EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

January 2026

European Social Charter

European Committee of Social Rights

Conclusions XXIII-1 (2025)

General Introduction

This text may be subject to editorial revision.

GENERAL INTRODUCTION

1. The European Committee of Social Rights, established by Article 25 of the European Social Charter, composed of:

Ms Aoife NOLAN (Irish)
President
Professor of International Human Rights Law, School of Law
Co-Director of the Human Rights Law Centre
University of Nottingham (United Kingdom)

Ms Tatiana PUIU (Moldovan)
Vice President
Attorney at Law
Human Rights specialist (Republic of Moldova)

Mr George THEODOSIS (Greek)
Vice President
Associate Professor of Labour and Employment Law
Director of the Laboratory of Comparative and European Social Law
Democritus University of Thrace, Komotini (Greece)

Ms Kristine DUPATE (Latvian)
General Rapporteur
Associate Professor, International and European Law, Faculty of Law
University of Latvia, Riga (Latvia)

Ms Karin Møhl LARSEN (Danish)
Adviser on International Social Security issues and European Union Law
Copenhagen (Denmark)

Mr Yusuf BALCI (Turkish)
Professor of Labour Economics and Social Policy, Faculty of Business
Istanbul Commerce University (Türkiye)

Mr Mario VINKOVIĆ (Croatian)
Professor of Labour and Social Security Law, Faculty of Law
University of Osijek (Croatia)

Ms Miriam KULLMANN (German)
Professor of Labour Law and Social Security Law, Utrecht University School of Law
Utrecht University (The Netherlands)

Ms Carmen SALCEDO BELTRÁN (Spanish)
Professor of Labour Law and Social Security, Faculty of Law
University of Valencia (Spain)

Mr Franz MARHOLD (Austrian)
Professor, Dr., Emeritus Lawyer,
Institute for Austrian and European Labour Law and Social Security Law (Austria)

Ms Alla FEDOROVA (Ukrainian)
Associate Professor,
Institute of International Relations Taras Shevchenko,
National University of Kyiv (Ukraine)

Mr Grega STRBAN (Slovenian)
Professor, Faculty of Law of Ljubljana,
Head of Department of Labour Law and Social Security law,
University of Ljubljana (Slovenia)

Ms Kristina KOLDINSKÁ (Czech)
Professor of Labour Law and Social Security law
Faculty of Law
Charles University of Prague (Czechia)

Mr Olivier de SCHUTTER (Belgian)
Professor, Catholic University of Louvain (Belgium)
Political Sciences Institute (*Sciences Po*) (Paris)

Ms Carmen Constantina NENU (Romanian)
Associate Professor of Labour Law and Social Security, Dean of the Faculty,
Faculty of Economics and Law at the National University of Politehnica of Science and Technology in Bucharest (Romania)

Assisted by Mr Henrik KRISTENSEN, Executive Secretary,

between March 2025 and December 2025 examined the reports on the application of the 1961 European Social Charter.

2. The role of the European Committee of Social Rights is to rule on the conformity of the situations in States Parties with the European Social Charter (Revised), the Additional Protocol 1988 and the 1961 European Social Charter.

3. In accordance with the decision of 27 September 2022 of the Ministers' Deputies concerning the reform of the system of presentation of reports relating to the application of the European Social Charter, provisions of the Charter are henceforth divided into two groups. States Parties not having accepted the collective complaints procedure, should submit a report every two years responding to questions on one of the two groups of Charter provisions.

4. Further to this decision, the authorities of States Parties not having accepted the collective complaints procedure were invited to submit a report in response to targeted questions on the first group of provisions by 31 December 2024.

5. Thus, the conclusions adopted by the Committee in December 2025 concern the accepted provisions of the following articles of the 1961 European Social Charter belonging to the first group of provisions (Group 1) in respect of States Parties not having accepted the collective complaints procedure:

- The right to just conditions of work (Article 2§1)
- The right to safe and healthy working conditions (Article 3§§1, 2 and 3)
- The right to a fair remuneration (Article 4§3)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6§§1, 2 and 4)
- The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex (Article 1 of the Additional Protocol 1988).

