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EUROPEAN SOCIAL CHARTER

17th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ESTONIA

Articles 1, 9, 10, 15, 18, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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CYCLE 2020

**EUROPEAN SOCIAL CHARTER
(REVISED)**

**17th Report of the Republic of Estonia
On the accepted provisions**

For the reference period 01/01/2015 – 31/12/2018

Articles 1, 9, 10, 15, 18, 20, 24, 25

For the period 2015–2018 made by the Government of Estonia in accordance with Article C of the Revised European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was submitted on September 11th, 2000.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the Estonian Central Federation of Trade Unions (EAKL), the Estonian Employees Unions Confederation (TALO) and the Estonian Confederation of Employers (ETK).

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Article 1 – The right to work

Article 1 § 1 – Policy of full employment

*1) Please describe national employment policy and the general legal framework.
Please specify the nature of, reasons for and extent of any reforms.*

The unemployment in Estonia has steadily decreased since 2011. While the unemployment rate stood at 7,4% in 2014, it dropped to 5,4% in 2018. Also youth unemployment and long-term unemployment have been decreasing. In 2014 the youth unemployment rate was 15% and the long-term unemployment rate 3,3%. Four years later the indicators have declined to 11,8% and 1,3% respectively.

General legal framework

Overall the legal framework of labour market measures has remained the same since the last report. Labour market services are provided in the Labour Market Services and Benefits Act, fixed-term employment programmes and programmes regulating the use of the European Social Fund (ESF).

The social insurance provisions related to unemployment and labour market services that help unemployed persons find new employment are organized by the Estonian Unemployment Insurance Fund (EUIF). The EUIF is a quasi-governmental organisation, and a legal person in public law. It performs its activities independently from government, but on the basis of a mission and of operational rules defined by law. The EUIF is directed by a Supervisory Board in which the government is an equal stakeholder together with representatives of employers and of employees. The legal basis of the activities of the EUIF is found in two laws: the Unemployment Insurance Act which describes the unemployment insurance system and the organisation of the EUIF, and the Labour Market Services and Benefits Act.

Career guidance reform and Youth Guarantee scheme

In 2018, the career guidance reform was conducted, which applied in January 2019. Previous to the reform, foundation Innove established its regional Rajaleidja (Pathfinder) centres in 2014 at the service of young people (age 7–26) and focusing on the needs of pupils in lower- and upper secondary education (age 15–19). The EUIF supports unemployed, inactive and employed people. In addition, as part of Youth Guarantee scheme, the EUIF offers workshops in order to support young people while entering the labour market and coping there and to bring NEETs back to education. It was recognized that the previous system with overlapping target groups caused replication of services and therefore inefficient use of human and financial resources. Starting from 2019, career information and career counselling services are offered by and developed in the PES. In line with making the most efficient use of the resources, the reform also aimed at joining together expert knowledge about labour market and education. Career guidance and counsellors training is co-financed by the ESF.

Work Ability Reform

In 2016 the Work Ability Reform was launched with the aim to improve employment opportunities for people with disabilities and long-term health problems. Fundamental changes involved work ability assessments and benefits, employment and social services. Several adjusted or new employment measures, including occupational rehabilitation, were made available for disabled

jobseekers and employees and/or their employers in January 2016. These were complemented by social welfare services provided by the Social Insurance Board (e.g social rehabilitation, personal technical aids etc) and local governments. In relation to the reform, since 2016, occupational rehabilitation is provided by the EUIF.

Please see article 15 § 2 for more information about the Work Ability Reform.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The employment programme for 2017–2020 is currently being implemented.

Measures to prevent unemployment

In 2017, a new package of measures was launched with the aim of preventing unemployment and contributing to the structural change of economy. The package includes training measures for employed persons (training vouchers and support for formal studies) and for employers adapting to changes or recruiting in sectors facing labour shortages. These measures are implemented by the EUIF.

Preventive measures are targeted to:

1. Employees with a lack of skills or outdated skills.

Services to employees include:

- 1) labour market training with training card for persons: a) who earn average wage or less and are at the age 50+; b) who have no professional qualification or have insufficient knowledge of Estonian language, c) have health problems and a disability (no wage criteria).

Training programmes provided: ICT courses, Estonian language courses and labour market training in accordance with OSKA (professions in which there is a growing need for workers and the demand for workforce exceeds supply according to the OSKA applied research surveys on sectoral needs for labour and skills conducted by the Estonian Qualifications Authority).

- 2) Degree study allowance (130-260 EUR) for persons without professional qualification or qualification is obtained 15 years ago or persons with health problems. Paid upon commencing vocational, professional higher education or Bachelor's studies in a state-commissioned study place for the professions in accordance with OSKA.

2. Employers to support them in finding and training suitably skilled workforce.

Services include training grant for recruiting new employees, and training employees upon changing circumstances, also for training employees who have been previously long-term unemployed.

Job creation support in North-East Estonia

Between 2016 and 2017, job creation support in North-East region (Ida-Virumaa) was available from the employment programme. The aim of that measure was to alleviate the labour market crisis that occurred due to large-scale redundancies that took place in the region between 2015 and 2016. During the period of May 2016 – December 2017, a total of 638 jobs were created in 17 institutions. The experience with the job creation support measure was taken to account when developing the measure for regional workplace support that is provided from 1st of January 2019 in the North-East region and the South-East region of Estonia (which is the second region in Estonia where the unemployment rate is higher than average).

Services to support NEET youth

Both the Ministry of Education and Research and the Ministry of Social Affairs are responsible for implementing the Youth Guarantee. Estonia adopted its Youth Guarantee implementation plan in 2014 and since then, different programmes have been launched to ensure that young people receive good quality offer of employment, continued education, apprenticeship or a traineeship after becoming unemployed or after leaving formal education.

Under the Estonian Youth Guarantee scheme, the Ministry of Education and Research initiated a programme in 2015 in youth centres to offer support services to young people between the ages of 15 to 26 who are not in employment, education or training (NEET). The aim is to locate (through mobile youth work, through networking, etc.), motivate and provide individualised support to NEET youth in order to activate them in community and social life (i.e., help them to return to school, employment, etc.). Youth workers collaborate with a number of different specialists in order to provide appropriate services to young people in a timely manner and this collaboration depends on the needs of youth.

3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy; employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

Table 1. Main labour market indicators, 2015–2018

	2015	2016	2017	2018
Growth of GDP, %	1.8	2.6	5.7	4.8
Activity rate (15–74), %	69.4	70.4	71.6	71.9
men	74.0	75.1	76.3	76.4
women	65.3	66.0	67.2	67.7
Employment rate (15–64), %	71.5	71.7	73.8	74.5
men	74.8	75.0	76.8	77.7
women	68.4	68.5	70.8	71.4
Employment rate of young persons (15–24), %	35.7	36.7	39.7	41.2
men	38.1	37.3	41.2	42.4
women	33.1	36.0	38.1	39.9
Unemployment rate (15–74), %	6.2	6.8	5.8	5.4
men	6.2	7.4	6.2	5.4
women	6.1	6.1	5.3	5.3
Unemployment rate of young persons, %	13.1	13.4	12.1	11.8
men	13.8	15.8	13.9	12.3
women	12.2	10.6	10.0	11.4
Long-term unemployment rate, %	2.4	2.1	1.9	1.3
men	2.5	2.4	2.2	1.5
women	2.2	1.8	1.6	1.2

Source: Statistics Estonia, Estonian Labour Force Survey

Table 2. Number of employed persons aged 15–74 by areas of activity, in thousands

	2015	2016	2017	2018
Areas of activity TOTAL	640,9	644,6	658,6	664,7

Agriculture, forestry and fishing	25,0	25,0	23,1	21,9
Mining and quarrying	3,1	3,3	4,1	5,0
Manufacturing	120,6	120,7	124,9	123,8
Electricity, gas, steam and air conditioning Supply	7,6	6,3	7,4	6,1
Water supply; sewerage, waste management and remediation activities	3,0	3,0	3,3	3,8
Construction	61,8	57,9	57,0	58,3
Wholesale and retail trade; repair of motor vehicles and motorcycles	83,9	83,7	87,5	86,2
Transportation and storage	46,7	50,8	52,4	50,0
Accommodation and food service activities	26,1	26,5	25,5	28,6
Information and communication	26,3	28,3	31,1	29,8
Financial and insurance activities	9,5	11,0	12,0	12,4
Real estate activities	10,3	11,8	10,3	9,8
Professional, scientific and technical activities	25,5	24,7	29,3	30,7
Administrative and support service activities	18,6	21,3	23,5	24,9
Public administration and defence, compulsory social security	42,4	39,7	38,7	38,0
Education	60,6	57,6	56,8	61,1
Human health and social work activities	39,1	39,4	37,8	40,5
Arts, entertainment and recreation	14,2	17,5	17,0	19,4
Other activities	16,7	16,1	16,9	14,4
Men	327,9	329,4	337,8	342,4
Agriculture, forestry and fishing	17,1	18,7	17,0	16,6
Mining and quarrying	2,6	2,7	3,5	4,1
Manufacturing	74,3	74,2	76,9	75,2
Electricity, gas, steam and air conditioning Supply	5,6	4,7	5,6	4,9
Water supply; sewerage, waste management and remediation activities	2,3	2,3	2,4	3,0
Construction	56,7	52,9	52,5	53,8
Wholesale and retail trade; repair of motor vehicles and motorcycles	34,4	31,8	35,1	37,8
Transportation and storage	34,7	38,5	39,1	38,1
Accommodation and food service activities	5,4	6,0	7,5	9,2
Information and communication	17,9	19,1	21,6	20,2
Financial and insurance activities	2,3	3,4	4,3	4,2
Real estate activities	4,6	4,8	4,5	4,7
Professional, scientific and technical activities	12,0	9,7	13,0	12,8
Administrative and support service activities	9,8	11,4	12,6	13,5
Public administration and defence, compulsory social security	19,9	18,4	16,1	17,5
Education	10,3	11,4	10,4	12,2
Human health and social work activities	8,0	6,7	4,2	4,1
Arts, entertainment and recreation	5,7	7,9	6,0	6,9
Other activities	4,4	4,9	5,6	3,5
Women	312,9	315,3	320,8	322,3
Agriculture, forestry and fishing	7,8	6,3	6,2	5,3
Mining and quarrying	..	..	..	0,9
Manufacturing	46,4	46,5	48,0	48,6
Electricity, gas, steam and air conditioning Supply	2,0	1,6	1,8	1,2
Water supply; sewerage, waste management and remediation activities	..	..	0,8	..
Construction	5,1	5,0	4,4	4,5
Wholesale and retail trade; repair of motor vehicles and motorcycles	49,5	51,9	52,5	48,4

Transportation and storage	12,0	12,4	13,3	11,9
Accommodation and food service activities	20,7	20,5	18,1	19,4
Information and communication	8,4	9,3	9,5	9,5
Financial and insurance activities	7,2	7,6	7,7	8,2
Real estate activities	5,7	6,9	5,8	5,1
Professional, scientific and technical activities	13,5	15,0	16,3	17,9
Administrative and support service activities	8,8	9,9	11,0	11,4
Public administration and defence, compulsory social security	22,5	21,3	22,6	20,4
Education	50,4	46,2	46,4	48,9
Human health and social work activities	31,1	32,7	33,6	36,4
Arts, entertainment and recreation	8,5	9,6	10,9	12,6
Other activities	12,2	11,3	11,3	10,9

Source: Statistics Estonia, Estonian Labour Force Survey

Table 3. Employed persons by sectors of the economy, in thousands

	2015	2016	2017	2018
TOTAL	640,9	644,6	658,6	664,7
Primary sector	25,0	25,0	23,1	21,9
Secondary sector	196,1	191,1	196,5	197,1
Tertiary sector	419,8	428,5	438,9	445,8
Men	327,9	329,4	337,8	342,4
Primary sector	17,1	18,7	17,0	16,6
Secondary sector	141,5	136,7	140,9	141,1
Tertiary sector	169,3	173,9	179,9	184,7
Women	312,9	315,3	320,8	322,3
Primary sector	7,8	6,3	6,2	5,3
Secondary sector	54,6	54,4	55,7	56,0
Tertiary sector	250,5	254,6	259,0	261,0

Source: Statistics Estonia, Estonian Labour Force Survey

Table 4. Employed persons by status of employment, in thousands

	2015	2016	2017	2018
TOTAL	640,9	644,6	658,6	664,7
Employees	581,0	583,6	591,4	594,0
Self-employed	59,9	61,0	67,2	70,8
..employers	23,3	25,0	30,7	29,8
..own-account workers	35,8	35,4	35,1	40,1
..unpaid family workers	0,8	0,6	1,4	0,8
Men	327,9	329,4	337,8	342,4
Employees	288,7	289,2	291,3	293,3
Self-employed	39,2	40,1	46,5	49,1
..employers	17,4	18,0	22,7	23,4
..own-account workers	21,7	21,7	23,0	25,3
..unpaid family workers	..	..	0,7	..
Women	312,9	315,3	320,8	322,3
Employees	292,3	294,4	300,1	300,6
Self-employed	20,7	20,9	20,7	21,7
..employers	6,0	7,0	8,0	6,5
..own-account workers	14,1	13,7	12,1	14,8
..unpaid family workers	..	..	..	..

Source: Statistics Estonia, Estonian Labour Force Survey

Table 5. Expenses related to labour market policy and percentage of GDP

	2015	2016	2017
Total LMP expenditures (categories 1-9), million euros	130,55	161,42	189,11
Labour market services (category 1), million euros	23,28	27,30	32,54
LMP measures (categories 2-7), million euros	20,41	38,54	66,40
LMP supports (categories 8-9), million euros	86,86	95,57	90,18
Total LMP expenditures (categories 1-9), % of GDP	0,63	0,74	0,80
Labour market services (category 1), % of GDP	0,11	0,13	0,14
LMP measures (categories 2-7), % of GDP	0,10	0,18	0,28
LMP supports (categories 8-9), % of GDP	0,42	0,44	0,38

Source: Eurostat, information for 2018 not available

The Committee notes from the report that in 2011 the Estonian Government approved the Estonian Strategy for Competitiveness (“Estonia 2020”). This strategy complements the “Europe 2020” strategy which aimed at creating the necessary conditions for a more competitive economy with higher employment in the European Union. One of the more specific goals is to increase the employment rate to 76%. It targets in particular the integration and skills development of the young and long-term unemployed.

The Committee notes that the Estonian Government intends to implement the EU Youth Guarantee schedule with a view to ensuring that all young people under the age of 25 get a good-quality, concrete offer whether in further education, traineeship or apprenticeship within four months of leaving formal education or becoming unemployed.

However, neither with respect to young people nor with any other vulnerable group there have been any statistical data provided with respect to the number of beneficiaries of such measures.

According to Eurostat, public expenditure on active labour market policies in Estonia amounted to 0.68% of GDP in 2013 which was well below the EU 28 average (where the average public spending on active labour market measures as a percentage of GDP was 1.8% in 2011).

The Committee notes that the previous report fails to provide the requested data on the overall activation rate as well as the information on the evaluation of the applied employment policies.

Pending receipt of the information requested, the Committee concludes that Estonia is in conformity with Article 1§1 of the Charter.

Please see the statistics section of article 10 § 4 for statistics about the long-term unemployed persons and the statistics section of article 15 § 2 for statistics about employment persons with disabilities.

Statistics for NEET youth

Between 2015-2018, 7893 NEET youth have received support services through youth centres. 5887 young people have exited the programme and for 3269 of them, 6 months has passed since their exit. The aim of the programme is that at least 40% of those young people who have exited the programme are still active 6 months after the exit (i.e., they are either in school, employment, doing an apprenticeship or traineeship) – as of the end of 2018, out of 3269 young people 2225 remained in school, work, apprenticeship or traineeship 6 months after the exit (i.e., 68.1% of NEET youth are still active 6 months after the exit). It is important to emphasise here that in the statistics we present only the outcomes relevant in the context of Youth Guarantee (i.e., education, employment, apprenticeship, traineeship) but there are many young people who are active in other activities, for example, youth work activities – so all in all, the number of those young people who have become from inactive to active is much larger.

Article 1 § 2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

Prohibition of discrimination in employment

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

There have been no changes in the general legal framework concerning prohibition of discrimination in employment.

The Committee asks the next report to provide information on any concrete positive measures/actions taken or envisaged to promote equality in employment and to combat all forms of discrimination in employment.

In 2012, the Estonian Diversity Charter was established during a project called “Diversity Enriches”, which was co-organised by the Ministry of Social Affairs and the Tallinn University of Technology. The Estonian Diversity Charter is a voluntary agreement which by signing the company, NGO, or public sector organisation confirms that they respect diversity and value the principle of equal treatment among their employees, partners, as well as clients. The organisations that have acceded to the Diversity Charter form a community in order to mutually share experiences and promote equal treatment both within their own organisation and in society as a whole. In 2016, the Ministry of Social Affairs in cooperation with the Estonian Human Rights Centre developed the concept of the Diverse Workplace Label to complement the Diversity Charter. The activities related to the Diverse Workplace Label support increasing diversity in the working environment, taking into account and respecting workers’ age, gender, ethnicity, native language, race, religion and beliefs, health condition (including disability and reduced working ability) and sexual orientation. The aim of the label is to design a tool for improving the working environment and for managing diversity in the workplace while following the principle of equal treatment. The first Diverse Workplace Labels were awarded in spring 2018.

Since 2016, the Ministry of Social Affairs is also giving out Family friendly employer labels. The labels acknowledge employers who have made efforts to ensure a family friendly environment and equal treatment of their employees.

2) Please provide pertinent figures, statistics or any other relevant information, in appropriate.

Statistics of inquiries to the Gender Equality and Equal Treatment Commissioner

In 2015, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 209. Altogether, 98 complaints and requests for information were about labour relations. 70 complaints and requests for information were related to gender discrimination. There were 6 complaints and requests for explanations on sexual orientation; 35 on disability, 13 on nationality (ethnicity) or race; 16 on age; 3 on religion and belief; 1 on membership of trade union and 15 were related to multiple discrimination. The Commissioner considered 14 cases to be discriminatory.

In 2016, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 332. Altogether, 160 complaints and requests for information were about labour relations. 158 complaints and requests for information were related to gender discrimination. There were 7 complaints and requests for explanations on sexual orientation

55 on disability, 22 on nationality (ethnicity) or race; 31 on age; 7 on religion and belief; 2 on membership of trade union. The Commissioner considered 20 cases to be discriminatory.

In 2017, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 440. Altogether, 179 complaints and requests for information were about labour relations. 213 complaints and requests for information were related to gender discrimination. There were 87 complaints and requests for explanations on disability, 18 on nationality (ethnicity) or race; 22 on age; 10 on belief. The Commissioner considered 13 cases to be discriminatory.

In 2018, the overall number of inquiries to the Gender Equality and Equal Treatment Commissioner was 304. Altogether, 117 complaints and requests for information were about labour relations. 137 complaints and requests for information were related to gender discrimination. There were 9 complaints and requests for explanations on sexual orientation; 28 on disability, 25 on nationality (ethnicity) or race; 30 on age; 4 on belief; 3 on membership of trade union. The Commissioner considered 5 cases to be discriminatory.

Prohibition of forced labour

<p>1) <i>Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.</i></p>
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There have been no major changes to the legislation stipulating the prohibition of forced labour. Prohibition of forced labour arises from the Constitution of the Republic of Estonia, which stipulates (§ 29) that every citizen of Estonia is entitled to freely choose his or her area of activity, profession and position of employment.

The law may provide conditions and procedures for exercising this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy the right equally with citizens of Estonia. The same provision also provides that no one may be compelled to perform work or service against his or her free will, except for service in the defence forces or alternative service, or work required to prevent the spreading of an infectious disease or to contain a natural disaster or catastrophe, or work which a convicted offender is required to perform according to the law and pursuant to a procedure established by law.

As mentioned, the Constitution of the Republic of Estonia directly prohibits forced labour. To give effect to this prohibition, the Penal Code provides definition of human trafficking, which includes forced labour and also punishments.

In 2017 the paragraph 133 of the Penal Code stipulating human trafficking was amended and in addition to criminalizing forced labour, also the arranged marriage was criminalized and made punishable by one to seven years of imprisonment.

Pursuant to § 133 of the Penal Code, placing a person, for the purpose of gaining economic benefits or without it, in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment. The same act is punishable by three to fifteen years' imprisonment if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed in a torturous or cruel manner;
- 5) serious health damage is caused thereby;
- 6) danger to life is caused thereby;
- 7) committed by a group;
- 8) committed by taking advantage of official position;

- 9) serious consequences are caused thereby;
- 10) committed by a person who has previously committed a criminal offence: supporting human trafficking, pimping, aiding prostitution, human trafficking in order to take advantage of minors.

Also in 2017, the paragraph 133¹ of the Penal Code, regulating the offences against supporting human trafficking, was amended. According to § 133¹ of the Penal Code, supporting human trafficking is also a criminal offence. Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a situation specified in subsection 133 of the Penal Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to five years' imprisonment. In 2017 the paragraph was amended to make the buying of sex from a victim of human trafficking also a punishable offense.

The amendments to the Penal Code and other laws that entered into effect on July 6 2017 are connected with Estonia's accession to the Council of Europe Convention on preventing and combating violence against women as well as domestic violence.

In November 2016 also the Victim Support Act was amended in order to provide better help to the human trafficking victims and identify them as early as possible. Before the amendments the victim support was provided only for people subject to a criminal proceeding, but since 1st of January 2017 (when the amendments came into force), the support is provided already before the criminal proceeding.

More specifically focusing on forced labour, since January 2019 the Labour Inspection has an obligation to perform state supervision over private employment mediators and intermediaries of temporary agency work (see also Article 1 § 3 – Free placement services). This obligation aims to protect employees and persons looking for a job from private employment mediators and intermediaries of temporary agency work and to ensure more effective detection of violations. The EU directive concerning sanctions and measures against employers of illegally staying third-country nationals also provides an obligation to carry out inspections to control employment of illegally staying third country nationals and detect possible cases of human trafficking/drudgery.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In 13th June 2016, the act of the Protocol of 2014 to the ILO Forced Labour Convention, 1930, was ratified. The protocol brought the existing ILO Convention on Forced Labour into the modern era to address practices such as human trafficking and aimed to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate contemporary forms of slavery.

In February 2015, the Government approved the Violence Prevention Strategy for years 2015–2020 (Vägivalla ennetamise strateegia aastateks 2015–2020)¹ as well as its implementation plan. The Strategy encompasses violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings. The Strategy addresses awareness-raising and educating of the general public; focuses on people at risk of becoming a victim or committing an offence; and the Strategy is used for working with consequences of violence, offering support measures to victims as well as interventions concerning perpetrators of violence.

The 1ELU campaign

¹ Link:

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf

In 2017, a state initiated social campaign 1ELU (1LIFE) took place from January until June in the biggest towns of Estonia and also in national online media. The campaign focused on preventing human trafficking, turning attention for the possibilities getting help and advice. The campaign had three parts, one of them dedicated to the sexual exploitation focusing to the sex buyers, also to women involved in prostitution. This campaign was in the bigger daily online news web portals, also job recruitment and special portal using web banners. Demand issue was discussed in radio shows and newspaper articles. The campaign was supported by European Commission Internal Safety Fund (ISF) with national co-financing 85000 EUR and by the Ministry of Internal Affairs and organized through the project run by the Ministry of Justice and the Ministry of Social Affairs with the partnership of NGO Living For Tomorrow and the Estonian Human Rights Centre. The need for this kind of campaign rose from the public opinion survey carried out in 2014, which also inquired the awareness of the victim support services and around 20% of the respondents said that they know which services are available for the victims of labour or sexual exploitation.

The campaign had three parts:

- First part was dedicated to the labour exploitation and this part consisted of videos (8 different ones in 2 languages) that were shown in commercial clips in shopping centres, in bus stations, in the ports and airport and on Tallink ferries and in certain cinemas during 1 month before all the films.
- Second part dedicated to the sexual exploitation focusing to the sex buyers, also to prostitutes offering sex. This campaign was available in the bigger daily online news web portals, also job recruitment and special portal using web banners.
- Third part focused on children used for criminal acts and was presented through a study video, which was sent to teachers who could use it in schools. The announcement about the materials was sent to schools 2 times via e-mail.

The campaign did not have much printed materials, but there were business cards with the information of the victim support services and special design was done for the public transport of Tallinn. There were handles in the buses for some weeks, also business cards with the information of the victim support agencies were given by the related organizers (the Police, the EUIF, etc.). Also, a special Facebook page² was established and campaign videos were posted on Youtube³.

The results of the campaign were evaluated through a web-based survey carried out some months after the campaign, so the results of this survey show short-term results, not long-time impact. Also, a qualitative evaluation was made through the focus group discussions. The video clips were the mediums people noticed and liked, younger people preferred the radio commercials, handles in the public buses were also considered good. The study videos for the schools were the best mediums by the opinions of the focus group members.

Work of prisoners

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

There have been no changes to the legislation prohibiting prison work since the previous monitoring cycle. Prisoners are required to work, as far as possible, in accordance with their physical and mental capacities. Otherwise they must assist in the upkeep of the prison. The only categories of prisoner not required to work are persons who are over 63 years of age, who are taking part in general education, secondary vocational education or vocational training or who are unable to work for health reasons. Working conditions must be compatible with the employment protection legislation. Twenty-one days of leave are granted after one year's work. Prisoners are paid at least

² Link: <https://www.facebook.com/1ELU-705600759611129/?fref=ts>

³ Link: <https://www.youtube.com/channel/UCgWFDoe6VC0evDO3GU90VRg>

one fifth of the minimum wage. Authorisation may be granted to individuals or legal persons to establish plants in prisons. Prisoners' consent is required before they can work in such plants.

Prisoner work in Estonia can be grouped into three broad subcategories: prison maintenance work, production work and open labour market work.

- 1) Prison maintenance work usually does not require special skills: cleaning (indoors, outdoors), kitchen work, food catering, laundry, clothing repair, canteen attendant, library attendant, workshop attendant, hairdresser, shoe repair, disinfection worker, personal helper (for a sick/disabled prisoner). Prior employment the prisoner is informed in writing of the work load and the amount of his or her remuneration. Remuneration for prison maintenance work is paid from the state budget through the budget of the Ministry of Justice, and transferred to the internal personal account of the prisoner.
- 2) State owned Estonian Prison Industry Ltd employs at any time around two hundred prisoners in different production units: metalwork, woodwork, sewing, packaging, powder painting, shot blasting and laundry service. Also, Estonian Prison Industry Ltd offers work practice modules of the vocational courses of metal- and woodwork that are carried out by an outside vocational educational institution (education in the Estonian prison system applies the Import Model – education in prisons does not differ from outside education and is carried out by outside educational institutions). Such a cooperation is based on a contract between the vocational education institution and the Estonian Prison Industry Ltd. The cooperation model has proved successful as the student gets the needed work practice in an enterprise that operates very similarly to the ordinary enterprises outside the prison. Benefits of organising prisoner work by a state owned Ltd company are: development of prisoners' sustainable social skills as the work culture is similar to the enterprises operating outside the prison; the state has only one single partner who organizes prisoner production work; prisons have one less ancillary activity, eliminates possible conflicts of interest for the prison financial management.
- 3) Open Prison work takes place outside the prison and is ordinary labour market work. Each prison in Estonia has one separate open prison unit, located next to the closed prison. Almost all open prison prisoners work full-time outside the prison in different companies, who sign a work contract with the prisoner. Unemployed open prison prisoners are directed to the EUIF where a case manager will assist the prisoner towards employment.

The Committee asks for up-to-date information on the social protection of prisoners during their imprisonment (covering employment injury, unemployment, health care and old age pensions).

Healthcare in prison is part of the state's health care system. In the prison medical ward, prisoners receive general out-patient medical care and specialized medical care; in-patient treatment is also available in every prison. If a prisoner requires treatment which the prison is unable to provide, the prisoner is transferred to a civilian hospital for medical care. Prisoners' medical expenses are covered from the state budget through the Ministry of Justice.

Employment injury of prisoners was regulated until the 1st of July 2016 by the Imprisonment Act, stating that a prisoner who, while in prison, suffers partial or full loss of capacity for work due to an accident at work or an occupational disease and who has no dependants shall be paid pension for incapacity for work after the release pursuant to the procedure provided by law. A prisoner who has dependants shall be also paid pension for incapacity for work during the time of the imprisonment pursuant to the procedure provided by law. Starting from the 1st of July 2016, prisoners' work ability benefits are regulated by the Work Ability Allowance Act, stating that a person who is serving a sentence in prison or is held in custody does not have the right to receive work ability allowance. The purpose of the legislative amendment was to remove duplication as it holds no importance whether the person's work ability was affected during imprisonment or not – after release his or her work ability shall be assessed and work ability allowance shall be granted and paid by the EUIF.

Work ability allowance is financed from the state budget through the budget of the Ministry of Social Affairs.

State Pension Insurance Act sets out the specifications concerning old-age pension payments to prisoners: If a court convicts a pensioner and punishes him or her by imprisonment, payment of his or her state pension shall be suspended during imprisonment. If a person is taken into custody as a preventive measure, payment of his or her state pension shall be suspended for the time the person is held in custody. The pension shall be paid to the person retroactively after a court judgment enters into force if the person is acquitted or is not subject to punishment by imprisonment.

The Unemployment Insurance Act does not apply to prisoners.

Table 6. Number of prisoners participating in work activities

	2015	2016	2017	2018
Prison maintenance work	1,709	1,618	1,732	1,684
Estonian Prison Industry Ltd work	288	248	219	241
Open Prison work (participation in the open labour market)	446	362	372	310
Participation in all work activities in total	2,443	2,228	2,323	2,235

Source: Ministry of Justice

Domestic workers

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Au pair regulation was enacted with amendments to the Aliens Act on 23rd of May 2018 in order to harmonize EU directive⁴ 2016/801 and to give possibilities for young foreigners to improve linguistic skills and develop knowledge of Estonia. It is permitted to work on the basis of Estonian long-term visa using the registration of short-term employment (up to 365 days within 455 consecutive days) or to work on the basis of residence permit. Employment as au pair on the basis of residence permit is permitted for a period up to one year, with possibility to extend it up to six months.

In both cases, a contract (employment contract or another contract) between au pair and host family is required before granting a permission to register short-term employment or before submitting an application of the residence permit. Au pair may work up to 25 hours per week and there should be at least one day in a week off duty. In addition, the Aliens Act stipulates that if the factual activities of a foreigner do not comply with the content and purpose of acting as an au pair, the host family and the alien is required to be guided by the legal bases to which the activity corresponds.

It is permitted for au pair to change the employer (in both cases, whether the person has registered for short-term employment or in case of employment on the basis of residence permit).

After the end of the short-term employment registration period, au pairs have to leave Estonia or need to apply for another legal bases to stay and work in Estonia. In case of residence permit, au pairs and all foreigners may stay in Estonia within the following 90 days as of the day of expiry of

⁴ Directive (EU) 2016/801 of the European Parliament and of the council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

the period of validity of the residence permit if the period of validity of the temporary residence permit terminated on the date of expiry. All foreigners, who have a legal basis for being or for arriving to Estonia, may submit a visa application or residence permit or an application for a renewal of visa or residence permit directly to the Police and Border Guard without requirement to leave from country.

