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EUROPEAN SOCIAL CHARTER

21st National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF ESTONIA

Articles 2, 3, 4, 5, 6, and 20

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CYCLE 2024

European Socia Charter (Revised)
Statutory Report of Estonia 2024

Article 2 – The right to just conditions of work

Explanatory remark:

A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.

The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.

Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.

Questions:

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- ***information on the exact number of weekly hours that persons in these occupations can work;***
- ***information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.***

In Estonia, there is no legally, collectively agreed or other defined list of jobs where weekly working hours can exceed 60 hours. Therefore, Estonia cannot provide information on the exact number of hours per week that persons in these occupations can work, nor information on the specific safeguards in place to protect the health and safety of employees in situations where they work more than 60 hours. In Estonia, the general legal rule for all occupations is that, in the case of full-time employment, the working time of an employee is 8 hours per day and 40 hours over a period of seven days, unless the employer and the employee have agreed on a shorter working time, i.e. part-time working (§ 43(1) of the Employment Contracts Act (hereinafter referred to as TLS by its Estonian acronym).

b) Please provide information on the weekly working hours of seafarers.

In Estonia, TLS regulates the working time of employees, including seafarers, as a general law, while the Seafarers' Employment Act (hereinafter referred to as MTööS by its Estonian acronym) regulates the field of maritime labour as a special law, providing for special provisions or clarifications on specific issues that differ from the general regulation of TLS.

The summarized weekly working time of seafarers must not exceed on average 48 hours per a period of seven days over a calculation period of up to four months, unless a different calculation period has been provided by law (§ 46(1) of TLS), as is the case for other employees. Thus, as a rule, it can be stated that the weekly working time of seafarers in Estonia is limited to 48 hours per week. However, an employer and employee may agree on a longer working time, provided that the summarized working time does not exceed an average 52 hours per a period of seven days over a calculation period of four months and the agreement is not unreasonably detrimental to the employee (§ 46(3) of TLS).

Estonian law also sets minimum rest requirements for seafarers to protect their health and safety and to avoid them working overtime:

- **Daily rest time**: a seafarer must be guaranteed at least 10 hours of rest time per day, i.e. over a period of 24 hours. (§ 48 of MTööS).
- **Weekly rest time**: a seafarer must be guaranteed at least 84 hours of rest time over a period of 7 days. The weekly rest time includes the daily rest time specified in § 48 of MTööS. (§ 49(1) of MTööS)

Accordingly, §49(1) of MTööS provides for a minimum weekly rest period of at least 84 hours, which is clearly more favorable for seafarers than the minimum of 77 hours provided for in the international conventions and EU directives. MTööS also allows certain exceptions to the weekly rest time. For instance, in the case of work involving watchkeeping, a watchkeeper must be guaranteed at least 77 hours of rest time over a period of seven days, but in this case the weekly rest time includes daily rest time provided for in § 48 of MTööS (§49(2) of MTööS). Similarly, exceptions to the limitation on weekly rest time may be made by a collective agreement, provided that the seafarer has at least 77 hours of rest time over a period of seven days and that working will not harm the health and safety of the employee (§ 49(3) of MTööS). In conclusion, the balance between working time and rest time must be ensured when granting exceptions to ensure the health and safety of seafarers.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

In Estonia, the legal definition of on-call time is stipulated in § 48 of TLS. On-call time is a separate category of time. This means that on-call time is neither working time nor rest time. On-call time is the time during which an employee is not required to perform work duties, but is required to be ready, if necessary, at the employer's request, to start immediately to fulfill work duties. The part of the on-call time during which the employee starts to perform his work duties is regarded as working time, and the employer must pay the employee the agreed remuneration for this (§ 48(3) of TLS). On-call time does not include the time during which the employee is required to be at the workplace, instead this time is considered working time.

Remuneration which is not less than one-tenth of the agreed wages shall be paid to the employee for the on-call time. This applies only for the idle period of the on-call time. When the employee performs work during the on-call time, he/she shall be paid wages that they receive for their ordinary work (agreed wage). For example, if the on-call time is 4 hours, during which the employee performs work for 1 hour, the employee will receive remuneration for on-call time for 3 hours and regular pay for 1 hour.

The implementation of on-call time has to be agreed between the employee and the employer. If on-call time is implemented, the employee must be guaranteed daily and weekly rest time. The daily rest period is at least 11 consecutive hours of rest over a period of 24 hours (§ 51(1) of TLS) and weekly rest period is at least 36 or 48 consecutive hours of rest over a period of seven days (§ 52(1) and (2) of TLS).

Article 3 – The right to safe and healthy working conditions[3]

Explanatory remark:

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work

in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.

Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many non-conformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

Questions:

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- ***in the gig or platform economy;***
- ***as regards telework;***
- ***in jobs requiring intense attention or high performance;***
- ***in jobs related to stress or traumatic situations at work;***
- ***in jobs affected by climate change risks.***

The Government of the Republic of Estonia approved a sectoral development plan in the area of employment and social protection in June 2016 (mentioned in the previous reports). The Welfare Development Plan consolidates the strategic objectives of labour, incl. occupational health and safety, social protection, gender equality, and equal treatment policies for the years 2016–2023, providing a comprehensive overview of the main challenges, goals, and directions in these policy areas.