6. The Committee recalls that States Parties were asked to reply to the targeted questions posed under various provisions The Committee therefore focused on the information relating to those questions.

7. The following States Parties submitted a report: Denmark, Luxembourg, the Netherlands in respect of Curaçao, Poland, and the United Kingdom.

8. No report was submitted by Iceland, the Netherlands in respect of Sint Maarten and the Netherlands in respect of Aruba. The Committee considers that their failure to submit a report amounts to a breach of their reporting obligations under Article 21 of the 1961 Charter.

9. In addition to the state reports, the Committee had at its disposal comments on the reports submitted by different trade unions, human rights institutions and organisations. The Committee wishes to acknowledge the value of these various comments.

10. The Committee wishes in particular to acknowledge the contribution of ETUC which submitted a compilation of all relevant materials in respect of a large number of States Parties

11. The Committee's conclusions as outlined above are published in chapters focused on specific States Parties. The conclusions are also available on the website of the European Social Charter and in the Hudoc database that is also available on this site. A

summary table of the Committee's Conclusions XXIII-1 (2025) as well as the state of signature and ratification of the Charter and the 1961 Charter are appended.

Election of members to the Committee

12. The composition of the Committee is governed by Article 25 pursuant to which its 15 members are elected by the Committee of Ministers for mandates of six years, renewable once.

13. It is recalled that pursuant to Article 3 of the 1991 Amending Protocol members shall be elected by the Parliamentary Assembly. However, this provision is still not being applied in practice (pending the formal entry into force of the Protocol).

14. According to Article 25, members shall be "independent experts of the highest integrity and of recognised competence in international social questions". Election takes place every second year with a third of the seats (5) being up for election.

15. At the 1513st meeting of the Ministers' Deputies on 27 November 2024, the Committee of Ministers held an election to fill five vacant seats and one seat falling vacant following the resignation of a member. Ms Tatiana PUIU (Moldovan), Mr Yusuf BALCI (Turkish) and Ms Alla FEDOROVA (Ukrainian), were elected for a second term. Mr Olivier de SCHUTTER (Belgian) and Ms Kristina KOLDINSKÁ (Czech) were elected as members for a first term. The term of office of these members took effect on 1 January 2025 and ends on 31 December 2030.

16. At the same meeting Ms Carmen Constantina NENU (Romanian) was elected as a member for a first term with effect from 1 January 2025, for a term of office which will expire on 31 December 2026.

17. The Committee wishes to express its appreciation and gratitude to the three outgoing members, Ms Eliane CHEMLA (French), Mr Jozsef HAJDU (Hungarian) and Mr Paul RIETJENS (Belgian) for their outstanding contributions to the Committee's work and for their tireless efforts to promote social rights.

Statements of interpretation

18. The Committee makes the following statements of interpretation:

Article 2§1 – The right to just conditions of work – maximum working time

The Committee notes that the Charter does not expressly define what constitutes reasonable working hours and situations are assessed on a case-by-case basis. However, the Committee recalls that the daily working time should in no circumstances (except for extraordinary situations) exceed 16 hours, even if, in compensation, results in a reduction of the weekly working time (Conclusions 2014, Armenia). The Committee also recalls that a total working week (usual hours plus overtime) which, within the framework

of “flexibility regulations”, may exceed 60 hours per week is unreasonable (Conclusions XIV-2 (1998), the Netherlands).

The Committee wishes to clarify its approach to the maximum daily and weekly working time.

