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Committee of Ministers

Strasbourg, 31 March 2008

***FORM***

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

***adopted by the Committee of Ministers on 26 March 2008***

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## I. INTRODUCTION

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

- 1) the legal framework – any laws or regulations, collective agreements or other provisions that contribute to such application; as well as where relevant pertinent national case-law – relevant decisions by courts and other judicial bodies;
- 2) measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework;
- 3) pertinent figures, statistics or any other relevant information enabling an evaluation of the extent to which these provisions are applied.

In order to clarify the issues covered by the provision, the indications resulting from the interpretation of the relevant article by the European Committee of Social Rights, as summarised in the Digest of Case-law (latest version available on [www.coe.int/T/E/Human\\_Rights/Esc/](http://www.coe.int/T/E/Human_Rights/Esc/)) should be taken into account, as appropriate.

When referring to the interpretation of the European Committee of Social Rights, the decisions of the Governmental Committee based on social, economic and other policy considerations should be taken into account, as appropriate.

States party' reports should be accompanied by the principal laws and regulations on which the application of the accepted provisions of the Charter is based. These may be sent in hard copy or electronically and in their original language. However, a translation into 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;
- b. whether they are valid for the national territory in its entirety;
- c. whether they apply to all categories of persons included in the scope of the provision.

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 and ensuring that the administrative effort required to collect data is in proportion with the desired acquisition of information. In order to guarantee an overall coherent assessment, the European Committee of Social Rights makes reference to Eurostat figures every time a common indicator is applied to all Parties (e.g. median equivalised income, at-risk-of-poverty threshold value, etc). Eurostat statistics concerning employment, education and the like are also referred to for comparison with national figures or for replacing the latter when missing.

Please note that the first State report following the entry into force of the Charter in respect of the State concerned should contain detailed information on all relevant aspects of the provision, whereas for subsequent reports it will suffice to up-date the information on the legal framework given in previous reports. However, each report should contain appropriate explanations and/or information relating to developments of the situation in practice during the reference period. In addition, it is recalled that each report, except the first report, shall contain replies to any questions raised by the European Committee of Social Rights in its conclusions, whether questions of a general nature addressed to all States (such questions appear in the "general introduction") or specific questions contained in the conclusions proper in respect of each State for each provision.

Please indicate the national organisations to which copies of the report have been communicated in accordance Article 23 of the Charter.

The report should be submitted by E-mail to [social.charter@coe.int](mailto:social.charter@coe.int) or be appended on a CD-Rom and *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.

## II. PROVISIONS OF THE EUROPEAN SOCIAL CHARTER (revised)

### Article 1 – The right to work

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

1. 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;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

#### Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

### Information to be submitted

#### Article 1§1

- 1) Please describe national employment policy and the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

#### Article 1§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### Article 1§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

**Article 1§4<sup>1</sup>**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* A policy of full employment should be pursued by means of economic measures conducive to creating and preserving jobs and assisting those who become unemployed in finding jobs.

*Paragraph 2:* This paragraph covers three different issues:

1. the prohibition of all forms of discrimination in employment,
2. the prohibition of forced or compulsory labour,
3. the prohibition of any practice that might interfere with workers' right to earn their living in an occupation freely entered upon.

Under Article 1, paragraph 2, legislation should prohibit any discrimination in employment on grounds of sex, race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

The law should make the prohibition of discrimination effective. It must at least provide for:

- the power to set aside, rescind, abrogate or amend any provision contrary to the principle of equal treatment which appears in collective agreements, in employment contracts or in firms' own regulations;
- protection against dismissal or other retaliatory action by the employer against an employee who has lodged a complaint or taken legal action;
- appropriate and effective remedies in the event of an allegation of discrimination; remedies available to victims of discrimination must be adequate, proportionate and dissuasive.

As regards discrimination on grounds of nationality while States party may make foreign nationals' access to employment on their territory subject to possession of a work permit, they cannot ban nationals of States party, in general, from occupying jobs for reasons other than those set out in Article G of the Charter.

Forced or compulsory labour in all its forms must be prohibited. The definition of forced or compulsory labour is based on Article 4 of the European Convention on Human Rights and on ILO Convention 29 on forced labour: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Article 2§1). It also covers the coercion of a worker to carry out work he previously freely agreed to do, but which he subsequently no longer wanted to carry out. It may also under certain circumstances cover prison work.

Several other practices may give rise to issues under Article 1§2 including the length of service to replace military service.

*Paragraph 3:* Free and effective employment services should be guaranteed. Basic placement services such as registration of job-seekers and notification of vacancies must be provided free of charge.

*Paragraph 4:* Vocational guidance, continuing vocational training for all workers should be guaranteed. Persons with disabilities should receive specialised guidance and training<sup>2</sup>.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

<sup>1</sup> The conformity of national situations with this provision is assessed with reference to Articles 9, 10 and 15 of the Charter due to the links between these provisions. Consequently, where a state has accepted Articles 9, 10 and 15 reference may be made to the information provided in respect of these Articles. Where a state has not accepted one or more of the provisions of Articles 9, 10 or 15, the ECSR will assess the conformity of the situation under Article 1§4.

<sup>2</sup> The conformity of national situations with this provision is assessed with reference to Articles 9, 10 and 15 of the Charter due to the links between these provisions. Consequently, where a state has accepted Articles 9, 10 and 15 reference may be made to the information provided in respect of these Articles. Where a state has not accepted one or more of the provisions of Articles 9, 10 or 15, the ECSR will assess the conformity of the situation under Article 1§4.

## Article 2 – All workers have the right to just conditions of work

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

1. 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;
2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. 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;
5. 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;
6. 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;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

### Appendix to Article 2§6

Parties may provide that this provision shall not apply:

- a. to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b. where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that its non-application is justified by objective considerations.

## Information to be submitted

### Article 2§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or factual information, in particular: average working hours in practice for each major professional category; any measures permitting derogations from legislation regarding working time.

### Article 2§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 2§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 2§4**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 2§5**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular: circumstances under which the postponement of the weekly rest period is provided.

**Article 2§6**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 2§7**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular: the hours to which the term 'night work' applies.

***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* Establishment of reasonable limits on daily and weekly working hours through legislation, regulations, collective agreements or any other binding means; weekly working hours should be progressively reduced to the extent permitted by productivity increases; flexibility measures regarding working time must operate within a precise legal framework and a reasonable reference period for averaging working hours must be provided.

*Paragraph 2:* The right to public holidays with pay should be guaranteed; work on public holidays should only be allowed in special cases; work performed on a public holiday should be paid at least at double the usual rate.

*Paragraph 3:* The right to a minimum of four weeks of annual holiday with pay should be guaranteed; annual leave may not be replaced by financial compensation; days lost to illness or injury during annual leave should be allowed to be taken at another time.

*Paragraph 4:* Application of preventive measures to eliminate the risks in inherently dangerous or unhealthy occupations; where it has not yet been possible to eliminate or sufficiently reduce these risks some form of compensation should be ensured to those workers exposed to such risks, namely reduced working hours or additional paid holidays.

*Paragraph 5:* The right to a weekly rest period coinciding, as far as possible, with the day traditionally recognised as a day of rest should be guaranteed; weekly rest periods may not be replaced by compensation and cannot be given up.

*Paragraph 6:* The right of workers to written information upon commencement of their employment should be guaranteed. This information should cover essential aspects of employment relationship.

*Paragraph 7:* Compensatory measures should be guaranteed for workers performing night work.

