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EUROPEAN SOCIAL CHARTER

13th National Report
on the implementation
of the European Social Charter
submitted by

THE GOVERNMENT OF ESTONIA

Articles 1, 9, 10, 15, 18, 20, 24 and 25 for the period
01/01/2011 – 31/12/2014

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CYCLE 2016

**EUROPEAN SOCIAL CHARTER
(REVISED)**

**13th Report of the Republic of Estonia
On the accepted provisions**

For the reference period 2011 – 2014

Articles 1, 9, 10, 15, 18, 20, 24, 25

For the period 2011–2014 made by the Government of Estonia in accordance with Article C of the Revised European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was submitted on September 11th, 2000.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the Estonian Central Federation of Trade Unions (EAKL), the Estonian Employees Unions Confederation (TALO) and the Estonian Confederation of Employers (ETK).

All Estonian legal acts that have been translated into English are available on the Internet at <http://www.sm.ee/et/rahvusvaheline-sotsiaalkindlustus>

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Article 1 - Right to work

Paragraph 1 - Policy of full employment

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

The unemployment rate has decreased markedly since 2010. While it reached a record high at 16.9% in 2010, it dropped to 7.4% in 2014. Also, youth unemployment and long-term unemployment have been steadily decreasing. While youth unemployment rate stood at 32.9% and the long-term unemployment rate at 7.7% in 2010, four years later the indicators had declined to 15% and 3.3%, respectively.

In 2011, Estonian Government approved the Estonian Strategy for Competitiveness (“Estonia 2020”) which is essentially a reform programme presenting the country’s policies and measures to sustain growth and jobs. The strategy complements the “Europe 2020” strategy which aims to create the necessary conditions for a more competitive economy with higher employment in the European Union. There are two central goals to “Estonia 2020”: increase employment rate to 76%, and raise productivity to 80% in comparison to the European Union average. As such, the strategy defines an overall economic policy, which requires coordinated action across the ministries. At the same time, “Estonia 2020” expressly targets the integration and skills development of the unemployed youth and long-term unemployed.

The strategy’s action plan is renewed every year. The targets for the period 2014–2018 include the facilitation of a better match between the education system and the needs of the labour market through the promotion of high-quality vocational education, entrepreneurship training, and access to lifelong learning programmes, an increase in the level of employment of workers beyond the retirement age, facilitation of labour force mobility, and the development of high-quality social services provided by local municipalities that allow also persons with care responsibilities to enter and stay in the labour market.

General Legal Framework: Employment Programmes

With reference to the previous reporting period, economic downturn and high unemployment necessitated a move towards more flexible provision of labour market services. This led to the adoption of fixed-term employment programmes. There have been two employment programmes for the periods 2012–2013 and 2014–2015, respectively. A third programme for the period 2016–2017 has been adopted.

Employment programmes serve the need to quickly adapt to the demands of the labour market, and develop new labour market services and benefits. Since their introduction in 2012, employment programmes have added new labour market services, developed new employment measures and relaxed the qualification requirements to receive labour market services.

In addition to the labour market services provided in the Labour Market Services and Benefits Act, employment programmes include career information, job search assistance, support for start-ups, individual solutions, debt, psychological and addiction counselling, support for readiness to work (voluntary work), and support for obtaining qualifications.

Table 1. Additional labour market services enshrined in employment programmes

Intervention name	Description	Introduced	Remarks
Career Information	Career information rooms are open to everybody in the employment offices.	2010	Before the adoption of employment programmes, career information was provided in programmes funded by the European Social Fund (hereafter: ESF).
Job search assistance (job search workshops and job clubs)	Guidance on job seeking and applying to vacancies. Job club participants also learn social skills, build up confidence and motivation, share experiences and ideas – with the aim of increasing their employability.	2010	Before the adoption of employment programmes, job search assistance was provided in programmes funded by the ESF. 2012: extended to cover also those people who are not registered with the Public Employment Services (hereafter: PES)
Support for start-ups	Mentor clubs, further training and individual business counselling for the recipients of the PES business start-up grant	2010	Before the adoption of employment programmes, support for start-ups was provided in programmes funded by the ESF. Since 2014: individual mentoring included
Individual solutions	PES can compensate to persons who have multiple obstacles in finding employment (special needs, social problems, care obligations, etc.) additional costs related to participation in employment measures or entering a job. Examples are organising personal support or sign language interpreter, covering costs of health certificate if required by employer, organising special transport, helping to cover costs of purchasing care services, etc.).	2012	
Psychological, financial /debt counselling, addiction counselling	Provided for unemployed and employees with redundancy notice	2010	Before the adoption of employment programmes, psychological, financial/debt counselling and addiction

			counselling were provided in programmes funded by the ESF.
Support for readiness to work (voluntary work)	Aimed at increasing employability.	2010	Before the adoption of employment programmes, support for readiness to work was provided in programmes funded by the ESF. Since 2012: stipends paid to participants
Support for obtaining qualification documents	Compensating costs related to exams, issuing of qualification documents, etc.	2009	Before the adoption of employment programmes, support for obtaining qualification documents was provided in programmes funded by the ESF.

Table 2. Overview of employment measures that modify existing labour market services and relax the qualification requirements to receive labour market services

Intervention name	Description	Introduced	Remarks
Training vouchers	Training vouchers for the unemployed and employees with redundancy notice in need of skills training. They can choose the training course agreed with the PES and provided by the selected training institutions. The PES pays for the training up to the set limit.	Sept 2009	Before the adoption of employment programmes, the training voucher scheme was funded by the ESF. Since 2011: Vouchers can also be used to participate in retraining programmes, language, entrepreneurship and computer courses. (First the vouchers could be used for upgrading professional skills (further training)). Limit is increased from 959 EUR to 2,500 EUR.

Work trial	One-day work trials are used in job mediation to test the suitability of the job as well as of the candidate	2011	Before the adoption of employment programmes, work trials were provided in programmes funded by the ESF.
Individual job coaching	A support person provides personal assistance for people with multiple barriers to employment who need job search guidance, motivational support, support at job interviews or other kind of support in order to find employment.	2010	Before the adoption of employment programmes, individual job coaching was provided in programmes funded by the ESF.
Training compensation for employer	Supporting (re)training of employees who are at risk of losing their job due to health reasons. If the employee can no longer carry out their current tasks due to health problems but the employer is willing to offer them another job after required (re)training, the PES compensates the employer 25% of training costs after the completion of the training programme.	2012	2014: compensation has been increased to cover 50% of the costs up to 1,250 EUR. The scheme was extended also to the long-term unemployed in need of (re)training during their first year of (re)employment.
Participation in measures can be continued when moving into employment	Person who was referred while registered as unemployed to training, job search assistance or counselling (psychological, debt, addiction counselling) programmes, can continue participation in these programmes if they take up a job or start their own business or enter full time studies. The aim is to encourage jobseekers to move back to work as fast as possible and shorten the duration of unemployment.	2012	
Wider range of ALMPs available for redundant employees	Employees who have received a redundancy notice are eligible for the PES support according to their individual needs/obstacles in finding new job. They can receive training, participate in on-the-job training (work practice) programme, apply for business start-up grant etc. The aim is to provide effective support to redundant employees in securing new employment, ideally with no intervening period of unemployment.	2012	
Wage subsidy qualification requirements relaxed	Wage subsidy is granted to the employer who recruits the unemployed who have been registered with PES for at least 12 months within 15 months prior to taking up a job. This applies only if the registration with PES has meanwhile been terminated due to employment. Until March 2012, the wage subsidy was granted if the person had been registered as unemployed consecutively 12	March 2012	

	months (without any breaks). The aim of the change was to encourage long-term unemployed to take up one-time or short-time work without losing the opportunity to be later helped into a more permanent job with wage subsidy.		
Supported employment scheme for people with disabilities extended to fixed-term employment contracts	The PES finances a support person for placement of a disabled jobseeker also in the case of fixed-term recruitment (if the duration of the contract is at least 6 months). Previously the measure could be provided only if an open-end contract was concluded with the disabled person. The aim of the change was to increase employment opportunities for jobseekers with disabilities.	2014	
Coaching for working life	Coaching for working life with duration of 6 months can be arranged for people with disabilities or long-term health problems in addition to the long-term unemployed	2014	
Disability employment services: adaptation of premises and equipment	For an employer whose employee with a disability needs adjustments to working premises and equipment the costs are compensated up to 75% instead of 50%. The costs are also reimbursed for the self-employed with a disability.	2014	

The project for the employment programme is drafted by the UIF in cooperation with the Ministry of Social Affairs. Upon the preparation of the employment programme, state strategies and development plans, situation in the labour market, the need to develop labour market measures, the amount of the foundation of labour market services and benefits provided in the Unemployment Insurance Act and analyses of the effects of the provision of labour market services and payment of labour market benefits are taken into account. Employment programmes are approved by the supervisory board of the UIF and shall be established by a regulation of the Government of Estonia. The programme is implemented by the UIF.

Programmes funded by the ESF: 2015 and onwards

Programmes funded by the ESF add labour market services and relax qualification requirements to receive labour market services. These programmes entitle everyone to career counselling provided by the UIF, extend a number of services to jobseekers who have reached the retirement age, target youth unemployment and regional unemployment, and enhance the employability of persons with reduced capacity for work.

Table 3. Provision of labour market services that are funded from the ESF

Intervention name	Description	Introduced	Remarks
Career Counselling	Service provided for everyone	2015	Co-funded from the ESF programme "Increasing the Availability of Career Services" until 2020. Minister's directive was adopted in 2014.
Services for jobseekers in retirement age	Jobseekers in retirement age, if not in employment, can receive training, support in obtaining qualifications, in-work training (work-practice), business start-up and related support services, also adaption of premises and equipment and technical aids if needed	2015	Co-funded from the ESF programme "Provision of Labour Market Services that guarantee better chances to

	due to disability. Previously persons in retirement age could not be enrolled in ALMPs		become employed 2014–2020” until 2020. Minister’s directive was adopted in 2014.
My first job	Wage subsidy (50% of wage up to 2 x minimum wage, paid for 12 months) combined with the training cost compensation up to 2,500 EUR for employers who recruit young people in age of 17–29 with no qualifications and working experience.	2015	Co-funded from the ESF programme “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” until 2020. Minister’s directive was adopted in 2014.
Employment workshops at schools	Workshops on working life, job search and employment opportunities are aimed at all 8 th to 12 th grade students	2015	Co-funded from the ESF programme “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” until 2020. Minister’s directive was adopted in 2014.
Mobile counselling (MOBI)	MOBI is provided to jobseekers in the age group 16–30. The target group is introduced to the possibilities of finding work locally, and to services and benefits provided by the UIF. Individual counselling or group counselling sessions may be held. MOBI is carried out in the vicinity of participants’ home all over Estonia but more frequently in regions where the unemployment rate is higher or access to information due to the location limited.	2015	Co-funded from the ESF programme “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” until 2020. Minister’s directive was adopted in 2014.
Mobility allowance	An unemployed person has the right to apply for a mobility allowance, should they take up employment further away from home. The worker will receive the allowance provided they have been registered as unemployed with the UIF for six months, have not found suitable work near home and take up employment at least 30 km away from home. The allowance does not apply to people living and working in the capital region (Tallinn and the communes nearby), since public transport is free of charge for the residents of this area. Furthermore, the duration of the allowance is limited to 4 months. The maximum amount of the allowance is 200 euros.	2016	Co-funded from the ESF programme “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” until 2020. Minister’s directive was adopted in 2014.

<p>Services to the Work Ability Reform Target group</p>	<p>In addition to services provided in the Labour Market Services and Benefits Act and employment programmes, new services include occupational rehabilitation, peer counselling, and sheltered employment. UIF will provide counselling to employers to raise awareness and help adapt work places.</p>	<p>2016</p>	<p>Government set out its proposals for a work ability reform in 2013.</p> <p>Co-funded from the ESF programme “Provision of labour market services to the work ability reform target group 2015–2020” until 2020.</p> <p>Minister’s directive was adopted in 2015.</p>
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Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Addressing youth unemployment, long-term unemployment and high regional unemployment

“Estonia 2020”, which aims to increase the employment rate to 76% by 2020, expressly targets the integration and skills development of the unemployed youth and the long-term unemployed.

Implementation of the European Youth Guarantee requires the Member States of the European Union to ensure that all young people under the age of 25 – whether registered with employment services or not – get a good-quality, concrete offer, whether in further education, traineeship or apprenticeship, within four months of leaving formal education or becoming unemployed. “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” addresses youth unemployment by providing for a new labour market service “My first job”. The service reimburses employers, who hire a young person (17–29), who has been unemployed for more than four months in a row, is low-educated, does not have much or any previous work experience, partially the costs of their salary. Moreover, should the young employee need training, training costs will be covered during the first two years of working. As such, the service increases competitiveness and encourages skills development. UIF together with local schools holds workshops for pupils in the grades 8–12 and introduces them the labour market situation and employment services and benefits. Furthermore, mobile counselling is provided in cooperation with local youth centres to jobseekers in the age group 16–30.

In 2014, the long-term unemployment rate stood at 3.3% – a significant decrease compared to 2010. There are specific labour market actions targeting the long-term unemployed. For a more detailed overview, please consult Article 10 (4).

A relatively high regional unemployment rate indicates that jobs are clustered in regional centres. The cost of commuting between home and work may, however, discourage people from looking for work further away from home. In order to increase workers’ mobility, as of 2016 an unemployed person has the right to apply for a mobility allowance. For detailed requirements, consult table 3 in Article 1 (1) .

Provision of Related Services: care services and social services

Lack of affordable care facilities may make it hard for unemployed persons to enter and stay in the labour market once they have to take care of their dependants. The inequality is exacerbated by regional disparities: while some local municipalities have enough capacity, for instance, enough kindergarten places and institutional care facilities, others lack the resources and capacity to offer high-quality care. In order to improve the availability of child care services, pursuant to the programme “Creating and offering childcare places to children between the ages 0–7” funded by the ESF, local municipalities can apply for additional support when providing care facilities. Local municipalities can offer a child’s parents child care services instead of a place at the kindergarten provided that the child’s parents agree to it. The parents’ financial obligation can amount to 20% of the minimum wage (currently set at 350 euros). The measure targets parents of children 1,5–3 years of age. Moreover, programme “Developing and offering care services to children with disabilities” funded by the ESF facilitates the capacity building of local municipalities to provide high-quality care also to children with disabilities. Furthermore, local municipalities are supported when providing social services to persons with addiction problems (alcohol, narcotics), and former prisoners.

Addressing shortage of labour supply: Work Ability Reform

Facing a low birth rate, steady emigration and early exits from the labour market due to health reasons, labour supply in Estonia is constrained. At the same time, around 100,000 people aged between 20 and 64 are registered as having a permanent incapacity for work. Only around 40% of persons with loss of capacity for work are employed. Furthermore, the number of exits from the system is low. Because the current system puts a strain on the State’s social security system and is not sustainable in the long run, the government set out its proposals for a work ability reform in 2013. The aim of the reform is not only to increase the employment rate of persons with loss of capacity for work, but also to shift the society’s perceptions about persons with impairments.

Pursuant to the State Pension Insurance Act, permanent incapacity for work may be established in a range between 10% and 100%. In the event that permanent incapacity for work of up to at least 40% is established for a person, he or she shall have the right to apply for a pension for incapacity for work. The pension is paid regardless of whether the person is employed or not. The central tenet of the reform, however, is to move away from the evaluation of a person’s incapacity for work to the evaluation of a person’s capacity to work. The criterion for the work ability allowance will be an individual’s capacity to work. While both persons with partial or no work capacity will be paid the work ability allowance, its payment to persons with partial work capacity depends on the person’s fulfilment of activity requirements. In case of employment, the amount and payment of benefit depends on the amount of earned salary. Employability of persons with reduced capacity for work will be supported by the provision of labour market services. Pursuant to the “Provision of labour market services to the work ability reform target group 2015–2020”, the UIF will provide the target group with labour market services that enhance their employability. In addition to already existing labour market services, new services include occupational rehabilitation, peer counselling, and sheltered employment. Furthermore, the UIF will provide counselling to employers to raise awareness and help adapt work places. The UIF will be responsible for the assessment of a person’s ability to work and the payment of work ability allowances on the basis of the Work Ability Allowance Act.

The reform will enter into force on January 1st, 2016 and extend the provision of labour market services in case of disability. From July 1st, 2016 the new work ability assessment system will be introduced and new benefit rules applied.

While the first stage of the work ability reform aims to increase the employability of persons with loss of capacity for work, the second limb addresses the prevention of occupational accidents and compensation for occupational diseases. At the same time, the government has created an online

platform *Tööbik* where enterprises can analyse the safety of the occupational environment for free. It is estimated that the new platform will increase employee well-being and labour productivity.

Guaranteeing the effectiveness of labour market services

Pursuant to the Unemployment Insurance Act, the UIF analyses, in cooperation with the Ministry of Social Affairs, the impact and effectiveness of the labour market actions. Upon assessing the efficiency (impact) of labour market measures the characteristics of the labour market services are taken into account. At the same time, efficiency is assessed by labour market measures rather than labour market risk groups alone. These assessments serve as a basis for developing and providing more effective labour market services. The assessments are available on the UIF's website. Consult Article 10 (3) for more information on the sustainability and effectiveness of training programmes.

Please supply statistics or any other relevant information to show how this provision is applied in practice.

Table 4. Main labour market indicators, 2011–2014

	2011	2012	2013	2014
Growth of GDP, %	8.3	4.7	1.6	2.1
Activity rate (15–74), %	67.5	67.6	68.0	68.0
men	71.7	72.0	72.4	73.1
women	63.6	63.6	63.9	63.4
Employment rate (15–64), %	65.1	66.8	68.2	69.2
men	67.3	69.0	70.8	72.3
women	62.9	64.6	65.6	66.2
Employment rate of young persons (15–24), %	30.6	31.5	31.8	32.6
men	32.3	32.7	32.9	32.1
women	28.8	30.3	30.6	33.2
Unemployment rate (15–74), %	12.3	10.0	8.6	7.4
men	13.1	10.9	9.1	7.9
women	11.6	9.1	8.2	6.8
Unemployment rate of young persons, %	22.4	20.9	18.7	15.0
men	23.8	22.8	17.8	19.3
women	20.6	18.5	19.7	10.0
Long-term unemployment rate, %	7.1	5.5	3.8	3.3
men	7.9	6.0	4.2	3.9
women	6.2	4.9	3.4	2.7

Source: Statistics Estonia, Estonian Labour Force Survey

Table 5. Number of employed persons aged 15–74 by areas of activity, in thousands

	2011	2012	2013	2014
Areas of activity TOTAL	603.2	614.9	621.3	624.8
Agriculture, forestry and fishing	26.6	27.6	26.5	24.1
Mining and quarrying	5.8	4.9	4.8	4.2
Manufacturing	119.1	115.5	116.4	114.0

Electricity, gas, steam and air conditioning supply	8.1	9.2	7.1	8.1
Water supply; sewerage, waste management and remediation activities	3.7	3.3	3.0	3.1
Construction	58.9	58.2	56.6	58.7
Wholesale and retail trade; repair of motor vehicles and motorcycles	81.1	79.1	81.1	81.2
Transportation and storage	48.3	51	46.9	50.8
Accommodation and food service activities	18.4	18.8	23.4	25.8
Information and communication	16.7	18.5	19.7	22.1
Financial and insurance activities	10.3	10.9	10.2	8.2
Real estate activities	10.7	10.7	11.7	11.5
Professional, scientific and technical activities	23.1	23.2	26.2	26.7
Administrative and support service activities	17.4	21.3	22.7	18.8
Public administration and defence, compulsory social security	39.3	40.1	43.0	45.1
Education	56.5	61.8	56.1	55.0
Human health and social work activities	34.6	34.5	36.4	38.6
Arts, entertainment and recreation	14.2	14.9	17.1	16.6
Other activities	10.5	11.4	12.4	12.3
Men				
Economic activities total	302.7	309.4	314.7	320.0
Agriculture, forestry and fishing	19.2	19.9	19.5	17.3
Mining and quarrying	4.9	4.4	4.5	3.9
Manufacturing	71.7	70.1	70.1	67.6
Electricity, gas, steam and air conditioning supply	6.4	7.1	5.4	6.0
Water supply; sewerage, waste management and remediation activities	2.4	2.1	2.3	2.5
Construction	52.9	53.4	53.0	54.7
Wholesale and retail trade; repair of motor vehicles and motorcycles	32.8	32.0	32.4	34.4
Transportation and storage	33.2	35.7	34.1	36.9
Accommodation and food service activities	4.0	4.3	6.6	6.8
Information and communication	10.2	10.6	12.6	14.5
Financial and insurance activities	3.0	2.4	2.4	2.6
Real estate activities	3.8	3.8	4.4	5.0
Professional, scientific and technical activities	10.2	10.3	12.0	12.4
Administrative and support service activities	9.4	9.7	9.4	10.1
Public administration and defence, compulsory social security	18.3	18.3	20.2	20.5
Education	8.4	11.4	11.5	9.6
Human health and social work activities	5.4	4.6	3.2	5.3
Arts, entertainment and recreation	4.6	5.8	7.2	6.4
Other activities	2.0	3.6	3.9	3.7
Women				

Economic activities total	300.5	305.5	306.6	304.8
Agriculture, forestry and fishing	7.4	7.7	7.0	6.8
Mining and quarrying	..	..	..	..
Manufacturing	47.4	45.4	46.3	46.4
Electricity, gas, steam and air conditioning supply	1.6	2.1	1.7	2.1
Water supply; sewerage, waste management and remediation activities	1.3	1.2	..	..
Construction	6.1	4.9	3.6	4.0
Wholesale and retail trade; repair of motor vehicles and motorcycles	48.3	47.1	48.6	46.8
Transportation and storage	15.1	15.4	12.8	13.9
Accommodation and food service activities	14.3	14.5	16.8	19.0
Information and communication	6.5	7.9	7.1	7.6
Financial and insurance activities	7.3	8.4	7.8	5.5
Real estate activities	6.8	7.0	7.3	6.5
Professional, scientific and technical activities	13.0	12.9	14.2	14.3
Administrative and support service activities	8.0	11.6	13.3	8.7
Public administration and defence, compulsory social security	21.0	21.7	22.8	24.6
Education	48.1	50.4	44.5	45.4
Human health and social work activities	29.2	30.0	33.2	33.4
Arts, entertainment and recreation	9.6	9.1	9.8	10.2
Other activities	8.5	7.8	8.6	8.6

Source: Statistics Estonia, Estonian Labour Force Survey

Table 6. Employed persons by sectors of the economy, in thousands

	2011	2012	2013	2014
TOTAL	603.2	614.9	621.3	624.8
Primary sector	26.6	27.6	26.5	24.1
Secondary sector	195.5	191.1	187.9	188.1
Tertiary sector	381.1	396.2	407.0	412.6
Men				
TOTAL	302.7	309.4	314.7	320.0
Primary sector	19.2	19.9	19.5	17.3
Secondary sector	138.2	137.1	135.3	134.7
Tertiary sector	145.3	152.4	160.0	168.1
Women				
TOTAL	300.5	305.5	306.6	304.8
Primary sector	7.4	7.7	7.0	6.8
Secondary sector	57.3	54.0	52.6	53.5
Tertiary sector	235.8	243.8	247.0	244.5

Source: Statistics Estonia, Estonian Labour Force Survey

Table 7. Employed persons by status of employment, in thousands

	2011	2012	2013	2014
TOTAL	603.2	614.9	621.3	624.8
Employees	550.6	560.5	564.6	567.9
Self-employed	52.6	54.5	56.8	56.9
..employers	23.8	23.3	23.4	21.4
..own-account workers	27.2	29.3	31.7	34.2
..unpaid family workers	1.6	1.9	1.6	1.3
Men				
TOTAL	302.7	309.4	314.7	320.0
Employees	265.7	270.6	275.9	280.4
Self-employed	37.0	38.7	38.8	39.7
..employers	19.0	19.2	19.0	17.1
..own-account workers	17.1	18.8	19.0	21.9
..unpaid family workers	0.9	0.8	..	..
Women				
TOTAL	300.5	305.5	306.6	304.8
Employees	284.9	289.8	288.6	287.5
Self-employed	15.6	15.7	18.0	17.3
..employers	4.8	4.1	4.4	4.2
..own-account workers	10.1	10.6	12.7	12.4
..unpaid family workers	0.7	1.0	..	..

Source: Statistics Estonia, Estonian Labour Force Survey

Table 8. Expenses related to employment policy and proportion thereof in GDP

	2011	2012	2013
Active employment policy expenses (million euros)	36.93	50.20	43.83
% of GDP	0.23	0.29	0.24
Passive employment policy expenses (million euros)	78.79	76.52	82.68
% of GDP	0.49	0.44	0.45
Employment policy expenses, total (million euros)	116.71	126.72	126.51
% of GDP	0.72	0.73	0.69

Source: Eurostat, information for 2014 not available

Paragraph 2 - Prohibition of forced labour

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

Prohibition of forced labour arises from the Constitution of the Republic of Estonia. Paragraph 29 of the Constitution stipulates that every citizen of Estonia is entitled to freely choose his or her area of activity, profession and position of employment. The law may provide conditions and procedures for exercising this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy the right equally with citizens of Estonia. The same provision also provides that no one may be compelled to perform work or service against his or her free will, except for service in the defence forces or alternative service, or work required to prevent the spreading of an infectious disease or to contain a natural disaster or catastrophe, or work which a convicted offender is required to perform according to the law and pursuant to a procedure established by law.

As mentioned, the Constitution of the Republic of Estonia directly prohibits forced labour. To give effect to this prohibition, the Penal Code provides definition of human trafficking, which includes forced labour and also punishments.

Pursuant to § 133 of the Penal Code, placing a person in a situation where they are forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation¹ of the person, is punishable by one to seven years' imprisonment. The same act is punishable by three to fifteen years' imprisonment if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed in a torturous or cruel manner;
- 5) serious health damage is caused thereby;
- 6) danger to life is caused thereby;
- 7) committed by a group;
- 8) committed by taking advantage of an official position,
- 9) serious consequences are caused thereby;
- 10) committed by a person who has previously committed the particular criminal offence: supporting human trafficking, pimping, aiding prostitution, human trafficking in order to take advantage of minors

If the act is committed by a legal person, it is punishable by a pecuniary punishment.

According to § 133¹ of the Penal Code, supporting human trafficking is also a criminal offence. Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a situation specified in subsection 133 of the Penal Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by

¹ Pursuant to § 133 subsection 5 of the Penal Code, for the purposes of this section, a vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in this section.

up to five years' imprisonment. The same act is punishable by two to ten year's imprisonment if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed by taking advantage of an official position,

If the act is committed by a legal person, it is punishable by a pecuniary punishment.

Paragraph 175 of the Penal Code regulates punishment for human trafficking in order to take advantage of minors. According to the provision, influencing of a person of less than eighteen years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of the Penal Code, and a person aiding in other manner in the activities specified in this section of a person of less than eighteen years of age is punishable by two to ten years' imprisonment. The same act is punishable by three to ten years' imprisonment if committed by a person who has previously committed a criminal offence: human trafficking, aiding prostitution, human trafficking in order to take advantage of minors, requesting access to and watching child pornography, manufacture of works involving child pornography or making child pornography available, agreement to meet a child for sexual purpose, sexual enticement of children.

The same act, if committed by a legal person, is punishable by a pecuniary punishment.

The legislation on prohibition of forced labour includes all situations where a person is forced to work under unusual conditions. Therefore, domestic work, if it is done under unusual conditions (i.e. it involves coercion), is also prohibited.

Prison work

There have been no changes to the legislation.

AS Eesti Vanglatööstus (PLC Estonian Prison Industry) ensures employment for inmates in closed prisons. The company is 100% state owned. Currently, the company is active in three prisons: Viru Prison, Tartu Prison, and Harku and Murru Prison. In July the company employed:

- 29 inmates in Tartu Prison
- 66 inmates in Viru Prison
- 48 inmates in Harku and Murru Prison.

In July 2015, in total 185 inmates were working outside the prison:

- Tartu Prison: 20 inmates.
- Viru Prison: 63 inmates.
- Maardu Prison: 102 inmates.

Alternative Military Service and minimum periods of service in the armed forces

No major amendments have been made to legal regulation concerning alternative military service and minimum periods of service in the armed forces. There have been some changes to the legislation concerning small details, as new Military Service Act entered into force on April 1st, 2013. Pursuant to the Military Service Act, the duration of conscript service still shall not be longer than 12 months or shorter than eight months. The duration of conscript service shall be established by a regulation of the Government of the Republic.

Pursuant to Regulation no. 31 “Determination of Duration of Compulsory Military Service and Alternative Service” of the Government of the Republic, the duration of compulsory military service is 8 months as of February 15th, 2009 except for the following cases specified in the Regulation in which the duration of compulsory military service is 11 months:

- 1) conscripts in compulsory military service in the navy;
- 2) conscripts who have been directed to communications or information technology training in the course of compulsory military service and assigned positions in the field of communications or information technology;
- 3) conscripts who have been directed to non-commissioned officer training in the course of compulsory military service and assigned a non-commissioned officer position;
- 4) conscripts who have been directed to Military Police training in the course of compulsory military service and assigned a Military Police position; and
- 5) conscripts who have been directed to acquire the right to drive motor vehicles of at least one category in the course of compulsory military service and assigned the position of driver.

The duration of alternative service is 12 months. As of August 26th, 2015, 60 people are serving the alternative service.

Nationals of non-European Union member states cannot work as central or local government officials. The Committee asked for confirmation that there is therefore a difference of treatment in access to employment between nationals of a European Union member state.

However the Public Service Act in section 17 foresees that specific legislation could allow in well-grounded cases the recruitment of other nationals i.e. Non-European Union citizens. The Committee asks whether this has ever been done.

The legislation concerning public service has been amended recently. New Civil Service Act (CSA) entered into force on April 1st, 2013. One of the bigger changes the new act brought was differentiation between officials and employees of state and local government. Before 2013, everyone working for state or local authority was an official.

