EQUAL TREATMENT**

ARTICLE 27 PARA. 1¹:

“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

to take appropriate measures:

- a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;*
- b. to take account of their needs in terms of conditions of employment and social security;*
- c. to develop or promote services, public or private in particular child daycare services and other childcare arrangements;”*

Question A

Please describe the measures taken to implement this provision, in particular the measures taken in the field of vocational guidance and training, including retraining.

Question B

Please describe the measures taken to implement this provision, especially measures concerning the length and organisation of working time.

Please indicate the measures taken to allow workers with family responsibilities who so wish to work part-time and to allow them to return to full-time employment. Where appropriate, please describe the rules applying to these different forms of work, their supervision and the applicable social protection (please specify in particular qualifying conditions for social security, the benefits which these workers may claim, etc.).

¹ See appendix to Article 27.

Question C

Please indicate the services (public or private, in particular child daycare services and other childcare arrangements) available to workers with family responsibilities, stating their nature and capacity.

Please indicate how the quality of these services is assured (approval procedure, supervisory system, staff training, etc.) as well as access (cost and geographical location across the national territory).

Please indicate the measures taken to promote access to these services for low-income families.

ARTICLE 27 PARA. 2

“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;”

Please indicate the statutory provisions or other provisions that ensure parental leave. Where collective agreements are concerned, please indicate the sectors in which such leave is provided. Please indicate the length of this leave and the practical conditions governing it (eligibility, apportionment, payment).

Please provide information on the extent to which men and women take parental leave. Please indicate if the two parents may take parental leave at the same time.

ARTICLE 27 PARA. 3

“With a view to ensuring the exercise of the right to equal opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment”.

Please indicate the statutory provisions that ensure the application of this provision and provide any relevant decisions delivered by the competent national courts.

Please specify the guarantees provided for a person dismissed because of their family responsibilities.

ARTICLE 28: THE RIGHT OF WORKERS' REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE ACCORDED TO THEM

“With a view to ensuring the effective exercise of the right of workers’ representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers’ representatives within the undertaking;*
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned”.*

Question A

Please indicate all forms of worker representation in the undertaking provided in law, with details on any variations which may apply by economic sector or size of undertaking and indicate how workers’ representatives are designated.

Question B

Please indicate how effective protection is ensured to workers’ representatives in the undertaking against any act prejudicial to them on the grounds of their status or activities as workers’ representatives in the undertaking (general or specific legal provisions, etc.).

Question C

Please describe the legal remedies available to workers’ representatives who consider they have suffered acts prejudicial to them on the grounds of their status or activities as workers’ representatives. In these cases please indicate where the burden of proof lies.

Question D

Please indicate the facilities provided for in law, in collective agreements or in practice for workers' representatives to enable them to carry out their functions promptly and efficiently. Please describe any additional provision made in collective agreements, and provide representative examples. Please indicate also any restrictions or exemptions permitted in law or commonly accepted in collective agreements.

ARTICLE 29: THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES

"With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned."

Question A

Please state whether, and if so, how collective redundancy is defined in national law.

Question B

Please describe the procedures pertaining to information and consultation of workers' representatives and indicate in particular:

- a. whether information and consultation should take place prior to collective redundancies and, if so, whether this requirement is respected in practice;
- b. the types of workers' representatives (elected representatives and/or union representatives) informed and consulted, specifying what is the situation in enterprises where the number of employees does not attain the minimum requiring the establishment of a representative body of workers;
- c. the various stages of the information and consultation procedures;
- d. how consultation contributes to avoiding or reducing collective redundancies or to mitigating their consequences specifying in particular whether it must result in an agreement and what are the obligations of the employer with a view to enabling workers' representatives to put forward proposals.

Question C

Please indicate what are the sanctions provided for in cases where information and consultation procedures are not complied with. Please also indicate the means of appeal available to workers' representatives in case of default by the employer as well as the possibilities of intervention by the public authorities.

Please indicate the courses of action open to workers on an individual basis in cases of breach of the rules relating to collective dismissals, as well as the consequences of such a breach in their regard.