**For a list of selected other international instruments in the same field, see [Appendix](#).**



### Article 3 – The right to safe and healthy working conditions

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:

1. to formulate, implement and periodically review a coherent national policy on occupational safety, 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;
2. to issue safety and health regulations;
3. to provide for the enforcement of such regulations by measures of supervision;
4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

#### Appendix to Article 3§4

It is understood that for the purposes of this provision the functions, organisation and conditions of operation of these services shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

### Information to be submitted

#### Article 3§1

- 1) Please describe the national policy on occupational health and safety and the consultation with employers' and workers' organisations in formulating this policy. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the national policy in consultation with employers' and workers' organisations.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### Article 3§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework in consultation with employers' and workers' organisations.

#### Article 3§3

- 1) Please describe the enforcement of safety and health regulations. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information on the number of accidents at work, including fatal accidents, in absolute figures as well as in terms of standardised accident rates per 100,000 workers; on the number of health and safety inspection visits by the labour inspectorate and the proportion of workers and companies covered by the inspections; and on the number of breaches to health and safety regulations and the nature and type of sanctions imposed.

**Article 3§4**

- 1) Please describe the occupational health services. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* States party shall draw up a national policy on occupational health and safety, and periodically review it. Authorities shall consult employers' and workers' organisations when formulating national policies and strategies in this area. The improvement of occupational health and safety shall be pursued, inter alia, with training and research measures.

*Paragraph 2:* The implementation of an occupational health and safety policy must include the adoption of framework legislation dealing with all aspects of health, safety and working conditions, as well as the adoption of regulations on specific risks concerning dangerous agents and substances (in particular, asbestos, ionising radiation and chemical substances). All workers –including temporary and self-employed workers–, all workplaces and all sectors of activity must be covered by occupational health and safety regulations. The regulations must be drawn up in consultation with employers' and workers' organisations.

*Paragraph 3:* States party must provide for the enforcement of health and safety regulations by measures of supervision. Compliance with this undertaking is assessed by taking into account developments in the number and frequency of work accidents and occupational diseases, as well as the setting up and maintenance of an effective inspection system (that is, conducting a "minimum number of inspections on a regular basis" and putting in place an efficient and dissuasive system of penalties in the event of breaches of the regulations).

*Paragraph 4:* States party must give all workers in all branches of the economy and every undertaking access to occupational health services. These services may be run jointly by several undertakings. If occupational health services are not established by every undertaking the authorities must develop a strategy for that purpose, in consultation with employers' and employees' organisations.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 4 – The right to a fair remuneration

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

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
3. to recognise the right of men and women workers to equal pay for work of equal value;
4. to recognise the right of all workers to a reasonable period of notice for termination of employment;
5. 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.

### Appendix to Article 4§4

This provision shall be so understood as not to prohibit immediate dismissal for any serious offence.

### Appendix to Article 4§5

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.]

## Information to be submitted

### Article 4§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures on national net average wage<sup>3</sup> (for all sectors of economic activity and after deduction of social security contributions and taxes; this wage may be calculated on an annual, monthly, weekly, daily or hourly basis); national net minimum wage, if applicable, or the net lowest wages actually paid (after deduction of social security contributions and taxes); both net average and minimum net wages should be calculated for the standard case of a single worker; information is also requested on any additional benefits such as tax alleviation measures, or the so-called non-recurrent payments made available specifically to a single worker earning the minimum wage as well as on any other factors ensuring that the minimum wage is sufficient to give the worker a decent standard of living; the proportion of workers receiving the minimum wage or the lowest wage actually paid.  
Where the above figures are not ordinarily available from statistics produced by the States party, Governments are invited to provide estimates based on *ad hoc* studies or sample surveys or other recognised methods.

### Article 4§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics (estimates, if necessary) or any other relevant information, in particular: methods used to calculate the increased rates of remuneration; impact of flexible working time arrangements on remuneration for overtime hours; special cases when exceptions to the rules on remuneration for overtime work are made.

<sup>3</sup> The concept of wage, for the purpose of this provision, relates to remuneration – either monetary or in kind – paid by an employer to a worker for time worked or work done. Remuneration should cover, where applicable, special bonuses and gratuities. The Committee's calculations are based on net amounts, i.e. after deduction of taxes and social security contributions. The national net average wage is that of a full-time wage earner, if possible calculated across all sectors for the whole economy, but otherwise for a representative sector such as manufacturing industry or for several sectors.

**Article 4§3<sup>4</sup>**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply detailed statistics or any other relevant information on pay differentials between men and women not working for the same employer by sector of the economy, and according to level of qualification or any other relevant factor.

**Article 4§4**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

**Article 4§5**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

**Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* Wages must guarantee a decent standard of living to all workers. The net minimum wage must amount to at least 60% of the net national average wage.

*Paragraph 2:* The right to an increased remuneration rate for overtime work should be guaranteed to workers; where leave is granted to compensate for overtime, it should be longer than the overtime worked.

*Paragraph 3:* The right to equal pay without discrimination on grounds of sex should be expressly provided for in legislation. Appropriate and effective remedies should be provided in the national legislation in the event of alleged wage discrimination on grounds of sex.

*Paragraph 4:* The right of all workers to a reasonable period of notice for termination of employment should be guaranteed.

*Paragraph 5:* The right of all workers to their wage being subject to deductions only in circumstances which are well-defined in a legal instrument (law, regulation, collective agreement or arbitration award) should be guaranteed.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

<sup>4</sup> States party that have accepted Article 20 of the European Social Charter (revised) do not have to reply to questions on Article 4§3, but must take account of these questions in their answers on Article 20.

## 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.

### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### ***Scope of the provision as interpreted by the ECSR***

Trade unions and employers' associations must be free to organise without prior authorisation, and initial formalities such as declaration and registration must be simple and easy to apply. These organisations must be independent where anything to do with their organisation or functioning is concerned. They must be free to form federations and join similar international organisations.

Workers must be free not only to join but also not to join a trade union. Domestic law must guarantee the right of workers to join a trade union and include effective punishments and remedies where this right is not respected. The same rules apply to employers' freedom to organise.

Trade unions and employers' organisations must have broad autonomy where anything to do with their internal structure or functioning is concerned. They are entitled to perform their activities effectively and devise a work programme. Any excessive interference by a State constitutes a violation of Article 5.

Domestic law may restrict participation in various consultation and collective bargaining procedures only to representative trade unions.

Article 5 applies to the public and private sectors. States party are entitled to restrict or withdraw the right of the armed forces to organise. Restrictions may be placed on the right of the police to organise, but they may not be deprived of all their trade union prerogatives.

For a list of selected other international instruments in the same field, see [Appendix](#).

## Article 6 – The right of workers to bargain collectively

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

1. to promote joint consultation between workers and employers;
2. 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;
3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

and recognise

4. 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.

### Appendix to Article 6§4

It is understood that each Party may, insofar 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.

## Information to be submitted

### Article 6§1

- 1) Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 6§2

- 1) Please describe the general legal framework applicable to the private as well as the public sector. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on collective agreements concluded in the private and public sector at national and regional or sectoral level, as appropriate.

### Article 6§3

- 1) Please describe the general legal framework as regards conciliation and arbitration procedures in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the nature and duration of Parliament, Government or court interventions in collective bargaining and conflict resolution by means of, *inter alia*, compulsory arbitration.

**Article 6§4**

- 1) Please describe the general legal framework as regards collective action in the private as well as the public sector, including where relevant decisions by courts and other judicial bodies, if possible. Please also indicate any restrictions on the right to strike. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular: statistics on strikes and lockouts as well as information on the nature and duration of Parliament, Government or court interventions prohibiting or terminating strikes and what is the basis and reasons for such restrictions.

