

— Russian Federation and the European Social Charter —

Signatures, ratifications and accepted provisions

The Russian Federation signed the Revised European Social Charter on 14 September 2000 and ratified it on 16 October 2009, accepting 67 of the Revised Charter's 98 paragraphs.

It has not yet accepted the Additional Protocol providing for a system of Collective Complaints.

Table of accepted provisions

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

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning the Russian Federation](#) in 2015. The Committee is of the opinion that there are no legal obstacles for acceptance by the Russian Federation of the following provisions: Article 2§2, Article 12§3, Article 13§2, Article 13§3, Article 15§3, Article 19§1, Article 19§3, Article 19§4, Article 19§10, Article 23 and Article 31.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by the Russian Federation

Between 2011 and 2019, the Russian Federation has submitted 7 reports on the application of the Revised Charter.

The [7th report](#), submitted on 19/01/2018 covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

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

The 8th 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),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

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

¹ 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](#).

² 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-conformity³

Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016

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

- Indirect discrimination is not expressly prohibited by law;
- The legislation does not provide for a shift in the burden of proof in discrimination cases;
- Discrimination on grounds of sexual orientation in employment is not expressly prohibited by law;
- Foreign nationals cannot be employed in the municipal and state service, which constitutes a discrimination on grounds of nationality.

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

It has not been established that the right to vocational guidance within the education system and in the labour market is guaranteed.

► *Article 9 - Right to vocational guidance*

It has not been established that the right to vocational guidance within the education system and in the labour market is guaranteed.

► *Article 1552 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

It has not been established that the legal obligation to provide reasonable accommodation is respected.

► *Article 1854 - Right to engage in a gainful occupation in the territory of other States Parties- Right of nationals to leave the country*

There are still restrictions on the right of Russian citizens to leave the country.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

- Women are not permitted to work in all professions which constitutes discrimination based on sex;
- The legislation does not provide for a shift in the burden of proof in cases of discrimination based on sex.

Thematic Group 2 « Health, social security and social protection » - Conclusions 2017

► *Article 353 - Right to safe and healthy working conditions – Enforcement of safety and health regulations*

- Measures to reduce the excessive rate of fatal accidents are inadequate;
- The labour inspection is so understaffed it cannot be considered as efficient.

► *Article 354 - Right to safe and healthy working conditions - Occupational health services*

It has not been established that there is a strategy to progressively provide access to occupational health services for all workers in all sectors of the economy.

► *Article 1151 - Right to protection of health – Removal of the causes of ill-health*

The measures taken to reduce infant and maternal mortality have been insufficient.

► *Article 1251 – Right to social security – Existence of a social security system*

- It has not been established that the existing unemployment scheme covers an adequate percentage of the active population;
- The minimum level of sickness benefits is inadequate;
- The minimum level of industrial accidents and occupational diseases benefits is inadequate;
- The minimum level of unemployment benefits is inadequate.

Thematic Group 3 « Labour rights » - Conclusions 2018

► *Article 253 – Right to just conditions of work – Annual holiday with pay*

In certain circumstances, the law allows all annual leave to be carried over to the following year.

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

► *Article 2§5 – Right to just conditions of work - Weekly rest period*

Weekly rest days may be postponed over a period exceeding twelve successive working days.

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

The legislation does not provide for the shift in the burden of proof in discrimination cases.

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

- Severance pay of two weeks' salary applicable to termination of employment on the grounds of medical incapacity, call-up for military service, judicial or administrative reinstatement of the previous post-holder, is not reasonable for employees with more than six months of service;
- Notice period of three days applicable to dismissal during probationary period is not reasonable;
- No notice period is provided where the dismissal is due to the death of the employer who is a natural person;
- Notice periods are applicable to employees of self-employed persons or religious organisations or to home workers are left to the discretion of the parties to the employment contact.

► *Article 4§5 – Right to a fair remuneration-Limits to wage deductions*

Following all authorised deductions, the wages of employees with the lowest pay do not enable them to provide for themselves or their dependants.

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

- The restrictions on the right to strike for civil aviation personnel engaged in air traffic management and for public railway transport workers do not comply with the conditions established by Article G of the Charter;
- The percentage of workers required to call a strike is too high.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

- The protection afforded to some workers' representatives does not extend beyond the end of their mandate;
- Adequate protection and appropriate facilities are not afforded to workers' representatives other than trade union representatives.

Thematic Group 4 « Children, families, migrants » – Conclusions 2015

► *Article 16 – Right of the family to social, legal and economic protection*

Family benefits do not cover a significant number of families.

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

Not all forms of corporal punishment are prohibited in the home and in institutions.

