January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

ESTONIA

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 Estonia on 11 September 2000. The time limit for submitting the 21st report on the application of this treaty to the Council of Europe was 31 December 2024 and Estonia submitted it on 31 December 2024. On 12 June 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 3§1, 3§2, 3§3, 6§1, 6§2, 6§4. The Government submitted its reply on 22 July 2025 and 24 July 2025.

The present chapter on Estonia concerns 10 situations and contains:

– 1 conclusion of conformity: Article 2§1

– 9 conclusions of non-conformity: Articles 3§1, 3§2, 3§3, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Estonia 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 Estonia.

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.

In reply, the report states that in Estonia there is no legally, collectively agreed or otherwise defined list of jobs where weekly working hours can exceed 60 hours.

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).

Working hours of maritime workers

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

With regard to maritime workers, the report states that the Seafarers Employment Act (SEA) regulates maritime workers working and rest time. General conditions are regulated by Employment Contracts Act (ECA) unless determined otherwise by SEA. ECA provides that the summarised working time shall not exceed 48 hours in 7 days over a reference period of 4 months, unless a different reference period has been provided by law. The worker and the employer may agree upon a longer working time if the summarised working time does not exceed 52 hours in 7 days over a reference period of 4 months and the agreement is not unreasonably detrimental to the worker. A maritime worker must be guaranteed at least 10 hours of daily rest time and at least 84 hours of rest over a period of seven days.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time 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.

In reply, the report states on-call time is a separate category and is neither working time nor rest time. On-call time does not include the time when the worker is required to be at the workplace, because this time is considered working time. Remuneration of not less than 1/10

of the agreed wages shall be paid to the worker for on-call time, and this only applies to the idle period of on-call (see also Conclusions 2022). When the worker performs work during on-call time, they shall be paid their normal wages.

The Committee notes that in Estonia, on-call periods are neither work, nor rest time, but that the idle on-call periods are compensated.

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).

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 2§1 of the Charter.

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 Estonia.

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 refers to the Welfare Development Plan for 2016-2023 (described in Conclusion 2021), which sets out the main strategic objectives for the implementation of the occupational health and safety (OSH) policy in Estonia.

The report notes that the Welfare Development Plan for 2023-2030 articulates additional policy instruments related to occupational health and safety. These include measures to enhance employers' and workers' awareness of occupational safety and employment relations; provide support and guidance to employers and workers to ensure compliance with occupational safety requirements and mitigate workplace risks, taking into account specific workplace hazards and health risks; develop digital solutions to facilitate employers' compliance with safety requirements; and reduce working under the incorrect provision of service agreements.

The gig or platform economy

In response to a request for additional information, the report states that Estonia has experienced a significant increase in platform work over the past decade. It cites a 2021 study of the Riigikogu Foresight Centre which found that 56,000 persons (7% of the working-age population) were engaged in platform work weekly, while 160,000 participated occasionally.

The report notes that Estonian legislation does not define platform workers as a distinct category and that most platform workers operate as self-employed persons under service contracts, which gives them access to general social protections (e.g. unemployment insurance and health coverage). The report further states that certain occupational health and safety requirements, such as ensuring soundness and correct use of work equipment, providing information on job-related hazards, and ensuring safety when performing work may be applicable to platform workers under a service or contract agreement in accordance with the Occupational Health and Safety Act (OHSA).

The report further notes that, while psychosocial risks related to platform work are not systematically addressed in separate legislation, existing national policies support inclusive occupational health and safety measures for all forms of employment. In this context, the

report refers to the activities set out in the Development Plan 2023-2030 concerning, *inter alia*, awareness-raising and implementation of preventive measures.

Furthermore, the report notes that Estonia supported the Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving the working conditions in platform work, which addresses psychosocial risks arising from algorithmic and automated management systems by introducing safeguards that apply to all platform workers, irrespective of their contractual status.

The Committee notes that the Directive (Article 12) places an obligation on digital labour platforms to evaluate the risks of automated monitoring systems and automated decision-making systems to the safety and health of platform workers, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks. In this regard, digital platforms must assess whether appropriate safeguards are in place and introduce preventive and protective measures. Digital labour platforms must also ensure effective information, consultation, and participation of platform workers and provide for effective reporting channels in order to ensure the health and safety of platform workers, including from violence and harassment. The Directive also provides that digital labour platforms shall not use automated monitoring systems or automated decision-making systems in a manner that puts undue pressure on platform workers or otherwise puts at risk their safety and physical and mental health.

Telework

The report notes that employers can allow teleworking in jobs where the risk of harm to the workers' health is low and where workers are able to manage on-site hazards in the environment based on the employer's instructions (e.g. work using a computer, simpler handicrafts). Teleworking should not be performed if special requirements apply to the working environment (e.g. forced ventilation, noise insulation). When teleworking is performed at home, the employer may only assess the risks in the working environment on site with the worker's consent. The main way in which an employer can mitigate the risks associated with the place of teleworking is through issuing instructions to the worker.

Article 135 of the Occupational Health and Safety Act (OHSA) of 2019 requires the employer to set out in the risk assessment the possible risks arising from the nature of work, taking into account the specific nature of teleworking, and implement measures to prevent or reduce the worker's health risks; provide instructions to the worker before permitting teleworking on a regular basis as needed, in accordance with §131 of the OHSA; ensure the provision of appropriate work equipment for the performance of duties; organise medical examinations of workers; investigate occupational accidents and occupational diseases according to §24 of the OHSA; and pay sickness benefits in accordance with §122 of the OHSA. The workplace for teleworking is furnished in accordance with the agreement between the worker and the employer. Furthermore, the employer is required to comply with occupational health and safety obligations not specified in the OHSA, insofar as possible and taking into account the particular nature of teleworking.

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.