According to the CSA § 7, an official is a person who is in the public-law service and has a trust relationship with the state or local government. But an employee is recruited for the job in a state authority, which does not involve the exercise of official authority but only work in support of the exercise of official authority. An employee works under an employment contract. Employment is primarily:

- 1) accounting;
- 2) human resource work;
- 3) records management;
- 4) activities of procurement specialists;
- 5) activities of administrative personnel;
- 6) activities of information technologists;
- 7) other work supporting the exercising of official authority.

Paragraph 14 of the CSA sets out requirements for employment in service. According to this provision, an Estonian citizen who has at least a secondary education, has active legal capacity and is proficient in Estonian to the extent provided by law or on the basis thereof may be employed in the service. A citizen of a Member State of the European Union who conforms to the requirements established by law and on the basis thereof may also be employed in the service. Only Estonian citizens shall be appointed to a post related to the directing of the authorities, the exercise of state supervision, the national defence and judicial power, the

processing of state secrets or classified information of foreign states, the representing of public prosecution or diplomatic representation of the state, and the posts in which an official has the right, in order to guarantee public order and security, to restrict the fundamental rights and freedom of a person.

The requirements for education, work experience, knowledge and skills of the officials of the Chancellery of Riigikogu, the Office of the President of the Republic, the National Audit Office, the Office of the Chancellery of Justice and the Supreme Court, which are necessary for the performance of functions, shall be established by the head of the respective authority. The requirements for education, work experience, knowledge and skills of the officials of the courts of first and second instance, which are necessary for the performance of functions, shall be established by the minister responsible for the area upon hearing the opinion of the Council for Administration of Courts. The requirements for education, work experience, knowledge and skills of the officials of a local government authority, which are necessary for the performance of functions, shall be established by the local government council.

Conditions brought forward do not apply to employees working under an employment contract. Therefore, also non-European Union citizens can work in state and local government authority under an employment contract.

Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
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Ministry of Social Affairs is preparing a draft act to ratify the Protocol of 2014 to the ILO Forced Labour Convention, 1930. The protocol brings the existing ILO Convention on Forced Labour into the modern era to address practices such as human trafficking and aims to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate contemporary forms of slavery. The draft act for ratification of the protocol is being prepared and should be ready by December 2015.

In 2014 Violence Prevention Strategy for years 2015–2020 (Vägivalla ennetamise strateegia aastateks 2015–2020) was drafted. The strategy aims to reduce violence in Estonia and, among other things, covers human trafficking, including forced labour. The strategy contains various activities to achieve its purpose. These activities include, *inter alia*, raising awareness about the risk of becoming a victim of human trafficking/drudgery and different trainings for young people (and other vulnerable groups), employers and specialists working with the victims of violence. More specifically focusing on forced labour, the Labour Inspection will be given an obligation to perform state supervision over private employment mediators and intermediaries of temporary agency work. This obligation aims to protect employees and persons looking for a job from private employment mediators and intermediaries of temporary agency work and to ensure more effective detection of violations. The EU directive concerning sanctions and measures against employers of illegally staying third-country nationals also provides an obligation to carry out inspections to control employment of illegally staying third-country nationals and detect possible cases of human trafficking/drudgery. Reports on the inspections must be submitted to the European Commission annually.

The Ministry of Justice has drafted Guidelines for Development of Criminal Policy until 2018. Those guidelines set out the long term goals of criminal policy in Estonia. The public sector must take the guidelines into account upon setting its operating objectives and development of policy, in particular of social and educational policy and upon planning of settlements. Regarding forced labour, the guidelines stipulate that criminal policy shall take potential future risks into account and be ready for the prevention of and responding to problems with racial,

ethnic and religious background unknown or rare so far in Estonia such as forced marriages, honour killings, becoming a destination country for trafficking in human beings².

The Committee asks whether the rules on compensation for discrimination remain unchanged. The Committee asks the next report to provide information on discrimination cases in employment before the courts, the Chancellor of justice as well as those dealt with by the Commissioner.

The rules on compensation have remained unchanged. According to the Gender Equality Act (GEA § 13) and the Equal Treatment Act (ETA § 24) the victims can demand both that the infringing party ends the discrimination and also compensates the damages caused, both material and moral damages. There are no differences in the possible sanctions depending on the ground of discrimination.

The scope, duration and nature of the discrimination is taken into account in determining the amount of compensation (GEA § 13(3), ETA § 24(3)). In case of non-proprietary (or moral) damage, the victim can ask for 'a reasonable amount of money' as compensation (GEA § 13(2), ETA § 24(2)). In case of moral damages, if the exact amount of the damage cannot be established or if the establishment thereof would involve major difficulties or unreasonably high costs the court will assess the amount of compensation at its discretion.

In 2011, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 358. Out of all inquiries there were 90 complaints of discrimination. Out of all complaints the Commissioner found 23 cases of discrimination. 45 complaints concerned discrimination based on gender, 8 concerned nationality, 6 were based on age.

In 2012, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 392. Out of all the inquiries there were 95 complaints and requests for explanations. Out of 69 complaints 37 concerned discrimination based on gender; 7 concerned sexual orientation; 1 concerned disability; 6 concerned nationality (ethnicity) or race; 1 concerned membership of trade union; 4 concerned age and 3 concerned multiple discriminations. Out of all complaints the Commissioner found 11 cases of discrimination.

In 2012 the court decided in three discrimination cases but did not find discrimination in any of the cases. Two cases concerned discrimination on the ground of nationality and one concerned discrimination in association with parenting.

In 2013, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 403. 116 inquiries were complaints and requests for explanations, out of which 57 were related to gender discrimination, including one complaint on gender identity discrimination. Out of all complaints and requests for explanations on gender discrimination 24 were related to labour relations.

There were 4 complaints and requests for explanations on sexual orientation (one in labour relations); 14 on disability (4 in labour relations), 7 on nationality (ethnicity) or race (5 in labour relations); 2 on membership of trade union; 2 on belief; 14 on age (7 in labour relations) and 6 were related to multiple discriminations. The Commissioner considered 15 cases to be discriminatory. In 2013, the court decided in 5 appeals basing on the discrimination cases from the previous year. The court did not find the ground to change the previous decisions concerning discrimination based on nationality and parenting.

In 2014, the overall number of inquiries to the Commissioner was 471. The number of complaints and requests for information to the Commissioner was 192, which was 64% higher than in 2013. Altogether, 114 complaints and requests for information were in labour relations. 90 complaints and requests for information concerned discrimination based on gender (61 in labour relations); 19 concerned age (16 in labour relations); 10 concerned disability (5 in labour

² Forced labour is considered a part of human trafficking.

relations); 8 nationality (ethnicity) and race (6 in labour relations); one on discrimination based on sexual orientation and one on belief. 12 complaints concerned multiple discriminations. The Commissioner considered 39 cases to be discriminatory. In 2014 the court decided in two cases of discrimination considering infringement of the ETA.

In the case of discrimination based on language proficiency while recruiting the court did not find discrimination. In the case of age discrimination while dismissal, the court ordered 8,200 euros compensation for the victim of discrimination.

As indicated, the Commissioner helps the victims to bring the complaints to the labour dispute committees or courts. The Commissioner has taken up the activities of strategic litigation in the area of gender discrimination through the pre-defined project "Promoting Gender Equality through Empowerment and Mainstreaming" financed by the Norway Grants 2009-2014. In 2014 the Commissioner's Office helped the victims to take seven cases of discrimination to the court. Four cases were related to discrimination on grounds of pregnancy, one case relates to discrimination on grounds of parenting, one relates discrimination based on trade union membership, and one relates to discrimination based on gender identity. Today, five cases are still in the proceeding at the court. The court has reached the decision in two cases. In one of the cases of pregnancy discrimination, the court decided that the cancellation of an employment contract due to pregnancy was void. The case of discrimination due to parenting resulted in an agreement between the parties.

The amount of compensation to the victims of discrimination obligated by the labour dispute committee has grown steadily over years. In 2014, the total amount of compensation to the victims of discrimination was 71,000 euros.

In certain cases and under certain circumstances the loss of unemployment benefits on grounds of refusal to accept offered employment could mount, indirectly, to a restriction on the freedom to work and as such the situation would be assessed under Article 1 §2. The Committee refers to its interpretative statement in the General Introduction on this issue. It asks that the next report to include updated information on this issue.

Suitable work

Pursuant to the Labour Market Services and Benefits Act, persons who have registered with the UIF as unemployed are required to contact the UIF for work-focused counselling at least once in every 30 days. The client and the counsellor may agree to use different channels for the meetings. This can be a face-to-face meeting at the UIF office, contact via the self-service-portal or counselling by phone. Counselling via e-channels or phone can be organised for newly registered unemployed persons (during the first 3 months of unemployment) or for unemployed persons participating in active labour market measures or when meeting face-to-face is hindered by a disability (starting from January 1st, 2016). At each counselling, regardless of the channel used, a work-focused interview is carried out. Specific activities and steps to be taken to move forward are agreed, these can be referrals to vacancies, job search assistance services, active labour market measures, etc. Progress is discussed and results are recorded in the Individual Action Plan, next steps and tasks are agreed and support measures provided on the basis of individual needs of jobseeker. In the process, the client is required to accept a suitable job. The job offer shall nevertheless match the profile, skills, reasonable wage expectations and distance requirements (distance between the working place and home of the client) of the unemployed person.

According to Article 12 of the Labour Market Services and Benefits Act, job mediation means finding suitable work for unemployed persons and job-seekers, and finding suitable employees for employers. During the first twenty weeks after registering oneself as unemployed, suitable work is deemed to be:

- 1) work, which is not contraindicated due to health reasons;
- 2) work, in case of which the journey from the place of residence to the place of work of the person by public transport will not take longer than two hours a day and will not cost more than 15% of the person's monthly wages;
- 3) work, which corresponds to the education, profession and earlier work experience of the unemployed person, and
- 4) work, for which a salary of at least 60% of the person's average monthly income subject to social tax but not less than two times the minimum wage is offered. In calculating a person's average income of one month subject to social tax, the first three months out of the six months before registration of the person as unemployed shall be taken into account.

Starting from the 21st week of registered unemployment, suitable work is deemed to be:

- 1) work, which is not contraindicated due to health reasons;
- 2) work, which may be temporary;
- 3) work, in case of which the journey from the place of residence to the place of work of the person by public transport will not take longer than two hours a day and will not cost more than 15% of the person's monthly wages;
- 4) work, for which a salary, upon full-time employment, is higher than the unemployment insurance benefit received by the person for the same period but not lower than the minimum monthly wage established under subsection 29(5) of the Employment Contracts Act is offered, and
- 5) work, which does not need to correspond to the education, profession or earlier work experience of the unemployed person.

Gradual sanctions are implemented should the unemployed person refuse to accept suitable work. Namely, should the unemployed person refuse suitable work without a good reason for the first time, the UIF has the right not to pay unemployment insurance or suspend the payment of unemployment allowance for ten days. Should the unemployed person refuse suitable work without a good reason for the second time, the payment of unemployment allowance shall be suspended prematurely. The UIF shall make a decision on the termination of a person's registration as unemployed should the unemployed person refuse, without a good reason, to accept suitable work for the third time. An unemployed person refuses suitable work with a good reason when they refuse work due to health reasons, family responsibilities, incompatible work conditions or working time or when there is no proper transport connection between the person's home and workplace. The regulation helps to shorten the unemployment spell and guarantees that the unemployed person remains active in the process: searches for work and is available for work. The aim of the regulation is not to sanction the unemployed person but help them back to the labour market.

In the period 2011–2014, there were two cases in which the UIF suspended the payment of the unemployment allowance because the unemployed persons refused suitable work for the first time, without a good reason. Furthermore, in the period 2011–2014, there were four cases in which the UIF terminated a person's status as unemployed because they refused suitable work the third time, without a good reason.

Provided the unemployed person refuses to accept suitable work and the UIF makes a decision to suspend or terminate the payment of unemployment allowance or terminate their status as unemployed, the person has the right to challenge the decision within thirty days as of the day when they become or should become aware of the challenged administrative act or measure. The challenge proceedings commence when a person files a challenge with the UIF. Still, it is not compulsory to challenge the decision with the UIF first. The person can also file an action directly with the administrative court. At the same time, challenging the decision with the UIF does not take away the right of action at the administrative court. Provided the person seeks

the full or partial annulment of the administrative act (annulment action), they shall file the annulment action within thirty days after the date on which the administrative act was notified to them.

Processing personal data is permitted only with the consent of the employee unless otherwise provided by law. An employee may withdraw consent at any time. The Committee refers to its interpretative statement and question in the General Introduction on this issue.

Personal Data Protection Act (PDPA) sets out general principles for processing personal data. Pursuant to paragraph 6 of PDPA, a processor of personal data is required to adhere to the following principles when processing personal data:

- 1) principle of legality – personal data shall be collected only in an honest and legal manner;
- 2) principle of purposefulness – personal data shall be collected only for the achievement of determined and lawful objectives, and they shall not be processed in a manner not conforming to the objectives of data processing;
- 3) principle of minimalism – personal data shall be collected only to the extent necessary for the achievement of the determined purposes;
- 4) principle of restricted use – personal data shall be used for other purposes only with the consent of the data subject or with the permission of a competent authority;
- 5) principle of data quality – personal data shall be up-to-date, complete and necessary for the achievement of the purpose of data processing;
- 6) principle of security – security measures shall be applied in order to protect personal data from involuntary or unauthorised processing, disclosure or destruction;
- 7) principle of individual participation – the data subject shall be notified of the data collected about him or her, the data subject shall be granted access to the data concerning him or her and the data subject has the right to demand the correction of inaccurate or misleading data.

In addition to the PDPA, the protection of the personal and private life of employees is ensured by paragraph 28 subsection 2(11) of the Employment Contracts Act (ECA), pursuant to which an employer is obliged to respect the privacy of employees and inspect the performance of their duties in a manner that does not violate the fundamental rights of the employees. When an employer processes the personal data of an employee, they shall ensure that the personal data of the employee is processed pursuant to the Personal Data Protection Act as provided in paragraph 41 subsection 2 of the ECA.

The Data Protection Inspectorate has prepared instructions for personnel workers, covering the subject of processing personal data in employment relationships. The guidelines are available in English:

http://www.aki.ee/sites/www.aki.ee/files/elfinder/article_files/Personal%20Data%20in%20employment%20eng.pdf

According to these guidelines, the consent of an employee need not be requested if the personal data of the employee are processed in the following cases:

1. The employee's personal data are processed to the extent and under the terms prescribed in the employment contract for the execution of the employment contract (PDPA § 14 subsection 1(4)): Such processing of personal data that is in contravention to the Personal Data Act or other laws, the principles of good faith, good morals or public order cannot be prescribed in the employment contract or the rules of work

organisation. However, sensitive personal data may not be processed for the purpose of contract performance or guaranteeing such performance. Data about intoxication are also sensitive personal data.

2. The obligation to process personal data arises from law: for example, the Occupational Health and Safety Act stipulates that an employer must participate in the investigation of an occupational accident and therefore also process the health data of an employee to the extent prescribed by law.
3. The personal data of an employee are forwarded to institutions that need them for the performance of their duties arising from law (PDPA § 14 subsection 2(1)): for example, an employer gives the data of an employee to the Tax and Customs Board in relation to social and income tax.
4. The personal data of an employee that the employee has disclosed themselves are processed (PDPA § 11 subsection 1): disclosure means making data accessible to an undetermined circle of people (e.g. an employee's blog on the Internet); disclosure to the circle of people determined by the employee themselves on the Internet is not disclosure.
5. The personal data of an employee that were disclosed on the basis of law are processed (PDPA § 11 subsection 1): for example, data entered in the Commercial Register, official notices and court rulings.
6. Surveillance equipment is used to protect persons and property (PDPA § 14 subsection 3).
7. It is necessary to process personal data in an exceptional situation to protect the life or health (but not property!) of an employee or another person and the employee's consent cannot be obtained.

Processing of personal data on the basis of consent

- The personal data of an employee may be processed on the basis of a consent during an employment relationship only if:
 - it is actually possible for the employee to decide whether or not they give their consent;
 - it is possible to end the processing if the employee withdraws their consent.For example, a photo of the employee may be displayed on the company's website with the employee's consent.
- Asking for consent is misleading if processing is unavoidable pursuant to law or the contract. For example, it is not necessary to obtain the employee's consent if the employer asks for the personal data of the employee's child in order to grant parental leave or additional child care leave.
- An employee may only give their consent for the processing of the employee's own data and the data of their underage children.
- An employee may withdraw their consent at any time. Withdrawal of consent has no retroactive consequences.

An employee must know who processes their personal data, which personal data they process and the purpose for which the data are processed. An employer must notify an employee of personal data processing at their own initiative. Notification of an employee is not necessary if data are processed directly on the basis of law, or if the employee has given their consent to data processing. An employer must let an employee know which data the employer processes for the purpose of performance of the employment contract. An employer is also obliged to notify employees if they obtain information about the employees not at their own initiative, e.g. by mistakenly opening a private letter addressed to an employee or if someone (e.g. a bailiff) sends a query about the employee to the employer. An employee is always entitled to ask which personal data their employer is processing, what the purpose is for which they are processed, and to whom they have been sent. Also, an employee has a right to view the collected data.

The data of an employee that are stored must be accurate and up to date. An employee has a right to demand correction of inaccurate personal data and closure or deletion of outdated and unnecessary data.

Unfortunately, there is no precise data about complaints filed to the Data Protection Inspectorate. Approximately 50 to 60 complaints have been filed against employers since 2011, and two thirds of these complaints have been established as violation of protection of personal data.

Paragraph 3 - Free placement services

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

Provision of labour market services and payment of unemployment benefits is essential to increase employment rate, prevent long-term unemployment and exclusion from the labour market. Unemployment insurance protects the worker in turn in case of lay-offs and employer's insolvency. As such, labour market services and benefits help to ground the risks inherent in the movement between jobs. At the same time, anyone residing legally in Estonia, whether on the basis of permanent or temporary residence or temporary right of residence, has the right to receive labour market services and benefits.

Unemployment Insurance Fund

UIF is responsible for the implementation of labour market policy and the organisation of unemployment insurance. In total, the UIF has 30 regional offices with at least one in every county. UIF organises and provides labour market services, pays unemployment benefits, keeps records of unemployed persons and jobseekers, analyses, in cooperation with the Ministry of Social Affairs, the impact and effectiveness of labour market actions, participates in the planning of unemployment insurance and labour market actions and provides opinions concerning draft legislation related to unemployment insurance, labour market services and benefits. With the entry into force of the Work Ability Reform on January 1st, 2016, the scope of services provided to people with loss of capacity for work will expand. In addition to providing persons with loss of capacity for work with new labour market services tailored for their individual needs, the UIF will organise assessments of person's capacity for work starting from July 1st, 2016.

Activities of the UIF are governed by the Labour Market Services and Benefits Act, the Unemployment Insurance Act, Work Ability Allowance Act, employment programmes, and programmes funded by the ESF. As noted earlier, employment programmes and programmes funded by the ESF add new labour market services and extend the circle of people entitled to receive labour market services.

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

Labour market services are provided on the basis of individual needs of the client. Specific labour market services targeting young unemployed persons, long-term unemployed, jobseekers who have reached the retirement age and persons with reduced capacity for work were indicated under paragraph 1.

Please supply statistics or any other relevant information to show how this provision is applied in practice

While 530 people work at the UIF, approximately 70% of the staff directly services clients. At the same time, the UIF has a two-tier client service. On the one hand, job mediation clients are unemployed persons who first and foremost need assistance with job-search, counselling and guidance. Case management clients on the other hand are people who are harder to place in the labour market and who need more extensive and tailored help. In 2014, the average caseload for job mediation consultants was 194 clients and for case managers 126 clients.

Table 9. Functioning and performance of employment services in practice

	2011	2012	2013	2014
Number of persons registered with UIF (during the year)	122,117	102,653	94,125	82,191
Number of persons who gained employment via the UIF (outflow of registered unemployed to employment)	49,274	46,705	45,809	43,919
Ratio between number of persons who gained employment and the number of registered unemployed persons	40.3%	45.5%	48.7%	53.4%
Vacancies registered by the UIF	50,818	50,377	48,476	49,895
Number of persons who gained employment per year*	113,800	108,700	100,300	101,100
Number of persons who gained employment via the UIF as proportion of all persons who gained employment	43.3%	43.0%	45.7%	43.4%

* data of Statistics Estonia

Sources: Statistics Estonia, Unemployment Insurance Fund

Table 10. Inflow to active measures

	2011	2012	2013	2014
Wage subsidy	4,869	3,684	2,887	2,218
Business start-up subsidy*	498	608	499	447
Adaptation of workplace*	1	4	3	3
Provision of special aids and equipment*	7	11	24	35
Working with support person*	25	37	45	140
Public work*	1,090	1,006	433	297
Labour market training	20,565	32,418	21,950	16,820
Job-seeking training	11,660	12,854	13,213	12,550
Career counselling*	19,299	20,702	20,646	19,386
Work practice	2,579	3,781	3,625	3,727
Coaching for working life	1,295	2,673	2,483	3,308

Communication support at interviews*	13	27	41	72
Psychological counselling	1,365	1,592	1,409	1,575
Social rehabilitation	113	0	0	0
Working club	2,327	2,984	3,335	3,756
Career information centre*	11,979	11,202	10,539	9,111
Other service	2,187	3,696	5,104	5,791
Participation in labour market services	79,872	97,279	86,236	79,236
Activation rate of unemployed persons**	10.3	14.5	12.5	...

* entry = participation, as the service is a one-time service

** data of Eurostat

... not available

Source: Unemployment Insurance Fund, Eurostat

Paragraph 4 - Vocational guidance, training and rehabilitation

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

Please consult Article 9 for information related to vocational guidance.

Please consult Article 10 § 3 for information on vocational training.

Please consult Article 15 § 2 for information on guidance and vocational training for persons with disabilities.

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

Career counselling enables people to first acquire knowledge and then adapt to the changing needs of the labour market. Furthermore, career counselling helps people to make informed decisions about their career plans. As such, the provision of career counselling helps to prevent unemployment and shorten the unemployment spell.

Career counselling is provided by the UIF and is available to all people via special career information rooms with career information specialists and career counsellors. Career information specialists provide information on studying and working opportunities and documents needed when applying to vacancies. Furthermore, the programme “Increasing the availability of career services” funded by the ESF entitles also workers and the inactive to career counselling by the UIF. The aim of the programme is to provide career counselling 108,000 times by 2023.

Please supply statistics or any other relevant information to show how this provision is applied in practice

Table 11: Participation in Career Information Centres

	2011	2012	2013	2014
Career Information Centre	11,979	11,202	10,539	9,111

Source: Unemployment Insurance Fund

As noted above, the aim of the programme “Increasing the availability of career services” is to provide career guidance to workers and the inactive 108,000 times by 2023. By the end of July 2015, there have been 3,523 participants.

Article 9 - Right to vocational guidance

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

The provision of career guidance is governed by a number of legal acts that are implemented at different levels: national, local government and educational institution levels.

Pursuant to the Republic of Estonia Education Act, it is the responsibility of local governments to organise the provision of vocational information for children and young people, and make appropriate recommendations to them as well as organise teaching for disabled persons.

According to the Basic Schools and Upper Secondary Schools Act, local governments are entrusted with the task of making lifelong guidance available to young people.

The national curricula for basic schools and upper secondary schools set out an obligation for schools to advise pupils and parents on access to further studies and to ensure the availability of career guidance (career studies, career information or guidance) to pupils.

On September 1st, 2013, a new version of the Vocational Educational Institutions Act (VET), the main legislative act directing vocational education and training in Estonia, entered into force. According to the obligations of a school upon the organisation of vocational training as listed in section 3 of the Act, a school shall ensure access to support services for its students including, among others, career counselling. The VET student admission procedure, a regulation of the Act, lists the organisation of programme choice guidance for prospective students as one of the tasks of any admission committee. The initial selection of curriculum, both in terms of the field of study and the specialisation, together with the level of the qualification to be obtained, is seen as paramount to the successful completion of VET. All VET institutions provide these support services to (prospective) students free of charge.

Based on the Standard of Higher Education, an institution of higher education must have a support structure in place to ensure the provision of learning and career guidance for students and the availability of the information required for applying for the programme for recognition of previous studies and work experience (VÕTA) as well as the availability of mentoring and counselling services.

The Universities Act and the Institutions of Professional Higher Education Act provide that students have a right to receive academic affairs and career advice.

From the Universities Act:

§ 42. Rights and obligations of students

9¹) receive academic affairs and career advice;

From the Institutions of Professional Higher Education Act:

§ 24. Rights and obligations of students

3¹) academic affairs and career advice;

The Committee concludes that the situation in Estonia is not in conformity with Article 9 of the Charter on the ground that career counselling services in the labour market are accessible only to unemployed persons and workers given notice of redundancy.

According to the cooperation agreement between the Ministry of Education and Research and the Ministry of Social Affairs to promote career services, anyone in need of career counselling services can obtain them without any limitations, and no special target groups are set. Career Services (career training, career information brokerage, career counselling) will contribute to the result that people's choices in life are made knowingly and are based on appropriate information. Career services are available for free to all students and alumni in all universities and institutions of professional higher education.

Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework. Please supply statistics or any other relevant information to show how this provision is applied in practice.

In 2008–2013, educational support services were provided separately under two ESF programmes: “Development of the Career Guidance System” and “Development of the Academic Guidance System”. Career guidance was provided through 17 regional information and counselling centres; academic counselling services (special needs education, speech therapy, socio-educational and psychological counselling) were provided through 18 regional academic counselling centres.

The newly established counselling centres were of different legal status (NGOs, VET schools, local and county governments, private centres), which led to geographical and resource fragmentation.

The unemployed persons and those who had been given a redundancy notice were provided career counselling by local county offices of the Unemployment Insurance Fund. Moreover, career information points were available to the whole population.

Lessons learned from 2008–2013:

- The limited resources of local government budgets do not allow for the necessary amount to be invested in the development and provision of guidance;
- The centres established on the basis of non-profit institutions and smaller foundations are not capable of ensuring the consistency and quality of services.
- The analyses of career guidance conducted in 2011 pointed out the biggest problematic areas in the field: varied funding, lack of career guidance providers and big resultant work load, lack of career guidance for workers and the poor accessibility and coordination of service in rural areas. A survey conducted by the Praxis Centre for Policy Studies in 2011 demonstrated that nearly half of kindergartens and schools deemed their capacity to support children with special needs to be insufficient, and that the situation with support services was worse in rural areas than in establishments located in towns.

Integrated policy for lifelong guidance development and service provision has been a crucial topic in the agenda for many years. Analysis has shown that a major concern for guidance is

the programme-based funding and resulting uncertainty about the future. Therefore, the reorganisation of lifelong guidance was initiated in both the education and labour sectors in 2013.

The Estonian Lifelong Learning Strategy 2014–2020 was approved in 2014; nine programmes, including the academic and career counselling programme, were launched to implement the strategy. According to the Strategy, the Ministry of Education and Research is required to ensure the functioning of a comprehensive, sustainable and user-friendly career guidance system and the availability of services to both young people and adults.

The provision of career guidance in Estonia is being organised by two ministries:

- 1) The Ministry of Education and Research is responsible for children and young people aged up to 26 years.
- 2) The Ministry of Social Affairs is responsible for unemployed persons, adults who are in employment or adults who are inactive in the labour market.

Lifelong guidance/career guidance in Estonia faced a major change in 2014–2015. Service provision both in education and labour sector has been reorganised. In the education sector, differentiated lifelong guidance services have been introduced. The 24 fragmented youth guidance centres were replaced from September 1st, 2014 by 16 centralised public counselling centres called Rajaleidja (Pathfinder). Rajaleidja centres, which are managed by Foundation Innove, are located in all counties with an additional centre in Ida-Virumaa county, where there are two big cities with a different native language to the target group.

Rajaleidja centres provide career information, career counselling, psychological, socio-pedagogical, special education counselling and speech therapy.

The target group is children and young adults from 18 months to 26 years of age. With regard to career guidance services, the priority target group is the third level of basic school, pupils at upper secondary schools and vocational educational institutions and 18 to 24-year-olds who dropped out of the education system early without having acquired more than a basic education. Counselling is also provided to parents, educational institution staff, local government and other specialists on topics related to child development and support, organisation of studies and implementation of support measures.

The following measures are planned under the study and career counselling programme:

- 1) Ensuring the accessibility of lifelong guidance services to children and young people

The regional youth guidance centres provide the following services in centres and educational institutions:

- career information, career counselling,
- psychological, socio-pedagogical, special education counselling and speech therapy.

The services are free of charge.

- 2) Ensuring the quality of services and developing the services

Objective: access and quality of services will be enhanced. Studies are carried out to evaluate the state of play and the impact of services. Services standards will be updated. The training system of professionals and curriculum will be developed in cooperation with universities, and basic and in-service training will be carried out. Acquiring a profession will be supported, while methodical and information materials will be composed and distributed among professionals and clients.

Expenditure, staffing and number of beneficiaries

The Rajaleidja centres employ 29 career information specialists and 41 career counsellors who provide career guidance to young people. All employees have a degree and they have completed basic training in counselling (53% increase compared with 2013). The Rajaleidja Development Centre of SA Innove has 9 posts dedicated to the development of career guidance.

In 2012, 1.23 million euros (including funds from ESF) were allocated to the development of career guidance targeted to young people; in 2013, the sum was 1.5 million euros, 2.1 million euros in 2014 and from 2015 onwards 3 million euros per year is planned to finance the provision and development of career guidance.

Government funding (including resources from the European Social Fund) for the development and provision of lifelong guidance services for 2015–2019 in the education sector is about 40 million euros. Compared to the previous period (2008–2014), the yearly average has increased about 40%.

In 2012–2013, career guidance was provided to young people by youth information and counselling centres under the ESF programme “Development of the career guidance system”. More precise data are provided in the table below.

