January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

ANDORRA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Andorra on 12 November 2004. The time limit for submitting the 17th report on the application of this treaty to the Council of Europe was 31 December 2024 and Andorra submitted it on 24 December 2024. On 9 July 2025, a letter was addressed to the Government requesting supplementary information regarding Article 3§1. The Government submitted its reply on 25 August 2025

The present chapter on Andorra concerns 7 situations and contains:

– 1 conclusion of conformity: Article 20

– 6 conclusions of non-conformity: Articles 2§1, 3§1, 3§2, 3§3, 4§3, 5

The next report from Andorra will be due on 31 December 2026.

[1]*The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

The report states that Law No. 31/2018 of 6 December 2018 sets weekly working hours at 40 and limits overtime to 12 hours per week. However, Article 54.2 of the Law No. 31/2018 provides a series of exceptions, that include directors or managers, and in general positions of trust in companies, which, due to the nature of their work cannot be subject to a strict limitation of their working day; workers in health and social services sector (when on-call for continuous care); night guards and concierge services, when their place of residence is the same as the place where the work is performed, who must however respect the minimum weekly rest period of one full day. The report clarifies that these exceptions only affect the maximum limit of weekly working hours in the annual calculation system, but not the maximum number of hours laid down in the ordinary legal weekly working week, nor in the system of quarterly and half-yearly calculation of the working day.

The report further states that in all cases, the working hours of most health and social care staff are regulated by collective agreements. The collective agreement for the assisted and non-medical sanitary transport contractor is based on the approach of a working day organised on an annual calculation system, with a short week (36 hours), long week (48 hours), with daily working hours of 12 hours, which only allow for the possibility of working a maximum of 60 hours per week and in two specific cases: shift changes proposed by the workers which must be authorised by the company, and activation during localised voluntary on-call duty.

The report further states that the Andorran Healthcare service agreement states that, in case of on-call continuous care, the normal working week to guarantee continuity of assistance in the services that require it, can be extended up to 60 or 72 hours. In order to mitigate the effects of the particular shift work organisation inherent in healthcare, the agreement provides for 34 days of vacation (13% more than the legally required minimum), more favourable treatment under the general paid and unpaid leave scheme, and also cases that give entitlement to authorised leave with retention of the position.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time).

The Committee notes that it appears from the report that it is possible to work for 60 hours or more a week in the healthcare and social care services sector. Such hours are allowed in healthcare and social care services not only in exceptional circumstances only. Moreover, no information on safeguards is provided. In addition, in case of on-call continuous care, the working week can attain 72 hours. The Committee considers that the situation in Andorra is

not in conformity with Article 2§1 of the Charter on the ground that the maximum weekly working time may exceed 60 hours for healthcare and social care workers.

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

The report states that given its geographical situation, Andorra has no regulations of the working hours of maritime workers.

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

The report states that in general, time spent at the company's disposal outside the workplace does not count as working time or working hours. However, it must be remunerated with at least 25% of the basic salary. In any case, a day when the worker must remain at the company's disposal outside the workplace will never be considered as a day off, even if this time was not used to carry out an activity. If the worker has to carry out an activity, this will count as actual working time.

The report states that the exception to this treatment concerns only staff in the healthcare and social care sector, since the law in this case stipulates that hours worked in the event of an activity during on-call duty are not considered overtime. However, as stated above, most workers in this sector are covered by the collective agreement and hours worked in the event of activity during on-call duty, in the event of the agreed working day being exceeded, are considered overtime when added to the total of the remaining hours worked.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

The Committee notes that on-call periods spent outside of the workplace when a worker does not carry out any activity do not count as working time in Andorra, but they are remunerated with at least 25% of the basic salary. These periods are not considered as rest periods either.

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 2§1 of the Charter on the ground that the maximum weekly working time may exceed 60 hours for healthcare and social care workers.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that, in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The report notes that, while there are no standards specifically regulating psychosocial risks and other new and emerging risks, Law 34/2008 (dated 18 December 2008) provides a framework that can be complemented by regulatory action, collective agreements, agreements between employers and workers, and internal company regulations concerning safety and health at work. This law applies to all sectors of activity and all workers in Andorra. It requires employers to guarantee the safety and health of workers through a risk assessment in all aspects of work and to prevent all occupational risks through the integration of preventive activities and the adoption of all necessary measures to protect the safety and health of all workers. This includes the provision of training and information to workers. This action is complemented through the use of external prevention service companies. Companies with 100 employees or more also have safety and health committees. Those responsible for safety and health must have the necessary skills to carry out preventive functions, including with regard to ergonomics and applied psychosociology.