The Committee has been unable to assess compliance with the following provisions and has invited the Government of the Russian Federation to provide more information in the next report:

Thematic Group 1 « Employment, training and equal opportunities »

- ▶ Article 10§1 - Conclusions 2016
- ▶ Article 15§1 - Conclusions 2016

Thematic Group 2 « Health, social security and social protection »

- ▶ Article 11§2 - Conclusions 2017
- ▶ Article 11§3 - Conclusions 2017

Thematic Group 3 « Labour rights »

- ▶ Article 6§2 - Conclusions 2018
- ▶ Article 6§3 - Conclusions 2018

Thematic Group 4 « Children, families, migrants »

- ▶ Article 7§1 - Conclusions 2015
- ▶ Article 7§3 - Conclusions 2015
- ▶ Article 7§5 - Conclusions 2015
- ▶ Article 7§6 - Conclusions 2015
- ▶ Article 7§10 - Conclusions 2015
- ▶ Article 17§2 - Conclusions 2015
- ▶ Article 27§3 - Conclusions 2015

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

Thematic Group 1 « Employment, training and equal opportunities »

- ▶ Following the amendment in 2012 of Federal Act No.1032-1 "On employment in the Russian Federation" of 19 April 1991, the subjects of the Federation are entitled to conduct active policies to promote employment.
- ▶ Act No. 116-FZ "On Amendments to Certain Legislative Acts" of 5 May 2014, set the rules for accreditation and operation of private employment agencies in the Russian Federation.
- ▶ The Order of the Ministry of Labour of Russia № 262 of April 17, 2014 approved the Federal state standards of public services, including vocational training and education for the unemployed.
- ▶ The Law on the Protection of Disabled Persons, as amended by Federal Law no. 168-FZ of 2 July 2013, provides that employers must supply equipment for special jobs for persons with disabilities, regard being had to their disability.
- ▶ With effect from 2013, Law No. 183-FZ of 2 July 2013 entitles public authorities to set quotas for the employment of persons with disabilities within organisations which have more than 35 members of staff.
- ▶ With regard to the activities of the National Employment Service, standards for public services and public functions in the field of promotion of employment have been drawn up (Federal Law no. 361-FZ of 30 November 2011) in order to guarantee employment and encourage access to the inclusive employment market for persons with disabilities.
- ▶ In 2011 the Council on Gender was created at the Russian Ministry of Labour whose main tasks are to prepare proposals on improvement of legislation in order to ensure gender equality.

Thematic Group 2 « Health, social security and social protection »

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Thematic Group 3 « Labour rights »

- ▶ The federal laws Nos. 426-FZ of 28 December 2013 on special assessment of working conditions and 421-FZ on amendments to certain legislative acts of the Russian Federation entered into force on 1 January 2014. As a result, the procedure for certifying workplaces based on working conditions has been replaced by a procedure governing the special assessment of working conditions ("SOUT"). This procedure applies to all workers irrespective of their official occupation and position except for homeworkers, teleworkers and employees working for a private individual.
Under Article 3 (1) and (2) of Federal Law No. 426-FZ, a SOUT is a set of sequentially implemented measures to identify harmful and dangerous factors related to the working environment and labour process, and the degree to which they affect the employees, taking into account the extent to which their actual values deviate from the norms established by the government regarding working conditions and the use of individual and collective protection for workers. Conditions in the workplace are divided into various classes and subclasses (optimal, acceptable, harmful – including 4 subclasses – and hazardous working conditions) according to the degree of harmfulness and hazard, based on the results of the SOUT (Article 14). The procedure for establishing which class working conditions fall into is determined by the Methodology for assessing working conditions approved by the Ministry of Labour (Order No. 33 of 24 January 2014).
Federal Law No. 421-FZ amends certain articles of the Labour Code in order to ensure the implementation of a differentiated approach when providing workers with guarantees for working in harmful and hazardous working conditions, depending on how the conditions are classified following the special assessment. Workers employed in harmful and hazardous working conditions are entitled to a wage premium equivalent to at least 4% of the base wage rates established for various jobs with standard labour conditions (Article 147 of the Labour Code). Extra paid leave of at least 7 calendar days is granted to workers employed in working conditions classified as harmful (in at least the 2nd degree) or hazardous, based on the results of

the SOUT (Article 117). The specific duration of this leave is determined in accordance with the industry agreement, collective agreement and labour contract, and there is no upper limit on the amount of additional paid leave which may be granted. A reduced working week (36 hours maximum) is granted to workers employed in working conditions which have been classified as harmful (in at least the 3rd degree) or hazardous (Article 92).

► In 2013, under Federal Law No. 95-FZ of 7 May 2013 amending Article 22 of the Labour Code, a new system for the consultation of employees on productivity and efficiency was set up. The law establishes the right of employers to set up “production councils” – advisory bodies formed on a voluntary basis by their employees to draft proposals to improve production activities and processes, increase workforce productivity and improve employees’ skills. The powers, membership and functioning of such councils and their interaction with employers are established by a local by-law.

Thematic Group 4 « Children, families, migrants »

► The Decree of the Government on the activities of establishments for orphans and children deprived of parental care was adopted on 24 May 2014. Paragraph 35 of the Decree provides that the number of children in one unit should not exceed 8 persons.