Jobs requiring intense attention or high performance

In response to a request for additional information, the report states that under Estonian law, employers are required to ensure a safe and healthy working environment through risk assessment and preventive measures, including in relation to psychosocial risks arising from

sustained high performance or tasks requiring intense attention. Specifically, under §9[1] of the OHSA employers must take steps to prevent harm arising from psychosocial hazards, including by adapting the organisation of work and workplace to suit the worker, optimising the workload and work intensity, ensuring adequate breaks during working hours, and improving the overall psychosocial working environment.

Jobs related to stress or traumatic situations at work

The report notes that the OHSA of 2019 defines psychosocial hazards as those which arise when work involves a risk of accident or violence, unequal treatment, bullying and harassment at work, work not corresponding to the abilities of a worker, working alone for extended periods of time and monotonous work, and the organisation of work and the working environment that may affect the mental or physical health of a worker and cause work-related stress.

In 2023, a new list of occupational diseases came into force and is supplemented by Article 41 of the OHSA which identifies occupational diseases caused by psychosocial agents in the working environment, including post-traumatic stress disorder.

The employer must take measures to adapt the organisation of work and the workplace to suit the worker, optimise the worker's workload, ensure breaks are included in the working time and improve the enterprise's psychosocial working environment.

The report notes that the Labour Inspectorate provides guidance and information to employers and workers across all sectors on how to identify, address and prevent violations related to the working environment and employment relations, either through the Work Life portal or via free consultations with occupational safety consultants and advisory lawyers. The Labour Inspectorate also organises various events, training sessions, conferences and information mornings. As of summer 2023, the Labour Inspectorate has offered a free of charge, nation-wide, mental health consultation service to support employers' activities in managing psychosocial risk factors. In response to a request for additional information, the report references the Mental Health Action Plan 2023-2026 of the Ministry of Social Affairs, which prioritises systematic support for worker wellbeing and mental health at work.

According to amendments to the regulation on the occupational health service, since 2023, the occupational health situation of a company is to be assessed as a whole by the occupational health doctor, in addition to conducting health checks of individual workers. The assessment is organised by the employer on a regular basis, at least once every three years.

The report further notes that, in 2024, Estonia ratified the International Labour Organization's Convention No. 190 on the elimination of violence and harassment at work.

Jobs affected by climate change risks

The report notes that, while risks associated with climate change are not addressed through specific regulations, they are covered by the general risk assessment regulations, referenced above. The report specifies that the purpose of the risk assessment is to identify and assess all hazards in the working environment and take measures to minimize or eliminate risks arising from working environment hazards, through the preparation of an action plan.

The Committee notes that the report does not provide adequate information concerning the issues raised in the targeted question.

Therefore, the Committee concludes that the situation in Estonia 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 jobs affected by climate change risks.

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 Estonia 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 jobs affected by climate change risks.

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 Estonia.

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).

The assessment of the Committee will therefore concern the information provided by the Government in response to the 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 Estonia does not have any specific regulations on the right to disconnect. However, the Employment Contracts Act contains strict rules on working time, including overtime and rest periods, as well as a prohibition on victimisation.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Estonia is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

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 the Occupational Health and Safety Act applies in the context of an employment relationship. The existence of such a relationship is determined with due regard to the nature of the work performed and the degree of subordination between the parties. Accordingly, self-employed workers may be classified as workers or service providers, with implications for occupational health and safety. In the latter scenario, the service provider under a civil-law contract is responsible for ensuring safe working conditions with respect to the service delivered. The report explains further that the Occupational Health and Safety Act applies to service providers (including self-employed workers) on an exceptional basis in two respects. First, service providers must ensure that any work equipment is in good condition and used correctly and appropriately. Second, employers and service providers working in the same workplace are jointly responsible for ensuring compliance with occupational health and safety regulations.

Teleworkers

The report notes that the Occupational Health and Safety Act contains several provisions outlining employers' obligations toward teleworkers, namely regarding risk assessments, the provision of suitable work equipment, the organisation of medical examinations, the investigation of occupational accidents and diseases, and the payment of sickness benefits.

Domestic workers

The report does not provide the requested information. In response to a request for additional information, the Government notes that the extent of coverage under the Occupational Health and Safety Act depends on the type of employment arrangement applicable to the domestic workers concerned, based on the rules outlined in the section on self-employed workers above. Notably, when domestic work is performed under an employment contract, the worker is entitled to the full occupational health and safety protections provided by the Occupational Health and Safety Act.

Temporary workers

The report notes that temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under occupational health and safety regulations as workers on contracts with indefinite duration.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

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 Estonia.

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 Group 1).

In its previous conclusion, the Committee concluded that the situation in Estonia was not in conformity with Article 3§3 of the Charter on the ground that the labour inspection system concerning occupational health and safety was ineffective (Conclusions 2021).

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the 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 Labour Inspectorate carries out state supervision mainly for workers working under employment contracts. The report states that, however, other categories of workers could also be subject to supervision when they are working alongside employers' workers or in a targeted sector. For example, if the building and construction sectors are selected for inspection, construction sites are inspected, and all workers on the site are subject to inspection, including self-employed workers, workers employed through subcontracting, posted workers, or other categories of workers. The report notes that, on an annual basis, the Labour Inspectorate selects high-risk sectors for inspection. In addition, the Labour Inspectorate may carry out inspections based on complaints and information received.

The report notes that in 2021, a new regulation entered into force regarding the risk assessment of working environments. It sets out that the employer must prepare risk assessments and either upload them to the working environment database ("TEIS") or send them to the Labour Inspectorate in writing (see report on Article 3§1 of the Charter).

Domestic workers

In response to a request for additional information, the report states that domestic workers employed under formal employment contracts fall under the scope of the Occupational Health and Safety Act. The Labour Inspectorate oversees compliance with occupational health and safety requirements for all such workers, including domestic workers. Supervision may be conducted when employment relationships are declared or brought to the Inspectorate's attention, including following complaints or requests.