The relevant ILO recommendations apply to areas that are not specifically regulated by law, in accordance with the principle of subsidiarity. Moreover, the report notes that the association agreement between Andorra and the European Union, which is currently in the approval stage, implies the commitment to regulate the coverage of specific risks through the transposition of all directives within the established deadlines.

The gig or platform economy

The report notes that Law 42/2022 on Digital Economy, Entrepreneurship and Innovation (dated 1 December 2022) regulates the regime governing remote employment or telework, which is widely used in the digital economy (see below).

In response to a request for additional information the report states that platforms operating in Andorra are subject to common law (with regard to contracts, working hours, health and safety, inspection), with the obligation to be affiliated with the Andorran Social Security Fund. In this regard, entrepreneurs/platforms that have an employment relationship must assess

psychosocial risks, provide training and personal protective equipment, organise prevention and consult workers.

The Committee notes that the report does not provide adequate information with regard to the issues covered by the targeted question.

Therefore, the Committee concludes that the situation in Andorra is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Telework

The report notes that Law 42/2022 on Digital Economy, Entrepreneurship and Innovation clarifies the regime governing remote employment or teleworking, thereby providing more legal certainty for employees and companies. The law stipulates, *inter alia*, that an accident which occurred at the place where the employee performs remote work or teleworking while carrying out their professional activity is presumed to be a work-related accident.

Law 42/2022 further mandates the government to present to the Parliament, within two years, a bill amending Law 34/2008 on Occupational Health and Safety, in order to adapt the provisions of the Law relating to the specificities of the remote employment contract or teleworking modality, and to equate the right to health protection of these workers with that of other workers. The report further notes that this type of work has not increased since the pandemic and that the absence of specific provisions does not impede the application of the aforementioned law to persons working remotely or teleworking. However, the objective is to achieve the highest possible consensus on these regulations within the framework of the social dialogue established within the Economic and Social Council, where representatives of unions and businesses are present.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

The Committee notes that the report does not provide adequate information concerning existing policies on psychosocial or new emerging risks related to this job category.

Therefore, the Committee concludes that the situation in Andorra is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to telework.

Jobs requiring intense attention or high performance

In response to a request for additional information, the report states that Law 34/2008 defines the sectors at risk as follows: construction, with the obligation to carry out a health and safety project/study with collective and hygiene measures and coordination between companies; and electricity/energy, with a 2023 regulation that imposes training/information and workers participation, to be linked with fatigue management and vigilance. Moreover, as regards the road transport sector, a specific regulation establishes rules concerning driving times, breaks and rest periods for drivers who transport goods and passengers by road.

Jobs related to stress or traumatic situations at work

The report notes that Law 6/2022 on the effective implementation of the right to equal treatment and opportunity and on non-discrimination between women and men (dated 31 March 2022), and the regulations that develop it, ensure the eradication of psychosocial risks that may arise at work, such as violence, harassment at work, and sexual harassment.

In addition, the Labour Inspection Service provides personalised assistance to workers and employers who require consultations regarding risks that may arise in the workplace and mechanisms or means to reduce them.

Jobs affected by climate change risks

The report notes that the Labour Regulations establish the general conditions for work premises and environments, which may be affected by risks related to climate change. Furthermore, in order to address adverse weather conditions that may occur in certain workplaces, such as the construction sector where work is carried outdoors, Annex I of the Regulations governing the minimum health and safety requirements for the use of work equipment defines what is considered to be personal protective equipment, such as clothing to protect against heat or cold.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) "The human right to a clean, healthy and sustainable environment".