During the reporting period Estonia has not registered short-term employment or issued any visa or residence permits for au pairing. Therefore, there are no statistics about domestic control in order to check fulfilment of the employment conditions.

The Police and Border Guard has a special structural unit, responsible for migration control. In addition to the Police and Border Guard, the Labour Inspectorate is responsible for implementation of work environment policy, national supervision of requirements of legal acts regulating health and safety at work and labour relations. Both authorities have right to request from the employer immediately to provide any documents necessary for state or administrative supervision. In case of misuse or doubt of misuse, the Administrative Act § 6 foresees that an administrative authority is required to establish the facts relevant to the matter and, if necessary, collect evidence on its own initiative for such purpose. An administrative authority has the right to require participants in proceedings and other persons to provide evidence and information which is known to them and on the basis of which the administrative authority establishes the facts relevant for adjudication of the matter. In addition, the Aliens Act § 297 stipulates, with reference to Law Enforcement Act § 50, that the Police and Border Guard may, enter without the consent of the possessor a fenced or marked immovable, building, dwelling or room in his or her possession if there is reason to believe that a person who may be deprived of liberty pursuant to law or whose life, health or physical inviolability is in danger due to his or her need of assistance has entered the fenced or marked immovable, building or room. The Police and Border Guard has a right, according to the Law Enforcement Act § 28, to make to a host family a precept and application of administrative coercive measure.

In case of trafficking in human beings or other crimes, the Aliens Act foresees the possibility to issue to a foreigner, who is a victim or a witness in a criminal procedure, a residence permit for participation in criminal proceedings in order to assist in the ascertaining of the facts of the subject of proof of a criminal offence.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Migration advisors of the Police and Border Guard support foreigners with settling in in Estonia and provide the necessary assistance to employers, educational institutions, etc. Migration advisors work in three languages (Estonian, English and Russian) and the service is free of charge. They advise people via phone, email, Skype call or by appointment. Anyone can seek advice on how to resolve a particular situation, based on the details of their case and therefore avoid getting into a vulnerable situation.

Another preventive measure to support newly arrived foreigners, is the Welcoming Programme, which is a free educational programme, provided by the Estonian state. The programme is intended to help the foreigners to adapt and become accustomed to local life more easily. The programme comprises various training courses, gives an overview of how the state of Estonia and its society function and how daily life is organized. The participation in the programme or in various trainings is voluntary and free of charge.

The Committee referred in its previous conclusions to the general questions concerning Article 1§2 in the general introduction to Conclusions 2012. It notes that the report does not answer the questions on domestic work. Consequently, it asks for relevant information

in the next report on the matters raised in 2012, in which it drew attention to the existence of forced labour in the domestic environment and in family businesses, particularly information on the laws enacted to combat this type of forced labour or on the steps taken to apply such provisions and monitor their application. It asks in particular whether the homes of private individuals who employ domestic staff may be inspected and if foreign domestic staff have the right to change employer in the event of abuses or if they lose their residence rights when they leave their employer.

According to the Employment Contract Act (ECA) § 115⁵, which stipulates the conditions for state and administrative supervision, the Labour Inspectorate may apply the special state supervision measures provided for entry into premises. The Law Enforcement Act⁶ § 50 regulates the conditions when a dwelling may be entered.

The Labour Inspectorate may perform supervision of private individuals who employ domestic staff in the case of complaint. In the event of complaint, the Labour Inspectorate may perform a supervision in the private premises only with the permission of the possessor. Without the knowledge of the possessor, a dwelling may be entered along with the law enforcement agency (i.e. police) and only if the possessor cannot be notified after reasonable efforts and entry is necessary for countering a disturbance or an immediate serious threat.

As previously noted, an au pair can change the employer (in both cases, whether the person has registered for short-term employment or in case of employment on the basis of residence permit). It is possible to apply for visa and residence permit directly in Estonia, without the obligation to leave from country if the person has a legal ground to arrive and stay in Estonia. Generally, if the worker leaves their employer, the worker's residence permit or visa, that has been issued for employment, will be cancelled. In case of abuses, foreigner may be issued a residence permit if the foreigner is a victim or a witness in criminal proceedings

Alternative Military Service and minimum periods of service in the armed forces

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

No major amendments have been made to legal regulation concerning alternative military service and minimum periods of service in the armed forces, since the 2015 report.

Alternative service is a compulsory national defense training of a person liable to national defense obligation who refuses military service for religious or ethical reasons. Pursuant to the Military Service Act, the duration of alternative service shall not be longer than 12 months or shorter than eight months. The duration of alternative service shall be established by a regulation of the Government of the Republic.

According to the Military Service Act, the duration of conscript service is dependent upon the armed service, the tasks assigned to the structural unit engaged in training of conscripts and the nature of military training. The duration of conscript service shall not be longer than 12 months or shorter than eight months. The duration of conscript service shall be established by a regulation of the Government of the Republic. Pursuant to Regulation no. 31 "Determination of Duration of Compulsory Military Service and Alternative Service" of the Government of the Republic, the duration of compulsory military service is 8 months as of February 15th, 2009 except for the following cases specified in the regulation in which the duration of compulsory military service is 11 months (as of July 1st 2017):

- 1) conscripts in compulsory military service in the navy;

⁵ Employment Contract Act: <https://www.riigiteataja.ee/en/eli/509052019005/consolide>

⁶ Law Enforcement Act: <https://www.riigiteataja.ee/en/eli/525032019010/consolide>

- 2) conscripts who have been directed to communications or information technology training in the course of compulsory military service and assigned positions in the field of communications or information technology;
- 3) conscripts who have been directed to non-commissioned officer training in the course of compulsory military service and assigned a non-commissioned officer position;
- 4) conscripts who have been directed to Military Police training in the course of compulsory military service and assigned a Military Police position;
- 5) conscripts who have been directed to acquire the right to drive motor vehicles of at least one category in the course of compulsory military service and assigned the position of driver;
- 6) conscripts who have been directed to acquire armored infantry training;
- 7) conscripts who have been directed to acquire strategic communication training.

The Military Service Act § 56 states the cases when the compulsory military service would be terminated and the specific terms when the conscript service unit shall release the conscript from conscript service before the expiry of the conscript service term. According to the Act, the conscript shall be released from the conscript service if during the conscript service period:

- 1) the conscript does not comply with or temporarily does not comply the health requirements for a person liable to mandatory duty to serve in the Defence Forces on the basis of the decision of the medical commission of the Defence Forces;
- 2) a conscript becomes a parent or other person maintaining a child, as a result he or she is required to maintain at least one child under three years of age and the maintenance obligation arises from the Family Law Act;
- 3) a conscript becomes a parent or other person maintaining a child, as a result he or she is required to maintain at least two children and the maintenance obligation arises from the Family Law Act;
- 4) a conscript becomes a parent or other person maintaining a child, as a result he or she is maintaining alone at least one child who has no other persons with the maintenance obligation, and the maintenance obligation arises from the Family Law Act;
- 5) a conscript becomes the only person maintaining a person with a severe or profound disability and there are no other persons with the maintenance obligation and the maintenance obligation of a conscript arises from the Family Law Act;
- 6) a conscript becomes a member of the Riigikogu or the European Parliament;
- 7) a prohibition to leave the place of residence or the taking into custody has been applied to the conscript as a preventive measure;
- 8) a court judgment enters into force sentencing the conscript to imprisonment.

The conscript may be released from the conscript service if serious unexpected family problems arise or if the conscript has undergone basic military training and has been admitted to active service as a cadet.

There are no financial repercussions of early termination of service.

According to § 214 of the Military Service Act, a person who finds that his or her rights or lawful interests have been violated with the decision made with regard to him or her, may file a challenge to the decision pursuant to the Military Service Act. A challenge may be filed in writing within 30 days as of the notification of the decision. The review of a challenge will be processed by Estonian Ministry of Defense. A person whose challenge is dismissed or whose rights are violated in challenge proceedings has the right to file an appeal with an administrative court under the conditions and pursuant to the procedure provided by the Code of Administrative Court Procedure.

2) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Table 7. Number of persons serving the compulsory military service (conscription) and the alternative service

	2015	2016	2017	2018
Conscription	3,349	3,305	3,396	3,376
Alternative service	46	92	45	75

Source: Ministry of Defence

With reference to its Statement of Interpretation on Article 1§2 (Conclusions 2012), the Committee asks that the report provide updated information on the impact of studies or training courses followed by military personnel on the duration of their service in the armed forces and on the possible financial repercussions of early termination of service.

Please see the information provided for the previous question.

Privacy at work

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

In 2018 the amendments to the Personal Data Protection Act were prepared in order to harmonise the law with the EU General Data Protection Regulation (GDPR), these amendments entered into force in January 2019. The GDPR also applies to employment relations where the employer processes personal data of employees.

To process personal data, the employer must define the purpose of processing and specify why and on what lawful basis the personal data is processed. As the data controller the employer must ensure that the personal data is processed in compliance with the GDPR and other applicable legislation. The employee must give a consent for processing his/her personal data. Consent as a lawful basis in employment can be used as an exception not a rule as an employer has the power in employment relationship and employee's consent wouldn't freely given nor retractable. If asked for consent, the employee has the right to withdraw their consent at any time – when in fact even if they do “withdraw” consent, the employer still is obliged by law to process the personal data. As an example, consider a situation where the employee withdraws consent upon termination of employment relationship and asks the employer to delete their personal data. The employer has a legal obligation to retain the employment contract for 10 years and the actual lawful basis for processing in this case is in fact fulfilling legal obligation and is not dependent on consent. Consent in employment relationships can be used to regulate issues pertaining to internal procedure, such as publication of employee's picture on the website, posting their date of birth on the intranet, processing a child's personal data for arranging Christmas gifts etc.

The employer is the controller of the employee's personal data and as such the employer is obliged to notify the employee of the purpose of processing, the lawful bases of processing and the retention periods of personal data.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In its Conclusions 2016 the Committee pointed out that the emergence of new technologies has made it possible for employees to work for their employers at all times and in all places, including at home, with the result that there is no longer a clear dividing line between work and private life. There is therefore an increased risk of work encroaching on employees' private lives, including

outside working hours and the workplace. The Committee asked for up-to-date information on this point in the next report.

The legal framework regarding dividing line between work and private life has remained same. Everyone's right to inviolability of private and family life is a constitutional right under The Constitution of the Republic of Estonia.

Since the working environment has changed a lot over the last few decades, teleworking has been a growing trend among entrepreneurs as it helps the employer to find and keep motivated employees. There are many positive aspects to teleworking, such as a better balance of work and family life, cost savings for both the employee and employer, job creation in rural areas, and more active inclusion of people with decreased work capability. At the same time it also raises the issues that the Committee has addressed in its Statement of Interpretation.

To conquer the same issues The Ministry of Social Affairs published a guide for teleworking in July 2019. The 13 pages long guide also includes the following information:

- Telework shall be carried out only by agreement between the Parties. The employer cannot force the employee to work remotely;
- The employer is responsible for the occupational health and safety of the employee who works remotely. Agreements that exclude the liability of the employer are illegal and void;
- The working time is the same as it is agreed in the contract and same regulations apply as for the employee who is working for example in the office;
- The Parties have to reach an agreement how and when should the employer have a right to enter the employee's home office to assess the OSH risks and/or to investigate an accident at work.

As with any other job, the employer must create a risk assessment of working environment to protect workers' health. The risk assessment must be based on specific work character. The use of workplaces, work equipment and work organization must all be evaluated risks. This guide assists the parties and explains how safety in teleworking can be ensured. The guide is recommendatory and not an excuse for not complying with the law. It is important to note, that the usual regulation of working-time and rest periods also apply for teleworking.

Article 1 § 3 – Free placement services

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Placement service is provided according to the Labour Market Services and Benefits Act and is free of charge for both, employers and jobseekers.

For registered unemployed, the EUIF provides three-tier counselling:

- 1) job mediation counsellors for jobseekers who need mainly job mediation, career services and upskilling measures;
- 2) case managers for jobseekers who face more difficulties in finding suitable employment and need diverse, more individualised and intensive support measures (including support from social services or other specialists and organisations);
- 3) disability case managers for jobseekers with reduced work ability.

There are currently 93 job mediation counsellors, 76 case managers and 149 disability case managers.

The EUIF has employers' counsellors in every regional employment office (there is one regional office in every county, altogether 15 regional offices), in total 26 employers' counsellors, who advise

employers on posting vacancies and recruitment, including how to use the EUIF's job mediation portal called e-töötukassa. Their task is to reach out to employers to attract the vacancies and organise services to support recruitment and employment, such as upskilling programmes (training and on-the-job training), wage subsidies, disability employment measures (e.g. work place adaptations, supported employment).

In addition to placement services offered by the public employment services, Labour Market Services and Benefits Act also regulates job mediation services provided by private undertakings. It stipulates that job mediation service provided by public undertakings also has to be free of charge for a person wishing to find a job. In 2018 some amendments to these provisions were adopted that specify the requirements and strengthen monitoring and surveillance of recruitment agencies by allocating this task to Estonian Labour Inspectorate.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The EUIF's job mediation portal

Everybody can access the EUIF's job mediation portal by authentication process (using ID-card or mobile ID) or logging in by user name and password provided by the counsellor who has identified the person beforehand. Using the EUIF's job mediation portal is free for jobseekers and employers and it uses automated matching to find suitable job offers for jobseekers and suitable candidates for posted vacancies.

Labour Market Services

Labour Market Services are provided under the legislation of Labour Market Services and Benefits Act, *Employment Programme 2017-2020* (employment programme according to the previously mentioned law) and European Social Fund co-funded programmes *Providing Labour Market Services to Enhance Employment Opportunities* and *Labour Market Services for Work Ability Reform target group*.

3) Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

The Committee asks the report to provide information on the respective market shares of public and private services, that is placements made by the public employment services as a percentage of the total number of persons recruited on to the labour market.

Statistics on labour market services and vacancies is available on the EUIF website <https://www.tootukassa.ee/eng/content/about-tootukassa/statistics> (Active measures) and (Vacancies 2003-2019).

Table 8. Functioning and performance of employment services in practice

	2015	2016	2017	2018
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Number of persons registered with UIF (during the year)	78,689	79,029	83,594	83,218
Number of persons who gained employment via the UIF (outflow of registered unemployed to employment)	42,608	44,673	45,594	46,053
Ratio between number of persons who gained employment and the number of registered unemployed persons	54,1%	56,5%	54,5%	55,3%
Vacancies registered by the UIF	44,717	57,234	59,586	60,282
Number of persons who gained employment per year*	103,900	106,500	116,500	128,000
Number of persons who gained employment via the UIF as proportion of all persons who gained employment	41,0%	42,0%	39,1%	36,0%

* data of Statistics Estonia

Sources: Statistics Estonia, Estonian Unemployment Insurance Fund

Table 9. Inflow to active measures

	2015	2016	2017	2018
Wage subsidy	1,720	2,263	2,574	2,887
Business start-up subsidy*	409	401	461	436
Adaptation of workplace*	1	4	3	8
Provision of special aids and equipment*	52	102	103	180
Working with support person*	194	237	370	344
Public work*	208	124	111	66
Labour market training	16,881	17,411	17,887	22,738
Job-search training	13,503	13,530	14,332	13,381
Career counselling*	19,071	20,387	19,880	20,379
Work practice	4,778	4,756	4,497	4,210
Coaching for working life	3,016	2,446	2,667	2,040
Communication support at interviews*	138	58	6	4
Psychological counselling	1,572	1,646	1,972	2,156
Working club	3,574	3,585	3,568	3,001
Career information centre*	10,037	10,475	12,139	11,414
Career counselling for employed and inactive people	7,542	10,432	14,420	16,106
Measures aimed at prevention of unemployment				
...Labour market training with a training card for employed	-	-	898	2,380
...Support for obtaining qualifications	-	-	39	141
...A degree study allowance	-	-	313	820
...Recruitment training grant for employers	-	-	2	50
...Training grant upon changing circumstances for employers	-	-	49	197
...Training grant for development of employees' Estonian	-	-	-	435

language proficiency				
Other service	7,208	10,339	14,530	18,450
Participation in labour market services	89,904	98,196	110,821	121,823
Activation rate of unemployed persons**	13,9	16,7	19,5	...

* entry = participation, as the service is a onetime service

** data of Eurostat

... not available

Source: Estonian Unemployment Insurance Fund, Eurostat

Article 1 § 4 – Vocational guidance, training and rehabilitation

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Career counselling

According to the Labour Market Services and Benefits Act, career counselling is offered to the unemployed and those who have received the notification of redundancy. In addition, the EUIF offers career counselling to all people, regardless of their labour market status and age, based on the European Social Fund co-financed programme *Increasing the Availability of Career Counselling*.

Until 2015, the EUIF offered career counselling only to the unemployed and employees who had received the notification of a redundancy. In 2015 the target group was extended to include all the employed as well as inactive population.

Career services

Until the beginning of 2019, career services (career counselling and career information) in Estonia were provided by the EUIF and by Foundation Innove Rajaleidja guidance centres (within the competence of the Ministry of Education and Research). The target groups of Rajaleidja guidance centres (established in 2014 to offer career services in line with various education-related supportive measures) were the young (and their parents and educational specialists) aged 7-26. Division of the roles between the EUIF and Innove was unclear, there was partly a duplication of service provision and the whole methodological development of career services was scattered between the two systems. A reform was therefore launched at the beginning of 2019, bringing all target groups of career counselling and provision of career information (including the supportive methodological work) under the EUIF. Starting from January 1st 2019 all people get career counselling and guidance that is free of charge from the EUIF.

Skills Training

Skills Training is offered to the unemployed and those who have received the notification of redundancy according to the Labour Market Services and Benefits Act and related *Employment*

*Programme 2017-2020*⁷. People who are currently in employment but are at risk of becoming unemployed (due to outdated or missing skills or health reasons) are a target group of unemployment prevention measures according to the *Employment Programme 2017-2020*. People in retirement age, who are not working but are looking for a job, have the right to participate in labour market training according to the *Providing Labour Market Services to Enhance Employment Opportunities* programme funded by the ESF. Labour market training provided by the EUIF is free of charge to all the target groups. The maximum duration of the training course is one year. The training courses offered to the clients are either purchased through a procurement process by the EUIF or the client can choose a suitable training course (the field of the course being beforehand agreed upon together with the client's counsellor) among the courses provided by the EUIF training voucher partners (the value of the 'training voucher' is 2,500 euros over a period of two years and it may cover one or several training courses).

The most recent reform in the field of labour market training was launched on May 1st 2017, when the unemployment prevention measures were introduced. The aim of launching the preventive measures was manifold: to prevent unemployment of those at risk of losing their jobs; to reduce skill mismatch through updating the skills of the employees; to support labour shortages in professions of growing importance; and to increase labour productivity. The unemployment prevention measures consist of the following: labour market training with training voucher⁸; support for obtaining qualifications; degree study allowance; employer's training grant in the situation of recruitment or change or need to enhance staff's Estonian language skills.

Occupational rehabilitation

Occupational rehabilitation is provided by the EUIF since 2016 in relation to the Work Ability Reform. Occupational rehabilitation is available for persons with partial ability to work who are either working or studying or looking for a job (registered as unemployed). The aim of the measure is to increase employability, support sustainable employment or studies. Occupational rehabilitation is provided if the person has multiple problems and the intervention of the specialist team is required. The measure may include the following activities: physiotherapy; occupational therapy and counselling; creative therapy; speech therapy; special educational assistance; peer counselling; psychological counselling; social counseling and consulting a doctor (including a psychiatrist).

Every person has an individual rehabilitation action plan describing necessary interventions, their volume and schedule. The duration of the service is generally up to one year.

The occupational rehabilitation service is provided to working age persons with reduced work ability according to the Labour Market Services and Benefits Act. The person assessed as not able to work does not have right to occupational rehabilitation, but they have the right to social rehabilitation (provided by the Social Insurance Board).

⁷ Employment Programme is approved by the tripartite Supervisory Board of the EUIF and established by the Government's Decree. The Programme allows to establish new additional labour market services and provide the existing ones on more favorable conditions than stipulated in the Labour Market Services and Benefits Act, extend the target groups and increase the (payment/compensation) rates for services.

⁸ The target group for labour market training in the package of unemployment prevention measures are people, who are working (on the basis of an employment contract or a contract under the law of obligations or you are in civil service), are aged 16 to retirement age and have paid unemployment insurance contributions for at least 12 months within the three-year period prior to submitting the application. Additionally, the person has to meet one of the following two requirements: the person cannot continue in his/her current position due to his/her health status (which must be proved); the person is over 50 years of age or lacks professional or vocational education or his/her Estonian language skills are insufficient for occupational development and his/her annual income in 2018 (for eligibility in 2019) was less than 15 492 euros (this means his/her gross monthly salary was less than 1291 euros).

Occupational rehabilitation service is provided by the EUIF free of charge to the target groups. The maximum amount to be paid for the service per person per one calendar year is established by the state budget for each budgetary year. Currently the occupational rehabilitation service is co-financed from the ESF programme *Labour Market Services for Work Ability Reform Target Group*. Rehabilitation costs are covered up to € 1800 (including VAT) per person per calendar year. If the person, due to special needs, requires higher volume of the service, the cost of occupational rehabilitation may be reimbursed at a higher rate (by discretion of the EUIF).

The client can choose a suitable occupational rehabilitation provider (the suitability of the service provider being beforehand agreed upon together with the client's counsellor) among all licensed service providers who have been listed as the EUIF's cooperation partners.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In order to extend the target groups (or the terms) for labour market measures, set in the Labour Market Services and Benefits Act, it is possible (according to the same law) to launch special Employment Programmes. With the help of those (currently *Employment Programme 2017-2020*), the unemployment prevention measures were introduced in May 2017 that extended the target groups of skills training measures.

With the support from the ESF programmes, it has been possible to widen the target group for career counselling to employed people since 2015. Additionally, providing career counselling and career information services to young people (including pupils at schools) is financed partly by and regulated through the ESF programmes.

A number of new or adjusted employment measures have been developed and made available for work ability reform target group with the support of the ESF funding. The newest measures include occupational rehabilitation, peer-counselling, sheltered employment and travel-to-work allowances. Mobile counselling sessions are organised for students with special needs in vocational training or higher education before their graduation to support transfer from school to work. Employers are offered advice and guidance on disability management at work. Tailor-made training and counselling sessions help to raise awareness but also provide practical solutions at the workplace.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Please see: <https://www.tootukassa.ee/eng/content/about-tootukassa/statistics>

Table 10. Participation in Career Information Centres

	2015	2016	2017	2018
Career Information Centre	10,037	10,475	12,139	11,414

Source: *Estonian Unemployment Insurance Fund*

Article 9 – The right to vocational guidance

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Career counselling is offered to the unemployed and those who have received the notification of redundancy according to the Labour Market Services and Benefits Act. In addition, the EUIF (PES) offers career counselling to all people, regardless of their labour market status and age, including young people and their parents, on the basis of the European Social Fund co-funded programme *Increasing the Availability of Career Counselling*.

Career services (career information and guidance and counselling) are available in all EUIF regional employment offices. In addition to this, the PES provides career services at schools, youth centres, but also at job and career fairs and other events all over Estonia.

Youth work

Under the Estonian Youth Guarantee Scheme, the Ministry of Education and Research has initiated various programmes to provide young people with the opportunity to gain practical work experience, become familiar with different fields of work and receive information on various topics relevant to youth.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General education

Until 2019 Rajaleidja centres provided and developed different career services:

- Individual career services
- Group counselling
- Seminars, fairs, lectures and other events

Relevant statistics is added to the statistics section.

From 2019 career information and career counselling services are offered and developed in the PES.

Career services provided by the EUIF

The Government agreed on December 21st 2017, that by the end of February 2018 an action plan needs to be formulated, according to which:

- 1) Career counselling and mediation of career information services in Estonia will be developed and provided by the EUIF to all people⁹, starting from January 1st 2019.
- 2) Career study and services related to career study will continuously be under the supervision of the Ministry of Education and Research.

The action plan had to cover the following topics:

⁹ The employed, the unemployed, the young, the parents of the young etc.

- Description of career services by target groups;
- Volumes of career services that will be provided after the reform;
- Financial plan;
- Personnel plan;
- Timetable and cost of the reform.

A working group consisting of members from the Ministry of Education and Research, Ministry of Social Affairs, Foundation Innove¹⁰ and the EUIF was formulated and led by the EUIF to guarantee the formulation of the action plan in time. The action plan was handed over to the Ministry of Social Affairs by the EUIF at the end of February 2018 and was approved by the Government on April 26th 2018.

The aim of the reform was to avoid the duplication of career services (both in terms of service development as well as provision) between Foundation Innove's Rajaleidja guidance center's and the EUIF and by that make the career services more efficient and effective. Second aim was to bring the methodological development of career services into one institution – the EUIF.

Prior to January 2019 career services were provided separately in the education and in the labour market system. In the education system, the service providers were Foundation Innove's regional guidance centres, called Rajaleidja¹¹. Career guidance was provided for young people (aged 7-26 years). The priority group were pupils in grades 7 to 12, in vocational schools and 18-24-year-olds, who have dropped out of the education system early without having acquired more than basic education (graduated 9th grade). In the labour market system, career services – career counselling and mediation of career information – were provided by the EUIF in line with all other active labour market measures. Prior to January 2019 the target groups for career services in the EUIF were the unemployed, the employed and the inactive people. Both in the education and labour market system, career services are provided free of charge.

Since January 1st 2019, career services¹² are provided solely by the EUIF to all people, free of charge, either individually or in groups, depending on the needs of the target group. The change also included extending career counselling to parents (to be able to support the child in making career decisions (e.g. choices about study and work) and covering young people with special education needs. To offer career services, various channels are used – face-to-face, Skype, telephone, e-mail. Also, the EUIF is now responsible for the methodological development of career services in Estonia.

Career services (career counselling and providing career information) are partly financed from the EUIF's budget and partly from the ESF programme *Increasing the Availability of Career Counselling*.

Youth work

Mobile workshops (EE Youth Guarantee scheme) – the purpose of the programme is to introduce young people to professions, work practices and tools in the fields of carpentry, metalwork, medicine and youth work by offering young people a hands-on opportunity to test the work tasks associated with these professions. For the field of carpentry and metalwork, a trailer equipped with appropriate tools drives around Estonia, stopping at youth centres, hobby schools, youth camps, etc., and carries out workshops to interested young people. The medical field (nursing and bio-analytics) is introduced through a virtual reality workshop, which is followed by a practical workshop where young people can practice the work tasks they saw through the VR glasses. Finally, the profession of a youth worker is introduced through a virtual reality and augmented reality workshop

¹⁰ In the education system, career counselling and career information services are provided by Rajaleidja (in English *pathfinder*) Centres, that work under Foundation Innove.

¹¹ These centres provide the following services: career information, career counselling, psychological, socio-pedagogical, special educational counselling and speech therapy.

¹² Career counselling and mediation of career information.

followed by a practical workshop. All in all, mobile workshops help to raise young people's career awareness and competitiveness in the fields of technology, engineering, medicine and youth work.

Community practice (EE Youth Guarantee scheme) – the purpose of the programme is to provide secondary school students with an opportunity to carry out community practice/traineeship at a local NGO. This complements their studies in the social education subject at school and increases their knowledge about NGO-s and voluntary work. In addition, it is a great opportunity to learn about different societal problems as young people can carry out their practice in a food bank, animal shelters, etc. Therefore, the programme helps young people become responsible and caring citizens and acquire competences for active participation in the society. What is more, the competences young people gain and the connections they develop facilitates their transition into the labour market.

The Youth Summer Work Programme (EE Youth Guarantee Scheme) – the purpose of the programme is to prepare young people for the labour market by giving them the opportunity to gain practical work experience in summer. During the programme, young people become familiar with different fields of work, they receive career counselling and training on labour market legislation. Therefore, the programme helps young people become knowledgeable about their rights and opportunities in the labour market. This is also a valuable experience for the employers as they get to introduce themselves to possible future employees and they get to contribute to the development of young people.

Youth Information (EE Youth Guarantee scheme) – the purpose of youth information is to provide young people with easily accessible, reliable, accurate and understandable information on various topics relevant to youth (e.g., education, employment, health, youth work opportunities, etc.). For this, in 2018, a youth information website Teeviit (<https://www.teeviit.ee/>) was launched. Teeviit used to be a youth information fair; however, trends show that young people do not attend information fairs as much as they used to (partly because the number of information fairs has increased over time and their novelty has worn off). Therefore, instead of organising a one-time fair, Teeviit was transformed into a permanent youth information channel as it is important to guarantee that young people receive good quality reliable information in an accessible and youth friendly manner at all times.

3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.

General education

Before the new reform was applied, Rajaleidja centres provided career counselling and information. Following information encompasses years 2015-2018 when career services were provided by Rajaleidja centres:

Public spending for Rajaleidja career services is unfortunately not calculated, because the concept for career and study counselling services over the years 2015-2018 was to provide immersed services for students. Therefore expenditures were not divided between career and study counselling services.

Distribution: Whole coverage – centres for career and study counselling were operating in all counties, counsellors delivered majority of services at schools, additionally at different events (fairs, festivals) for youngsters. Occasionally some young people decided to attend counselling in the counselling centres. A few were held over digital platforms.

Staffing level: Average no of career specialists who directly provided the services through Rajaleidja centres was 88, ~18% of them were career information specialists, 66% career counsellors and 16% had both qualifications.

Qualification: Approximately 50% of career specialists had (additionally to necessary training) obtained their occupational standard.

Table 11. Volume of career services provided Rajaleidja centres 2015-2018

Individual career services	2015	2016	2017	2018
Classes 10-12	4019	6715	6557	6156
Students in vocational education	662	1028	1293	995
Early school leavers and other	461	803	897	622
Classes 4-9	8547	13461	16213	15215
Total	13689	22007	24960	22988

Table 12. Number of group counselling events and participants 2015-2018

Group counselling	2015	2016	2017	2018
No of events	1569	984	837	743
No of participants	22144	15125	12741	10900

Table 13. Number of information sharing events and participants 2015-2018

Seminars, fairs, lectures other events	2015	2016	2017	2018
No of events	1381	1141	1125	580
No of participants	23285	28041	21744	13785

Youth work

Mobile workshops – between 2017-2018, 342 workshops for 4565 young people have been organised.

Community practice – between 2015-2018, 43 schools and 2600 young people have participated in community practice in various non-governmental organisations.

The Youth Summer Work Programme – between 2016-2018, 975 young people have had the opportunity to gain practical work experience in summer.

Youth information – the Teeviit website has proven to be well-used by the young people, in 2018 the website was visited 86 628 times.

Expenditure, staffing and number of beneficiaries of the EUIF career services

Expenditure on career counselling and providing career information is part of the operational expenditure of the EUIF (budget for salaries, administration costs etc). In addition to the EUIF budget, provision and development of career services is co-financed from the ESF through the following programs.