Table 1. Participation in career guidance 2012

	Jan. 1st – Dec. 31st, 2012 Participation in career guidance (number of times)		
Years 1 to 9	30,428	4,162	26,266
Years 10 to 12	11,695	4,503	7,192
Vocational students	4,063	791	3,275
Early school leavers	157	156	1
Young unemployed persons	590	433	157
Total career guidance services in 2012	46,933	10,045	36,891

Table 2. Participation in career guidance 2013

	Jan. 1st – Dec. 31st 2013 Participation in career guidance (number of times)		
	Total	Individual counselling	Group counselling
Years 1 to 9	35,318	5,282	29,936
Years 10 to 12	21,003	4,343	16,660
Vocational students	3,073	821	2,252

Early school leavers	127	120	7
Young unemployed persons	602	335	267
Total career guidance services in 2013	60,023	10,901	49,122

Between January and August 2014, individual career counselling was provided 9,044 times by youth information and counselling centres under the ESF programme “Development of the career guidance system”, while 29,851 persons participated in group counselling (includes repeated participation).

On September 1st, 2014, Rajaleidja centres were established in all counties to provide integrated career and academic counselling. Between September and December 2014, career guidance was provided to 7,545 young people, including individual career counselling to 1,920 young people.

As a new electronic database was launched on September 1st, 2014, the principles of collecting statistical data changed. While the times of the provision of services were previously recorded in an Excel spreadsheet, a person-based approach was adopted with the introduction of the new database, and the data are collected based on the number of cases (a person who participates in several counselling sessions is recorded as one customer, i.e. one case) during the relevant period. Therefore, the data of the two financing periods are not completely comparable.

Table 3. Participation in career guidance 2014

Target group	Jan. 1 st – Dec. 31 st , 2014 Participation in career guidance (number of cases ³)		
	Total	Individual counselling	Group counselling
Years 1 to 9	4,577	1,020	3,793
Years 10 to 12	2,002	548	1,571
Vocational students	219	43	176
Early school leavers	24	6	19
Young unemployed persons	73	40	35
Young persons aged between 18 and 26 ⁴	1,457	299	1,191

³ Case – career guidance, which may include one or more counselling sessions/meetings, provided to one individual

⁴ May be included in the list above, i.e. may be a student, unemployed, etc.

Total career guidance services in 2014	7,454	1,886	5,975
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From January to May 2015 career guidance was provided to 13,856 young people, including 4,646 young people who received individual counselling.

Table 4. Participation in career guidance 2015

Target group	Jan. 1 st – May 15 th , 2015 Participation in career guidance (number of cases)		
	Total	Individual counselling	Group counselling
Years 1 to 9	9,532	2,867	7,100
Years 10 to 12	2,596	934	1,854
Vocational students	358	86	280
Early school leavers	7	6	1
Young unemployed persons	69	33	36
Young persons aged between 18 and 26	1,704	415	1,354
Total career guidance services in 2015	13,856	4,646	9,966

Vocational guidance in the labour market

Pursuant to the Labour Market Services and Benefits Act and employment programmes, only persons who have registered with the UIF as unemployed, including unemployed persons engaged in full-time study or in daytime vocational training and those on academic leave, and jobseekers who have received a notice of redundancy are entitled to career counselling. The programme “Increasing the availability of career services” funded by the ESF, however, expands the circle of people entitled to receive career counselling. According to the programme, also persons who work or are inactive in the labour market have the right to attend career counselling. This means that all people, regardless of their labour market status, have the right to turn to UIF for career counselling.

Pursuant to the programme “Provision of Labour Market Services that guarantee better chances to become employed 2014–2020” funded by the ESF, the UIF together with local youth centres hold workshops for pupils, including pupils with special needs, in the grades 8–12 and introduce them the labour market situation and employment services and benefits provided by the UIF. Furthermore, mobile counselling (MOBI) is provided to jobseekers in the age group 16–30. In the course of MOBI, young jobseekers are introduced to the possibilities of finding work locally, and to services and benefits provided by the UIF. Individual counselling

or group counselling sessions may be held. MOBI is carried out in the vicinity of participants' home all over Estonia but more frequently in regions where the unemployment rate is higher or access to information due to the location limited.

At the same time, according to Article 2 (1) of the Equal Treatment Act, discrimination of persons on grounds of nationality (ethnic origin), race or colour is prohibited upon access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience.

Expenditure, staffing and number of beneficiaries

As a labour market service, career counselling is provided by career counsellors. Expenditure on career counselling is part of the operating expenses of the UIF (salaries, administration). Additional costs include transport and accommodation benefits which are paid to the unemployed person provided that they participate in the labour market service.

While everyone can access career information rooms where career information specialists provide information on job seeking, vacancies and application documents (CVs and motivation letters), the programme "Increasing the availability of career services" expanded the circle of people entitled to participate in career counselling. As such, additional expenses are covered by the ESF. There have been 3523 entries in respect of employed and inactive persons in the first six months of 2015.

	2011	2012	2013	2014
Career counselling	19,299	20,702	20,646	19,386
Career information centre	11,979	11,202	10,539	9,111

Source: Unemployment Insurance Fund

At the moment, there are 43 career counsellors and 30 career information specialists working at the UIF. Pursuant to the job description, career counsellors have a Master's degree or a degree equivalent to a Master's degree preferably in social sciences and at least three years of experience in counselling. Career information specialists have a higher education preferably in social sciences and at least one year of experience in social sciences.

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

Paragraph 1 – Promotion of technical and vocational training and the granting of facilities for access to higher technical and university education

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

One of the objectives of the Estonian educational strategy – Lifelong Learning Strategy 2020⁵ (adopted in February 2014; basis of the state budget for education) – is to establish equal opportunities of lifelong learning for all. In the field of VET, gender equality, and equal opportunity and treatment with respect to race, colour and national extraction are principles inherently supported by legislation. From the Vocational Educational Institutions Act 2013:

§ 3. Functions and obligations upon organisation of vocational training

(2) In order to perform the main functions and ensure the quality of education, the school shall:

1) organise teaching and education in formal education and continuing education in order to support the development of all learners;

2) ensure that learners have access to the support services, including career counselling, learning assistance, special needs and social educational and psychological services and access to the health services provided for in this Act;

...

4) ensure the availability of education by the creation of flexible learning possibilities for different target groups;

5) create possibilities for the catering and accommodation of pupils and support access to the related services;

6) create conditions for the hobby and self-initiative activities of pupils and support access to the related services;

7) ensure the mental and physical safety and health protection of learners during their stay at school;

...

(3) The state shall ensure access to vocational training in all counties.

From Institutions of Professional Higher Education Act:

§ 12. Standard of Higher Education

(1) Uniform requirements for higher education studies will be established by a regulation of the Government of the Republic in the Standard of Higher Education.

§ 12¹. General requirements for organisation of studies

...

(2) In professional higher education or Master's study, an institution of professional higher education may take into account previous study results and professional experience in accordance with the principles of the Standard of Higher Education and to the extent and in accordance with the procedure established by the council of the institution.

⁵ The *Estonian Lifelong Learning Strategy 2020* is available at https://valitsus.ee/sites/default/files/content-editors/arengukavad/eesti_elukestva_oppe_strateegia_2020.pdf (in English: https://www.hm.ee/sites/default/files/estonian_lifelong_strategy.pdf)

(2¹) An institution of professional higher education enables students to attend lectures or otherwise participate in studies, pass examinations and assessments or otherwise complete the curriculum in accordance with the procedure established by the council of the institution of professional higher education.

VET System

According to the Act, formal education VET programmes (a qualification corresponding to a certain qualification level is acquired, enables access to studies on the next qualification level) fall into levels 2–5 of the Estonian Qualifications Framework. Levels 6–8 are covered by higher education.

On the levels two and three, only VET of the initial training type is given, meaning that no basic education or previous professional qualifications are expected of a student. If a level four curriculum leads to the acquisition of vocational secondary education, previous basic education is required; or, from a person without basic education of at least 22 years of age, demonstration of competencies corresponding to the level of basic education (assessed by the school).

Level five vocational training, also known as specialised vocational training, was established in Estonia by the Vocational Educational Institutions Act 2013. Students seeking admission to level five VET programmes must have secondary education.

Everyone that fulfils requirements of previous qualification (none are in place for levels two and three) has the right to apply for VET programmes. Schools have the responsibility to assess student candidates' motivation and aptitude for studies in a certain field.

Pursuant to section 28 of the Act, forms of VET include full-time study and non-stationary study. Full-time study can be organised in both school-based and workplace-based forms.

As mentioned above, levels 6–8 are covered by higher education and as stated in Institutions of Professional Higher Education Act section 15 subsection 3 the prerequisite for commencement of the acquisition of professional higher education on level 6 is secondary education or equal foreign qualifications. Following section 15¹ establishes an opportunity for professional higher education institutions to undertake study on level five in the same study programme group as the curricula of professional higher education, provided that the learning outcomes of the curricula correspond to the fifth level of the qualifications framework established in the Professions Act. An institution of professional higher education for public defence, institution of professional higher maritime education and institution of professional higher education providing instruction in the field of vocational health care education may provide formal vocational education. The right to provide vocational education is granted to an institution of professional higher education in accordance with the procedure established in Chapter 3 of Vocational Education Institutions Act.

Master's study may be conducted in an institution of professional higher education on the following conditions (from Institutions of Professional Higher Education Act section 15²):

1) as continuation of a curriculum of professional higher education in the same field of study;
3) the rector of the institution complies with the requirements established for rector candidates in § 8 of the Act.

Pursuant to Institutions of Professional Higher Education Act section 18 subsection 1, study may be undertaken at an institution of professional higher education in the form of full-time study, part-time study or external study. Subsection 5 states that the students at an institution of professional higher education for national defence have the right to be enrolled in part-time study only in the events provided for in the statutes of the institution.

Access to VET

According to § 43 (2) of the Vocational Educational Institutions Act 2013, students in vocational education are entitled to a study allowance and a study loan under the conditions and pursuant to the procedure provided for in the Study Allowances and Study Loans Act 2003, a compensation for travel expenses, and support for covering school lunch expenses. Pursuant to section 43 of the Vocational Educational Institutions Act 2013, students can take academic leave to care for a child until the child attains three years of age; until that time, the obligation to pay interest on a study loan is suspended for one parent (section 18 of the Study Allowances and Study Loans Act 2003).

According to Institutions of Professional Higher Education Act section 24 (1) 2¹), students have a right to acquire higher education without the reimbursement of study costs, unless otherwise specified in the Act. Subsection (1) 7) states that 7) students have a right to academic leave, generally of up to one year, once at each level of tertiary education in accordance with the procedure established by the council of the institution of professional higher education, and additional academic leave of up to two years for health reasons and up to one year in the event of service in the Defence Forces or alternative service and to care for a child until the child attains the age of three years.

Language of Instruction

Section 29 of the Act concerns language of instruction in VET, prescribing that the language of vocational secondary education programmes shall be Estonian (except for students under international agreements); the language of instruction of other study programmes is decided by the manager of the school. The transition to Estonian as the language of instruction in vocational secondary education will take place by September 1st, 2020 at the latest; activities supporting the transition are funded from European Social Fund resources, implemented under the Lifelong Learning Strategy 2020, Development Plan of the Estonian Language 2011–2017, and Language Immersion Programme 2014–2020.

For the purposes of VET, Estonian language skills that are insufficient to begin vocational training are considered a special educational need (SEN). Insufficient command of Estonian as a SEN may be identified in a student based on the previous language of instruction, or by decision of the school (an employee or support group is appointed in the school, to be responsible for identification and assessment of SEN).

According to Institutions of Professional Higher Education Act section 17, the language of instruction at institutions of professional higher education is Estonian. The use of other languages is decided by the minister who directs the ministry under whose area of government the particular institution of professional higher education belongs. In autonomous universities, the use of other languages shall be decided by the council of a university (Universities Act § 22(8)).

Please supply statistics or any other relevant information to show how this provision is applied in practice

In the 2014/2015 academic year, there were 25,237 students enrolled in formal education VET programmes in 38 VET and 6 professional higher education institutions. Instruction was provided by 2,283 VET teachers. 54% of all VET students were male and 46% female. There have not been any significant changes to the ratio of male to female students in recent years. The percentage of adult learners in VET, aged 25+, has been rising constantly with 29% in the 2014/2015 academic year, up from 15% in the 2007/2008 academic year.

Total public expenditure on Vocational education and training⁶ has increased over the years, but great part of the growth and fluctuation in numbers is based on changes in investments in past years (mostly financed by the European Structural Funds).

Table 1. Total public expenditure on Vocational education and training

	2005	2006	2007	2008	2009	2010	2011	2012
Total public expenditure on Vocational education and training (millions of Euros), UOE methodology	61	73	89	85	98	129	118	108

Paragraph 2 – A system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments

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

See also paragraph 1.

Full-time VET in vocational educational institutions is available through school-based or workplace-based learning (WBL). WBL is set apart by two thirds of instruction being given at the workplace. All VET programmes have set curriculums; WBL also entails a three-party contract between learner, employer and school.

In the field of workplace-based VET, there are no special measures facilitating the participation of different age groups.

In the reporting period, the passing of the Procedure for Application of Workplace-Based Learning 2013, a regulation implementing the Vocational Educational Institutions Act 2013, updated the system of workplace-based VET. Adjustments aimed at creating a transparent WBL system where roles are clearly defined for all the three parties involved. Objectives for

⁶ Based on UOE methodology

procedure updates included higher rates of graduation and a better match between skills acquired through VET and employers' expectations.

Importantly, workplace-based VET has undergone considerable development since the reporting period. As part of European Union structural assistance to Estonia 2014–2020, funds will be directed to further WBL improvement. The framework of the Estonian Lifelong Learning Strategy 2020 foresees the provision of a greater number of WBL study places with attention on flexible learning opportunities and people with low-level qualifications.

Please supply statistics or any other relevant information to show how this provision is applied in practice

See paragraph 1.

Paragraph 3 – Vocational training and retraining of adult workers

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

A new Adult Education Act entered into force on June 1st, 2015. The Adult Education Act provides the bases for the management of the area of adult education, the requirements for the management of continuing education institutions and for the provision of continuing education, the learner's right to study leave, the bases for financing continuing education and state and administrative supervision. Adult education is divided into formal education and continuing education. Continuing education means the provision of purposeful and organised studies on the basis of a curriculum outside the formal education.

To ensure the quality of training, the continuing education provider shall submit a notice of economic activities. The notice of economic activities for the provision of continuing education shall include the list of continuing education curricula groups. For ensuring the quality of the activities of a continuing education institution it shall provide at least the conditions and procedure for ensuring the quality of the continuing education curricula, adult educators and study environment and the procedure for gathering feedback on the continuing education.

Also the continuing education standard came into force in July 2015. The standard gives the requirements for the continuing education curricula, for the documents certifying the passing of and participation in continuing education and the list of continuing education curricula groups shall be provided. Continuing education shall be provided according to the continuing education curriculum which is based on the learning outcomes and which has been approved by the manager of a continuing education institution, and the bases for the organisation of studies in continuing education.

Study leave

In order to participate in formal education or continuing education, study leave shall be granted to employees and officials for up to 30 calendar days in a year. Study leave shall also be granted for participating in formal education or continuing education of an equal foreign educational institution. During the study leave granted for participation in formal education and continuing education with the purpose of professional development, an employee shall be paid the average study leave pay based on a calendar day for 20 calendar days. An employer shall have a right to refuse to grant study leave for the passing or completion of the curriculum in which the studies have stopped due to academic leave.

Training costs

The costs of continuing education shall be covered by the person or authority interested therein. A ministry may submit a request for the provision of state-commissioned continuing education to a manager of a continuing education institution or an association thereof. The formation of state-commissioned continuing education shall be based on the strategic development plans of the state and development plans for different areas, studies and forecasts of the need for labour and other information relating to the training needs. State-commissioned continuing education means the number of student places in continuing education financed from the state budget which are formed by continuing education curricula groups or courses.

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

Validation of informal and non-formal learning

Flexible solutions are implemented for adult for the acquisition of vocational education. Studying possibilities in vocational education have been created for persons of at least 17 years of age without basic education whereas the curricula are directed at acquisition of easier professions. Possibilities have been created in vocational and higher education for taking into account former studies by means of the programme of accounting for earlier studies and work experience (VÕTA).

In order to ensure that an unemployed person participating in labour market training who finds a suitable job during the training would not have their studies interrupted, the amendments of the Labour Market Services and Benefits Act that entered into force on July 1st, 2009 provide that persons have the possibility to participate in the service of labour market training until the end of training even when they have gained employment. This amendment allows for more efficient contribution to improving and modernising the skill level of persons. Under the programme “Increasing the Availability of Qualified Labour Force for 2007–2013” financed by the ESF, it is also possible to participate in the service of labour market training until the end thereof if the person has meanwhile commenced full-time studies.

Estonian Lifelong Learning Strategy 2020

The general goal of drafting the Lifelong Learning Strategy is to provide all people in Estonia with learning opportunities that are tailored to their needs and capabilities throughout their whole lifespan, in order for them to maximize opportunities for dignified self-actualization within society, in their work as well as in their family life.

One of the main goals of the strategy is to create equal opportunities for lifelong learning for everyone. Learning opportunities should be available to all members of society, particularly those with lower competitiveness in the labour market, including young mothers, the elderly, those who do not speak Estonian, people without secondary education, the unemployed, the disabled, new immigrants, etc., so that they can acquire a qualification and maximize their potential in their working life as well as in their family life.

The activities, described in strategy, are:

- Based on their needs, target groups will be offered flexible training courses to develop their key competences and to increase their readiness to learn. In different cultural institutions and learning centres (libraries, informal learning centres, etc.) individual and group learning opportunities will be created for learning and self-development, and targeted career counselling will be offered;
- Functioning principles of upper-secondary schools for adults will be adjusted and brought into line with the objectives of the Lifelong Learning Strategy (including allowing the use of prior learning experiences at the secondary education level);
- Apprenticeship schemes will be promoted among employers and potential learners;
- Support services will be offered (study counselling, career information, transportation support, childcare services), so that working people can participate in learning and retraining;
- Other social services and support programmes will be integrated with services that support a return to career studies and the labour market;
- People with a different native language will be offered Estonian language learning opportunities and other services to support adaptation and integration into Estonian society

Adult Education programme 2015–2018

In order to implement the strategical aims the Adult Education programme 2015–2018 was created. The Adult Education programme aims to improve the skills of adult population and opportunities to make high-quality, flexible and diverse choices. The preferred target group of the programme are people without upper secondary education or people without or with outdated professional qualification. The planned measures and activities contribute directly to a lower level of education and skill levels of adults introduction of training, in-service training or the development of key competences.

To reduce the proportion of people without professional education, the Ministry of Education and Research plans training activities for the period 2015–2020, with co-financing of EU in funds of 37.7 million euros. About 80,000 persons will take part in these trainings. In the area of ICT, 8.5 million euros are allocated by the Ministry of Economic Affairs and Communications (MEAC) for digital literacy activities.

To people with incomplete or outdated skills, high-quality relevant education and retraining opportunities will be provided. Alongside job-specific skills, key competences of adults will be developed to improve the opportunity to move to a more flexible labour market. Key competences are a priority: digital competencies, entrepreneurship and social skills, learning to learn the state language and foreign language skills.

The program will contribute to the achievement of the indicators of LLL:

Indicator	2013 (basis)	2015	2016	2016	2018	2020
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The percentage of adults (25–64) without professional or vocational education (%)	29.6	29	28	27	26	25
Adult participation in lifelong learning (%)*	12.5	13.5	15	16.5	18	20

* Participation of persons aged 25–64 in formal education acquired within the adult education system or training within the last 4 weeks

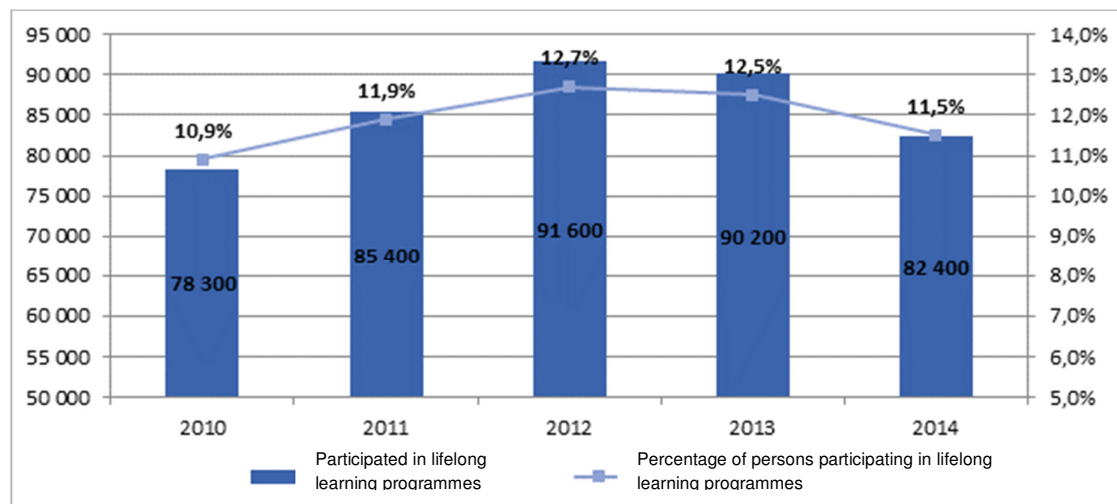
Labour market services

The rationale behind the provision of labour market services is the achievement of maximum possible rate of employment among the working age population, to prevent long-term unemployment and exclusion from the labour market. While the Labour Market Services and Benefits Act facilitates the provision of labour market training to unemployed persons, temporary employment programmes extend the circle of people entitled to receive the service. In addition to the unemployed persons, unemployed persons engaged in full-time study or in daytime vocational training, including those on academic leave, jobseekers who have received a redundancy notice, and employees who have not been able to perform their duties due to their state of health for a long period of time can participate in labour market training. Furthermore, programmes funded by the ESF extend the scope of the service to jobseekers who have reached the retirement age and unemployed persons with loss of capacity for work, including unemployed persons with loss of capacity for work who are engaged in full-time study or in vocational training and jobseekers with loss of capacity for work who have received a redundancy notice.

Please supply statistics or any other relevant information to show how this provision is applied in practice
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Participation of adults aged 25–64 in lifelong learning in Estonia increased between 10.9%–11.5% (78,300–82,400 persons) in the period 2010–2014. The proportion of participants in lifelong learning was highest in 2012 (12.7%) and decreased a bit since then (to 11.9% in 2014). The possibilities of participating in training were created thanks to measures initiated through vocational educational institutions since 2007, and an increase in the financing of adult education by the state ensures stable participation rate. The rate of participants in work-related in-service or retraining courses and work-related conferences or seminars has increased the fastest.

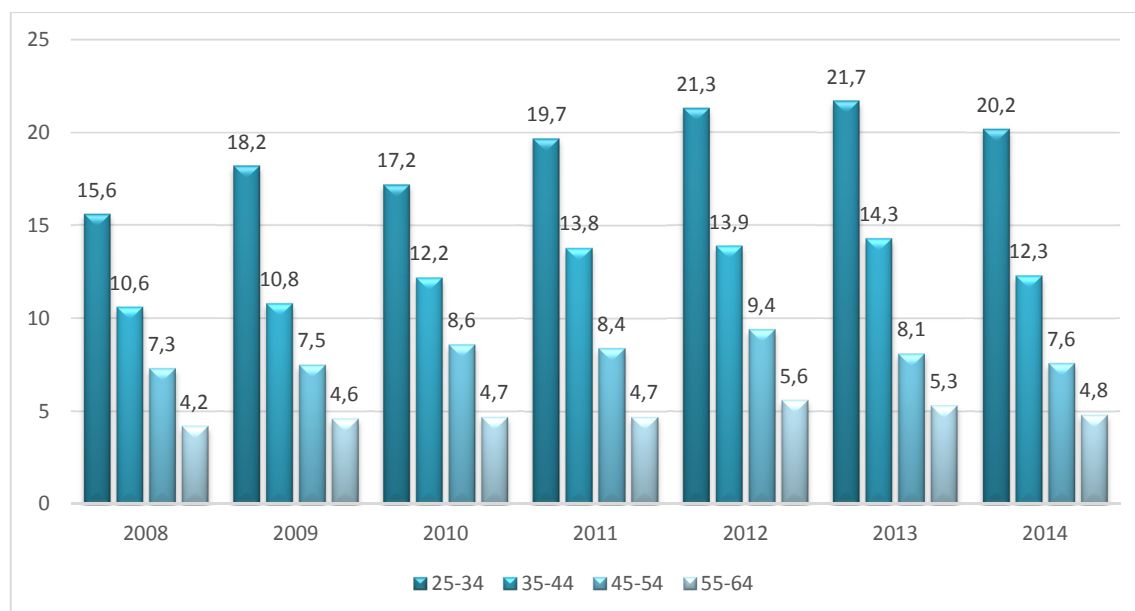
Table 2. Participation of persons aged 25–64 in formal education acquired within the adult education system or training within the last 4 weeks, 2010–2014



Source: Statistics Estonia, Labour Force Survey

The main increase of participation in lifelong learning of adults aged 25–64 was achieved at the expense of younger age groups. Within the age group 25–64, most active participants in lifelong learning were people of age 25–34. Their participation rate in training rose from 15.6% in 2010 to 20.2% in 2014. In the oldest age group the participation rate was lowest and rose slightly from 4.4% in 2010 to 4.8% in 2014.

Table 3. Participation of persons aged 25–64 in formal education acquired within the adult education system or training within the last 4 weeks, 2010–2014 by age groups (%)



Source: Statistics Estonia, Labour Force Survey

The number of adult students (older than 25 years of age) in formal education acquired within the adult education system of vocational educational institutions has constantly increased,

having reached 7,366 persons by 2014 and constituting 29.2% of all vocational education students.

Table 4. Number and proportion of adult students (older than 25 years of age) in formal education acquired within the adult education system of vocational educational institutions.

	2010/11	2011/12	2012/13	2013/14	2014/15
All students in VET institutions	28,012	27,046	26,172	25,699	25,237
25+	4,767	5,370	6,101	6,770	7,366
Proportion	17.0%	19.9%	23.3%	26.3%	29.2%

Source: Estonian Education Information system

Table 5. Summary of monitoring of participants in work-related training under the ESF programme “Adult work-related training and development activities“

	2011	2012	2013	2014	2015
Number of participants in courses	8,600	4,900	2,600	7,700	1,600

Source: Report of ESF programme “Adult work-related training and development activities”

The Committee asks that next report contain information about the sustainability of training programmes for unemployed persons and the number of beneficiaries.

Table 6. Participation in lifelong learning during the last four weeks prior to the survey in age group 25–64, %

	2011	2012	2013	2014
Total	11.9	12.7	12.6	11.5
Men	9.1	10.6	9.8	9.2
Women	14.4	14.7	15.2	13.7

Source: Eurostat, EU Labour Force Survey

<http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsdsc440&language=en>

The UIF and policy analyses centres Praxis, Centar and RAKE have assessed a number of labour market measures in order to see whether labour market measures in place are well-targeted and effective. The results of the assessments serve as a basis for policy response and the development of efficient labour market services. UIF’s impact assessments are also available in English:

<https://www.tootukassa.ee/eng/content/about-tootukassa/analysis-and-research>

An in-depth analysis “Evaluation of services in the programme „Increasing the supply of qualified labour 2007–2013” was commissioned by the Ministry of Social Affairs in 2012. The aim of the study was to analyse the relevance, effectiveness, sustainability and efficiency of services, such as labour market training and wage subsidies. Assessment results indicate that both measures had positive impact on the employment rate of participants. Cost-benefit analysis showed that labour market training and wage subsidy measures were efficient – one euro invested in the labour market training yielded a return of 2.7 euros to the society as a whole, one euro invested in wage subsidies resulted in 7 euros of return.

Certain active labour market measures have been assessed in detail by the UIF. For example the analysis “Impact evaluation of labour market training”⁷ assessed whether labour market training provided in 2009 and 2010 to registered unemployed persons had had an impact on the labour market outcomes (both on employment and income from wages). Similar analysis was conducted for assessing the impact of work practice for the period 2010 to 2011⁸. The impact evaluations were carried out by using propensity score matching and cost-benefit analysis was conducted by using results of impact estimations of the training and work practice on labour market outcomes. Estimations showed that training and work practice had had a significant positive impact on both employment and income prospects.

Impact assessment of business start-up subsidy on individual employment and income prospects was conducted in 2014⁹. The analysis concerned the survival rate of start-ups for the period up to four years after receiving business start-up subsidy in the period from 2010 to 2011. Quasi-experimental approach was also used in this analysis. A control group was composed of individuals statistically similar to the target group (had earlier business experience, had gained education in the field of economics, had finished business-related training courses, etc.). Findings indicated a positive effect on individuals’ employment and a negative effect on income prospects.

Besides the impact evaluations, the assessment report “The overview of participants on coaching for working life and prospects on labour market” was conducted by UIF in 2012¹⁰.

The analysis named “Counterfactual Impact Evaluation of Estonian Adult Vocational Training Activity” was commissioned by the Ministry of Education and Research and studies whether participation in adult work-related trainings and other developing activities provided under the programme has increased participants’ income from wages and employment prospects; the analysis is currently in process.

The UIF started assessing the efficiency of labour market services regularly (once per half-year) from 2010. Indicators of regularly monitored labour market measures can be seen in the table below.

The data of the UIF do not allow observing in detail whether the employment took place under a labour market measure or not. The following table provides an overview of the efficiency of work practices by using the criterion “employment within 4/6/12 months from finishing practice” in use by the UIF. Because new indicators have been added, it is not always possible to differentiate the results by year.