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the following types of work:

- the gig or platform economy;
- telework.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee held that the situation in Andorra was not in conformity with Article 3§2 of the Charter on the ground that, among others, self-employed workers were not adequately protected (Conclusions 2021). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The report notes that Law No. 31/2018 on Labour Relations was amended in 2022, by adding a provision stating that “employees have the right to digital disconnection outside their working hours, as well as respect for the maximum duration of the established working day and any other limits and precautions regarding working hours established by the applicable legal or conventional regulations.” The report provides additional information on regulations concerning working time, including overtime and rest periods, as well as on awareness-raising campaigns on occupational health and safety implemented by various government agencies. The report also refers to legal provisions stating that any dismissal for refusing to work overtime is null and void, and to the supervisory role of the Labour Inspectorate in this context.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report notes that Andorra does not have specific occupational health and safety regulations for self-employed workers, although legislation adopted in 2023 (Law No. 11/2023 on Measures in Favour of Self-Employed Workers) introduced favourable measures on taxation and social security. The Committee therefore reiterates its previous conclusion that the situation in Andorra is not in conformity with Article 3§2 of the Charter on the ground that self-employed workers are not protected by occupational health and safety regulations.

Teleworkers

The report notes that Andorra plans to adopt amendments to Law No. 34/2008 on Occupational Health and Safety that would ensure that teleworkers are covered in this respect.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer’s premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers

working at the employer's premises. States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during telework. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The Committee concludes that the situation in Andorra is not in conformity with Article 3§2 of the Charter on the ground that teleworkers are not protected by occupational health and safety regulations.

Domestic workers

The report refers to the relevant provisions of Law No. 34/2008, which the Committee reviewed in 2017 and found to be in conformity with the Charter (Conclusions 2017). While Law No. 34/2008 does not apply to work carried out in domestic settings, employers are obliged to ensure that domestic workers work in healthy and safe conditions. The report also notes that Law No. 34/2008 applies to all domestic workers employed by a cleaning service company to carry out cleaning tasks in a family home. In this case, the cleaning service company, acting as employer, must comply with standard occupational health and safety protections.

Temporary workers

The report notes that Law No. 34/2008 applies in equal measure to workers on seasonal, temporary and fixed-term contracts.

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 3§2 of the Charter on the grounds that:

- self-employed workers are not protected by occupational health and safety regulations;
- workers performing telework are not protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the Group 1).

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report indicates that the control of the application of the standards in matters of safety and health at work is the responsibility of the Labour Inspection Service, as defined in the Law establishing the Labour Inspection Service of 24 July 1984, the Law 31/2018 on Labour Relations and the Law 34/2008 on Safety and Health at Work. The report states that the number of labour inspector positions has increased from seven to nine during the year 2024 in order to allow for the carrying out of a greater number of *ex officio* actions.

Domestic workers

The report notes that while Law No. 34/2008 on Safety and Health at Work does not apply to work carried out in domestic settings, employers have the obligation to ensure that the work of the persons employed is carried out in appropriate safety and hygiene conditions (Article 2(3) of Law No. 34/2008). The report states that, however, the Labour Inspection Service does not have the power to act, but workers affected by possible non-compliance in terms of occupational safety and health may take appropriate action before the Andorran courts.

The Committee notes that, according to the report, the Labour Inspection Service does not have the power to act and no other measures are being reported in relation to domestic workers. The Committee concludes that the situation in Andorra is not in conformity with Article 3§3 of the Charter on the ground that measures have not been taken to ensure the supervision of implementation of health and safety regulations concerning domestic workers.

Digital platform workers

The report indicates that Law No. 34/2008 on Safety and Health at Work incorporates the general principles of protection existing in most European countries in terms of risk prevention. The Labour Inspectorate acts in accordance with this legal system, as for example in the case, currently under investigation, of a complaint received by a Spanish citizen who works under a teleworking regime for a company a priori based on Andorran territory, which is presumed not to comply with the current rule.

Teleworkers

The report indicates that the Law No. 34/2008 on Safety and Health at Work applies to all employment relationships that take place in the Principality of Andorra and to employment relationships that are initiated or formalised between companies established in Andorra and workers whose object of work is abroad, unless in the contract the parties have agreed the application of the law of the foreign country.

