

## **APPENDIX**

*Under the European Social Charter member states are committed to ensuring the effective exercise of the right to work and the objective of high and stable employment (full employment). However, changes — and potential threats — resulting from globalisation and rapid technological developments such as automation require robust and comprehensive strategies and responses, in particular education and training. In order for the labour force to be responsive to evolving needs, the policy measures adopted have to be adequately resourced and implemented vigorously and proactively. The measures must rest firmly on guarantees of basic labour rights such as non-discrimination in access to employment, equal pay for women and men and dismissal protection as well as of the rights of persons who are or may be vulnerable to particular disadvantage in the labour market, such as persons with disabilities and migrants and refugees.*

*In pursuance of the above States Parties are invited to provide the following information pertaining to the reference period 2015-2018:*

### **Article 1§1\***

Please provide details of labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment as well as migrants and refugees;

Please include statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate (participants/unemployed ratio).

### **Article 1§2\***

Please provide updated information on legislation prohibiting all forms of discrimination in employment in particular on grounds of gender (if not accepted Article 20/Article 1 AP), race, ethnic origin, sexual orientation, religion, age political opinion, disability (if not accepted Article 15§2), including information on remedies.

Please indicate any specific measures taken to counteract discrimination in employment of migrants and refugees.

Please indicate what measures have been taken to assess the prevalence of the problem of exploitation of vulnerability, forced labour, modern slavery? Does legislation exist to deal with the phenomenon of exploitation of vulnerability, forced labour, modern slavery and does it make provision for the identification and protection of victims, enable

prosecution of exploiters, or otherwise provide reporting requirements for businesses to detail actions taken to investigate their supply chains for forced labour, due diligence in public procurement to guarantee funds are not inadvertently supporting modern slavery? Are there regular inspections of sectors such as agriculture, construction, hospitality, manufacturing and domestic work, which are particularly affected by labour exploitation?

Please provide information on any measures taken to protect workers in the “gig economy” or “platform economy” whose employment is very often precarious, against exploitation.

### **Article 1§3**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 1§4**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 9**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 10§1\***

Please state what strategies and measures are adopted to match the skills acquired through vocational education and training with the demands of the labour market, especially demands resulting from globalisation and technological developments, and thus to bridge the gap between education and work.

Please provide information on measures taken to integrate migrants and refugees in vocational education and training.

### **Article 10§2**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 10§3\***

Please describe strategies and measures (legal, regulatory and administrative frameworks, funding and practical arrangements) in place to ensure skilling and re-skilling in the full range of competencies (in particular digital literacy, new technologies, human-

machine interaction and new working environments, use and operation of new tools and machines), needed by workers to be competitive in emerging labour markets.

#### **Article 10§4 ESC**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

#### **Article 10§4 RESC\***

Please indicate the nature and extent of special retraining and reintegration measures taken to combat long-term unemployment as well as figures demonstrating the impact of such measures (please include detailed statistics on long-term unemployment in your country, if not provided under Article 1§1).

#### **Article 10§5**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

#### **Article 15§1\***

Please indicate progress in ensuring access to and inclusion of children with disabilities into mainstream facilities. Please indicate trends in this area, including number of children with disabilities included in mainstream facilities, the number attending special schools, the number attending school on a part time basis etc. In addition, please indicate the legislative basis for inclusion and remedies in place in cases of exclusion from education on the basis of disability.

#### **Article 15§2\***

Please provide information on progress made in ensuring persons with disabilities have access to employment on the open labour market , including recent non-discrimination measures and measures to promote employment. Please include figures on the number of persons with disabilities in employment and the number of unemployed.

Please provide up-dated information concerning obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities.

#### **Article 15§3\***

Please describe the measures taken (and progress made) to ensure that persons with disabilities have the right to live independently in the community, such as the existence of available independent living schemes, sheltered housing for persons with disabilities,

in-home, residential and other community support services, including personal assistance.

### **Article 18§1**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 18§2**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 18§3**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 18§4**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

### **Article 20/Article 1 of the 1988 Additional Protocol\***

Please provide up-dated information on the statutory framework guaranteeing equal pay for equal work or work of equal value with particular emphasis on the following aspects:

- rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex
- rules on compensation in case of pay discrimination on grounds of sex (are ceilings applicable?)
- does national law and practice provide for pay comparisons outside the company directly concerned?

Please describe the job classification and promotion systems in place as well as strategies adopted and the measures taken to ensure pay transparency in the labour market (notably the possibility for workers to receive information on pay levels of other workers), including the setting of concrete timelines and measurable criteria for progress.

Please provide statistical data on the gender pay gap (adjusted and unadjusted) for all years of the reference period.

## **Article 24\***

Please provide an up-dated description of national law concerning valid reasons of dismissal. As regards dismissal for certain economic reasons, please indicate whether the courts have the competence to review a case on the economic facts underlying dismissals.

Please indicate what safeguards exist against retaliatory dismissal and dismissal due to temporary absence from work due to illness or injury (e.g time limit on protection against dismissal, rules applying in case of permanent disability and compensation for termination of employment in such cases).

Please indicate what strategies and measures exist or are being introduced to ensure dismissal protection for workers (labour providers), such as “false self-employed workers” in the “gig economy” or “platform economy”. Please outline the obligations on employers/labour engagers in this respect.

Please provide an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals.

## **Article 25**

No information requested, except where there was a conclusion of non-conformity or a deferral in the previous conclusion for your country.

\* In addition to replying to the specific targeted questions for this provision, if there was a conclusion of non-conformity for your country the report must contain information in this respect. Likewise, if the previous conclusion for this provision was deferred in respect of your country, the requested information must be provided.