Table 7. Result indicators of labour market measures

	2011	2012	2013	2014
Percentage of persons who have found employment 4 months after registering as unemployed			28.1%	29.9%

⁷ Impact evaluation of labour market training (Unemployment Insurance Fund, 2011) available on website

https://www.tootukassa.ee/sites/tootukassa.ee/files/Impact_Evaluation_of_Labour_Market_Training.pdf

⁸ Impact evaluation of work practice (Unemployment Insurance Fund, 2012) available on website

https://www.tootukassa.ee/sites/tootukassa.ee/files/Work_Practice_Evaluation.pdf

⁹ The assessment report also in English at:

https://www.tootukassa.ee/sites/tootukassa.ee/files/evatanalyys_ingl.pdf

¹⁰ The report can be accessed in Estonian at:

https://www.tootukassa.ee/sites/tootukassa.ee/files/Tooharjutuse_analyys.pdf

A conclusion is also available in English at:

<https://www.tootukassa.ee/sites/tootukassa.ee/files/AbstractC.pdf>

(unemployment insurance beneficiaries not included)				
Percentage of persons who have found employment 6 months after registering as unemployed (unemployment insurance beneficiaries not included)			37.0%	40.3%
Percentage of persons who have found employment 12 months after registering as unemployed (unemployment insurance beneficiaries not included)	51.5%	54.6%	53.4%	55.6%
Percentage of people participating in active labour market measures in one month		30.0%	28.6%	30.5%
Percentage of long-term unemployed participating in active labour market measures during previous 12 months			85.2%	86.4%
Percentage of people who have found employment during the first 6 months after participating in labour market training	42.3%	42.5%	45.9%	51.2%
Percentage of people who have found employment during the first 6 months after participating in work practice	62.5%	64.4%	63.3%	67.9%
Number of new vacancies added per year	49,068	46,187	45,556	45,581

Source: Unemployment Insurance Fund

Paragraph 4 – Long-term unemployed persons

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

By the end of 2014, long-term unemployment rate had declined to 3.3%. According to the Labour Force Survey in 2014 there were around 22,500 persons who had been unemployed for more than 12 months. A person is considered long-term unemployed when they have registered with the UIF as unemployed and have not found employment in 12 months. A person between ages 16–24 is considered long-term unemployed provided that they have registered with the UIF as unemployed and have not managed to find employment in 6 months.

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

Reform programme “Estonia 2020” expressly targets the integration and skills development of long-term unemployed. In fact, the strategy aims to decrease long-term unemployment rate to 2.5% by 2020.

While the long-term unemployed have a right to receive labour market services enshrined in the Labour Market Services and Benefits Act and employment programmes, there are services that specifically target people whose employability is hindered by a prolonged absence from the labour market.

For instance, coaching for working life helps to increase one’s motivation and readiness to work. The service includes simple activities that do not require specific knowledge and skills. In the course of coaching for working life, participants learn to search for work, develop social skills, acquire knowledge on the situation on the labour market and visit employers. Pursuant to the Labour Market Services and Benefits Act coaching for working life may be provided for three months. Employment programmes have, however, extended the maximum duration of the service to six months. Furthermore, employment programmes entitle long-term unemployed to working with a support person. Employment of long-term unemployed persons is also supported by the provision of care services, and various counselling services, such as debt, psychological and addiction counselling.

Wage subsidy expressly promotes the employment of long-term unemployed by providing the employer with a partial compensation for the employee’s wages.¹¹ In light of economic downturn, the wage subsidy scheme was expanded to include also persons who had been unemployed for more than 12 months within the 15 month timeframe. The aim of the change was to encourage the long-term unemployed to take up one-time or short- time work without losing the opportunity to be later helped into a more permanent job with wage subsidy. Moreover, an employer who hires a long-term unemployed may be compensated for the training costs of the employee in the first year of their employment (50% of the costs up to 1,250 EUR).

At the same time, job mediation consultants at the UIF give people with multiple problems special attention to remove the obstacles hindering their entry into the labour market. Continuous efforts are being made to empower local municipalities in helping people with multiple problems, including addiction, debt and psychological problems. A number of programmes funded by the European Social Fund intend to increase the capacity of local municipalities and their staff to cope with persons with multiple problems.

¹¹ According to Article 18 § 2 Labour Market Services and Benefits Act wage subsidy may be paid for the employment of an unemployed person who:

- 1) has been registered as unemployed for at least twelve consecutive months;
- 2) is of 16–24 years of age and has been registered as unemployed for at least six consecutive months;
- 3) has been registered as unemployed for at least 12 months within 15 months and whose registration as unemployed has in the meantime been terminated under the circumstances provided for in clauses 6 (5) 3)–32) or 7) of this Act;
- 4) has been released from prison within the twelve months preceding registration as unemployed.

Please supply statistics or any other relevant information to show how this provision is applied in practice

The Committee asks the next report to provide information on the activation rate of unemployed people.

Table 8. Long-term unemployment rate

	2011	2012	2013	2014
Long-term unemployment rate, %	7.1	5.5	3.8	3.3
men	7.9	6.1	4.2	3.9
women	6.2	4.9	3.4	2.7

Source: Statistics Estonia, Estonian Labour Force Survey

Table 9. Annual average number of registered unemployed* with the UIF by duration of registered unemployment, between 2011–2014

	2011	2012	2013	2014
Total	53,039	41,840	36,205	28,985
less than 6 months	26,531	23,417	22,023	19,170
6 to 11 months	11,209	8,795	7,725	5,955
at least 12 months	15,299	9,604	6,460	3,861
at least 24 months	5,905	4,469	2,620	1,442

*calculations are based on registered unemployed at the end of quarter

Source: Unemployment Insurance Fund

Table 10. Estimated number of persons who have been unemployed for more than 12 months

	2011	2012	2013	2014
Total number of persons who have been unemployed for more than 12 months	48,600	37,400	26,100	22,500
men	27,500	21,000	14,600	13,700
women	21,100	16,400	11,500	8,800

Source: Statistics Estonia, Estonian Labour Force Survey

Table 11. Inflow of long-term unemployed to labour market training provided by the UIF

	2011	2012	2013
In total	5,089	5,925	2,886
16–24	232	285	156
Men in total	2,109	2,441	1,241
16–24	109	145	87
Women in total	2,980	3,484	1,645
16–24	123	140	69

Source: Estonian Unemployment Insurance Fund

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

Paragraph 1 – Education and training for persons with disabilities

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

Estonian laws provide disabled people's equal right to education, explicitly stressing the obligation to create the relevant conditions for them, if necessary. Disabled people, like all others, have the constitutional right to education (Constitution of the Republic of Estonia, § 37). Compulsory school attendance must be followed until the child attains 17 years of age or obtains basic education (Education Act, § 8 (2)). Every child has a right to an education which develops the child's mental and physical abilities, forms a healthy personality and prepares the child for an independent life (Republic of Estonia Child Protection Act, § 39). Teaching must be person-centred, guided by the differences of students and based on recognition of educational progress.

The state curriculum of preschool children determines the fundamentals of teaching and education activities, as well as the principles of assessing a child's development (Preschool Child Care Institutions Act, § 24). To support children with special educational needs, an individual development plan is prepared for each child, based on their individual needs and prepared in cooperation with the relevant parties (a pedagogue, a specialist, a parent).

Children attending a general group in a kindergarten are provided with individual or small-group speech therapy. Local governments establish conditions for children with special needs to grow first and foremost in an adaptation group with other children. If an adaptation group cannot be formed, special groups or special kindergartens are established¹². In practice, local governments are unable to ensure a placement in an ordinary kindergarten for all disabled children. The team of support specialists, including a speech therapist, special education teacher and other specialists, together with a support person at a child care institution are appointed by the head and the owner of the institution based on the curriculum and the special needs of children. In the 2012–2013 academic year, pre-school child care institutions were attended by 8,503 children with special needs (12.7% of all children attending child care institutions); support systems were available to 7,043 of these children (82.8% of all children with special needs). According to the Preschool Child Care Institutions Act, it is important to use a service-based approach to the services provided by support specialists, i.e. child care institutions are not required to have a certain number of posts and can ensure the availability of services by outsourcing the services or providing the services based on the procedure agreed with the local government. Support services are also provided to child care institutions by the Rajaleidja centres established in the 2014–2015 academic year.

Normally, children with special educational needs (children with physical, speech, sensory and intellectual impairments and children needing specialised help) attend regular classes in the school of their region of residence (pursuant to the principle of inclusive education) or if the local government cannot establish the necessary conditions for that (in case of e.g. a very specific learning arrangement, resource-intensive support services), children are referred to

¹² Three specialised kindergartens for children with profound and severe disability have been established in Estonia.

an educational institution intended for disabled children¹³ in cooperation with the state. The parent retains the freedom to decide whether attending an ordinary or a specialised school suits their child better. If the studies cannot be organised in any other way, an extreme option is also education by home-based learning (Education Act, § 8 (4)). To find a suitable form of education, a parent is supported by a counselling committee or regional educational guidance centres, both staffed with various specialists.

The school may amend the times, content, process and environment of studies. In case of significant change in study load or intensity or in case of reduction in study results, an individual study plan¹⁴ in one or several subjects is prepared to a student with special educational needs. In 2014, a new state curriculum for basic education and a new state curriculum for upper secondary education were adopted¹⁵. For better organisation of studies, a school may form special groups and classes.

For all students with special educational needs attending the general education system, free services of at least a specialised pedagogue (incl. a speech therapist), a psychologist and a social pedagogue have to be ensured. Also, opportunities are established for the use of support measures (e.g. differentiated learning in a class, help outside classes, catch-up classes, supported learning classes, help of a specialised pedagogue or a speech therapist in a learning assistance group, etc.). Students, their parents, pedagogues and local government specialists can also obtain psychological counselling and school social work counselling from regional educational guidance centres.

Vocational education can be obtained at four levels. Depending on the level, students can join the schools on the basis of basic education or upper secondary education. No prior education is required at lower levels of the qualification. The Minister of Education and Research Regulation No. 14 of May 9th, 2014 "Requirements and procedure for persons with special needs studying in vocational educational institutions" provides the following for students with special educational needs:

- provision of support systems and services (e.g. e-learning, involving an assisting teacher in auditorium work, support service by a social pedagogue, learning assistance service by a specialised pedagogue, psychological counselling, speech therapist service, opportunity to use sign language in studies, etc.);
- taking into account the needs of students with special needs in shaping the physical environment;
- implementation of a preparatory study module before vocational studies in order to increase the social skills and to support as independent coping as possible;
- taking into account special conditions corresponding to the student's needs upon organising the practical training of special needs students; and
- preparation of an individual transition plan for a learner with special needs in cooperation with the school and the company or agency providing the practical training, in order to ensure the acquisition of necessary skills upon transitioning from vocational studies to employment.

¹³ There are specialised schools in Estonia intended for children with visual, hearing and speech disabilities, movement and multiple disabilities, intellectual disabilities, emotional and behavioural disorders and children requiring special treatment due to behavioural problems – a total of 42 schools, of those 23 state schools, 13 municipal schools and 6 private schools.

¹⁴ Government of the Republic Regulation No. 1 of January 6th, 2011 *State curriculum for basic schools*, Government of the Republic Regulation No. 2 of January 6th, 2011 *State curriculum for upper secondary schools* and Government of the Republic Regulation No. 182 of December 16th, 2010 *Simplified state curriculum for basic schools*

¹⁵ Government of the Republic Regulation No. 141 of August 28th, 2014 *Amending the Government of the Republic Regulation No. 1 of January 6th, 2011 State curriculum for basic schools and Government of the Republic Regulation No. 2 of January 6th, 2011 State curriculum for upper secondary schools*

Additional personnel (a support person, a personal assistant, an assisting teacher, a sign language interpreter, etc.) shall be involved in teaching the students with special educational needs and organisation of necessary studies.

To support the possibilities for obtaining higher education of students with special needs, more favourable conditions have been established in terms of university entry requirements, requirements for completion of study load, payment of the related study services and academic leave. The Universities Act and the Institutions of Professional Higher Education Act provide that a university and an institution of professional higher education is not entitled to demand the reimbursement of study costs from a student who has not complied with the requirements established for full-time studies and study load if they are persons with a moderate, severe or profound disability. It is also provided that a student shall be entitled to complete the curriculum during the period of academic leave if they are persons with a moderate, severe or profound disability. Pursuant to the Government of the Republic Regulation No. 178 of December 20th, 2013 "Types, amounts and general requirements for granting of higher education student scholarships", one of the types of scholarship is scholarship for higher education students with special needs, the purpose of which is to support students with special needs in obtaining higher education. The scholarship amounts are determined on the basis of degree of disability and functional impairment (EUR 50–510 per month).

Pursuant to the Study Allowances and Study Loans Act, if a disabled person studies in an upper secondary school, a vocational educational institution or an institution of higher education and has additional expenses due to his or her disability, a social allowance is paid to him or her as a partial compensation of the additional expenses (in 2014, the allowance was EUR 6.39–25.57 per month). An employed disabled person is paid an in-service training allowance for partial compensation of the factual expenses related to in-service training and formal education acquired within the adult education system.

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

The Estonian organisation of education is guided by the principle of inclusive education – monitoring the development needs of all students and if necessary, intervening in a relevant manner, including providing necessary supporting measures.

Education policy follows the principle of special educational needs. Special educational needs are not related to the existence of a disability. Therefore, a child with special educational needs is not necessarily a disabled child, although a large proportion of disabled children also have special educational needs (yet not all of them, as the existence of a disability does not necessarily mean special needs in the education system).

One of the objectives of the Estonian educational strategy – Lifelong Learning Strategy 2020¹⁶ (adopted in February 2014) and its implementation programmes is to establish equal opportunities of lifelong learning for all (incl. disabled people). For that purpose, more favourable conditions for participating in studies are created for people with lower competitiveness (e.g. offering flexible training courses based on their needs; supportive social services and benefits to services supporting career studies and studies for returning to the labour market), in order to provide them with qualification and opportunities for self-realisation. An investment plan is also developed and implemented to support inclusive education and

¹⁶ The Estonian Lifelong Learning Strategy 2020 is available at the Government of the Republic website: https://valitsus.ee/sites/default/files/content-editors/arengukavad/eesti_elukestva_oppe_strateegia_2020.pdf and the translation into English: https://www.hm.ee/sites/default/files/estonian_lifelong_strategy.pdf

special schools intended for students needing specific study organisation and resource-intensive support measures.

The direction adopted in the organisation of education of students with special educational needs is towards:

- 1) developing the capability of schools and local governments as well as the professionalism of teachers and support specialists;
- 2) reshaping the network of specialised schools;
- 3) developing the state funding system for education of students with educational special needs;
- 4) developing alternative study materials and guide materials for teachers and
- 5) increasing the availability and quality of educational guidance services.

The goal is to increase the inclusion of students with special educational needs, improve access for disabled students and develop cross-sectoral cooperation. The obligations of the state to create suitable learning opportunities and conditions supporting the development of students with severe and multiple disabilities will continue to be increased.

The best access to upper secondary education is ensured for students with sensory impairments and reduced mobility. Special classes are formed for them in national or municipal schools for educational special needs students and they are successfully included in ordinary schools as well. The Ministry of Education and Research sees that current opportunities to obtain upper secondary education are not sufficient and there is a need for further development of the learning opportunities of children with special educational needs.

Textbooks in Braille are available for visually impaired students. The hearing rehabilitation programme has improved the access to education for hearing impaired people. Access to schools is ensured on the basis of the Building Act and its implementation acts¹⁷. The requirements prescribed in regulations are followed upon renovation of schools and upon building new schools. If, upon recommendation of a counselling committee, a student starts attending a school outside the territory of the local government of their region of residence, the local government shall organise their transport or shall compensate their transport expenses pursuant to the prescribed procedure. In terms of school organisation, Estonian general education schools are ready to teach disabled children, but the system as a whole needs further development. Not all teachers are sufficiently prepared to implement the inclusive education policy and there is a shortage of resources to create a suitable learning environment.

During last ten years, great development has taken place in the field of vocational education for students with special educational needs. As learning opportunities have become more flexible and experience has been gathered in teaching occupational skills, the number of students with educational special needs as well as the number of relevant educational institutions has increased. In the academic year of 2013/2014, 885 (i.e. 3.4%) out of a total of 25,699 vocational students were students with special educational needs¹⁸. Students with special educational needs usually study in practical fields requiring manual activities (construction, household, cooking; etc.).

The Primus 2008–2015 programme financed by the European Structural Fund has addressed the improvement of higher education studies of young people with special needs in Estonia. The aim of the programme is to support the quality of higher education studies, increase the competitiveness of graduates and improve the cooperation capabilities of universities. With the

¹⁷ Minister of Economic Affairs and Communications Regulation No. 14 of November 28th, 2002 *Requirements for ensuring movement opportunities for people with movement, hearing and visual disabilities in public buildings*

¹⁸ Source: Estonian Education Information System

help of the Primus programme, the support system and support network of students with special needs have been improved, the current situation has been mapped, the infrastructure and services have been improved, and trainings and information days have been carried out. Under the programme, the guide material “Unhindered higher education studies. Supporting students with special needs and adapting their learning environment. Guide for higher education institutions, students, lecturers and support personnel” was prepared¹⁹.

In order to improve access for students with special needs, movement opportunities for disabled people in study buildings of universities have been improved. Also, the rooms at the dormitories of the Tallinn University of Technology, Tallinn University, University of Tartu and Estonian University of Life Sciences have also been adapted. The service of audio recording of study materials has been launched in the University of Tartu and in Tallinn University. Visually impaired higher education students can order audio recordings of the necessary study materials from university libraries and from the Estonian Library for the Blind.

Estonia is a member of the European Agency for Special Needs and Inclusive Education. The goal of the Agency is to develop unified policy guidelines for better organisation of studies for learners with educational special needs as well as implementation of inclusive educational policy, based on the experience and good practices of other countries. The resources of the European Social Fund are used to conduct in-service training for teachers, supplement the counselling service for disabled students and their parents and prepare study materials needed for students with intellectual disability.

Please supply statistics or any other relevant information to show how this provision is applied in practice.

The Committee asks the next report to provide information on how many children with special needs study according to simplified curricula and how many of them continue education or find employment.

2.6% (2,879 students with mild learning difficulties, students with moderate learning difficulties, and students with severe and profound learning difficulties) of all full-time basic school pupils (112,883) studied in the 2014–2015 academic year based on a simplified curriculum.

3.7% (410 students) of the 11,020 children who completed full-time basic education in the 2014–2015 academic year completed their studies based on a simplified curriculum; 38.3% of them continued their education in vocational school and 29.5% in general education (additional studies). 32.2% did not continue their studies.

¹⁹ The guidelines are published at:

http://primus.archimedes.ee/takistusteta/avaleht_files/Primus_Archimedes.pdf

Paragraph 2 – Employment of persons with disabilities

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

A right to freely choose an area of activity, profession and place of work is guaranteed by the Constitution (Article 29 (1)). No restrictions apply due to disability and this Constitutional provision is interpreted to include a positive obligation to provide equal opportunities for professional self-realisation, which includes the elimination of barriers to employment for disabled people²⁰.

Equal Treatment Act prohibits discrimination on the grounds of disability in the area of employment upon: 1) the establishment of conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, as well as upon promotion; 2) entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services, release from office; 3) access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience; 4) membership in an organisation of employees or employers, including a professional organisation, and grant of benefits by such organisations.

The Act further provides that employers provide reasonable accommodation (see also report on Articles 3 and 4 in workplaces). The obligation of all employers to observe the principle of equality is also reiterated in the Employment Contracts Act (Article 3). Under the Equal Treatment Act (Article 12), this means that employers must actively promote the principle of equal treatment by taking measures to protect employees from discrimination and informing all employees of the rights and obligations provided for under the Equal Treatment Act.

In addition to general occupation health and safety measures, Estonian legislation includes several special provisions to ensure the well-being and productive employment of persons with disabilities. For instance, Article 10¹ of the Occupational Health and Safety Act provides that an employer shall create suitable working and rest conditions for disabled employees. Work, work equipment and workplace of a disabled employee and commonly used routes and non-workrooms used by disabled employees shall be adapted to their physical and mental abilities.

Labour Market Services and Benefits Act provides for labour market services intended to ensure factual equality of disabled people by eliminating disability-related obstacles to participation in the labour market. Pursuant to the Act, a disabled unemployed person is an unemployed person who has a disability and is declared permanently incapacitated for work (see also report on Article 2). Disabled people have equal right to access labour market services²¹ provided by the UIF, including some labour market services (working with a support person, adaptation of premises and equipment, free use of special aids and equipment necessary for working and assistance in job interviews) that are specially designed for people with disabilities.

In addition to the labour market services, a number of other incentives to support disabled people's employment are in effect.

²⁰ Commented edition of the Constitution, 2012 www.pohiseadus.ee

²¹ The list of labour market services offered by the Unemployment Insurance Fund is available at: <https://www.tootukassa.ee/content/teenused>

- 1) In accordance with the Social Benefits for Disabled People Act, payment of disability allowance continues to disabled people who have found employment, to help cover expenses related to their work.
- 2) The state covers part of the cost of the social tax paid for employees who receive a pension for incapacity for work (State Pension Insurance Act).
- 3) Another exception to the Social Tax Act applies to sole proprietors who are incapable of working and who are consequently not required to meet the minimum obligation of payment of social tax if they do not receive any income.
- 4) Any benefits given by employers in the form of technical aids, expenses for treatment of occupational accidents or illnesses and compensation for use of a personal vehicle for employees whose incapacity for work has been designated as at least 40% or have a certified disability are exempt for income tax.
- 5) Persons who receive an incapacity for work pension have a right to 35 days of paid holidays per year instead of the standard 28, and these extra days are paid for from the state budget and therefore do not lead to any additional direct costs for employers.
- 6) In accordance with the Social Benefits for Disabled Persons Act, disabled persons who are employed may also apply for an in-service training allowance.
- 7) The Employment Contracts Act also provides additional paid and unpaid child care leave for parents of children with disabilities.
- 8) The law also provides the conditions under which an employer is required to enable an employee who has become partially incapacitated for work in the employer's enterprise as a result of an occupational accident or occupational disease to continue work suitable for him or her in the enterprise (Occupational Health and Safety Act, § 10 (3)).

Regardless of whether an employee has a disability or not, the employer may extraordinarily terminate the employment contract if the employee has not coped with his or her work duties for a long period of time due to his or her state of health which makes it impossible to continue the employment relationship. A reduction of work capacity due to state of health is presumed to exist if the state of health does not enable the employee to perform his or her work duties for four months. Where possible, the employer must nevertheless first offer the employee alternative employment, including the necessary training, workplace accommodation or amended working conditions if the costs for the employer are not disproportionately large and the offer of another position is reasonable under the circumstances.

In 2012 preparations began to launch a reform of the incapacity for work scheme with the objectives to increase the supply of workforce, reduce the health risks faced by employees, preserve working capacity and prevent unemployment as well as raise the competitiveness of the risk groups on labour markets. The aim of the reform is to include 50% of people with partial work capacity in labour market by 2021. The Cooperation Agreement for Ensuring Social Protection for Persons with Disabilities or Health Damage signed in November 2014 between 12 organisations (please see also the next question) directly contributes to the smooth implementation of the work ability reform.

Starting from January 1st, 2016, the Government will launch a comprehensive work ability reform²² which entails a paradigm shift in the approach to disability and employment and is aimed at enabling disabled persons to participate in the labour market and prevent work incapacity through awareness and early intervention. The reform abolishes the establishment of percentages of permanent incapacity for work, starts assessing work capacity and increases the provision of labour market and supportive social services (rehabilitation, assistive technology, social services provided by local governments, etc), thus enabling persons with health damage in the labour market. The basis for allocation of the benefit will be an individual's capacity to work. Persons with partial or absent work capacity are paid a work capacity benefit, but its payment to persons with partial work capacity depends on the person's fulfilment of

²² Website of the work ability reform: <http://www.sm.ee/et/uus-toovoime-toetamise-susteen>

activity requirements. In case of employment, the amount and payment of benefit depends on the amount of wages. Thus, the reform balances the rights and obligations of persons with health damage better, as they get more rights to receive help and support, but also an obligation to be active.

Under the current system, a work incapacity pension is paid to persons with disabilities based on a recognised category of disability determined solely on the basis of a person's diagnosis and not on their actual ability to work or hold a job. The pension is paid regardless of whether the person is employed or not, which means that there is no incentive for a disabled person to actively seek employment or training or education for employment. The new system will no longer look at work incapacity by category as the criteria for allocation of the benefit will be an individual's capacity to work. The capacity to work will be evaluated by medical professionals using a new methodology developed by the Occupational Health Doctor's Association in line with the EUMASS (European Union of Medicine in Assurance and Social Security) core set. The work incapacity pension will be replaced by a work capacity allowance for persons with partial or no work capacity. Persons with partial work capacity must fulfil an activity requirement in the labour market to qualify for a benefit and will have access to an increased number of improved labour market services and social services.

The important cornerstone of the reform is ensuring active labour market services that help people with reduced working ability back to the labour market. Existing labour market measures (for example labour market training, career counselling, work practice, coaching for working life, wage subsidy, business start-up subsidy, adaptation of premises and equipment of working place, providing special aids and equipment, communication support at interviews and working with support person) will be made available to work capacity benefit receivers who are looking for work. New measures are designed to respond to the need of people with reduced work ability: temporary sheltered employment, transportation support, work-related rehabilitation, mobile counselling and peer counselling.

The second important cornerstone of the reform is the provision of social welfare services. In order to guarantee the quality of rehabilitation service, it will be divided into two: vocational rehabilitation and social rehabilitation. Provision of technical appliances will be linked to the assessment of a person's working capacity. Draft Social Welfare Act that aims to improve the quality of local government welfare services by setting minimum requirements will be submitted to the Government in 2015.

It has also been recognised that the reform programme will need to focus significant attention on providing information and training for companies on equality and non-discrimination, the rights of disabled persons and the services, benefits, tax concessions and subsidies available upon employment of disabled persons, which will be offered to enhance the success of the reform. For that purpose, the resources of the European Social Fund for the new 2014-2020 period are planned for organising trainings, counselling and financial incentives for employers about the opportunities to support the employment of people with reduced work capacity and to support the employer upon adapting and reorganising the work duties of a person with reduced work capacity in correspondence with his or her work capacity.

The freedom to join associations and unions of employees and employers is guaranteed by the Constitution and the Trade Unions Act (Article 29 (5))²³. The Employees' Trustee Act, regulating an alternative form of representing employees besides a trade union, does not restrict the representation of disabled people by a trustee of employees either, nor does it restrict the election of a disabled employee as a trustee of employees.

²³ See also § 4 of the Trade Unions Act. Restrictions are only made for members of the Defence Forces in active service. English translation available at: www.riigiteataja.ee/en (October 17th, 2014).

Members of the Defence Forces who have been seriously injured in the line of duty receive special care and attention. They are assured medical treatment, rehabilitation and support to promote their independent living. The Defence Forces are generally obliged to offer suitable employment to injured servicemen and -women who wish to continue to serve, including to those who have a certified degree of disability and work incapacity. This means employment in a position which is in line with the skills and qualification of the person in question, for which training is provided if necessary.

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

Consultations (free of charge) regarding adaptation of work environment are provided by the Astangu Centre of Disability Information and Assistive Technology²⁴ in cooperation with the Estonian Unemployment Insurance Fund. The Unemployment Insurance Fund partly or fully compensates the cost of workplace adaptation if a disabled person is employed with an employment contract for indefinite term or for a term of at least three years. The cost of adaptation is also compensated for a sole proprietor. The Unemployment Insurance Fund provides technical aids necessary for the performance of work duties free of charge.

In 2013, the Gender Equality and Equal Treatment Commissioner organised a survey among Estonian ministries to determine whether and to what extent the ministries fulfil their obligation to promote equal treatment and ensure that disabled people have equal opportunities for employment and career. Based on the observations made, the Commissioner issued a list of recommendations, including the recommendations to prepare a more structured plan for hiring disabled people in the public sector, to train personnel management employees, to ensure better access to workplaces and services, to use universal design more widely and to send a clear message to disabled people that they are welcome to apply for all vacant positions announced²⁵. Under the work ability reform the Government has set an objective to employ 1000 disabled people in the public sector by 2020.

On November 18th, 2014 twelve organisations²⁶ signed a Cooperation Agreement for Ensuring Social Protection for Persons with Disabilities or Health Damage to support the implementation of work ability reform. Principles and measures for development of preventive actions increase of employment among persons with reduced work capacity, development and increase of availability of social and labour market services, promotion and increase of accessibility of education for children and young people and increase of public awareness were agreed.

The Committee would like to receive more details with regard to the European Social Fund programme “Increasing the Availability of Qualified Labour Force for 2007–2013” projects and the number of persons with disabilities who participated and those who were subsequently employed.

Pursuant to the programme “Increasing the Availability of Qualified Labour Force for 2007–2013” a number of projects were carried out to support the employability of persons with disabilities. In addition to training the supportive staff (career consultants, social services specialists), labour market services facilitated the skills development of persons with

²⁴ <http://abivahendikeskus.astangu.ee/>

²⁵ The Commissioner’s report is available at:

http://www.svv.ee/failid/Puuetega%20inimeste%20t%C3%B6%C3%B6v%C3%B5imalused%20ministeeriumides_k%C3%BCsitlus%20ja%20soovitused.pdf

²⁶ All organisations wishing to do so can join the cooperation agreement later on.

disabilities and increased their access to the labour market. In the period 2007–2009, there were 3,991 entries (2,381 women) and services were attended until the end by 3,814 persons (2,289 women). There were 2,358 participants in 2010 and 3,120 participants in 2011.

While the UIF has information on the percentage of people who became employed after participating in the programme, including the percentage of persons belonging to labour market risk groups who became employed, they do not have information specifically about the subsequent employment of persons with disabilities. In the period 2010–2012, 63% persons belonging to labour market risk groups became employed after participating in the programme.