According to the Welfare Development Plan (set for 2016-2023) the main policy instruments related to occupational health and safety were:

1) the capacity of working life participants must be increased for the implementation of rules for working environment, including for coping with new working environment risks, and for the prevention of the employee's loss of ability to work;

2) the monitoring of the work environments shall be enhanced to identify and eliminate violations related to the work environment;

3) the legal framework regulating the working environment must be made clearer and compatible with the changing labour market situation and economy;

4) monitoring, outreach, and counselling activities must be made more efficient;

5) employers must be supported in improving working environments and conditions and in preventing employees' loss of work ability, including reducing the employer's occupational health and safety management burden;

6) greater attention shall be paid to shaping the work safety culture for the participants in working life, including compiling a risk analysis, assessment of new risks, and to the safety in using flexible forms of work;

7) the possibility of developing a compensation system for an incapacity for work shall be analysed to motivate preventing work interruptions and to encourage returning to work, including analysing the principles of the occupational health system and for compensating incapacity for work due to the employee's health damage in order to enable early intervention.

Welfare Development Plan (set for 2023-2030) adds in addition following policy instruments related to occupational health and safety:

- increasing employers' and workers' awareness of occupational safety and employment relations;
- supporting and advising employers and workers in complying with occupational safety requirements and mitigating workplace risks, taking into account specific workplace hazards and health risks;
- developing digital solutions that facilitate employers' compliance with safety requirements;
- reducing working under the incorrect provision of service agreements.

According to the policies, the following actions were taken in context of health and safety in the working environment during the report period.

Legislation

In 2019, a new version of the Occupational Health and Safety Act (OHSA) came into force, which provided a more precise definition of psychosocial risk factors, distinguishing them from psychological hazards and social hazards.

New article foresees that psychosocial hazards are work involving: a risk of an accident or violence, unequal treatment, bullying and harassment at work, work not corresponding to the abilities of an employee, working alone for an extended period of time and monotonous work and other factors related to management, organisation of work and working environment that may affect the mental or physical health of an employee, can cause work stress.

In order to prevent damage to health arising from a psychosocial hazard, the employer must take measures, to adapt the organisation of work and workplace to suit the employee, optimise the employee's workload, enable breaks to be included in the working time for the employee during the working day or shift and improve the enterprise's psychosocial working environment.

In 2023 a new list of occupational diseases entered into force which is supplemented by article 41 which sets list of occupational diseases caused by psycho-social agents in the working environment. The following are occupational diseases caused by psycho-social agents in the working environment:

1) post-traumatic stress disorder;

2) other diseases caused by psycho-social agents in the working environment.

With the COVID-19 pandemic the importance and percent of telework increased and therefore there was a need for more accurate regulation of obligations. As with any other job, the employer shall carry out a risk assessment of the working environment in order to protect the employees' health. Risk assessment shall be based on the nature of the specific work. The risks associated with the place of work, the use of work equipment, and the organisation of work shall be assessed.

The risk assessment shall:

- identify the working environment hazards that may harm the employee;
- assess their impact on the health and safety of employees.

Based on the results of the risk assessment, measures shall be taken, if necessary, to prevent risks to the health of employees.

An employer can enable teleworking in jobs where the risk of damage to the employee's health is low and the employee is able to manage the hazards in the environment on-site on the basis of the employer's instructions (e.g. work using computer, easier handicrafts). As it is difficult for an employer to adequately control an employee's working conditions in a teleworking environment, teleworking should not be performed if special requirements apply to the working environment (e.g. forced ventilation, noise insulation).

If an employee performs his or her duties by way of teleworking at home, he or she may allow the employer to identify the risks in the working environment on site (e.g. risk assessment in the home office or home workshop). As the inviolability of home and protection of privacy are values protected by the Constitution, the employer can only assess the risks in the employee's home with the employee's consent. The main way for an employer to mitigate the risks of a place of teleworking is to instruct the employee. Article 135 of OHSA also foresees obligations of employer in case of teleworking.

An employer is required to:

1) set out in the risk assessment of the working environment the possible risks arising from the nature of work, considering the particular nature of teleworking and apply measures to prevent or reduce employee's health risks;

2) instruct an employee before permitting teleworking and on a regular basis as needed based on the provisions of § 133 of this OHSA, taking into consideration the particular nature of teleworking;

3) ensure proper work equipment for performance of duties;

4) organise medical examinations of employees according to the provisions of § 131 of OHSA;

5) investigate occupational accidents and occupational diseases according to the provisions of § 24 of OHSA;

6) pay sickness benefit according to the provisions of § 122 of OHSA.

(2) The workplace for teleworking is furnished by agreement of the employee and the employer.

(3) An employer must perform occupational health and safety obligations not specified in subsection 1 of this section insofar as possible, taking into consideration the particular nature of teleworking.

The regulation of occupational health service has also been modified. From 2023 the occupational health doctor analyses the company's occupational health situation as a whole. The analysis of the company's occupational health situation is organised by the employer on a regular basis as needed but no less than once every three years. This means that the occupational health physician, together with their team, will not only conduct health checks for employees but also assess the overall occupational health situation of the company. This may involve visiting the workplace to provide recommendations for its improvement. The aim of the changes was to improve the organization and quality of occupational health services, including collaboration between employers and occupational health physicians, to support the protection of employees' health in the workplace and to prevent and detect work-related health issues at an early stage.

There has been no need to address climate change risks or other emerging risks in more precise regulations. Other emerging risks, including climate change risks, are not specifically mentioned, as these are covered by general risk assessment regulation. The purpose of a risk assessment is to identify and assess all hazards in the working environment and to take measures minimizing or eliminating risks arising from working environment hazards. It is important to identify health hazards before they harm employees and to think about solutions. The practical part of a risk assessment is comprised of proposals to neutralise each hazard (action plan).