Table 14. Expenditure of the EUIF career services 2015-2019

<i>Increasing the Availability of Career Counselling (includes labour costs, e.g. share of career counsellors' salaries) for providing career counselling to employed, inactive and the youth target group; costs for training of the career specialists; costs on (methodological) development of career services), euros</i>	
2015	599 158
2016	544 027
2017	648 838
2018	831 140
2019	1 890 756
<i>Providing Labour Market Services to Enhance Employment Opportunities (includes labour costs, e.g. share of career information specialists' salaries) for providing career information to the youth target group), euros</i>	
2015	141 950
2016	156 999
2017	159 725
2018	166 460
2019	499 762

Table 15. The number of EUIF staff involved in providing and developing of career services

The EUIF staff involved in providing and developing of career services	
Career counsellors	77
Career information specialists	39
Chief career specialists, head of Career Centre (located in Tallinn)	6
Specialists responsible for methodological development of career services	10
TOTAL	132

For statistical overview about inflow into career services (career counselling and provision of career information) please refer to: <https://www.tootukassa.ee/sites/tootukassa.ee/files/almp.xlsx>

Table 16. The number of persons that participated in career services 2015-2018

	2015	2016	2017	2018
Career Information Centre	10,037	10,475	12,139	11,414
Career counselling	19,071	20,387	19,880	20,379
Career counselling for employed and inactive people	7,542	10,432	14,420	16,106

Source: Estonian Unemployment Insurance Fund

The Committee takes note of the measures under way to ensure that lifelong guidance services are accessible to children and young people and to develop such services and

their quality. The Committee asks for updated information on the measures under way and the results achieved. It asks in particular to clarify whether information and guidance activities in the education system are entirely provided through the Rajaleidja centres or whether school teachers and/or counsellors also play a role in this respect.

As a result of the career services reform, since January 1st 2019, career services are provided solely by the EUIF to all target groups. Rajaleidja guidance centres no longer provides career services (counselling and mediation of career information), however, Rajaleidja continues to provide study counselling service. Career training is organised by the Ministry of Education and Research and schools.

General education

National curricula

According to National curriculum for basic schools (applied from 2011) the basic school is responsible for organizing notification of pupils and parents regarding opportunities for further study and shall ensure the availability of career services to pupils (career studies, information or counselling) (§ 16 lg 3).¹³

Upper secondary schools are responsible for similar tasks as Basic schools:

- organize notification of students regarding opportunities for further study and general trend on the labour market;
- ensure availability of career services (career studies, information or counselling) (§ 12 lg 2).¹⁴

Usually schools co-operate with Rajaleidja (from 2019 with PES) to achieve the goals set in the curricula.

Teachers' qualification standards

Teacher, level 6¹⁵

Counselling is mentioned in the teacher level 6 qualification standard:

- 1) supports a learner in development and acquirement of general and special skills;
- 2) conducts interviews targeted to the support of development of a learner with a parent; counsels parents in development-related issues and creation of an environment supporting development

Post Scriptum: In the qualification standard counselling is intended to be broader, but may encompass career counselling.

Teacher, level 7¹⁶

Counselling is mentioned in the teacher level 7 qualification standard:

- 1) counsels a learner in case of a specific need or problem in his/her (subject) field, also preventively; supports a learner in development of learning skills and acquirement of subject-related knowledge; conducts consultations and interviews supporting the development; cooperates with support specialists;

¹³ Link: <https://www.riigiteataja.ee/en/eli/ee/VV/reg/524092014014/consolide>

¹⁴ Link: <https://www.riigiteataja.ee/en/eli/ee/VV/reg/524092014009/consolide>

¹⁵ Link (in Estonian): <https://www.kutseregister.ee/ctrl/et/Standardid/exportPdf/10719263/>

¹⁶ Link (in Estonian): <https://www.kutseregister.ee/ctrl/et/Standardid/exportPdf/10719336/>

- 2) conducts interviews targeted to the support of development of a learner, involves support specialists, if necessary; counsels parents in the issues related to learning activities, involves support specialists, if necessary.

Post Scriptum: In the qualification standard counselling is intended to be broader, but may encompass career counselling.

Vocational education and training

There are 21 national curricula at vocational secondary level (EQF level 4). Each of which includes modules of general education, basic vocational education and selective studies. Career management skills, together with entrepreneurship skills are embedded into the basic vocational education modules as part of compulsory studies for each student at vocational secondary level. However, career studies and entrepreneurship skills have also been integrated into most of the vocational curricula at levels 2 – 5, although not as compulsory ones. This choice is up to each VET institution. Teachers have been prepared to carry the

Teachers of vocational education are also committed to have the skills to share career information while counselling students during enrolment processes. According to a renewed regulation (in December 2018) concerning vocational education provision to SEN-students, schools are expected to counsel students as well as their parents about the suitable vocational curriculum. It demands knowledge and skills how to support career decision making from vocational education teachers as well as support personnel.

Article 10 – The right to vocational training

Article 10 § 1 – Promotion of technical and vocational training and the granting of facilities for access to higher technical and university education

<p>1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.</p>

Vocational Education and Training

A special programme to address different target groups and promote vocational pathways was launched via European Social Fund allocation in 2015. Within the promotion activities all vocational education institutions participated in training designed for marketing vocational education and training (VET). A feedback was given to each VET institution about the visibility of their school in wider media, further development activities were suggested and put into practice. So, within the period 2015 - 2018 every VET school has improved their website, joined social media and done systematic work to reach their target groups. Furthermore, national skills competitions were advertised more widely and carried out at VET schools in the public eye.

A second initiative to promote vocational education within vulnerable target groups was a pilot programme in 2016 - 2018 for youngsters, who do not know which pathway of specialty within vocational education and training system to choose. The target group included NEETs or those whose special educational need(s) or language skills hampered their motivation or initiative to continue studies after compulsory schooling. The programme was funded in three different vocational education institutions as a pilot project by the Ministry of Education and Research.

Adult education

The legal framework for skills intelligence was implemented with amendments of Professions Act in 2015. The Act provides the bases for the creation, functioning and administrative supervision of the professional qualifications system. With the amendments the purpose of the act is to create an integral professional qualifications system and to ensure its functioning in order to increase the competitiveness of Estonian economy, to monitor and forecast the labour needs and to promote the development, assessment, recognition and comparison of people's competence.

The amendments serve as a base to launch the skills intelligence programme OSKA.

The amendments of the Professions Act¹⁷ also widened and specified the rights of education institutions to award the profession to graduates.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Vocational Education and Training

Marketing and communication activities (described above under p. 1) in vocational education and training were supported by the ESF programme. The Ministry of Education and Research is implementing the ESF programme "Development of Vocational and Higher Education according to the labour market needs" (short name PRÕM) for the years 2015 - 2023. Under the programme, which mainly is addressed to develop the system of apprenticeships at vocational and higher education levels, promotion of vocational education is included as a separate set of activities.

Furthermore, on the 1st of September 2017, a renewed regulation ([Õpilase kutseõppeasutusse vatuvõtu kord](#)) was launched regulating admission process to VET institutions. The regulation sets e.g. criteria for publicising admission conditions on time without the right to re-examine those within the whole admission period. Also, delivering admission documents via electronic systems or devices are applicable.

Adult education

OSKA

In order to better forecast skills needs, avoid the skills mismatch and to give input to education providers about skills needs, Ministry of Education and Research has launched the OSKA programme, a system of labour market monitoring and future skills forecasting, which is implemented by the Estonian Qualification Authority (Kutsekoda). OSKA analyses the needs for labour and skills necessary for Estonia's economic development over the next 10 years. The action seeks to improve the labour market relevance of education and training. The outcomes of the analyses and forecasts of labour market needs provide essential input to the qualification and career counselling system and to curricula development as well as for various agencies funding education and training.

Awarding professions to graduates

The rights of an awarder of professions to their graduates are given to higher and vocational education institutions if the curriculum of the institution complies with the professional standard and is nationally recognised. A curriculum shall be deemed to be in compliance with a professional standard if the learning outcomes of the curriculum include the competence requirements provided for in the professional standard. Nationally recognised curricula are all the curricula of the level of

¹⁷ Link: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/521032019015/consolide>

higher education and vocational training belonging to a curricula group in which the right to conduct training has been granted without a term.

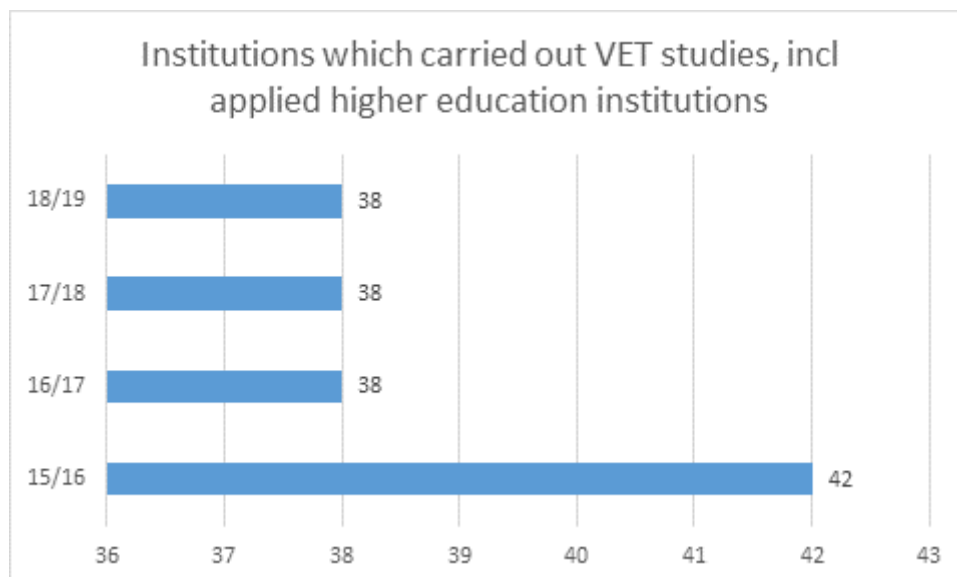
Currently 23 higher or vocational education providers have applied and got the right to award profession to their graduates.¹⁸

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

In 2018/2019 there are 6 applied higher education institutions which provide also vocational education curricula.

26 out of 38 VET institutions are state-owned, 2 owned by municipalities and the rest by private sector.

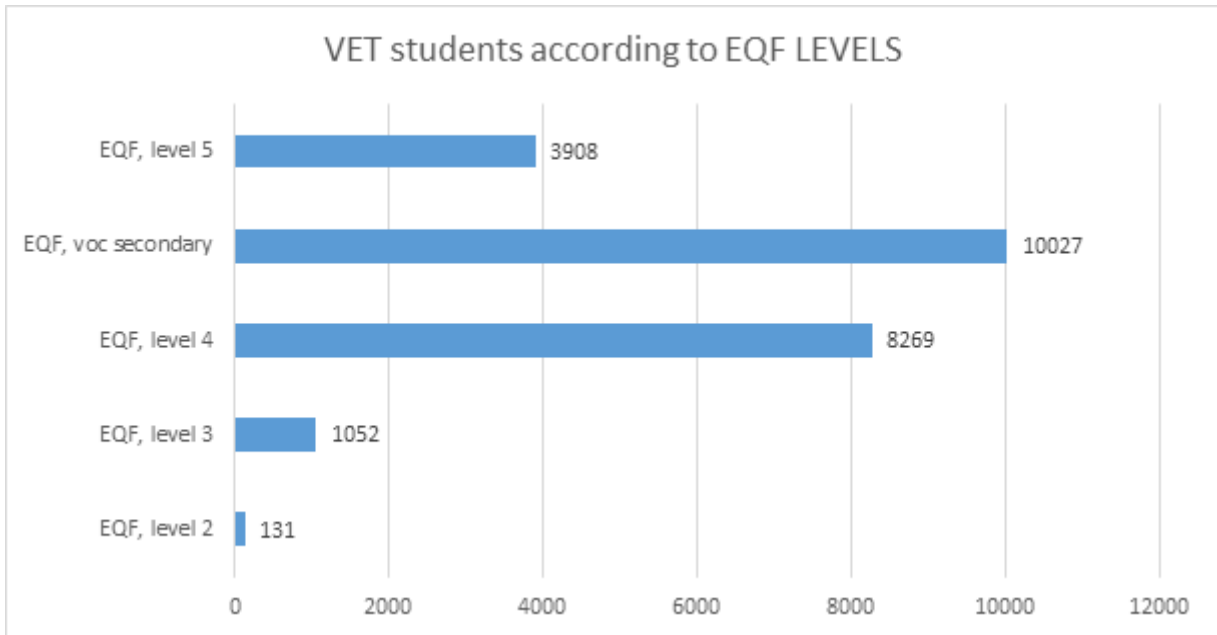
Table 17. Institutions which carried out VET studies, including applied higher education institutions



Source: www.haridussilm.ee

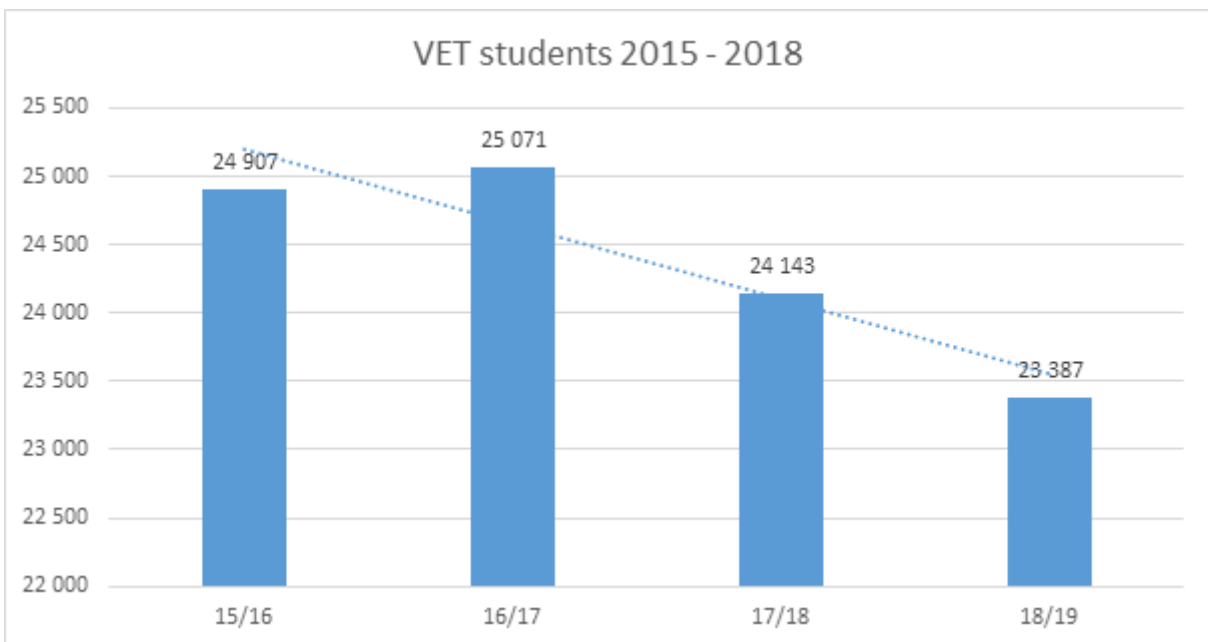
Table 18. Types of education and training provided

¹⁸ Link (in Estonian): https://www.kutseteregister.ee/kutset_andvad_organid/



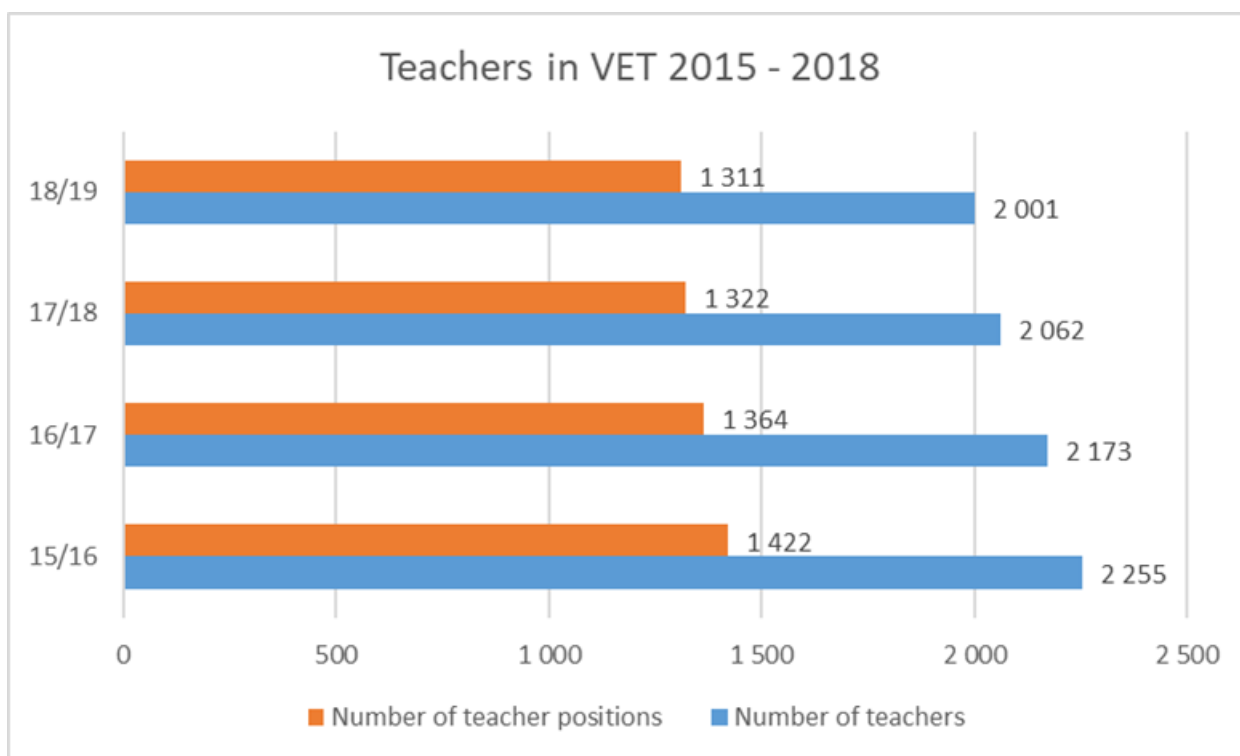
Source: www.haridussilm.ee

Table 19. Number of VET students 2015-2018



Source: www.haridussilm.ee

Table 20. Number of teachers in VET 2015-2018



Source: www.haridussilm.ee

The Committee asks the report to provide information about the measures taken to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market.

In general education we can point out two things:

Upper secondary schools must provide selectional paths (language and literature, social studies or sciences for example) of study. The aim is to offer pupils different paths to choose from and to create an opportunity for pupils to study in-depth subjects that interest them and where they see their future.

According to the Act of Basic Schools and Upper Secondary Schools § 17 (4) (4) by an agreement between the head of school or a teacher authorised by the head of school and a student or, where a student has limited active legal capacity, a parent, the school may consider studies or activities falling outside the school's curriculum, including studies in another general education school, as part of the teaching carried out by the school, provided that it allows the student to achieve the learning outcomes specified in the school curriculum or in the student's individual curriculum.

With the amendments into the Act of Basic Schools and Upper Secondary Schools in February 2018, two major changes were made to alleviate the transitions between basic school and the world of work or different educational institutions. Firstly, the target group who could apply for an additional year after completing basic education, was enlarged. The aim for the additional year was to develop further on key competences and introduce oneself to the different fields of study within vocational education or labour market. The target group to apply for this additional option was restricted to students who had completed simplified basic education curriculum in basic school. Since the beginning of 2018, the option to continue for one year to improve basic skills and get introductory vocational skills (often organised in cooperation with vocational education institutions), is opened to each student with special educational needs.

Until 1st of February 2018 amendments within The Act of Basic Schools and Upper Secondary Schools, only persons of 17 years of age or older could acquire basic education in the non-

stationary studies. Since 2018 also underaged are included. Based on a recommendation of the external advisory team, persons subject to the duty to attend school can acquire basic education in the non-stationary studies where they have special educational needs or another reason that makes the acquisition of education difficult in the stationary studies.

In its conclusions 2005 the Committee noted that nationals of other States Parties lawfully resident or regularly working in Estonia had equal access to vocational education and training. It asks whether there have been any changes to this situation.

There have not been any changes to this situation.

According to the report in 2014/2015 academic year there were 25,237 students enrolled in formal vocational education programme in 38 VET and 6 vocational higher education institutions. Instruction was provided by 2,238 teachers. The Committee notes that the total public expenditure of vocational education and training stood at € 129 million in 2010 and at € 108 million in 2012. The Committee asks what is the total spending as a percentage of GDP.

In reply to Committee's question, please see the table below.

Table 21. The total amount of public expenditure devoted to vocational training 2010-2012

Year	GDP (billion euros)	VET budget (million euros)	percentage of GDP
2010	14,9	129	0.9%
2012	18	108	0.6%

Article 10 § 2 – A system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Apprenticeships were introduced in 2006 (Parliament, 2013, Article 28). They can be offered at all VET levels and in all its forms (initial and continuing), and lead to qualifications at EQF levels 2 to 5. Apprenticeships follow the same curricula as school-based programmes. VET institutions cooperate with employers to design implementation plans for apprentices based on the existing curricula.

General characteristics of apprenticeship programmes are:

- a) training in the enterprise comprises at least two thirds of the curriculum;
- b) the remaining one third of the programme (school part) may also comprise of training at school; in some cases, schools have better equipment than companies;
- c) the apprenticeship contract between the school, learner and employee stipulates the rights and obligations of the parties as well as the details of the learning process; the contract is usually initiated by schools, but can also be proposed by companies and learners; it should be in accordance with the labour code but learners retain student status even if an employment contract is signed in addition to the apprenticeship contract; apprentices have the same social guarantees as learners in school-based VET;

- d) the total study duration is from three months to three and half years (20), equal to schoolbased VET programmes;
- e) employers recompense students for tasks performed to the amount agreed in the contract; it cannot be less than the national minimum wage of EUR 500 per month or EUR 2.97 per hour (2018);
- f) apprentices have to pass the same final examinations as in school-based VET;
- g) each apprentice is supported by two supervisors: one at school and one at the workplace.

The apprenticeship grant also covers the training of supervisors and other costs. Within an apprentice contract, schools may transfer ca 0,1 teacher's minimum salary (per month) to the training company to pay a salary to supervisors at the workplace.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General characteristics of apprenticeship programmes are:

- training in the enterprise comprises at least two thirds of the curriculum;
- the remaining one third of the programme (school part) may also comprise of training at school; in some cases, schools have better equipment than companies;
- the apprenticeship contract between the school, learner and employee stipulates the rights and obligations of the parties as well as the details of the learning process; the contract is usually initiated by schools, but can also be proposed by companies and learners; it should be in accordance with the labour code but learners retain student status even if an employment contract is signed in addition to the apprenticeship contract; apprentices have the same social guarantees as learners in school-based VET;
- the total study duration is from three months to three and half years (20), equal to school-based VET programmes;
- employers recompense students for tasks performed to the amount agreed in the contract; it cannot be less than the national minimum wage of EUR 500 per month or EUR 2.97 per hour (2018);
- apprentices have to pass the same final examinations as in school-based VET;
- each apprentice is supported by two supervisors: one at school and one at the workplace.

The apprenticeship grant covers the training of supervisors and other costs. Within an apprentice contract, schools may transfer up to 50% of the grant to the training company to pay a salary to supervisors at the workplace.

In 2015/16, there were 678 apprentices, including 30 whose studies were partly financed by the ESF. In 2018/19, there were 1729 apprentices. A total of 78% of vocational education institutions and around 400 companies offered apprenticeship training

PRŌM programme

The Ministry of Education and Research is implementing an ESF programme "Development of Vocational and Higher Education according to the labour market needs" (short name PRŌM) for the years 2015-2023 to support the development and the quality of traineeships and

apprenticeships in formal education. Under the programme, the following activities are supported relevant to the issue:

- development of systems for traineeships and apprenticeships in vocational and higher education including, trainings, guidelines, best practice etc.;
- raising awareness about importance of practical studies incl. information dissemination materials, events etc. in cooperation with the organization representing employers;
- monitoring and research for better traineeships and apprenticeships;
- support to cover transportation and accommodation costs for students;
- development of traineeships in teacher training;
- support to create apprenticeship study places;
- promotion of vocational education.

PRÕM programme aims to train by the vocational and higher education institutions in-company tutors (5300), develop apprenticeships with employers (7200 additional study places), invite practitioners to teach at the school and to send teachers to have traineeships in the companies. In order to involve employers, it is implemented by the Estonian Employers' Confederation. The aim of this activity is to promote traineeship and apprenticeship (in order to have more companies offering apprenticeships), to recognize the best companies offering traineeships and apprenticeships, the best mentors and trainees, and to exchange apprenticeships for foreign students to Estonian companies.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

The Committee asks the next report to provide comments on these observations (under art 10§2) and to provide updated information on the number of young persons who undertook apprenticeship, the types of contracts concluded between the young person and the employer and the total cost, as well as the division of time between theoretical and practical learning.

In 2015/16, there were 678 apprentices (2%). The number has increased and in 2017/18 studied 1729 apprentices (7,4%). A total of 78% of vocational education institutions and around 400 companies offered apprenticeship training.

Table 22. Number of Apprentices

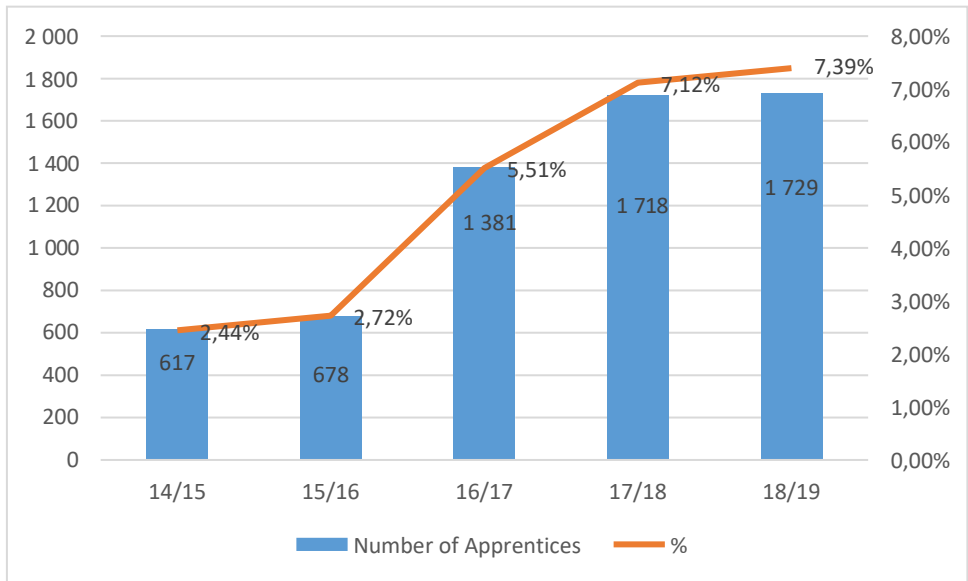


Table 23. Number of apprentices by age group

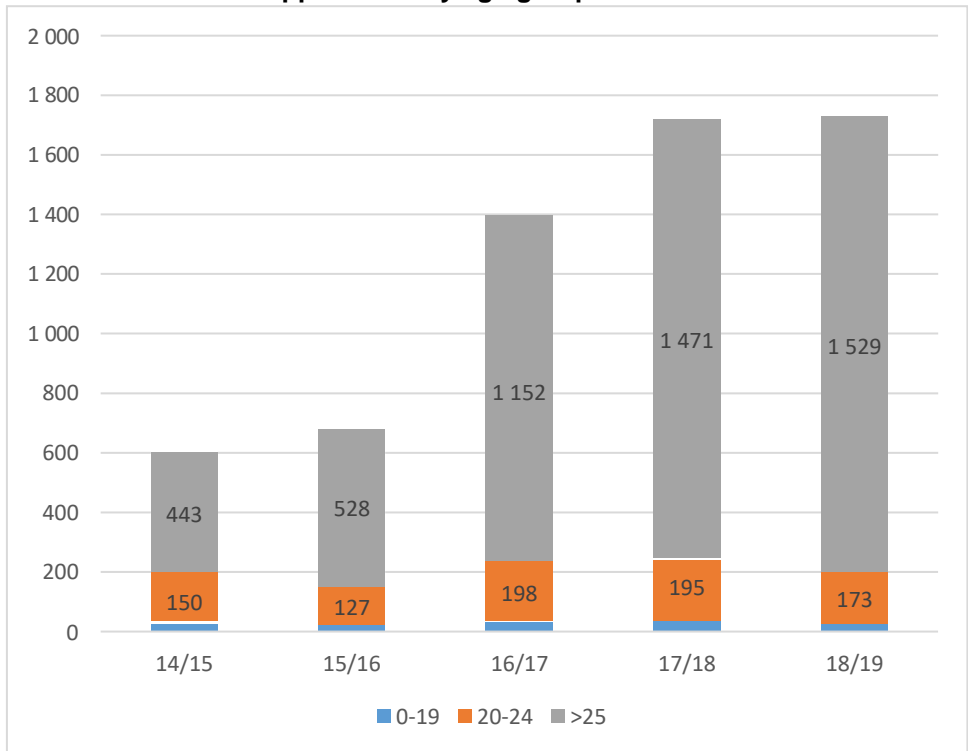
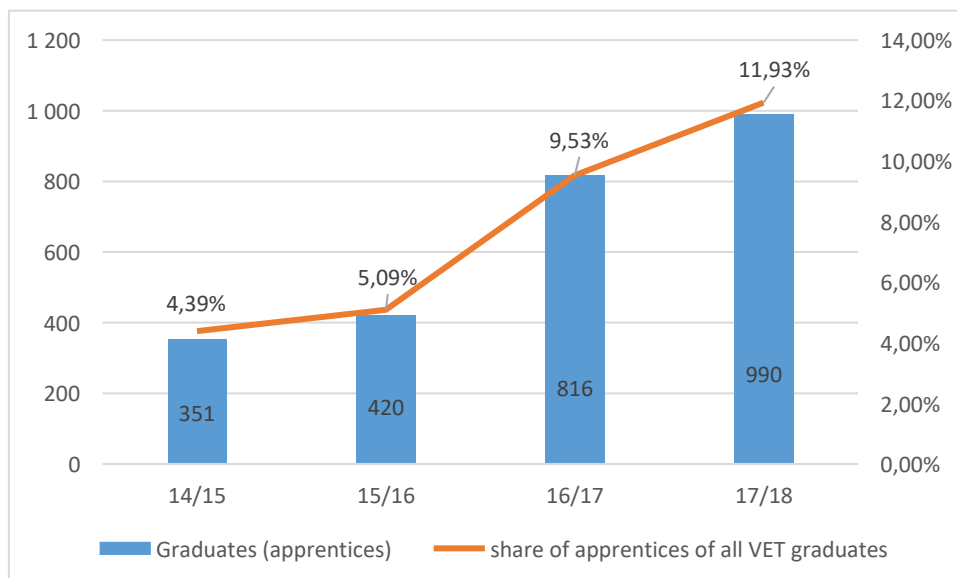


Table 24. Graduates



In 2018:

- Average age of apprentices: 40
- Women 61% and men 39%
- EQF level of study: 3 level – 14%; 4 level – 67%; 5 level – 19%;
- Study duration: 1 year and less- 49%; 1-2 years – 46% ; more than 2 years - 8%;
- Study language: Estonian 87%; Russian 13%;

Article 10 § 3 – Vocational training and retraining of adult workers

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Adult education

The Adult Education Act stipulates the right of every person to constantly develop their knowledge and skills, the obligations of the state and local governments in the coordination of adult training, and the obligation of employers to grant study leave to learners engaged in distance learning, evening courses, external study or part-time study. Adult Education Act also gives the main principles of quality assurance of adult education and financing of continuing education for adults.