ARTICLE 30: THE RIGHT TO PROTECTION AGAINST POVERTY AND SOCIAL EXCLUSION

"With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;*
- b. to review these measures with a view to their adaptation if necessary."*

Question A

If there is an official poverty line please describe its main methodological features. If not, please indicate the methodology followed or criteria used to measure poverty.

Please indicate the methodology followed or criteria used to measure social exclusion.

Please provide information taken from studies or enquiries concerning the nature and extent of poverty and social exclusion showing the number of persons and/or households who are socially excluded or live in poverty (if possible broken down according to sex, age, family characteristics, regional situations, etc.).

Question B

Please describe the global and co-ordinated approach taken to prevent and combat poverty and social exclusion, indicating:

- a. the measures implemented in particular to promote the employment of persons who are, or who risk being in a situation of poverty or social exclusion;¹
- b. the methodology and level of funding devoted to this policy;
- c. the number of beneficiaries and the results obtained.

Question C

Please provide information on whether and how poverty and social exclusion measures are monitored and evaluated with a view to their adaptation if necessary.

Question D

Please indicate whether and how the social partners and the relevant non-governmental organisations participate in the formulation, implementation, evaluation and adaptation of measures to combat poverty and social exclusion.

ARTICLE 31: THE RIGHT TO HOUSING

ARTICLE 31 PARA.1

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

to promote access to housing of an adequate standard;”

Question A

Please indicate whether there is a right to adequate housing. If so, please indicate the legal basis, supply the relevant texts and describe any significant case law.

Question B

Please indicate the measures taken to promote access to adequate housing especially for:

- a. families, particularly single-parent families and large families;

¹ The reply may contain references to information submitted under other provisions of the revised Social Charter.

- b. vulnerable groups such as persons with disabilities and elderly persons;
- c. homeless persons;
- d. migrants.

Question C

Please indicate whether there is a nationality condition, or a length of residence requirement, imposed on beneficiaries of state schemes in this field. Please indicate whether nationals from other Parties are subject to any additional conditions of eligibility.

Question D

Please indicate the level of state funding in this area, the various forms of housing aid, the number of applicants and the number of beneficiaries.

Question E

Please describe the obligatory standards that apply in relation to housing quality.

Please provide information on the extent to which sub-standard dwellings exist. Please indicate what measures are taken to improve housing standards, especially in public-owned housing stock.

Please describe the means by which compliance with housing standards is ensured in practice.

ARTICLE 31 PARA. 2

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

to prevent and reduce homelessness with a view to its gradual elimination;”

Question A

Please provide where possible information on the number of homeless persons, indicating where possible the number of children and young persons, elderly persons, persons with disabilities, and nationals of other Parties.

Question B

Please indicate what measures are taken to prevent homelessness. Please indicate the total expenditure reserved for this purpose.

Please describe existing legal protection in cases of eviction for non-payment of rent and repossession.

Question C¹

Please indicate what measures are taken to reduce homelessness, with particular emphasis on long-term solutions to this problem.

Please indicate whether there is a right to adequate housing. If so, please indicate the legal basis, supply the relevant texts and describe any significant case law.

Please indicate the role of voluntary organisations in this field.

ARTICLE 31 PARA. 3

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

to make the price of housing accessible to those without adequate resources.”

Question A

Please describe the measures taken in your country to make the price of housing accessible to those without adequate resources (housing benefit, reduced-rate loans, tenancy buy-out options, etc.). Please indicate the amounts of public funds reserved for this purpose.

Question B

Please indicate the criteria applied to identify persons without adequate resources.

Please indicate whether, where a person meets the criteria, they are entitled to assistance in accessing housing as of right. Please indicate whether they may challenge an unfavourable decision before the courts on both procedural and substantive grounds.

Please indicate the number of persons who apply for such assistance and the number who benefit.

¹ Reference may be made to information supplied under Article 31 para. 1.

Question C

Please indicate whether there is preferential treatment for any group such as homeless persons, large families, persons with disabilities, elderly persons, single parents, and migrant workers.¹

Question D

Please indicate whether nationals of other Parties are subject to any additional conditions.

Question E

Please indicate annual trends in housing prices (sale and rental), including significant regional variations where appropriate.

¹ Reference may be made to information supplied under Article 31 para. 1.