In 2021 a new regulation entered into force regarding the risk assessment of working environment. Article 13.4 foresees, that the employer must prepare the risk assessment in the working environment database (the database is called TEIS) or send it to the Labour Inspectorate in a form reproducible in writing. Risk assessments must be retained in the working environment database, unless the employer is under no obligation to add the risk assessment to the database. This digital solution enables the Labour Inspectorate to conduct more effective supervisory procedures regarding workplace safety. For example, the Labour Inspectorate has developed a risk assessment module in the self-service portal TEIS, primarily designed for ease of use with a focus on SMEs.

Labour Inspectorate

Ensuring the quality of working life also requires effective state supervision. The Labour Inspectorate conducts state supervision over compliance with legal requirements related to occupational health, safety, and employment relations. Additionally, it provides guidance and information to employers and employees to identify, address, and prevent violations related to the working environment and employment relations, mainly through the Work Life portal, but also through consultations. It also disseminates information through the Work Life portal in the form of articles on common topics related to employment relations and the work environment.

At the Labour Inspectorate, advisory lawyers and work environment consultants provide information on questions arising from the implementation of legal acts under the Inspectorate's supervision. Advisory lawyers address issues related to employment contracts, working and rest time, leave, wages, and other employment-related matters, including collective labour relations. Work environment consultants provide answers to questions concerning occupational safety and health.

Additionally, the Labour Inspectorate organizes various events, training sessions, conferences, and information mornings.

Both advisory lawyers and work environment consultants provide services for free.

As of summer 2023, the Labour Inspectorate offers a mental health consultant service for supporting employers' activities in managing psychosocial risk factors. The consultation is free for employers and offered all over Estonia.

The consultation service is intended for all employers who wish to learn more about the mapping and management of psychosocial risk factors. The ways of dealing with psychosocial risk factors at workplace are becoming increasingly important.

Dealing with mental health issues at workplace is an ongoing process that involves different types of problems. Work organisation, communication, social climate, work duties and objectives of the organisation must be focused on. Investment in this process is essential as it makes the organisation sustainable and effective.

The mental health consultant focuses on the mapping and management of psychosocial risk factors. The consultation process involves getting to know the organisation, assessing the current situation and reviewing relevant documents. The mental health consultant is a tool for

the employer, offering an opportunity to bring a third party into the work environment and gain new ideas and solutions. In addition, it is also possible to discuss specific topics with the consultant (prevention, well-being survey, workplace bullying etc).

Furthermore, in order to protect mental health matters at work, Estonia ratified the International Labour Organization (ILO) Convention No. 190 on the elimination of violence and harassment at work, which was adopted on June 21, 2019, in Geneva. Work towards this goal began earlier, but the convention was finally ratified in 2024.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a. Please provide information on:

- ***the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);***

In Estonia, no new additional measures have been introduced in recent years to set limits on working outside normal working hours, including the right to be disconnected. Therefore, the rules on working time and rest times in TLS have generally been applied in Estonia. For example, TLS sets out requirements for the organization of working time, including maximum permitted working time and minimum rest times. The employer is obliged to keep records of working time and to comply with daily, weekly and general working time limits. The purpose of the rules on working time and rest periods is to set specific boundaries on working time and to prevent excessive working. Working overtime may only be undertaken with the agreement between the parties (except in exceptional circumstances where there are unforeseen circumstances in which the employer may require working overtime). Overtime must either be compensated for in money or by time off equal to the overtime.

In addition, the Estonian Occupational Health and Safety Act obliges employers and employees to create a safe working environment, including measures to safeguard the health of the employee to prevent mental health risks and overtime.

- ***how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.***

A new provision in TLS entered into force in 2022, according to which an employer may not treat an employee unfavorably because the employee relies on his or her rights, draws attention to their violation or supports another employee in defending his or her rights (§ 2^1 of TLS). The principle of the prohibition of unfavorable treatment referred to increases the protection of employees in employment relations. This provision ensures that employees are protected against unfavorable treatment (including unfavorable consequences) by their employer, both when exercising their rights (e.g. the right to request suitable working conditions) and when exercising other rights (e.g. the right to annual holiday, the right to choose a trustee). The employee must be protected against unfavorable treatment in any situation where he asserts his rights. An employee must not be treated unfavorably when he or she exercises the rights provided for in TLS, nor when he or she exercises rights provided for in other legislation regulating employment relations (e.g. the Collective Agreements Act, the Employees' Trustee Act, the Trade Unions Act).

In essence, according to § 2^1 of TLS, protection is provided to the employee in three ways:

1. if the employee relies on his or her own rights (e.g., the right not to work outside normal working hours, in the evening, at the weekend or on holiday);

2. if the worker draws attention to a breach of his or her rights (e.g., where the employee points out to the employer that he or she has the right not to be available outside normal working hours);
3. if the employee supports the other employee in defense of his or her rights (e.g., when one employee points out to the employer that the employer cannot require the other employee to be available outside normal working hours).

This means that the employer must not treat an employee unfavorably even if, for example, the employee refuses to read work emails in the evening, when the working day is actually over, or at weekends or on holiday. Similarly, an employer is not entitled to treat employees unfavorably, including by imposing unfavorable consequences on them, such as warning them, terminating the employment relationship with the employee or otherwise treating them unfavorably, on the grounds that the employee asserts his or her rights, draws attention to a breach of his or her rights or supports another employee in asserting his or her rights.

b. Please provide information on:

- ***the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;***

The Occupational Health and Safety Act (OHSA) applies in the case of an employment relationship, meaning when a person works under an employment contract. Whether an individual is working under an employment contract or a contract under the law of obligations must be assessed based on the nature of the work, not merely the title of the contract.