***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* Promotion of joint consultation between employees and employers or the organisations that represent them on all matters of mutual interest on national, regional or sectoral and enterprise level in the private and public sector (including the civil service).

*Paragraph 2:* Promotion of the right of employee's and employer's organisations to free and voluntary collective bargaining and conclusion of collective agreements; right of public officials to participate in the determination of their working conditions.

*Paragraph 3:* Promotion of voluntary and independent conciliation, mediation and/or arbitration procedures in order to facilitate the resolution of collective conflicts concerning the conclusion of a collective agreement or the modification, through collective bargaining, of conditions of work contained in an existing collective agreement as well as for resolving conflicts which may arise between the public administration and its employees.

*Paragraph 4:* Guarantee whether in law or case-law of the right to call and participate in a strike in connection with a conflict of interests between employers and employees including public officials.

Procedural requirements in connection with the exercise of the right to strike (e.g. peace obligation, prior approval by workers, cooling-off periods, etc.) shall not excessively limit the right to strike.

A strike should not be considered a violation of the contractual obligations of the striking employees entailing a breach of their employment contract. It should be accompanied by a prohibition of dismissal.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 7 – The right of children and young persons to protection

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

1. 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;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. 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;
4. 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;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. 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;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. 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;
9. 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;
10. 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.

### Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

### Appendix to Article 7§8

It is understood that a 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 eighteen years of age shall not be employed in night work.

## Information to be submitted

### Article 7§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 7§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.



**Article 7§3**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 7§4**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered, and state whether any particular measures have been taken to assist young persons under 18 who do not benefit from any restrictions on their working hours.

**Article 7§5**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.

**Article 7§6**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 7§7**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 7§8**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 7§9**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 7§10**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* Minimum age for employment in all sectors of the economy, including agriculture, and all work places, including family undertakings and private households, set at 15 years, subject to exceptions for children employed in prescribed light work with no risk of harm to their health, morals or education.

*Paragraph 2:* Minimum age for employment in prescribed occupations regarded as dangerous or unhealthy, which must be specified in legislation, set at 18 years, though exceptions are allowed if such work is essential for vocational training purposes, subject to strict conditions.

*Paragraph 3:* Prohibition of the employment of children still subject to compulsory education in work that would deprive them of the full benefit of their education. National legislation must limit working hours in school term time and offer sufficient leisure time during school holidays.

*Paragraph 4:* Limits, in legislation, regulations, contracts or practice, in the working hours of persons under 18 years of age to take account of their development needs, and particularly their need for vocational training.

*Paragraph 5:* Right of young workers and apprentices to a fair wage or other appropriate allowances, determined with reference to the basic or minimum wage paid to adults, after deduction of social security contributions and taxes.

*Paragraph 6:* Right of young persons for time spent in vocational training during normal working hours to be treated, with the consent of the employer, as part of the working day.

*Paragraph 7:* Employed persons under 18 years to be entitled to a minimum of four weeks' annual holiday with pay, subject to the same arrangements as those applicable to the annual paid holidays of adults (Article 2, paragraph 3).

*Paragraph 8:* 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.

*Paragraph 9:* Persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to compulsory and regular medical examinations.

*Paragraph 10:* Article 7, paragraph 10, guarantees the right of children to protection against all forms of exploitation and against the misuse of information technologies. This Article covers also the trafficking of human beings since this is a form of exploitation. This Article is interpreted by the Committee akin to the right to life and dignity, similar to the rights guaranteed by the European Convention on Human Rights.

States party must take specific measures to prohibit and combat all forms of sexual exploitation of children. This prohibition must be accompanied by an adequate supervisory mechanism and sanctions.

States party must prohibit the use of children in other forms of exploitation such as, domestic/labour exploitation, including trafficking for the purposes of labour exploitation, begging, or the removal of organs. States party must also take measures to prevent and assist street children.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 8 – Right of employed women to protection of maternity

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

1. 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 fourteen weeks;
2. 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;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. 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.

### Appendix to 8§2

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases :

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

## Information to be submitted

### Article 8§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate that the level of maternity benefit is adequate.

### Article 8§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 8§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

### Article 8§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

### **Article 8§5**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

#### ***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* guarantees the right of employed women to maternity leave of at least 14 weeks for all categories of employees. In all cases there must be a compulsory period of postnatal leave of no less than six weeks which may not be waived by the woman concerned. Maternity leave must be accompanied by the continued payment of the individual's wage or salary or by the payment of social security benefits or benefits from public funds. A benefit must be adequate and must be equal to the salary or close to its value.

*Paragraph 2:* provides that it must be unlawful to ordinarily dismiss female employees from the time they notify the employer of their pregnancy to the end of their maternity leave. In cases of dismissal contravening this provision of the Charter, national legislation must provide for adequate and effective remedies, employees who consider that their rights in this respect have been violated must be able to take their case before the courts.

*Paragraph 3:* all employed mothers who breastfeed their babies must be granted time off for this purpose. Time off for nursing should in principle be granted during working hours should be treated as normal working time and remunerated as such. Time off for nursing must be granted at least in principle until the child reaches the age of nine months.

*Paragraph 4:* does not require States party to prohibit night work for pregnant women, women who have recently given birth and women nursing their infants, but to regulate it in order to limit the adverse effects on the health of the woman.

*Paragraph 5:* prohibits the employment of the women concerned in underground work in mines. This applies to extraction work proper. Certain other activities, such as those involving exposure to lead, benzene, ionizing radiation, high temperatures, vibration or viral agents, must be prohibited or strictly regulated for the group of women concerned depending on the risks posed by the work.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## 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.

### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.

### ***Scope of the provision as interpreted by the ECSR***

Article 9 establishes a right to vocational guidance in the education system, with information on training and access to that training, and concerning the labour market, with information on vocational training and retraining and career planning.

In assessing vocational guidance services, the main factors taken into account are their specific responsibilities, how they are organised and operate, how much is spent on them, their staffing and the number of persons served. Vocational guidance is particularly concerned with young persons who have left school, job seekers and the unemployed.

Vocational guidance for persons with disabilities is dealt with under Article 15 of the Charter for countries that have accepted both provisions.

Such guidance must be provided by a sufficient number of qualified staff, such as trained counsellors, psychologists and teachers, to a significant number of persons and receive appropriate State financing. The information available and the means used to disseminate it must reach the widest possible audience.

Finally, everyone, including non-nationals, must be granted equal treatment regarding vocational guidance. Pursuant to the Appendix to the Charter, nationals of other States party lawfully resident or working regularly in the country concerned must be granted equal treatment. This means that length of residence or employment conditions and reciprocity agreements are incompatible with this provision of the Charter.

For a list of selected other international instruments in the same field, see [Appendix](#).

**Article 10 – Everyone has the right to appropriate facilities for vocational training.**

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

1. 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;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. 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;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. 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.

**Information to be submitted****Article 10§1**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

**Article 10§2**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

**Article 10§3**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

#### **Article 10§4**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

#### **Article 10§5**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: whether the vocation training is provided free of charge or that fees are reduced; existing system for providing financial assistance (allowances, grants, loans, etc.); measures taken to include time spent on training taken by workers in the normal working hours; supervision and evaluation measures taken in consultation with social partners to ensure the efficiency of apprenticeship for young workers.

#### ***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* Provide or promote technical and vocational training for everyone, including general and vocational secondary education, university and non-university higher education and continuing training, and ensure that access to higher technical and university education is based solely on individual aptitude. Nationals of other States party lawfully resident or working regularly in the country concerned must be granted equal access to vocational training.

*Paragraph 2:* Provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls, combining theory and practice. Non-nationals must be granted equal treatment, as specified in paragraph 1.

