

## — Estonia and the European Social Charter —

### Ratifications

Estonia ratified the Revised European Social Charter on 11/09/2000 and has accepted 79 of the Revised Charter's 98 paragraphs.

Estonia has not yet ratified 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

Estonia is a monoist country.

### Reports

Between 2003 and 2010 Estonia submitted 7 reports on the application of the Revised Charter.

The [6<sup>th</sup> report](#), submitted on 29/12/2008, concerns the provisions accepted by Estonia relating to Thematic Group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13 and 14 of the Revised Charter). Conclusions with respect to these provisions were published in January 2010.

The [7<sup>th</sup> report](#), submitted on 23/12/2009, concerns the provisions accepted by Estonia relating to Thematic Group 3 "Labour rights" i.e.

- Right to just conditions of work (Article 2§§1, 2, 3, 5, 6 and 7)
- Right to a fair remuneration (Article 4§§2, 3, 4 and 5)
- 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 and working environment (Article 22)
- Right of workers' representatives to protection in the undertaking and facilities to be accorded to them (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 Estonia with respect to the application of the Revised Charter**

### **Examples of progress achieved**

#### **Discrimination (Sex)**

► The Gender Equality Act (GEA) entered into force in 2004 and aims at ensuring equal treatment for men and women in all areas of public and private life.

#### **Legal and Social Protection**

► Amendment of the Criminal Code in order to criminalise trafficking in persons and enslavement.

#### **Children**

► Preparation of a National Strategy against Child Commercial Sexual Exploitation and Protection.  
► Introduction of a new family benefit which is intended to offset the cost of raising a child and to reconcile work and family life (*Parental Benefits Act of 1 January 2004*).

#### **Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)**

In its Conclusions for 2006 and 2008, the European Committee of Social Rights declared that Estonian legislation, with regard to alternative service, did not comply with Article 1§2 (freely undertaken work) of the European Social Charter Revised. This provision stipulates that the duration of alternative service may not exceed one and a half times the length of military service. The Committee ruled that the length of alternative service in Estonia was excessive and therefore interfered with a person's right to earn his living in an occupation freely entered upon.

The Estonian Parliament recently passed amendments to the Defense Forces Service Act shortening alternative service from the current 12-18 months to 8-12 months as of July 2010, with a view to bringing Estonia's situation into conformity with the Revised Charter.

### **Cases of non-compliance**

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

► *Article 1§4 - Right to work - Vocational guidance, training and rehabilitation (and Article 9 – Right to vocational guidance)*

In practice access to vocational guidance is restricted to registered unemployed persons and those threatened with unemployment.

[\(Conclusions 2008\)](#)

► *Article 15§1- Right of persons with disabilities to independence, social integration and participation in the life of the community - Vocational training for persons with disabilities*

The anti-discrimination legislation covering education and training for persons with disabilities is inadequate.

[\(Conclusions 2008\)](#)

► *Article 15§2- Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

It has not been established that persons with disabilities are guaranteed effective protection against discrimination in employment.

[\(Conclusions 2008\)](#)

► *Article 15§3- Right of persons with disabilities to independence, social integration and participation in the life of the community - Integration and participation of persons with disabilities in the life of the community*

There is no anti-discrimination legislation for persons with disabilities covering issues such as housing, transport, telecommunications and cultural and leisure activities.

[\(Conclusions 2008\)](#)

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

### ▶ *Article 12§1 – Right to social security - Existence of a social security system*

The unemployment benefit, the minimum unemployment insurance benefit, the national pension and the minimum old age and invalidity pensions are manifestly inadequate.

[\(Conclusions 2009\)](#)

### ▶ *Article 12§4 – Right to social security – Social security of persons moving between states*

- the retention of accrued benefits for persons moving to a State Party which is not covered by Community regulations or not bound by an agreement with Estonia is not guaranteed;
- nationals of States Parties which are not covered by Community regulations or not bound by an agreement with Estonia cannot accumulate periods of insurance or employment completed in other countries.

[\(Conclusions 2009\)](#)

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

The amount of social assistance granted to a single person without resources is inadequate.

[\(Conclusions 2009\)](#)

## **Thematic Group 3 "Labour rights"**

### ▶ *Article 2§1 - Right to just conditions of work - Reasonable working time*

Shifts of up to twenty-four hours may be authorised for employee categories such as security guards, health care professionals, welfare workers, fire and rescue workers etc. The working hours of crew members on vessels engaged in short sea shipping may be authorised to work for up to 72 hours in any seven-day period.

[\(Conclusions 2007\)](#)

### ▶ *Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment*

In certain cases, workers are given unreasonably short notices of termination of employment.

[\(Conclusions 2007\)](#)

### ▶ *Article 6§4 - Right to bargain collectively - Collective action*

Civil servants are denied the right to strike.

## **Thematic Group 4 "Children, families, migrants"**

### ▶ *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

Minimum age of admission to employment and the rules on the nature of the light work permitted before the age of 15 do not apply to children working in family businesses, domestic work or on family farms.

[\(Conclusions 2006\)](#)

### ▶ *Article 7§3 – Right of children and young persons to protection - prohibition of the employment of children subject to compulsory education*

There is no statutory minimum rest period during the school holidays for children aged 15, who are subject to compulsory schooling; and in practice, children working in family enterprises, undertaking domestic work or working on family farms are not covered by the regulations on working hours or periods of rest.

[\(Conclusions 2006\)](#)

*Article 7§9– Right of children and young persons to protection regular medical examination*

Medical examinations are not frequent enough for young workers

[\(Conclusions 2006\)](#)

▶ *Article 8§2 – Right of employed women to protection of maternity - Illegality of dismissal during maternity leave*

The amount of compensation that may be awarded to a woman illegally dismissed is subject to a ceiling.

[\(Conclusions 2005\)](#)

▶ *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

The corporal punishment of children is not prohibited within the family.

[\(Conclusions 2005\)](#)

▶ *Article 19§6 -- Right of migrant workers and their families to protection and assistance - Family reunion and Article 19§10 – equal treatment for the self-employed*

A 5-year residence requirement is imposed on migrants (employees or self-employed) not citizens of EU or EEA member states before their families can join them.

[\(Conclusions 2006\)](#)

▶ *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

[\(Conclusions 2006\)](#)

▶ *Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment – Illegality of dismissal on the ground of family responsibilities*

The amount of compensation that may be awarded to an employee with family responsibilities, illegally dismissed, is subject to a ceiling.

[\(Conclusions 2005\)](#)

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

**Thematic Group 1 “Employment, training and equal opportunities”**

(Next report to be submitted by 31/10/2011)

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**Thematic Group 2 “Health, social security and social protection”**

(Next report to be submitted by 31/10/2012)

▶ Article 11§2 (Conclusions 2009)

▶ Article 14§2 (Conclusions 2009)

**Thematic Group 3 “Labour rights”**

(Next report to be submitted by 31/10/2013)

▶ Article 4§2 (Conclusions 2007)

▶ Article 5 (Conclusions 2006)

▶ Article 6§2 (Conclusions 2006)

**Thematic Group 4 "Children, families, migrants"**  
(Next report to be submitted by 31/10/2011)

- ▶ Article 7§10 (Conclusions 2006)
- ▶ Article 8§§1 and 4 (Conclusions 2005)
- ▶ Article 16 (Conclusions 2006)
- ▶ Article 17§2 (Conclusions 2005)
- ▶ Article 27§1 (Conclusions 2005)