When determining the existence of an employment relationship, the most critical factor is the degree of subordination of the worker — that is, the extent to which the worker is subject to the employer's instructions regarding the manner, time, and place of work. Employer supplies the employee with work tools, instructs the worker, organizes safe working conditions, pays regularly, etc. Teleworkers are usually employees in the means of employment contract, domestic workers may be both, it depends on their nature of the work.

The nature of work performed under a contract under the law of obligations differs from that of an employment relationship. A contract under the law of obligations presumes the independence of the service provider, meaning there is no subordination to the employer as in a typical employment relationship. For example, the service provider brings their own tools, selects their clients, and determines the work, time, place, and manner in which the service is provided. As the employee sets up its own workplace and there is no employer, in such cases, the service provider is responsible for ensuring that their health is in good condition and working conditions are safe. Since the OHSA does not apply to individuals, working under a contract under the law of obligations or self-employed workers, the service provider must take personal responsibility for their safety and health.

There are two exceptions, when OHSA applies to service providers (including self-employed workers):

1. § 12 of OHSA foresees that a service provider must ensure the soundness and correct use of the work equipment, personal protective equipment and other equipment belonging to them in every work situation.

Subsection 5 of this paragraph states, that if employees of at least two employers work at a workplace concurrently, the employers must co-ordinate their activities to prevent dangerous situations. The employers must inform each other and their employees or working environment representatives of any hazards present at their common workplace and of measures for avoiding such hazards and of the organisation of rescue operations and first aid.

Subsection 6 states, that if in addition to the employees of one or several employers a service provider also works at the workplace, the employer must inform the service provider, where necessary, of the circumstances indicated in subsection 5.

In the cases referred to in subsection 5 and 6, employers may make an agreement as to the performance of the obligation set out in subsection 5 or appoint a person who organises the work who must perform the obligations. If employers make no such agreement and appoint no person who organises the work, they are jointly and severally liable for non-performance of the obligation set out in subsection 5.

In the event referred to in section 6 the service provider must notify the person who organises the work or, in their absence, the employer of the hazards relating to their activities and must ensure that their activities do not endanger employees.

Service providers working in one and the same working environment must inform each other of hazards relating to their activities and ensure that their activities do not endanger those performing work.

2. § 24 of OHSA foresees that if an occupational accident has occurred with a service provider in a situation provided in subsection 6 of § 12 of OHSA, all acts related to the occupational accident provided in this Chapter must be performed by the person who organises the work or, in their absence, by the employer.

- ***whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection as workers on contracts with indefinite duration.***

Temporary employees, interim employees and employees with fixed-term contracts have the same standards of protection as those with indefinite duration contracts if they are working under the employment contract. Whether an individual is working under an employment contract is described in question above. The duration of contract does not define the level of protection of OHSA, it depends on the contract type.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- ***domestic workers;***
- ***digital platform workers;***
- ***teleworkers;***
- ***posted workers;***
- ***workers employed through subcontracting;***
- ***the self employed;***
- ***workers exposed to environmental-related risks such as climate change and pollution.***

The Labour Inspectorate carries out state supervision (mainly for workers working under the employment contract), during which the requirements set out for self-employed workers could also be controlled, if the self-employed workers are working alongside employers` employees or in a sector targeted for inspections. For example, if building and construction sectors are

targeted for inspections, the construction sites are inspected, and self-employed workers or workers employed through subcontracting or posted workers may go under inspection, same with other mentioned categories of workers. Every year the Labour Inspectorate selects sectors of work which have a higher level of risk (for example risk of work related cancer or working at heights) and performs inspections. Sectors are selected by taking into account occupational hazards, occupational diseases or accident numbers in any specific sector.

The Labour Inspectorate does not conduct separate inspections of teleworkers' homes. Instead, the Labour Inspectorate may conduct inspections by monitoring compliance through the employer's risk assessment (for example if risk assessment is not presented to the Labour Inspectorate). If an employee performs his or her duties by teleworking at home, he or she may allow the employer to identify the risks in the working environment on site (e.g. risk assessment in the home office or home workshop) and employer is obliged to submit the risk assessment to the Labour Inspectorate. As the inviolability of home and protection of privacy are values protected by the Constitution, the inspector or employer may not enter workers home without a consent of the worker.

Posted workers are also inspected while they are being registered to work in Estonia. A specific form is being filled out and presented to Labour Inspectorate before a posted worker starts work.

In addition, the Labour Inspectorate may carry out inspections based on complaints and hints.

Article 4 – The right to fair remuneration

Explanatory remark:

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the *UWE* decisions on equal pay is applied across States Parties especially as regards measures taken to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

Questions:

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

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

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

Estonia's legal framework mandates that public sector employers adopt transparent job classification and pay systems. Many larger private sector companies have also implemented job evaluation schemes that incorporate objective criteria into their remuneration systems. Additionally, under the Pay Transparency Directive, Estonia is preparing to implement

measures that will further require companies to establish job classification systems to ensure compliance with equal pay standards.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

1) In Estonia, several contextual factors are significant in efforts to reduce the gender pay gap:

- **Individual-Based Tax System**: Estonia has an individual-based income tax system, meaning that income disparities between men and women do not affect family tax obligations. This allows for more equitable workforce participation across genders.
- **Widespread Access to Early Childhood Education**: Estonia offers widespread access to early childhood education and care, which supports women's participation in the workforce.
- **Parental Benefit Reform (2018-2022)**: Recent reforms to the parental benefit system have aimed to increase fathers' involvement in childcare. As a result, the proportion of fathers taking shared parental leave has steadily grown, promoting a more balanced division of care responsibilities.