The report also states that, although formal employment of domestic workers is uncommon in Estonia, these workers have the right to contact the Labour Inspectorate directly. They can report violations anonymously or request one-to-one counselling from occupational health and safety advisers. Additionally, public awareness campaigns and guidance materials available on the Tööelu website help both workers and employers understand their rights and obligations under the law. All workers, including domestic workers, have are entitled to access the Labour Inspectorate's advisory services and can seek assistance, submit enquiries or file complaints via the Labour Inspectorate's confidential tip line at 640 6000, by e-mail or by completing an online form.

Digital platform workers

The report states that the Labour Inspectorate carries out state supervision primarily for workers under an employment contract. It also mentions that all categories of workers in a particular sector selected for inspection (such as construction) will be subject to inspection carried out by the Labour Inspectorate.

Teleworkers

The report notes that Article 135 of the Occupational Health and Safety Act (OHSA) sets out the employer's obligations in the event of teleworking, such as carrying out a risk assessment of the working environment (see the report on Article 3§1 of the Charter). The report indicates that the Labour Inspectorate does not conduct separate inspections of teleworkers' homes. Instead, it may monitor compliance through the employer's risk assessment (for example, in instances where the risk assessment is not submitted to the Labour Inspectorate). Teleworkers may allow their employers to identify the risks in the working environment on site (e.g. risk assessment in the home office or home workshop), and employers are obliged to submit the risk assessments to the Labour Inspectorate.

The report states that, as the inviolability of the home and the protection of privacy are constitutionally protected values, neither the inspector nor the employer may enter the workers' homes without their consent.

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 teleworking. 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 to: (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 notes that posted workers are also inspected during the employment registration procedure in Estonia. A specific form is to be filled out and submitted to the Labour Inspectorate before a posted worker actually starts working.

Workers employed through subcontracting

The report states that all categories of workers employed in a particular sector selected for inspection (such as construction) will be subject to inspection by the Labour Inspectorate.

Self-employed workers

The report notes that the Occupational Health and Safety Act (OHSA) applies in the context of an employment relationship, defined as a situation where a person is engaged under an employment contract. However, the report states that the requirements set out for self-employed workers could also be controlled during inspections if they are working alongside employers' workers or in a sector targeted for inspections.

The Committee notes from the information provided in the report that only self-employed workers working alongside employers' workers or in a sector targeted for inspections are subject to supervision by the labour inspectorate. The Committee recalls that the objective of providing a safe and healthy working environment must be the same for both employed and self-employed workers, and that 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 considers that the situation in Estonia is not in conformity with Article 3§3 of the Charter on the ground that certain categories of self-employed workers are not subject to supervision by the labour inspectorate.

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

The report notes that there has been no necessity to address climate change risks or other emerging risks in more precise regulations. Climate change risks are covered by the general regulation of risk assessment. The purpose of a risk assessment is to identify and assess all hazards in the working environment and to take measures to minimise or eliminate risks arising from these hazards.

The Committee recalls that 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 Estonia is not in conformity with Article 3§3 of the Charter on the ground that certain categories of self-employed workers are not subject to supervision by the labour inspectorate.

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 Estonia.

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 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 is, 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 setting the parameters for a broad definition of equal value.

According to the report, the principle of equal pay for equal work is embedded in the Gender Equality Act (GEA). However, the law does not explicitly define 'work of equal value.' Instead, it requires that employers ensure workers are paid equally for the same or equivalent work, without gender-based discrimination. The notion of 'work of equal value' is generally understood to mean that jobs requiring similar skills, responsibilities, and working conditions should be compensated equally, but this is determined through interpretation and application rather than explicit legal text. The absence of a precise definition has led to reliance on broader EU directives and interpretations when addressing pay equity disputes. The law is set to be amended to include a definition of 'work of equal value,' derived from the transposition of the EU Pay Transparency Directive.

The Committee notes from the *Country Report of the Network of European Experts on Gender Equality and Non-discrimination* (Estonia, 2024) that there are no legal criteria on how to determine the same work or work of equal value or on how to assess the equal nature or equivalence of jobs. The Gender Equality and Equal Treatment Commissioner issues opinions to persons who have filed complaints of alleged discrimination and, where necessary, to persons who have a legitimate interest in monitoring compliance with the requirements for equal treatment. These opinions are not legally binding. To provide an opinion, the Equality

Commissioner has the right to obtain information from all persons who may have information necessary to establish the facts relating to a case of discrimination and demand written explanations concerning the facts relating to an alleged case of discrimination and the filing of documents or copies thereof.

Article 11.1(3) of the Equal Treatment Act (ETA) is the only article that deals with the question of comparison. It states that a comparable worker is a worker working for the same employer, who performs the same or similar work, with due regard to the worker's qualifications and skills. Where there is no comparable worker employed by the same employer, the comparison can be made by reference to the applicable collective agreement. Where there is no collective agreement, a worker engaged in the same or similar work in the same region will be considered to be a comparable worker.

According to the above-mentioned report, the GEA does not contain a definition of work of equal value, nor is there any relevant national case law. The GEA and ETA regulations do not contain any provisions regarding the criteria of equal or equivalent jobs. However, those requirements exist in national law indirectly. Employers must ensure the protection of workers against discrimination, and pay regulations and job descriptions and specifications must be gender-neutral. There has been no case law on the subject. The Commissioner for Gender Equality and Equal Treatment refers to the shortcomings in the legislation, which does not allow for comparisons of jobs due to the lack of criteria defined by law. The Commissioner is of the opinion that it is not possible to conclude from employment contracts and the explanations of the parties that the work was exactly the same. Furthermore, it is not possible to estimate whether the work of the comparators is the same.

The Committee considers that the absence of a definition of work of equal value and the absence of case law indicate that further steps still need to be taken to give full effect to the principle of equal remuneration in legislation; by laying down the parameters for establishing equal value. The situation is, therefore, not in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to 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 the grounds of gender 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.