As a general rule, the Committee considers that its case-law on the maximum limits of daily and weekly working time is still to be followed. However, the Committee considers that in certain sectors and in exceptional circumstances, workers performing specific functions may be allowed to exceed the 16 daily working hours limit or 60 weekly working hours limit. These sectors are, for example, healthcare; emergency and security services; military; sectors necessary for the uninterrupted functioning of services essential for the State (such as power plants, transport control centres) and the functions concerned are those that are essential for the functioning of the sectors mentioned. Circumstances that can be considered exceptional in those sectors are natural disasters, situations of force majeure, public health emergencies, situations of state of emergency.

The Committee further notes that, even in those sectors and exceptional circumstances, certain safeguards must exist. These safeguards include adequate rest periods and compensatory rest in case ordinary rest periods are missed due to exceptional situations, reasonable reference periods for calculation of average working hours (Statement of Interpretation on Article 2§1, Conclusions XIV-2 (1998)). Furthermore, employers must keep record of working hours and appropriate authorities must supervise that the working time limits are respected in practice; also, employers must ensure regular medical supervision of workers who exceed maximum limits of working time in exceptional circumstances.

Article 2§1 – The right to just conditions of work – maritime workers

The Committee notes that the Charter does not expressly define what constitutes reasonable working hours and situations are assessed on a case-by-case basis. The Committee recalls that working hours totalling more than 60 hours in one week are unreasonable (Conclusions 2018, Türkiye).

During the examination of its Conclusions 2022, the Committee issued a statement noting that, because of the very specific nature of the work in question which is carried out in a very specific environment, it would re-examine the working hours of seafarers and the working time limits applicable to them.

For the purposes of this Statement of Interpretation, the term maritime workers will be used to include both seafarers and professional fishers.

The Committee takes note of the following ILO Conventions Maritime Labour Convention (2006), Work in Fishing Convention, 2007 (No. 188). It also takes note of the following EU Directives: Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners‘ Association (ECSA) and the Federation of Transport Worker’s Unions in the European Union (FST) – Annex: European Agreement on the organisation of working

time of seafarers; Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time and Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (*Europêche*).

The Committee considers it necessary to change its approach concerning the working hours of maritime workers. 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.

Article 2§1 – The right to just conditions of work – on-call periods

The Committee recalls its case law according to which on-call periods ("*périodes d'astreinte*") during which the worker is not required to perform work for the employer, although they do not constitute effective working time, cannot be regarded as a rest period in the meaning of Article 2 of the Charter (*Confédération générale du travail* (CGT) and *Confédération française de l'encadrement-CGC* (CFE-CGC) v. France, Complaint No. 149/2017, decision on the merits of 19 May 2021, §56). On-call periods are periods during which the worker is obliged to be at the disposal of the employer with a view to carrying out work, if the latter so demands. However, this obligation, even where the possibility of having to carry out work is purely hypothetical, unquestionably prevents the worker from pursuing activities of their own choosing (ibid., §57). The Committee considers that the equivalisation of an inactive part of an on-call period to a rest period, in its entirety, constitutes a violation of the right to reasonable working hours, both in respect of standby duty at the employer‘s premises and of on-call time spent at home (ibid., §61).

The Committee wishes to further clarify its position regarding on-call periods. Active parts of on-call period where work performed during an on-call period, irrespective of whether the worker is present at the employer‘s premises or at home or at another designated place outside the employer‘s premises, should be considered as working time and remunerated as such.

Inactive parts of on-call period during which no work is carried out but the worker must be present at the employer‘s premises should also be considered as working time and remunerated accordingly.

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, the

Committee considers that under no circumstances should such periods be regarded as rest periods in their entirety.

However, there are two situations that need to be examined. Firstly, where the worker, who is on-call away from the employer‘s premises (at home or at another designated place by the employer), 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, where the worker who is away from the employer‘s premises (at home or at another designated place by the employer) 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), 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.

Article 3 – The right to safe and healthy working conditions - telework

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

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

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires: (i) conduct regular and systematic supervision, including remote audits; (ii)

review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

19. The Committee decided to clarify its case law on certain of the Charter provisions examined as follows:

Article 3 – Climate change

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.