While, in theory, Estonia provides a smooth, fully compensated transition from parental leave to childcare without a gap, in practice, many families still face difficulties in securing immediate childcare. To address this, a new early childhood education law is in parliamentary readings. Starting from age 1.5, municipalities will be required to guarantee a childcare place within three months of application.

2) There are various measures in place to reduce both horizontal and vertical segregation in education and labour, which are discussed in more detail under Article 20.

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

Pay Mirror was developed through a collaboration among the Ministry of Economic Affairs and Communications (formerly the Ministry of Social Affairs), Statistics Estonia, the Labour Inspectorate, and the Health and Welfare Information Systems Centre.

The data used is sourced from registries and includes only information entered or confirmed by the employer, ensuring that employers are aware of all data used in calculations. Pay Mirror indicators rely on actual wages paid and employment data, such as employment start and end dates, workload, and position, as reported by the employer. In Estonian administrative data, it is not possible to distinguish between basic wages and bonuses; therefore, Pay Mirror reflects actual paid wages adjusted by workload. When calculating workload, days absent due to temporary incapacity for work and child leave are excluded, as compensation during these times is provided by the state.

The Pay Mirror indicators are not comparable to the national gender pay gap indicator published by Statistics Estonia, which is based on gross hourly wages. Register data lacks specific

information on working hours, making it impossible to calculate this indicator using the same methodology.

Statistics Estonia calculates the Pay Mirror indicators based on employer requests—if an employer does not use Pay Mirror, indicators are not generated. Only the employer and an authorized person within the organization have access to the data; the Labour Inspectorate does not have access.

The tool includes the following indicators:

- Gender pay gap based on average and median pay,
- Gender distribution of the workforce,
- Average and median wages by gender,
- Gender gap by occupation within the organization,
- Average salaries by occupation and gender,
- Gender distribution of pay quartiles by average pay,
- Share of men and women receiving irregular pay, and
- Gender pay gap of average irregular pay.

3) By June 2026, Estonia will transpose the EU pay transparency directive, clarifying rules on pay transparency for both employees and employers. From 2026, Estonian employers must establish pay structures to ensure non-discrimination and transparency, evaluating all positions based on gender-neutral criteria. To assist employers in meeting these requirements, the state will provide training sessions, online courses, and guidelines on gender-neutral job evaluation.

Starting in 2026, applicants must receive information about pay or pay ranges before interviews. Upon request, employers must provide employees with information about the average pay level and gender pay gap for employees doing the same work or work of equal value. Employers with 100 or more employees will face monitoring and reporting requirements, and gender pay gap indicators will be disclosed to employees, the Labour Inspectorate, and the public.

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

4) In 2023, the gender pay gap in Estonia reached an all-time low of 13.1%. While still high, this represents a significant decrease of more than 10 percentage points compared to the last decade. It's noteworthy that the gender employment gap in Estonia is very low, standing at 1.5% in 2023.

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Gender pay gap, %	23,5	22,2	20,9	20,9	18	17,1	15,6	14,9	17,7	13,1

Source: Estonian Statistics

Estonia's gender pay gap is widely researched (for example 9 research projects done within InWeGe project, REGE project or OECD's The Economic Case for More Gender Equality in Estonia) and the policies are planned based on the recommendations and findings.

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the long-term decline in unionization and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

Amendments in Estonian law: In 22.11.2021 amendments to Collective Agreements Act (hereinafter referred to as KLS by its Estonian acronym) regarding the extension of condition of collective agreements came into force. The problem with the previous regulation was the lack of preconditions for extension, which made it possible for a small group to agree to extend obligations to the entire sector. This entailed a disproportionate restriction on the freedom of enterprise. Now KLS states specific criteria to be met for employers and trade unions in order to be able to agree upon the extension of collective agreement (§ 4^2) as well as procedure for information and consultation upon extension of condition of collective agreement (§ 4^3) and checking of extended condition of collective agreement (§ 4^4). In addition, within the same

amendments package, the Trade Unions Act (§ 21^1) and the Employees' Trustee Act (§ 13) were amended, specifying the employer's obligation to provide time off from working hours for the performance of tasks related to the trustee's activities, even in the case of multiple trustees. In addition, TLS (§ 109 (2)) was amended, increasing the compensation paid in the event of nullity of termination of employment in a situation where the employment relationship has been terminated without a legal basis for an employee who is a representative of the employees.

- **Regular tripartite meetings**: The main institution of social dialogue continues to be the conduction of regular tripartite meetings between the minister in charge of labour policy sector, Estonian Trade Union Confederation and Estonian Employers' Confederation. We find it essential to involve social partners in the development of different policy measures in order to develop legislation and policies that truly respond to the needs of both employers and employees. During tripartite meetings social partners discuss relevant topics that either of the parties has proposed, such as needs for new legislative measures or reforms and proposals for amendments. The meetings take place as often as necessary. During the meetings topics such as, for example, providing the right for collective bargaining for independent contractors and/or people performing platform work have also been discussed. Social partners are also involved in various institutional bodies. For example, they are in the supervisory board of Estonian Unemployment Insurance Fund and Estonian ILO Council. Representatives proposed by social partners are also included in the work of labour dispute committee as lay assessors, where they participate in hearing cases and take a vote when a decision of a labour dispute committee is adopted. Furthermore, it is mandatory by law to involve all relevant stakeholders in the process of adopting new laws and amendments. Social partners and other stakeholders must always be given the opportunity to give feedback to new reforms and policies with the aim to ensure the best possible quality and legitimacy of the decisions. All in all, we believe that we are on the right path with the institutional setup for involving social partners. In addition, if any problems or suggestions arise from social partners, we are always open for discussion and ready to examine how to improve our current practices. Various measures and policies have been a result of social dialogue. In the last years it has become a standard that amendments in labour policy take place by agreement of social partners.
- **A collective bargaining action plan**: The EU Directive on adequate minimum wages requires Estonia to draw up an action plan to promote collective bargaining. We are negotiating the exact contents of the collective bargaining action plan with the social partners and our aim is to agree on it tripartitely. We plan to agree with the social partners the exact measures we will prioritize in the following years to increase the coverage of collective agreements. As an appendix to the action plan, we plan to add a list of all proposals and possible measures to take for future use if we renew the action plan. As of the beginning of December 2024, we have a draft version of the action plan that we plan to send to our social partners.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

There is no specific legal criteria in Estonian law that must be met and are used to recognize an employers' organization or employers' association for the purposes of engaging in social dialogue and collective bargaining.