The report notes that the Labour Inspection Service is the competent body to carry out actions aimed at monitoring compliance with Law 34/2008.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during telework. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety, and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

The report indicates that Law No. 34/2008 on Safety and Health at Work applies to workers posted by foreign companies to Andorra and the Labour Inspection Service monitors compliance with the law. In this sense, during the period 2022 to 2024, the Labour Inspection Service received 3 complaints and carried out 20 ex officio inspections to verify the working conditions and safety and health at work of workers transferred by foreign companies to Andorra and, to date, 8 sanction files have been opened for non-compliance with Law 31/2018 on Labour Relations and Law 34/2008 on Safety and Health at Work.

Workers employed through subcontracting

The scope of application of Law 34/2008 on Safety and Health at Work states that: "this law is applicable to all employment relationships that take place in the Principality of Andorra. As with all workers, regardless of the type of contract and working hours, the Labour Inspectorate ensures compliance with the regulations".

Self-employed workers

The Labour Inspection Service acts in response to possible violations of the regulations that affect workers in companies operating on Andorran territory, but it does not include in its application anything that affects employers or owners of a company.

The Committee previously found that the situation in Andorra was not in conformity with Article 3§2 of the Charter on the ground that self-employed are not adequately protected (Conclusions 2021, Conclusions 2017, Conclusions 2013).

The Committee recalls that it has recognised that, given the difference in the conditions in which a worker and a self-employed worker carry out their activities, there may, to a certain

extent, have to be different rules for applying safety and health requirements. However, the objective of providing a safe and healthy working environment must be the same for both employed and self-employed workers, and the regulations and their enforcement must be adequate and suitable in view of the work being done (Conclusions XIV-2 - Statement of interpretation - Article 3).

The Committee concludes that the situation in Andorra is not in conformity with Article 3§3 of the Charter on the ground that measures have not been taken to ensure the supervision of implementation of health and safety regulations concerning self-employed workers.

Workers exposed to environment-related risks such as climate change and pollution

The report states that there are no specific rules on risks related to the environment such as climate change, other than Law 34/2008 on Safety and Health at Work, which includes the general principles of protection against risks that may arise depending on the development of a work activity by the worker. As noted from the report, the Labour Inspectorate monitors the implementation of Law 34/2008 on Safety and Health at Work.

[Reference to the pedagogical language regarding climate change under Article 3§1].

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 3§3 of the Charter on the grounds that:

- measures have not been taken to ensure the supervision of implementation of health and safety regulations concerning domestic workers;
- measures have not been taken to ensure the supervision of implementation of health and safety regulations concerning self-employed workers.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of "work of equal value*"* lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond "equal", "the same" or "similar" work. It also encompasses work that may be of a different nature, but nevertheless of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by laying down the parameters for giving a broad definition to the equal value.

The Committee notes from the report that with regard to the public sector, Article 51.d of Law 6/2022 on the effective implementation of the right to equal treatment, opportunities and non-discrimination between women and men, defines work of equal value as work that requires a comparable set of professional knowledge, skills and effort, as well as responsibilities and a physical, mental and psychosocial burden. In the private sector, Article 54.4 of the same Law on the promotion and improvement of the employability of women, provides that public authorities must encourage greater professional diversification of women in the labour market, adopting the necessary measures to facilitate the integration of women in traditionally masculinised sectors and professions. They should also ensure that feminised sectors are socially and economically valued and guarantee working conditions comparable to those of traditionally masculinised sectors and professions of equivalent social and economic value.

In its previous conclusion (Conclusions 2020, Article 20) the Committee noted that the criteria for identifying work of equal value were laid down in domestic legislation. Under Article 13(2) of the Equal Treatment and Non-Discrimination Act, No. 13/2019, these are occupational or professional knowledge and skills, effort and capabilities required, level of responsibility and physical, mental and psycho-social demands.

The Committee considers that the notion of equal work or work of equal value is defined in law. Therefore, the situation is in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked that the report provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on grounds of sex is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

The Committee notes from the report that as regards the public sector, the Government through the Transparency Portal regularly publishes relevant information. On this Portal, professional classifications and current and updated remuneration systems can be consulted. With regard to the private sector, Law No. 6/2022 amended Law No. 31/2018 and introduced a new Article 5 on professional classifications. This Article provides that professional classification and definition of professional groups must be based on a prior evaluation of jobs with the aim of guaranteeing the absence of discrimination, whether direct or indirect, based on gender. To this end, the criteria for evaluating jobs must be objective and neutral and take into account the level of professional knowledge required, the physical, mental and psychosocial capacities and efforts, as well as the responsibilities associated with the jobs. These criteria must be applied in an identical manner to all jobs.