Article 6§2 – Favorability principle

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.

Article 6§4 – Collective action – Political strikes

The Committee considers however that, while political strikes (targeted against the Government rather than 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 as such against the risks posed by legislative or policy initiatives from the Government or from Parliament.

Article 6§4 – Collective action – The right of judges and prosecutors to strike

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.

Summary of the European Committee of Social Rights Conclusions XXIII-1 (2025)

1961 Charter

	Conformity	Non-conformity
Article 2§1	0	2
Article 3§1	1	3
Article 3§2	1	3
Article 4§3	1	2
Article 5	1	4
Article 6§1	2	3
Article 6§2	0	5
Article 6§4	0	3
Article 1 of the 1988 Additional Protocol	0	1

Signatures and ratifications of the European Social Charter by Council of Europe members states as of 1 January 2026

Member states		Signatures	Ratifications	Acceptance of the collective complaints procedure	
Albania		21/09/1998	14/11/2002		
Andorra		04/11/2000	12/11/2004		
Armenia		18/10/2001	21/01/2004		
Austria		07/05/1999	20/05/2011		
Azerbaijan		18/10/2001	02/09/2004		
Belgium		03/05/1996	02/03/2004	23/06/2003	
Bosnia and Herzegovina		11/05/2004	07/10/2008		
Bulgaria		21/09/1998	07/06/2000	07/06/2000	
Croatia		06/11/2009	**26/02/2003**	26/02/2003	
Cyprus		03/05/1996	27/09/2000	06/08/1996	
Czech Republic		04/11/2000	**03/11/1999**	04/04/2012	
Denmark	*	03/05/1996	**03/03/1965**		
Estonia		04/05/1998	11/09/2000		
Finland		03/05/1996	21/06/2002	17/07/1998	X
France		03/05/1996	07/05/1999	07/05/1999	
Georgia		30/06/2000	22/08/2005		
Germany	*	29/06/2007	29/03/2021		
Greece		03/05/1996	18/03/2016	18/06/1998	
Hungary		07/10/2004	20/04/2009		
Iceland		04/11/1998	**04/07/2024**		
Ireland		04/11/2000	04/11/2000	04/11/2000	
Italy		03/05/1996	05/07/1999	03/11/1997	
Latvia		29/05/2007	26/03/2013		
Liechtenstein		**09/10/1991**			
Lithuania		08/09/1997	29/06/2001		
Luxembourg*	*	11/02/1998	**10/10/1991**		
Malta		27/07/2005	27/07/2005		
Republic of Moldova		03/11/1998	08/11/2001		
Monaco		05/10/2004			
Montenegro		22/03/2005	03/03/2010		
Netherlands		23/01/2004	03/05/2006	03/05/2006	

Norway		07/05/2001	07/05/2001	20/03/1997
North Macedonia		27/05/2009	06/01/2012	
Poland		25/10/2005	**25/06/1997**	
Portugal		03/05/1996	30/05/2002	20/03/1998
Romania		14/05/1997	07/05/1999	
San Marino		18/10/2001		
Serbia		22/03/2005	14/09/2009	
Slovak Republic		18/11/1999	23/04/2009	
Slovenia		11/10/1997	07/05/1999	07/05/1999
Spain		23/10/2000	17/05/2021	17/05/2021
Sweden		03/05/1996	29/05/1998	29/05/1998
Switzerland		**06/05/1976**		
Türkiye		06/10/2004	27/06/2007	
Ukraine		07/05/1999	21/12/2006	
United Kingdom	*	07/11/1997	**11/07/1962**	
Number of States	46	**2** + 44 = 46	**6** + 36 = 42	16

The dates in bold correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers on 11 December 1991, this Protocol is already applied.

X 1 State having recognised the right of national NGOs to lodge collective complaints against it. This table is regularly updated on the Charter's website: www.coe.int/socialcharter