By June 2026, Estonia will transpose the EU pay transparency directive, clarifying rules on pay transparency for both workers and employers. From 2026, Estonian employers must

establish pay structures to ensure non-discrimination and transparency, evaluating all positions based on gender-neutral criteria. To assist employers in meeting these requirements, the state will provide training sessions, online courses, and guidelines on gender-neutral job evaluation.

To support the implementation of pay transparency requirements project PALK will be carried out with the support by Citizens, Equality, Rights and Values Programme. The project's particular focus will be on the employer's meeting the job evaluation requirement. Activities planned for 2025-2026 include analysing potential methodologies for job evaluation and adapting a selected approach to the Estonian context. The project also aims to offer comprehensive training for employers and to build institutional capacity on job evaluation through training, guidelines, and knowledge exchange with selected EU Member States.

The Committee observes that the process of implementation of job classification and remuneration systems is under way but has not yet been fully achieved in the private sector. Therefore, the Committee considers that the situation is not in conformity on this point as job classification and evaluation systems have not yet fully been established in practice.

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 several contextual factors are significant in efforts to reduce the gender pay gap:

• Individual-Based Tax System: Estonia has an individual-based income tax system, meaning that income disparities between men and women do not affect family tax obligations. This allows for more equitable workforce participation across genders.

• Widespread Access to Early Childhood Education: Estonia offers widespread access to early childhood education and care, which supports women's participation in the workforce.

• Parental Benefit Reform (2018-2022): Recent reforms to the parental benefit system have aimed to increase fathers' involvement in childcare. As a result, the proportion of fathers taking shared parental leave has steadily grown, promoting a more balanced division of care responsibilities.

The report states that in 2024, the Pay Mirror (informational web-page) was launched as an informational webpage to support employers in addressing the gender pay gap and raising awareness. Pay Mirror is a digital tool that provides employers with statistics on their organisation's gender pay gap using administrative data, so employers do not need to input additional data. Pay Mirror is available to all Estonian employers (except for those under the Defense and Interior Ministries) who have at least three men and three women in their workforce, accessible via the Labour Inspectorate's Self-Service Environment (TEIS). TEIS is a mandatory portal designed to assist employers in establishing a safe working environment.

In its previous conclusion (Conclusions 2020, Article 20) the Committee considered that the Government had made efforts to reduce the gender pay gap and had taken measures to raise awareness through gender mainstreaming. Nevertheless, the Committee also observed that the gender pay gap, as an indicator of the effectiveness of these measures, had not changed in a sufficient manner. Therefore, the situation in this respect was found not in conformity with Article 20(c) of the Charter.

The Committee notes from Eurostat that the gender pay gap fell from 21.8% in 2019 to 16.9% in 2023. It notes that despite this positive development, the gender pay gap remains well above the EU average of 12%. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 4§3 of the Charter on the grounds that:

- work of equal value is not defined in law or case law
- job classification and evaluation systems have not yet been fully established in practice
- despite the measurable progress in reducing the gender pay gap, it remains high.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Estonia as well as the comments submitted by the Estonian Trade Union Confederation (EAKL).

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 Group 1).

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 provides detailed information on the 2021 amendments to the Collective Agreements Act regarding the extension of collective agreements. In addition, as part of the same amendment package, the Trade Unions Act and the Employees' Trustee Act were amended, to better define the employer's obligation to allow time off from working hours for the performance of tasks related to the workers' representatives' activities.

The report also provides information on regular tripartite meetings between the Minister in charge of the labour policy sector, the Estonian Trade Union Confederation and the Estonian Employers' Confederation. The report underlines the importance of involving social partners in the development of different policy measures in order to develop legislation and policies that truly respond to the needs of both employers and workers. During tripartite meetings, social partners discuss relevant topics, such as providing the right for collective bargaining for independent contractors and/or people performing platform work.

The report further states that under the EU Directive on adequate minimum wages, Estonia will draw up an action plan to promote collective bargaining. The exact content of this action plan is currently being discussed with the social partners.

EAKL, in their third-party submissions, states that while the social dialogue at the national level was satisfactory, after the change of Government in 2024, the social dialogue has been practically non-existent. The trade unions' involvement in consultation meetings which took place in 2024 was very limited and the proposals from the trade unions and workers were not taken into consideration. As to the above-mentioned action plan, EAKL underlines that the action plan lacks measures to promote unionisation of workers.

The Committee notes, from outside sources (PILLARS – Pathways to Inclusive Labour Markets: The case study of Estonia - European Union's Horizon 2020 Research and Innovation Programme and European Centre for International Political Economy - Regulating the Working Conditions of Platform Work) that there is no specific legislation for platform workers in Estonia and the legislation that regulates the working conditions of freelancers applies to platform workers. Many digital platforms offer contract-for-services (töövõtuleping) which provides a social safety net, including unemployment benefits, sick pay, and healthcare services but does not impose a minimum wage, mandatory holiday periods, or working time restrictions. These workers are considered to be self-employed offering services under their own name, and the terms of employment are regulated by the civil code and the Law of Obligations Act.

According to a study commissioned by the Ministry of Social Affairs (Kaire Holts, Study on organising platform workers in Estonia), since most platform workers in Estonia are self-employed, they do not have the right to enter into any collective agreement. According to

Eurofound (Regulating minimum wages and other forms of pay for the self-employed, 2022, p. 13), though the Trade Unions Act specifies that the aim of a trade union is to protect the rights and interests of workers, it emphasises that 'employees' are subordinate to and dependent on an employer, as opposed to autonomous self-employed people as defined by the Employment Contracts Act. Other forms of worker representation include workers'delegates, who have the right to conclude collective agreements at the workplace in the absence of a trade union. However, this assumes that the workers represented are subordinate to and dependent on an employer, excluding, therefore, self-employed persons, including platform workers.

In light of the above, the Committee concludes that it is not established that 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 (e.g., the gig economy).