According to the Adult Education Act and Continuing Education Standard applicable in Estonia, the continuing education curricula must be outcome-based. Further, the Adult Education Act provides that if the objective of training is to attain competencies contained in a professional standard, a reference to it must be made in the continuing education curriculum.

The courses under the programme are subject to the requirement that all curricula must be associated with a professional standard and the learning outcomes of all trainees must be assessed at the end of the course.

The EUIF services

The EUIF offers different opportunities to retraining adult workers. The EUIF started offering services aimed at prevention of unemployment from May 1st 2017. These services are targeted to employees who need support in changing jobs or remaining employed due to a lack of

skills or their skills being outdated, as well as to employers to support them in finding and training suitably skilled workforce and restructuring their companies.

The services are as follows:

- a degree study allowance for an employed person or a person registered as unemployed for obtaining vocational, professional higher education or Bachelor's studies;
- labour market training with a training card for employed persons at risk of unemployment;
- support for obtaining qualifications for employed persons who have undergone labour market or other training with the support of the training benefit;
- a training grant for employers for improving the skills and knowledge of their employees upon their recruitment and helping them to adapt to changes in the employer's economic activities.

The EUIF offers career guidance to support adult workers with planning their education and career.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Adult education

Since 2015 the Ministry of Education and Research is implementing a project "Promoting adult learning and expanding the range of learning opportunities" supported by the ESF.

Activities of the project:

1. Alignment of the content, volumes and organisation of the general and vocational formal education for adults to the needs of the learners and the society.
2. Development of the system of recognition of prior learning and work experience in order to expand the opportunities of recognising knowledge and skills acquired in formal, informal and popular adult education.
3. Development of regional cooperation aiming at bringing adults with no secondary or special education back to formal education.
4. Promotion of lifelong learning.
5. Quality improvement in the field of adult further training.
6. Offering high-quality relevant further and re-training for adults in order to update their qualifications.
7. Development of the funding principles for adult training.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

The Committee asks the next report to provide updated statistics concerning the overall number of employed persons in training and as a percentage of the total number of employed persons.

Adult education

“Promoting adult learning and expanding the range of learning opportunities”

Table 25. The number of participants in continuing training courses supported by the ESF

2015	1675 participants
2016	11 900 participants
2017	13 300 participants
2018	16 500 participants

In the year 2015 the number of trainees dropped due to the start of the new Structural Funds period in 2014-2015 when less courses were commissioned. Several measures were reactivated in 2016 and the number of people attending the courses grew again.

In 2015, the percentage of lifelong learners in Estonia was 12.2%, whereas in 2018, 19.7% of 25-64-year-olds participated in lifelong learning which is a record-breaking result over the years.

Campaign “Back to school”

During the last few years, several educational campaigns have been carried out, currently the “Jälle kooli” (Back to school again) campaign is going on. So, one can say they are run regularly, though the concrete focus point of the campaign may differ in different years (from valuing reskilling to the valuing of graduating upper secondary education). Ministry of Education and Research together with the Association of Estonian Adult Educators Andras are planning and delivering the campaigns and they are a part of the Adult Education development programs.

Project AGENDA – Implementation of the European Agenda for Adult Learning

The other big initiative is an AGENDA project - ETKA Andras, together with the Estonian Ministry of Education and Research, is coordinating the project AGENDA – Implementation of the European Agenda for Adult Learning. An objective of the project is the raising of general awareness about lifelong learning. Another important goal is to describe potential support model(s), including a motivation scheme for the target group. The objectives are reached by involving different stakeholders into common interaction.

Table 26. Participation in lifelong learning during the last four weeks prior to the survey in age group 25-64, %

	2015	2016	2017	2018
Total	12.4	15.7	17.2	19.7
Men	10.6	12.9	13.7	16.2
Women	14.1	18.4	20.6	23.2

Source: Eurostat

Table 27. Result indicators of labour market measures

	2015	2016	2017	2018
Percentage of unemployment insurance beneficiaries who have found employment 12 months after registering as unemployed	71.6%	73.1%	73.8%	75.5%
Percentage of persons who have found employment 12 months after	60.4%	62.8%	67.2%	69.1%

registering as unemployed (unemployment insurance beneficiaries and unemployed with reduced ability for work not included)				
Percentage of unemployed with reduced ability for work who have found employment 12 months after registering as unemployed (unemployment insurance beneficiaries not included)	-	51.3%	54.7%	42.4%
Percentage of long-term unemployed who have found employment 12 months after registering as unemployed (unemployed with reduced ability for work not included)	-	41.7%	45.1%	47.2%
Percentage of young unemployed (16-29) who have found employment or started studying or participated in labour market training or work practice 6 months after registering as unemployed	-	62.8%	67.1%	66.7%
Percentage of people who have found employment during the 6 months after registering as unemployed and stayed in employment after 180 days	-	-	71.6%	72.2%
Percentage of unemployed participating in active labour market measures average per month (unemployed with reduced ability for work not included)	34.0%	33.4%	34.8%	37.0%
Percentage of unemployed with reduced ability for work participating in active labour market measures average per month	-	46.8%	48.0%	53.0%
Percentage of long-term unemployed (unemployed 12 month and more) participating in active labour market measures during 12 months	92.3%	91.7%	92.0%	88.8%
Percentage of people who have found employment during the first 6 months after participating in labour market training				
Percentage of people who have found employment during the first 6 months after participating in work practice				
Number of new vacancies added per Year	42,008	54,367	57,431	54,741

Article 10 § 4 – Long-term unemployed persons

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The labour market services of long-term unemployed persons are provided according to the Labour Market Services and Benefits Act. The EUIF takes an individual approach when providing services to unemployed persons. Therefore, are generally no specific measures for long-term unemployed persons. The only specific measure for the long-term unemployed is salary subsidy that is paid to the employers of persons that have been long-term unemployed.

For Estonia, long-term unemployed are all persons who have been registered as unemployed for 12 months or more (in a continuous spell).

On national level, long-term unemployed are persons who, for at least twelve months, have not engaged in the work or in an activity equal to work. A young person of sixteen up to twenty-four years of age is deemed to be a long-term unemployed if he or she, for at least six months, has not engaged in the work or in an activity equal to work.

To receive unemployment benefits, registered unemployed should:

- be unemployed involuntarily;
- have paid contributions for at least 12 months during the 3 years before becoming unemployed.

Those not entitled to the regular unemployment benefit may claim the unemployment allowance. To receive the unemployment allowance, registered unemployed should:

- have worked or performed an activity regarded as work (raising children, in full-time education, completing military service, etc.) for at least 180 days during the 12 months preceding the claim;
- have a monthly income lower than 31 times the daily rate of the unemployment allowance (€150.66).

Estonia started offering services aimed at prevention of unemployment from May 1st 2017. These services are targeted to employees who need support in changing jobs or remaining employed due to a lack of skills or their skills being outdated, as well as to employers to support them in finding and training suitably skilled workforce and restructuring their companies.

The new services are as follows:

- a degree study allowance for an employed person or a person registered as unemployed for obtaining vocational, professional higher education or Bachelor's studies;
- labour market training with a training card for employed persons at risk of unemployment;
- support for obtaining qualifications for employed persons who have undergone labour market or other training with the support of the training benefit;
- a training grant for employers for improving the skills and knowledge of their employees upon their recruitment and helping them to adapt to changes in the employer's economic activities.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The legal framework is implemented with the Employment Programme 2017–2020.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

Table 28. Long-term unemployment rate

	2015	2016	2017	2018
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Long-term unemployment rate, %	2.4	2.1	1.9	1.3
men	2.5	2.4	2.2	1.5
women	2.2	1.8	1.6	1.2

Source: Statistics Estonia

Table 29. Annual average number of registered unemployed* with the UIF by duration of registered unemployment, between 2015– 2018

	2015	2016	2017	2018
Total	28,069	28,633	30,452	30,691
Less than 6 months	19,658	19,493	20,695	19,887
6 to 11 months	5,544	6,133	6,476	6,833
At least 12 months	2,867	3,007	3,282	3,972
At least 24 months	846	725	739	727

*calculations are based on registered unemployed at the end of quarter

Source: Estonian Unemployment Insurance Fund

Table 30. Estimated number of persons who have been unemployed for more than 12 months

	2015	2016	2017	2018
Total number of persons who have been unemployed for more than 12 months	16,200	14,800	13,500	9,400
Men	8,900	8,700	8,000	5,300
Women	7,300	6,100	5,400	4,100

Source: Statistics Estonia

Table 31. Inflow of long-term unemployed (unemployed 12 months or more) to labour market training provided by the UIF

	2015	2016	2017	2018
In total	1523	1563	1879	2437
16–24	60	56	40	55
Men in total	677	653	810	998
16–24	33	27	19	28
Women in total	846	910	1069	1439
16–24	27	29	21	27

Source: Estonian Unemployment Insurance Fund

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 15 § 1 – Education and training for persons with disabilities

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General education

Basic Schools and Upper Secondary Schools Act, which entered into force in 2010, provides for the implementation of inclusive education as a fundamental principle of the Estonian education management. Under the law, high-quality general education must follow the principles of inclusive education and be equally accessible to all people, regardless of their social and economic background, nationality, gender, place of residence or special educational needs. It is in line with the Estonian Lifelong Learning Strategy 2020: education system should create equal opportunities for learning for every individual.

In 2016, the Ministry of Education and Research commissioned a study entitled “Efficiency of inclusive education and related measures for students with special educational needs”. Based on the results of the study and recommendations for the promotion of inclusive education, a draft amendment to the Basic and Upper-Secondary School Act was developed in 2017. The changes in the educational arrangements for pupils with special educational needs, which entered into force in 2018, created greater opportunities for schools and school keepers to organise pupils' individual needs and to implement support systems.

Main amendments:

- An increase in the state budget for education to increase teachers' wages and to increase the operating expenditure support for the implementation of enhanced support or special support for students and the labour costs of support specialists.
- A breakdown of special classes and elimination of maximum class capacity level. For a student who is unable to fulfil school duties or is lagging behind in achieving learning outcomes, the school provides general support. If the overall support provided by the school does not produce the desired results for the student's development, enhanced support or special support may be applied at the recommendation of the external counselling team. The volume and content of the support to be implemented does not depend so much on the medical diagnosis or assigned disability of the student, as much as on the training organisation and support services it needs.
- The role of national supervision was increased to better monitor the teaching arrangements of children in need of support.

According to the Basic Schools and Upper Secondary Schools Act teachers observe the development and coping of students at school and, where necessary, adjust studies according to the individual needs and abilities of students. When teaching a student, a school may change or adjust the time, contents, process and environment of study. Where the changes or adjustments substantially increase or decrease the weekly workload or intensity of studies in comparison with the school curriculum or reduce or replace the learning outcomes provided for in the national curricula, an individual curriculum is drawn up for the student.

Depending on the individual needs of the student, studies corresponding to the student's abilities and the required support in cooperation between the teachers, support specialists, assistant teachers and other specialists are ensured for the student. Where necessary, at least the services of a special education teacher, a speech therapist, a psychologist and a social educator are

ensured. Where it becomes evident that a student needs support, a parent is notified thereof and the school provides a student with general support. Where the general support provided by the school does not produce the desired results for development of the student, enhanced support or special support may be applied upon recommendation of an external advisory team.

Vocational education and training

Approximately 4% out of ca 23 000 vocational education students do have special educational needs, which are identified and students receive educational support.

Most of the students are integrated into regular study groups. Support which should be available to student within the study process, is regulated by the act [Haridusliku erivajadusega õpilase kutseõppeasutuses õppimise tingimused ja kord](#). A renewed regulation was launched in December 2018. The main amendments included the use of different databasis to identify student's special educational needs and support given in previous educational institution. Secondly, the process descriptions to identify and support students during their studies was better described for schools.

Also, the financing of special educational needs has changed since 2018, with the new regulation [Kutseõppe rahastamise põhimõtted ja komponendid ning nende rakendamise tingimused ja kord](#) (launched on the 21st of December 2017). The main change included 3-level financing, differentiating financing of special educational needs (SEN) students as follows: general support for every student in VET school; extra support for students with mild special educational needs and extra support for students with severe or complex special educational needs.

To avoid situations which could hinder Access to VET for SEN-students, there is also available study support fund. As a rule, study support is meant to motivate to acquire better learning outcomes and finish one's studies within a nominal study period. However, each VET-institution is autonomous to use up to 50% of the fund to support students on special cases which could hinder their access to studies (e.g. cover costs during practical training, extra transportation costs etc).

Higher education

In line with Lifelong Learning Strategy 2020, education system should create equal opportunities for learning for every individual. National policy mostly does not make categories of people based on their special needs, but rather emphasises that it is important to guarantee equal opportunities for all. However, according to Higher Education Act (§ 13 (3)) (<https://www.riigiteataja.ee/en/eli/529082019022/consolide>), Higher Education Institutions may establish different admission requirements for different groups, based on the prior qualifications or special needs of the applicants. Also, Higher Education Institutions are not entitled to the reimbursement of study costs from a student who has not complied with the requirements concerning full-time studies if he or she is a person with a moderate, severe or profound disability or if he or she is a parent or guardian of a child under 7 years of age or a disabled child (§ 16 (4)).

The same group of students also has exceptions related to academic leave. In general, a student is not entitled to complete the curriculum during the period of academic leave except if:

- 1) he or she is a person with a moderate, severe or profound disability;
- 2) he or she is a parent or guardian of a child under 3 years of age or a disabled child;
- 3) he or she is on academic leave in connection with undergoing compulsory military service or alternative service.

Additionally, besides guidance and counselling service, Estonia has several scholarships and study allowances (scholarship for students with special needs, needs-based special allowance) for different groups, but they are not coordinated through higher education institution.

Scholarships for students with special needs are regulated in the § 7 of "Conditions and procedure for the provision of higher education scholarships" (<https://www.riigiteataja.ee/akt/122082019011>).

The purpose of the scholarship for students with special needs is to support students with special needs upon the acquisition of higher education. The amount of the scholarship for students with special needs depends on the degree of severity and type of the disability and varies between 60-510 Euros per month. The main target group is students with a moderate, severe or profound disability.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Since 2014, there is a nationwide network – Rajaleidja centres - offering free educational counselling services for parents, teachers and other educators of children and young people. Educational counselling is a service in which a child’s learning or behavioral issues are identified and ways to support the child’s development are provided. Rajaleidja centers employ speech therapists, psychologists, social pedagogues and special educational teachers.

In order to use the resources of specialists supporting children more appropriately, a model of integrated services in the fields of social work, education, and healthcare is being developed in cooperation with the Ministry of Social Affairs. The aim of the cooperation is to provide long-term and varied assistance to children in need and needs assessment and support for their families from one place. Pilot programmes have been launched in seven local governments. The amendment in legislation is planned for 2020.

General education

Table 32. Number of new clients and recommendations of the external advisory team 2015-2018

	2015	2016	2017	2018
No of new clients	7058	8629	8654	8384
No of recommendations of the external advisory team	Statistics was not collected	2909	3460	3899

Table 33. Number of group counselling sessions and participants in group counselling sessions 2015-2018

	2015	2016	2017	2018
No of group counselling session	Statistics was not collected	839	450	226
No of participants in group counselling sessions		4829	2145	1395

Table 34. Number of information sharing events and participants 2015-2018

	2015	2016	2017	2018
No of seminars, lectures, roundtable discussions, other events	Statistics was not collected	1558	1946	2592

No of participants		9278	9032	10817
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Source: Ministry of Education and Research

3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).

0-19 years old persons with disabilities and their educational coverage

Table 35. Number of 0-19 year old persons with disabilities and their educational coverage

	0-2 years old	3-6 years old	7-17 years old	18-19 years old	Total 0-19 years old
Number of persons with disabilities	507	2561	9881	1076	14025
Number of persons with disabilities in education (basic, general or vocational)	158	2195	9724	837	12914
<i>Educational coverage (%)</i>	<i>31,2%</i>	<i>85,7%</i>	<i>98,4%</i>	<i>77,8%</i>	92,1%

Source: Ministry of Social Affairs

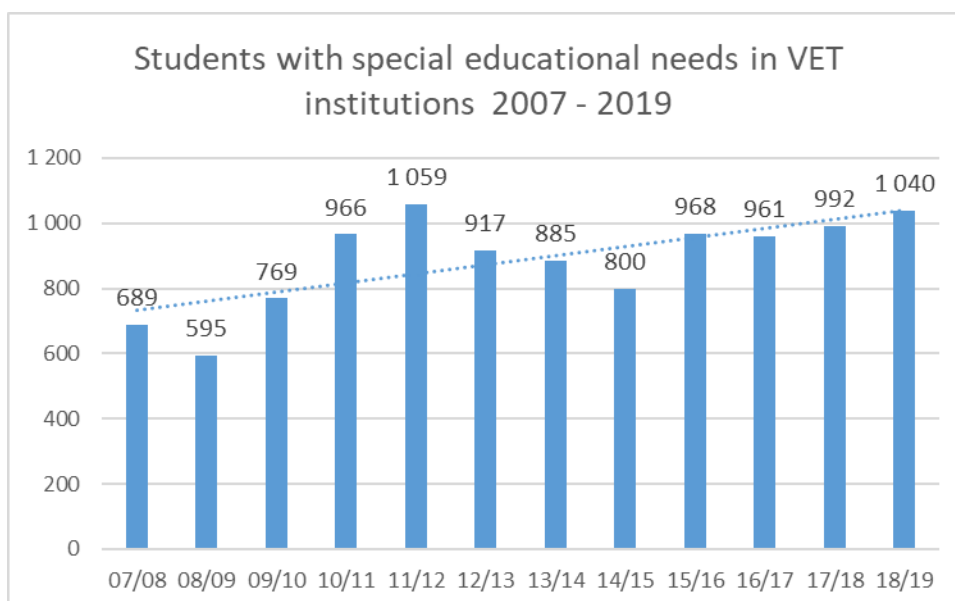
General education

In 2018/2019, 39 special schools provided education to pupils with special educational needs. In total 989 special classes are open in mainstream schools for pupils with SEN. In addition many pupils are integrated with the mainstream class (we do not have the exact number of classes or pupils who are integrated).

As part of an in-service training programme for teachers, teaching teams and school leaders (*Õpetajate ja Koolijuhtide Professionaalse Arengu Toetamine* - Support for Professional Development of Teachers and School Leaders), the topic of inclusive education has been one of the central priorities. One of the elective modules in initial teacher training and part of teacher's professional standard is the skill of supporting a learner with special educational needs. Desired competences include identifying the specific educational needs of the learner; adapting the learning environment to the needs of a learner with special needs; supporting the development of a learner with special needs; cooperating with colleagues, professionals and parents.

Vocational education

Table 36. Students with special educational needs in VET institutions



Higher education

In higher education there is no exact statistics about SEN pupils involved with university studies, because every student has the right not to give information about his/hers disability unless the student wants to apply for scholarship that is meant for students with special needs. Then the student must notify the university about his/hers disability.

2018/2019 statistics: 177 students involved in higher education have special needs. Most of them (83) in applied higher education. 61 in BA level, 21 in MA level, 4 in PHD, 8 in integrated BA and MA level.

Table 37. Number of persons with disabilities in higher education according to the type of disability

2018/19	Applied	BA	BA+MA	MA	PhD	Together
Hearing disability	9	8	2	4	2	25
Hearing disability, mobility limitations	1					1
Mobility limitations	21	21	1	7	1	51
Other	46	27	5	10		88
Other, chronic or long term illness		1				1
Other, hearing disability		1				1
Other, mobility limitations	1	1				2
Visual impairment	3	2			1	6
Visual impairment, hearing disability	2					2
Together	83	61	8	21	4	177
Trend:	-2	-35	-4	-10	-2	-53

Source: Ministry of Education and Research

Article 15 § 2 – Employment of persons with disabilities

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Before implementing the Work Ability Reform, the proportion of people with reduced working ability in society was growing. A lot of them were not active – people moved out of the labour market and stayed passive. There were multiple reasons – the system supported the idea of staying at home, the society was not ready to accept disabled people in the labour market, there were not enough support measures and the idea of staying active despite the disability was not popular. According to Eurostat, about 31% of the employed population and 32.4% of the unemployed in Estonia had a longstanding illness or a health problem in 2012. The corresponding proportions in the EU27 were 8.8% and 12%, respectively.

Considering the increasing number of people receiving pension for incapacity for work the existing system in Estonia was not sustainable.

In 2016, a new system (Work Ability reform) was set up for supporting working ability, which renewed the way of assessing working ability, also the subsidies' system and the range of services provided by the EUIF. The system is based on individual approach and case management for every disabled person.

The new working ability support system has had a significantly positive effect on the labour market participation. Initially when the system was developed, a goal was set that by the year 2022 the number of persons with reduced working ability in employment would be increased by over 50% - that goal was established already in 2017. According to the estimates of the Ministry of Finance, by the year 2022 there will be 19 100 more persons in employment and 16 400 more persons actively looking for work due to the working ability reform, compared to how many there would be with the old system.

The Work Ability Reform

The first step of the reform was the drafting of a bill (Work Capacity Benefit Act) setting out new rules for evaluating applicants' work capacity and eligibility rules for the monthly financial social security benefit. Immediately after unveiling this bill, another bill (Act on Amendments to Social Welfare Act, Labour Market Services and Benefits Act and other Acts) which focuses on occupational and social rehabilitation services, was introduced into the debate. This second draft was arguably partially in response to criticism by stakeholders that, without the enabling services, the activation of the people with occupational disabilities would be futile.

The eligibility rules of occupational rehabilitation have been revised so that disabled people currently in employment would have access to services that could help them to stay at work. In addition, a number of revisions to the policy were proposed to increase the supply and quality of active labour market services and rehabilitation services for the people with an occupational disability.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The EUIF pays subsidies and provides services for persons with reduced work ability and employers of persons with reduced workability:

- Advising and training to employers who are prepared to employ or have already employed people with disabilities but need knowledge and guidance to support them.
- If the employee has difficulties accessing their workspaces or using the work equipment provided, the EUIF will help adjust the workplace and work equipment in a way that makes them accessible and usable. Home workspaces can also be adjusted.

- Training costs will be compensated to an employer if the employee: is unable, due to a disability or their state of health, to continue their work and after completing retraining or ongoing training the employer offers them a new job; or before starting work the employee had been registered as unemployed for at least 12 months and now needs to develop their working knowledge and skills.
- An employer who employs an employee with decreased working ability (who is established as having partial or no working ability or at least 40% permanent incapacity for work) can apply for a social tax incentive from the EUIF.

The usage of this service has increased significantly after the service was redesigned and made more accessible for employers. Before redesigning the service, the employer had to apply for reimbursement every month providing evidence about person's salary etc. After redesigning, the employer only has to apply once and after that the EUIF automatically receives monthly data from database of Tax and Customs Board and the reimbursement is paid. The number of employees participating in this measure has increased from 15 256 in the average month at 2015 to 25 732 in the average month at 2018, so for today the percentage of people with reduced work ability participating in this measure has increased by 69%.

- Wage subsidies can be granted to employers who employ an unemployed person. In addition to other cases, an employer may also apply for a wage subsidy if they employ a person with decreased working ability.

Also, persons with reduced work ability can have vocational rehabilitation, trainings, assistance at job interviews, work with support person and other jobmarket services available for all target groups, like work practice, trainings etc.

3) Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.

At the final stage of sheltered employment, when the person is working at the opened labour market, the employment contract is concluded, so the labour law applies to those persons.

Table 38. Labour status of working age people with reduced ability for work (16 until pension age)

	2015	2016	2017	2018
Employed, thousands	52,5	54,9	55,6	54,2
Unemployed, thousands	6,7	8,2	8,6	7,8
Inactive, thousands	48,4	45,7	45,0	43,2
Total, thousands	107,6	108,8	109,2	105,2
Labour force participation rate, %	55.0	58.0	58.8	58.9
Employment rate, %	48.8	50.5	50.9	51.5
Unemployment rate, %	11.3	12.9	13.4	12.5

* Persons with reduced ability for work are persons with permanent incapacity for work (10-100%) and persons with partial work ability or no work ability.

Source: Statistics Estonia

Article 15 § 3 – Integration and participation of persons with disabilities in the life of the community

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Equal Treatment Act

The general principle of equality and prohibition of discrimination including on the ground of disability is stated in the Constitution of Estonia. The principle of equality is detailed in the Equal Treatment Act, which ensures the protection of persons against discrimination on the grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. During the reporting period there have been no changes to the Equal Treatment Act with regards to persons with disabilities. However, the Ministry of Social Affairs is currently preparing amendments to the legislation to expand the prohibition on discrimination due to disability to other areas, such as education and access to goods and services.

Implementation of the UNCRPD

On 1st of January 2019, the amendment to the Chancellor of Justice Act came into force. The amendment designated the institution of the Chancellor of Justice with the tasks of the framework indicated in Article 33 (2) of the CRPD to promote, protect and monitor implementation of the Convention¹⁹. The Chancellor of Justice ensures that all disabled persons are able to exercise their fundamental rights and freedoms on equal grounds with other persons. The Chancellor of Justice is independent in performing these functions. The Chancellor of Justice involves disabled persons in the performance of the functions, above all, via an advisory body.

In 2019, The Disability Council²⁰ was established by the Chancellor of Justice. The tasks of the Council are to advise the Chancellor of Justice on promotion and monitoring of rights of persons with disabilities. The Members of the Council are elected for two years on a public competition.

New regulation of technical aids

The Estonian technical aids system was reorganized²¹ in 2016 with the aim to give people the opportunity to purchase technical aids from companies all over Estonia (including pharmacies). The new Regulation ended the previous organisation, when the budget for technical aids was county-based and people were obliged to acquire devices only from companies, which had capacity-limited contracts with local municipalities where they lived. New contracts, established under the new regulation, abolished service capacity limits and gave companies opportunity to establish new service points and serve people all year round. Earlier there were cases where some service capacities were used within half a year and other municipalities had excess service capacity.

The reorganisation of technical aids system made service more available, accessible and personalised. The list of compensated technical aids is based on ISO codes and is open-ended. A person has a right to apply for compensation of a technical aid, that he/she intends to purchase elsewhere than Estonian company or service point if it's ISO code is listed in the regulation. People

¹⁹ Link: <https://www.oiguskantsler.ee/et/puuetega-inimeste-oigused>

²⁰ The Council was formed according to the Article 33 point 3 of the UNCORPD. More information: <https://www.oiguskantsler.ee/et/puuetega-inimeste-n%C3%B5ukoda>

²¹ The Regulation that entered into force 01.01.2016 is available: <https://www.riigiteataja.ee/akt/129122015041> and a current (2019) wording: <https://www.riigiteataja.ee/akt/129122015041?leiaKehtiv>

have also right for special forms of procedure for certain reasons (for example decrease of own contribution, increase of price limit, acquiring of new technical aid before the use of previous has ended, acquiring technical aid that ISO code is not listed in the compensated technical aids regulation etc).

The reorganisation with later amendments has simplified the evaluation of person's need for technical aids. When before 2016 only doctors could evaluate the need for assistive devices and give a certificate for certain devices, after reorganizing, rehabilitation teams also had the right to evaluate the need. In 2018, the right expanded to physio- and occupational therapist and in 2019 also to nurses. The new system has significantly widened the list of technical aids, which do not need primary or repeated certificate from specialist and allows people to purchase technical aids more quickly and easily.

Since 2019, Estonia is testing new budgetary arrangements for technical aids. For two years testing period, the technical aids budget is not limited, which means that there are no more waiting lists.

The new organisation has widened the accessibility to technical aids. When in 2014 there were 47 companies that offered technical aids, then in 2019 there are 89 companies with 484 service points all over Estonia. The budget and number of service users have increased significantly in recent years.

Table 39. Changes in technical aids budget and service users, 2015-2019

YEAR	BUDGET	SERVICE USERS
2015	9 267 371	46 322
2016	10 101 171	50 521
2017	11 334 222	53 974
2018	11 892 476	53 074
2019	14 441 859	56 664*

*estimated

Source: Estonian Social Insurance Board

Changes in social rehabilitation

Since 2016, number of changes in the social rehabilitation service have been implemented²²:

- **Establishment of pre-evaluation** (to be done by Social Insurance Board) enables to assess person's needs independently from service provider. It also helps to decrease the number of rehabilitation plans, including advice people with disabilities to apply for other services than rehabilitation (for example social services provided by local governments) and use rehabilitation programmes.
- **Widening of the target group.** In addition to people with disabilities, people with incapacity to work were entitled to social rehabilitation service.
- **Widening the basis of rehabilitation service.** In addition to the rehabilitation plan, the service became available also on the basis of rehabilitation programme²³.
- **Widening the number of components in rehabilitation service.** In addition to existing physiotherapist, social worker, special pedagogue, psychologist, speech therapist and other specialists' services, the peer counsellor as well as medical doctor's and nurse's services were added to the service components list.
- **Decrease in number of compulsory members of rehabilitation team** from 5 to 3 which was more in compliance with practice and helped to decrease the administrative costs.

²² The regulations for social rehabilitation are available: <https://www.riigiteataja.ee/akt/123022018012> and <https://www.riigiteataja.ee/akt/113122018011>

²³ Rehabilitation programme is a set of targeted individual and group rehabilitation activities target group within fixed timeframe.

- **Improving the quality of rehabilitation service** by establishing a quality management system (since 2019) and requirement that at least one member of the rehabilitation team must have completed special rehabilitation training.
- **Changes in financing system** introduced framework agreements with service providers instead of existing contracts with the limited service amounts. Finances for the service provision were linked to the clients.

Long-term care

In 2018, the leave for caring for adult with profound disability was introduced in the Estonian labour law. An employee has the right to up to five working days of leave per calendar year for caring for an adult with a profound disability if he or she is a relative in the ascending or descending line of the adult with a profound disability; brother, sister, half-brother or half-sister of the adult with a profound disability; the spouse or registered partner of the adult with a profound disability; the guardian of the adult with a profound disability or the caregiver appointed to the adult with a profound disability. The carer's leave is compensated for according to the minimum wage.

Accessibility

In 2018, a regulation of the Minister of Entrepreneurship and Information Technology²⁴ came into force that provides detailed requirements for buildings related to the special needs of persons with disabilities. The regulation applies primarily to the buildings where public services are provided and to public roads in urban areas and publicly accessible private roads. Since the beginning of 2019, the regulation is being supervised over by Consumer Protection and Technical Regulatory Authority.

