



European
Social
Charter

Charte
sociale
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

EUROPEAN SOCIAL CHARTER

Social Rights Monitoring 2022: Labour Rights

2022 Conclusions of the European Committee of Social Rights

RIGHTS EXAMINED IN 2022

In 2022, the European Committee of Social Rights (ECSR) examined the provisions of the European Social Charter relating to: the right to just conditions of work (Article 2); the right to a fair remuneration (Article 4); the right to organise (Article 5); the right to bargain collectively (Article 6); the right to information and consultation (Article 21/Article 2 of the Additional Protocol); the right to take part in the determination and improvement of the working conditions and working environment (Article 22/Article 3 of the Additional Protocol); the right to dignity at work (Article 26); the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28); and the right to information and consultation in collective redundancy procedures (Article 29).

REPORTING

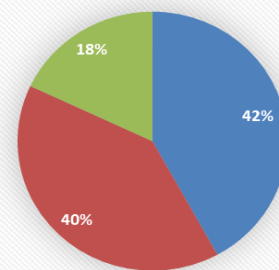
34 national reports relating to labour rights were examined in 2022.

The reports covered the period from 1 January 2017 until 31 December 2020

KEY FIGURES

- 611 conclusions in respect of 33 states.
- 255 conclusions of conformity with the Charter.
- 245 conclusions of non-conformity.
- 111 cases of deferral for lack of information.

611 situations examined in 2022



■ 255 situations of conformity ■ 245 situations of non-conformity ■ 111 deferrals

MAIN FINDINGS IN 2022

Non-conformity

Insufficient measures taken to guarantee just conditions of work.

Insufficient measures taken to ensure that work performed on a public holiday is adequately compensated.

manifestly unreasonable periods of notice for termination of employment or the lack of a notice period for workers on probation.

Insufficient promotion of collective bargaining.

Insufficient measures to ensure that employers organisations and workers organisations are consulted in the promotion of awareness, information and prevention of sexual harassment in the workplace or in relation to work.

Positive developments in some states parties

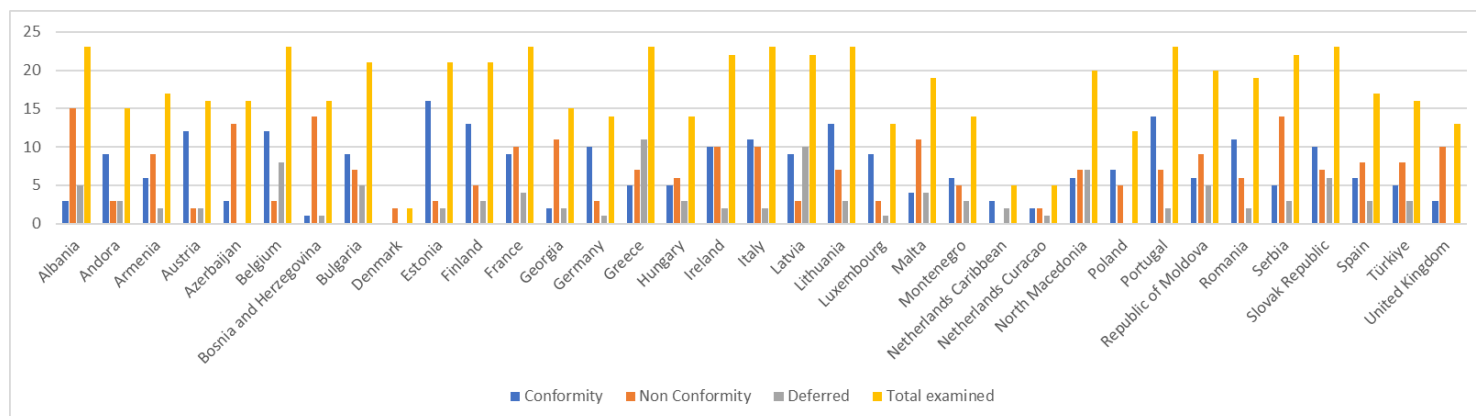
Amendments of the law concerning the definition and prohibition of sexual and (moral) psychological harassment at work.

Adoption of legislation to ensure compensation for work performed on rest days, non-working days.

Positive developments concerning restrictions on the right to strike.

the introduction of legislative measures concerning the information and consultation procedures in case of collective redundancy.

DEGREE OF COMPLIANCE WITH THE PROVISIONS OF THE CHARTER ON LABOUR RIGHTS



BACKGROUND

The European Social Charter

The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights and imposes binding obligations under international law on the states that agreed to be bound by it. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare. The Charter is a counterpart to the European Convention on Human Rights, which refers to civil and political rights.

The European Committee of Social Rights

The Committee is a Council of Europe human rights monitoring body. It is composed of 15 independent and impartial experts who assess whether national situations are in conformity with the standards set out in the Charter.

Reports and Conclusions

The monitoring carried out by the Committee in 2022 took the form of the examination of national reports submitted by states on the thematic group of provisions related to labour rights.

In the framework of the reporting procedure the Committee's monitoring is based on reports submitted by the States Parties. However, but the Committee also takes into account comments made by trade unions and employers' organisations, national human rights institutions and non-governmental organisations, as well as any other source of information which it deems relevant to the examination of national situations. These comments (or 'parallel reports') frequently provide information which allows the Committee to gain a better and more comprehensive understanding of national law and practice. In 2022, the Committee received 26 parallel reports on labour rights.

Statements of interpretation

The Committee also, issues statements of interpretation. These statements develop and clarify the meaning and scope of the Charter as regards specific issues.

In 2022, the Committee adopted several statements of interpretation. These were on: the right of all workers to a reasonable period of notice for termination of employment under Article 4§4 of the Charter; limits to deductions of wages under Article 4§5; and on online harassment related to work under Article 26 of the Charter.

RESOURCES

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