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 there are no specific legal criteria in domestic law that must be met and are used to recognise an employers' organisation or employers' association for the purposes of engaging in social dialogue and collective bargaining. The Estonian Employers' Confederation ("ETKL") is the main representative organisation of employers in Estonia. Among the members of the Estonian Employers' Confederation are many large industrial associations and most of the large businesses in the country.

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 rights 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 explains that under the Trade Unions Act, at least 5 workers may form a trade union; a federation of trade unions may be founded by at least 5 trade unions; a central federation of trade unions may be founded by at least 5 national trade unions or federations of trade unions of an area of activity or profession. The passive legal capacity of a trade union takes effect as soon as it is entered into the trade union register and consists of the capacity to exercise civil rights and fulfil civil obligations. According to the Trade Union Act, trade unions have the right to hold negotiations in employment, service-related and social issues with employers and their associations, state authorities and local governments with a view to conclusing collective agreements and other contracts enabling them to exercise their powers.

Concerning minority trade unions, the report states that all trade unions established in Estonia have the same rights for the exercise of their competences, which are laid down in the Trade Union Act.

As to the existence of alternative representation structures at enterprise-level, the report explains that under domestic law, workers' representatives are:- workers trustee: the workers' trustee is elected by all workers of the company to represent them in their relations with the employer.- working environment representative: who is a representative elected by workers in occupational health and safety issues, and their term of authority is decided by the meeting of workers.- workers' representative in the Working Environment Council: a working environment council is a body for co-operation between an employer and the workers' representatives

which resolves occupational health and safety issues in the enterprise. In an enterprise with at least 150 workers, a working environment council is set up at the initiative of the employer, and it must comprise an equal number of representatives designated by the employer and representatives elected by the workers.- workers' representatives participating in international informing and consulting.- trade union trustee: a trade union trustee is a representative elected by a trade union who is a worker of an employer and performs the functions of an elected representative.

The right of the police and armed forces to organise

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)).

According to the report, under Article 4§1 of the Trade Union Act, persons have the right to freely, without prior permission, establish trade unions, and join or not join them. However, Article 4§2 of this Act provides for an exception to the freedom of association, prohibiting specifically active military servicemen from founding or joining a trade union. Members of police forces have the right to join trade unions.

The Committee considers that the complete suppression of the right to organise (which involves freedom to establish organisations/trade unions as well as the freedom to join or not to join trade unions) is not a measure which is necessary in a democratic society for the protection of, inter alia, national security (see Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §92).

The Committee finds that several military associations exist in Estonia (dealing with retired or reserve personnel, active serving personnel as well as veterans). The existing associations are engaged in cultural and social activities but are not specifically working on the professional situation and working conditions of military personnel.

For the Committee, although Article 5, read in the light of Article G of the Charter allows for a margin of appreciation in prescribing the restrictions on the right to organise for military personnel, the complete ban on forming or joining associations with trade union prerogatives, is not in conformity with Article 5.

The Committee therefore concludes that the situation is not in conformity with Article 5 in this respect.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 5 of the Charter on the grounds that:

- it has not been established that 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.
- members of the armed forces are not guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Estonia and in the comments submitted by the Estonian Trade Union Confederation (EAKL).

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§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 in the report in response to the targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

According to the report, social partners are involved in the process of soliciting input and opinions on legislative improvements in all areas that affect them. Social partners are invited in different working groups and different meetings with interest groups. Furthermore, social partners are involved in different legislative stages, including the drafting of "intention of the law" (a document that precedes the actual drafting of the law and indicates the possible changes and impact), input collection for the drafting of the law and in the work of the respective working group to draft the law. If the development of the intention of the draft or the drafting is completed and sent to other ministries in accordance with the rules of procedure for coordination, it is also sent to the social partners for comments. All drafts are available in the public information system and accessible to everyone during the proceedings, and everyone has the right to express their views and send comments. In situations where social partners have controversial opinions or positions with the legislator, meetings with the social partners take place so that the parties can explain their views and reach a compromise before the draft law is adopted.

The EAKL submits that, while the social dialogue at the national level could "be considered relatively successful" in the past few years, after the change of Government in 2024, social dialogue "has been practically non-existent". A few meetings were held in 2024, where the EAKL was the only representative of workers, while the other stakeholders where employer and employer's organisations and it was "even claimed that employers speak on behalf of employees". According to EAKL, "the result was that the actual wishes of the workers were not taken into consideration, and the consultation was formal".

In the light of the above submissions, the Committee considers that it has not been established that joint consultations have been sufficiently promoted since 2024.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The report states that the following agreements have been reached:

- In 2023, social partners concluded a goodwill agreement setting targets for increasing the minimum wage until 2027. According to the agreement, the minimum wage increase should be a progressively growing proportion of the average wage, with targets set at 42.5% in 2024, 45% in 2025, 47.5% in 2026, and 50% in 2027. According to the EAKL, "the Government backed down from this agreement in 2024".

- A goodwill agreement to implement variable hours agreements entered into force between the Estonian Trade Union of Commercial and Servicing Employees, the Estonian Traders' Association, the Estonian Trade Union Confederation, the Estonian Employers' Confederation and the Ministry of Social Affairs, which aimed to pilot the use of variable hours agreements in retail from 15 December 2021 to 14 June 2024. In the retail sector, it is often necessary to change work schedules or to increase workload temporarily, which gives rise to the need to sign contracts under the Law of Obligations when the volume of work increases temporarily. Under a variable hours agreement, the worker could work up to 8 hours per 7-day period in addition to their usual working time. Variable hours agreements enable employers to engage more labour force part-time and with flexibility, thereby providing work for more people and ensuring workers greater protection with an employment contract as compared to a contract under the Law of Obligations. After the end of the pilot project, amendments to the Employment Contracts Act are being made regarding additional work-time flexibility.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

In reply to the Committee's reiterated request, the Government submitted that while there had been no joint consultations between workers and employers within the framework of collective bargaining that relate to the digital transition or the green transition, several legislative acts directly or indirectly related to the green transition have been submitted to stakeholders, including social partners, for written consultation. In addition, numerous meetings with representatives of various stakeholders were organized during the preparation of the draft Climate Resilient Economy Act. Regarding the digital transition, the Government provides details on the aims and implementation process of the Digital Agenda 2030 adopted in 2021.

