



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

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PRESS BRIEFING ELEMENTS

Findings 2022

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Findings 2022: press briefing

Overview

The *findings* published by the European Committee of Social Rights (ECSR) set out legal assessments of the follow-up given by States Parties to decisions of the ECSR in collective complaints. States Parties having accepted the collective complaints procedure under the European Social Charter are under an obligation to submit biennial reports – as part of the Charter’s reporting procedure – on the measures they have taken to remedy violations identified by the ECSR in its decisions in collective complaints.¹

Findings 2022 concern 7 States: Croatia, Cyprus, the Czech Republic, the Netherlands, Norway, Slovenia and Sweden. The follow-up to a total of 11 ECSR decisions were examined.

The ECSR found that none of the decisions examined had been fully implemented so as to bring the situation into conformity with the Charter. However, in several cases it found that definite progress had been made.

The ECSR calls upon the States concerned to take all necessary measures to implement the decisions at issue. While acknowledging that some of the situations examined are complex and require time and resources to bring them into conformity with the Charter, the States Parties have duty to act in good faith, both in their participation in the procedure under the Additional Protocol and in relation to the Charter itself. The duty to cooperate with the Committee and its findings in relation to collective complaints arises from an application of the principle of good faith to the observance of all treaty obligations.

In this respect, the ECSR also calls upon the Council of Europe’s Committee of Ministers – the body with ultimate responsibility for overseeing the follow-up to decisions in collective complaints – to continue to show vigilance in ensuring that the ECSR’s decisions are properly implemented.

Country-by-country summary

In respect of **Croatia**, the ECSR examined the follow-up to [UWE v. Croatia](#) on equal pay for women and men and found that the situation had still not been brought into conformity with the Charter provisions invoked. The problems identified concern access to an effective remedy, lack of pay transparency, insufficient measurable progress in combatting the gender pay gap, and insufficient representation of women in decision-making positions within private companies.

In respect of **Cyprus**, the ECSR examined the follow-up to [UWE v. Cyprus](#) on equal pay for women and men and found that the situation had still not been brought into conformity with the Charter provisions invoked. The problems identified concern lack of pay transparency and insufficient representation of women in decision-making positions within private companies.

In respect of the **Czech Republic**, the ECSR examined 4 decisions. As regards [APPROACH v. Czech Republic](#) the ECSR considered that the complete prohibition of corporal punishment of children had still not been expressly and comprehensively introduced in Czech law. In [ERTF v. Czech Republic](#) shortcomings related to the access of Roma to housing and healthcare had still not been satisfactorily resolved. With regard to

¹ Collective complaints may be lodged by organisations - trade unions, employers’ organisations and non-governmental organisations - against States Parties to the complaints procedure. For more on the complaints procedure, see here: [Collective complaints - Social Rights \(coe.int\)](#)

[Transgender Europe and ILGA v. Czech Republic](#), the necessary legislative amendments on removal of the requirement to undergo medical sterilisation in the framework of gender recognition procedures had still not been introduced. Finally, in [UWE v. Czech Republic](#), outstanding problems related to restrictions on job comparisons and pay transparency, insufficient measurable progress in combatting the gender pay gap, and insufficient representation of women in decision-making positions within private companies.

In respect of the **Netherlands**, the ECSR examined 2 decisions. In [FEANTSA v. the Netherlands](#), the ECSR found that shortcomings persist with respect to access to community shelter for vulnerable persons, including enjoyment of the right to appeal for migrant workers concerning access to shelter. In [UWE v. the Netherlands](#), problems remain with respect to lack of pay transparency as well as insufficient measurable progress in combatting the gender pay gap.

In respect of **Norway**, the ECSR examined the follow-up to [UWE v. Norway](#) and found that the situation had still not been brought into conformity with the relevant Charter provisions. The problems identified concern restrictions on job comparisons and insufficient measurable progress in combatting the gender pay gap.

In respect of **Slovenia**, the ECSR examined the follow-up to [UWE v. Slovenia](#) and found that the situation had still not been brought into conformity with the relevant Charter provisions. Ongoing problems identified concern access to effective remedies, restrictions on job comparisons, and the lack of a clear definition of equal work and work of equal value. On the other hand, the ECSR found that there had been sufficient measurable progress in combatting the gender pay gap and that the situation is now in conformity with the Charter on this particular point.

Finally, in respect of **Sweden**, the ECSR examined the follow-up to [LO/TCO v. Sweden](#). It found that problems remained concerning restrictions on collective bargaining and collective action. Moreover, it had not been demonstrated that equal treatment of migrant workers was ensured with respect to the enjoyment of the benefits of collective bargaining. On the other hand, the ECSR considered that, following recent legislative amendments, equal treatment in respect of remuneration for migrant/posted workers was now ensured.