Financing of organisations of people with disabilities

Organisation of people with disabilities have been financed mainly through gambling tax. The Gambling Tax Board²⁵ decided the financing of yearly and monthly projects. Each year, the Estonian Foundation of People with Disabilities received approximately 1 MEUR for Estonian Chamber of People with Disabilities' activities, projects and suborganisations. In addition, all disability organisations had the possibility to apply for additional smaller funding. For example, the magazine "Puutepunktid" was supported as well as many therapies and services (including blind masseurs).

In 2019, an analysis²⁶ about the financing of disability organisations was carried out in order to find possibilities for better organisation, sustainability and clarity in the provision of financial support.

Since 2019, amendments to the Gambling Tax Board regulation reorganised the financing of NGOs. Instead of yearly projects, the system of strategic partnership²⁷ for at least two years was established. In December 2019, the Estonian Foundation of People with Disabilities was chosen as one of the strategic partners. The possibility to apply for smaller funding remained for all organisations.

²⁴ The regulation is available: <https://www.riigiteataja.ee/akt/131052018055>

²⁵ The Gambling Tax Board comprises of representatives of the Estonian Parliament, as well as Ministry of Education, Ministry of Culture and Ministry of Social Affairs.

²⁶ The analysis is available:

http://www.epifond.ee/admin/upload/Dokumendid/Puuetega%20inimeste%20organisatsioonide%20uuring%2024_10_19.pdf

²⁷ For more information about strategic partnership, please see: <https://www.rtk.ee/toetused/toetuste-rakendamise/sotsiaalne-taristu-ja-toetused/hasartmangumaksu-toetused>

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Welfare Development Plan 2016-2023

The enhancement of protection of the rights of disabled people is included into the Welfare Development Plan 2016-2023²⁸, approved by the Government on 30.06.2016. Two of its four sub-objectives contribute to the improvement of living conditions of persons with disabilities: 1) ensuring the availability, adequacy and sustainability of social protection measures implemented in the case of social risks and 2) improving the accessibility and quality of social services, the development of services that include people in society, and the protection of fundamental rights. The Development Plans is implemented by yearly-renewed programmes²⁹ and progress is monitored on governmental level and among the indicators for that also include poverty of persons with disabilities and social services provided to people with disabilities. The advisory committee of the Development Plan includes also a representative of the Estonian Chamber of Disabled People.

Measures to alleviate the long-term care burden

The main challenge in forthcoming years is to develop a policy framework for a long-term care organisation. The changes in the long term care organisation aim at decreasing of the care burden of family members, offering possibilities for reconciliation of care, work and family life, providing quality services according to the needs and to defining the financing of the long-term care. Compared to the current situation, there is a need to increase the provision of services and decrease the personal contribution in paying for long-term care services.

The long-term care has been on the political agenda during recent years. A special high-level task force was assembled at the Government Office from 2016 to 2017. The aims of the task force were to analyse the long-term care organisation in Estonia³⁰, develop general policy guidelines and propose solutions to decrease the care burden. The task force concluded that long-term care organisation in Estonia could be improved by offering high-quality integrated social and health care services at both a state and local level, according to actual needs³¹.

First proposals about reorganisation of long-term care in Estonia were approved by the Cabinet of Ministers in December 2018. With the Cabinet's decision, the Ministry of Finance and Ministry of Social Affairs were tasked to elaborate long-term care financing schemes and apply for the additional funding from the State Budget accordingly.

The Ministry of Social Affairs started the preparations for elaboration of long-term care financing schemes at the beginning of 2019. The preliminary long-term care project was combined with a project to modernize policy for people with special needs. A project "Modernizing long-term care arrangements and policies for people with special needs" was developed.

In 2019, in close cooperation with social partners and stakeholders, seven thematic working groups and Advisory Board were set up. The working groups developed three possible long-term care

²⁸ Welfare Development Plan 2016-2023 is available: https://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf

²⁹ The Welfare Development Plan's Social Security Programme 2019-2022 is available: https://www.sm.ee/sites/default/files/lisa_2_sotsiaalkindlustuse_programm_2019_2022_0.pdf and Social Welfare Programme 2019-2022: https://www.sm.ee/sites/default/files/lisa_3_hoolekandeprogramm_2019_2022_0.pdf

³⁰ For additional information, please see the World Bank Group analysis on reducing the burden of care in Estonia (2017), https://www.riigikantselei.ee/sites/default/files/content-editors/Failid/hoolduskoormus/estonia_ltc_report_final.pdf

³¹ For additional information, please see the Task Force's final report (only in Estonian): https://www.riigikantselei.ee/sites/default/files/content-editors/Failid/hoolduskoormus/hoolduskoormuse_rakkeruhma_lopparuanne.pdf

management and financing models that will be submitted to the Cabinet of Ministers for decision in November 2019. The Cabinet of minister is expected to decide between three fundamental choices:

- 1) a needs-based local government and state partnership model;
- 2) solidarity-based care insurance model;
- 3) state long-term care model where long-term care is organized at national level.

In addition to major policy proposals, immediate proposals to alleviate care burden were approved by the Cabinet of Ministers in September 2017. The measures³², with the total budget of 16,4 MEUR, included:

- 1) introduction of day and weekly care for adults with excessive care needs;
- 2) establishment of Dementia Competence Center³³, adaptation or establishment of places in care homes according to the needs of people with dementia³⁴ and establishment of care home for elderly with complex care needs;
- 3) piloting of care-coordination;
- 4) introduction of leave for caring and adult with disabilities.

Access to social services

Services for people with special mental needs

Transition from institutional to community-based care (deinstitutionalisation, DI) is one of the priorities in Estonia. Gradual DI of special care was set as a goal in the Reorganisation of State-Owned Special Care Institutions and Services Plan in 2006. The Social Welfare Development Plan 2016-2023 continues that chosen course. The process includes two dimensions:

- 1) Providing services in smaller, home-like institutions (family-type houses). It is expected, that the proportion of people who received 24 hour special care services in more than 30-people institutions of all people received 24 hour special care services will decrease from over 54% in 2018 to 34% in 2022³⁵.
- 2) Developing and providing community-based, supportive services for preventing the need for institutionalisation and enabling people to live independently.

European Regional Funds have been used to transfer from hospital-type institutional care to family-based care and to improve living, studying and working conditions of people with mental special needs. Following DI principles, nine large hospital-like care institutions with 1265 places will be reorganised from 2014 to 2023, including 973 places in community-based and family-based 24-hour homes and 292 places in community service. In addition, new community support services for 528 people will be established for 2023.

The transition from institutional to community-based care is supported by service design in special care. The aim of service design is to develop integrated, person-centred and flexible special care services at local level. The first phase of the project, implemented in 2018, aimed at analysing the special care system and design it according to the needs of the clients and principles of DI. During the project, a pilot was carried out testing the possibilities of local governments greater role in organising the services to people. Initial testing showed positive results and possibilities for improvement. In autumn 2019, the piloting of the new organisation started in eight Estonian

³² For the description of measures and initial result, please see respective parts of the current report.

³³ Please see also the Dementia Competence Center website: <https://eludementsusega.ee/dementsuse-kompetentsikeskus-2/>

³⁴ Altogether, 26 care homes will be supported from the budget of 1,5MEUR: 682 service places will be adapted and 124 new places created in care homes that applied for funding.

³⁵ Calculations by the Ministry of Social Affairs.

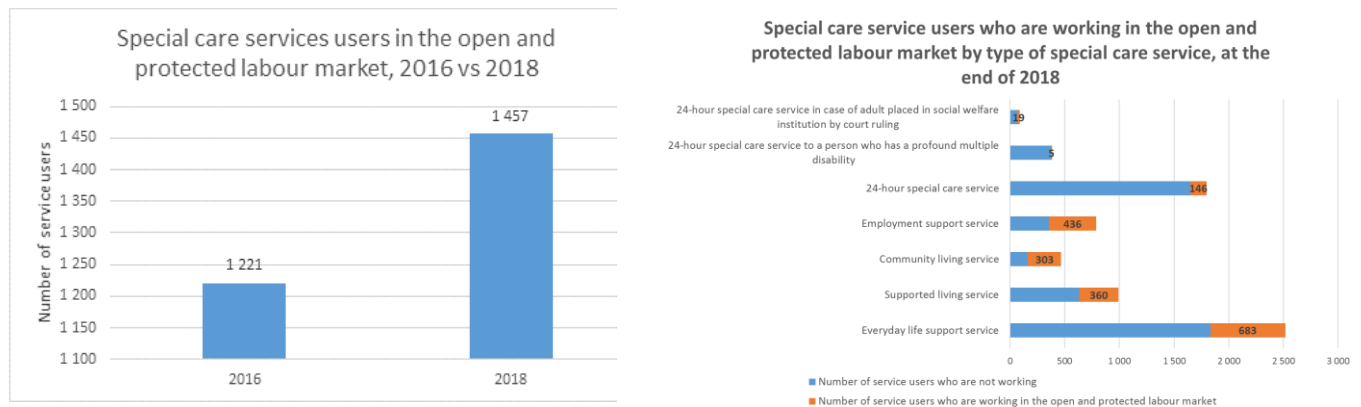
municipalities³⁶ and the new open call to find additional pilot municipalities was launched in December 2019. Person-centred care model allows people with mental disorders to live at home as long as possible, participate in various activities, find prospects for self-realisation and get services they need at local level, with the involvement of relevant service providers.

In 2018, Estonia introduced a new special day- and weekly care service for adults with moderate, severe or profound intellectual disability who require major care, supervision and assistance³⁷. Service's aim is to allow intellectually disabled person to live at home and the caregiver to be enrolled with employment or studies. In 2019, special funds were allocated from state budget to support local governments in establishing the service places. Estonia has also launched a special 24-hour care service for people with autism spectrum disorders³⁸.

Despite the recent increase from 22,7 MEUR in 2015 to 36,9 MEUR in 2019 in the special care services budget, the waiting list has not decreased. Increase in the special care services quality has encouraged people, who previously preferred to stay home, to apply for services, but service providers lack of service places. The Ministry of Social Affairs has applied for additional funding from the State Budget.

Recent improvements in special care services quality and location of service places in settlements or urban communities have increased the clients participation in the community and employment.

Figure 40. Special care service users in the labour market, 2016 and 2018



Source: Ministry of Social Affairs, Estonian Social Insurance Board

Improving the organisation of guardianship

According to the Family Law Act court doesn't designate to be a guardian for person with special mental needs a member of staff of the health, welfare or educational establishment in which the adult resides. The purpose of this provision of law is to protect the interests of the person concerned. Recent years have shown that the guardianship system may need some improvements and modernization, in order to be sure, that the system ensures the solid protection of fundamental rights.

Estonia encounters the challenge to ensure sufficiently psychiatrists, who could conduct forensic psychiatric evaluation, which is the basis for restriction persons' active legal capacity. Estonia has done some short-term improvements and is considering some long-term modernizations. Already introduced short-term improvements include, for example levelling the differences in guardianship

³⁶ The pilot municipalities are Tallinn, Kose municipality, Jõelähtme municipality, Kohila municipality, Kohtla-Järve, Lüganduse municipality and in cooperation, Haapsalu and Lääne-Nigula municipalities.

³⁷ For more information about the service, please see: <https://www.sotsiaalkindlustusamet.ee/et/puue-ja-hoolekanne/erihoolekandeteenus>

³⁸ For more information, please see: <https://www.sotsiaalkindlustusamet.ee/et/puue-ja-hoolekanne/erihoolekandeteenus#>

supervisory practice and preparing a guardianship guide for local governments and private persons. Long-term improvements need cross-sectoral cooperation and negotiations. Estonia is considering reviewing the grounds and arrangements for determining guardianship and experts are discussing about the possibility to empower authorization-giving practices or implement supportive decision-making system.

Support to local governments and service providers (including private sector)

Open calls for social services for persons with disabilities and elderly

Since 2016, Estonia has carried three rounds of open calls³⁹ for services for persons with disabilities and the elderly under the measure “Welfare services supporting participation in the labour market”. The aim on the open calls is to support local governments in the elaboration and provision of services that support employment: implementation of support person service, personal assistance service, day-care centres, interval-care and home-care service, counselling services and support groups for people with care burden and integrated welfare services. When in the first two rounds the applicants were limited to local governments, then in the third round the private sector and the third sector were also eligible to apply. 33 projects have been funded in three rounds of open calls⁴⁰. The estimated budget for projects is 7 million euros.

Innovations in welfare

Estonian aim for the forthcoming years is to increase the use of innovative approaches in social welfare. Development and implementation of innovative approaches in social welfare aims at finding new solutions in decreasing the care burden and supporting carers and persons with special needs to enter and stay in the labour market. The Ministry of Social Affairs aims to build an efficient and sustainable state-wide network of partners in the technological development and innovation of such fields as health and social care (i.e. integrated care) and long-term care. Interest has been shown from private companies in the tech sector, R&D institutions as well as end-user organizations.

Since 2018, Estonia has carried out **open calls**⁴¹ for service providers, state or local government organisations to support small projects aimed at developing the first idea or preparing applications for a main open call and major projects to support testing the innovative services or products in the target group. AS of December 2019, 22 smaller projects and 3 main projects have been financed. 13 applications, that were submitted by local governments and service providers in November 2019, are under evaluation and the financing decision will be made soon.

Starting from 2019, the Ministry of Social Affairs is focusing on enriching social policy with what new digital solutions and technological innovation can offer. The present ecosystem for building and managing digital solutions in the social sector, as well possible future goals and means to fulfill them shall be described in a corresponding *Green Paper*, scheduled to be published at the end January of 2020.

The *Green Paper* can be seen as a roadmap with concrete proposals and lines for action to increase the use of technology in social welfare. The main focus of the green book is on:

³⁹ The rounds of open calls were opened 1.08.2016 - 31.10.2016, 11.04.2017 - 12.06.2017 and 29.04.2019 -29.08.2019.

⁴⁰ For the list of financed projects, please see: <https://www.innove.ee/eurotoetused/taotlejale/hoolekanne/>

⁴¹ For more information, please see: <https://www.innove.ee/eurotoetused/taotlejale/lahendused-sotsiaalvaldkonnas/> (smaller projects) and <https://www.innove.ee/eurotoetused/taotlejale/pohitoetus/> (main projects)

- How can the new technological solutions support people to live the highest possible life quality and independently at home;
- How to support the introduction and sustainable implementation of new technologies.

The *Green Paper* is planned to serve as a decision-making supporting tool for all partners in their initiation of new solutions for providing social services in order to sustain the daily livelihood and wellbeing of the target group.

Social transport

Transport as a whole and specifically social transport is one of the barriers to accessing public services. The provision of good quality and affordable social transport is hampered by the wide variation in municipalities' ability to provide it. In 2018 Ministry of Social Affairs started a pilot program in five counties⁴² with four partners to test different service delivery models.

During the pilot program, partners will organise the logistics and operator service of social transport. As a result of the program, the model or models of the social transport which take into account the specificities of the regions, are cost effective, connected to public transport etc will be elaborated. The pilot program lasts until the end of 2022.

Adaptation of homes of people with special needs

With the resources from the European Regional Fund, local governments are financially supported in adaptation of homes of persons with special needs - improvement of mobility and access to the building or dwelling, improvement of personal hygiene and improvement of kitchen facilities.

Two calls for applications have been carried out in 2018 and 2019:

- 1) adaptation of homes for 472 persons with disabilities in 56 local governments were supported in the first round (2018);
- 2) adaptation of homes for 1229 persons with disabilities in 74 local governments were supported in the second round (2019).

Third round on applications is currently being prepared. In total, 2000 homes of persons with special needs will be adapted between 2017-2022. The total budget for the adaptations is approximately 10 million euros. One of the preconditions for local governments to apply for funding is the requirement to establish their own regulations for home adaptations to ensure that they will continue with the adaptations after the ERF supported program is ended.

Since 2017, the Estonian Social Insurance Board is equipped with team of specialists who provide counselling and information materials for persons, local governments and enterprises about the adaptation of homes and workplaces. The counselling is free of charge.⁴³

Sign language

In order to support the sign language development in Estonia, the Ministry of Social Affairs together with its partners (Astangu Vocational Rehabilitation Centre and Estonian Social Insurance Board) has initiated a number of activities. In 2016, the Astangu Vocational Rehabilitation Centre has elaborated a concept paper that analysed the need for translation services (including sign language, written translation and other forms of translation) and provided input for training of

⁴² Pilot counties are: Pärnumaa, Põlvamaa, Võrumaa, Saaremaa and Tartumaa

⁴³ For more information, please see: <https://www.sotsiaalkindlustusamet.ee/et/puue-ja-hoolekanne/abivahendid/keskkonna-kohandamine-erivajadustega-inimestele>

interpreters and needed amount of services. A video, introducing written translation service was published⁴⁴.

Since 2019, the development of translation services is under the responsibility of Estonian Social Insurance Board. The Social Insurance Board is tasked with the aim to increase the competences in written translation and develop and implement written and distance translation services. The activities include, for example elaboration of translation service guidelines, involving local governments in piloting written and distance translation and providing, together with Estonian Sign Language Vocational Association and Estonian Deaf Association, trainings for interpreters for obtaining professional certificate. Videos to introduce distant translation service was published⁴⁵ and online translation service via Skype was opened during workdays from 9.00-17.00.

During 2019-2020, approximately 3500 translation hours will be provided for people needing different translation services. Currently there are 20 professional sign language interpreters in Estonia, with the average over 50 years of age. The challenge is to train new interpreters and thus guarantee the sustainability of the service provision. There are 2600 persons in Estonia whose main or dominant diagnosis is hearing impairment, in addition to persons whose hearing impairment is diagnosed as accompanying special need.

In April 2020, the Minister of Social Affairs will present proposals on how to improve the accessibility of sign language and guarantee the necessary training of interpreters to the Cabinet of Ministers.

Sheltered employment

The long-term sheltered employment is designed for people who are unable to work in the open labour market under usual labour conditions because of their health needs. When working under protected conditions, persons perform their tasks in a suitable working environment and at an affordable pace. Persons are being provided with supervision and assistance to the extent necessary. The long-term sheltered employment service⁴⁶ is provided to persons of working age with decreased work ability who have been diagnosed with a severe, profound or permanent mental disorder; have a multiple disability; have a visual disability or have suffered a brain trauma or an illness which caused brain damage.

During 2019–2020 the long-term sheltered employment service is provided by 24 institutions in all counties throughout Estonia, except for Hiiu County. The long-term sheltered service offers customers 32 different working locations.

An analysis about the provision of long-term sheltered employment, together with sheltered employment services offered by Unemployment Insurance Fund will be carried out and decisions on whether and how to regulate the service in the legislation will be made.

Intersectoral cooperation towards person-centered support

Estonia has launched a variety of projects and initiatives to improve integration and coordination between different sectors and stakeholders in order to move towards more person-centered support.

In 2018, Estonian Government, with the support of European Commission Structural Reform Support Service (SRSS) and together with International Foundation of Integrated Care, started a comprehensive reform project with the overall aim to contribute to a more integrated and person-centred provision of social, medical and vocational support services to people with disabilities and

⁴⁴ The video is available <https://youtu.be/qoEcYBvrRBI>.

⁴⁵ Please see the videos: <https://www.sotsiaalkindlustusamet.ee/et/puue-ja-hoolekanne/kaugtolke-teenus>

⁴⁶ Please see long-term employment service conditions and description: <https://www.sotsiaalkindlustusamet.ee/en/disability-welfare-services/sheltered-employment>

elderly with high support needs. Within the scope of this project, an overall integration strategy with appropriate (quadruple aim balanced) measures will be created, integrated care pathways developed, the interoperability of data will be improved and some of the current motivation incentives prevalent in the system will be revised.

As part of the initiative an idea is tested to design a linked administrative dataset that would enable to better understand complex care pathways and answer questions, such as “are the home and community-based services been offered before the institutional services”, “which services and benefits are being provided in parallel”, “what are the costs (across sectors) for different client groups” etc. This is needed to have more data-led policymaking and make sure that decisions on how to improve value across a range of dimensions, where to focus (and divert) resources etc are well-informed. The ongoing project has great potential to help Estonia develop an approach to effective design, delivery and implementation of services to people with disabilities and elderly with high support needs in Estonia.

At the same time, a variety of pilot projects have been launched to support the development of practical integration and coordination examples that could be scaled to the national system. Some of those are:

1. Proactive and integrated service provision, with an initial focus on schizophrenia. The purpose of the pilot was to test and develop an integrated model to offer better support for people after the first psychosis and reorganise unnecessary steps in the process. The piloting was carried out from October 2016 to December 2018 by Tallinn Mental Health Center in cooperation with The North Estonia Medical Centre. Based on the experiences of the pilot, people recovering from their first psychosis are planned to get access to rehabilitation services based on the assessment of the treatment team starting from 2021 (legislative changes are currently in process). Current pre-requisites such as disability or reduced workability status will no longer be needed to receive support to ensure smoother transition between services.
2. ICF based rehabilitation with an initial focus on head and spinal injury and movement impairment. The purpose of the pilot was to test ICF-based rehabilitation cycle which creates common language across disciplines. ICF allows evaluating needs, setting goals and evaluating process and the results of rehabilitation in a similar manner across medical, social and vocational rehabilitation services, so for allowing a more coherent rehabilitation process. Pilot project lasted from June 2018 to November 2019 and further action plan is planned to be agreed by the beginning of 2020. The pilot is coordinated by SIB and carried out in cooperation with five service providers, EUIF and EHIF and is supported by the European Social Fund.
3. Development of the model of care co-ordination with a focus on people with complex care needs. The purpose of this project is to create a person-centred coordination system for people with complex needs on the primary level. In the first pilot project, that was carried out between August 2018 and July 2010 in six areas⁴⁷ of Estonia, a position of care-coordinator that acts as a connector between the primary level healthcare and social system was created. Care-coordinators used InterRAI contact assessment tool to identify those who needed coordinating support, cross-sectoral service plan was created, people were connected with relevant services and in-risk people were monitored regularly. Based on the experience of the first pilot and in close cooperation with experts from the previously mentioned SRSS project, alternatives for nationally implementable model were developed. The next phase of the project is planned to launch in 2020.

Regional Integrated Care (PAIK) project which aims to develop and test a regional model for integrated care in Viljandi region. The purpose of the project is to improve coordination between the primary care, specialist care and social sector and develop a new regional model for person-centered care. The project is coordinated by Viljandi Hospital and funded by EHIF. The first phase (preliminary analysis) of the project was ordered and paid for by the MoSA. PAIK project and care

⁴⁷ Care coordination was piloted in Saaremaa (together with Muhu and Ruhnu), Tartu, Rakvere, Tallinn, Tori and Tõrva (together with Otepää and Valga).

coordination project work closely together to find best solutions to be applied in different parts of Estonia.

Accessibility

Integration of persons with disability in the life of community presumes that the environment is accessible and safe for them to use. To ensure a more efficient cooperation on the governmental as well as private sector level in terms of granting accessibility, Estonian government launched a task force to develop a comprehensive accessibility policy for Estonia⁴⁸. The task force includes a wide list of members bringing together all relevant stakeholder and it started working in September 2019, holding a mandate for two years.

In 2015, The Accessibility Council was established, comprising of representatives of DPOs, architects, constructors, designers, parliament, universities, other ministries, relevant government agencies and local governments. The Council meets twice a year, focusing on different topics each meeting. It has also been actively involved in promoting accessibility by creating and furthering discussions on the issue and the development of relevant legal regulation. Among the outcomes of this work has been for example approval by the Minister of Entrepreneurship and Information Technology of a regulation that provides detailed requirements for buildings related to the special needs of persons with disabilities.

In 2016, the Accessibility Council initiated a universal design competition for students in products, services, buildings and digital environment design. The first competition was called by the Ministry of Social Affairs, the following competitions already by UNILAB⁴⁹, that grow out from the Council's initiative. The UNILAB organises yearly conferences and workshops⁵⁰ about universal design in the frames of Tallinn Design Festival.

The Ministry of Social Affairs, in cooperation with Ministry of Economic Affairs and Communications has initiated accessibility analysis of Estonian public transport infrastructure. The analysis aims to map the main routes that people with special needs use, evaluate the public transportation infrastructure regarding the accessibility and makes proposals for improvement accordingly. The results will be available in February 2020.

Awareness raising and information campaigns

Research has shown that sometimes behind a discriminatory practice there can be a fear or lack of knowledge and experience for example hiring or working together with a disabled person. Therefore, the Ministry of Social Affairs has launched different awareness raising campaigns over the years. The campaigns' main ideas and messages have been to help to see behind the disability. The main idea behind the campaigns has been to familiarize the society to see people as being different yet equal.

In the frames of work ability reform, Ministry of Social Affairs has initiated a number of awareness raising campaigns

In 2017, the campaign "Ära põe" aimed at raising the knowledge how to communicate with the persons with special needs in working and everyday life. The campaign gave three main advices – ask, whether a person needs help, never provide assistance unexpectedly and never exaggerate with your help⁵¹.

⁴⁸ For more information, please see: <https://www.riigikantselei.ee/et/liqipaasetavuse-rakkeruhm>

⁴⁹ Please see the UNILAB website: <https://unilab.ee/> for more information and submitted ideas.

⁵⁰ For more information, please see: <http://www.tallinn.designfestival.com/2019-program/unilab-18-19-estonian-universal-design-incubator-conference>

⁵¹ Please see the overview of the campaign: <https://defol.io/kuldmuna/2018-ara-poe-8>

In 2018, the campaign „*Pole hullu*“ draw attention to the fact that every 4th person may encounter mental health problems and thus sees the world on his/her own way. Based on their own experiences, several people gave simple advices how to better socialise and cooperate, taking into account different special needs⁵².

In 2019, the campaign. „*Ava meeli*“ encouraged to notice person’s capabilities and knowledge, instead of visual, hearing or speech impairment. Different people presented their stories and practical advices from work and everyday life⁵³. Several activities, including sign language challenge, where people were encouraged to spell their names and greetings in sign language, was initiated. The challenge was taken by number of politicians but also by the President of Republic.

In 2019, a TV programme “*Iseolemine*” was initiated by the Ministry of Social Affairs and aired in the Estonian National Broadcast. The TV programme introduced the lives, challenges and inspiring stories of people with different special needs or health problems. Similar programme is planned also for 2020.

The Committee has requested information about the steps taken to decrease the level of poverty among persons with disabilities.

In 2017, the at-risk-of-poverty rate of disabled people (42,7%) exceeded the at-risk-of-poverty rate of the total population by 1.9 times on average. Social transfers help nearly 42% of the disabled people to get out of poverty, as the at risk of poverty rate before social transfers was nearly 74%.

In 2017, 1.1% of persons with disabilities lived below the absolute poverty line (the absolute poverty rate of the total population was 3.4% at the same time) because various disability allowances and pensions help disabled people to avoid severe poverty. In 2017, 8.1% of disabled persons lived in severe material deprivation, which is 4 percentage points higher than the total population.

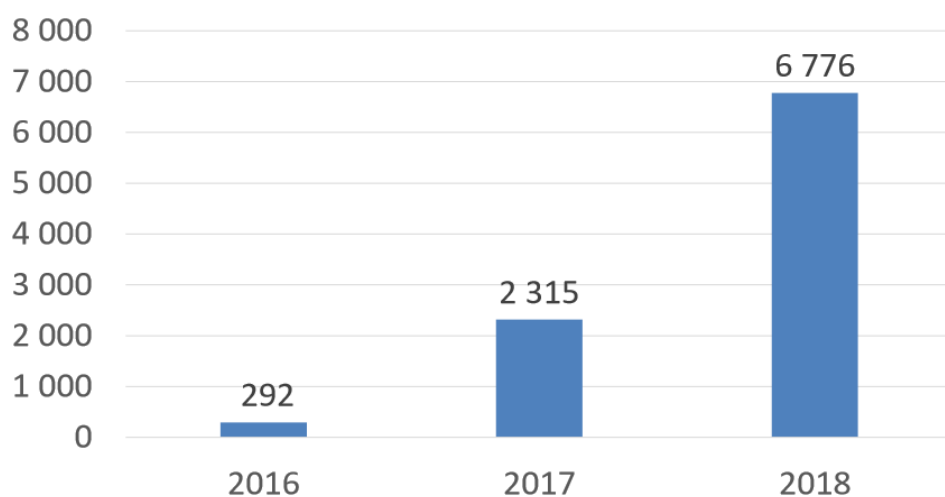
The income of disabled people is generally lower than the population’s average income. While the 2017 data of the Statistics Estonia indicated that the population’s annual equalised income was 11 750.40 EUR, in case of disabled people the corresponding income was 8 456.42 EUR.

During implementing the Work Ability Reform entering to the labour market of people with reduced work ability have increased:

Table 41. The number of persons with reduced work ability entering to the labour market 2016-2018

⁵² The visual materials of the campaign are available: <https://www.division.ee/portfolio/pole-hullu-campaign-2/>

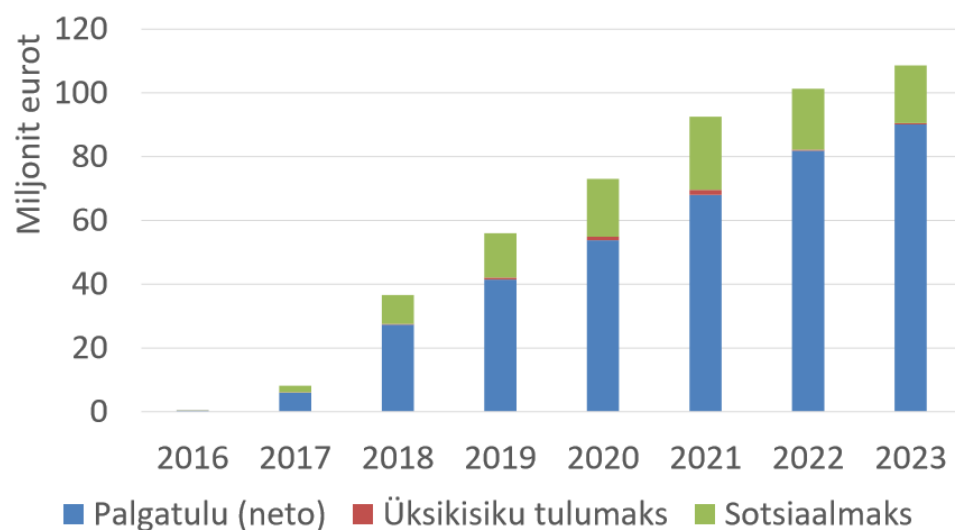
⁵³ For more information, please see the Ministry of Social Affairs press release: <https://www.sm.ee/et/uudised/ava-meeli-kampaania-toob-inimesteni-pimedate-jalgpalli-naidismangu-ja-viiplemisvaljakutse>



(Centar, 2019)

By prognosis of WAR finance model, the income of people with reduced work ability will be increasing in time:

Table 42. The prognosis of WAR finance model about the expected increase of income of people with reduced work ability



Blue – salary income; red – income tax; green – social tax

Source: Centar, 2019

According to the report, there is a long waiting list (9,000 persons with disabilities as at 1 January 2015). The Committee notes that a reform of the rehabilitation system is currently being planned and requests that the next report contain details of its implementation and impact on the number of persons with disabilities and the number of persons with disabilities on the waiting list.