The Committee recalls that joint consultation within the meaning of Article 6§1, is consultation between workers and employers or the organisations that represent them (Conclusions I (1969), Statement of Interpretation on Article 6§1.) The Committee considers that while there have been public consultations involving social partners on the green transition, it has not been established that joint consultations within the meaning of Article 6§1 have been carried out on matters related either to the digital transition or to the green transition.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 6§1 of the Charter on the ground that it has not been established that

- joint consultations have been sufficiently promoted since 2024;
- joint consultations have been held on matters related to the digital transition and the green transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Estonia and in the comments by the Estonian Trade Union Confederation (EAKL).

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§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 found that the situation in Estonia was not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining was not sufficient (Conclusions 2022). The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions asked, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

The report notes that the Collective Agreements Act establishes specific rules concerning the extension of collective agreements. Specifically, a collective agreement may be extended by mutual agreement of representative parties in relation to conditions on wages, working time, and rest periods. Once extended, these provisions apply to all employers and workers within the specified industry or trade, regardless of whether they are parties to the agreement or directly represented by the signatory organisations. The criteria for such extension include that the trade union or its federation must have at least 500 members or represent 15% of workers in the relevant industry, and the employers' organisation must represent employers covering at least 40% of the workers in that sector. The process also requires the parties to inform and consult with other relevant stakeholders before the extension takes effect.

The report further notes that national-level provisions may be established through collective bargaining between the central confederations of employers and trade unions. This includes, notably, the agreement on a national minimum wage, which the Government subsequently adopts as binding under the Employment Contracts Act. Once adopted, this national minimum wage is compulsory and applies uniformly to all employers and workers across the country.

The Committee notes that that the favourability principle establishes a hierarchy among different legal norms and among collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out,

hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report notes the legal framework for the extension of collective agreements used to allow a small number of actors to extend agreements sector-wide, posing a disproportionate restriction on the freedom of enterprise. To address this, the Collective Agreements Act was amended in 2021 to set out specific representativeness criteria, establish procedures for information and consultation before the extension of conditions, and introduce mechanisms for verifying the legitimacy of such extensions. The Trade Unions Act, the Employees' Trustee Act, and the Employment Contracts Act were also amended to improve protections for worker representatives and guarantee time off for trustee duties, even in cases of multiple trustees. The report notes further that social partners are systematically involved in joint consultation in a tripartite format on matters of common interest. Notably, this includes the development of a collective bargaining action plan pursuant to the EU Directive on Adequate Minimum Wages.

The Committee notes, based on other sources, that collective bargaining in Estonia is very decentralised, and the dominant level of collective bargaining is enterprise level (Eurofound (2024). *Working life country profile: Estonia*). Only two sectors have sector-level collective agreements - transport and healthcare, while at the national level, only minimum wages are negotiated. The Committee also notes that collective bargaining coverage in Estonia has been declining steadily (19.10% of workers covered in 2021 compared to 32.5% in 2019), a situation attributed to strong resistance from employers and the high degree of trade union fragmentation (Müller, T. (Ed.). (2025). *Collective bargaining and minimum wage regimes in the European Union: The transposition of the EU Directive on adequate minimum wages in the EU27*. Brussels: European Trade Union Institute (ETUI)). In its comments, EAKL notes that collective bargaining is hindered by a lack of commitment on the part of employers, as well as on the part of the State.

The Committee further notes that high and stable collective bargaining coverage is typically associated with collective bargaining systems based on multi-employer, mainly sectoral, agreements (OECD. (2025). *Membership of unions and employers' organisations, and bargaining coverage: Standing, but losing ground*. OECD Policy Brief, among others). Based on the information available, the Committee notes that the bargaining system in Estonia is primarily enterprise-based, characterised by relatively low and declining bargaining coverage, and lacks meaningful coordination mechanisms. The report provides neither sufficient information regarding the operation of collective bargaining in practice, nor details on the measures taken to promote collective bargaining in line with Article 6§2 of the Charter. On the contrary, the Government appears to have adopted measures that further restrict collective bargaining, for example by imposing more stringent representativity thresholds, which have further reduced the number of sectoral collective agreements (Müller, T. (Ed.), 2025, op. cit.), or, according to EAKL, by failing to ensure sufficient consultation on the development of a collective bargaining action plan in line with the EU Directive on Adequate Minimum Wages. The Committee therefore reiterates its previous conclusion that the situation in Estonia is not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining is not sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report states that, while the issue of bargaining rights for self-employed workers has been discussed with social partners, it requires further analysis.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of a worker (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in Estonia is not in conformity with Article 6§2 of the Charter on the ground that the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has not been sufficiently promoted.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 6§2 of the Charter on the grounds that:

- the promotion of collective bargaining is not sufficient;
- the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, has not been sufficiently promoted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

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

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 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 (Conclusions 2022), the Committee held that the situation in Estonia was not in conformity with Article 6§4 of the Charter on the ground that all public servants exercising authority in the name of the State are denied the right to strike. 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 related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors in which the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to the report, section 59 of the 2012 Civil Service Act (RT I, 06.07.2012, 1) prohibits "officials" from striking. An official is a person "*who is in the public-law service and trust relationship with the state or local government*" (section 7(1) of the Civil Service Act).

Officials are considered to exercise a form of public authority, where they are involved in: directing of an authority; the exercise of state and administrative supervision, as well as the conduct of internal audit; ensuring of the security and constitutional order of the state; ensuring the permanent military defence of the state and prosecution of offences; the diplomatic representation of the Republic of Estonia in foreign relations; the taking of decisions necessary for the performance of the principal functions of the Riigikogu, the President of the Republic, the National Audit Office, the Chancellor of Justice and the courts, the substantive preparation or implementation thereof; the substantive preparation or implementation of policy-making decisions within the competence of the Government, local government council, municipal or city government and authority; activities which, in the interests of strengthening and developing the official authority, cannot be given to the competence of a person who is only in the relationships governed by private law with the authority" (section 7(3) of the Civil Service Act).