The Estonian Employers' Confederation (hereinafter referred to as ETKL) is the main representative organization of employers in Estonia. Among the members of the Estonian Employers' Confederation are many large industrial associations and most of the large

businesses in the country which are well known and respected by the public. In total, ETKL represents more than 2000 Estonian companies directly and through industry associations employing more than 250,000 people.

Employers' organizations or employers' associations are in Estonia formed at two levels:

- **a federation of employers**: an association of employers in a certain territory or in certain professions or branches of activity (e.g. Estonian Association of Small and Medium-sized Enterprises, Estonian Chamber of Commerce and Industry).
- **a confederation of employers**: an association of country-level employers or employers' federations. Individual employers and employers' federations can belong to an employers' confederation, which in Estonia is ETKL.

The freedom of association of employers is guaranteed by § 48(1) of the Constitution of the Republic of Estonia, according to which everyone has the right to form non-profit organizations and associations.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Pursuant to § 7 (1) of the Estonian Trade Unions Act (hereinafter referred to as AÜS by its Estonian acronym): at least 5 employees may form a trade union in Estonia; a federation of trade unions may be founded by at least 5 trade unions; a central federation of trade unions may be founded by at least 5 national trade unions or federations of trade unions of an area of activity or profession.

The passive legal capacity of a trade union commences as of the entry of the trade union into the register of trade unions (§ 6(2) of AÜS). The passive legal capacity of a legal person is the capacity to have civil rights and perform civil obligations. A legal person may hold all civil rights and obligations, except those that are attributable exclusively to humans.

In accordance with § 18(1)(2) of AÜS, trade unions have the right to hold negotiations in employment, service-related and social issues with employers and their associations, state authorities and local governments for entry into collective agreements and other contracts in order to exercise their competences.

The Estonian Trade Union Confederation is the main representative organization of employees in Estonia.

Please provide information:

- ***on the status and prerogatives of minority trade unions:***

All trade unions established in Estonia have the same rights for the exercise of their competences, which are laid down in § 18 of AÜS.

- ***on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.***

Employee's representatives provided for under Estonian law are listed below:

- **Employee's trustee**: Pursuant to § 2 of the Employees' Trustee Act, a trustee is an employee of an employer who is elected by the general meeting of the employees of the employer as their representative in the performance of the duties arising from the law in relations with the employer. The trustee is deemed to be an employees' representative within the meaning of TLS. Thus, the employees' trustee is elected by all employees of the company to represent them in their relations with the employer.

- **Working environment representative**: According to § 17(1) of the Occupational Health and Safety Act, a working environment representative is a representative elected by employees in occupational health and safety issues, and their term of authority is decided by the meeting of employees. The precise obligations and rights of the working environment representative are set out in § 17 (5) and (6) of the Act.
- **Employees' representative in the Working Environment Council**: Pursuant to § 18(1) of the Occupational Health and Safety Act, a working environment council is a body for co-operation between an employer and the employees' representatives which resolves occupational health and safety issues in the enterprise. In an enterprise with at least 150 employees, a working environment council is set up at the initiative of the employer and it must comprise an equal number of representatives designated by the employer and representatives elected by the employees. The council must comprise at least four members. The term of authority of the employer's representative is decided by the employer. The employees' representative is elected pursuant to the procedure established in subsection 4 of § 17 of the Act and their term of authority is decided by the meeting of employees. (§ 18(2) of the Act)
- **Employees' representatives participating in international informing and consulting**: Please have a look at § 40 and § 80 of the Community-scale Involvement of Employees Act for the type of employees' representative concerned.
- **Trade union trustee**: According to § 16(4) of the Trade Unions Act (AÜS), a trade union trustee is a representative elected by a trade union who is an employee of an employer and performs the obligations of an elected representative specified in § 21 of the Act.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Persons have the right to freely, without prior permission, found trade unions, join or not to join them, according to § 4(1) of AÜS. However, the second sentence of § 4(1) of AÜS provides for an exception to the freedom of association, prohibiting specifically active servicemen from founding or joining a trade union. Members of police forces have the right to join trade unions.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Social partners are involved during asking for input and opinions regarding legislative improvements of all fields in areas affecting them. Social partners are invited in different working groups and different meetings with interest groups. Furthermore, social partners are involved in different legislative stages: at the drafting intention of the law (intention of the law is a document that precedes the actual drafting of the law and indicates the possible changes and impact), input collection for the drafting of the law and in the work of respective working group to draft the law. If the development of the intention of the draft or the drafting is completed and sent to other ministries in accordance with the rules of procedure for

coordination, it is also sent to the social partners for comments. All drafts are available in public information system and accessible to everyone during their proceedings, and everyone has the right to express their views and send comments. In situations where social partners have controversial opinions or positions with the legislator, meetings with the social partners take place so that the parties can explain their views and reach a compromise before the draft law is adopted.
In the last years it has become a standard that amendments in labour policy take place by agreement of social partners. There have been many goodwill agreements between the government and social partners regarding labour policy amendments or priorities, for example:

