

– Iceland and the European Social Charter –

 PDF format

Update: October 2010

Ratifications

Iceland ratified the European Social Charter on 15/01/1976, accepting 41 of the Charter's 72 paragraphs.

Iceland ratified the Amending Protocol to the Charter on 21/02/02.

It has signed but not yet ratified the Additional Protocol to the Charter on 05/05/1998.

Iceland has not yet signed or ratified the Additional Protocol providing for a system of collective complaints and it has not yet signed or ratified the Revised European Social Charter.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
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
9	10.1	10.2	10.3	10.4	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	16	17	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
AP1	AP2	AP3	AP4	AP=Additional Protocol				Gray = accepted provisions			

The Charter in domestic law

Iceland is a dualist state.

Reports

Between 1981 and 2009 Iceland submitted 24 reports on the application of the Charter.

The [22nd report](#), submitted on 5 October 2009, concerns the provisions accepted by Iceland related to Thematic Group 2 "Health, Social Security and Social Protection" (Articles 3, 11, 12, 13 and 14 of the Charter). Conclusions in respect of these provisions were published in January 2010.

The [23rd report](#) submitted on 9 October 2010 concerned the provisions accepted by Iceland related to Thematic Group 3 "Labour Laws" (Right to just conditions of work (Article 2§§1, 3 and 5), Right to a fair remuneration (Article 4), Right to organise (Article 5) and Right to bargain collectively (Article 6).

Iceland has submitted its [24th report](#) on 14/10/2010 related to Thematic Group 4 "Children, family and migrants" concerning the following provisions accepted by Iceland:

- Right of the family to social, legal and economic protection (Article 16)
- Right of mothers and children to social and economic protection (Article 17)

[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.

Update : October 2010
Factsheet - ICELAND

Department of the European Social Charter
Directorate General of Human rights and legal affairs



The situation of Iceland with respect to the application of the Charter

Example of progress achieved in the implementation of social rights under the Social Charter¹

Employment

► Article 180 of the Criminal Code which provided for imprisonment if a person became a public burden, neglected his maintenance obligations and refused to take on a job was repealed (Act of 14 June 1985). Section 81 of the Seamen's Act which provided for criminal sanctions against a crew member rising against the shipmaster even if not using the force, was repealed (Act of 4 May 1990). *Article 1§2 – prohibition of forced labour*

Right to organise

► The requirement that taxi drivers have to belong to a specified trade union in order to operate was abolished (Act No. 61/1995). The Constitution was amended to expressly recognise the negative right to organise (Act No. 97/1995). *Article 5 - right to organise*

Health

► Act No. 870/2000, revoking the 1983 Regulation, and Act No. 44/2002 replacing Act No. 117/1985, fixed regulations for protecting workers against asbestos and against ionising radiation respectively. *Article 3§1 – right to health and safety in the workplace*

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

► *Article 1§2 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*
– legislation prohibiting discrimination in employment on grounds other than sex is inadequate;
– certain occupations (primary school teacher, pharmacist and operator of an industrial, craft or factory facility) which are not inherently connected with the protection of the public interest or national security and do not involve the exercise of public authority and therefore are not covered by Article 31 of the Charter are restricted to Icelandic nationals or EEA nationals.
([Conclusions XIX-1 \(2008\)](#))

► *Article 1§4 (15§1 and 15§2) - Right to work - Vocational guidance, training and rehabilitation -Right of persons with disabilities to education, vocational training and guidance*
There is no legislation explicitly protecting persons with disabilities from discrimination in education and training.
([Conclusions XIX-1 \(2008\)](#))

1 « 1. The [European Committee of Social Rights] ...rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

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

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

Legislation does not provide for retention of accrued benefits when persons move to a state party not bound by Community regulations or by agreement with Iceland; nor does it provide for the accumulation of insurance or employment periods completed by the nationals of States party not covered by Community regulations or bound by agreement with Iceland.

([Conclusions XIX-2 \(2009\)](#))

Thematic Group 3 “Labour rights”

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

The working hours for seamen are allowed to reach 72 hours per week.

([Conclusions XVIII-2 \(2007\)](#))

▶ *Article 4§3 – Right to a fair remuneration - Non-discrimination between and women men with respect to remuneration*

1. Iceland does not permit pay comparisons for determining equal work or work of equal value beyond a single employer;

2. There is no provision under Icelandic law for declaring null a dismissal by reprisal and/or reinstating a victim of such a dismissal.

([Conclusions XVIII-2 \(2007\)](#))

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

The two weeks' notice period in the collective agreement between the Confederation of Icelandic Employers and Skilled Construction and Industrial workers, for employees with more than six months' service is not reasonable.

([Conclusions XVIII-2 \(2007\)](#))

▶ *Article 5 – Right to organise*

It has not been established whether negative freedom of association is fully protected.

([Conclusions XVIII-1 \(2006\)](#))

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

During the reference period the legislature intervened in order to terminate collective action in circumstances which went beyond those permitted by Article 31 of the Charter.

([Conclusions XVIII-1 \(2006\)](#))

Thematic Group 4 “Children, families, migrants”

No cases of non-compliance retained

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

Thematic Group 1 “Employment, training and equal opportunities”

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

- ▶ Article 18§§2 and 3 (Conclusions XIX-1 (2008))

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

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

- ▶ Article 12§2 – Conclusions XIX-2 (2009)

Thematic Group 3 “Labour rights”

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

- No deferrals

Thematic Group 4 “Children, families, migrants”

(Next report to be submitted by 31/10/2010)

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