The report states that both officials and workers work in public institutions, but since workers do not exercise public authority, they are in a private law (contractual) relationship with the government (section 7(4) of the Civil Service Act) and are not subject to restrictions on the right to strike. The distinction is based on the execution of public authority duties and performance.

In its response to a request from additional information the report clarifies that under Section 59 of the Civil Service Act, as they are public officials, police officers are prohibited from striking.

According to the report, the Collective Labour Dispute Resolution Act (KTTLS) prohibits strikes in governmental authorities and other state bodies, local governments, the Defence League, courts and rescue service agencies.

The Committee recalls that restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedoms of others or to the public interest, national security and/or public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4). Even in

essential sectors, however, particularly when they are extensively defined, such as "*energy*", "*health*" or "*law enforcement*", a comprehensive ban on strikes is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114).

Simply prohibiting workers of these sectors from striking, without distinguishing between their particular functions, cannot be considered proportionate to the aim of protecting the rights and freedoms of others or for the protection of public interest, national security, public health, or morals, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic). The imposition of an absolute prohibition of strikes to categories of public servants, such as police officers, prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic). While restrictions to the right to strike of certain categories of civil servants, whose duties and functions, given their nature or level of responsibility, directly affect the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45), a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4). Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

Having regard to the nature of the tasks carried out by judges and prosecutors who exercise the authority of the State and the potential disruption that any industrial action may cause to the functioning of the rule of law, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified, provided such prohibition complies with the requirements of Article G, and provided the members of the judiciary and prosecutors are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration.

The Committee recalls that it previously found the situation not to be in conformity with the Charter on the grounds that that all public servants exercising authority in the name of the State are denied the right to strike (Conclusions 2022). As there has been no change to this situation the Committee reiterates its previous conclusion of non conformity.

Further it considers that the absolute prohibition on the right to strike in governmental authorities and other state bodies, local governments, courts and the rescue service agencies, as provided in the Collective Labour Dispute Resolution Act (KTTLS), goes beyond the limits set by Article G of the Charter.

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v.

Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211), This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, including the prevention, detection and documentation of criminal offences; arrests; regulation and control of road traffic; protection of people and property; border control and; prevention and handling of incidents at borders.(Conclusions 2022, North Macedonia).

The Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground that the absolute prohibition on the right to strike for the police, as stipulated in Article 75(1) of the Labour Code, goes beyond the limits set by Article G of the Charter.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G, i.e. if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

The Committee notes in this regard that, under section 21(2) of the Collective Labour Dispute Resolution Act (KTTLS), while strikes are prohibited in the armed forces (section 21(1) and (1-1)), collective labour disputes can be addressed by negotiations, by the medium of the Public Conciliator or through judicial proceedings.

Therefore, the Committee considers that the situation regarding the prohibition of the armed forces to strike is in conformity with Article 6§4 of the Charter, read in conjunction with Article G of the Charter.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where there are restrictions on the right to strike as well as to provide details on relevant rules and their application in practice, including relevant case law.

In its report, the Government states that under the Collective Labour Dispute Resolution Act (KTTLS) the right to strike is restricted in enterprises and institutions which satisfy essential needs of the population and economy (section 21(3)). In such enterprises or institutions, the required minimum services shall be determined by the agreement of the parties. In the absence of such an agreement, the minimum services shall be decided by the Public Conciliator whose decisions are binding. Additionally, although section 21(4) of the KTTLS provides that "A list of enterprises and institutions which satisfy the primary needs of the population and economy shall be established by the Government of the Republic", no such list has been established, because, according to the report, this would be "*unreasonable*", "as it is not possible to identify in a single list all the enterprises and institutions which meet the fundamental needs of the population and the economy".

The Committee notes that the wording in section 21(3) and (4) of the KTTLS is vague. The expression "*enterprises and institutions which satisfy the primary needs of the population and economy*" suggests that minimum service requirements can be imposed beyond what is essential for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals, as required under Article G the Charter. In particular, the reference to the "*primary needs of the economy*" suggests that strikes that may cause significant economic loss can be restricted by imposing on workers that they continue to provide at least minimum services, which would go beyond the restrictions allowed under Article G. The Committee recalls in this regard that "*purely economic considerations or concerns of a practical or organisational nature*" cannot alone be regarded as sufficient justification for restrictions on the right to strike (European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands, Complaint No. 201/2021, decision on the merits of 24 January 2024, para. 87).

Therefore the Committee concludes that the situation is not in conformity with the Charter in this respect.

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

In its report, the Government has indicated that under the Collective Labour Dispute Resolution Act (KTTLS) a strike will be unlawful if the procedure for announcing or organising a strike proscribed by the law was not followed, if there were no negotiation or conciliation proceedings prior to the strike, if it affects the activities of the courts or if it merely makes political demands or demands which do not concern employment. This latter exclusion of the right to strike is not stipulated in the KTTLS, however; it has been introduced by the Supreme Court. The Committee considers however that, while political strikes (addressed at the government rather than at any particular employer) are generally not covered under Article 6§4, they are protected as a legitimate exercise of the right to strike in cases of conflicts of interests if they aim to protect the right to collective bargaining against the risks posed by legislative or policy initiatives from the government or from Parliament.

The report states that the start of a strike may be postponed once by one month by the Government on the proposal of the Public Conciliator, or by two weeks by the city or rural municipality government on the proposal of the Public Conciliator. The Government has the right to suspend a strike in the case of a natural disaster of catastrophe in order to prevent the spread of an infectious disease or in a state of emergency.