The budget for social rehabilitation and technical aids has significantly increased in recent years:

Table 43. The budget for social rehabilitation and technical aids

YEAR	SPECIAL CARE SERVICES	SOCIAL REHABILITATION	TECHNICAL AIDS	TOTAL

2008	14 498 912	5 538 219	5 128 237	25 165 368
2009	15 163 517	4 541 197	5 319 972	25 024 686
2010	15 163 517	5 308 137	6 112 464	26 584 118
2011	15 163 517	5 308 137	6 113 252	26 584 906
2012	15 737 573	5 588 456	6 430 644	27 756 673
2013	17 546 728	7 904 457	7 515 009	32 966 194
2014	20 407 783	7 904 457	7 658 082	35 970 322
2015	22 688 381	7 904 457	9 267 371	39 860 209
2016	24 711 366	8 858 143	9 645 011	43 214 520
2017	25 240 132	9 519 237	11 736 597	46 495 966
2018	27 725 000	9 244 574	11 522 379	48 491 953
2019	36 897 000	12 745 000	14 441 859	64 083 859

In social rehabilitation, the sum per person to use in a year has been increased for all the target groups and the rehabilitation can be more effective. The waiting list by Social Insurance Board has been eliminated. The prices for the services included in the social rehabilitation have been updated and the outflow of this specialists is expected to stop (raise from 2015-2020 13%). The price that state covers is approaching our estimated cost model's prices and for some services has achieved the level estimated by the cost model.

Since 2019, Estonia is testing new budgetary arrangements. For two years testing period, the technical aids budget is not limited, which means that there are no more waiting lists.

The Committee notes from the report that a reform of the technical assistance system was launched at the same time as the fitness to work reform (outside the reference period). The Committee requests that the next report give the results of this reform.

Please see the results of the new assistive technology regulation in section above where the legislative changes are described.

4) Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.

General statistics

As of the beginning of 2019, the proportion of disabled people in the total population was approximately 12% i.e. more than 158 000 persons. The number and proportion of disabled people in Estonia has steadily increased. Most disabled people are in older age groups (68% of them are 55 years or older). Mainly due to the difference in life expectancy of men and women in Estonia, there are more women (58%) among disabled people in general, but among disabled children aged below 16 years the proportion of boys is higher (66%). The most numerous type of disability (34% of all disabled people) in Estonia is multiple disability and mobility impairment (33% of all disabled people) which is explained by the age structure of disabled people, as more than half of the latter (60%) are 65 years old and older. 13% of all disabled people have a mental disorder and 5% have an intellectual disability. There are fewer hearing impaired, language or speech impaired and visually impaired people⁵⁴.

⁵⁴ Social Insurance Board, 2019. Ministry of Social Affairs calculations.

Poverty

Table 44. At-risk-of-poverty rate and absolute poverty rate

	2010	2011	2012*	2013	2014	2015	2016	2017
At-risk-of-poverty rate								
	People with disabilities	23,8	26,1	29,8	32,8	36,4	41,6	41,2
	Total	17,5	17,5	20,7	21,8	21,6	21,7	21,1
At-risk-of-poverty line (€ per month)	280	299	333	358	394	432	468	523
Absolute poverty rate								
	People with disabilities	6	7,3	5,6	5,4	3	2,2	1,6
	Total	8,7	8,1	8,4	7,6	6,3	4,3	3,4
Absolute poverty line (€ per month)	175	186	196	205	203	201	200	207

* since 2012, the register data are used, therefore the figures since then are not completely comparable to previous years

Table 45. At-risk-of-poverty rate and absolute poverty rate for children (0-17)

	2010	2011	2012*	2013	2014	2015	2016	2017
At-risk-of-poverty rate								
	Children with disabilities	39,5	25,4	32,6	26,2	20,6	25,1	18,1
	Total	19,5	17	18,5	19,7	20	18,6	16,5
Absolute poverty rate								
	Children with disabilities	18,9	...	...	12,7	...	...	...
	Total	11,4	9,4	10,2	9,7	9,1	5,1	3,5

* since 2012, the register data are used, therefore the figures since then are not completely comparable to previous years

Table 46. At-risk-of-poverty rate and absolute poverty rate for working age population (18-64), %

	2010	2011	2012*	2013	2014	2015	2016	2017
At-risk-of-poverty rate								
	People with disabilities	32,2	35,4	34,6	34,9	37,9	37,6	34,5
	Total	18	17,7	19,6	19,4	17,9	17,1	16,2
Absolute poverty rate								
	People with disabilities	9,8	12,9	8,4	9,1	4,6	2,7	2,6
	Total	9,9	9,5	9,5	8,6	6,9	4,9	4

* since 2012, the register data are used, therefore the figures since then are not completely comparable to previous years

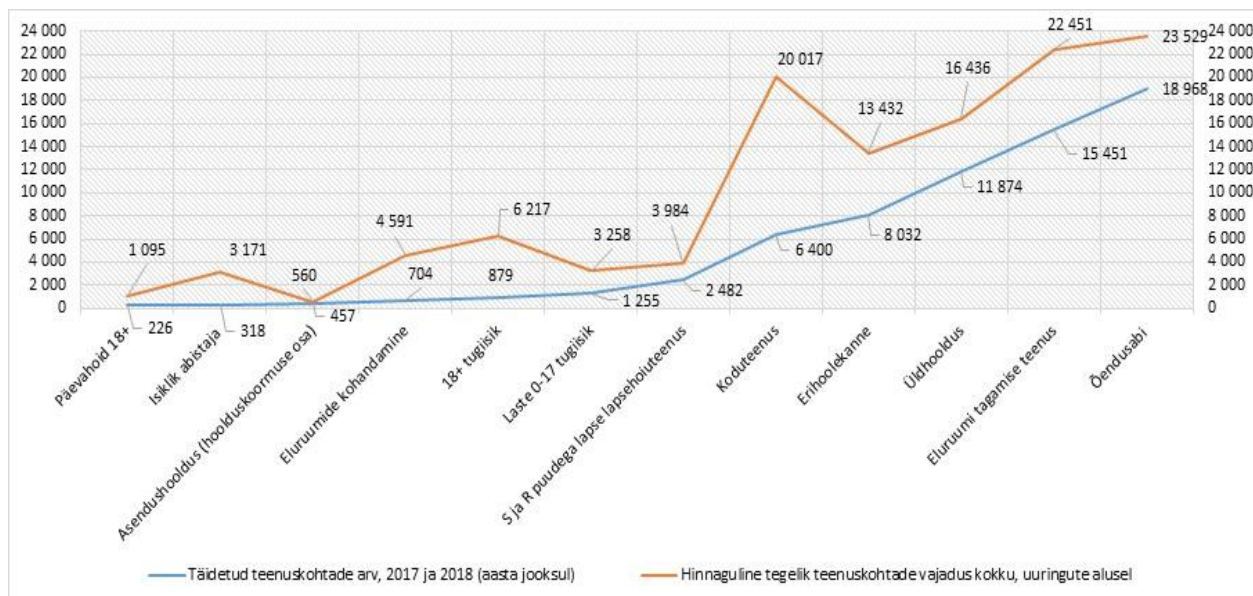
Table 47. Employment and unemployment rates for working-age population (16 until pensionable age) (%)

	2010	2011	2012	2013	2014	2015	2016	2017
Employment rate								
	Total	63	67,2	69,1	70,4	71,2	73,5	73,6
	People with disabilities	18,5	20,1	21,6	23,2	24,8	32,9	36,3

	People without disabilities	65,2	69,4	71,7	73,2	74,3	76,3	76,3	78,9
Unemployment rate									
	Total	17,4	12,8	10,4	9	7,7	6,4	7,1	6
	People with disabilities	35,9	27,9	26,2	21,1	17,6	10,3	14,6	15,7
	People without disabilities	17,1	12,5	10,1	8,8	7,4	6,3	6,8	5,6

Access to services

Figure 48. Provision of different local government services and actual need



Source: Ministry of Social Affairs

Access to housing

Table 49. Access to housing

	2016	2017	2018
Local government-owned dwellings adapted for people with special needs, at the end of the year	388	391	389
Recipients of provision of dwellings with special needs due to disability or age, during the year	1 798	1 826	1 905

Source: Ministry of Social Affairs welfare statistics

Access to transport

Table 50. Access to transport

	2016	2017	2018
Total number of recipients of social transport service¹	9 029	9 768	14 945
including users of customized means of transport	1 603	1 620	2 070

¹People with and without official disability

Source: Ministry of Social Affairs welfare statistics

Technical aids

Table 51. Recipients of technical aids which are granted on preferential terms by type of technical aid, during the year

Type of technical aid	2016	2017	2018
Technical aids which are sold			
mobility aids	3 120	4 080	3 885
orthoses and prostheses	15 917	12 335	12 710
nursing and care products	23 847	27 112	27 885
visual aids	611	581	712
hearing aids	5 600	6 894	6 004
other technical aids	2 542	3 404	3 330
Total number of sold technical aids	45 038	48 729	47 124
Technical aids which are being lent			
mobility aids	10 482	11 273	11 911
nursing and care products	7 238	7 626	7 523
other technical aids	1 122	1 223	1 124
Total number of technical aids that are being lent	14 327	15 282	15 688
All together	50 519	53 974	52 877

Source: Social Insurance board

Table 52. Recipients of technical aids which are granted on preferential terms by target groups who are using the aids, during the year

Year	All together	of them				
		Children under 18 years	of them disabled	Working age persons	of them under 26 years, disabled and learning	Persons of retirement age
2016	50 519	6 386	2 619	8 094	99	36 240
2017	53 974	5 520	2 500	8 547	121	39 944
2018	52 877	4 622	2 197	8 389	112	40 064

Source: Social Insurance Board

Access to leisure activities

According to the study of people with disabilities and their family members care burden (2009), about a third (34%) of 16 years old and older people with disabilities in Estonia can choose from a very large extent and nearly half (44%) can to some extent choose, how to spend their leisure time. At the same time, almost one fifth (18%) of people with disabilities have no choice in spending their leisure time. This option is most closely related to the severity of the disability – if among people with average disability there is 10% of those who have no choice of leisure time, then among people with severe disability there is 19% and among people with profound disability 37% of those who do not have this kind of choice⁵⁵.

Main leisure activities:

Table 53. Disabled person's (16 years old and older) activity and participation in various leisure activities, 2009

	% of people with disabilities

⁵⁵ A study of people with disabilities and their family members care burden, 2009. Saar Poll OÜ, University of Tartu, Ministry of Social Affairs, European Social Fund.

Activity	Can do as much as they want	Can do, but would like to do more	Can't do, but would like to do	Can't do and don't want to do	Activity is excluded because of disability ¹
Active movement in open air (sports, gardening etc.)	34%	24%	14%	13%	14%
Engaging in indoor hobbies	55%	21%	7-9%	7-9%	6%
Attending cultural events	9%	14%	23%	36%	16%
Visiting cafes and restaurants	4%	5%	10%	66%	14%
Participation in social events	17%	15%	14%	37%	15%
Communication with family members, relatives and friends	59%	26%	4%	4%	5%
Visiting family members, relatives or friends	36%	29%	12%	12%	11%

¹Person's own estimates

Source: A study of people with disabilities and their family members care burden, 2009

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

Article 18 § 1 – Applying existing regulations in a spirit of liberality

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework for employment

The legal bases for a foreigner to enter, stay, reside and work in Estonia are prescribed in the Aliens Act. For the citizens of the European Economic Area and citizens of the Swiss Confederation and the family members thereof, the Citizen of European Union Act applies.

A citizen of the EU has a right to work after the right of residence has been obtained. A family member of an EU citizen may work in Estonia in case they have been granted the right of residence. For citizens of the EU and for their family members who are third-country nationals, there are generally no restrictions for entrance to the labour market (except for some limits in civil/public service).

The entry and stay of third-country nationals is regulated with visas and residence permits issued on clear grounds (for family reunification, for employment, for study etc.). All foreigners, who are residing in Estonia on the basis of a residence permit, have a right to work in Estonia, unless otherwise stipulated by law. Foreigners, who have a visa or a residence permit, may invite and arrive to Estonia together with their family members. Family members, who have a residence permit may work in Estonia without any additional requirements.

There are three possible ways in which a third-country national can work in Estonia, depending on the length of stay in Estonia or on the nature of employment: on the basis of a residence permit; when the person has registered for short-term employment; or when the right to work is arising from law. The right to work arising from law is applicable for prisoners or persons in detention or custody staying in a custodial institution in Estonia; for crewmembers of a cross-border transport;

for foreigners for the purposes of performing directing or supervisory functions of a legal entity registered in Estonia for the duration of their temporary stay; for journalists accredited by the Ministry of Foreign Affairs; for foreigners whose employment is of temporary nature and does not exceed 5 days within the period of 30 days; etc. For employment arising from law there is no need to register short-term employment or to apply for a residence or work permit. Also there are no additional requirements for employment (e.g. labour market test, etc).

Registration of short-term employment is generally permitted up to one year (except for researchers, lecturers of universities, top specialists, and employees of start-up companies). Generally, an employer is obliged to pay an alien at least the Estonian average monthly salary. There are no other labour market limitations. Some categories of workers may start employment immediately after registration (e.g. lecturer, researcher, top-specialist, start-up workers, ICT workers, etc.), others need to wait for a positive decision, which should be within 10 days.

Generally, an alien applying for a residence permit is subject to the annual immigration quota for aliens immigrating to Estonia, which shall not exceed 0.1 % of the permanent population of Estonia annually. The annual immigration quota is determined by a Government decision. However, several groups of persons (e.g. an alien who is granted a residence permit for employment with the purpose of research activities; IT sector workers; Estonian university graduates; family members of an Estonian citizen, an Estonian or an alien, who resides in Estonia on the basis of a residence permit; etc.) are not subject to the immigration quota. Persons not included in calculating the fulfilment of the immigration quota are stipulated in § 115 of the Aliens Act.

For issuing a temporary residence permit for employment, the employer must request permission from the EUIF if it is required for the respective category of workers. A foreigner who meets the requirements of qualifications and professional skills for such position can be granted a residence permit for employment if the vacant position cannot be filled by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit. Also, the filling of the vacant position by employing an alien has to be justified considering the situation in the labour market and based on the data provided by the EUIF. The requirement of a permission of the EUIF is not applied to a renewal of a residence permit for employment, students, graduates of the Estonian educational institution, family members, researchers, coaches, etc.

In addition to the consent of the EUIF, generally the employer must pay an alien a salary that is at least equal to the latest annual average wages in Estonia published by Statistics Estonia. In case of employment as a top specialist, an employer is required to pay remuneration in the amount that is at least equal to the annual average gross monthly salary in Estonia, multiplied by the coefficient 2. The exceptions to the permission of the EUIF and remuneration requirements are prescribed in §181 of the Aliens Act.

A third-country national may also apply for a temporary residence permit for enterprise, if they own shares in a company or act as sole proprietors of a company that has been registered in Estonia.

Main amendments and changes to the Aliens Act

In 2015 an introductory welcoming programme was launched in order to facilitate integration and support the adaptation of newly arrived foreigners. The programme consists of thematic 8 hour trainings and 80 hours of A1 language training. The thematic trainings include modules on basic information; work and entrepreneurship; education; research; family life; children and teenagers; international protection; and language training. Programme is not mandatory and is provided free of charge for all foreigners.

In 2016, several amendments to the Aliens Act entered into force in order to simplify the conditions of entry for those categories of foreigners who would contribute to the Estonian economy and society. Among the changes, a 90-day transition period, and for students, lecturers and researchers a 183-day transition period, after the expiry of the residence permit was established during which they may stay in Estonia and apply for a new residence permit in order to find a job or start

entrepreneurship, etc. To mitigate structural labour shortages, the Government has the possibility to compile a list of fields where employers are not obliged to pay Estonian average salary and do not have to get permission from the Estonian Unemployment Fund (§ 181 of the Aliens Act).

In addition, both researchers and lecturers can apply for the temporary residence permit while staying in Estonia, they are no longer included in the annual immigration quota and may work without meeting the requirement for the amount of remuneration to be paid and the permission of the EUIF.

Among other amendments, the possibility for temporary agency work was created and foreigners are now permitted to work concurrently with several employers, the permission of the EUIF and the remuneration requirements are no longer required for the second employment.

Some of the amendments in 2016 were related to the permission of the EUIF. With the amendments, an open competition is no longer required, however, an employer must still submit an application to the EUIF. The EUIF permission for employment is related to a specific position, and not connected to a specific person as was regulated before. Also, the permission for employment may be given to several foreigners at the same time. In addition, for employment of a top specialist it is no longer necessary to apply for the permission of the EUIF.

In 2017, several amendments were introduced with the intention to attract foreign skilled workers, start-ups and investors. Foreigners in the field of speciality of information and communication technology, working in a start-up company and foreigners engaged in business related to start-up business, as well as large investors were excluded from the immigration quota. Also start-up companies can employ foreigners without meeting the requirement for the amount of remuneration to be paid to an alien and without the requirement for permission from the EUIF. In addition, the regulation for intra-corporate transferees was introduced. The intra-corporate transfer means temporary secondment from undertaking outside of EU to the undertaking, which belongs to the same group of undertaking registered in Estonia for occupational or training purposes. Intra-corporate transferees are considered managers, trainees and specialists for specialised knowledge essential to the undertaking registered in Estonia.

An exemption to the seasonal works was established as seasonal workers do not require at least the Estonian average salary and seasonal workers can be employed without labour market test. Seasonal workers are considered workers in agriculture, forestry, fishery workers and allowed to work up to 9 months.

Other amendments in 2017 included lowering the salary requirements for foreign workers to meet the Estonian average gross wage, introducing a possibility to apply for a long-stay visa or residence permit whilst already in Estonia and simplifying the application procedures by reducing the number of additional documentation to be submitted.

Also, in order to simplify the procedure, the period of validity of residence permits was extended. According to the amendments, initial residence permits would be issued for up to 5 years and extended for up to 10 years. Among the other amendments and simplifications, the requirement for prior 2-year residence for foreigners, before they could invite their spouse to Estonia, was abolished.

In 2018 amendments were introduced with the intention to attract skilled workers and simplify the conditions of working in Estonia. Among the amendments, top-specialists were excluded from the immigration quota. Also short-term registration period was prolonged from 270 days to 360 days within the 455 days period. Also a language requirement for the renewal of a residence permit for employment (not for the researchers, lecturers, etc) to those foreigners who have been resided in Estonia for at least 5 years on the basis of residence permit for employment was established in 2018 and in case of renewal of a residence permit for employment, they need to prove the Estonian language proficiency at least at the language proficiency level A2.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Police and Border Guard Board and migration advisers regularly organise training sessions to Police and Border Guard customer service and employers, universities, etc., in order to improve the quality of customer service, explain the framework and procedures and advise cooperation partners about migration legislation.

Since 2017 the Police and Border Guard offers migration advisory service in order to help both foreigners planning to settle in Estonia or residing in Estonia as well as companies and organisations that hire foreigners to get personalised and trustworthy advice on the matters of migration and migration law. Advisors work in Estonian, English and Russian. Migration service is free of charge and it is possible to ask advise via phone, email, Skype, etc., or ask by appointment.

3) Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.

Table 54. Decisions to issue first time residence permits for employment

	2015	2016	2017	2018
Albania	1	2	2	
Algeria	1	2	2	
Argentina	2	1	3	1
Armenia	4		5	3
Azerbaijan	4	6	8	13
Australia	7	10	8	9
Bangladesh	1	1	2	10
Belarus	29	63	97	139
Brasilia	14	26	22	32
Canada	7	5	6	5
Colombia	3	5	3	17
Costa Rica	1	1	1	
Dominican	2		1	
Egypt		3	5	11
Philippines	2	2	7	5
Ghana	1	2	2	2
Georgia	13	10	18	26
China	24	30	37	33
Israel	8	6	7	1
India	55	65	79	83
Indonesia		1	2	2
Iraq	1	1		
Iran	1	7	2	24
Japan	5	9	7	20

Jamaica			1	
Jordan	2		2	
Kazakhstan	4	6	7	4
Kenya		2	1	
Congo DV	1	2	1	1
Kirgizstan	2	2	2	4
South Africa	1	4	5	3
South Korea	1	3	3	7
Malaysia	2	2	1	2
Mexico	2	11	6	5
Moldova	4	5	5	35
Nepal	8	13	18	49
Nigeria	5	3	4	6
Pakistan	7	6	7	14
Peru			3	2
Serbia	3	3	5	5
Singapore		1	3	5
Sri Lanka	1		3	7
Syria	2		1	1
Tadzhikistan	1		3	3
Thailand	4	18	22	5
Chile	1	2	4	1
Turkey	24	25	40	51
Ukraine	1028	1023	1419	1619
United States	101	82	83	60
New-Zealand	2	1	2	4
Russia	244	302	279	374
Venezuela	3	2	4	3
Vietnam		2		2
Others	20	22	12	41
Total	1659	1800	2272	2749

Table 55. Refusals to issue first time residence permit for employment

	2015	2016	2017	2018
Saudi Arabia				1
Armenia			2	1
Azerbaijan				5
Bolivia				1
Egypt		1	1	1
Georgia				1
China			1	6
Israel				2
India	1		3	6
Iran		1		

Iraq			3	
Japan	1			
Canada				1
South Korea				1
Cuba				1
Malaysia				1
Morocco				1
Moldova				7
Nigeria			1	
Nepal				3
Pakistan				1
Serbia				1
Thailand				2
Turkey				3
Ukraine	16	3	15	274
Uzbekistan	1			1
Belarus	1		4	26
Russia	7	7	14	35
United States				1
Others			1	3
Total	27	12	45	386

Table 56. Decisions to extend the residence permit for employment

	2015	2016	2017	2018
Albania				2
Algeria				1
Argentina		2		1
Armenia			2	
Azerbaijan	1	3	1	2
Australia	3	7	7	8
Bangladesh	1	1		
Belarus	9	20	11	43
Brazil	2	7	8	11
Canada	2	8	4	
Cameron		1		
Chile				1
China	23	5	7	9
Colombia	2	1	2	
Congo DR				1
Cote d'Ivoire	1			1
Cuba				1
Dominican			2	
Ecuador				1
Egypt	1			1

Georgia	6	7	4	4
Israel	6	8	4	4
India	18	27	26	41
Indonesia	1	1		
Iraq		1		
Iran	4	5	1	5
Japan	6	5	5	3
Jordan		1		
Kazakhstan	1	3	1	3
Kirgizstan			1	
Kenya	1	2		2
Malaysia	1			
Mauritius			1	
Morocco	1	1		
Mexico		6	4	1
Moldova	2	4		5
Nepal	5	6	3	4
New-Zealand				1
Nigeria	1	1		
Pakistan	3	1	2	2
Philippines	1	11	3	4
South Korea	1	3	4	2
South Africa		1		
Serbia				3
Singapore		2	1	1
Sri Lanka		1	1	
Tai	2	1	1	13
Tunisia				1
Turkey	4	3	6	12
Ukraine	181	393	245	340
Russia	103	116	118	153
Uruguay			1	
USA	12	12	17	18
Uzbekistan	1	2	3	
Vietnam	1			1
Venezuela			1	
Other	2	1	1	3
Total	409	680	498	709

Table 57. Decision of refusal to renew the residence permit for employment

	2015	2016	2017	2018
Belarus	2			4
Georgia		1		
India				1
Iraq			2	

Russia	17	2	3	5
Ukraine	3		2	17
USA		1		
Total	22	4	7	27

Table 58: Decisions to register short-term employment

	2015	2016	2017	2018
Argentina	3	5	3	3
Armenia	1	3	14	24
Azerbaijan	2	3	53	119
Bangladesh			4	28
Belarus	22	33	478	1112
Brasilia	12	32	26	73
Egypt		1	11	18
Georgia	7	8	31	178
China	9	32	32	51
Chile	1	3	5	5
Congo DR	2		1	
Cuba	37	29	113	5
Israel	6	5	11	14
India	24	47	119	194
Iran	3	2	8	18
Japan	4	2	4	11
Kazakhstan	1	4	11	43
Kenya		2	1	1
Kirgizstan				16
Morocco	2		5	10
Mexico	2	8	6	20
Moldova	37	53	332	857
Nepal	3	10	19	40
Nigeria	2	4	8	10
Philippines	3	3	12	15
Russia	128	137	363	864
Serbia	2	3	5	10
South Africa	14	13	6	13
South Korea	2	2	7	5
Thailand	5	18	13	24
Tunisia	1		2	5
Turkey	5	8	37	54
Ukraine	678	1226	5641	15524
United States	42	47	63	83
Others	26	39	140	411
Total	1086	1782	7584	19858

Table 59. Decisions to refuse to register a short-term employment

	2015	2016	2017	2018
Belarus			6	15
Egypt		1		
Georgia			5	3
Israel		1		
India	1			2
Moldova			5	2
Nepal		1	1	1
Russia	2	1	3	4
Tadzhikistan		2		
Turkey			1	
Ukraine	1	4	119	143
Other				1
Total	4	9	140	171

Article 18 § 2 – Simplifying formalities and to reducing or abolishing chancery dues and other charges payable by foreign workers or their employers

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Please also see article 18 paragraph 1.

Estonian residence permit gives right to work, unless otherwise stipulated by the law and Estonia does not have a separate work permit. It is also possible for a foreign national to work short-term in Estonia if they stay in Estonia under a visa or a visa waiver programme and have registered the short-term employment with the Police and Border Guard Board.

In 2017, several amendments were made in order to simplify procedures and to attract skilled workers. The requirement to apply Estonian long-term visa and residence permit at foreign representations was abolished and since 2017 foreigners, who has a legal ground to arrive or stay in Estonia may apply and renew a long-term visa or residence permit directly in Estonia from Police and Border Guard.

In 2017 and 2018, the EU directives 2014/66/EU⁵⁶ and (EU) 2016/801⁵⁷ were harmonised to Estonian legislation. According to the changes, the ICT workers, holding valid ICT permits issued by an EU Member State according to the directive 2014/66/EU, may work in Estonia if the short-term employment is registered, up to the end of validity of residence without applying for a new residence permit. Also students and researchers may study or/and work in Estonia on the basis of residence permits issued according to the directive (EU) 2016/801, without the requirement to apply for Estonian residence permit.

⁵⁶ Directive 2014/66/EU of the European Parliament and of the council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra- corporate transfer.

⁵⁷ Directive (EU) 2016/801 of the European Parliament and of the council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In 2011, the National Reform Programme ESTONIA 2020 was adopted and the programme is updated yearly. The strategy also includes immigration policy aspects in order to facilitate the migration of skilled labour force and simplify regulations for living, study, etc. of foreigners. Representatives of social partners, local governments, international organisations, ministries and other relevant governmental authorities were involved in the process of preparing and updating the strategy.

3) Please supply any relevant statistics or other information on chancery dues and other charges payable by foreign workers or their employers for work and/or residence permits and on the average time taken to issue these permits.

Table 60: State fee for registration of short-term employment 2015-2018

Registration of short-term employment	48
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Table 61: State fee for application of visa 2015-2018

Type of visa	In Estonia	In Estonian foreign representation
Short-term visa	Cannot be applied	60
Long-term visa	80	80
Extension of temporary stay	30	Cannot be applied
Short-term visa children 6–12 years	35	35
EU agreements on the facilitation of the issuance of visas (applies to the citizens of the Russian Federation and Ukraine)	35	35 and urgent visa 70
EU agreements on the facilitation of the issuance of visas (applies to the citizens of Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, North-Macedonia, Georgia, Montenegro, Serbia and Moldova)	35 (short-term and long-term visa)	35 (short-term and long-term visa)

Table 62: State fee for review of application for residence permit, 2015-2018

	In Estonia	In Estonian foreign representation
Residence permit and renewal of residence permit	64	80
Residence permit for employment and renewal of residence permit for employment	96	120

Residence permit for business and renewal of residence permit for business	160	180
Long-term residence permit and restoration of long-term residence permit:	64	Cannot be applied
Long-term residence permit and resumption of residence permit: * for an foreigner under 15 years of age; * for a foreigner who has attained Estonian general pensionable age.	24	Cannot be applied

Article 18 § 4 – The right of nationals to leave the country to engage in a gainful occupation in the territories of the other parties

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Estonian Constitution § 35, everyone has the right to leave Estonia and Estonia does not regulate the right of nationals to leave the country nor to engage in a gainful occupation in the territories of other States. Estonia is part of the Schengen area, thereby the general principle of free movement of persons in the European Union applies.

Table 63: External migration by citizenship

	2015		2016		2017		2018	
	Immigra-tion	Emigrat-ion	Immigra-tion	Emigrat-ion	Immigra-tion	Emigrat-ion	Immigra-tion	Emigrat-ion
Estonian citizenship	8 043	8 957	7 129	9 141	8 549	8 014	7 836	6 569
EU citizens	3 188	2 169	3 511	2 455	4 555	2 146	4 158	2 176
..Finnish citizenship	899	568	899	622	938	575	833	460
..German citizenship	402	290	456	341	495	262	467	355
..Latvian citizenship	326	211	429	243	863	180	750	217
Russian citizenship	1 294	909	1 290	981	1 272	915	1 462	659
Ukrainian citizenship	1 200	140	1 091	243	1 037	293	1 513	305
Undetermined citizenship	523	431	388	467	414	498	483	314
Other citizenship	1 162	396	1 413	504	1 777	487	2 002	446
Citizenship unknown	3	1	0	1	12	5	93	7

Source: Statistics Estonia

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

No amendments have been made to the Gender Equality Act or the Civil Service Act concerning the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex in 2015-2018.

In August 2018, after two years of drafting and consultations, the Government approved and sent to the Parliament a draft amendment to the Gender Equality Act. The main aim of this draft was to provide the Labour Inspectorate with a right to exercise administrative and state supervision over implementation of the requirement of equal pay for women and men in the public sector organisations in order to enforce implementation of this principle. The draft also specified some already existing requirements directed to all employers (both public and private sector), e.g. concerning data collection and informing employees or their representatives, with proposed amendments paying special attention to questions of equal pay. As the Parliament did not adopt the draft before the parliamentary elections in March 2019, upon the expiry of the mandate of the Riigikogu, all draft legislation on which the proceedings were not completed during the mandate of that Riigikogu were dropped from the Parliaments' proceedings. The present Government has not made any decisions yet concerning restarting the proceedings.

In July 2018, an amendment of the Employment Contracts Act entered into force that provides an employee⁵⁸ with a right to a five working day leave for the care of an adult with a profound disability. The purpose of the care leave is to encourage the sharing of care burden between those who contribute to the care of a person with profound disabilities. Care leave helps caregivers to continue their working life and encourages them to enter the labour market. As most of such caregivers are women, this amendment provides them additional support for more active labour market participation.

Several changes have been designed to the parental leave and benefits system that can be expected to especially support women's active participation in the labour market and their career possibilities and thereby also help to decrease gender pay gap.