- **A goodwill agreement on the minimum wage**: In 2023, social partners concluded a goodwill agreement setting targets for increasing the minimum wage until 2027. According to the agreement, the minimum wage increase should be a progressively growing proportion of the average wage, with targets set at 42.5% in 2024, 45% in 2025, 47.5% in 2026, and 50% in 2027.
- **A goodwill agreement to implement the variable hours agreements**: The agreement of goodwill entered into force between the Estonian Trade Union of Commercial and Servicing Employees, the Estonian Traders' Association, the Estonian Trade Union Confederation, the Estonian Employers' Confederation and the Ministry of Social Affairs, which aimed to pilot the use of variable hours agreements in retail from 15.12.2021 to 14.06.2024. In the retail sector, it is often necessary to change work schedules or to increase workload temporarily, which gives rise to the need to sign contracts under the law of obligations when the volume of work increases temporarily. Under a variable hours agreement, the employee could work additionally up to 8 hours per 7-day period in addition to their usual working time. Variable hours agreements enable employers to engage more labour force part-time and with flexibility, thereby providing work for more people and ensuring employees greater protection with an employment contract as compared to a contract under the law of obligations. Now, after the end of the pilot project, amendments to TLS are being made regarding additional work-time flexibility.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- ***the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;***
- ***the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.***

KLS lays down general rules for collective bargaining that regulate collective bargaining, regardless of the bargaining level. However, there is specific regulation for the extension of collective agreements (look at §4^1-4^6 of the Act). A collective agreement may be extended by agreement of representative parties regarding wage, working and rest time conditions. An extended condition of a collective agreement will also apply to those employers and employees who are not parties to the collective agreement or persons whose interests are represented by the parties under the collective agreement and who are engaged in the industry agreed upon in the collective agreement or in a trade agreed upon in the range of such an industry.

Extension of a condition of a collective agreement may be agreed upon by:

1. a federation of trade unions or an industry trade union whose members account for 15 per cent of the employees in that industry or who have at least 500 members; and
2. an association or federation of employers whose members employ at least 40 per cent of the corresponding industry's employees covered by the extended condition of the collective agreement.

Before extending a condition of a collective agreement, the parties to bargaining must provide information about their intention to extend to employers and associations and federations of employees in respect of whom the extension of the condition of the agreement is sought and consult with them.

KLS also states that by way of a collective agreement a confederation of employers and a confederation of employees may agree upon a national minimum wage applicable to all employees and employers. The Government then establishes the minimum wage on the basis of collective agreement concluded between the employers' confederation and the central federation of trade unions (TLS § 29(5^1)). Wages falling below the minimum wage may not be paid to an employee, therefore the agreement is obligatory nationwide (TLS § 29(6)).

b) Please provide an analysis of the specific obstacles hindering collective bargaining at all levels and in all sectors of the economy (e.g., decentralization of collective bargaining), including information on:

- ***the measures taken or planned in order address those obstacles;***
- ***the timelines adopted in relation to those measures;***
- ***the outcomes achieved in terms of those measures and those expected in future.***

Estonia finds it very important to promote collective bargaining, regardless of the level and sector. The measures taken and planned regarding that are explained thoroughly in our answer to Article 5 (Right to organise) point A.

c) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

This has been a topic of discussion previously with our social partners. However, this is a topic that would need further analyzing, including possible impacts of such amendment. As of the beginning of December 2024, this topic is referred to in our draft collective bargaining action plan appendix (mentioned in our answer to Article 5 point A) as a possible measure for the future in order to promote collective bargaining, but it is currently not agreed upon social partners and the government as a decided measure/priority.

Article 6§4 Collective action

a) Please indicate:

- ***the sectors in which the right to strike is prohibited:***

In Estonia a ban on the right to strike applies to public officials. An official is appointed to a position in an authority that exercises public authority. The exercise of official authority means the performance of the following functions:

1) the directing of an authority;
2) the exercise of state and administrative supervision, as well as the conduct of internal audit;

3) the ensuring of the security and constitutional order of the state;
4) the permanent military defence of the state and preparation therefor;
5) the proceeding of offences;
6) the diplomatic representation of the Republic of Estonia in foreign relations;
7) the taking of decisions necessary for the performance of the principal functions of the Riigikogu, the President of the Republic, the National Audit Office, the Chancellor of Justice and the courts, the substantive preparation or implementation thereof;
8) the substantive preparation or implementation of the policy-making decisions within the competence of the Government of the Republic, local government council, municipal or city government and authority;
9) the activities which, in the interests of strengthening and developing the official authority, cannot be given to the competence of a person who is only in the relationships governed by private law with the authority.

Officials and employees work in public institutions. Employees do not exercise public authority and have no restrictions on the right to strike. Officials exercise public power and, due to the special public service and trust relationship with the state or local government, officials are not allowed to strike. The ban on strikes in the Civil Service Act[1] is proportionate and justified because it is based on whether the person exercises public authority or not. In the Civil Service Act valid before 2013, the ban on strikes was significantly broader and applied to all persons who worked in public authorities, i.e. public servants. Therefore, the number of persons subject to the strike ban is significantly lower now than in 2013. According to official data, in 2023 there were 10'088 officials and 9055[2] special servicemen (includes servicemen in police, rescue, service, prison and defence forces) to whom the ban to strike applies. The overall number of people working in the public sector (civil service) is 137'644.

It must be emphasized that the scope of public service and the definition of an official differ from country to country, and Estonia has drawn a line between officials and employees - that is, those who are not allowed to strike and those who are allowed to strike - according to the performance of the task of exercising public authority.