Further the report states that there are no decisions in the last 12 months on declaration of a strike unlawful or on the postponement of the strike.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 6§4 read in conjunction with Article G of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- the absolute prohibition on the right to strike for all "officials" as defined by section 7 of the 2012 Civil Service Act goes beyond the limits permitted by Article G of the Charter;
- the absolute prohibition on the right to strike in governmental authorities and other state bodies, local governments, courts and the rescue service agencies, as provided in the Collective Labour Dispute Resolution Act (KTTLS), goes beyond the limits permitted by Article G of the Charter;

- the restrictions on the right to strike, provided under section 21(3) of the Collective Labour Dispute Resolution Act (KTTLS), in enterprises and institutions which satisfy essential needs of the population and economy, are too broad;
- the absolute prohibition on the right to strike for the police, as stipulated in Article 75(1) of the Labour Code, goes beyond the limits set by Article G of the Charter.

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 Estonia.

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 and to reduce gender segregation the report refers to policies implemented by key projects, 'Glass Walls and Ceiling in the Estonian ICT Sector' (2021) and 'Nudging to Support Stereotype-free Career Choices and Working Conditions' (2022). According to the report these projects provide valuable insights and form a foundation for further measures to reduce gender segregation in education and the labour market. In 2024, another research project examined factors contributing to the underrepresentation of men in education, health, and welfare, aimed at supporting evidence-based policy development.

The report refers to various initiatives implemented by the Ministry of Economic Affairs and Communications (2023–2029). These initiatives aim to address gender segregation in education and the labour market, particularly in STEM and EHW sectors and by promoting women in leadership.

Another ongoing activity is the development of a gender equality training program for career counsellors at the Estonian Unemployment Insurance Fund. The aim is to counter gender

stereotypes and promote diverse career choices among both adults and students (grades 7–12). The total budget for these efforts is €3.5 million, co-funded by the European Social Fund.

One notable advancement is the revision of the national curriculum for technology subjects, effective from the 2024/2025 academic year. According to the report the updated curriculum mandates that all students participate in all activities, fostering a more balanced skill development and actively addressing gender stereotypes from an early age. The Committee notes that these targeted educational and employment initiatives represent progress.

The Committee notes from Eurostat that the employment rate of women stood at 81.7% in 2023 and 80.0% in 2025 compared with 83.4% and 82.6% for men, respectively. The Committee notes that the gender employment gap is significantly lower than in the EU on average.

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 observes significant efforts in Estonia to improve gender balance in leadership and reduce gender stereotypes in both the public and private sectors. According to the report legislative changes are being made to increase gender balance on the supervisory boards of state-owned companies. A draft law is being prepared in Estonia to transpose the EU directive on gender balance among board members of listed companies. Under this draft, equity issuers must choose between two objectives: ensuring that at least 40% of supervisory board members are of the underrepresented gender, or that at least 33% of both management and supervisory board members are of the underrepresented gender. Companies must achieve the chosen objective by 30 June 2026, and if they fail to do so, they will be required to apply transparent and non-discriminatory selection criteria when appointing board members. These provisions, in line with the directive, will remain in force until 31 December 2038.

According to the report the draft law also introduces a temporary positive action measure. Where candidates for board positions are equally qualified, preference will be given to a candidate of the underrepresented gender. Equity issuers must inform the Financial Supervision Authority about their chosen objective and their progress in fulfilling it. In addition, specific amendments target state-owned companies, requiring nomination committees to take

gender balance into account. For supervisory boards with three members, one-third must represent the underrepresented gender, while boards with four or more members must ensure at least two-fifths representation.

Furthermore, the "Power of Women Leaders" project tried to transform organizational culture to support women's advancement. The report refers to another ongoing study (2024) that focuses on identifying and analysing misogynistic narratives in Estonian media and social media, especially those targeting women politicians, with the goal of producing practical recommendations and educational tools. Finally, awareness-raising initiatives, such as the job shadowing event for girls on the International Day of the Girl (October 11, 2024), were organized to inspire girls to pursue leadership roles and to challenge gender stereotypes.

Public engagement initiatives have also been used to challenge gender stereotypes and highlight women's leadership potential. On the International Day of the Girl in October 2024, the Ministry of Economic Affairs and Communications, in cooperation with Junior Achievement, organized a nationwide job shadowing event. This program connected girls with prominent leaders in politics and business, encouraging them to pursue leadership roles and raising public awareness of the importance of gender balance in decision-making positions.

The Committee notes that while legislative and promotional actions are underway, persistent challenges in the labour market reveal that structural inequalities are not yet adequately addressed. Vertical segregation remains evident, as women are underrepresented in top corporate positions, despite being better represented at lower management levels. Political representation has improved with gender-balanced national governments in recent years, as reflected in the current Government composed of 7 men and 7 women. However, women's presence in parliament, local councils (approx. 30%), and leadership roles (25% of council chairs, 19% of mayors) remains limited. The share of female managers increased from 37.4% in 2020 to 41.1% in 2021, but slightly declined to 40.2% in 2023, indicating the need for sustained efforts.

The Committee notes from EIGE that the share of women among senior ministers decreased from 46.7% in 2023 to 30.8 % in 2025 but remains above the EU average. Women accounted for 27.7% in the national parliament in 2023 and 29.7% in 2025. There are no legislative candidate quotas in Estonia.

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 the proportion of women on the boards of publicly listed companies in Estonia is among the lowest in the EU. According to EIGE it amounted to 10.3% in 2023 and

14.6% in 2025. As regards the percentage of female executives, it stood at 23.8% in 2025, up from 21.2% in 2023.

As of October 2024, women make up 36% and men 54% of board members in the central bank. Conversely, gender balance in publicly owned broadcasting organisations has declined, with no women currently serving on the board of Estonia's public broadcasting service.

The Committee considers that despite the progress made, the representation of women on boards of the largest publicly listed companies is low. Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 20 of the Charter on the ground that the representation of women on boards of publicly listed companies remains low.