*Paragraph 3:* Provide or promote appropriate and readily available training facilities for adult workers and unemployed persons and special facilities for retraining adult workers in response to technological developments or new trends in employment. Non-nationals must be granted equal treatment, as specified in paragraph 1.

*Paragraph 4:* Provide or promote special measures for the retraining and reintegration of the long-term unemployed (those who have been out of work for twelve months or more). Non-nationals must be granted equal treatment, as specified in paragraph 1.



*Paragraph 5:* Encourage full use of the facilities provided by appropriate measures such as:

- a. reducing or abolishing any fees or charges;
- b. granting financial assistance, such as study grants or low-interest loans;
- c. including time spent by workers on supplementary training, at their employer's request, in normal working hours;
- d. ensuring that training arrangements work efficiently, through appropriate supervision, in consultation with employers' and employees' organisations.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 11 – The right to protection of health

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*:

1. to remove as far as possible the causes of ill-health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

### Information to be submitted

#### Article 11§1

- 1) Please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.
- 3) Please supply any relevant statistics or other information on the main health indicators and on health services and professions (for example WHO and/or Eurostat data).

#### Article 11§2

- 1) For States that have not accepted paragraph 1, please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.
- 3) Please supply any relevant statistics or other information, including on consultation and screening services in schools and for the rest of the population.

#### Article 11§3

- 1) For States that have accepted neither paragraph 1 nor paragraph 2, please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.
- 3) Please supply any relevant statistics or other information on the percentage of smokers in the general population, trends in alcohol consumption and the rates of vaccination cover for infectious and epidemic diseases.

### Scope of the provisions as interpreted by the ECSR

*Paragraph 1:* Under Article 11, health means physical and mental well-being, in accordance with the definition of health in the Constitution of the World Health Organisation (WHO), which has been accepted by all to Parties to the Charter. The health system must be able to respond appropriately to avoidable health risks, that is ones that can be controlled by human action. Such a health system must be accessible to everyone, without distinction. The cost of health care should be borne, at least in part, by the community as a whole. There should be no unnecessary delays in the provision of treatment. Access to treatment should be based on transparent criteria. There must be adequate staffing and facilities. Conditions of stay in hospital must be satisfactory and compatible with human dignity.

*Paragraph 2:* Measures should be introduced to prevent activities that are damaging to health, such as smoking, alcohol and drugs, and to develop a sense of individual responsibility, including such aspects as a healthy diet, sex education and the environment. Health education should be provided in school throughout the period of schooling. Pregnant women and children should be entitled to free and regular medical checks and screening. Free medical checks should be carried out throughout the period of schooling. There should be screening for illnesses responsible for high premature mortality rates.

*Paragraph 3:* There must be sufficiently advanced and detailed legislation and specific preventive and protective measures to deal with air, water and noise pollution, nuclear risks, asbestos, food safety and, for States party that have not accepted Article 31, public health standards in housing. There must also be a policy to prevent smoking, alcoholism and drug addiction, a widely available vaccination programme and measures to deal with contagious diseases. Finally, there should be measures to prevent accidents on the road, in the home, during leisure time and in the work place, other than occupational accidents covered by Article 3.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 12 – The right to social security

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

1. to establish or maintain a system of social security;
2. 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;
3. to endeavour to raise progressively the system of social security to a higher level;
4. 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.

### Appendix to Article 12§4

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 Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Parties.

## Information to be submitted

### Article 12§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 12§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the extent to which the branches of social security in your country fulfils (or goes beyond or falls short of) the requirements of the European Code of Social Security.

### Article 12§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the improvement of the social security system as well as on any measures taken to restrict the system.

**Article 12§4**

- 1) Please describe the general legal framework, in particular the complete list of bilateral and multilateral agreements or any other means such as unilateral, legislation proposed or adopted, or administrative measures and indicate how they allow for the various social benefits the implementation of the principles provided in sub-paragraphs a) and b).
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures or any other relevant information, Please, indicate also the length of residence requirements when applicable.

***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* Establishment and maintenance of a social security system for the traditional risks (health care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' branches); material and personal scope of the social security system; social security (contributory and non-contributory) benefits and their adequacy.

*Paragraph 2:* Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security.

*Paragraph 3:* Improvement of the social security system. When reforms restrict the social security system, they must be justified, including with respect to sustainability, and must maintain at least a basic compulsory and sufficiently extensive social security system.

*Paragraph 4:*

- a. Equal treatment of nationals of other States party who are or were lawfully resident or working regularly on the territory of a State party with respect to social security benefits; prohibition of direct (nationality requirement) and indirect (residence condition and length of residence requirement, employment requirements) discrimination for contributory benefits; non-excessive residence and length of residence requirement for non-contributory benefits, such as family benefits. Refugees and stateless persons, self-employed, and workers on secondment, to the exception of long-term contingencies, for which they remain ensured in their country of origin, are included in the personal scope of the provision.  
Right to maintenance of acquired rights whatever the movements of the beneficiary (invalidity, old age, survivors', employment injury or disease); obligations must be fulfilled through bilateral agreements or any other means such as unilateral, legislative or administrative measures.
- b. Right to retention of accruing rights through aggregation of employment or insurance periods completed abroad; obligations must be fulfilled through multilateral conventions, bilateral agreements or any other means such as unilateral, legislative or administrative measures.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 13 – The right to social and medical assistance

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

1. 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;
2. to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;
3. 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;
4. 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 Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

### Appendix to Article 13§4

Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of this paragraph provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

## Information to be submitted

### Article 13§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular: evidence that the level of social assistance is adequate, i.e. the assistance should enable any person to meet his/her basic needs and the level of the benefits should not fall below the poverty threshold. Information must therefore be provided on basic benefits, additional benefits and on the poverty threshold in the country, defined as 50% of the median equivalised income and calculated on the basis of the poverty risk threshold value published by Eurostat.

### Article 13§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 13§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Article 13§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* Social assistance – adequate benefits must be payable to “any person” on the sole ground that he/she is in need. To be adequate the assistance should enable any person to meet his/her basic needs, i.e. the level of the benefits should not fall below the poverty threshold. Medical assistance - everyone who lacks adequate resources must be able to obtain free of charge “in the event of sickness the care necessitated by his condition”

The right to assistance must constitute an individual right laid down in law and be supported by an effective right of appeal to an independent body.

*Paragraph 2:* Persons receiving assistance must not suffer as a result any diminution of their political or social rights. Any discrimination against persons receiving assistance that might result from an express provision must be eradicated.

*Paragraph 3:* Provision of appropriate public or private services such as advice and personal help to persons without adequate resources, as may be required to prevent, to remove, or to alleviate personal or family want.

*Paragraph 4:* Emergency social and medical assistance for everyone lawfully or unlawfully present (but not resident) in the territory. States party are required to provide for those concerned to cope with an immediate state of need (accommodation, food, emergency care and clothing).

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 14 – The right to benefit from social welfare services

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

1. 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;
2. to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services.

### Information to be submitted

#### Article 14§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate the effective access to social services (beneficiaries in total and per category of social welfare services, number and geographical distribution of services, staff number and qualifications).

#### Article 14§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate the participation of the voluntary sector to the provision of social services, as well as the effective access of individuals to these services.

### **Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* A network of social services to help people to reach or maintain well-being and to overcome any problems of social adjustment must exist. Social services include in particular counselling, advice, rehabilitation and other forms of support from social workers, home help services (assistance in the running of the home, personal hygiene, social support, delivery of meals), residential care, and social emergency care (shelters). Under Article 14§1 it is reviewed the overall organisation and functioning of social services.