In 2016, a memorandum of the parental leave and benefit system changes was drawn up, based on the Green Paper on family benefits, services and parental leave, submitted to the Government in 2015. The main goal of the changes was to encourage more fathers to share the care responsibilities and to provide better possibilities for reconciliation of work and family life. The government approved the proposals for amendments in the parental leave and benefits system in March 2017. As many of the changes required development of new and extensive IT systems, the legislative amendments were adopted in the Parliament in two phases in December 2017 and October 2018 and are implemented gradually in 2018-2022.

In order to encourage more fathers to share care responsibilities with mothers, from July 2020, fathers will have an individual right for paternity leave and benefit for 30 days (until that time, the paternity leave duration is 10 working days).

⁵⁸ According to the amendment, an employee is entitled to carers' leave s/he is: directly ascendant or descendant; brother, sister, half-brother or half-sister; spouse or registered partner; guardian; or appointed guardian of a severely disabled adult. The Employment Contracts Act is available in English at: <https://www.riigiteataja.ee/en/eli/509052019005/consolide>

Amendments aiming to provide more flexible possibilities for parents to combine being on parental leave and participating in the labour market include, for example, possibility for parents to receive parental benefit as well as earn income at the same time - the parental benefit will be reduced only when the monthly income exceeds 1.5 times Estonian average salary (1660 euros in 2019). This would enable both parents to work part-time and share the care responsibility accordingly.

The second stage of amendments to the parental leave and benefits system, adopted by the Parliament in October 2018, includes renaming of the “pregnancy and maternity leave” as “maternity leave” and the introduction of changes to the terms and conditions of the leave. Compared to pregnancy and maternity leave, the period of maternity leave will be shortened from 140 to 100 days, but as a result the parents will have a longer paid parental leave period (current childcare leave). Whereas during the pregnancy and maternity leave, a woman received maternity benefit from the budget of the Estonian Health Insurance Fund, the maternity leave period will be covered by mother’s parental benefit through the Social Insurance Board from the state budget. In addition, the amendments of the law included also changing the conditions for child leave and adoptive parent leave as well as providing more flexibility for the conditions and compensation of parental leave. The amendments of the second stage will come into force on 1st of April 2022.

In 2017, sexual harassment which had previously already been prohibited under the Gender Equality Act, became, although to some extent in a more restricted form, also a misdemeanour under the Penal Code, punishable by a fine or by detention. According to the Penal Code, sexual harassment is an intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences.

In order to increase diversity in management bodies of financial institutions, Estonian legal acts provide obligations to move towards gender balance in management bodies. For example, from May 2014, the Credit Institutions Act⁵⁹, which applies to banking activity in Estonia, stipulates that among the duties of the Nomination Committee, formed from the members of the supervisory board and submitting the candidates for the member of the management board, is also setting the target level for representation of the underrepresented gender in the management board, and preparation of the policy for how to increase the representation of the underrepresented gender in order to reach the target level set, and the publishing of the data with regard to the target level, policy and the implementation thereof. The Committee is also tasked with the development and regular assessment of the policy of diversity in the composition of the management bodies valid in credit institutions and the procedure for the selection of the management board and, where necessary, making amendment proposals. Upon nomination of the candidates for member of the management board to the supervisory board, the Nomination Committee is required to ensure the balance between the knowledge, skills and experience of the candidates for member of management board and the implementation of the principles of diversity in the composition of the management bodies established in credit institutions.

Similar requirements apply also to investment firms and operators of securities market as enacted in the Securities Market Act from January 2018, according to which the Nomination Committee has a task to also set the target level for representation of the underrepresented gender in the management board and prepare a policy on how to increase the representation of the underrepresented gender and meet that target level set. The managers and employees of an investment firm are governed by the provisions of the Credit Institutions Act.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

⁵⁹ The Credit Institutions Act is available in English at: <https://www.riigiteataja.ee/en/eli/501042019006/consolide>

Strategic framework

In July 2016, the Government approved the “Welfare Development Plan for 2016-2023”⁶⁰. The development plan has four sub-goals, one of which is gender equality, thereby creating the first ever governmental level wide-scale strategy for gender equality. The gender equality policies of the development plan are implemented through the four-year rolling Gender Equality Programme(s).

Measures foreseen in the development plan and the programme(s) vary from awareness raising to legislative initiatives. To reduce gender inequality, prevent its resurgence, and achieve gender equality in different spheres of life, attention is paid to reducing gender stereotypes that cause gender inequality and their negative impact; reducing gender segregation in education and the labour market; supporting the economic independence of men and women, therein reducing the gender pay gap; achieving a gender balance on the decision-making levels of society; enhancing the protection of rights; and ensuring institutional capacity, including the analysis and management capabilities necessary for the promotion of gender equality. Implementation of the development plan and the programme(s) is monitored through indicators.

Framework necessary to support the promotion of gender equality includes also other programmes under the same development plan (Labour Market Programme, Social Insurance Programme, Welfare Programme), but also other strategies, including the “Strategy for Preventing Violence in 2015-2020”⁶¹ and the Strategy of Children and Families 2012-2020⁶² (especially its strategic objective 5: “Men and women have equal opportunities for reconciliation of work, family and private life in order to promote a quality everyday life that meets the needs of each family member”).

Implementation of the Gender Equality Act by employers

An analysis of the implementation of the Gender Equality Act by employers was carried out in 2015⁶³. The aim of the study was to get an overview of how the private, public and non-profit sector employers implement the Gender Equality Act in their human resources practices. In addition to an overview of the implementation of the Gender Equality Act among employers, indicators were proposed by the researchers for assessing the implementation of the Gender Equality Act in human resource practices which could be used for regular monitoring of the subject. The study used combined research methods, i.e. qualitative and quantitative methods.

The overall conclusion of the study is that the awareness of the Gender Equality Act among Estonian employers is low. Only 4% of the employers claimed that they are well aware of this law. Most of the respondents (46%) had heard about the Gender Equality Act, but they did not know the contents of the law. The study also showed that the awareness of the employers of legislation prohibiting gender discrimination in recruitment process was low and discrimination in recruitment

⁶⁰ Welfare Development Plan for 2016-2023 available in English: http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf

⁶¹ Strategy for Preventing Violence in 2015-2020 is available in English at: http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf

⁶² The Strategy of Children and Families 2012-2020 is available in English at: https://www.sm.ee/sites/default/files/content-editors/Lapsed_ja_pered/lpa_fulltxt_eng_83a4_nobleed.pdf

⁶³ Turk, Pirjo; Anniste, Kristi; Masso, Märt; Karu, Marre; Kriger, Tatjana 2015. Study on Implementation of the Gender Equality Act and Developing Indicators to Assess the Impact of the Act. Tallinn: Praxis Centre for Policy Studies. Available online (Executive Summary pp 47-49): http://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/uuringuaruanne.pdf

on the basis of gender was widespread. The study indicated that although most of the employers (90%) have job descriptions and 64% of the organizations have regulated the wage principles, in the documents regulating working relations and conditions, the gender equality principles and/or goals are the least stipulated (4%) and in 33% of organisations wage is completely negotiable. On the positive side, the awareness of employers of their responsibility in solving the situation where gender-based harassment or sexual harassment has occurred in the workplace, was relatively good.

In order to support this awareness with relevant know-how, a guideline was published in 2015 in the framework of implementation of the ESF programme “Promoting Gender Equality 2011-2013” on preventing sexual and gender-based harassment at work⁶⁴. The guideline is targeted both at employers and employees, providing help in recognising harassment, in understanding the rights and obligations provided by law and in addressing the cases of harassment.

In order to support employers both in fulfilling legal requirements and taking voluntary measures to promote gender equality in their organisation, while also enabling them to keep the administrative burden of these activities as low as possible, IT tools are planned to be developed in the coming years. As far as possible, the tools are intended to use personnel and wages data that employers have already provided to the state. The tools should help the employers to discover shortcomings in their organisation in following the principle of equal treatment of women and men, including the principle of equal pay for women and men, to analyse more thoroughly overall gender equality situation in the organisation, and provide guidance for finding solutions and drawing up an action plan to tackle the shortcomings.

Tackling gender stereotypes in and through education

Two larger-scale projects financed through an open call from the Norway Grants 2009-2014 gender equality programme were carried out in 2014-2015 aimed to raise awareness of teachers and other educational staff and to integrate gender equality issues into teacher training.

The objective of the project co-ordinated by the Estonian Women’s Associations Roundtable⁶⁵ was to promote gender equality through integrating the gender perspective into teacher education and training, raising gender awareness of teacher educators and practicing teachers and developing a comprehensive system of support to achieve the objective. Its direct beneficiaries were academic staff involved in teaching future teachers; future teachers; practicing pre-, general education and vocational schools’ teachers; professionals holding management posts in educational establishments; gender research experts. A website on gender and education⁶⁶ was created by the Estonian Women’s Associations Roundtable, gathering various research papers and materials to help teachers to integrate gender aspects into teaching but also to provide gender equality and education related information to a general public.

The objective of the project of the Praxis Centre for Policy Studies⁶⁷ was to support the integration of gender equality in the education system of Estonia, thereby contributing to a reduction in gender inequality in Estonian society. Two subject courses on gender equality for universities and one in-service training course for teachers of Estonian general education schools were developed and tested. To ensure that the courses meet the needs of Estonian society, teachers and students, a survey was carried out among students in order to identify their experiences, knowledge and attitudes regarding gender equality, and interviews were conducted with students and teachers of education and social sciences, as well as experts in the field of gender equality and education. In

⁶⁴ Guideline on preventing sexual and gender-based harassment at work is available in Estonian at: https://gender.sm.ee/fileadmin/user_upload/ahistamise_ennetamise_juhised.pdf

⁶⁵ More information about the project is available at: <http://www.enu.ee/enu.php?keel=3&id=452>

⁶⁶ Website is available in Estonian at: <http://www.enu.ee/haridus-ja-sugu/>

⁶⁷ More information about the project is available at: <http://www.praxis.ee/en/works/mainstreaming-gender-equality-into-general-and-higher-education/mainstreaming-gender-equality/>

addition, an analysis of the experience of the Nordic countries (Finland, Norway and Sweden) and academic literature was conducted.

A follow-up project was implemented by Praxis in 2016, with a financing from the Gambling Tax Council. The purpose of the project was to increase the gender awareness in educational system, with particular emphasis on school management bodies. During the project a one-day in-service training course that covers topics such as equal treatment and gender equality in schools, the role of school management in creating stereotype-free school culture and teaching practices etc., was developed for school principals and management. The course was also piloted in two groups.

Awareness raising concerning gender pay gap

Regular awareness raising activities have been implemented to draw attention to the problem of gender pay gap, its causes and solutions, including in the framework of marking a yearly Equal Pay Day in April. For example, in 2015, the main focus of the informational activities related to the Equal Pay Day was the influence of parental care responsibilities on the gender pay gap. Activities included public events and discussions in different towns. Also, some video clips drawing attention to relevant gender stereotypes were shown in cinemas of biggest towns during the week of Equal Pay Day. In 2016 and 2017, in addition to more traditional information activities, a youth literature contest was organised in the context of Equal Pay Day, where high school pupils could submit essays, poems and short stories on the topic of equal pay and other gender equality issues. Best texts were awarded.

Ensuring adequate wages in female-dominated sectors

The Government has also taken steps to ensure adequate wages in female-dominated sectors, such as education. There has been a pan-party political commitment to raise the (average) salaries of basic school and upper-secondary school teachers over the last years, with an aim to reach 120% of the average salary in Estonia. Their salaries have almost doubled during the last eight years, although actual salaries of both primary and secondary school teachers still need to increase to reach the OECD average.

Research on gender pay gap

In 2013-2015, Statistics Estonia implemented a project "Increased availability of gender pay gap statistics", financed from the Norway Grants gender equality programme. The project aimed at increasing the availability of more up-to-date and detailed gender pay gap data and analysis in Estonia. In the course of the project, already existing data sources (surveys, registries) were mapped to find the best data sources for monitoring the gender pay gap. One key objective and a result of the project was the creation of a combined database that contains not only data on wages, but also other significant variables necessary for a complex analysis of the gender pay gap⁶⁸. The variables, in turn, help to understand the essence of this phenomenon and provide an explanation for its causes. Statistics Estonia also drafted "Strategy of Pay Gap Statistics 2016-2023" and continues to move towards using various registries to produce statistics.

In 2017, the Ministry of Social Affairs presented the results of the fifth Gender Equality Monitoring. The aim of this national survey is to measure opinions and attitudes regarding the situation and position of women and men in society and concerning gender equality. It covers different topics and areas of life, such as power, economy, working life, private life, education and violence. In the

⁶⁸ Database bringing together variables concerning gender pay gap in Estonia is available at the homepage of Statistics Estonia at: http://pub.stat.ee/px-web.2001/l_Databas/Social_life/19Worklife_quality/03Gender_equality/03Gender_equality.asp

fifth monitoring, compared to previous ones, an additional attention was put on the issues of equal pay, including attitudes towards making of salary-related information available for everyone and possibilities to participate in salary negotiations. 24% of respondents would agree with salaries being public for everyone, additional 31% that salaries would be public inside an organisation. 37% of respondents would not agree with making salaries public. The results of the monitoring surveys are used to assess existing gender equality policies and to develop new policy measures to reduce gender inequalities.

From January 2019, a three-year research project is carried out with an aim to decrease the still unexplained part of the gender pay gap by clearing up further reasons for it through linking together different existing databases, adding qualitative analysis and using simulation and prognosis models to design evidence-based policy scenarios. The project also creates a low-administrative-cost database for up-to-date data on gender pay gap. Based on the analysis, user-friendly digital awareness-raising features will be developed. As the studies show, women in Estonia often enter the pay negotiation process with a lower pay expectation than men. The digital solutions can have an empowering effect on women, providing information about the average pay level and pay gap in a certain field or position-level.

The gender pay gap in Estonia comprises mostly of unadjusted pay gap and only about 15% of the gap has been explained so far. In the beginning of 2019, a new analysis that aims to decrease the unexplained part of the gender pay gap, was launched⁶⁹. The first results of the analysis show that the new approach helps to explain 40% of the gender pay gap. Individual level characteristics, such as level of education, labour market status, age, and nationality, explain only marginal share of the pay gap, while the average salary paid, and the share of women employed by the employer play more substantial role. Occupation and sector of economic activity are moderately important in explaining the gap.

The fresh analysis also casts light on the wage differences in different income quintiles. The results show that in the lowest income quintile men earn approximately 5% more than women and almost all the pay gap was explained, mostly by individual characteristics (age, nationality, education, mother tongue) and characteristics of the employer. In the highest quintile the gender pay gap increases to 29% and most of it remains unexplained.

Reducing gender segregation

In autumn 2015, in the framework of the ESF programme “Promoting Gender Equality 2011-2013”, career days for boys and girls were carried out in chosen vocational schools, universities and workplaces, enabling secondary school pupils to receive first-hand information about professions stereotypically considered as more suitable for representatives of the other sex. E.g. girls participated in the events focusing on IT-studies, STEM fields, mechatronics; boys in events focusing on teacher training or nursing education. If possible, participants could also do practical exercises. Altogether, 193 pupils in the age group of 15-19, 45% of them boys and 55% girls, took part of the events.

In spring 2017, the Ministry of Social Affairs organised tailor-made training for career counsellors working with young people. The aim was to give career counsellors basic training of gender and gender equality in order to help them understand gender aspects in their work and give them gender mainstreaming skills.

⁶⁹ The research project, which is commissioned by the Ministry of Social Affairs and carried out by Tallinn University and Tallinn University of Technology, lasts for three years until December 2021.

Additionally, in 2017, several information materials were produced by the Gender Equality and Equal Treatment Competence Centre for the use of Cohesion Policy Funding on how to awake and support girls` interest in STEM fields, including for parents⁷⁰ and hobby group instructors⁷¹. In 2017, also a study about the gender aspect of the hobby education of natural, technological and exact sciences was carried out⁷².

In 2017-2019, the Gender Equality and Equal Treatment Commissioners` Office implemented a project "BREAK! – overcoming gender stereotypes in Europe through cross-media learning"⁷³, in co-operation with Estonian Public Broadcasting, Foundation Innove, Tallinn University, Estonian Ministry of Education and Research and partners from Lithuania and Iceland. The aim of the projects was to contribute to overcoming educational and occupational gender segregation by reaching out to young people aged 13-30 through innovative cross-media tools and practices that are familiar for the youth. The main product of the project was a 10-episode TV-series "Why Not?!". Moreover, study materials for teachers on how to talk about (gender) stereotypes to the students in different classes and in different age groups, were produced and made freely accessible and trainings were held for teachers and career counsellors on the use of these study materials. A series of radio shows was aired in Estonian and in Russian where different equality topics were discussed. The project was introduced to young people all over Estonia also through 15 county visits to schools in 2018.

Reducing gender segregation in ICT

Estonia has also expanded its specific efforts to increase the proportion of women in the ICT sector where the average salary is notably above the general average salary. Different activities are targeting both women and girls and are carried out by the state, private sector and non-governmental organisations.

In 2015-2016, an NGO BPW Estonia implemented a project ""Work and Life Balance Toolkit for Companies on Bases of Skype" with a financing from small grant scheme of the Norway Grants gender equality programme, in co-operation with Skype Technologies. The purpose of the project was to develop a toolkit to facilitate work-life balance, linking the issue to corporate image-building and improved competitiveness by example of one company (Skype). Project supported the endeavours of the ICT sector to promote gender equality among its employees. In addition to a study day organised for sharing international practice on work-life balance measures, both theoretical and practical information materials were published. Also, based on the results of a specific employee satisfaction survey, proposals were prepared for the management of Skype Technologies on how to support balancing work, family and private life. Additionally, recommendations, informed by the results of another satisfaction survey carried out in social media, and usable also by employers in general, were also published.

In 2018, a two-year communication campaign "ICT is everywhere" was initiated by the Ministry of Economic Affairs and Communications. The campaign tries to overcome the stereotypes linked with careers in the ICT-sector. A special focus of the campaign is on informing girls on various job opportunities involving ICT in order to encourage them to consider studies or jobs in digital economy. Another aspect of the campaign is to highlight female role models, since their lack is one of the factors why many women do not choose a career in the ICT sector. During the two-year

⁷⁰ Available in Estonian at: http://kompetentsikeskus.vollinik.ee/wp-content/uploads/2018/02/infoleht_Lapsevanematele_LTT.pdf

⁷¹ Available in Estonian at: <http://kompetentsikeskus.vollinik.ee/wp-content/uploads/2018/02/Juhised-LTT-huviringide-juhendajatele.pdf>

⁷² The study report is available in Estonian at: http://kompetentsikeskus.vollinik.ee/wp-content/uploads/2018/02/Uuringu-aruanne_LTT-huviharidus-sooline-aspekt.pdf

⁷³ More information about the project is available through its homepage at: <https://brea-k.eu/en/>

campaign, 50 media events take place in schools around Estonia and, in cooperation with the non-profit organisation Tech Sisters, 10 separate workshops in various technology companies. For the campaign the ministry is partnering with, among others, Idea Group, Estonian Association of Information Technology and Telecommunications, Tallinn University of Technology, NGO Community Tech Sisters and the educational programme “Enterprising School”.

Another project, “Choose IT!” was launched together with Estonian IT companies and enables 500 postgraduates to learn a new profession and become software developers. The programme involves a 6-week training course followed by an 8-week internship in a company. While this project is not specifically targeted at women, currently around 62% of the participants are women.

There are also active third sector initiatives that focus on girls and aim to bring more women to the ICT and tech sector by tackling (gender) stereotypes concerning the sectors, among them activities of Tech Sisters⁷⁴ and Women in Tech, and initiatives such as DigiGirls⁷⁵ and HK Unicorn Squad⁷⁶.

In autumn 2019, an 18-month research project will begin that will concentrate on developing and piloting nudging methods to increase the share of women among ICT sector students and employees. The project is co-funded by the Ministry of Social Affairs and the Estonian Research Council.

Increasing women`s participation in the field of defence

In 2017, the Ministry of Defence released a policy white paper for increasing participation of women in military service. The main objective is to encourage more women to choose military career, to foster and increase gender equality in the Estonian armed forces, therefore bring greater diversity, talents and ideas to military and leadership positions. The stipulated policy measures include various activities related to the improvement of the Estonian Defence Forces` (EDF) working environment and enabling women to serve in all military units as well their equal treatment with men in the assignment of professions. In line with a principle of evidence-based policymaking, the measures also provide for more thorough research of gender issues in the military, including collection and analysis of sociological data.

Understanding the motivation of women to join and serve in the military, appreciating their service experience and addressing the challenges of integrating them effectively into the work environment and overall mission and tasks of the EDF, are important factors in the recruitment, retention and successful performance of women in the EDF. In 2017, a survey was conducted in the EDF, with a support from the Ministry of Defence, the report of which highlights many pertinent issues and can serve as a basis for further continuous improvements in personnel policies, training programmes, leadership approaches and management practices in the EDF⁷⁷.

In order to raise awareness and promote women`s involvement and wider participation in national defence, including armed forces, communication campaigns have been carried out to increase knowledge and support among Estonian society. Activities have also been implemented with other defence institutions and sub-institutions to raise awareness and support among overall society and target groups.

⁷⁴ More information about the activities of Tech Sisters is available at: <http://techsisters.org/>

⁷⁵ More information about DigiGirls initiative is available at: <http://www.digigirls.ee/>

⁷⁶ More information about HK Unicorn Squad initiative is available (in Estonian) at: <https://www.facebook.com/HKUnicornSquad/>

⁷⁷ Report “Women in the Estonian Defence Forces—Motivation, Attitudes, Experiences and Challenges“ is available at: https://icds.ee/wp-content/uploads/2018/05/ICDS_Report_Women_in_the_Estonian_Defence_Forces_Andres_Siplane_December_2017.PDF

Promoting sharing the care burden between women and men and supporting work-life balance

Two larger-scale work-life balance projects were financed through an open call from the Norway Grants gender equality programme and implemented in 2014-2015. A project implemented by the Responsible Business Forum aimed at improving the situation of work-life balance among the employees by organising e.g. training programmes for mentors, a development programme for employers and awareness raising events for wider audience of employers and employees. The second work-life balance project, implemented by the Tallinn University of Technology, aimed at creating a mechanism design for providing efficiency and equity in matching kindergartens and children. Additional small-scale projects on this topic were financed from the same programme though a small grant scheme (see e.g. BPW Estonia project above).

In order to support the planning and implementation of legislative changes (see above), also awareness raising activities have been carried out. For example, in order to encourage more fathers to share the care burden with mothers, a media campaign “Kasvage koos” (“Grow Together”) was carried out from November to December 2017 calling on fathers to spend more time with their children, including using parental leave. Fathers talking about growing together with their children were featured in television, on the radio, on social media and street advertisements. During the campaign, changes to the parental leave and benefits system coming into force were also discussed, and it was possible for the interested parties to familiarise themselves with the various options for parental leave at the campaign site⁷⁸.

Accessible and flexible childcare

In order to support active participation of especially mothers of small children in the labour market, in recent years, the Ministry of Social Affairs has also supported creating new childcare places with the help of the European Social Fund. In 2015-2018, altogether 1193 childcare places were created all over the country to alleviate the shortage of childcare facilities. The 2018 call for applications specifically concentrated on creating flexible childcare places for children whose parents work on non-standard working hours and for children with special needs. The European Social Fund supports these facilities with 3.6 million euros, which is added to the local government self-financing. The new childcare facilities receive support for up to 36 months.

In addition, in 2014-2020, the Ministry of Finance is coordinating a 34 million euros funding scheme from the European Regional Fund for the construction of nearly 2200 new places in childcare facilities and kindergartens in the three major urban areas of Estonia.

Although in previous decades there has been a lack of childcare places in bigger cities of Estonia, the childcare places created recently have alleviated the situation. Also, since 2016, in case there is a lack of public childcare places for a child aged 1,5-3 years, the local governments may offer or compensate a private childcare place instead of a public childcare place. In recent years, the participation in ECEC services has increased. According to Statistics Estonia, while in 2012, 23% of the children aged 0-2 and 91% of children aged 3-6 participated in formal childcare, in 2017, the percentage in these age groups was 28% and 95% accordingly.

Long-term care

The Government is also working towards easing the care burden of informal carers. In autumn 2017, the Government made a decision to finance the most urgent long-term care measures in 2018-2021 by additional 16 400 000 euros. Among these measures are, for example, a state

⁷⁸ The campaign website is available in Estonian at: www.papsigakodus.ee

financed daily and weekly special care service for people at working age with multiple disability, providing new service places in care homes to elderly with dementia and creating a Competence Centre for Dementia.

At the end of 2018, the Government discussed an additional action plan for changes in the long-term care system. The main aim of the changes is to increase the availability of long-term care services to reduce the care burden on informal carers and through that, support the reconciliation of work and care. In June 2019, the newly formed Government coalition agreed that the Ministry of Social Affairs should continue to develop long-term care reform plan and should submit planned policy measures to Government for decision in November 2019.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

The situation in the Estonian labour market has significantly improved since 2014. The average employment rate in 2018 was 68.1% (aged 15–74) and the unemployment rate –5.4%. Labour market situation has been equally improved for men and for women, thus the employment gap remained in the same level as 2014 (8.2 percentage points). The employment rate of men in 2018 was 72.3% and employment rate of women was 64.1%. Among men, the unemployment rate was slightly higher than among women (respectively, 6.8% and 5.3%).

Table 64. Employment rate (%) by gender and employment gap (percentage points)

	Males' employment rate, %	Females' employment rate, %	Employment gap (percentage points)
2014			
15-74	67.3	59.1	8.2
15-24	32.1	33.2	-1.1
25-49	86.8	74.8	12.0
50-74	56.4	51.4	5.0
2015			
15-74	69.3	61.3	8.0
15-24	38.1	33.1	5.0
25-49	88.6	76.7	11.9
50-74	56	54.1	1.9
2016			
15-74	69.6	62	7.6
15-24	37.3	36	1.3
25-49	88.3	75.6	12.7
50-74	56.7	55.7	1
2017			
15-74	71.6	63.6	8.0
15-24	41.2	38.1	3.1
25-49	89.4	78	11.4
50-74	58.8	56.2	2.6

2018			
15-74	72.3	64.1	8.2
15-24	42.4	39.9	2.5
25-49	90.1	77.4	12.7
50-74	58.8	57.2	1.6

Source: Statistics Estonia

Table 65. Employed persons (thousands), aged 15-74 by gender and perpetuity of main job

	2014			2015			2016			2017			2018		
	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females
Total	624.8	320.8	304.0	640.9	327.9	312.9	644.6	329.4	315.3	658.6	337.8	320.8	664.7	342.4	322.3
Permanent job	605.3	309.7	295.6	618.7	316.7	302.7	620.9	315.9	304.1	637.2	325.3	311.9	641.8	330.2	311.6
Temporary job, incl.: seasonal job	19.5	10.3	9.2	22.2	12.12	10.2	24.6	13.5	11.1	21.4	12.4	8.9	23.2	12.2	10.7
occasional job	6.5	3.3	3.2	5.9	3.1	2.8	7.6	4.3	3.4	6.6	3.6	2.4	6.8	3.4	3.4
other temporary job	2.7	1.8	0.9	4.6	3.3	1.3	4.6	3.4	1.2	3.1	2.4	..	3.3	2.4	..
	10.3	5.2	5.1	11.7	5.6	6.1	12.4	5.9	6.5	12.3	6.4	5.9	13.2	6.5	6.7

Source: Statistics Estonia, Labour Force Survey

Table 66. Male and female unemployment rate by educational level

	2014	2015	2016	2017	2018
Below upper secondary education					
Unemployment rate, %	12.9	12.2	12.7	10.9	10.3
Males' unemployment rate, %	13.6	11.9	12.3	10.6	9.1
Females' unemployment rate, %	11.4	13	13.8	11.3	12.6
Upper secondary education, post-secondary non-tertiary education					
Unemployment rate, %	8.1	6.8	7.8	6.7	5.8
Males' unemployment rate, %	7.9	6.4	8	6.5	5.4
Females' unemployment rate, %	8.4	7.2	7.4	6.9	6.3
Tertiary education					
Unemployment rate, %	4.8	3.9	3.9	3.2	3.6
Males' unemployment rate, %	4.8	3.3	4	3.5	3.8
Females' unemployment rate, %	4.7	4.2	3.7	3	3.4

Source: Statistics Estonia, Labour Force Survey

Table 67. Part-time employed persons by sex, %

	2014	2015	2016	2017	2018
Males	6.5	6.6	7.6	6.8	8
Females	12.8	15.2	14.9	15	17

Source: Statistics Estonia, Labour Force Survey

The proportion of the employed people working part-time by reasons and by sex has been changing since 2014. While not wanting to work full-time has been over the years the main reason for part-time work among men (30.4% in 2018), since 2016 personal or family reasons have become the main reason for women (33.1% in 2018). The reason not wanting to work full-time has been the second reason for women since 2016 (29,3% in 2018). Personal and family reason accounts for the third reason for men according to the figures of 2018 (21.8%), while the second most popular reason for working part-time for men was studies (23% of men).

Table 68. Proportion of the employed people working part-time by reasons, %

Proportion of the employed working part-time (reason of part-time job total = 100), %	2014		2015		2016		2017		2018	
	Males	Females	Males	females	male s	femal es	Male s	femal es	Male s	femal es
Studies	20.9	17.3	19.1	17.3	17.2	15.9	15	14.9	23	17.9
Personal or family reasons	14.9	24.4	18.6	26.1	20.4	27.8	23.3	35.2	21.8	33.1
Reasons of employer	26	17,5	23,5	17,1	25.6	21	25.3	16.7	20.5	13.9
Did not find full-time job	12	15.8	13.7	11.6	10.5	9.6	7.9	6.5	4.3	5.7
Did not want to work full-time	26.1	25	25.1	28	26.2	25.7	28.5	26,6	30,4	29,3

Source: Statistics Estonia, Labour Force Survey

In 2017, the gap between average gross hourly wages and salaries of women and men was 20.9%, having slightly decreased from 22.2% in 2015. In 2017, the average gross hourly wages and salaries was 7.9 euros for men and 6.3 euros for women.

When comparing the gross hourly wages and salaries of women and men, taking into account the sectors of economic activity, the largest gap could be found in the field of financial and insurance activities (38.2% in 2017). The gap was also more than 30% in the field of mining and quarrying (31.1% in 2017). In the field of information and communication, the gap increased from 23.3% in 2015 to 25.2% in 2017. The smallest gap could be found in the field of transportation and storage where it was 5.1% in 2017. In 2017, the gap was less than 10% also in the fields of water supply; sewerage, waste management and remediation activities (5.9%).