Please supply statistics or any other relevant information to show how this provision is applied in practice

The employment rate of disabled people is low in Estonia. The data of the Estonian Labour Force Survey indicate that in 2014, 25.1% of people of 16–64 years of age with a valid decision of a degree of disability were working (estimably over 12,700 persons). According to the Social Insurance Board data register, 14,591 disabled persons were working as of January 1st, 2014. Approximately 5.3% of disabled people were actively looking for work and were ready to start working within the next 2 weeks, and 72.2% (approximately 39,400 people) were inactive²⁷. 63% of the recipients of incapacity for work pension would like to work if possible. The unemployment rate of the disabled people was 17.4% in 2014. Disabled unemployed people form below 10% of all registered unemployed people²⁸.

The factors hindering disabled people from starting work do not only stem from the people themselves (for example, low confidence of coping successfully with work duties, fear of their own mental and physical health not holding up to the work load, lack of persistence and energy concerning the document management entailed in seeking work) but also include difficulties with finding part-time work, poor outlooks of receiving a decent salary and the fact that employers prefer to hire psychologically healthy people who they can rely on with higher probability²⁹. Yet, 71% of working disabled people have not encountered any problems related to working or attending the workplace. The biggest problems are considered to be expensive and insufficiently available transport (11% of working disabled people) and difficulties with accessing or entering the workplace (10% of working disabled people). To attend work, disabled people need transport assistance (41% of the respondents on the survey) and flexible starting and ending times of work hours (23%), a possibility to distribute their work load across days as needed (20%) or a possibility to take rest breaks during the work at the time they need it (19%)³⁰.

The number of disabled people who have used services of the UIF has significantly increased over the recent years, yet the use of labour market services designed for disabled people is low. There are specific labour market services targeting persons with disabilities. These are special aid and equipment, communication support at interviews and working with a support person. In 2014, 72 people used the assistance in job interview, 140 people used the service of working with a support person, technical aids needed for working were given for free use to 35 disabled unemployed people and 3 workplaces were adapted. At the same time, disabled

²⁷ Source: Statistics Estonia, Labour Force Survey 2013

²⁸ Source: Estonian Unemployment Insurance Fund

²⁹ Survey *Puuetega inimeste töötamist toetavad meetmed*. (Measures supporting employment of disabled people) GfK Custom Research Baltic, Estonian branch, 2008

³⁰ *Puuetega inimeste ja nende pereliikmete hoolduskoormuse uuring 2009*. (Survey on disabled people and care burden of their family members 2009) University of Tartu, RAKE

unemployed persons have the right to receive labour market services enshrined in the Labour Market Services and Benefits Act and employment programmes. For instance, in 2014, 13 disabled unemployed people received the business start-up subsidy and 102 disabled unemployed people were hired with a wage subsidy. The labour market services most used by disabled people are work training and career counselling; the practical training, coaching for working life and job search assistance services³¹.

The Committee would like the next report to precise what the status of “inactive” person means exactly, and how many of the unemployed persons are involved in any kind of employment promotion measures. It also asks for a clarification of the statistics provided, namely the difference between the number of disabled persons and persons receiving the work incapacity pension, which is much higher.

Persons who are inactive in the labour market include persons who do not work and are engaged in full-time studies, persons who cannot work due to health disorder or injury, persons who are on maternity, paternity or parental leave, persons who take care of their dependants, persons who have reached the retirement age, and persons who are discouraged from seeking employment because they have lost hope to find work. Participation of unemployed persons in active labour market measures is described above (Article 1 § 3).

The number of people receiving the pension for incapacity for work is higher than the number of disabled persons because a person does not have to have a disability to receive the pension for incapacity for work.

Paragraph 3 – Integration and participation of persons with disabilities in the life of the community

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

Within domestic law, the principle of equality is detailed in the Equal Treatment Act, which ensures the protection of persons against discrimination on the grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. The prohibition of discrimination includes direct discrimination, indirect discrimination, harassment, instructions to discriminate and victimisation (Equal Treatment Act, §3).

Under the Equal Treatment Act, this is restricted to employment, vocational guidance and training and membership in professional organisations. Discrimination on the basis of disability is prohibited upon the establishment of conditions for access to employment, to self-employment or to occupation, including selection and recruitment criteria and promotions. It is also prohibited upon entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services and release from office. Disability must not be a factor in access to

³¹ Source: Statistics of Estonian Unemployment Insurance Fund

vocational guidance, vocational training, advanced vocational training and retraining and practical work experience, as well as with regard to membership in an organisation of employees or employers, including a professional organisation, and the grant of benefits by such organisations. As noted above, employers are also required to provide reasonable accommodation under the conditions provided in the Act.

Starting from July 1st, 2016, the Government will launch a comprehensive work ability reform³² which entails a paradigm shift in the approach to disability and employment and is aimed at enabling disabled persons to participate in the labour market and prevent work incapacity through awareness and early intervention. Through the reform, the Government will abolish the establishment of percentages of permanent incapacity for work, start assessing work capacity and increase the provision of labour market and supportive social services (rehabilitation, assistive technology, social services provided by local governments etc.), thus admitting persons with health damage in the labour market. The basis for allocation of the benefit will be an individual's capacity to work. Persons with partial or absent work capacity are paid a work capacity benefit, but its payment to persons with partial work capacity depends on the person's fulfilment of activity requirements. In case of employment, the amount and payment of benefit depends on the amount of wages. Thus, the reform balances better the rights and obligations of persons with health damage, as they get more rights to receive help and support, but also an obligation to be active. The respective legislative changes have been prepared and adopted in 2014.

The Committee concludes that the situation in Estonia is not in conformity with Article 15§3 of the Charter on the ground that there is no anti-discrimination legislation to protect persons with disabilities which explicitly covers the fields of housing, transport, telecommunications and cultural and leisure activities.

The Ministry of Social Affairs is currently preparing changes in the legislation to expand the prohibition on discrimination due to disability to other areas, such as education and access to goods and services.

Despite the currently limited scope of the provisions regarding discrimination, the Equal Treatment Act provides for the promotion of equality on a broader scale. Under the Equal Treatment Act educational and research institutions and other entities and persons organising training are required, upon determination of the content of studies and organisation of studies, to take into account the need to promote the principle of equal treatment. Further, all ministries, within their area of responsibility, are obliged to monitor compliance with the requirements of the Equal Treatment Act and to co-operate with other persons and entities in promotion of the principle of equal treatment.

³² Website of the work ability reform: <http://www.sm.ee/et/uus-toovoime-toetamise-susteen>

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

General Policy

The Government of the Republic that entered its office in April 2015 has put disability issues high in its agenda and continues the work of previous governments to comprehensively promote the opportunities to involve people with special needs in the society. With the involvement of the target groups, a work capacity reform is being prepared and implemented since 2016 with the purpose to help people with special needs to find employment.

The enhancement of protection of the rights of disabled people are divided between several sectorial development plans, the most important of which is the Competitiveness Strategy *Estonia 2020*³³ which aims to increase the impact of active labour market policy, general employment rate and labour market participation rate. *Estonia 2020* objectives are supported by the Ministry of Social Affairs Development Plan for 2015–2018³⁴ which targets the increase of the employment rate of disabled people from the current 22% to 42% by 2020. In the coming years, labour market and social services (e.g. social transport, services alleviating the care burden, etc.) supporting the employment of disadvantaged groups will be further developed and employers will be motivated to employ disabled people or to retain their job.

The Estonian Lifelong Learning Strategy 2020³⁵ promotes the implementation of inclusive education. Guided by the principle that every child is valuable, the Children and Families Development Plan 2012–2020³⁶ includes measures and activities to support the economic and social coping of disabled children and their families. The General Principles of Cultural Policy until 2020³⁷ stress that all people living in Estonia must have a chance to create culture and participate in it regardless of their regional, social, cultural, ethnic, age, gender-related or other individual characteristics and needs.

General Principles of Estonian Sports Policy until 2030³⁸ that determine the vision of, a national goal and priority developments of the Estonian sports policy, taking into account the disability mainstreaming, were adopted by the Parliament in February 2015. The National Health Development Plan 2009–2020³⁹ sets out the task of creating opportunities of and supporting the engagement of people with special needs in rehabilitative sport.

The Transportation Development Plan 2014–2020⁴⁰ is guided by the principle that the transportation system must ensure safe and environment-friendly movement possibilities for everyone (incl. disabled people). The planning and implementation of the mobility environment

³³ Competitiveness Strategy *Estonia 2020*: <https://valitsus.ee/sites/default/files/content-editors/arengukavad/eesti2020.pdf>

³⁴ The Ministry of Social Affairs Development Plan for 2015–2018 is published at the Ministry of Social Affairs website: http://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Ministeeriumi_arengukava_ja_tooplaan/sotsiaalministeeriumi_valitsemissala_arengukava_2015-2018.pdf

³⁵ Estonian Lifelong Learning Strategy 2020: https://valitsus.ee/sites/default/files/content-editors/arengukavad/eesti_elukestva_oppe_strateegia_2020.pdf

³⁶ Children and Families Development Plan 2012–2020: https://valitsus.ee/sites/default/files/content-editors/arengukavad/lpa_2012-2020_taiendatud_2013.pdf

³⁷ General Principles of Cultural Policy until 2020: https://www.riigiteataja.ee/akt/3140/2201/4002/RKo_lisa.pdf

³⁸ General Principles of Estonian Sport Policy until 2030 are available at: http://www.kul.ee/sites/default/files/150318_spordipoliitika_alused_aastani_2030_en.pdf

³⁹ The Development Plan is published at: https://valitsus.ee/sites/default/files/content-editors/arengukavad/rahvastiku_tervise_arengukava_2009-2020_taiendatud_2012.pdf

⁴⁰ Transportation Development Plan 2014–2020: <https://www.riigiteataja.ee/akt/321022014001>

will be based on the principles of universal design and different needs and social status of various social groups.

Based on the Special Care Development Plan 2014–2020 (adopted in September 2014), the state focuses on the development of services for people with psychological special needs more close to the community and supporting the person's coping in their usual living environment as long as possible and as independently as possible. During 2007–2013, institutions for people with psychological special needs in four mansion buildings were closed and reorganised into 550 high-quality service placements in family-type houses in direct vicinity of settlements with the purpose that the clients of special social welfare institutions could participate in local day centres, work centres, gym halls and other activities. The plans for 2014–2023 include using the support of the European Regional Fund for improving the living, studying and working conditions of people with psychological special needs. For that purpose, the 24-hour service facilities with over 30 placements will be reorganised into smaller ones following the deinstitutionalisation principle.

The Ministry of Social Affairs is in the process of drafting a Social Welfare Development Plan for 2016–2023⁴¹, which will set out a clear strategy for disability policy. Consultations are currently being held with other actors in the public sector as well as all social partners, including the Estonian Chamber of Disabled People and other disabled people's organisations in Estonia. The Development Plan will be completed at the end of 2015.

On March 30th, 2012 a Memorandum of Cooperation Principles was signed between the Government of the Republic and the organisations representing disabled people with the purpose to involve the organisations representing disabled people better into the decision-making processes. The Memorandum sets out principles such as the involvement and consultation of disabled people in all policy areas, with particular attention on education, employment, the constructed environment, transportation, infrastructure, information, culture and social protection. A consultative Cooperation Assembly was formed to mainstream disability issues, coordinate activities to ensure protection of the rights of persons with disabilities, set strategic objectives and priorities. All the ministries, the Estonian Chamber of Disabled People and 4 main DPOs (Association of Persons with Reduced Mobility, Association of the Blind, Association of the Deaf, and Association of People with Intellectual Disabilities) are represented in the Cooperation Assembly.

On November 18th, 2014, twelve organisations⁴² signed a Cooperation Agreement for Ensuring Social Protection for Persons with Disabilities or Health Damage to support the implementation of work ability reform. Principles and measures were agreed for the development of preventive actions, the increase of employment among persons with reduced work capacity, the development and increase of availability of social and labour market services, the promotion and increase of accessibility of education for children and young people, and the increase of public awareness.

Accessibility

More emphasis is paid on accessibility and living environment. In 2008, the Centre of Disability Information and Assistive Technology launched an advisory service for adaptation of living environments and preparation of dwelling adaptation plans. Recommendations have been developed to adapt dwellings for people with reduced mobility, visually impaired, hearing

⁴¹ Previously named as Social protection, inclusion and equal opportunities development plan for 2016–2023

⁴² All organisations wishing to do so can join the cooperation agreement later on.

impaired people and people with psychological special needs⁴³. By now, 70 people on average have been advised per year⁴⁴. The low rate of dwelling adaptations (14% in 2011 and 30% in 2013 of homes provided with adaptation plans)⁴⁵ stems from the lack of budgetary means of local governments. Until 2020, the European Regional Fund supports the adaptation of 2000 dwellings of people with disabilities according to their individual needs that results in better inclusion of people with disabilities into society and thus improves their independent living and everyday coping.

The universal design handbook *Kõiki kaasava elukeskkonna kavandamine ja loomine* (Planning and creating inclusive living environment for everyone)⁴⁶ was prepared in 2012.

In April 2015 the Accessibility Council comprising of representatives of DPOs, architects, constructors, designers, parliament, universities, other ministries, relevant government agencies and local governments was established with the purpose to propose solutions on how to make buildings, transportation, living environment, information etc. accessible to all.

Inclusion of Stakeholders

There is a widespread practice that government authorities include stakeholders and the public into the elaboration of the decisions concerning them to ensure the best possible quality and legitimacy of those decisions. The Government Communication Handbook (elaborated in 2011, with later amendments) provides instructions for planning and organisation of public inclusion and Inclusion Handbook that describes good inclusion practices and guidelines has been prepared for officials and NGOs. The drafts of state legislation and development plans are presented to the Estonian Chamber of Disabled People and other human rights organisations for opinions.

The Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts prepared by the Government of the Republic set the obligation to assess the impact of changes in the legislation or strategic planning. Upon drafting legislation or development plan, the impact assessment on the equality and non-discrimination of people with disabilities needs to be done. The impact assessment questionnaire provides guidelines on how to assess changes in the rights, coping and living quality, opportunities to find work, social inclusion etc. of people who need special treatment (incl. people with disabilities).

Social Services Policy

Upon developing social welfare services, the state is guided by the principle that the services must support independent coping, working, living at home and follow deinstitutionalisation principles. The development plan of the Ministry of Social Affairs for 2015–2019 sets a goal that the number of those using community-based care services among people in need of services must increase and exceed the number of those using institution-based care services.

Additional funds are foreseen to improve the accessibility of social welfare services. With the European Social Fund support, in the forthcoming years the delivery of number of social welfare services (home services, care services (including interval and day care), social

⁴³ The recommendations are available at the website of the Centre of Disability Information and Assistive Technology: <http://www.abivahendikeskus.astangu.ee/teenused/kodukeskkonna-kohandamise-noustamine.html>

⁴⁴ Source: Centre of Disability Related Information and Assistive Technology

⁴⁵ Source: Centre of Disability Related Information and Assistive Technology

⁴⁶ The handbook is available online at:

http://www.abivahendikeskus.astangu.ee/fileadmin/media/Trukised/Koiki_kasava_elukeskkonna_kavandamine_loomine.pdf

transportation, personal assistant service and support person service) will be increased. New innovative services (for example video and audio care service, alarm button service) will be piloted with the purpose to find innovative solutions and optimizing the use of time and financial resources. Clients with multiple coping difficulties (including disability) will be provided with social counselling services, including psychological counselling, family counselling, debt counselling, support person service, specialised social worker's (for example hospital social worker) counselling and specific expert counselling (for example legal counselling, clinical psychologist's counselling, psychiatric aid and social pedagogue counselling). Altogether, at least 10,500 persons with disabilities, elderly and their family members with care burden will be provided with social welfare services that support their working possibilities (including retaining their job, starting to work) or entrance into the labour market services.

The personal mobility of disabled people is mostly expanded by technical aids, transportation services for disabled people, accessible public transport and other social services. The Astangu Centre of Disability Information and Assistive Technology⁴⁷ counsels disabled people on their choice of technical aid; issues expert assessments; increases people's awareness about technical aids and other social and labour market services; and promotes cooperation among suppliers. The Centre assesses a client's living and working environment and provides recommendations for acquisition of the necessary technical aids corresponding to the client's need. The rate of technical aids being acquired after the counselling is 70–80%⁴⁸.

A reform of the technical aids system has been initiated together with the work ability reform. Provision of technical appliances will be linked with the assessment of person's working capacity. The technical appliance granted by an expert of sufficient competence (family practitioner, medical specialist, rehabilitation team) guarantees that the technical appliance corresponds to a person's needs and supports a person's coping. The reform also reassigns the funding of technical aids from county governments to the Estonian National Social Insurance Board, thereby changing the funding principles from the current regional basis to personal basis and enabling people to obtain the technical aids in a region suitable for them. The plans for 2016–2020 include the allocation of the European Social Fund resources to improve the availability of technical aids for people of working age by eliminating the waiting list of technical appliances for working age disabled people.

In Estonia, the international concept of rehabilitation is divided between social welfare and health insurance schemes. Rehabilitation is a social service targeted to disabled people with the aim to improve their independent coping and employment. For disabled children, the purpose is to support the child's development and education. Currently there are 114 rehabilitation service providers in Estonia. Starting from 2016, the rehabilitation service will be provided to all people who have been certified as incapable of work, and the existence of established disability is not required anymore.

The current rehabilitation system in Estonia is not efficient and purposeful enough. It can be characterised by a complicated financing scheme, low fixed costs per person in a calendar year (up to EUR 1,295 for disabled children and up to EUR 448 for disabled adults) and too high costs for needs assessment and drafting of a rehabilitation plan. The quality of rehabilitation service may be deteriorated by long waiting lists (for example 9,000 persons as of January 1st, 2015) that prolongs the delivery of rehabilitation service, causes the increase of planning costs and decreases the results of the service. The practice so far has shown that rehabilitation (often together with other social services, for example assistive technology) has been aimed at increasing the social coping instead of work capacity.

⁴⁷ The website of Astangu Centre of Disability Information and Assistive Technology: <http://www.abivahendikeskus.astangu.ee/>

⁴⁸ Source: Astangu Centre of Disability Information and Assistive Technology

The rehabilitation system reform is one of the cornerstones of the success of work ability reform (please see above). In order to improve the quality and purposefulness of the rehabilitation service it will be divided into two: 1) vocational rehabilitation is a labour market service that enables individual job seeking, employment and vocational development, and 2) social rehabilitation is a social welfare service that supports everyday coping like independent living, education, participation in society and development of preconditions for employment. Such division enables to offer better targeted services that result in higher effectiveness. Persons with partial capability of work will receive rehabilitation services that are linked with their (possible) employment. The maximum amount of services will increase (up to 1,500 €) compared to the current budget and thus enables clients to receive services with shorter waiting list and in greater amount. Children, elderly and people incapable to work will receive services that increase their social coping. Moreover, establishment of pre-evaluation enables to assess a person's needs independently from service provider, helps to decrease the number of rehabilitation plans and advise people with disabilities to apply for other services than rehabilitation (for example social services provided by local governments) and use rehabilitation programmes. Finances for the service provision will be linked to the service recipients. The obligation for rehabilitation service providers to implement quality management systems will be established since 2017.

The resources of the European Social Fund for the financial period 2014–2020 will be used for developing competence centres for the rehabilitation service. Whereas the rehabilitation programme will be provided to people with high care need, the implementation of the work capacity assessment method Hamet will be continued, the method of supported employment will be disseminated and, in cooperation with employers, a workplace-based professional rehabilitation programme will be developed.

To improve the children's rehabilitation system, a proposal to implement an integrated model of education, health care, rehabilitation and social services⁴⁹ has been elaborated. The model helps to improve and optimise the existing system of services with a view to prevent duplication, reduce bureaucracy and ensure the availability of services corresponding to the child's individual and previously assessed needs. The implementation of the model is intended to provide a family with support starting immediately after the birth of a disabled child as near to the family as possible and with a uniform quality across Estonia.

The Social Welfare Act (§ 26 (1)) sets for local governments the obligation to organise transportation for the disabled people. A social transportation service (also a taxi service for the disabled people in larger local governments) aims to enable people with disabilities and reduced mobility to attend work or school and to facilitate their access to public services (e.g. medical, financial, legal assistance etc. services). It is increasingly more widespread that local governments co-operate to provide social transportation service (for example co-operation between local governments in Lääne County and in Lääne-Viru County)⁵⁰. The procedure for the use of taxi service and partial compensation thereof is established by local governments themselves.

⁴⁹ Rääk, R (2014) *Ettepanek: Mõõduka, raske ja sügava intellektipuudega ning raske ja sügava psüühikahäirega arenguliste ja hariduslike erivajadustega lastele osutatavate haridus-, tervishoiu-, rehabilitatsiooni- ja sotsiaalteenuste sidustatud mudel* (Proposal for integrated educational, healthcare, rehabilitation and social welfare services model for children with severe and profound intellectual disabilities and psychological disorders) http://www.sm.ee/sites/default/files/content-editors/Lapsed_ja_pered/Puudega_laps/teenuste_sidustatud_mudeli_ettepanek.pdf

⁵⁰ For example, the social transportation service in Lääne-Viru County: <http://www.virol.ee/sotsiaaltransport>

Statistics and analysis

Statistics about the situation of disabled people is gathered by the Statistics Estonia with the Estonian Social Survey, the Estonian Labour Force Survey, the Working Life Survey and the Household Budget Survey. Data concerning health status, retirement and aging is gathered with the SHARE (Survey on Health, Ageing and Retirement in Europe) survey⁵¹. In 2014, a large-scale Estonian Health Survey was conducted. Data about the disabled people (incl general statistics, household characteristics, employment, poverty, coping and time use) is available in the special section of Statistics Estonia database⁵². The Statistics Estonia prepares regular statistical overviews, keeps a weblog⁵³, and publishes Annual Statistical Yearbook of Estonia⁵⁴ as well as thematic publications. In December 2014, a collection of articles on social integration of disabled people was published⁵⁵.

In addition to the national statistics collected pursuant to the Official Statistics Act, the Ministry of Social Affairs collects⁵⁶, analyses and publishes⁵⁷ regular social welfare statistics. The social services data register STAR⁵⁸, a daily tool for social workers, provides also statistics on local government social services and benefits. Annual reporting, studies and analyses of the health sector are conducted by the National Institute for Health Development⁵⁹. Monthly overviews of the labour market situation in Estonia prepared by the Ministry of Social Affairs are published on the website⁶⁰ of the Ministry of Social Affairs. Labour market services statistics are published on the Unemployment Insurance Fund website⁶¹. Data about the education students with special needs (except about disabilities and preschool children at home and under childcare services) is collected and published by the Estonian Education Information System EHIS⁶².

In addition to official statistics, regular surveys are conducted about the situation of disabled people and their family members. In 2005, the first 5-year interval survey (the next survey is due in 2015) about disabled people's and their family members' coping and needs was conducted by the Ministry of Social Affairs. The first survey about the coping and needs of families with disabled children was conducted in 2009 with a repeat survey planned for 2016.

The Committee would like to know whether Article 12 of the Constitution may be directly invoked by an individual before lower courts and asks the next report for more recent examples of the relevant case law.

Article 12 of the Constitution may not be directly invoked by an individual before the lower courts. The Supreme Court is the court of constitutional review.

⁵¹ SHARE survey's website: <http://www.share-estonia.ee>

⁵² <http://pub.stat.ee/px-web.2001/Database/Sotsiaalelu/13TERVISHOID/13TERVISHOID.asp>

⁵³ The Statistics Estonia weblog is available at: <http://statistikaamet.wordpress.com>

⁵⁴ The Statistical Yearbook of Estonia for 2014 is available at: <http://www.stat.ee/72570>

⁵⁵ Puudega inimeste sotsiaalne lõimumine. Social Integration of Disabled Persons, 2014. <http://www.stat.ee/72564>

⁵⁶ Social welfare statistics collected by the Ministry of Social Affairs is published on the website of the Ministry as S-Web (data submitted by local governments) and H-Web (data submitted by social welfare institutions).

⁵⁷ The social sphere's statistics are published at: <http://www.sm.ee/et/sotsiaalvaldkond>

⁵⁸ <http://www.sm.ee/et/sotsiaalteenuste-ja-toetuste-andmeregister-star>

⁵⁹ The statistics gathered by the National Institute for Health Development are available at: <http://pxweb.tai.ee/esf/pxweb2008/dialog/statfile2.asp>

⁶⁰ The labour market overview is published at: <http://www.sm.ee/et/toovaldkond>

⁶¹ The Unemployment Insurance Fund's statistics are published at:

<https://www.tootukassa.ee/content/tootukassast/statistika-ja-uuringud>

⁶² Estonian Education Information System is available at: <http://www.ehis.ee/>

The Committee asks for more details with regard to the competences and procedure before the Chancellor of Justice and the Commissioner, in particular whether they are empowered to award compensation if discrimination is found and whether their decisions can be appealed against to a court.

Pursuant to the Equal Treatment Act, alleged cases of discrimination are heard by a court or labour dispute committee. A person whose rights are violated due to discrimination may demand the discrimination to be discontinued and may claim compensation for damage caused by the violation. A victim of discrimination may also claim a reasonable sum of money to be paid as compensation for non-patrimonial damage caused by the violation. In determining the amount of compensation, the court or labour dispute committee must take into account, inter alia, the scope, duration and nature of the discrimination. Sanctions for incitement to hatred and violation of the principle of equality are also provided in the Penal Code (§151 and §152).

The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert (§ 15 of the Equal Treatment Act). The Commissioner acts independently, monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act and performs other functions imposed by law.

According to § 16 of the Equal Treatment Act, the Commissioner: 1) monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act; 2) advises and assists persons upon submission of complaints regarding discrimination; 3) provides opinions concerning possible cases of discrimination on the basis of the applications submitted by persons or on their own initiative on the basis of the obtained information. The Commissioner provides opinions to persons who have submitted applications concerning possible cases of discrimination and, if necessary, to persons who have a legitimate interest in monitoring compliance with the requirements for equal treatment. Also, in order to give more effect to the opinions of the Commissioner, they have the obligation in the case of an opinion provided on the Commissioner's own initiative or with the consent of the person who submitted an application.

In addition to the Commissioner, the victim of discrimination has several other options. They could also turn to the Chancellor of Justice who accepts applications from individuals regarding possible infringements of fundamental rights and freedoms by a public authority and may also mediate disputes between private persons in discrimination issues if both the parties agree to the proceedings. Disputes in private employment relations, including non-discrimination issues, are also in the competence of labour dispute committees. The decision of a committee can be appealed to a court.

The Equal Treatment Act stipulates that discrimination disputes shall be resolved by a court or a labour dispute committee. Discrimination disputes shall be resolved by the Chancellor of Justice by conciliation procedure.

According to the Gender Equality Act (GEA § 13) and the Equal Treatment Act (ETA § 24) the victims can demand both that the infringing party ends the discrimination and also compensates the damages caused, both material and moral damages. There are no differences in the possible sanctions depending on the ground of discrimination. Commissioner and the Chancellor can make recommendations on how to redress the discrimination in non-material terms and how to avoid such situations in the future. However, their opinions are not legally binding, except for the agreement reached at the mediation proceedings, and do not amount to recommendations being made by courts or labour dispute committees.

The scope, duration and nature of the discrimination is taken into account in determining the

amount of compensation (GEA § 13(3), ETA § 24(3)). In case of non-proprietary (or moral) damage, the victim can ask for 'a reasonable amount of money' as compensation (GEA § 13(2), ETA § 24(2)).

In case of moral damages, if the exact amount of the damage cannot be established or if the establishment thereof would involve major difficulties or unreasonably high costs the court will assess the amount of compensation according to its discretion.

The Committee recalls that it wishes to be informed of any case law and complaints brought to appropriate bodies with respect to issues covered by this Article.

According to the statistics of the Commissioner the number of complaints concerning disability has risen. According to the ETA, the Commissioner can give opinions to the cases of discrimination concerning disability in the areas of employment and vocational training. In 2011 and 2012, the Commissioner received one complaint concerning disability discrimination; in , there were 14 complaints and requests for explanations based on disability, in 2014 the number of complaints and requests for explanation was 10. There is no case law regarding disability discrimination.

Please supply statistics or any other relevant information to show how this provision is applied in practice

General overview

As of the beginning of 2015, the proportion of disabled people in the total population was approximately 11% i.e. more than 141,000 persons. The number and proportion of disabled people in Estonia has steadily increased. Most disabled people are in older age groups (70% of disabled people are 55 years or older) but the proportion of those below 15 years of age has increased by 7% during last years. Mainly due to the difference in life expectancy of men and women in Estonia⁶³, there are more women (59%) among disabled people in general, but among disabled children aged below 16 years the proportion of boys is higher (62%)⁶⁴.

The most numerous type of disability (34% of all disabled people) in Estonia is mobility impairment which is explained by the age structure of disabled people, as more than half of them are 65 years old and older. 16% of all disabled people have a mental disorder and 3% have an intellectual disability. There are fewer hearing impaired, language or speech impaired and visually impaired people. Nearly a quarter of all disabled people have been determined to be disabled due to a general illness or chronic illness. Approximately one fifth of all disabled people have multiple disabilities⁶⁵.

⁶³ Statistics Estonia forecasts the average life expectancy of men and women in 2014 to be 72.1 and 81.8 years, respectively.

⁶⁴ Source: Statistics Estonia.

⁶⁵ Source: Estonian National Social Insurance Board.

Government expenditure

The government expenditure on social benefits for persons with disabilities has increased each year. When it was approximately 57 million EUR in 2009, then the increase by 2013 was 7 million EUR (please see table below).