Access to social services should be guaranteed to those who lack personal capabilities and means to cope, in particular the vulnerable groups and individuals who have a social problem. Groups which are vulnerable – children, the family, the elderly, people with disabilities, young people with problems, young offenders, refugees, the homeless, alcohol and drug abusers, victims of domestic violence and former prisoners – should be able to avail themselves of social services in practice.

Effective and equal access to social services implies:

- an individual right of access to counselling and advice from social services;
- the protection of rights of the client, including the availability of remedies;
- services should be provided free of charge for persons lacking adequate financial resources and may be provided subject to fees for the others;
- the geographical distribution of these services shall be sufficiently wide;
- social services must have resources matching their responsibilities and the changing needs of users.

*Paragraph 2:* States party are required to support the voluntary sector (non-governmental organisations and other associations), private individuals, and private firms seeking to establish social welfare services. Public and private services must be properly coordinated, and equal access and efficiency must not suffer because of the number of providers involved. Effective preventive and reparative supervisory system must also be in place.

For a list of selected other international instruments in the same field, see [Appendix](#).



## **Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community**

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:

1. 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;
2. 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;
3. 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.

### **Information to be submitted**

#### **Article 15§1**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).

#### **Article 15§2**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.

#### **Article 15§3**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.

**Scope of the provisions as interpreted by the ECSR**

Persons with disabilities must enjoy full citizenship and their essential rights in this respect are independence, social integration and participation in the life of the community.

*Paragraph 1:* Anti-discrimination legislation on the ground of disability in education. Such legislation should, as a minimum, require compelling justification for special or segregated educational systems and confer an effective remedy on those who have been unlawfully excluded, segregated or otherwise denied an effective right to education.

All persons with disabilities have a right to education and training: general education, basic compulsory education and further education as well as vocational training, including higher education. Persons with disabilities (children, adolescents, adults) must be integrated into mainstream facilities; education and training must be made available within the framework of ordinary schemes and, only where this is not possible, through special facilities. States party must demonstrate that tangible progress is being made in setting up education systems which exclude nobody.

*Paragraph 2:* Anti-discrimination legislation on the basis of disability in employment. Access to employment on the open labour market for persons with disabilities, *inter alia*, by adjusting working conditions to the needs of persons with disabilities (reasonable accommodation). There must be obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment and to keep in employment persons with disabilities, including persons who have become disabled while in their employment as a result of an industrial accident or occupational disease. Sheltered employment facilities must be reserved for those persons with disabilities who cannot be integrated into the open labour market. They should aim to assist their beneficiaries to enter the open labour market and must guarantee, where production is the main activity, the basic provisions of labour law and in particular the right to fair remuneration.

*Paragraph 3:* Barriers to communication and mobility must be removed in order to enable access of persons with disabilities to transport (land, rail sea and air), housing (public, social and private), cultural activities and leisure (social and sporting activities). Positive action measures must be taken and full participation of persons with disabilities must be guaranteed.

Anti-discrimination legislation on the ground of disability in all areas mentioned in this paragraph, as well as effective remedies for those who have been unlawfully treated.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## 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.

### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

### **Scope of the provision as interpreted by the ECSR**

Notion of "family" as defined in domestic law.

States party are free to decide how they will provide social, legal and economic protection to their various types of families, particularly one-parent families and vulnerable families, including Roma.

#### *a Social protection*

- there should be an adequate supply of family housing and families' needs should be taken into account in drawing up and implementing housing policies. Housing should be of an appropriate standard and with all the basic amenities. The destruction of accommodation and forced evictions are incompatible with Article 16. There should be effective means of appeal, arrangements for rehousing in decent accommodation and appropriate financial assistance. Vulnerable families should be offered proper protection, including suitable temporary and permanent housing, and evictions should be prohibited unless they comply with the relevant procedural safeguards.
- there should be financially affordable child care facilities of a suitable standard, measured in terms of the number of children aged 0-6 years covered, staff-child ratios, staff training, availability of suitable premises and the cost for parents.
- there should be appropriate family advice services and families' point of view should be taken into account when drawing up family policies.

#### *b Legal protection*

- there must be full equality of rights and responsibilities between spouses, particularly with regard to marital authority, property and the use and administration of assets, and towards children, in terms of parental authority and management of children's property. There should be legal arrangements for settling disputes between spouses and concerning children, and mediation services.
- there should be legal and practical protection from domestic violence (though violence against children is covered by Article 17).

#### *c Economic protection*

- family or child benefits must provide an adequate additional income for a significant number of families, in terms of median net monthly income, as calculated by Eurostat, and may be supplemented by other forms of economic protection.
- vulnerable families must be protected in accordance with the principle of equal treatment.

For a list of selected other international instruments in the same field, see [Appendix](#).

## **Article 17 – The right of children and young persons to appropriate social, legal and economic protection**

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:

1.
  - 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;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

### **Information to be submitted**

#### **Article 17§1**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

#### **Article 17§2**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.

#### **Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* Right of a child to know his or her origins. Prohibition of discrimination between children born outside of marriage, and children born within marriage.

Establishment and maintenance of an accessible and effective education system compulsory until the minimum age for admission to employment for all children and a mechanism to monitor the quality of education.

Establishment of public child care if necessary for the protection and best interest of the child and of an adequate supervision of the child welfare system. Provision of long term public care primarily in foster families and only if necessary in institutions. Provision of conditions promoting all aspects of children's growth and guarantee of fundamental rights and freedoms for children in institutional care as well as establishment of a procedure for complaining about the treatment in institutions.

Prohibition of all forms of violence against children, including prohibition in law of corporal punishment in the home, in school, in institutions or elsewhere and provision of adequate sanctions in penal or civil law.

Establishment of criminal responsibility and criminal procedure adapted to young offenders as regards age of criminal responsibility, length of procedure as well as length and conditions of detention.

*Paragraph 2:* Provision of primary and secondary education free of charge. Reduction of absenteeism at school and dropout rates regarding compulsory education.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 18 – The right to engage in a gainful occupation in the territory of other Parties

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:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

and recognise:

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

### Information to be submitted

#### Article 18§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.

#### Article 18§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on chancery dues and other charges payable by foreign workers or their employers for work and/or residence permits and on the average time taken to issue these permits.

#### Article 18§3

- 1) Please describe the general legal framework.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

#### Article 18§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

### **Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* Liberal application of existing regulations concerning the right to engage in a gainful occupation of foreign employees and self-employed who are nationals of a State party and who apply for a work permit in another State party as well as with respect to members of their family allowed to the country for the purpose of family reunion.

*Paragraph 2:* Right of foreign workers to complete formalities required for the exercise of a gainful occupation from within the country of destination as well as from the country of origin, to obtain the residence and work permits at the same time, through a single application and within a reasonable time.

*Paragraph 3:* Periodic liberalisation of the regulations governing the employment of foreign workers. Conditions laid down for access by foreign workers to the national labour market must not be excessively restrictive. Restrictions of access for persons legally resident for a given length of time on the territory of another State party should be gradually lifted. Extension of the validity of the residence permit in the event of job loss so as to provide sufficient time for a new job to be found.

*Paragraph 4:* Right of nationals to leave their country to engage in a gainful occupation in the territories of other State party.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 19 – The right of migrant workers and their families to protection and assistance

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:

1. 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;
2. 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;
3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. 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;
5. 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;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. 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;
8. 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;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
11. 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;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

### Appendix to Article 19§6

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.

## Information to be submitted

### Article 19§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

### Article 19§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.



2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

#### **Article 19§3**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

#### **Article 19§4**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, in particular concerning the number of migrant workers, if possible, which have had access to subsidised housing.