The Committee considers that the job classification and remuneration systems in Andorra reflect the equal pay principle. Therefore, the situation is in conformity with the Charter on this point.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27).

The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

The Committee notes from the report that companies with fifty or more workers are required to keep an annual register of the gender gap in the workplace, including the following indicators, among others:

- the difference between the average annual total remuneration of women and the average annual total remuneration of men.
- the difference between the average remuneration of men and the average remuneration of women calculated on a full-time basis, by age group, professional group, according to the professional classification applicable to the company and category of equivalent or equal-value positions.
- the gap in the rate of individual salary increases between women and men, if increases have taken place in the last twelve months.
- the gap in the distribution of professional promotions, if promotions have taken place in the last twelve months.
- the proportion of women and men in all salary brackets. These salary brackets are those established in the application forms for the registration of data and indicators relating to the gender gap.
- the difference between the average bonus paid to men and the average bonus paid to women.

The report states that in 2023 men received an average salary of €2,716.4, compared to €2,189.4 for women. This corresponds to a difference of €527, i.e. an average salary for women representing 80.6% of that of men. In the private sector, the average salary for women is €1,926.3, while that of men is €2,602, which implies a difference of €675.7, or 26% less for women.

In its previous conclusion (Conclusions 2022, Article 20) the Committee observed that the global pay gap between men and women was 22.17% in 2018, compared with 22.57% in 2017, 23.24% in 2016 and 22.4% in 2015. The Committee considered that the gender pay gap had not been reduced during the reference period. Therefore, the Committee concluded that the situation was not in conformity with Article 20 (c) of the Charter on the ground that the obligation to make measurable progress in reducing the gender pay gap had not been fulfilled.

The Committee now observes that in 2023 the gender pay gap has remained high and no measurable progress has been made in reducing it. Therefore, the situation is not in conformity in this respect.

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 4§3 of the Charter on the ground that no measurable progress has been made in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Labour rights”).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

In reply, the report states that in Andorra, the recognition and development of trade union rights are relatively recent. The country faces structural challenges, such as the dominance of micro-enterprises (90% have fewer than ten employees) and high workforce turnover in sectors like tourism, that hinder the establishment of stable collective worker representation. Many employees prefer direct negotiation over union involvement.

According to the report, Article 18 of the Constitution recognises the right to creation and operation of employer, professional, and trade union organisations. The report explains that Law No. 33/2008 on conflicts and collective measures implemented, for the first time, Article 18 of the Constitution, by recognising, the right to establish trade union organisations, defining and regulating the right to freedom of association, the imperative condition of democratic functioning imposed on these organisations, the level of trade union representativeness and the judicial protection of recognised rights, as well as the prohibition of discrimination based on membership in a trade union organisation. A significant legislative development occurred in 2018, with the enactment of laws extending and detailing the representation structures within companies. These laws introduced works councils in enterprises with more than thirty employees, codified the procedures for the election of worker representatives, and broadened their functions to include consultation rights, information access, and participation in collective bargaining. Furthermore, legal provisions for managing collective labour conflicts at the enterprise level were established for the first time.

Despite this progress, union activity remains limited. Only one election for workers' representative bodies featured candidates representing a trade union, which, in this (public) company, became the majority. Only one union (USDA) holds majority representation in a public health company. Presently, the majority of registered unions represent public-sector workers, with minimal union presence in the private sector.

Several measures have been implemented to encourage greater union participation and representation. Notably, the establishment of the Economic and Social Council in 2019 has created a tripartite platform facilitating dialogue among government authorities, trade unions, and employer organisations. In addition, regulatory reforms have sought to simplify electoral procedures for worker representatives and to formalise the registration of employer organisations.

The Committee understands from the report that no particular measures have been taken specifically targeting sectors which traditionally have a low rate of unionisation such as the gig economy.

