

— Estonia and the European Social Charter —

Signatures, ratifications and accepted provisions

Estonia ratified the Revised European Social Charter on 11/09/2000, accepting 79 of the Revised Charter's 98 paragraphs.

On 27 June 2012, Estonia accepted 8 additional provisions of the Charter, thus accepting to be bound by 87 of the Revised Charter's 98 paragraphs.

Estonia has not yet ratified the Additional Protocol providing for a system of collective complaints.

The Charter in domestic law

Under chapter 3 of the Constitution: "The powers of state shall be exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system."

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 [reports concerning Estonia](#) in 2005, 2010 and 2015. The Committee is of the opinion that there are no legal obstacles for acceptance by Estonia of the following provisions: Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23 and 31§2.

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 Estonia

Between 2003 and 2019, Estonia has submitted 16 reports on the application of the Revised Charter.

The [15th report](#), submitted on 03/01/2018 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 [16th report](#), which was submitted on 18/12/2018, concerns 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 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-conformity ³

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

► *Article 15§3 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*
There is no anti-discrimination legislation for persons with disabilities covering issues such as housing, transport, telecommunications and cultural and leisure activities.

► *Article 20 – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex*
The unadjusted pay gap is manifestly too high.

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

► *Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*
The labour inspection system, insofar as it concerns occupational health and safety, is inefficient.

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

- The minimum level of sickness benefit is inadequate;
- The minimum levels of unemployment allowance and unemployment insurance benefit are inadequate;
- The minimum level of national invalidity pension is inadequate.

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

- Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
- It has not been established that equal treatment with regard to access to family allowances is guaranteed to nationals of all other States Parties;
- The retention of accrued benefits is not guaranteed to nationals of all other States Parties;
- The right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*
The level of social assistance paid to a single person without resources is not adequate.

Thematic Group 3 « Labour rights » - Conclusions 2018

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

The law does not guarantee the right to reasonable weekly hours for seafarers.

► *Article 2§7 - Right to just conditions of work - Night work*

Laws and regulations do not provide for continuous consultation with workers' representatives on night work conditions and on measures taken to reconcile the needs of workers with the special nature of night work.

► *Article 4§2 – Right to a fair remuneration – Increased remuneration for overtime work*

Not enough time off is granted in lieu of increased wages for overtime.

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

The enforcement of the right to equal pay is not effective, as demonstrated by the persistently high gender pay gap.

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

- General notice periods are not reasonable for employees and civil servants with more than three and less than five years of service;
- No notice period is provided for in case of dismissal due to reduced working capacity caused by the state of health of the employee and due to an inability to perform work duties.

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

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

After maintenance payments and other authorised deductions, the wages of workers with the lowest pay do not allow them to provide for themselves or their dependants.

▶ *Article 6§2 – Right to bargain collectively – Negotiation procedures*

The promotion of collective bargaining is not sufficient.

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

All public servants exercising authority in the name of the state are denied the right to strike and this blanket prohibition goes beyond the limits permitted by Article G of the Charter.

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

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

The daily and weekly working time for children under the age of 15 is excessive and therefore their work cannot be qualified as light work.

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

The daily and weekly working time for children subject to compulsory education is excessive.

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

Medical examinations for young workers are not frequent enough.

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

- The notice period before eviction is too short;
- Family benefits are not of an adequate level for a significant number of families.

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

A two years residence requirement which is imposed on migrant workers who are not citizens of Member States of the European Union, nor citizens of the European Economic Area is excessive.

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

Thematic Group 1 « Employment, training and equal opportunities »

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

▶ Article 30 - Conclusions 2017

Thematic Group 3 « Labour rights »

▶ Article 26§2 - Conclusions 2018

Thematic Group 4 « Children, families, migrants »

▶ Article 27§2 - 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 »

- ▶ The Equal Treatment Act which entered into force on 1 January 2009 provides for a prohibition of discrimination on the ground of disability in access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining as well in conditions of access to employment, self-employment, including selection criteria, recruitment conditions and promotion; working conditions, remuneration, and termination of employment.
- ▶ Amendments to the Defense Forces Service Act shortened alternative service from 12-18 months to 8-12 months as of July 2010.
- ▶ The Gender Equality Act (GEA) entered into force in 2004 and aims at ensuring equal treatment for men and women in all areas of public and private life.
- ▶ Amendment of the Criminal Code in order to criminalise trafficking in persons and enslavement.

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

- ▶ The Health and Safety at Work Network inside Estonia was re-established in 2012. Its aim is the development of the field of occupational health and safety issues by providing a framework for institutions that enables the use of health and safety information, experience and knowledge in a more efficient way among the network members.
- ▶ An electronic tool "Tööbik" has been developed in 2011-2015. It enables an enterprise to administer data related to its work environment, to conduct risk assessment and to maintain necessary data bases.

Thematic Group 3 « Labour rights »

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Thematic Group 4 « Children, families, migrants »

- ▶ Introduction of a family benefit which is intended to offset the cost of raising a child and to reconcile work and family life (*Parental Benefits Act of 1 January 2004*).
- ▶ The Child Protection Act of 2014 (in force between 23/12/2013 and 31/12/2015) provides in its Section 178 (Manufacture of works involving child pornography or making child pornography available) that manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than 18 years of age in a pornographic situation, or a person of less than 14 years of age in a pornographic or erotic situation, is punishable by a pecuniary punishment or up to three years' imprisonment.