#### **Article 19§5**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### **Article 19§6**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of applications for family reunion, and the percentage of applications which were granted and turned down, respectively.

#### **Article 19§7**

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 19§8**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of migrant workers nationals of States party served with an expulsion order.

**Article 19§9**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 19§10**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Article 19§11**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the national language of the receiving State.

**Article 19§12**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the mother tongue of their parents.

**Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* Free assistance and information services should be made available to persons wishing to emigrate and/or immigrate. Steps should be taken to prevent misleading propaganda relating to emigration and immigration.

*Paragraph 2:* Measures should be taken to facilitate the departure, journey and reception of migrant workers and their families.

*Paragraph 3:* Co-operation between social services in emigration and immigration countries should be promoted.

*Paragraph 4:* Migrant workers should not be treated less favourably than nationals in respect of employment, trade union rights and accommodation. States party should prove the absence of discrimination in these areas, direct or indirect, in terms of law and practice, and should inform of the practical measures to remedy it.

*Paragraph 5:* Migrant workers should not be treated less favourably than nationals in respect of employment taxes, dues and contributions.

*Paragraph 6:* Migrant workers, who have been permitted to establish themselves in the territory, have the right to be (re)joined by their family. The '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.

*Paragraph 7:* Migrant workers should not be treated less favourably than nationals in respect of legal proceedings.

*Paragraph 8:* States party are prohibited to expel migrant workers lawfully residing within their territories unless they endanger national security or offend against public interest or morality.

*Paragraph 9:* Migrant workers have the right, within legal limits, to transfer to their country of origin such parts of their earnings and savings as they may desire.

*Paragraph 10:* States party must extend the protection and assistance provided for in this Article to self-employed migrant workers, insofar as such measures apply.

*Paragraph 11:* States party should promote and facilitate the teaching of the national language of the receiving State to migrant workers and their families.

*Paragraph 12:* States party should promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## 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.

### Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

### Information to be submitted<sup>5</sup>

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

### Scope of the provision as interpreted by the ECSR

*Paragraphs a, b, c and d:* Right to equal treatment between women and men at all stages of working life – access to employment, remuneration and other working conditions, including dismissal and other forms of detriment, vocational training and guidance and promotion, as well as with respect to social security. The principle of equal treatment of women and men is understood to mean the absence of any direct or indirect discrimination on grounds of sex.

The right of women and men to equality must be guaranteed by a sufficiently detailed law. Any legislation, regulation or other administrative measure that fails to comply with the equality principle must be repealed or revoked. National legislation must provide for appropriate and effective remedies in the event of alleged discrimination. The burden of proof must be shifted. Anyone who suffers discrimination on grounds of sex must be entitled to adequate compensation, i.e. compensation that is sufficient to make good the damage suffered by the victim and act as a deterrent to the offender. Employees who try to enforce their right to equality must be legally protected against any form of reprisals from their employers.

Occupational activities – and the training required for them – which, by their nature or the context in which they are carried out, can only be entrusted to persons of one sex may be excluded from the scope of Article 20. Provisions protecting women are not deemed to be discrimination if they are objectively justified by needs that apply exclusively to women, such as those relating to maternity (pregnancy, childbirth and the postnatal period).

Along with legislation, States party are required to take specific steps aimed at removing *de facto* inequalities affecting women's training or employment opportunities, including positive action.

For a list of selected other international instruments in the same field, see [Appendix](#).

<sup>5</sup> States party that have accepted Article 20 of the European Social Charter (revised) do not have to reply to questions concerning Article 4§3, but must take account of these questions in their answers on Article 20.

## Article 21 – The right of workers to be informed and consulted within the undertaking

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.

### Appendix to Articles 21 and 22

1. For the purpose of the application of these articles, the term “workers’ representatives” means persons who are recognised as such under national legislation or practice.
2. The terms “national legislation and practice” embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers’ representatives, customs as well as relevant case law.
3. For the purpose of the application of these articles, the term “undertaking” is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or provide services for financial gain and with power to determine its own market policy.
4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are “undertakings” within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.
5. It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.
6. The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the percentage of workers out of the total workforce which are not covered by the provisions granting a right to information and consultation either by legislation, collective agreements or other measures.

### ***Scope of the provision as interpreted by the ECSR***

Right of employees in private or public undertakings and/or their representatives to be informed on all matters relevant to their working environment and to be consulted in good time with respect to proposed decisions that could substantially affect the employees’ interests.

Workers must have legal remedies when these rights are not respected. There must also be sanctions for employers which fail to fulfil their obligations under this Article.

For a list of selected other international instruments in the same field, see [Appendix](#).

## **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;
- d. to the supervision of the observance of regulations on these matters.

### **Appendix to Articles 21 and 22**

1. For the purpose of the application of these articles, the term “workers’ representatives” means persons who are recognised as such under national legislation or practice.
2. The terms “national legislation and practice” embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers’ representatives, customs as well as relevant case law.
3. For the purpose of the application of these articles, the term “undertaking” is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or provide services for financial gain and with power to determine its own market policy.
4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are “undertakings” within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.
5. It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.
6. The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

### **Appendix to Article 22**

1. This provision affects neither the powers and obligations of states as regards the adoption of health and safety regulations for workplaces, nor the powers and responsibilities of the bodies in charge of monitoring their application.
2. The terms “social and socio-cultural services and facilities” are understood as referring to the social and/or cultural facilities for workers provided by some undertakings such as welfare assistance, sports fields, rooms for nursing mothers, libraries, children’s holiday camps, etc.

### **Information to be submitted**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on employees who are not covered by Article 22, the proportion of the workforce who is excluded and the thresholds below which employers are exempt from these obligations.

### ***Scope of the provision as interpreted by the ECSR***

Right of employees in private or public undertakings and/or their representatives to participate in the decision-making process and the supervision of the observance of regulations in all matters referred to in Article 22.

Workers must have legal remedies when these rights are not respected. There must also be sanctions for employers which fail to fulfil their obligations under this Article.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## 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 surroundings 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.

### Appendix to Article 23, paragraph 1

For the purpose of the application of this paragraph, the term “for as long as possible” refers to the elderly person’s physical, psychological and intellectual capacities.

### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on measures taken to ensure that elderly persons have access to adequate benefits in cash or in kind; on the level of public expenditure for social protection and services for the elderly; on the accessibility of measures and the number of elderly people benefiting from them; on the number of places available in institutions for elderly persons; on the number of elderly living in such institutions, and on whether a shortage of places is reported.

### ***Scope of the provision as interpreted by the ECSR***

To enable elderly persons to remain full members of society for as long as possible, pensions and other State benefits must be sufficient to lead a ‘decent life’. Pensions must be index-linked<sup>6</sup>, and they will be compared with average wage levels and the overall cost of living to assess national situations.

Elderly persons should be provided information about services and facilities available to them (the extent and cost of home help services, community based services, specialised day care provision, etc.).

The needs of elderly persons must be taken into account in national or local housing policies. National policies should help elderly persons to remain in their own homes for as long as possible through the provision of sheltered/supported housing and assistance for the adaptation of their homes.

Health care programmes and services for the elderly, necessitated by their state, must exist (in particular domiciliary nursing/health care services).

Elderly persons living in institutions should be guaranteed the right to appropriate care and services, the right to privacy, to personal dignity, and to participate in decisions concerning living conditions in their institution. There should be a sufficient supply of institutional facilities for elderly persons.

For a list of selected other international instruments in the same field, see [Appendix](#).

<sup>6</sup> Taking into account inflation and the purchasing power of the pension benefit.

## Article 24 – Right of workers 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 a 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.