Table. Expenses on state benefits for disabled persons, euros in thousands				
Type of benefit	2011	2012	2013	2014
Social benefits for disabled persons TOTAL	54,000.7	56,766.1	58,395.1	60,095.3
Disabled child allowance	7,391.3	7,952.4	8,502.9	9,068.2
allowance for child with moderate disability	2,488.8	2,824.4	3,069.4	3,406.9
allowance for child with severe or profound disability	4,902.5	5,128.0	5,433.5	5,661.3
Disabled adult allowance				
allowance for person with moderate disability	13,698.4	14,901.6	15,822.2	16,694.1
allowance for person with severe disability	25,035.2	25,943.6	26,147.9	26,520.9
allowance for person with profound disability	7,346.4	7,399.1	7,323.2	7,201.2
Work allowance	10.8	11.6	7.8	8.8
Disabled child caregiver's allowance				
Disabled parent's allowance	357.1	377.1	385.8	384.3
Education allowance	6.1	6.4	5.3	4.0
Rehabilitation allowance	138.4	160.0	183.8	191.5
In-service training allowance	17.0	14.3	16.2	22.3
Source: Social Insurance Board				

Pensions and benefits

Persons of at least 16 years of age who are declared permanently incapacitated for work with 40–100% loss of the capacity for work, and who have earned required pension qualifying period in Estonia by the commencement date of establishment of permanent incapacity for work are entitled to pension for incapacity for work with minimum amount of 148.98 EUR per month and no maximum in 2015. The average pension for incapacity for work in 2014 was 197 EUR per month .

The biggest share of expenditure includes state social insurance benefits (excluding pension for incapacity for work), such as the disability allowances for adults (persons in retirement age or in working age) and the disabled child allowance (please see the table below).

The various social protection benefits for disabled people are relatively low, depending on the degree of disability and ranging, for example from 69.04 to 80.55 EUR per month for disabled children and from 16.62 EUR to 53.70 EUR per month for working age disabled people. Disabled people themselves assess that the various social protection benefits do not cover their disability-related additional expenses and that the amount of social benefits and allowances is not always sufficient to cover the general living expenses if they have no disability-related additional expenses but also no other income (e.g. income from work).

Table. Types of financial support for disabled persons for improving their independence, benefits paid

Benefits for disabled persons financed from state budget Type of benefit	Recipients of benefits as of end of reporting period (number in increasing fashion as of start of year for single benefits)				
	2010	2011	2012	2013	2014
Disabled child allowance	7,262	8,093	8,625	9,157	9,853
allowance for child with moderate disability	2,596	3,057	3,409	3,662	4,107
allowance for child with severe or profound disability	4,666	5,036	5,216	5,495	5,746
Disabled adult allowance	120,241	124,181	126,673	128,761	130,939
allowance for person with moderate disability	41,576	43,756	45,540	47,036	48,449
allowance for person with severe disability	64,552	66,391	67,264	67,980	68,925
allowance for person with profound disability	14,113	14,034	13,869	13,745	13,565
Work allowance	50	67	65	54	56
Disabled child caregiver's allowance, persons cared for	-	-	-	-	-
Recipients of disabled parent's allowance	1,081	1,104	1,132	1,101	1,130
Education allowance	22	27	27	15	10
Rehabilitation allowance	2,806	2,725	3,085	3,565	3,746
In-service training allowance	84	65	72	64	86

Source: Social Insurance Board

Coping and living standard

In 2013, the at-risk-of-poverty rate of disabled people (32.2%) exceeded the at-risk-of-poverty rate of the total population by 1.5 times on average. Social transfers help more than a half of the disabled people to get out of poverty, as the at risk of poverty rate before social transfers was nearly 80%. In 2013, 5.6% of persons with disabilities lived below the absolute poverty line (the absolute poverty rate of the total population was 8% at the same time) because various disability allowances and pensions help disabled people to avoid severe poverty. In 2013, 13% of disabled persons lived in severe material deprivation, which is nearly 6 percentage points higher than the total population⁶⁶.

Disabled children are the most affected by poverty; their poverty indicators have deteriorated compared to previous decade and are higher compared to the poverty rates of all children. In 2013, 12.7% of disabled children lived in absolute poverty and 26.2% of disabled children (0–17 years old) lived in at risk of poverty. Since it is often impossible to work while taking care of a disabled child, families with disabled children are inevitably one of the most vulnerable risk

⁶⁶ Source: Statistics Estonia

groups in the society. Almost a quarter (24.2%) of disabled children live with a single parent, which further complicates the financial situation of families with a disabled child.⁶⁷

One of the main factors explaining the higher poverty risk of the disabled people is the low employment rate of the disabled people as well as lower salary from part-time work and limited opportunities of family members of disabled children and adults to work due to the care burden. Over 50,000 persons are enrolled in taking everyday care of their family members⁶⁸ and 13,500 persons were inactive in the labour market due to the care burden⁶⁹. Over one quarter of the families with disabled children (28%) are single parent families and this also affects the employment possibilities, ratio of income, poverty rates and expenditure of those families. To address the problem, a high-level committee aimed to propose solutions to alleviate the care burden of family members will be established at the end of 2015.

The income of disabled people is generally lower than the population's average income. While the 2012 data of the Statistics Estonia indicated that the population's annual equalised income was 7,847.20 EUR, in case of disabled people the corresponding income was 5,562.57 EUR. The average monthly disposable income per household member was 353 EUR for disabled people (77% of Estonia's average). Pensions and benefits are often the only or major income resources for many disabled people. In 2012, pensions and benefits formed 67% of the total income of persons with disabilities.

The Government also consults civil society when working on legislation, strategies or other important documents related to disability. Moreover, a multidisciplinary working group that includes several representative organisations of persons with disabilities, human rights organisations etc. will be established following the ratification of the UNCRPD. The Committee wishes to be informed of the relevant developments.

In March 2012, a Memorandum of Cooperation Principles was signed between the Government of the Republic and the organisations representing disabled people. A Cooperation Assembly was formed to mainstream disability issues, coordinate activities to ensure protection of the rights of disabled people and set strategic objectives and priorities.

On November 18th, 2014, twelve organisations signed a Cooperation Agreement for Ensuring Social Protection for Persons with Disabilities or Health Damage to support the implementation of work ability reform.

For more detailed information about the Memorandum and Cooperation Agreement, please see question "Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework" of the current chapter.

Since the ratification of UNCRPD, Estonia has worked to designate or establish a framework for independent monitoring of the Convention. Special financial resources have been allocated each year by the Government to complete that task.

In 2013, the Estonian Chamber of Disabled People created the preliminary principles for a functioning mechanism, however it was not implemented. In 2014, the independent Centre for Policy Studies Praxis was tasked with providing an analysis of whether the Chancellor of

⁶⁷ Statistics Estonia. (2014). The income and poverty of persons with disabilities in collection "*Social integration of disabled persons.*"

⁶⁸ *Puuetega inimeste ja nende pereliikmete hoolduskoormuse uuring 2009.* (Survey on disabled people and care burden of their family members 2009) University of Tartu, RAKE

⁶⁹ Source: Statistics Estonia

Justice, the Gender Equality and Equal Treatment Commissioner or some other body should be entrusted with the task of serving as a monitoring mechanism. At the beginning of 2015, preparations to nominate the Gender Equality and Equal Treatment Commissioner as the independent monitoring mechanism of the Convention have started, including the necessary amendments in legislation and allocating the necessary resources to complete the task.

The Ministry of Social Affairs in Estonia, which is responsible of implementing the UN CRPD has been preparing a change in the legislation of the “Equal Treatment Act” that would allow the Gender Equality and Equal Treatment Commissioner to fulfil the obligations of UNCRPD Article 33 (2). In order for the Gender Equality and *Equal Treatment* Commissioner to be able to fulfil the monitoring obligation there is a need to expand the powers of the Commissioner set out in the “Equal Treatment Act”.

Article 18 – A right to engage in a gainful occupation in the territory of other parties

Paragraph 1 - To apply existing regulations in a spirit of liberality

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

The legal bases for a foreigner to enter, stay, reside and work in Estonia, are prescribed in the Aliens Act. For the citizens of the European Economic Area and citizens of the Swiss Confederation and the family members thereof, the Citizen of European Union Act applies.

A citizen of the EU has a right to work in Estonia starting from entering the country for three months and after the right of residence has been granted. A family member of an EU citizen may work in Estonia in case they have been granted the right of residence (either temporary or long-term).

The entry and stay of third-country nationals are regulated with visas and residence permits issued on clear grounds (for family reunification, for employment, for study etc.). An alien, who is residing in Estonia on the basis of a residence permit, has a right to work in Estonia, unless otherwise stipulated by the law (e.g. an alien, to whom a temporary residence permit has been issued on the basis of legal income, is not permitted to work in Estonia).

Quantitative and qualitative restrictions to the national labour market, such as the annual immigration quota and specific conditions for granting the residence permit, are stipulated in the Aliens Act. Generally, an alien applying for a residence permit is subject to the annual immigration quota for aliens immigrating to Estonia, which shall not exceed 0.1 per cent of the permanent population of Estonia annually. The annual immigration quota is determined by a Government decision. However, several groups of persons (e.g. an alien who is granted a residence permit for study; an alien who is granted a residence permit for employment with the purpose of research activities etc.) are not subject to the immigration quota. Persons not included in calculating the fulfilment of the immigration quota are stipulated in §115 of the Aliens Act. For issuing a temporary residence permit for employment, the employer must request permission from the Estonian Unemployment Insurance Fund. An alien who meets the requirements for qualifications and professional skills for such position can be granted a residence permit for employment if the vacant position cannot be filled by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit. Also, the filling of the vacant position by employing an alien has to be justified considering the situation in the labour market and based on the data provided by the Estonian Unemployment Insurance Fund. The requirement of a permission of the Estonian Unemployment Insurance Fund is not applied to an extension of a temporary residence permit for employment. In addition to the consent of the Estonian Unemployment Insurance Fund, the employer must pay an alien a salary that is at least equal to the latest annual average wages in Estonia published by Statistics Estonia, multiplied by the coefficient 1.24. In case of employment as a top specialist, an employer is required to pay remuneration in the amount at least equal to the annual average gross monthly salary and wages in Estonia, last published by Statistics Estonia, multiplied by the coefficient 2. The Exceptions to the permission of Estonian Unemployment Insurance Fund and remuneration requirements are prescribed in §181 of the Aliens Act. A third-country national may also apply for a temporary residence permit for enterprise, if they own shares in a company or act as sole proprietors of a company that has been registered in Estonia. Clear conditions for obtaining the residence permit for enterprise are provided in the Aliens Act.

In addition to the employment in Estonia on the basis of a residence permit, short-term employment on the basis of a temporary stay is also permitted in specific cases (e.g. for research work, for seasonal work, for employment as an expert, adviser or consultant etc.) However, the employment must not exceed six months during a 12-month period and must be registered beforehand with the Police and Border Guard Board. The conditions for registering short-term employment are prescribed in the Aliens Act. In some cases of a short-term employment (as an au pair; as an expert, adviser or consultant, provided that an alien has appropriate professional training for such activities; as a fitter of equipment or a skilled worker if an alien has acquired professional training for working in this field; or as a seasonal worker involving the processing of primary agricultural products) an employer is obliged to pay an alien whose short-term employment in Estonia has been registered, a remuneration in the amount equal to at least the annual average gross monthly salary and wages of the main area of activity of the employer, last published by Statistics Estonia, but not less than the annual average salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 1.24. In case of a short-term employment as a top specialist, the employer is obliged to pay remuneration for professional work in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2. If an employer is a natural person who is not registered as a self-employed person, the due amount of the remuneration of an alien is calculated on the basis of the average salary in the main activity in which an alien will be engaged instead of the main activity of the employer.

The Aliens Act also stipulates clear grounds for issuing a temporary residence permit to settle with a close relative or with a spouse. A temporary residence permit may be issued to a third-country national to settle with his or her spouse who is a third-country national who has resided in Estonia on the basis of a residence permit for at least two years. A temporary residence may be issued to a third-country national to settle with a close relative who is a third-country national who permanently resides in Estonia. The requirement for prior permanent residence in Estonia is not applied if the close relative has a temporary residence permit and the third-country national and the close relative enter into Estonia together. If a third-country national is issued a visa for short-term employment in Estonia, a visa may be issued to the spouse, a minor child or an adult child who due to their health status or disability are unable to cope independently, under the same conditions as to the specified third-country national.

The conditions for granting a temporary right and long-term right of residence for the family member of a citizen of the European Union are stipulated in the Citizen of the European Union Act.

Pursuant to the Government Action Plan 2011–2014, the Ministry of the Interior, in cooperation with other ministries and social partners, initiated in 2013 amendments to the Aliens Act, with the aim of facilitating arrival and stay of third country nationals who can contribute to the development of the Estonian society. The first phase of the amendments entered into force in September 1st, 2013, the second phase of the amendments will enter into force in 2016.

The amendments of the first phase simplified foremost the entry and stay of highly skilled specialists and students. An expedited procedure for the registration of short-term employment was introduced for highly skilled specialist, students, lecturers and scientists. The forenamed may commence employment in Estonia from the same calendar day when the employer has registered the short-term employment of an alien in Estonia with the Police and Border Guard Board.

With the amendments, both a short-stay and a long-stay visa may be issued for short-term employment, provided that the short-term employment is registered beforehand. Thereby, it is possible to apply for a visa for short-term employment also in the foreign embassies representing Estonia under the representation agreements. The amendments also allow third-country nationals to apply for a residence permit when residing in the country, provided that their short-term employment is registered. This simplifies the entry procedure for employment

purposes, as a third-country national may apply for a visa, arrive to Estonia, start working and apply for a residence permit while already in the country.

One of the main amendments included the amendments to the Unemployment Insurance Fund permission. Before the amendments, in order to obtain the permission to fill a position by employing an alien, the employer was obligated to carry out an open competition for the position. If within three weeks it was not possible to recruit through the state employment mediation service any citizen of Estonia, EU citizen or alien residing in Estonia on the basis of residence permit, who would meet the prescribed qualification and professional skills requirements, the employer was given the permission to employ an alien. With the amendments, an open competition is no longer required; however, an employer must still submit an application to the Estonian Unemployment Insurance Fund. For employment of a top specialist it is no longer necessary to apply for the Unemployment Insurance Fund permission.

The requirement for an additional working permit for third-country nationals holding a temporary residence permit for study was abolished, allowing them to work on the condition that it does not interfere with their studies.

The amendments of the second phase, which will enter into force in 2016, include among other provisions for combatting labour force shortages in situations when workers of certain experience and education cannot be found in the EE labour market, regulation on leasing third-country employees, a provision to abandon separate specifications for employment for temporary residence permit for enterprise. A 90-day transition period, and for students, lecturers and researchers a 183-day transition period after the expiry of the residence permit will be established, during which they may stay in Estonia and apply for a new residence permit in order to find a job or start entrepreneurship, etc. To mitigate structural labour shortages, the Government will have the possibility to compile a list of fields where Estonian employers are not obliged to pay a salary of 1.24 times the Estonian average wage and do not have to get permission from the Estonian Unemployment Fund. The amendments also include a provision that persons coming to Estonia for entrepreneurship will be able to register their absence from Estonia.

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

In 2014, the Ministry of the Interior initiated the compilation of the Internal Security Strategy for 2015–2020, which introduces a more integrated approach to the topics related to designing and implementing the internal security policy. The strategy also includes immigration policy instruments. Representatives of social partners, local governments, international organisations, ministries and other relevant governmental authorities were involved in the process of preparing the strategy.

In 2013, the development of the welcoming program, which was introduced by the amendments to the Aliens Act in 2013, was started. The purpose of the welcoming programme is to support the migration and subsequent integration of newly arrived immigrants by providing them information on the functioning of the state and society, daily life, working, studying and family matters, and by facilitating the acquisition of Estonian language skills. The programme is comprised of different modules – a basic module that provides information on the Estonian society, culture, state, various rights and obligations, functioning of the European Union, daily life, public services etc., and complementary thematic modules providing information on studying, research, working and entrepreneurship and family. There are modules also aimed

at children and young people and beneficiaries of international protection. In addition, the programme includes an A1 level language course. The welcoming program will be launched in the second half of 2015.

In addition to the amendments in the Aliens Act, the Police and Border Guard Board is developing its services in order to shorten the time of processing the applications for residence permits and improve the quality of customer service. Regular meetings with the most common employers of foreigners are organized by the Police and Border Guard Board, in order to explain the framework and procedures.

Please supply statistics or any other relevant information to show how this provision is applied in practice

Table 1. Decisions to issue residence permits for employment, by citizenship, 2012-2014:

	2012	2013	2014	TOTAL
Albania	1			1
Algeria	1			1
Argentina	1		1	2
Armenia	2	2	2	6
Azerbaijan	1	1	4	6
Australia	8	4	6	18
Bangladesh	2	1	2	5
Belarus	11	13	31	55
Bosnia and Herzegovina		2	1	3
Brazil	8	10	12	30
Cabo Verde	1			1
Cameroon	1			1
Canada	6	3	8	17
China	19	27	22	68
Colombia		2	5	7
Congo DR	1		1	2
Congo		1		1
Cote d'Ivoire	3	2		5
Croatia	1	1		2
Egypt	1		1	2
Gambia	1			1
Georgia	13	9	14	36
Guatemala	1		2	3
Guinea	1			1
Guyana	1			1
Israel	10	9	14	33
India	25	19	38	82
Indonesia	1	2	1	4
Iraq			1	1
Iran	2	5	12	19
Japan	13	10	8	31
Jordan		1	1	2
Kazakhstan	2	2	4	8
Kenya		1	3	4

Kyrgyzstan		2		2
Macedonia		1		1
Malaysia	2	2	1	5
Moldova	5	7	5	17
Mexico	2	1	6	9
Morocco		1	1	2
Nepal		5	7	12
New Zealand	1	1	1	3
Nigeria			4	4
North Korea		2		2
Pakistan	2	5	2	9
Philippines		6	9	15
Peru	1			1
Russia	169	166	173	508
Serbia	2	3	1	6
Sierra Leone		1		1
Singapore	1	1	2	4
South Africa		1	3	4
South Korea			5	5
Sri Lanka			1	1
Thailand	11	3	4	18
Tunisia		1		1
Turkey	11	8	11	30
Ukraine	383	407	710	1500
Undefined	7	6	8	21
Uzbekistan		8	6	14
USA	96	96	80	272
Venezuela	2		1	3
Vietnam	2	2	2	6
Total	835	863	1237	2935

Table 2. Decisions to extend the residence permit for employment, by citizenship, 2012-2014:

	2012	2013	2014	TOTAL
Albania			1	1
Armenia	1	3	1	5
Australia	4	2	4	10
Azerbaijan	3	2		5
Belarus	13	13	14	40
Brazil	5	2	2	9
Cabo Verde	1			1
Canada	2	2	2	6
China	15	21	12	48
Colombia		1		1
Congo DR	1			1
Cote d'Ivoire		2		2
Egypt	1			1
Georgia	4	3	8	15
Guatemala		1	1	2
Guyana			1	1
Hong Kong	1			1

Israel	3	10	5	18
India	13	13	25	51
Indonesia		1		1
Iran		1	1	2
Japan	2	5	6	13
Kazakhstan	2	2	1	5
Macedonia	1		1	2
Malaysia			1	1
Mexico	1	2		3
Moldova	4	4	4	12
Nepal	4	1	1	6
New Zealand	2	1	1	4
Pakistan	1	3	1	5
Philippines		5	2	7
Russia	97	134	103	334
Senegal	1			1
Serbia	2	2	2	6
Singapore			1	1
South Africa	2			2
South Korea	1		1	2
Thailand		2	6	8
Turkey	2	1	8	11
Ukraine	44	112	144	300
Undefined	2	2	1	5
Uzbekistan		1		1
USA	17	15	20	52
Venezuela			1	1
Vietnam		1	2	3
Total	252	370	384	1006

Table 3. Refusals to issue residence permit for employment, by citizenship, 2012-2014:

	2012	2013	2014	TOTAL
Armenia		1		1
Azerbaijan	2	1		3
Australia	1	1	1	3
Belarus	13	4	3	20
China	4			4
Egypt	1			1
Georgia	4		3	7
Israel	2			2
India	1	1		2
Iran			1	1
Japan	1		1	2
Kazakhstan		1		1
Lebanon		1		1
Moldova	3			3
Pakistan	1	1		2
Russia	57	21	5	83
Turkey	4	1		5
Ukraine	30	9	17	56
USA		2	1	3

Venezuela			1	1
Total	124	44	33	201

Table 4. Refusals to extend residence permit for employment, by citizenship, 2012-2014:

	2012	2013	2014	TOTAL
Armenia		2		2
Belarus	1	6		7
Georgia	1			1
Israel	2		1	3
Japan		1		1
Nigeria		1		1
Russia	38	68	12	118
Serbia	1			1
South Korea	1			1
Turkey	1	1		2
Ukraine	13	9	1	23
Undefined			1	1
USA	1	3		4
Uzbekistan		1		1
Total	59	92	15	166

Table 5. Decisions to register short-term employment, by citizenship, 2012-2014:

	2012	2013	2014	TOTAL
Argentina	4		1	5
Armenia	6	1	2	9
Azerbaijan		3	3	6
Australia	3	2	5	10
Bangladesh	44	2	2	48
Belarus	29	10	18	57
Burkina Faso		1		1
Brazil	12	1	172	185
Cameroon	2			2
Canada	5		2	7
Chile		1		1
China	6	9	9	24
Colombia			1	1
Congo DR	1			1
Congo		1		1
Cocos Islands	1			1
Cote d'Ivoire	1			1
Croatia	1		8	9
Cuba	109	71	5	185
Dominican Republic		1	1	2
Egypt			1	1
Ethiopia		5		5

Gambia	3			3
Georgia	11	11		22
Guinea	1			1
Israel		1	4	5
India	6	6	19	31
Iraq		1		1
Iran		2		2
Japan			1	1
Kazakhstan		4	3	7
Kenya		12	1	13
Kyrgyzstan			2	2
Moldova	10	16	35	61
Montenegro		1		1
Mexico		2	1	3
Nepal	1	2	3	6
New Zealand		1		1
Nigeria		2		2
North Korea		2		2
Philippines		13	9	22
Romania		2		2
Russia	65	67	151	283
Saint Lucia			1	1
Senegal		1		1
Sierra Leone		1		1
South Africa	6	13	2	21
South Korea	2	2	3	7
Syria			2	2
Tajikistan	1	11		12
Thailand	5	2	3	10
Turkey	4	7	5	16
Ukraine	249	248	459	956
Undefined		7	6	13
Uzbekistan	9	3	3	15
USA	17	24	19	60
Venezuela	1	1		2
Vietnam	1			1
TOTAL	616	573	962	2151

Table 6. Decisions to refuse the registration of short-term employment, by citizenship, 2012-2014:

	2012	2013	2014
Russia	5		
Ukraine	3		15
TOTAL	8	0	15

Paragraph 2 – To simplify formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers

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

Please also see paragraph 1.

Foreign nationals living in Estonia on the basis of a residence permit have a right to work, unless otherwise stipulated by the law. Separate work permits are no longer issued. It is also possible for a foreign national to work short-term in Estonia if they stay in Estonia under a visa or a visa waiver program and have registered the short-term employment with the Police and Border Guard Board.

An application for a visa for short-term employment may be submitted at a foreign mission of Estonia or at a foreign mission of a member state of the Schengen Convention if the Government of the Republic has concluded such an agreement with the state on representing the Republic of Estonia in visa matters. In general, a visa application must be submitted personally, however in certain cases, a visa application may also be submitted through an authorised representative or a commercial intermediary.

The application for a temporary residence permit must be submitted personally at a foreign mission of Estonia. Exceptionally, the application for a temporary residence permit may also be submitted by a third-country national to the Police and Border Guard Board while already in Estonia (e.g. an alien who stays in the country legally and whose short-term employment in Estonia has been registered). Specific cases when the submission of the application for temporary residence permit to Police and Border Guard Board is permitted, are stipulated in §216 of the Aliens Act.

The application for registration of short-term employment is submitted by the employer, who wishes to invite a third-country national for short-term employment, to the Police and Border Guard Board.

The rate and payment of state fees are regulated by the State Fees Act. As stipulated in the Aliens Act, a state fee shall be paid according to the rate established in the State Fees Act for registration of short-term employment; for a review of an application for a residence permit, extension of a residence permit and resumption of a residence permit; for a review of an application for visa and for the extension of the period of stay and; for a review of applications submitted against the decision taken in the course of the contestation of a decision on the refusal to issue a visa, annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay.

The state fee is based on the costs related to the performance of the act (cost principle) and pursuant to the State Fees Act, the bodies charging state fees are prohibited from charging additional fees for performing acts.

Please supply statistics or any other relevant information to show how this provision is applied in practice

Pursuant to regulation No. 24 of the Minister of the Interior dated July 14th, 2010, established under the Aliens Act, the registration of the short-term employment or issue of a refusal of the registration is carried out by the Police and Border Guard Board within 10 business days as of the day following the acceptance of the application. The average time for the registration of short-term employment is 6 days (the average is also 6 days for years 2012, 2013, 2014).

The term for reviewing applications for a temporary residence permit is stipulated in the Government regulation No. 88 dated June 30th, 2010, established under the Aliens Act. Pursuant to the regulation, the decision on the issue of or refusal to issue a temporary residence permit is made within two months from the date of acceptance of the application or the date of elimination of deficiencies. The average time for a decision to issue a residence permit for employment (first time or extension) is 33 days. The breakdown for the reporting period is as follows:

2012	2013	2014
33 days	31 days	29 days

Table 7. State fee for residence permit, 2012-2014:

	In Estonia	In foreign representation
Temporary residence permit	63.91 €	65 €
Extension of a temporary residence permit	63.91 €	Cannot be applied
Temporary residence permit for an alien under one year of age	23.96 €	25 €
Temporary residence permit: * for an alien under 15 years of age; * for a person who has attained Estonian general pensionable age.	23.96 €	Cannot be applied
Extension of temporary residence permit: * for an alien under 15 years of age; * for a person who has attained Estonian general pensionable age.	23.96 €	Cannot be applied
To settle with a spouse who is an Estonian citizen or with a close relative who is an Estonian citizen	30.67 €	35 €
Extension of a temporary residence permit for settling with a spouse who is an Estonian citizen or with a close relative who is an Estonian citizen	30.67 €	Cannot be applied
Temporary residence permit for work	95.86 €	100 €
Extension of a temporary residence permit for work	95.86 €	Cannot be applied

Temporary residence permit for business	159.77 €	160 €
Extension of a temporary residence permit for business	159.77 €	Cannot be applied
Long-term residence permit and resumption of residence permit	63.91 €	Cannot be applied
Long-term residence permit and resumption of residence permit: * for an alien under 15 years of age; * for a person who has attained Estonian general pensionable age.	23.96 €	Cannot be applied
The right of temporary residence of a family member of an EU citizen	31 €	35 €
Extension of the right of temporary residence of a family member of an EU citizen	31 €	Cannot be applied
The right of permanent residence of a family member of an EU citizen	31 €	Cannot be applied
Registration of EU citizen's right of permanent residence	25 €	Cannot be applied

Table 8. State fee for registration of short term employment:

2012	2013	2014
47.93 €	47.93 €	47.93 €

Table 9. State fee for visa, 2012-2014:

	In Estonia	In foreign representation
Short-term (C) visa	Cannot be applied	60 €
Short-term visa (C) children 6–12 years	Cannot be applied	35 €
Long-term (D) visa	Cannot be applied	80 €
Limited territory visa	Cannot be applied	60 €
Extension of temporary stay	30 €	Cannot be applied
EU agreements on the facilitation of the issuance of visas (applies to the citizens of the Russian Federation and Ukraine)	Cannot be applied	One-time and multiple-entry visa 35 €; urgent visa 70 €
EU agreements on the facilitation of the issuance of visas (applies to the citizens of Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, FYROM, Georgia, Montenegro, Serbia and Moldova)	Cannot be applied	One-time and multiple-entry visa 35 €;

Paragraph 4 - The right of nationals to leave the country to engage in a gainful occupation in the territories of the other parties

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

Estonia does not regulate the right of nationals to leave the country nor to engage in a gainful occupation in the territories of other States.

Estonia is part of the Schengen area, thereby the general principle of free movement of persons in the European Union applies.

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

Table 10. Net migration statistics:

	2012			2013			2014		
	Immigration	Emigration	Net migration	Immigration	Emigration	Net migration	Immigration	Emigration	Net migration
Total	2,639	6,321	-3,682	4,098	6,740	-2,642	3,904	4,637	-733
..EU-15*	1,001	5,831	-4,830	1,806	6,192	-4,386	1,954	4,083	-2,129
..Austria	7	32	-25	15	14	1	12	10	2
..Belgium	13	12	1	26	28	-2	19	40	-21
..Spain	37	53	-16	44	61	-17	25	33	-8
..Netherlands	23	30	-7	21	53	-32	17	55	-38
..Ireland	64	72	-8	109	62	47	80	61	19
..Italy	29	13	16	25	22	3	28	30	-2
..Lithuania	5	12	-7	14	7	7	22	5	17
..Luxembourg	6	8	-2	11	8	3	5	3	2
..Latvia	25	21	4	61	24	37	82	24	58
..Norway	43	72	-29	81	91	-10	91	42	49
..Poland	2	2	0	8	2	6	8	11	-3
..France	18	30	-12	33	47	-14	36	25	11
..Sweden	54	110	-56	59	152	-93	64	169	-105
..Germany	49	185	-136	83	213	-130	68	196	-128
..Finland	509	4,883	-4,374	1,067	5,120	-4,053	1,290	3,051	-1,761
..UK	165	365	-200	294	394	-100	288	366	-78
..Switzerland	7	14	-7	15	12	3	8	15	-7
..Denmark	15	20	-5	9	18	-9	10	33	-23
..Czech Republic	4	16	-12	17	6	11	4	5	-1
..Ukraine	206	33	173	340	43	297	428	26	402

..Belarus	43	10	33	55	10	45	53	15	38
..Russian Federation	852	167	685	955	157	798	747	188	559
Africa	23	4	19	47	7	40	19	2	17
Asia	190	24	166	322	45	277	146	38	108
America	155	49	106	206	62	144	182	52	130
..USA	119	40	79	150	35	115	132	38	94

Source: Statistics Estonia (May 22nd, 2015)

Article 20 - A right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

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

The new Public Service Act entered into force on April 1st, 2013 stipulating that public offices have to ensure the protection of public servants against discrimination, follow the principle of equal treatment and promote equality. Taking into account also the regulation in the Employment Contracts Act that came into force in 2009, the only specific regulation concerning equal treatment of men and women in both public and private employment relations remains in the Gender Equality Act.