The Committee therefore concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a row rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that in Andorra, the recognition of employers' organisations for the purposes of social dialogue and collective bargaining is based on several legal criteria, which are defined in Law No. 32/2018 on union and employer actions. Among the criteria taken into account are: legal compliance (the organisation must be established and registered); statutory objectives compatible with social dialogue (the organisation's statutes must explicitly include objectives related to the defence and promotion of the interests of employers); recognition by the competent authorities, via an official register.

Furthermore, this Law provides that the scope of action of employers' organisations is determined by their level of representativeness:- The most representative employers' organisations are those made up of affiliates that employ at least 20% of workers throughout the Principality of Andorra.- Employers' organisations are considered representative if they are made up of affiliates that employ at least 25% of workers in a given sector of activity.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

In reply, the report indicates that according to Law 32/2018, a trade union must be legally constituted and officially registered to be recognised. Its statutes must clearly state that its purpose is to protect workers, improve their working conditions, and participate actively in social dialogue processes.

Trade unions in Andorra are classified based on their representativeness. Those considered most representative:- must have at least 15% of staff representatives or works council members elected across the whole country. - must have at least 20% representation in a particular company or sector. - To qualify, elections must take place in companies that employ a significant portion of the workforce—at least 20% nationally or 25% within a sector. When these strict thresholds are not met, a transitional rule allows trade unions with larger memberships to participate in key advisory bodies like the Economic and Social Council.

According to the report, minority trade unions still enjoy a broad set of rights under the law. They are entitled to organise, draft their own statutes, manage their internal affairs, and conduct trade union activities. They may also join or form federations and international unions and offer unemployment benefit insurance schemes to their members. These unions cannot be dissolved or suspended without a final judicial ruling. They can also access public subsidies proportionate to their membership, up to half of the fees collected from members in the previous year.

Within companies, workers have several forms of representation beyond traditional trade unions. Law 31/2018 establishes that workers can elect representatives and form works councils, both of which have a permanent role in representing workers' interests. There is also provision for workers with specific temporary mandates to represent their colleagues. These representatives are chosen directly by workers through democratic elections and have rights to meet, receive information, and engage in dialogue with management.

The right to organise of the police and armed forces

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

The report states that Andorra does not have armed forces.

Police officers have the right to form and join trade unions exclusively composed of police members to defend their professional interests. They may organise and take industrial action; however, such activities are subject to limitations ensuring public trust and safety, in line with the fundamental principles of police operation.

Conclusion

The Committee concludes that the situation in Andorra is not in conformity with Article 5 of the Charter on the ground that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

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

The Committee takes note of the information contained in the report submitted by Andorra.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions protecting women must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market the report refers to Law 6/2022 that has five fundamental objectives, the first of which is to promote the balanced participation of women and men in the labour market. According to the report in 2023, 82% of women were employed compared to 87% of men. In 2018, the employment rate was 78% for women and 86% for men.

The Committee considers that a measurable progress has been made in promoting women's participation in the labour market. Therefore, Andorra is in conformity with Article 20 of the Charter on this point.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those

measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies or electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee underlines that the effectiveness of measures taken to promote effective parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies.

The report refers to Law 6/2022 that has introduced general measures to promote effective parity in the representation of women and men in decision making positions. This law provides for balanced participation of women and men in the sharing of political power and has introduced the percentage of 40 % participation of women in general and municipal elections.

According to the report, the percentage of women members of the parliament has significantly increased in the period between 1997 and 2023.The same is valid for the ministers (6 out of 11 ministers are women). Furthermore, the data provided highlights gender representation across different roles in the judiciary. The data suggests that women outnumber men as judges, indicating a shift toward gender balance or even female predominance in judicial decision-making roles. The near-equal distribution of magistrates (7 women, 8 men) suggests that gender equality is being achieved in this segment of the judiciary.

Women are in the majority at the deputy prosecutor level. This suggests that gender equality is progressing within the judiciary, particularly in decision-making roles. Furthermore, in Andorra there is a strong presence of women in general public administration (73,1%) that suggests significant access to employment opportunities.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both

the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report, there are no Andorran companies listed on international stock exchanges. Andorra does not have its own stock exchange, and the country's businesses are generally small or medium-sized, primarily focused on the local market.

Conclusion

The Committee concludes that the situation in Andorra is in conformity with Article 20 of the Charter.