### Appendix to Article 24

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
  - a. workers engaged under a contract of employment for a specified period of time or a specified task;
  - b. workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;
  - c. workers engaged on a casual basis for a short period.
3. or the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
  - a. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
  - b. seeking office as, acting or having acted in the capacity of a workers' representative;
  - c. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
  - d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
  - e. maternity or parental leave;
  - f. temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

### Information to be submitted

- 1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### Scope of the provision as interpreted by the ECSR

Under Article 24, the following are regarded as valid reasons for termination of an employment contract:

- i) reasons connected with the capacity or conduct of the employee certain economic reasons;
- ii) these must be reasons "based on the operational requirements of the undertaking, establishment or service"

The appendix to Article 24 lists reasons for which it is prohibited to terminate employment.

Prohibition to terminate employment for most of these reasons is also a requirement for conformity with other Articles of the Charter.



Two reasons are examined only under Article 24, namely:

- a. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities. National legislation or case-law must contain express safeguards against retaliatory dismissal.
- b. temporary absence from work due to illness or injury. A time limit can be placed on protection against dismissal in such cases.

Any employee who considers him- or herself to have been dismissed without valid reason must have the right to appeal to an impartial body. Employees dismissed without valid reason must be granted adequate compensation or other appropriate relief. Compensation systems are considered appropriate if they include the following provisions:

- reimbursement of financial losses incurred between the date of dismissal and the decision of the appeal body, the possibility of reinstatement;
- and/or compensation of a high enough level to dissuade the employer and make good the damage suffered by the employee.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## **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.

### **Appendix to Article 25**

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term "insolvency" must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
  - a. the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
  - b. the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
  - c. the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

### **Information to be submitted**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.

### ***Scope of the provision as interpreted by the ECSR***

The claims arising from contracts of employment or employment relationships shall be guaranteed by a guarantee institution or by any other effective form of protection.

The protection afforded, whatever its form, must be adequate and effective, also in situations where the assets of an enterprise are insufficient to cover salaries owed to workers.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## Article 26 – The right to dignity at work

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:

1. 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;
2. 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.

### Appendix to Article 26

It is understood that this article does not require that legislation be enacted by the Parties.

It is understood that paragraph 2 does not cover sexual harassment.

## Information to be submitted

### Article 26§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on awareness-raising activities and programmes and on the number of complaints received by ombudsmen or mediators, where such institutions exist.

### Article 26§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 1) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 2) Please supply any relevant statistics or other information on awareness-raising activities and programmes and on the number of complaints received by ombudsmen or mediators, where such institutions exist.

### ***Scope of the provisions as interpreted by the ECSR***

*Paragraph 1:* This concerns forms of behaviour deemed to constitute sexual harassment in the work place or in relation to work. Existing measures must ensure effective protection for workers against sexual harassment. It also concerns the liability of employers and/or their employees. There should be effective remedies for victims and reparation for pecuniary and non-pecuniary harm suffered, including appropriate compensation. The burden of proof should be adjusted and steps should be taken to increase awareness of and prevent sexual harassment.

*Paragraph 2:* This concerns forms of behaviour deemed to constitute psychological harassment in the work place or in relation to work. Existing measures must ensure effective protection for workers against psychological harassment. It also concerns legal protection against psychological harassment and the liability of employers and/or their employees. There should be effective remedies for victims and reparation for pecuniary and non-pecuniary harm suffered, including appropriate compensation. The burden of proof should be adjusted and steps should be taken to increase awareness of and prevent psychological harassment.

For a list of selected other international instruments in the same field, see [Appendix](#).

## **Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment**

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

1. 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 day care services and other childcare arrangements;
2. 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;
3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

### **Appendix to Article 27**

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms “dependent children” and “other members of their immediate family who clearly need their care and support” mean persons defined as such by the national legislation of the Party concerned.

### **Information to be submitted**

#### **Article 27§1**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### **Article 27§2**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

#### **Article 27§3**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

**Scope of the provisions as interpreted by the ECSR***Paragraph 1:*

- a. Persons with family responsibilities must be provided with equal opportunities in respect of entering, remaining and re-entering employment, in particular in the field of vocational guidance, training and re-training.
- b. The needs of workers with family responsibilities must be taken into account in terms of conditions of employment and social security. Legislation or collective agreements shall regulate the length and organisation of working time, as well as how non-working periods due to family responsibilities are taken into account for pension rights.
- c. Child day care services and other childcare arrangements must be available and accessible to workers with family responsibilities.

*Paragraph 2:* Legislation, collective agreements or the practice shall regulate the possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child.

*Paragraph 3:* Family responsibilities must not constitute a valid ground for termination of employment or hampering career development. Courts or other competent bodies should be able to award a level of compensation that is sufficient both to deter the employer and proportionate the damage suffered by the victim.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

**Article 28 – Right of worker representatives to protection in the undertaking and facilities to be afforded 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.

**Appendix to Article 28**

For the purpose of the application of this article, the term "workers' representatives" means persons who are recognised as such under national legislation or practice"

**Information to be submitted**

- 1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

***Scope of the provision as interpreted by the ECSR***

This provision guarantees the right of workers' representatives to protection in the undertaking and to certain facilities. It complements Article 5, which recognises a similar right in respect of trade union representatives.

The term "workers' representatives" means persons who are recognised as such under national legislation or practice.

Protection should cover the prohibition of dismissal on the ground of being a workers' representative and the protection against detriment in employment other than dismissal.

The facilities to be provided may include for example paid time off to represent workers, financial contributions to the workers' council, the use of premises and materials for the operation of the workers' council, etc.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

## **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.

### **Appendix to Articles 28 and 29**

For the purpose of the application of this article, the term "workers' representatives" means persons who are recognised as such under national legislation or practice.

### **Information to be submitted**

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

### ***Scope of the provision as interpreted by the ECSR***

Workers' representatives have the right to be informed and consulted in good time by employers planning to make collective redundancies. The collective redundancies referred to are redundancies affecting several workers within a period of time set by law and decided for reasons which have nothing to do with individual workers, but correspond to a reduction or change in the firm's activity.

Consultation procedures must take place in good time, before the redundancies. The purpose of the consultation procedure, which must cover at least the "ways and means" of avoiding collective redundancies or limiting their occurrence and support measures.

Consultation rights must be accompanied by guarantees that they can be exercised in practice

**For a list of selected other international instruments in the same field, see [Appendix](#).**

### Article 30 – Everyone has 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

#### Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information: on the nature and extent of poverty and social exclusion, including the number of persons or households who are socially excluded or live in poverty; and on the methodology followed or criteria used to measure poverty and social exclusion, bearing in mind that the Eurostat at-risk-of-poverty rate before and after social transfers is used as a comparative value to assess national situations.

#### **Scope of the provision as interpreted by the ECSR**

States party shall adopt a comprehensive and coordinated approach with the aim of reducing poverty and social exclusion.

The measures taken must promote and remove obstacles of persons who live or risk living in a situation of social exclusion and poverty, as well as their families, to access to fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance.

The measures should strengthen access to social rights, improve the procedures and management of benefits and services, improve information about social rights and related benefits, combat psychological and socio-cultural obstacles to accessing rights.

As long as poverty and social exclusion persist, there should be an increase in the resources deployed to make social rights possible. Adequate resources should be allocated to attain the objectives of the strategy.

Measures adopted in the context of this Article should be reviewed and adapted to new situations. Social partners and civil society should participate in the formulation, evaluation and adaptation of measures.

For a list of selected other international instruments in the same field, see [Appendix](#).



## Article 31 – The right to housing

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

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

### Information to be submitted

#### Article 31§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to adequate housing, including the length of waiting periods.