According to the new Public Administration Act, the salary of an official is comprised of the basic salary, variable salary and additional remuneration. The basic salary or its range for the post, the conditions and procedure for payment of the variable salary, additional remuneration and benefits provided by law and the time and manner of the payment of the salary are prescribed in a salary guide, also published on the web page of the authority. The basic salary of an official as of the current calendar year and the income arising from their functions in the total amount for the previous calendar year are published on the central web page of the civil service.

According to § 3 of the Employment Contracts Act (ECA), an employer shall ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act. Discrimination is prohibited, inter alia, in case of termination of employment. An employer is obliged to take necessary measures to protect an employee from discrimination.

In addition to the general regulation of the Employment Contracts Act, the ECA also foresees that a written document of an employment contract has to contain information about the agreed remuneration payable for the work (wages), including remuneration payable based on the economic performance and transactions, and the manner of calculation, the procedure for payment and the pay day, also taxes and payments payable and withheld by the employer. The information about remuneration has to be communicated in good faith, clearly and unambiguously. State supervision over communicating this data is exercised by the Labour Inspectorate.

The ECA also obligates the employer, at the request of the employee, to provide the latter with information about the wages calculated and paid or payable to the employee, and provide other notices characterising the employee or the employment relationship. At the same time the ECA also prohibits the disclosure, without the employee's consent or legal basis, of information about the wages calculated, paid or payable to the employee.

Regulation of the ECA concerning termination of employment contract is described under Article 24.

From January 2013, remuneration on the basis of fathers' average wage was reinstated for a 10-working-day paternity leave which can be taken during the last two months before the

estimated date of birth determined by a doctor or midwife and during the first two months after the birth of the child. The aim of this measure is to encourage more active fatherhood.

Complaints and disputes

According to the public database of court decisions, the number of court cases concerning discrimination based on sex is in general low. Slightly more disputes are brought before the Labour Dispute Committees.

When looking at the statistics of complaints concerning gender discrimination in the field of work, a remarkable increase can be noticed in the number of inquiries (complaints and other inquiries) made to the Gender Equality and Equal Treatment Commissioner. While in 2012 of 60 inquiries concerning gender equality there were in total only 16 inquiries that were related to the employment sphere, in 2013 of 61 inquiries concerning issues related to gender equality 24 inquiries were related to the employment sphere and in 2014 of 98 inquiries concerning issues related to gender equality 61 were related to the employment sphere. In some cases the Commissioner, instead of giving an opinion on the case provides assistance to the victim in bringing the case before the Labour Dispute Committee or the court.

The Committee asked previously for information on pay comparisons whether pay comparisons to determine work of equal value beyond a single employer were possible. The report provides information on the case of the gender Equality Commissioner on equal pay but no information on pay comparisons. Therefore the Committee repeats its request for this information and refers to its statement in the General Introduction in this respect.

According to § 6 of the Gender Equality Act, the activities of an employer shall also be deemed to be discriminatory if the employer establishes conditions for remuneration or conditions for the provision and receipt of benefits related to the employment relationship which are less favourable regarding an employee or employees of one sex compared with an employee or employees of the other sex doing the same work or work of equal value. According to § 3 (2) of the Gender Equality Act, “employer” means a natural or legal person who provides employment on the basis of an employment contract or a contract for the provision of services, or a state authority or a local government authority. This means that, as a rule, the remuneration conditions and pay of employees would be compared within one legal person.

At the same time, if need be, it would also be possible (including in the employment-related questions), to use general regulation in the GEA. According to § 5 (1), direct and indirect discrimination based on sex, including giving orders therefor, is prohibited. According to § 3 (1) of the GEA, direct discrimination based on sex occurs where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation. This regulation does not limit the search for comparative persons and therefore it could enable pay comparison also i.e. in cases in which statutory rules apply to the working and pay conditions in more than one company; cases in which several companies are covered by a collective works agreement or regulations governing the terms and conditions of employment; and cases in which the terms and conditions of employment are laid down centrally for more than one company within a holding [company] or conglomerate. On the other hand, there have not yet been such cases in the practice of the Gender Equality and Equal Treatment Commissioner and we are not aware of such cases also in the court practice.

In addition, according to the Employments Contracts Act (§ 29(2)) and the practice of the Supreme Court of Estonia (judgement No 3-2-1-124-05), in cases where the pay has not been agreed between the employer and the employee or the agreement cannot be proved, the court should, when determining the pay, take into account a reasonable pay rate that is paid to the employees with the same qualification by employers in the same field of activity. It is not known

though whether a court would use this regulation and practice as an analogy in equal pay cases.

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

In September 2011, the Parliament adopted a decision with a proposal to the Government to prepare an action plan to reduce gender pay gap in Estonia. The action plan was prepared by the Ministry of Social Affairs and the plan and the topic of gender pay gap was discussed at the cabinet meeting of the Government in July 2012. The action plan was approved and in autumn 2012 introduced to the Parliament.

The approved action plan is based on the assumption, pointed out also in the gender pay gap study of 2010, that there is not one specific reason behind the gender pay gap in Estonia but its causes are diverse. It also takes note of the policy recommendations of researchers. There are five objectives set in the action plan: 1) improving the implementation of the existing Gender Equality Act (e.g. improvement of the collection of statistics, awareness raising, supporting the work of the Gender Equality and Equal Treatment Commissioner etc.); 2) improving the possibilities of reconciling work, family and private life (e.g. activities targeting employers); 3) gender mainstreaming, especially in the field of education; 4) reducing gender segregation; 5) analysing the organizational practices and pay systems in the public sector, improving the situation where necessary. The activities are mostly implemented with the financial support from the ESF programme “Promoting Gender Equality 2011–2013” and the gender equality and work-life balance programme financed from the Norway Grants 2009–2014, executed in 2012–2016.

The Ministry of Social Affairs continues to implement the European Social Fund programme “Promoting Gender Equality 2011–2013”. During the reporting period, the following activities relevant also to decreasing gender pay gap, were carried out:

- Conference “Let’s Talk about the Pay Gap” was held in May 2011 to analyse and discuss the findings of an extensive study on gender pay gap conducted in 2010. A debate with Estonian Parliament politicians also took place where the policy recommendations formulated by the researchers were discussed. Additionally, 4 regional seminars were held in different parts of Estonia in April 2012
- Three studies were conducted in 2012–2013: a study of gender-based and sexual harassment in the workplace, a study on possibilities for greater flexibility in measures aimed at supporting reconciling work and family life and a study on the work and family life of non-ethnic-Estonian population. Additionally, the fourth Gender Equality Monitoring survey was conducted in 2012–2013;
- In autumn 2012, trainings were organised for lawyers, judges and members of labour dispute committees on the implementation of the Gender Equality Act.
- In autumn 2012, trainings were also organised to promote gender equality at the workplace. The trainings focused on the advantages gender equality can provide to an organisation. The target groups of these trainings were employers and representatives of employers and employees. Additional thematic seminars were organised for the same target group. These seminars focused on more specific topics such as recruitment, pay, reconciliation of work and private life, etc.
- A media campaign to tackle gender stereotypes and to demonstrate their negative impact on work and career choices was carried out in 2013. The main activities of the campaign were career days for boys and girls, a widely noticed series of 7 video clips

and several PR-initiatives⁷⁰. During the career days, pupils from upper secondary school level were introduced the topic of gender stereotypes and to professions traditionally considered as (more) suitable for the other sex. They were able to try out practical tasks related to these professions and met people who had already made untraditional career choices. The career days' events were mainly carried out in different establishments of vocational or higher education. Traditionally "female professions", e.g. nurse, tailor, teacher were introduced to boys and traditionally "male professions", e.g. ground engineer, soldier, miner, but also programming (IT), to girls. The feedback from the participating young people was positive and although not many were considering afterwards choosing exactly the professions they had been introduced to, most of them said that they see their career choices more widely now.

- In April 2014, on Equal Pay Day, discussions concerning gender pay gap were organised in all 15 counties to raise awareness about gender pay gap. These events were also financed from the European Social Fund programme. Financial support from the ESF programme was provided also for awareness raising activities on the Equal Pay Day in April 2015.

In 2012–2016, a 2,000,000 EUR programme for promoting gender equality and work-life balance is carried out with financing from the Norway Grants 2009–2014, co-ordinated by the Ministry of Social Affairs. Under this programme two pre-defined projects (by Statistics Estonia and Gender Equality and Equal Treatment Commissioner); four open calls projects (by the Estonian Women's Associations Roundtable, Praxis Centre for Policy Studies, Responsible Business Forum, Tallinn University of Technology) and several more small grant scheme projects are being implemented⁷¹.

Gender pay gap is the main subject of a project implemented in 2013–2015 by Statistics Estonia and aimed at increasing the availability of more up-to-date and detailed gender pay gap data and analysis in Estonia. Under the project, in 2014 a study was carried out to evaluate gender wage differences in Estonia from 2011 to 2012. The project also helps to raise awareness of the general public about gender pay gap and issues related thereto, as during the project easy-to-grasp informative entries are also made from time to time to the blog of Statistics Estonia.

The second pre-defined project financed under the same programme is implemented by the Gender Equality and Equal Treatment Commissioner and is more widely aimed at promoting gender equality through empowerment, increasing of awareness and gender mainstreaming. The project is implemented in the period of 2013–2016 and has a budget of 700,000 EUR. The project has two sets of activities. The first set of activities aims at increasing the effectiveness of legal protection against gender-based discrimination by increasing awareness of rights and helping victims of discrimination directly through strategic litigation and by increasing the capacity of officials assisting discrimination victims. The second set of activities concerns intensified promotion of gender equality and enhancement of mainstreaming gender into policies and practises. The project has a special focus on minority communities and vulnerable social groups who are more likely to be victims of gender discrimination and multiple discriminations. Among others, the project has also improved the capacity of the Commissioner to provide counselling and legal support to women who have faced discrimination when pregnant or returning to work from the child-care leave. Complaints concerning possible discrimination of pregnant workers and parents of small children have formed a majority among the complaints made to the Commissioner in 2014.

⁷⁰ The video clips are also available with English translation at: <http://www.stereotyyp.ee/en/>. The campaign page and video clips were also made available in Russian.

⁷¹ More information about all the financed projects is available at the homepage of the Ministry of Social Affairs at: <http://www.sm.ee/et/projects>

Two larger-scale projects financed through an open call from the Norway Grants 2009–2014 under the programme “Mainstreaming Gender Equality and Promoting Work-Life Balance” aim to integrate gender equality issues into higher education curricula, including teacher training, and to improve possibilities for reconciling work and family life. The Estonian Women’s Associations Roundtable Foundation implements a project on gender mainstreaming into teachers’ education and training; and the Praxis Centre for Policy Studies implements the project “Gender equality programme for social sciences and teacher education programme students”. Additional small-scale projects are financed from the same programme through a small grant scheme.

The other two larger-scale open call projects financed through the same programme aim to improve possibilities for reconciling work and family life. A project implemented by the Responsible Business Forum aims at improving the situation of work-life balance among the employees of Estonian enterprises. The second work-life balance project implemented by the Tallinn University of Technology aims at creating a mechanism design for providing efficiency and equity in matching kindergartens and children. Additional small-scale projects are financed from the same programme through a small grant scheme.

In October 2013, the Government of the Republic established a Gender Equality Council set forth in the Gender Equality Act and functioning as an advisory body to the Government. The Council consists of 22 members representing a large variety of stakeholders whose role in promoting gender equality in a society is especially significant. This creates a forum for wide-ranging discussions on different areas important from the gender equality aspect. Such composition also provides an opportunity for closer co-operation of member organisations and for increasing of mutual awareness. The members include the main umbrella organisations of employers and employees; the main umbrella organisations of local authorities; the main women’s organisations and an umbrella organisation of NGOs; the main organisations of pupils and students and a representative of universities; national machineries for statistics, health development, lifelong learning and employment support; the Gender Equality and Equal Treatment Commissioner and all the political parties represented in the parliament.

In 2014, the Council ordered a thorough analysis of implementation of the Gender Equality Act to be carried out in 2015–2016. The first part of the study concentrating on the awareness and practices of employers is being carried out in the second half of 2015. In 2016 it is planned to carry out an analysis to evaluate the implementation of the gender mainstreaming obligations by the state and local authorities foreseen in the GEA.

The Council has also given an opinion to the Government that a specific gender equality strategy and action plan should be developed. After national parliamentary elections in spring 2015, the Council sent to all the parties represented in the new parliament recommendations for the Government for promoting gender equality 2015–2018. The recommendations prioritized five objectives: 1) decreasing the negative impact of gender stereotypes on the everyday life and decisions of women and men and on the development of economy and society; 2) supporting equal economic independence of women and men; 3) increasing gender balance on all levels of management and decision-making; 4) increasing the quality of life for both women and men and supporting systematic and effective implementation of gender mainstreaming.

In July 2014, the Government tasked the Ministry of Social Affairs with preparing a development and action plan in the policy areas of labour, employment, social security, social inclusion, gender equality and equal opportunities. Inclusion and equal opportunities for the years 2016–2023. The purpose of this development plan is to create a strategic approach and develop measures and activities that support independent subsistence of people; create equal opportunities to participate in the society and labour market and to promote gender equality in

all fields of life. Concerning gender equality, the plan is expected to target the issues of equal economic independence of women and men, balanced participation of women and men in all levels of decision-making and management in politics and public and private sectors, reducing negative impact of gender stereotypes on decisions and everyday life of women and men, enhancing rights protection concerning equal treatment of women and men and guaranteeing institutional capacity to promote gender equality. The development plan will be prepared in co-operation with a broad circle of stakeholders and target groups and is expected to be approved by the Government in November 2015.

Reducing gender pay gap has also been one of the aims of the action programmes of recent governments. While the action programme of the previous government (March 2014 to March 2015) foresaw training of labour inspectors about gender pay gap as one of its activities in addition to continuation of implementation of the action plan to reduce gender pay gap, the present government's action programme additionally lists widening a mandate of the Labour Inspectorate to include inspection of observance of the principle of equal pay by employers among its activities. The relevant draft is expected to be sent to the Government in May 2016.

Both Governments' action programmes have also targeted problems that women and men face in reconciliation of work and family life, an area also closely connected with causes of gender pay gap. Both action programmes set the priority to launch a programme to abolish the lack of kindergarten places and to support local governments who have the legal obligation to make child-care services available. A new action programme of the present Government also foresees development of an official methodology for family-friendly employers' label.

The need and options for supporting a notable change in sharing care responsibilities between women and men has been addressed in a Green Paper on family benefits, services and parental leave which was discussed by the previous Government at the beginning of 2015. Policy recommendations of the paper suggested giving more choice to parents with regard to length and compensation of the parental leave, herewith supporting flexible return to work. Another recommendation suggested introducing use-it-or-lose-it principle to the parental leave system, by allocating part of the leave only for a mother and part of it only for a father. Policy proposals based on the Green Paper will be submitted to the present Government in autumn 2015.

Please supply statistics or any other relevant information to show how this provision is applied in practice.

The situation in the Estonian labour market has steadily improved since 2011. The average employment rate in 2014 was 63% (aged 15–74) and the unemployment rate –7.4%. The employment rate of men was 67.3% and employment rate of women was 59.1%. Among men, the unemployment rate was slightly higher than among women (respectively, 7.9% and 6.8%).

Table 1. Employment rate (%) by gender and employment gap (percentage points)

	Males' employment rate, %	Females' employment rate, %	Employment gap (percentage points)
2011			
15–74	62.3	56.2	6.1
15–24	32.3	28.8	3.5
25–49	82.7	74.0	8.7

50–74	50.0	48.3	1.7
2012			
15–74	64.2	57.8	6.4
15–24	32.7	30.3	2.4
25–49	83.9	75.4	8.5
50–74	52.9	49.8	3.1
2013			
15–74	65.8	58.7	7.1
15–24	32.9	30.6	2.3
25–49	85.3	75.5	9.8
50–74	54.8	51.3	3.5
2014			
15–74	67.3	59.1	8.2
15–24	32.1	33.2	-1.1
25–49	86.8	74.8	12.0
50–74	56.4	51.4	5.0

Source: Statistics Estonia

Table 2. Employed persons (thousands), aged 15–74 by gender and duration of main jobs

	2011			2012			2013			2014		
	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females
TOTAL	603.2	302.7	300.5	614.9	309.4	305.5	621.3	314.7	306.6	624.8	320	304.8
Permanent job	576.1	286.2	289.9	593.3	296.1	297.3	600.6	302.9	297.7	605.3	309.7	295.6
Temporary job, incl.: seasonal job	27.1	16.5	10.6	21.6	13.3	8.3	20.7	11.8	8.9	19.5	10.3	9.2
occasional job	8.5	5.1	3.4	8.1	4.8	3.3	7.5	4.4	3.1	6.5	3.3	3.2
other temporary job	6.6	4.8	1.8	6	4.2	1.9	4.7	3.3	1.4	2.7	1.8	0.9
	12.1	6.6	5.5	7.4	4.3	3.1	8.5	4.1	4.4	10.3	5.2	5.1

Source: Statistics Estonia, Labour Force Survey

Table 3. Male and female unemployment rate by educational level

	2011	2012	2013	2014
Below upper secondary education				
Unemployment rate, %	25.6	23.0	14.9	13.6
Males' unemployment rate, %	27.6	24.3	15.7	14.9
Females' unemployment rate, %	21.6	20.5	13.1	10.5
Upper secondary education				
Unemployment rate, %	12.7	10.5	9.6	8.2
Males' unemployment rate, %	12.5	10.5	9.4	8.0

Females' unemployment rate, %	13.0	10.5	9.9	8.6
Tertiary education				
Unemployment rate, %	8.0	6.1	5.8	4.8
Males' unemployment rate, %	7.1	5.8	5.6	4.8
Females' unemployment rate, %	8.6	6.2	5.9	4.7

Source: Statistics Estonia, Labour Force Survey

Among women the share of part-time workers was two times higher than among men in 2014. On the other hand, while the share of part-time workers has slightly increased among men from 5,6% in 2011 to 6.5% in 2014, the share among women has decreased from 16% to 12.8%.

Table 4. Part-time employed persons by sex, %

	2011	2012	2013	2014
Males	5.6	5.9	6.2	6.5
Females	16.0	15.3	14.3	12.8

Source: Statistics Estonia, Labour Force Survey

While both among women and men, the lack of want to work full-time was the main reason for part-time work in 2014 (for 26.1% of men and 25% of women), for men the second reason was reasons of employer (26%) while for women is was personal or family reasons (24.4%).

Table 5. Proportion of the employed people working part-time by reasons, %

Proportion of the employed working part-time (reason of part-time job total = 100), %	2011		2012		2013		2014	
	Males	Females	Males	Females	Males	Females	Males	Females
Studies	22.6	14.2	23.7	13.4	18.8	16.1	20.9	17.3
Personal or family reasons	..	20.6	8.7	21.8	12.4	22.5	14.9	24.4
Reasons of employer	29.2	23.5	26.1	21.5	25.9	16.8	26.0	17.5
Did not find full-time job	19.9	18.9	19.2	18.7	18.4	18.3	12.0	15.8
Did not want to work full-time	21.9	22.8	22.4	24.5	24.5	26.4	26.1	25.0

Source: Statistics Estonia, Labour Force Survey

The Committee asks the next report to provide updated information on the gender pay gap.

In 2013, the gap between average gross hourly wages and salaries of women and men was 24.8%, having slightly increased from 22.9% in 2011 and 24.6% in 2012. In 2013, the average gross hourly wages and salaries was 6.1 euros for men and 4.6 euros for women.

When comparing the gross hourly wages and salaries of women and men, taking into account the sectors of economic activity, the largest gap could be found in the field of financial and insurance activities (41.8% in 2013). The gap was also more than 30% in the fields of mining and quarrying (33.7% in 2013), wholesale and retail trade (33% in 2013), manufacturing (31.5% in 2013). In the field of information and communication, the gap increased from 29.8% in 2012 to 30.1% in 2013. The smallest gap could be found in the field of transportation and storage where it was -0,2% (i.e. wages and salaries of women exceeding those of men) in 2013. In 2012, the gap was less than 10% also in the fields of agriculture, forestry and fishing (7%), water supply; sewerage, waste management and remediation activities (8.2%) and

public administration and defence; compulsory social security (9.8%), but had increased to more than 10% by 2013.

Table 6. Average gross hourly earnings in sectors of activity (euros) and pay gap (%)

		2011	2012	2013
Total	Men	5.7	5.7	6.1
	Women	4.4	4.3	4.6
	Pay gap, %	22.9	24.6	24.8
Agriculture, forestry, fishery	Men	4.2	4.2	4.9
	Women	3.6	3.9	4.3
	Pay gap, %	14.7	7.0	12.7
Mining and quarrying	Men	6.7	6.7	7.2
	Women	4.6	4.4	4.8
	Pay gap, %	32.3	33.9	33.7
Manufacturing	Men	5.5	5.8	6.2
	Women	3.9	4.0	4.3
	Pay gap, %	29.8	31.0	31.5
Electricity, gas, steam and air conditioning supply	Men	6.9	6.9	7.3
	Women	5.6	5.6	6.0
	Pay gap, %	18.3	18.4	18.1
Water supply; sewerage, waste management and remediation activities	Men	5.2	5.0	5.5
	Women	4.6	4.6	4.8
	Pay gap, %	11.8	8.2	13.6
Construction	Men	5.3	5.6	5.6
	Women	4.4	4.4	4.4
	Pay gap, %	17.2	22.0	21.3
Wholesale and retail trade; repair of motor vehicles and motorcycles	Men	6.0	5.9	6.1
	Women	4.1	3.9	4.1
	Pay gap, %	31.8	33.8	33.0
Transportation and storage	Men	4.7	4.5	5.0
	Women	4.4	4.4	5.0
	Pay gap, %	5.6	2.4	-0.2
Accommodation and food service activities	Men	3.8	3.9	4.1
	Women	3.1	3.2	3.3
	Pay gap, %	18.8	18.3	19.3
Information and communication	Men	9.3	8.8	9.7
	Women	6.7	6.2	6.8
	Pay gap, %	27.5	29.8	30.1
Financial and insurance activities	Men	10.9	11.5	11.8
	Women	6.8	6.5	6.9
	Pay gap, %	37.5	43.3	41.8
Real estate activities	Men	4.1	3.8	4.1
	Women	3.1	3.2	3.7
	Pay gap, %	22.9	15.7	10.5
Professional, scientific and technical activities	Men	7.0	6.9	7.5

	Women	5.7	5.7	5.9
	Pay gap, %	18.3	17.5	21.4
Administrative and support service activities	Men	4.8	4.8	5.3
	Women	4.4	4.0	4.3
	Pay gap, %	9.0	16.7	18.4
Public administration and defence, compulsory social security	Men	6.2	5.8	6.4
	Women	5.5	5.3	5.7
	Pay gap, %	10.2	9.8	12.1
Education	Men	5.6	5.2	5.8
	Women	4.2	3.9	4.2
	Pay gap, %	24.7	25.4	26.4
Human health and social work activities	Men	6.6	6.4	6.5
	Women	4.7	4.6	5.1
	Pay gap, %	28.1	27.3	22.0
Arts, entertainment and recreation	Men	4.8	5.2	4.6
	Women	3.7	3.7	3.7
	Pay gap, %	24.0	28.1	20.3
Other activities	Men	3.5	3.4	4.1
	Women	2.7	2.9	2.9
	Pay gap, %	23.4	12.5	27.4

Source: Statistics Estonia

Part of the gender pay gap is explained by the horizontal and vertical segregation of Estonian labour market. The economic activities that involve the largest proportion of women in 2014 were wholesale and retail trade (15.4%), manufacturing (15.2%) and education (14.9%). For men, in 2014 the most popular economic activities were manufacturing (21.1%), construction (17.1%) and transportation (11.5%).

The most gender segregated fields of economic activity were construction (93.19% of employed persons in 2014 were men), wholesale and retail trade and repair of motor vehicles and motorcycles (85.09% of employed persons in 2014 were men), forestry and logging (82.86% of employed persons in 2014 were men), fishing and aquaculture (89% of employed persons in 2014 were men) and mining and quarrying (92.86% of employed persons in 2014 were men) but also education (82.55% of employed persons in 2014 were women) and human health and social work activities (86.53% of employed persons in 2014 were women).

Table 7. Employment by economic activity (annual average, proportion of those employed aged 15–74, %

	2011	2012	2013	2014
Agriculture, forestry, fishery				
Males	6.3	6.4	6.2	5.4
Females	2.5	2.5	2.3	2.2
Mining and quarrying				
Males	1.6	1.4	1.4	1.2
Females	..	..	..	..
Manufacturing				
Males	23.7	22.7	22.3	21.1

Females	15.8	14.9	15.1	15.2
Electricity, gas, steam and air conditioning supply				
Males	2.1	2.3	1.7	1.9
Females	0.5	0.7	0.6	0.7
Water supply; sewerage, waste management and remediation activities				
Males	0.8	0.7	0.7	0.8
Females	0.4	0.4	..	..
Construction				
Males	17.5	17.2	16.8	17.1
Females	2.0	1.6	1.2	1.3
Wholesale and retail trade; repair of motor vehicles and motorcycles				
Males	10.8	10.3	10.3	10.7
Females	16.1	15.4	15.9	15.4
Transportation and storage				
Males	11.0	11.5	10.8	11.5
Females	5.0	5.0	4.2	4.6
Accommodation and food service activities				
Males	1.3	1.4	2.1	2.1
Females	4.8	4.8	5.5	6.2
Information and communication				
Males	3.4	3.4	4.0	4.5
Females	2.2	2.6	2.3	2.5
Financial and insurance activities				
Males	1.0	0.8	0.8	0.8
Females	2.4	2.8	2.6	1.8
Real estate activities				
Males	1.3	1.2	1.4	1.6
Females	2.3	2.3	2.4	2.1
Professional, scientific and technical activities				
Males	3.4	3.3	3.8	3.9
Females	4.3	4.2	4.6	4.7
Administrative and support service activities				
Males	3.1	3.1	3.0	3.2
Females	2.7	3.8	4.3	2.8
Public administration and defence, compulsory social security				
Males	6.1	5.9	6.4	6.4
Females	7.0	7.1	7.5	8.1
Education				
Males	2.8	3.7	3.7	3.0
Females	16	16.5	14.5	14.9
Human health and social work activities				
Males	1.8	1.5	1.0	1.6
Females	9.7	9.8	10.8	10.9
Arts, entertainment and recreation				
Males	1.5	1.9	2.3	2.0

Females	3.2	3	3.2	3.4
Other activities				
Males	0.7	1.2	1.2	1.1
Females	2.8	2.6	2.8	2.8

Source: Statistics Estonia, Labour Force Survey

Gender segregation also persists on occupational level. While women are mostly professionals, technicians and associate professionals and service workers and shop and market sales assistants, men are mostly craft and related trades workers, plant and machine operators and assemblers and legislators, senior officials and managers.

The most segregated major groups of occupations are the groups of clerical support workers (72.35% of employed persons in 2014 were women), service and sales workers (73.88% of employed persons in 2014 were women) but also the groups of craft and related trades workers (86.73% of employed persons in 2014 were men) and plant and machine operators, and assemblers (74.57% of employed persons in 2014 were men).

In the group of managers, the percentage of women was below 40% during the reporting period (32.5% in 2014). According to the Gender Equality Monitoring 2013, 86% of women and 76% of men expressed the opinion that women could be top-managers. Again the survey showed that personal experiences with female managers generate support for women as top executives.

Table 8. Employment by occupation, aged 15–74, (annual average, proportion of the employed, %)

	2011	2012	2013	2014
Legislators, senior officials and managers				
Males	11.9	12.5	12.7	14.4
Females	6.6	5.9	6.5	7.3
Professionals				
Males	12.7	12.2	12.5	12.0
Females	26.5	26.7	25.9	25.1
Technicians and associate professionals				
Males	11.0	12.0	12.1	11.6
Females	14.9	15.3	14.1	15.3
Clerks				
Males	2.9	3.0	2.9	3.3
Females	7.9	9.1	9.0	9.2
Service workers and shop and market sales workers				
Males	6.0	6.1	6.1	7.1
Females	20.1	20.1	20.1	21.1
Skilled agricultural and fishery workers				
Males	2.5	2.4	2.1	2.0
Females	1.4	1.4	1.3	1.1
Craft and related trade workers				
Males	27.0	26.5	24.8	24.3
Females	3.6	3.2	3.4	3.9
Plant and machine operators and assemblers				

Males	17.9	18.5	19.6	17.8
Females	8.1	7.5	7.5	6.4
Elementary occupations				
Males	7.5	6.0	6.6	6.9
Females	10.8	10.7	12.1	10.3
Military				
Males	..	..	..	..
Females	..	..	..	..

Source: Statistics Estonia, Labour Force Survey

Although the employment rate of women is relatively high, there is a remarkable difference in the employment rates of 20 to 49-year-old women and men with and without young children (aged 0–6). While the employment gap between women and men with 0–2 year old children was around 60–70 percentage points (59.5 pp in 2012, 67.9 pp in 2013 and 69.2 pp in 2014), the employment gap of the women and men without children in that age group was less than 3 pp and in favour of women (–2.3 pp in 2012, –2.4 pp in 2013 and –0.1 in 2014). Among women and men with 3 to 6-year-old children the gap was much smaller (15.1 pp in 2012, 11.7 pp in 2013 and 12.4 pp in 2014). The main reason for this was that while women with children up to 2 years of age were generally on the maternity and parental leave and did not work, women with children of 3 years of age or older had usually returned to full-time employment.