Table 69. Average gross hourly earnings in sectors of activity (euros) and pay gap (%)

		2015	2016	2017
Total	Men	7.0	7.6	7.9
	Women	5.4	6.0	6.3
	Pay gap, %	22.2	20.9	20.9
Agriculture, forestry, fishery	Men	6.3	6.8	6.7
	Women	5.0	5.5	5.8
	Pay gap, %	20.1	19.2	13.2
Mining and quarrying	Men	8.2	8.7	9.2
	Women	5.5	5.5	6.3
	Pay gap, %	32.3	36.4	31.1
Manufacturing	Men	6.9	7.6	7.9
	Women	4.9	5.3	5.7
	Pay gap, %	29.7	29.5	28.0
Electricity, gas, steam and air conditioning supply	Men	8.5	9.2	9.6
	Women	7.0	7.9	8.2
	Pay gap, %	16.8	13.8	14.7
Water supply; sewerage, waste management and remediation activities	Men	6.3	6.9	7.0
	Women	5.6	6.2	6.6
	Pay gap, %	11.2	8.9	5.9
Construction	Men	6.4	6.7	6.9
	Women	5.0	5.7	5.8
	Pay gap, %	21.7	15.3	16.0
	Men	7.1	7.4	7.6

Wholesale and retail trade; repair of motor vehicles and motorcycles	Women	4.8	5.3	5.4
	Pay gap, %	32.6	29.0	28.1
Transportation and storage	Men	5.9	6.6	6.9
	Women	5.8	6.6	6.5
	Pay gap, %	1.5	-0.0	5.1
Accommodation and food service activities	Men	4.8	5.8	5.8
	Women	4.1	4.6	4.9
	Pay gap, %	14.8	19.7	15.9
Information and communication	Men	10.8	12.2	12.9
	Women	8.3	9.2	9.7
	Pay gap, %	23.3	24.7	25.2
Financial and insurance activities	Men	12.9	14.0	15.0
	Women	8.6	9.4	9.3
	Pay gap, %	33.6	33.0	38.2
Real estate activities	Men	5.1	5.8	6.0
	Women	4.5	5.1	5.2
	Pay gap, %	10.8	11.9	13.5
Professional, scientific and technical activities	Men	8.6	8.8	9.5
	Women	6.5	7.2	7.3
	Pay gap, %	24.7	18.5	22.8
Administrative and support service activities	Men	5.5	6.9	6.9
	Women	5.1	5.7	6.1
	Pay gap, %	8.3	16.3	12.2
Public administration and defence, compulsory social Security	Men	7.3	8.2	9.0
	Women	6.8	7.6	8.0
	Pay gap, %	6.2	8.0	10.9
Education	Men	6.6	7.3	7.4
	Women	5.3	6.0	6.2
	Pay gap, %	20.7	18.8	16.2
Human health and social work activities	Men	8.0	8.8	9.3
	Women	5.8	6.5	6.7
	Pay gap, %	27.6	26.0	27.9
Arts, entertainment and recreation	Men	6.0	6.4	6.1
	Women	4.4	4.8	5.0
	Pay gap, %	27.1	24.5	17.9
Other activities	Men	3.8	4.1	4.2
	Women	3.2	3.8	4.1
	Pay gap, %	14.1	7.8	1.1

Source: Statistics Estonia

Part of the gender pay gap is explained by the horizontal and vertical segregation of Estonian labour market. The economic activities that involve the largest proportion of women in 2018 were education (15.2%), manufacturing (15.1%) and wholesale and retail trade (15.0%). For men, in 2018 the most popular economic activities were manufacturing (22.0%), construction (15.7%) and transportation (11.1%).

The most gender segregated fields of economic activity were construction (92.28% of employed persons in 2018 were men) and transportation and storage (76.20% of employed persons in 2018

were men), but also human health and social work activities (89.88% of employed persons in 2018 were women) and education (80.03% of employed persons in 2018 were women).

Table 70. Employment by economic activity (annual average, proportion of those employed aged 15–74, %)

	2015	2016	2017	2018
Agriculture, forestry, fishery				
Males	5.2	5.7	5.0	4.8
Females	2.5	2.0	1.9	1.6
Mining and quarrying				
Males	0.8	0.8	1.0	1.2
Females	..	..	..	0.3
Manufacturing				
Males	22.6	22.5	22.8	22.0
Females	14.8	14.8	15.0	15.1
Electricity, gas, steam and air conditioning supply				
Males	1.7	1.4	1.7	1.4
Females	0.6	0.5	0.6	0.4
Water supply; sewerage, waste management and remediation activities				
Males	0.7	0.7	0.7	0.9
Females	..	..	0.3	..
Construction				
Males	17.3	16.1	15.5	15.7
Females	1.6	1.6	1.4	1.4
Wholesale and retail trade; repair of motor vehicles and motorcycles				
Males	10.5	9.6	10.4	11.0
Females	15.8	16.5	16.4	15.0
Transportation and storage				
Males	10.6	11.7	11.6	11.1
Females	3.8	3.9	4.2	3.7
Accommodation and food service activities				
Males	1.6	1.8	2.2	2.7
Females	6.6	6.5	5.6	6.0
Information and communication				
Males	5.5	5.8	6.4	5.9
Females	2.7	2.9	3.0	3.0
Financial and insurance activities				
Males	0.7	1.0	1.3	1.2
Females	2.3	2.4	2.4	2.5
Real estate activities				
Males	1.4	1.5	1.3	1.4
Females	1.8	2.2	1.8	1.6
Professional, scientific and technical activities				
Males	3.7	2.9	3.9	3.7
Females	4.3	4.8	5.1	5.6
Administrative and support service activities				
Males	3.0	3.5	3.7	3.9
Females	2.8	3.1	3.4	3.5
Public administration and defence, compulsory social security				
Males	6.1	5.6	4.8	5.1
Females	7.2	6.8	7.1	6.3
Education				
Males	3.1	3.5	3.1	3.6
Females	16.1	14.7	14.5	15.2

Human health and social work activities				
Males	2.4	2.0	1.2	1.2
Females	9.9	10.4	10.5	11.3
Arts, entertainment and recreation				
Males	1.7	2.4	1.8	2.0
Females	2.7	3.0	3.4	3.9
Other activities				
Males	1.3	1.5	1.6	1.0
Females	3.9	3.6	3.5	3.4

Source: Statistics Estonia, Labour Force Survey

Gender segregation also persists on occupational level. While women are mostly professionals, service workers and shop and market sales assistants and technicians and associate professionals, men are mostly craft and related trades workers, plant and machine operators and assemblers and legislators, senior officials and managers.

The most segregated major groups of occupations are the groups of service and sales workers (74.33% of employed persons in 2018 were women) and professionals (64.26% of employed persons in 2018 were women), but also the groups of craft and related trades workers (89.36% of employed persons in 2018 were men) and plant and machine operators, and assemblers (73.56% of employed persons in 2018 were men).

In the group of managers, the percentage of women was below 40% during the reporting period (36.11% in 2018). According to the Gender Equality Monitoring 2016⁷⁹, only 15% of women and 13.5% of men expressed the opinion that men are better leaders than women. Again the survey showed that personal experiences with female managers generate support for women as top executives.

Table 71. Employment by occupation, aged 15–74, (annual average, proportion of the employed, %)

	2015	2016	2017	2018
Legislators, senior officials and managers				
Males	14.4	16.4	14.9	14.6
Females	7.3	7.6	8.8	9.6
Professionals				
Males	12.0	13.2	13.8	13.9
Females	25.1	26.7	27.2	26.6
Technicians and associate professionals				
Males	11.6	10.3	10.2	11.9
Females	15.3	13.8	13.5	15.0
Clerks				
Males	3.3	3.3	3.7	3.7
Females	9.2	8.8	8.6	7.9
Service workers and shop and market sales workers				
Males	7.1	6.0	5.9	5.6
Females	21.1	21.6	20.1	19.3
Skilled agricultural and fishery workers				
Males	2.0	2.1	2.2	1.6
Females	1.1	1.2	1.1	1.0
Craft and related trade workers				
Males	24.3	24.8	23.5	23.2
Females	3.9	3.7	3.2	3.0

⁷⁹ Source: https://enut.ee/files/soolise_vordoiguslikkuse_monitooringu_raport_2016.pdf

Plant and machine operators and assemblers				
Males	17.8	16.9	18.2	16.8
Females	6.4	6.1	6.8	6.8
Elementary occupations				
Males	6.9	6.2	7.0	8.0
Females	10.3	10.2	10.4	10.7

Source: Statistics Estonia, Labour Force Survey

In 2015 a publication was prepared under the project “Increased availability of gender pay gap statistics”⁸⁰. The publication gives an overview of the gender pay gap using various background variables, and of additional indicators which are based on the recommended indicators of the Praxis Center for Policy Studies and the CentAR Center for Applied Research. Amongst previously mentioned variables like the horizontal and vertical segregation of Estonian labour market, including gender segregation that persists on the economic activity and occupational level, the publication brings out other variables that contribute to the gender pay gap in Estonia. The variables are as follows (unfortunately, no newer statistics are available at this point):

Age, where the gender pay gap was largest (approximately 24%) among persons aged 25–34 and smallest (approximately 13%) in the youngest age group i.e. among 24-year olds and younger in 2013.

Ethnic nationality. The average gender pay gap is smaller among Estonians than non-Estonians in all years observed.

Place of residence, where the gender pay gap was biggest (29.7%) in north-eastern Estonia in 2013.

Level of education, where the gender pay gap is biggest among the people who have general secondary education or vocational education/vocational secondary education/professional secondary education after basic education, reaching approximately 34% in 2013. The gender pay gap was smallest among wage employees with basic education or vocational education without basic education (approximately 23%).

Field of highest level of education attained, where the gender pay gap in 2013 was biggest among persons who have completed education in the field of social sciences, business and law, reaching approximately 40%. Pay gap was big also among persons who have completed education in the fields of technology, agriculture and natural and exact sciences, remaining between 36% and 38%. Wage differences were smallest among the women and men that had completed education in the field of the humanities and arts - 11%.

Working time format. In the years 2006–2013, the gender pay gap of full-time workers fluctuated in the range of about 3 percentage points, being smallest in 2013 (nearly 22%) and biggest in 2011 (nearly 25%). Since 2006, the pay gap has generally been bigger among fulltime employees than among part-time employees, but the difference between the indicators has decreased in the past few years.

Presence of managerial responsibilities, where in 2013 the female and male wage employees who do not have managerial responsibilities have a smaller pay gap (on average 18%) than the women and men who do (on average 33%).

Type of employer. Until 2008, gender pay gap was slightly bigger in the private sector than it was in the public sector, but the situation has been reversed from 2009 onwards.

Size of company of body. In 2013, gender pay gap was biggest among the employees of medium-sized and large companies (27%) and smallest among employees of micro companies (19%).

⁸⁰ Source: https://www.stat.ee/publication-download-pdf?publication_id=42487

Actual marital status. In 2013, gender pay gap was smallest among single persons (5%) and biggest among persons who were married (27%). Even the gender pay gap of cohabiting persons was relatively big (25%), but still smaller than that of married persons.

Presence of preschool age children. Since 2006, the gender pay gap has remained lowest for those male and female employees who did not have preschool age children. In 2013, their gender pay gap was 18%. The pay gap of men and women with one preschoolage child was remarkably bigger (28% in 2013). The pay gap of men and women with at least two preschool age children was twice as big as that of men and women who didn't have preschool age children (40%).

The gender pay gap is also affected by various indicators related to the development of society and the labour market, such as **activity in entrepreneurship** (the share of women and men among entrepreneurs, the share of companies founded by men and women among new companies and the share of men and women among registered sole proprietorships); **work and family life** (the share of men and women among managers, passivity caused by unavailability of child care services, the share of part-time employees among female and male wage employees, the impact of parenthood on the employment gap, time use of men and women); **parental benefit** (the share of men among recipients of parental benefit, average amount of parental benefit per month of men and women); **paternity leave** (the share of men on paternity leave in the number of children born) and **parental leave** (the share of men among the users of parental leave).

However, it is important to notice that the gender pay gap in Estonia is only partly explained by the measureable variables of men and women, such as economic activity or occupation, education, working hours etc. For an example, whilst taking in account the horizontal and vertical segregation of men and women on the labor market helps reduce the unexplained pay gap, adding a variable describing the speciality learned on the other hand increases the unexplained wage gap, because more women than men in Estonia study specialities that pay well. Other variables such as age, ethnic nationality, working time, ownership of a business and the number of subordinates also have only a little effect on the unexplained pay gap. A thorough analysis⁸¹ showed that only 15% of the Estonian gender pay gap was explainable, whilst a whole 85% fell under the unexplained gender pay gap category.

Although the employment rate of women is relatively high, there is a remarkable difference in the employment rates of 20 to 59-year-old women and men with and without young children (aged 0-6). While the employment gap between men and women with 0-2 year old children was around 60 percentage points, the employment gap among women and men with 3 to 6-year old children was much smaller. The main reason for this was that while women with children up to 2 years of age were generally on the maternity and parental leave and did not work, women with children of 3 years of age or older had usually returned to full-time employment.

Table 72. Male and female employment rate (%) in the age group 20-49, with and without young children (aged 0-6 years of age) and employment gap (percentage points)

	2014	2015	2016	2017	2018
With young children					
Male's employment rate, %	93.2	93.2	93.7	93.9	94.5
Female's employment rate, %	55.4	59	54.5	59	58.7
Employment gap, percentage points	37.8	34.2	39.2	34.9	35.8
Without young children					
Male's employment rate, %	76.7	81.3	80.7	83.5	85.1
Female's employment rate, %	78.8	79.8	82.9	83.7	83,9
Employment gap, percentage points	-2,1	1,5	-2,2	-0,2	1,2

⁸¹ Source: http://www.praxis.ee/wp-content/uploads/2014/03/2010_Sooline_palgalohe.pdf

Source: Statistics Estonia

Table 73. Number of parental benefit recipients and average benefit amount by sex

	2014	2015	2016	2017	2018
Total persons who have granted parental benefit	14 366	14 505	14 799	14 428	17 517
Male, %	9.0	8.9	9.3	9.9	10.9
Female, %	91.0	91.1	90.7	90.1	89.1
Amount of parental benefit average per year, euros	858.3	928.1	1 040.1	1 123.5	1 638.3
Male	1 366.1	1 474.3	1 589.1	1 713.7	1 847.3
Female	808.1	875.0	983.8	1 058.8	1 285.2

Source: Social Insurance board

Article 24 – The right to protection in cases of termination of employment

1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.

Relevant information was submitted to the Committee in 2009. There have been no changes to the regulation governing termination of employment during the reporting period (2015-2018).

The Committee understands that four months is not a strict time limit between the short-term and long-term deterioration of the state of health and asks what is the procedure to terminate the contract in case of a short-term illness or injury.

§ 92 of the ECA stipulates clear prohibitions, including that an employer may not cancel an employment contract on the ground that the employee is not able, in a short term, to perform duties due to his or her state of health.

According to the data of the labour dispute committees, there have not been cases where the employer would have terminated the contract extraordinarily due to the employee's short-term illness or injury. There has been one case in 2011, where the employer terminated the contract on the ground that the employee failed to fulfill his obligations during the probationary period. In the termination notice the employer justified the dismissal with the fact that during the probationary period, the employee was on sick-leave for two months. Since the reason for termination was not in accordance with the purpose of the probationary period, the termination of contract was considered to be void.

In order to terminate the contract extraordinarily because employee is unable to perform duties due to his or her state of health, there is a rule that deterioration of the state of health has to be long-term. According to § 88 of the ECA that the deterioration of the state of health could only be considered long-term, if it has continued for at least four months.

However, the § 88 of the ECA does not contain a closed list of the grounds on what the employment contract can be terminated extraordinarily. Because of that there may be cases in theory, where it

is possible to terminate the contract before the deterioration of the state of health has been continuing for four months.

According to § 88 subsection 1 of the ECA the main rule is, that an employer may extraordinarily cancel an employment contract with good reason arising from the employee as a result of which, upon respecting mutual interests, the continuance of the employment relationship cannot be expected. Therefore, it could be possible to terminate the contract in case of illness or injury regardless of its term. But the termination must fulfill the ground that the continuance of the relationship cannot be expected, taking account the interests of both sides, including employee's. In case of an illness or injury, regardless of its term, it must be assessed whether the employee is able to continue to perform his or her duties in the future. In situations when it is clear, that the employee will recover from his or her short-term illness or injury and will be able to continue his or her work, the ECA does not permit termination of the contract.

Before the employer terminates the contract extraordinarily, according to ECA § 88 subsection 2 the employer shall offer other work to the employee, where possible. The employer shall offer other work to the employee, including organise, if necessary, the employee's in-service training, adapt the workplace or change the employee's working conditions if the changes do not cause disproportionately high costs for the employer and the offering of other work may, considering the circumstances, be reasonably expected.

The Supreme Court stated in its judgment of 21 November 2018 in civil case no. 2-16-708/54⁸²:

- 1) The obligation to offer another work to an employee cannot be replaced by taking part in a competition for vacancies. For the purposes of § 89 subsection 3 of the ECA, offering another work means that the employer has the obligation, on his own initiative, to provide the employee with a work which will enable the employee to continue working without applying. The purpose of the obligation to offer another work is to enable the employee to continue working for the same employer. This objective is achieved if the employee is offered suitable work.
- 2) The employer's obligation to offer the employee another work cannot be limited with only providing professional work. In order to avoid termination, the employer should consider providing the employee with other work that the employee would be capable of doing.
- 3) The employer does not have the right not to offer the vacancy unless there are good reasons for doing so. If vacancies are not filled, the employer must prove, pursuant to the second sentence of § 89 subsection 3 of the ECA, that the changes would have caused the employer disproportionate costs.

As an example: a construction worker injures his- or herself in a way that he or she loses both legs and therefore the ability to walk. The employer does not have other work for the employee. It may be clear for both sides that the employment relationship could not be continued, even when the employee recovers from his or her operation before four months. In such case, the preamble of the § 88 subsection 1 of the ECA could be used as a ground for termination as upon respecting mutual interests, the continuance of the employment relationship cannot be expected.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

⁸² Link: <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=238029805>

Relevant measures on implementing the legal framework were introduced and submitted to the Committee in 2014. The Ministry of Social Affairs continues to provide consultations on the implementation of the Employment Contracts Act. The Labour Inspectorate manages a web site called "Work Life Portal" (<https://www.tooelu.ee/en>). It is aimed at employees and employers, in order to get all information regarding work life from one place. Information on the web site is available in 3 languages – Estonian, Russian and English. In cooperation with different institutions, all necessary information for employees and employers is kept up to date.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Most petitions for disputing cancellation of an employment contract are filed to the labour dispute committees for extraordinary cancellation of an employment contract by an employer due to reasons arising from the employee (131 cases in 2018, but 286 cases in 2015). Every year there are also some petitions filed for cancellation of employment contract with a pregnant woman or person raising a child below the age of three years (4 cases in 2018).

Table 74. Petitions for disputing cancellation of an employment contract of an employee filed with labour dispute committees, 2015–2018

	2015	2016	2017	2018
Number of petitions filed	2691	2671	2605	2716
Claims for dispute of cancellation of employment contract	235	220	217	227
§ 88 of the ECA. Extraordinary cancellation of an employment contract by an employer due to reasons arising from the employee	286	351	256	131
§ 89 of the ECA. Extraordinary cancellation of an employment contract by an employer due to economic reasons	57	43	30	5
§ 92 of the ECA. Restrictions on cancellation	3	1	3	0
§ 93 of the ECA. Specifications of cancellation of employment contract with a pregnant woman or person raising a child below the age of three years	5	3	4	4
§ 94 of the ECA. Specifications of cancellation of employment contract with a representative of employees	3	1	1	2

Source: The Labour Inspectorate

The number of cancelled employment contracts of people who worked under the ECA has been steadily rising from 242 354 in 2015 to 254 155 in 2018.

Table 75. Number of cancelled employment contracts of people who worked under the Employment Contracts Act

Year	Terminated work contracts
2015	242 354
2016	240 794
2017	247 836
2018	254 155

Source: Estonian Tax and Customs Board

The main reason for cancelling employment contracts of people who worked under the EAC has been agreement on termination of employment relationship (makes up around 30% out of all employment contract cancellations). Expiry of the term and leaving on employee's initiative have also been more prevalent reasons (both make up around 20+% out of all employment contract cancellations).

Table 76. Reasons for cancelling employment contracts of people who worked under the Employment Contracts Act

	2015	2016	2017	2018
Redundancy (including liquidation)	6.63	6.31	4.96	4.76
Expiry of the term	23.86	23.08	22.65	23.24
Agreement on termination of employment relationship	31.60	31.04	30.70	30.29
Death	0.34	0.35	0.34	0.25
Probationary period	4.82	5.09	5.19	4.80
Leaving on employer's initiative	3.23	3.09	3.18	3.16
Leaving on employee's initiative	23.94	25.28	26.71	26.98
The decision of the labor dispute body	0.05	0.06	0.05	0.03
Transfer of tax obligations to another country	0.09	0.07	0.04	0.05
Other	5.44	5.63	6.17	6.43

Source: Estonian Tax and Customs Board

Article 25 – The right of workers to protection of their claims in the event of the insolvency of their employer

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Benefit upon insolvency of employer (Unemployment Insurance Act, thereafter *UIA*, § 19 and § 20)

Upon insolvency of an employer, the following remuneration shall be compensated to an employee:

- 1) unreceived salary from the period before the declaration of the employer as insolvent;
- 2) unreceived holiday pay from the period before the declaration of the employer as insolvent;
- 3) benefits from the period before or after the declaration of the employer as insolvent which were not received at the time of cancellation of the employment contract but which were prescribed by the Employment Contracts Act.

For the purposes of *UIA*, an employer is deemed to be insolvent if:

- 1) a court has declared bankruptcy of the employer;
- 2) a court has terminated the bankruptcy proceedings by abatement within the meaning of subsection 29 (1) of the Bankruptcy Act;
- 3) a court has made a ruling specified in subsection 15 (4¹) of the Bankruptcy Act by which appointment of an interim trustee is refused, or a ruling specified in subsection 27 (4¹) of the Bankruptcy Act on refusal to hear a bankruptcy petition;
- 4) a court or another competent body has declared the employer as insolvent in another EEA country within the meaning of Council Regulation (EC) No. 1346/2000 on insolvency proceedings (OJ L 160, 30.06.2000, pp. 1-18) or Regulation (EU) 2015/848 of the European Parliament and of the Council on insolvency proceedings (OJ L 141, 05.06.2015, pp. 19-72).

In the case of insolvency of an employer which operated in Estonia and another EEA country, the remuneration shall be compensated to the employees whose place of work or usual place of work is Estonia.

Application for benefit upon insolvency of employer (*UIA* § 21)

A standard format application to the EUIF for application of benefit upon insolvency of an employer shall be submitted by:

- 1) a trustee in bankruptcy;
- 2) an interim trustee;
- 3) a person with equal competence appointed in another EEA country;
- 4) an employee upon the declaration of the employer as insolvent on the basis of clause 19 3) of *UIA*.

An application shall set out:

- 1) the name, personal identification code and address or e-mail address of the employee and information for the payment of the benefit according to subsection 22 (5) of this *UIA*;
- 2) the name, personal identification code or registry code and address or e-mail address of the employer;
- 3) the date of entry into the employment of the employee;
- 4) information on the employee's unreceived salary and holiday pay, information on benefits which were not received by the employee at the time of cancellation of the employment contract and information on the employee's average salary.

Documents certifying the employer's insolvency and the basis and amount of the employee's claim as well as the employee's confirmation regarding the amount of the claim shall be added to the application.

The following documents certify the declaration of insolvency of an employer:

- 1) upon the bankruptcy of the employer, an officially certified copy of the court ruling concerning the declaration of bankruptcy;
- 2) upon the abatement of bankruptcy proceedings against the employer, an officially certified copy of the court ruling concerning the termination of bankruptcy proceedings without declaration of bankruptcy;
- 2¹) upon declaration of insolvency of an employer on the basis of clause 19 3) of UIA, an officially certified copy of the court ruling specified in subsection 15 (4¹) or 27 (4¹) of the Bankruptcy Act;
- 3) upon declaration of the employer as insolvent in another EEA country, a copy of the decision of the competent authority of such country, certified according to the law of the country of decision, together with the translation of the document into Estonian made by a sworn translator or certified by a notary.

An application for the benefit is deemed to be accepted as of the day when the EUIF receives the application together with the documents conforming to the requirements.

Grant and payment of benefit upon insolvency of employer (UIA § 22)

The EUIF shall review the application for the benefit paid upon insolvency of an employer, verify the justifiability of the amount applied for and decide on the grant of or refusal to grant a benefit not later than on the 30th day as of the date of acceptance of the application. The EUIF shall refuse to grant a benefit if the employee has no claim against the employer arising from the employment relationship or if the amount applied for is not justified.

The EUIF has the right to refuse to grant a benefit or reduce it if the claim of the employee is based on a contract under which the parties have agreed on the payment of the benefit in full or in part on the basis of this Act in order to satisfy claims which may arise. The parties have agreed on the payment of the benefit on the basis of this Act in order to satisfy claims which may arise in particular if:

- 1) an employment contract or an agreement on increasing the remuneration has been entered into with a person connected with the employer within one year before the declaration of the employer as insolvent. Persons connected with a debtor who is a natural person or a legal person specified in subsections 117 (1) and (2) of the Bankruptcy Act are deemed to be the persons connected with the employer;
- 2) an employment contract or an agreement on increasing the remuneration has been entered into after the employer becomes permanently insolvent and the employer does not prove that he or she had financial resources to pay the remuneration agreed on or that the entry into an employment contract was important for continuation of the business activities of the employer;
- 3) an employment contract is entered into after the termination of the business activities of the employer and the employer does not prove that he or she had the possibility to ensure that the employee was provided with the work agreed on.

The EUIF may extend the term for the review of an application by 14 days for good reason. The EUIF shall promptly notify the applicant of extension of the term together with the reasons therefor.

The EUIF shall deliver the decision to the applicant by electronic means or by sending an unregistered letter.

Upon grant of a benefit, the EUIF shall pay the benefit to the employee not later than on the fifth day after the grant of the benefit. A benefit shall be paid:

- 1) to the bank account of an employee in Estonia at the expense of the payer, or
- 2) to the account of an employee in a bank in a foreign state at the expense of the recipient, unless otherwise provided by an international agreement, or
- 3) on the basis of an electronic application, a notarially authenticated application or a written application prepared at the EUIF of the employee to the bank account of another person in Estonia at the expense of the payer.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

With respect to insolvency, in general, we are revising our entire insolvency framework with the aim to make the procedures more effective. The revision does not focus to interest of the employees, but employees are definitely able to benefit from more effective procedures, a more certain legal framework and a better business environment which serves, among other things, the aim of preserving employment.

In addition, we will commence the transposition process of the Insolvency Directive (Directive nr 2019/1023) early next year. The Directive foresees provisions for employees, with an aim to guarantee adequate protection for them during the restructuring procedure of their employer.

With reference to the previous reporting period, the Unemployment Insurance Act has been amended in regard to benefits upon insolvency of employer as follows:

- UIA § 19 points 3 and 4:

For the purposes of this Act, an employer is deemed to be insolvent if:

[...]

3) a court has made a ruling specified in subsection 15 (41) of the Bankruptcy Act by which appointment of an interim trustee is refused, or a ruling specified in subsection 27 (41) of the Bankruptcy Act on refusal to hear a bankruptcy petition;

4) a court or another competent body has declared the employer as insolvent in another EEA country within the meaning of Council Regulation (EC) No. 1346/2000 on insolvency proceedings (OJ L 160, 30.06.2000, pp. 1-18) or Regulation (EU) 2015/848 of the European Parliament and of the Council on insolvency proceedings (OJ L 141, 05.06.2015, pp. 19-72).

- UIA § 21 (1) 4):

A standard format application to the EUIF for application of benefit upon insolvency of an employer shall be submitted by:

4) an employee upon the declaration of the employer as insolvent on the basis of clause 19 3) of this Act.

- UIA § 21 (1¹) 4):

(11) An application shall set out:

[...]

4) information on the employee's unreceived salary and holiday pay, information on benefits which were not received by the employee at the time of cancellation of the employment contract and information on the employee's average salary.

- UIA § 21 (1²):

(12) Documents certifying the employer's insolvency and the basis and amount of the employee's claim as well as the employee's confirmation regarding the amount of the claim shall be added to the application.

- UIA § 21 (2) 2²):

(2) The following documents certify the declaration of insolvency of an employer:
[...]

21) upon declaration of insolvency of an employer on the basis of clause 19 3) of this Act, an officially certified copy of the court ruling specified in subsection 15 (41) or 27 (41) of the Bankruptcy Act;

- UIA § 22 (1):

§ 22. Grant and payment of benefit upon insolvency of employer

(1) The EUIF shall review the application for the benefit paid upon insolvency of an employer, verify the justifiability of the amount applied for and decide on the grant of or refusal to grant a benefit not later than on the 30th day as of the date of acceptance of the application.

3) Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.

An employee shall receive a benefit on the basis of unreceived salary in the amount equal to up to the employee's gross wages for the last three months of work but not exceeding in total, according to the data published by the Statistical Office, the amount equal to three average gross monthly wages in Estonia during the quarter preceding the declaration of the employer as insolvent.

An employee shall receive a benefit on the basis of unreceived holiday pay in an amount to the extent of the employee's one gross monthly wage but not exceeding, according to the data published by the Statistical Office, the amount equal to one average gross monthly wage in Estonia during the quarter preceding the declaration of the employer as insolvent.

An employee shall receive benefits from the period before or after the declaration of the employer as insolvent which were not received at the time of cancellation of the employment contract but which were prescribed by the Employment Contracts Act in the amount equal to up to the employee's two gross monthly wages but in total not exceeding, according to the data published by the Statistical Office, the amount equal to one average gross monthly wage in Estonia during the quarter preceding the declaration of the employer as insolvent.

If the claim of the employee is higher than the benefits received from the State, the employee can file a claim on the remaining amounts in the bankruptcy procedure of his employee. The employee (if he has only a claim arising from a labour contract) is treated as an unsecured bankruptcy creditor.

Table 77. Benefit upon insolvency of the employer, 2015-2018

	2015	2016	2017	2018	2015-2018 total
Number of insolvency cases	142	145	146	117	550
Number of benefit recipients	1234	1562	1267	1101	5164
Total sum remunerated (EUR)	2,863,598	3,750,956	3,272,946	3,077,584	12 965 084

Average remunerated insolvency benefits as a percentage from the total sum applied	66%	42%	67%	54%	57%
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Source: Estonian Unemployment Insurance Fund

Table 78. Average duration of period from when a claim is lodged until the worker is paid

	2015	2016	2017	2018	Average in the period 2015-2018
Average duration of period from submission of correct benefit application until payment of benefit (number of days)	23	18	25	27	23

Source: Estonian Unemployment Insurance Fund

The Committee notes that in the course of 2011-2014 period of reference, 7.995 persons received insolvency benefits due to bankruptcy of 787 cases of insolvency. In this period € 15.096 million were paid in insolvency payments. On average 63% of the claimed amount was satisfied. On average around 60% of applications are satisfied. The main reason why 40% applications are not satisfied is that the claims submitted exceeded the maximum permissible levels of payment. At the same time, a number of claims are not grounded to the extent that was applied to in the first place. The average duration period from submission of benefit application until payment of benefit (number of days) is 29 days. To this respect the Committee asks why 40% of the applications for insolvency of the employer are not satisfied.

On average around 60% of claimed amount are satisfied. The main reason why 40% of claimed amount are not satisfied is that the claims submitted exceeded the maximum permissible levels of payment. At the same time, a number of claims are not grounded to the extent that was applied to in the first place.