#### Article 31§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the number of homeless, emergency and longer-term measures for homeless, as well as evictions.

#### Article 31§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide statistics or any other relevant information on construction of social dwellings and housing allowances (number of applicants and of recipients, criteria to fulfil to benefit from the allowance).

### **Scope of the provisions as interpreted by the ECSR**

*Paragraph 1:* States party must guarantee to everyone the right to adequate housing, in particular to vulnerable groups. The notion of adequate housing must be defined in law. Adequate housing means a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law. It is incumbent on the public authorities to ensure that housing is adequate through different measures, as well as that waiting periods for access to adequate housing are not excessive.

The effectiveness of the right to adequate housing implies its legal protection. Adequate procedural safeguards are requested. Tenants or occupiers must be given access to affordable and impartial judicial remedies.

*Paragraph 2:* Action to prevent categories of vulnerable people from becoming homeless and gradually reduce homelessness, towards its elimination. Reducing homelessness implies the introduction of emergency and longer-term measures, such as the provision of immediate shelter and care for the homeless as well as measures to help such people overcome their difficulties and to prevent them from returning to a situation of homelessness.

Existence of procedures to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.

*Paragraph 3:* An adequate supply of affordable housing must be ensured: through the appropriate measures for the provision of housing of an adequate standard, and through housing allowances, which is an individual right. Legal remedies must be available in case of refusal of the allowance.

**For a list of selected other international instruments in the same field, see [Appendix](#).**

**APPENDIX****SELECTED INTERNATIONAL INSTRUMENTS IN THE SAME FIELD****Article 1**

International Covenant on Economic, Social and Cultural Rights (1966)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
 ILO Convention No. 2 on Unemployment, 1919  
 ILO Convention No. 29 on Forced Labour, 1930  
 ILO Convention No. 88 on Employment Service, 1948  
 ILO Convention No. 96 on Fee-charging Employment Agencies (Revised), 1949  
 ILO Convention No. 105 on Abolition of Forced Labour, 1957  
 ILO Convention No. 111 on Discrimination in Employment, 1958  
 ILO Convention No. 122 on Employment Policy, 1964  
 ILO Convention No. 142 on Human Resources Development, 1975  
 ILO Convention No. 150 on Labour Administration, 1978  
 ILO Convention No. 168 on Employment Promotion and Protection against Unemployment, 1988  
 ILO Convention No. 181 on Private Employment Agencies, 1997  
 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin  
 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

**Article 2**

International Covenant on Economic, Social and Cultural Rights (1966)  
 ILO Convention No. 171 on Night Work, 1990  
 Council Directive 89/391/EC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.  
 Council Directive 91/533 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.  
 Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

**Article 3**

International Covenant on Economic, Social and Cultural Rights (1966)  
 ILO Convention No. 155 on Occupational Safety and Health, 1981  
 ILO Convention No. 161 on Occupational Health Services, 1985  
 Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work, as amended by Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003  
 Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

**Article 4**

International Covenant on Economic, Social and Cultural Rights (1966)  
 ILO Convention No. 100 on Equal Remuneration, 1951  
 ILO Convention No. 131 on Minimum Wage Fixing, 1970  
 Council Directive 76/207 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions as modified by Directive 2002/73

**Article 5**

International Covenant on Economic, Social and Cultural Rights (1966)  
 Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
 ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise, 1948

**Article 6**

International Covenant on Economic, Social and Cultural Rights (1966)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
 ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise, 1948  
 ILO Convention No. 98 on Right to Organise and Collective Bargaining, 1949  
 ILO Convention No. 154 on Promotion of Collective Bargaining, 1981  
 Council Directive 94/45/EC of 22 December 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees  
 Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees  
 Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

**Article 7**

International Covenant on Economic, Social and Cultural Rights (1966)  
 Optional Protocol to the UN Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography.  
 UN Convention on the Rights of the Child (1989)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
 Council of Europe Convention on Cyber crime (2001)  
 ILO Convention No. 38 on the Minimum Age for Admission to Employment, 1973  
 ILO Convention No. 182 on the Worst Forms of Child Labour, 1999  
 Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work

**Article 8**

International Covenant on Economic, Social and Cultural Rights (1966)  
 ILO Convention No. 103 on Maternity Protection (Revised), 1952  
 ILO Convention No. 183 on Maternity Protection, 2000  
 Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

**Article 9**

International Covenant on Economic, Social and Cultural Rights (1966)

**Article 10**

International Covenant on Economic, Social and Cultural Rights (1966)  
 ILO Convention No. 142 on Human Resources Development, 1975  
 ILO Convention No. 168 on Employment Promotion and Protection against Unemployment, 1988

**Article 11**

International Covenant on Economic, Social and Cultural Rights (1966)  
 Declarations of the United Nations Stockholm (1972) and Rio de Janeiro (1992) environment conferences  
 International Convention on the Rights of the Child (1989)  
 United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol (1998)  
 World Health Organisation Framework Convention on Tobacco Control (2003)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
 Various Community directives, on pollution, noise and public health

**Article 12**

International Covenant on Economic, Social and Cultural Rights, (1966), Article 9  
 European Code of Social Security (1964)  
 ILO Convention No. 102 on Minimum Standards of Social Security, 1952  
 Regulation (EC) 883/2004 on the coordination of social security systems  
 Regulation (EC) 859/2003 (extension to third country nationals of the above regulation)

**Article 13**

Geneva Convention on the Status of Refugees (1951)  
 New York Convention relating to the Status of Stateless Persons (1954)  
 European Convention on Social and Medical Assistance (1953)

**Article 14**

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**Article 15**

UN Convention in the rights of persons with disabilities (2006)  
 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

**Article 16**

International Covenant on Economic, Social and Cultural Rights (1966)  
 International Convention on the Rights of the Child (1989)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

**Article 17**

UN Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) (1985)  
 UN Convention on the Rights of the Child (1989)  
 UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)  
 UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (1990)  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

**Article 18**

Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals  
 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification  
 Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents

**Article 19**

European Convention on the Legal Status of Migrant Workers (1977)  
 ILO Convention No. 97 on Migration for Employment Convention (Revised), 1949  
 Council Directive 2003/86/CE of 22 September 2003 on the right to family reunification.  
 Council Directive 2004/38/CE concerning the right of citizens of the European Union and their family members to circulate and reside freely within the territories of the Member States

**Article 20**

Council of Europe Recommendation R(98)14 on gender mainstreaming  
 ILO Convention No. 111 on Discrimination (Employment and Occupation), 1958  
 Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment for men and women in matters of employment and occupation

**Article 21**

Council Directive 94/45/EC of 22 December 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees  
 Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees  
 Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

**Article 22**

Council Directive 94/45/EC of 22 December 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees  
 Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees  
 Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

**Article 23**

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**Article 24**

ILO Convention No 158 on Termination of Employment, 1982

**Article 25**

ILO Convention No. 173 on Protection of Workers' Claims (Employers' insolvency), 1992  
Council Directive 80/987/EC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer  
Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer

**Article 26**

International Covenant on Economic, Social and Cultural Rights (1966)  
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
Council Directive 76/207/EC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions  
Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EC

**Article 27**

ILO Convention No. 156 on Workers with Family Responsibilities, 1981

**Article 28**

ILO Convention No. 135 on Workers Representatives, 1971

**Article 29**

ILO Convention No. 158 on Termination of Employment, 1982  
Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

**Article 30**

International Covenant on Economic, Social and Cultural Rights (1966)  
Council Recommendation 92/441/EEC of 24 June 1992 on common criteria concerning sufficient resources and social assistance in the social protection systems

**Article 31**

International Covenant on Economic, Social and Cultural Rights, (1966) Article 11.1