Table 9. Male and female employment rate (%) in the age group 20–49, with and without young children (aged 0–6 years of age) and employment gap (percentage points)

	2011	2012	2013	2014
With young children				
Males' employment rate, %	92.1	91.2	92.1	93.2
Females' employment rate, %	52.7	53.6	53.2	55.4
Employment gap, percentage points	39.4	37.6	38.9	37.8
Without young children				
Males' employment rate, %	71.7	73.0	75.0	76.7
Females' employment rate, %	76.3	78.3	79.5	78.8
Employment gap, percentage points	–4.6	–5.3	–4.5	–2.1

Source: Statistics Estonia

Table 10. Number of parental benefit recipients and average benefit amounts by sex

	2011	2012	2013	2014
TOTAL persons who have been granted parental benefit	18,905	14,698	14,464	14,366
Male, %	5.2	7.3	7.4	9.0
Female, %	94.8	92.7	92.6	91.0
Amount of parental benefit average per year, euros	712.4	733.1	777.7	858.3
Male	1,206.6	1,154.5	1,260.6	1,366.1
Female	685.1	699.8	738.9	808.1

Source: Social Insurance Board

Women in Estonia are generally more oriented towards higher levels of education than men, their study results are often better and their drop-out rate lower. Therefore, they also have more opportunities to choose between different educational pathways. Proportion of women in education has not changed considerably during 2011–2014. Women are in majority at the higher education level (58.8% in 2014) while most of the students in vocational education are men (53.9% in 2014).

Table 11. Female pupils and students (%), enrolment at the beginning of the academic year

	2011	2012	2013	2014
General education, including:	50.2	50.1	50	49.9
basic school level	48.3	48.3	48.3	48.4
gymnasium level	56.8	57.3	56.9	56.7
Vocational education, including:	44.5	45.1	45.9	46.1
vocational courses with non-defined basic education	12	13.5	13.7	32.8
vocational courses after basic education	34	33.9	34.7	35.8
vocational courses after secondary education	61.4	62.4	61.3	61.3
Higher education, including:	59.2	58.5	58.7	58.8
professional higher education	57.4	57.1	57.5	57.4
vocational higher education	.	.	.	.
Bachelor's study	57.3	56	56.8	57.9
integrated Bachelor's/Master's study	56.2	55.4	56.5	57.5
Master's study	66.7	66	64.8	63.4
Doctoral study	58.1	58.5	57.5	57.4

Source: Statistics Estonia

As to vocational studies, most segregated fields of study in 2014 were business and administration (88.31% female graduates), veterinary (100% female graduates), social services (87.42% female graduates), environmental protection (89.66% female graduates) and engineering and engineering trades (3.53% female graduates).

Table 12. Male and female graduates of vocational education, by field of study (%)

	Year	Males	Females
Fields of study total	2011	52.78	47.22
	2012	51.19	48.81
	2013	51.70	48.30
	2014	49.70	50.30
Arts	2011	35.39	64.61
	2012	31.45	68.55
	2013	34.40	65.60
	2014	24.53	75.47
Business and administration	2011	13.96	86.04
	2012	10.23	89.77

	2013	11.31	88.69
	2014	11.69	88.31
Computer sciences	2011	66.06	33.94
	2012	70.91	29.09
	2013	70.04	29.96
	2014	67.85	32.15
Engineering and engineering trades	2011	93.05	6.95
	2012	96.39	3.61
	2013	95.63	4.37
	2014	96.47	3.53
Manufacturing and processing	2011	39.97	60.03
	2012	38.45	61.55
	2013	41.10	58.90
	2014	32.09	67.91
Architecture and construction	2011	86.43	13.57
	2012	84.78	15.22
	2013	81.03	18.97
	2014	78.59	21.41
Agriculture, forestry and fishery	2011	49.00	51.00
	2012	47.54	52.46
	2013	50.18	49.82
	2014	46.60	53.40
Veterinary	2011	.	.
	2012	.	.
	2013	.	.
	2014	0.00	100.00
Health	2011	32.76	67.24
	2012	44.87	55.13
	2013	41.10	58.90
	2014	.	.
Social services	2011	0.44	99.56
	2012	2.35	97.65
	2013	1.95	98.05
	2014	12.58	87.42
Personal services	2011	20.71	79.29
	2012	23.78	76.22
	2013	23.77	76.23
	2014	21.45	78.55
Transport services	2011	62.36	37.64
	2012	54.56	45.44
	2013	60.11	39.89
	2014	59.81	40.19
Environmental protection	2011	20.31	79.69
	2012	28.21	71.79
	2013	21.43	78.57
	2014	10.34	89.66
Security services	2011	90.12	9.88

	2012	85.14	14.86
	2013	75.36	24.64
	2014	78.03	21.97
Footnote: Graduates during the academic year. In the case of graduates, the year stands for the end of the academic year.			

In the higher education, women made up more than 92% of the graduates in the field of education and 89% in health and welfare in 2013/2014. The share of women graduates was below 50% in servicing (48%), in science, mathematics and computing (46%), and in technology, manufacturing and construction 32%.

Table 13. Share of female graduates among all graduates by field of study in higher education

Field of study	Share of female graduates among all graduates			
	2010/11	2011/12	2012/13	2013/14
Education	93%	92%	95%	92%
Humanities and arts	76%	76%	76%	74%
Social sciences, business and law	73%	73%	71%	74%
Science, mathematics and computing	45%	43%	45%	46%
Technology, manufacturing and construction	31%	30%	30%	32%
Agriculture	55%	58%	52%	58%
Health and welfare	93%	91%	90%	89%
Services	60%	56%	50%	48%

Source: Estonian Education Information System

Women are also more active in training and individual development. Participation in lifelong learning (professional and hobby related courses and seminars) continues to be more common among women (9.1% of men and 13.7% of women in the age group of 25–64 in 2014).

Table 14. Participation in lifelong learning during the last four weeks prior the interview in age group 25–64, %

	2011	2012	2013	2014
Males	9.1	10.6	9.7	9.1
Females	14.4	14.8	15.2	13.7

Source: Statistics Estonia, Labour Force Survey

Article 24 – Right to protection in cases of termination of employment

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

Termination of employment contract is regulated in the Employment Contracts Act (ECA) that entered into force on July 1st, 2009. There have been no amendments to the provisions concerning termination of employment.

Cancellation of employment contract by employer

An employer cannot cancel an employment contract ordinarily; therefore an employer always has to have a reason to cancel an employment contract. The reason must be strictly related to the employee or employer's undertaking.

According to § 87 of the ECA, an employment contract may be cancelled extraordinarily only with good reason, by adhering to the terms for advance notice. Paragraph 88 of the ECA regulates extraordinary cancellation of an employment contract by employer for reason arising from the employee. An employer may extraordinarily cancel an employment contract with good reason arising from the employee as a result of which, upon respecting mutual interests, the continuance of the employment relationship cannot be expected.

An employer may also cancel an employment contract due to a breach of an employee's obligation or decrease in their capacity for work, if the cancellation is preceded by a warning given by the employer. Prior warning is not a prerequisite for cancellation if the employee cannot expect it from the employer due to particular severity of the breach of the obligation or for another reason pursuant to the principle of good faith.

Paragraph 89 of the ECA regulates extraordinary cancellation of an employment contract by employer for economic reasons. An employer may extraordinarily cancel an employment contract if the continuance of the employment relationship on the agreed conditions becomes impossible due to a decrease in the work volume or reorganisation of work or other cessation of work (lay-off). Lay-off is also extraordinary cancellation of an employment contract upon cessation of the activities of employer or upon declaration of bankruptcy of employer or termination of bankruptcy proceedings, without declaring bankruptcy, by abatement.

Restrictions on cancellation of an employment contract

An employer may not cancel an employment contract on the ground that:

- 1) the employee is pregnant or has a right to pregnancy and maternity leave;
- 2) the employee performs important family obligations;
- 3) the employee is not able, in a short term, to perform duties due to their state of health;
- 4) the employee represents other employees on the basis provided by law;
- 5) the full-time employee does not wish to continue working part-time or the part-time employee does not wish to continue working full-time;
- 6) the employee is in military service, alternative service or reserve service. (ECA § 92)

Notice of cancellation of an employment contract

Pursuant to § 97 of the ECA, an employer may extraordinarily cancel an employment contract by adhering to the terms of an advance notice. An employer must give an employee an advance notice of extraordinary cancellation if the employee's employment relationship with the employer has lasted:

- 1) less than one year of employment – no less than 15 calendar days;
- 2) one to five years of employment – no less than 30 calendar days;
- 3) five to ten years of employment – no less than 60 calendar days;
- 4) ten and more years of employment – no less than 90 calendar days.

An employer may extraordinarily cancel an employment contract without adhering to the term of advance notice if, considering all circumstances and mutual interests, it cannot be reasonably demanded that the performance of the contract be continued until the expiry of the agreed term or term for advance notice. Different terms for advance notice may be prescribed by a collective agreement.

Pursuant to § 100 section 5 of the ECA, if an employer or employee gives advance notice of cancellation later than provided by law or a collective agreement, the employee or the employer has a right to receive compensation to the extent to which they would have been entitled to upon adhering to the term for advance notice.

In case of collective cancellation of employment contracts, there is specific procedure of notifying the employees. According to § 101 of the ECA, before an employer decides on collective cancellation they shall consult in good time the trustee / shop steward or, in their absence, employees with the goal of reaching an agreement on prevention of the planned cancellations or reduction of the number thereof and mitigation of the consequences of the cancellations, including contribution to the seeking of employment by or re-training of the employees to be laid off. For the trustee / shop steward to be able to make proposals in consultations, the employer shall in good time provide the trustee / shop steward or, in his or her absence, employees with all necessary information about the planned collective cancellation.

Paragraph 128 of the ECA stipulates that failure by an employer to perform the obligation to inform and consult upon collective cancellation of employment contracts is punishable by a fine of up to 100 fine units. The same act, if committed by a legal person, is punishable by a fine of up to 1,300 euros.

Compensation in case of unlawful termination of employment contract

The ECA stipulates the compensation in case of an unlawful cancellation of an employment contract. Upon unlawful cancellation of an employment contract, if the employment relationship continues, an employee has a right to demand compensation for damage, in particular wages not received. The part obtained by way of different use of the employee's labour force may be deducted from the compensation. (§ 108)

In case the court or labour dispute committee terminates an employment contract because the cancellation of an employment contract is void due to the absence of a legal basis or the non-

conformity with the law or annulled due to a conflict with the principle of good faith, an employer shall pay an employee compensation in the amount of three months' average wages of the employee. The court or labour dispute committee may change the amount of the compensation, considering the circumstances of the cancellation of the employment contract and the interests of both parties.

If the court or labour dispute committee terminates an employment contract at the request of the employer or the employee with an employee who is pregnant, who has a right to pregnancy and maternity leave or who has been elected as the employees' representative, the employer shall pay the employee compensation in the amount of six months' average wages of the employee. The court or labour dispute committee may change the amount of the compensation, considering the circumstances of the cancellation of the employment contract and the interests of both parties.

If the aforementioned compensation has been awarded to an employee, the employee is not entitled to demand the wages which the employee would have been entitled to upon continuance of the employment relationship until the entry into force of the decision of the labour dispute resolution body.

The Committee asks whether any categories of workers can be excluded from protection against dismissal under the new Employment Contracts Act.

Termination of an employment contract is regulated by the ECA. Exceptions from application of the act are set out in § 4 and § 5. The provisions concerning employment contract are not applied to contracts where the person obligated to perform the work is to a significant extent independent in choosing the manner, time and place of performance of the work. Also, these provisions are not applied to the contract of a member of the directing body of a legal person or a director of a branch of a foreign company. Therefore, independent workers and members of the directing board are excluded from the scope of the ECA and the provisions of the Law of Obligations Act are applied to contracts of this nature.

The Committee asks whether in case of termination of employment on economic grounds the courts have the competence to review the case on its merits or just on points of law.

Pursuant to Individual Labour Dispute Resolution Act § 22, a decision of a labour dispute committee shall be based on law and it shall be reasoned. A committee has a right to specify the legal bases of claims if this is necessary for the protection of the lawful rights and interests of the parties. According to the Code of Civil Procedure § 351, the court discusses the disputed facts and relationships with the participants in the proceeding to the necessary extent from both the factual and legal point of view.

In its previous conclusion the Committee examined the Amendment Act to the Employment Contract Act (March 4th, 2006) and considered that the situation was in conformity with the Charter as with these amendments it was no longer possible for employers to dismiss an employee when the latter turned 65. The Committee now asks whether this provision has been maintained in the new Employment Contracts Act.

New Employment Contracts Act entered into force on July 1st, 2009. The provision on dismissal of an employee when the latter turned 65 was not included in the new Act that is in force now. The provision was declared invalid on March 4th, 2006. The effective ECA does not include provisions for dismissals based on the age of an employee.

However, the Committee also notes from Subsection 88(1) of the Act that a decrease in the capacity for work due to the state of health is presumed if the state of health of the employee does not allow for the performance of duties for over four months. The Committee understands that a time limit of four months is placed on protection against dismissal in case of illness. It asks whether this understanding is correct.

Paragraph 88 of the ECA regulates extraordinary cancellation of an employment contract by the employer for a reason arising from the employee. An employer may extraordinarily cancel an employment contract with good reason arising from the employee as a result of which, upon respecting mutual interests, the continuance of the employment relationship cannot be expected, especially if the employee has been unable to perform their duties for a long time due to their state of health which does not allow for the continuance of the employment relationship (decrease in capacity for work due to the state of health).

A decrease in capacity for work due to the state of health is presumed if the employee's state of health does not allow for the performance of duties over four months.

In case an employee has been unable to perform his or her duties due to health problems, it is necessary to evaluate whether the employee's state of health has enabled them perform the duties up to the present and whether they are capable of performing the duties in the future. The ECA presumes longevity – it means that an employee has been prevented from performing their duties due to health during four months. The period of four months can be calculated in succession or in aggregate.

It is also important to bear in mind § 92 of the ECA, which stipulates that an employer may not cancel an employment contract on the ground that, *inter alia*, the employee is not able, in a short term, to perform duties due to their state of health. Therefore, the longevity of the incapability to perform duties is the key aspect here and the employer does not have a right to dismiss an employee only on the grounds of illness. The illness must prevent an employee from performing their duties during at least for four months.

The Committee asks whether the national legislation or case-law contain express safeguards against retaliatory dismissal.

According to § 87 of the ECA, an employer cannot cancel an employment contract ordinarily, therefore an employer always has to have a reason to cancel an employment contract. The reason must be strictly related to the employee or employer's undertaking.

Paragraph 88 of the ECA regulates extraordinary cancellation of an employment contract by the employer for a reason arising from the employee. An employer may extraordinarily cancel an employment contract with good reason arising from the employee as a result of which, upon respecting mutual interests, the continuance of the employment relationship cannot be expected, especially if the employee has:

- 1) for a long time been unable to perform their duties due to their state of health which does not allow for the continuance of the employment relationship (decrease in capacity for work due to the state of health). A decrease in capacity for work due to the state of health is presumed if the employee's state of health does not allow for the performance of duties over four months;
- 2) for a long time been unable to perform their duties due to their insufficient work skills, non-suitability for the position or inadaptability, which does not allow for the continuance of the employment relationship (decrease in capacity for work);
- 3) in spite of a warning, disregarded the employer's reasonable instructions or breached their duties;
- 4) in spite of the employer's warning been at work in a state of intoxication;
- 5) committed a theft, fraud or another act bringing about the loss of the employer's trust in the employee;
- 6) brought about a third party's distrust in the employer;
- 7) wrongfully and to a significant extent damaged the employer's property or caused a threat of such damage;
- 8) violated the obligation of maintaining confidentiality or restriction of trade.

If the reason for cancellation is other than listed above, the general clause can be applied (ECA § 88). Still, when cancelling an employment contract on the basis of § 88 of the ECA, an employer must bear in mind that the reason for cancellation must be related to the employee, their personality or behaviour.

Protection of their right in the court of law cannot be deemed as reason for extraordinary cancellation of an employment contract for a reason arising from employee. The Constitution of the Republic of Estonia provides a basic right to recourse to court. Pursuant to § 15 of the Constitution, everyone whose rights and freedoms have been violated has the right of recourse to the courts. If the ECA allowed cancellation of employment contract because employee has filed a complaint or participated in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities, such provisions of the Act would be unconstitutional and therefore invalid.

If recourse to court or administrative authority was basis for dismissal for the reason arising from the employee, it would constitute a significant violation of the employee's fundamental rights. Therefore, retaliatory dismissals on the grounds stated above are not allowed.

The Committee asks whether additional compensation can still be sought under the Law of Obligations Act or the compensation is now limited to three months' average wage.

The employment contract is a contract under the law of obligations since it regulates relationships that are private by nature. Employment relationships are based on equality of the parties to the contract and freedom of contract. Therefore, in addition to the Employment Contracts Act (ECA), the general part of the Law of Obligations Act (LOA) is applied to employment contracts.

Pursuant to § 108 of the ECA, upon unlawful cancellation of an employment contract, if the employment relationship continues, an employee has a right to demand compensation for damage, in particular wages not received. The part obtained by way of different use of the employee's labour force may be deducted from the compensation.

If the court or labour dispute committee terminates an employment contract, the employer shall pay the employee compensation in the amount of three months' average wages of the employee. If the court or labour dispute committee terminates an employment contract with an employee who is pregnant, who has a right to pregnancy and maternity leave or who has been elected as the employees' representative, the employer shall pay the employee compensation in the amount of six months' average wages of the employee. (ECA § 109)

In addition, § 115 of the LOA stipulates that in the case of non-performance of an obligation by an obligor, the obligee may together with or in lieu of performance claim compensation for damage caused by the non-performance of the obligor except in cases where the obligor is not liable for the non-performance or the damage is not subject to compensation for any other reason provided by law. The purpose of compensation for damage is to place the aggrieved person in a situation as near as possible to that in which the person would have been if the circumstances which are the basis for the compensation obligation had not occurred. However, damage shall not be compensated for to the extent that prevention of damage was not the purpose of the obligation or provision due to the non-performance of which the compensation obligation arose. (LOA § 127)

Pursuant to § 129 of the LOA, damage subject to compensation may be patrimonial or non-patrimonial. Patrimonial damage includes, primarily, direct patrimonial damage and loss of profit.

Direct patrimonial damage includes, primarily, the value of the lost or destroyed property or the decrease in the value of property due to deterioration even if such decrease occurs in the future, and reasonable expenses which have been incurred or will be incurred in the future due to the damage, including reasonable expenses relating to prevention or reduction of damage and receipt of compensation, including expenses relating to the establishment of the damage and submission of claims relating to the compensation for the damage.

Loss of profit is loss of the gain which a person would have been likely to receive in the circumstances, in particular as a result of the preparations made by the person, if the circumstances on which compensation for damage is based would not have occurred. Loss of profit may also include the loss of an opportunity to receive gain.

Non-patrimonial damage involves primarily the physical and emotional distress and suffering caused to the aggrieved person.

In conclusion, in any case of unlawful dismissal an employee is entitled to the compensation prescribed in the ECA. If conditions set by the LOA are met, additional compensation can also be sought.

The Committee asks whether in cases of dismissals on unlawful grounds in the meaning of this provision, the burden of proof is shifted between the employer and the employee.

Pursuant to § 230 of the Code of Civil Procedure, in actions, each party shall prove the facts on which the claims and objections of the party are based, unless otherwise provided by law. Unless otherwise prescribed by law, the parties may agree on a division of the burden of proof different from that which is provided by law and agree on the nature of the evidence whereby a certain fact may be proved. In case of unlawful cancellation in cases of pregnant employees or those raising a child under 3 years of age, the ECA § 92 stipulates a different burden of proof. Pregnant employees and those raising a child under 3 years of age are considered a group of employees that need extra protection in employment relationships and therefore the burden of proof is shifted. In other cases of unlawful dismissals the burden of proof is the same as provided in the Code of Civil Procedure.

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

The Ministry of Social Affairs prepared a manual for the Employment Contracts Act that explains the purpose of the provisions and provides instructions for the implementation of these provisions. In 2013, the manual was published on paper. The manual is also available online and the online version is constantly updated. It is currently available in Estonian on the website of the Ministry of Social Affairs at the address https://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/Too/Toolepingu_seadus/selgitused_toolepingu_seaduse_ju_urde.pdf

In 2013, an analysis on the Employment Contracts Act was conducted. Follow-up policy analysis was carried out to assess the implementation and impact of the act. The analysis focused on employees and employers awareness of employment rights, legal certainty, and also conclusion of contract, working conditions and termination of contract.

In 2014, a series of events were held to mark five years passing from entry into force of the new Employment Contracts Act. The events took place in different cities across Estonia. Officials of the Ministry of Social Affairs prepared presentations to bring out the provisions that provoked most questions and to explain the implementation of these provisions. All the participants received materials explaining the legislation concerning employment relationship and also the manual for the Employment Contracts Act.

The Ministry of Social Affairs continues to provide consultations on the implementation of the Employment Contracts Act.

Please supply statistics or any other relevant information to show how this provision is applied in practice.

Table 1. Petitions for disputing cancellation of an employment contract of an employee filed with labour dispute committees, 2011–2014

	2011	2012	2013	2014
Number of petitions filed	2,909	2,983	2,965	2,364
Claims for dispute of cancellation of employment contract	201	133	145	169
§ 93 of the ECA. Specifications of cancellation of employment contract with a pregnant woman or person raising a child below the age of three years	5	5	4	5
§ 94 of the ECA. Specifications of cancellation of employment contract with a representative of employees	5	2	4	3
§ 92 of the ECA. Restrictions on cancellation	9	2	6	7
§ 88 of the ECA. Extraordinary cancellation of an employment contract by an employer due to reasons arising from the employee	258	279	283	250
§ 89 of the ECA. Extraordinary cancellation of an employment contract by an employer due to economic reasons	72	57	59	58

In 2012–2013, an analysis was conducted concerning the impact of the Employment Contracts Act. To collect feedback from employees and employers regarding the implementation of the Act, a sample of 1,300 employees and unemployed persons, 201 redundant workers and 861 employers with 5+ employees were surveyed. Focus group interviews were also conducted with representatives of employees, employers and government institutions (Labour Inspectorate, Unemployment Insurance Fund).

Among other aspects of the Employment Contracts Act, contract termination practices were studied. According to the results of the employees' survey, in almost half of the cases the employment contract was terminated on the employee's initiative. Much less common were agreements on termination and cancellation of an employment contract. One tenth of the employees did not know in which form their employment relationship was terminated. (*Table 2*) The main reason for cancellation of an employment contract was lay-off, the rest of the reasons for cancellation were provided rarely. (*Table 3*)

Of the redundant workers interviewed around four out of five thought that they were laid off for economic reasons (*Table 4*). Some other reasons were also seen as the main reason for lay-off (altogether 18% provided another reason that had not been specified in the survey) like conflicts between parties, lack of qualifications required (Estonian language, driving licence), personal characteristics, discrimination, fire at the workplace. Since these were single answers, no statistical generalizations could be made based on them.

Table 2. Percentage of employees whose last employment relationship was terminated as ..., % of employed and unemployed, N=226

	Percentage	95% confidence interval
... leaving on employee's initiative	44%	37–50%
... expiry of the term	16%	11–21%
... agreement on termination of employment relationship	15%	11–20%
... cancellation of employment contract	15%	11–20%
Don't know	8%	5–12%

Table 3. Formal reason for cancellation of the employment contract, % of employed and unemployed, N=37

	Percentage	95% confidence interval
Lay-off	64%	48–79%
Insufficient work skills	3%	0–9%
Disregarded reasonable instructions of the employer	4%	0–10%
Due to employee's state of health	11%	1–22%
Other	10%	0–20%
Don't know	7%	0–16%

Table 4. Main reason for lay-off according to the redundant workers, N=201

	Percentage	95% confidence interval
Economic reasons	73%	67–79%
Pregnancy of the employee or raising children of under 3 years of age	4%	1–6%
Incapacity to perform work duties arising from the state of health	2%	0–4%
Employee's refusal with lower salary	2%	0–5%
Other	18%	13–23%

Article 25 - Right of workers to protection of their claims in the event of the insolvency of their employer

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

With reference to the previous reporting period, the Unemployment Insurance Act has been amended in regard to cases where the UIF shall refuse to grant the insolvency benefit to the employee.

In the event of insolvency of the employer, the employee has a right to protection of their claims in regard to unreceived remuneration: salary, holiday pay and any other benefits from the period before or after the declaration of the employer as insolvent which were not received at the time of cancellation of the employment contract but which were prescribed by the Employment Contracts Act. The maximum extent of these benefits is, however, prescribed by the Unemployment Insurance Act.

The Committee asks whether the unemployment insurance fund will cover workers' claims in those cases where no formal declaration of insolvency (or bankruptcy) is made.

Pursuant to the Unemployment Insurance Act an employee can claim unreceived remuneration in the event their employer has become insolvent. The Act defines insolvency as a situation when a court has declared bankruptcy or terminated the bankruptcy proceedings by abatement within the meaning of subsection 29 (1) of the Bankruptcy Act, or if a court or another competent body of another EEA country has declared the employer as insolvent within the meaning of Council Regulation 1346/2000/EC on insolvency proceedings.

It is evident from the foregoing that the UIF only compensates claims that are based on the formal declaration of insolvency. Provided that there is no formal declaration of insolvency, employees can claim unreceived remuneration on the basis of the Law of Obligations Act. There are no state fees in labour matters.

For application of benefit upon insolvency of an employer, the trustee in bankruptcy or an interim trustee, or a person with equal competence appointed in another EEA country shall submit a standard format application to the UIF together with the documents certifying the employer's insolvency. The following documents certify the declaration of insolvency of an employer:

- 1) upon the bankruptcy of the employer, an officially certified copy of the court ruling concerning the declaration of bankruptcy;
- 2) upon the abatement of bankruptcy proceedings against the employer, an officially certified copy of the court ruling concerning the termination of bankruptcy proceedings without declaration of bankruptcy;
- 3) upon declaration of the employer as insolvent in another EEA country, a copy of the decision of the competent authority of such country, certified according to the law of the country of decision, together with the translation of the document into Estonian made by a sworn translator or certified by a notary.

The UIF reviews the application of the trustee, verifies the justifiability of the amount applied for and decides on the grant of or refusal to grant a benefit not later than on the thirtieth day as of the date of acceptance of the application.

The UIF shall refuse to grant a benefit if the employee has no claim against the employer arising from the employment relationship or if the amount applied for is not justified. Furthermore, the unemployment insurance fund has a right to refuse to grant a benefit or reduce it if the claim of the employee is based on a contract under which the parties have agreed on the payment of the benefit in full or in part on the basis of the Unemployment Insurance Act in order to satisfy claims which may arise. The parties have agreed on the payment of the benefit on the basis of the Unemployment Insurance Act in order to satisfy claims which may arise in particular if:

- 1) an employment contract or an agreement on increasing the remuneration has been entered into with a person connected with the employer within one year before the declaration of the employer as insolvent. Persons connected with a debtor who is a natural person or a legal person specified in subsections 117 (1) and (2) of the Bankruptcy Act are deemed to be the persons connected with the employer;
- 2) an employment contract or an agreement on increasing the remuneration has been entered into after the employer becomes permanently insolvent and the employer does not prove that they had financial resources to pay the remuneration agreed on or that the entry into an employment contract was important for continuation of the business activities of the employer;
- 3) an employment contract is entered into after the termination of the business activities of the employer and the employer does not prove that they had the possibility to ensure that the employee was provided with the work agreed on.

The amendment helps to prevent secret agreements between the employers and employees and any abuses to the system. It is presumed that around 5% of all applications are submitted groundlessly to receive benefits from the UIF.

Please supply statistics or any other relevant information to show how this provision is applied in practice
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Pursuant to the Unemployment Insurance Act the unreceived salary from the period before the declaration of the employer as insolvent shall be paid in the amount equal to up to the employee's gross wages for the last three months of work but not exceeding in total, according to the data published by Statistics Estonia, the amount equal to three average gross monthly wages in Estonia during the quarter preceding the declaration of the employer as insolvent.

Unreceived holiday pay from the period before the declaration of the employer as insolvent shall be paid in the amount to the extent of the employee's one month's holiday pay but not exceeding in total, according to the data published by Statistics Estonia, the amount equal to one month's average gross salary in Estonia during the quarter preceding the declaration of the employer as insolvent.

Benefits from the period before or after the declaration of the employer as insolvent that were not received at the time of cancellation of the employment contract but were prescribed by the Employment Contracts Act shall be paid in the amount equal to up to the employee's two gross monthly salaries but not exceeding in total, according to the data published by Statistics Estonia, the amount equal to one month's average gross salary in Estonia during the quarter preceding the declaration of the employer as insolvent.

Table 1: Benefit upon insolvency of the employer, 2011–2014

	2011	2012	2013	2014	2011–2014 total
Number of insolvency cases	289	179	172	147	787
Number of benefit recipients	2,600	2,087	1,682	1,626	7,995
Total sum remunerated (EUR)	4,579,108	3,571,763	3,539,464	3,405,908	15,096,244
Average remunerated insolvency benefits as a percentage from the total sum applied	59%	62%	62%	69%	63%

Source: Unemployment Insurance Fund, Eurostat

The Committee notes from the report that in the course of 2007–2010, 16,330 persons received insolvency benefits due to bankruptcy of 1,328 enterprises. In this period € 30.7 million were paid in insolvency payments. On average 60% of the claimed amount was satisfied. The Committee asks whether this can be explained by the fact that the claims submitted exceeded the maximum permissible level of payments.

On average around 60% of applications are satisfied. The main reason why 40% applications are not satisfied is that the claims submitted exceeded the maximum permissible levels of payment. At the same time, a number of claims are not grounded to the extent that was applied to in the first place.

Table 2: Average duration of period from when a claim is lodged until the worker is paid

	2011	2012	2013	2014	Average in the period 2011–2014
Average duration of period from submission of benefit application until payment of benefit (number of days)	29	28	36	22	29

Source: Unemployment Insurance Fund