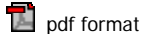


## — Andorra and the European Social Charter —



pdf format

Update: February 2010

### Ratifications

Andorra ratified the Revised European Social Charter on 12/11/2004, accepting 79 paragraphs.

Andorra has not agreed to be bound by the Additional Protocol providing for a system of collective complaints.

### Table of Accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										

Grey = accepted provisions

### The Charter in domestic law

Under Article 3(4) of the Constitution: "Treaties and international agreements take effect in the legal system from the moment of their publication in the Butlletí Oficial del Principat d'Andorra and cannot be amended or repealed by law.."

### Reports \*

Between 2008 and 2009, Andorra submitted 3 reports on the application of the Revised Charter.

The [2<sup>nd</sup> report](#) on the accepted provisions of the Revised Charter covered the articles of Thematic Group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30 of the Revised Charter). It was submitted on 20/02/2009. Conclusions in respect of these provisions were published in January 2010.

The [3<sup>rd</sup> report](#), submitted on 30/10/2009, concerns the accepted provisions of the Revised Charter relating to Thematic Group 3 "Labour rights" i.e.

- Right to just conditions of work (Article 2)
- Right to a fair remuneration (Article 4)
- Right to organise (Article 5)
- Right to bargain collectively (Article 6)
- Right of workers to be informed and consulted (Article 21)
- Right of workers to take part in the determination and improvement of working conditions (Article 22)
- Right to dignity in the workplace (Article 26)
- Right of workers' representatives to protection in the undertaking (Article 28)
- Right to information and consultation in procedures of collective redundancy (Article 29)

\* Following a decision taken by the Committee of Ministers in 2006, the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



## **Situation of Andorra with respect to the application of the Revised Charter**

### **Cases of non-conformity**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

▶ *Article 20 – Right to equal opportunities and treatment in employment and occupation without sex discrimination*

An adjustment of the burden of proof is not guaranteed for persons alleging discrimination based on sex.

(Conclusions 2008)

#### **Thematic Group 2 "Health, social security and social protection"**

▶ *Article 13§1 – Right to social and medical assistance - Adequate assistance for anyone in need*

Foreign nationals legally resident in Andorra are subject to an excessive length of residence requirement to be eligible for social assistance.

(Conclusions 2009)

**The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Andorran Government to provide more information in the next report in respect of the following provisions:**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

(Report to be submitted before 31 October 2011)

- ▶ Article 1§§2 and 4 - Conclusions 2008
- ▶ Article 9 – Conclusions 2008
- ▶ Article 10§§1, 2 and 5 – Conclusions 2008
- ▶ Article 15§§1, 2 and 3 - Conclusions 2008

#### **Thematic Group 2 "Health, social security and social protection"**

(Report to be submitted before 31 October 2012)

- ▶ Article 3§§1, 2, 3 and 4 – Conclusions 2009
- ▶ Article 11§§1 and 3 – Conclusions 2009
- ▶ Article 12§§1, 2 and 4 – Conclusions 2009
- ▶ Article 13§4– Conclusions 2009
- ▶ Article 23 – Conclusions 2009