

## – Iceland and the European Social Charter –

### Signatures, ratifications and accepted provisions

Iceland ratified the European Social Charter on 15/01/1976, accepting 41 of the Charter's 72 paragraphs. It has signed the Additional Protocol on 05/05/1988, but has not yet ratified it.

Iceland has signed the Revised European Social Charter on 04/11/1998 but has not yet ratified it. It ratified the Amending Protocol to the Charter on 21/02/02.

Iceland has not yet signed or ratified the Additional Protocol providing for a system of collective complaints.

### The Charter in domestic law

Iceland is a dualist state.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2
7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4
9	10.1	10.2	10.3	10.4	11.1	11.2	11.3	12.1	12.2	12.3	12.4
13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	16	17	18.1	18.2
18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10
AP1	AP2	AP3	AP4	AP=Additional Protocol				Grey = accepted provisions			

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by Iceland

Between 1981 and 2019, Iceland has submitted 31 reports on the application of the 1961 Charter.

The [31<sup>st</sup> report](#), submitted on 24/09/2018 covers the accepted provisions of the Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, Article 2 of the Additional Protocol, Article 3 of the Additional Protocol).

Conclusions with respect to these provisions have been published in March 2019.

The 32<sup>nd</sup> report, which was to be submitted by 31/10/2018, should concern the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19).

Conclusions with respect to these provisions will be published in January 2020.

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<sup>1</sup> The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>3</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions XXI-1 (2016)

► *Article 152 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

Legislation prohibiting discrimination in employment on grounds other than sex is inadequate;

► *Article 154 – Right to work - Vocational guidance, training and rehabilitation*

There is no legislation explicitly prohibiting discrimination in training on the ground of disability.

► *Article 1551 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement – Education and training for persons with disabilities*

There is no legislation explicitly prohibiting discrimination in education and training on the ground of disability.

► *Article 1552 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement – Employment of persons with disabilities*

There is no legislation explicitly prohibiting discrimination in employment on the ground of disability.

► *Article 1852 – Right to engage in a gainful occupation in the territory of other States Parties– Simplifying existing formalities and reducing dues and taxes*

The formalities for issuing work and residence permits have not been simplified during the reference period.

► *Article 1853 – Right to engage in a gainful occupation in the territory of other States Parties - Liberalising regulations*

It has not been established that the existing regulations have been liberalised.

### Thematic Group 2 "Health, social security and social protection" - Conclusions XXI-2 (2017)

► *Article 1254 – Right to social security – Social security of persons moving between states*

Equal treatment with regard to family allowances is not guaranteed to nationals of all other States Parties.

### Thematic Group 3 "Labour rights" - Conclusions XXI-3 (2018)

► *Article 251 – Right to just conditions of work – Reasonable working time*

- The working hours for seamen may go up to 72 hours per week.
- Stand-by duty or the on-call service during which no effective work is undertaken is not regarded as working time.

► *Article 453 – Right to a fair remuneration – Non-discrimination between and women men with respect to remuneration*

The law does not provide for reinstatement in cases in which an employee is dismissed in retaliation for bringing an equal pay claim.

► *Article 454 – Right to a fair remuneration – Reasonable notice of termination of employment*

- The two weeks' notice period is not reasonable for skilled and industrial workers with more than 6 months and less than a year of service;
- No notice period is provided for special and general workers with less than 2 weeks of service and for employees in food and catering industry with less than one month of service;
- Notice periods are not reasonable for seamen working in vessels with more than three years of service and for seamen working in Icelandic fishing vessels with more than three months of service.

► *Article 5 – Right to organise*

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<sup>3</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

The existence of priority clauses in collective agreements which give priority to members of certain trade unions in respect of recruitment and termination of employment infringes the right not to join trade unions.

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

During the reference period the legislature intervened in order to terminate collective action in circumstances which went beyond those permitted by Article 31 of the 1961 Charter.

**Thematic Group 4 “Children, families, migrants” - Conclusions XX-4 (2015)**

No cases of non-conformity retained.

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

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

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

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**Thematic Group 3 "Labour rights"**

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

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## **II. Examples of progress achieved in the implementation of rights under the Charter** ***(non-exhaustive list)***

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

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

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

▶ Act No. 870/2000, revoking the 1983 Regulation, and Act No. 44/2002 replacing Act No. 117/1985, fixed regulations for protecting workers against asbestos and against ionising radiation respectively

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

▶ The level of the minimum wage improved in the reference period and is in the process of an ongoing reform which will further continue to raise it. The gradual raise of the minimum wage was agreed in the reference period in two rounds of collective negotiations facilitated by the government. The government committed, in exchange, to adopt measures that would benefit the citizens, i.a. review of the tax system, education reform, reforms in economic policy and the management of public finances, limits for tariffs charged by the state and further measures concerning welfare and housing systems. Moreover, a minimum earnings insurance shall cover the instances for those employees who do not attain the minimum income.

▶ Parliament passed an Act in 2010 to repeal the Act on the industry charge. Consequently, the industry charge has not been collected since Act No. 124/2010 entered into force in 2011.

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

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