One thing that can be changed in practice, if necessary, is to re-examine whether those in official positions perform tasks of exercising public authority, or whether they should be employees and thus be extended the right to strike.

- ***those sectors for which there are restrictions on the right to strike:***

The restrictions on the right to organize a strike are laid down in the Collective Labour Dispute Resolution Act (hereinafter referred to as KTTLS by its Estonian acronym). Pursuant to §21(1) of KTTLS the right to strike is prohibited in governmental authorities and other state bodies and local governments, the Defence League, courts, and rescue service agencies. The previously referred provision on the prohibition of strikes is not applied to persons who are employed under an employment contract in an institution or organization specified in §21(1) of KTTLS, except for rescue workers employed under an employment contract in a rescue service agency and persons employed under an employment contract in the Ministry of Defence, the Defence Resources Agency, the Defence Forces or the Defence League.

The reason for imposing strike restrictions on the public sector can be seen in the broader context of the need to ensure national security and the general functioning of state and local government. If all civil servants and employees in the public sector would take part in strikes, the functioning of the state and local governments and the well-being of the population would

[1] https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/521052024001/consolide
[2] ATAR 2023.pdf

be severely disrupted. This would be contrary to the public interest. While the security and functioning of the state and the well-being of the population must be considered as a permissible objective for restricting the right to strike of persons employed in the public sector, the Constitution of the Republic of Estonia only allows for strike restrictions that do not unduly interfere with the right to strike of individuals.

Pursuant to §21(3) of KTTLS, the right to strike is restricted in enterprises and institutions which satisfy the primary needs of the population and the economy. In these enterprises and institutions, the body which calls a strike shall ensure indispensable services or production which shall be determined by agreement of the parties. In the case of disagreements, indispensable services or production shall be determined by the Public Conciliator whose decision is binding to the parties.

The list of enterprises and institutions which satisfy the primary needs of the population and economy has not been established by the Government of the Republic of Estonia. It would be unreasonable to draw up such a list, as it is not possible to identify in a single list all the enterprises and institutions which meet the fundamental needs of the population and the economy.

- ***sectors for which there is a requirement of a minimum service to be maintained:***

Estonian law does not determine the sectors for which there is a requirement of a minimum service to be maintained in the event of a strike.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

The restrictions on the right to organize a strike are laid down in the Collective Labour Dispute Resolution Act. The ban on the right to strike for officials is laid down in the Civil Service Act.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Unlawful strikes: In Estonia, it is possible to declare a strike unlawful. Strikes which are not preceded by negotiations and conciliation proceedings are unlawful (§22(2) of KTTLS), as are strikes for the purpose of affecting the activities of courts (§22(1) of KTTLS). Violation of the procedure established by law for the announcement and organization of strikes renders them unlawful (§22(3) of KTTLS). A decision to declare a strike unlawful is made by the court (§23(1) of KTTLS). Subsequently, the court communicates its decision to the parties to the labour dispute and through media to the public (§23(2) of KTTLS).

The formal and material prerequisites for lawfulness of a strike are stipulated in §22 of KTTLS, in subsections 1–3. The formal prerequisites for a strike to be lawful are the compliance with the procedure for announcing or organizing a strike established by KTTLS and negotiations and conciliation prior to the strike. A strike is unlawful as regards its content if it affects the activities of courts or if it merely makes political demands or demands which do not concern employment relations (Judgment of the Estonian Supreme Court No. 3-2-1-159-13, p. 16, 18).

Postponement or suspension of strike: Organizers of a strike are required to notify the other party, the Public Conciliator and the local government of a planned strike in writing at least two weeks in advance (§15(1) of KTTLS).

The commencement of a strike may be postponed once: by one month by the Government of the Republic on the proposal of the Public Conciliator, or by two weeks by the city or rural

municipality government on the proposal of the Public Conciliator. The Government of the Republic has the right to suspend a strike in the case of a natural disaster or catastrophe, in order to prevent the spread of an infectious disease or in a state emergency. (§19 of KTTLS)

Currently, we are not aware of such decisions in the last 12 months (decision to declare a strike to be unlawful or to postpone a strike).

Article 20 – Right to equal opportunities between women and men

Explanatory remark:

See the remark above under Article 4.

Questions:

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Policies to address gender segregation in Estonia are informed by research. Two key projects, *'Glass Walls and Ceiling in the Estonian ICT Sector'* (2021) and *'Nudging to Support Stereotype-free Career Choices and Working Conditions'* (2022), developed and tested nudges to promote gender-neutral career choices and increase female participation in ICT. These projects provide valuable insights and form a foundation for further measures to reduce gender segregation in education and the labor market, with a particular focus on increasing women's participation in STEM fields. In 2024, another research project examined factors contributing to the underrepresentation of men in education, health, and welfare, aimed at supporting evidence-based policy development.

Ministry of Economic Affairs and Communications is implementing various activities during 2023-2029 to combat gender stereotypes and reduce gender segregation in education and the labour market, with a special focus on STEM and EHW sectors as well as women in leadership. These activities encompass conducting research, providing training, executing awareness raising campaigns, and endorsing non-traditional career paths. Additionally, the Ministry of Economic Affairs and Communications plans to facilitate collaboration through open calls, to support employers, educational institutions, as well as other key stakeholders in helping to prevent and reduce gender segregation in education and labour market.

One of the ongoing activities is developing a gender equality training programme for career counselors working in Estonian Unemployment Insurance Fund to help combat gender stereotypes, encourage non-stereotypical career paths and reduce gender segregation in the labour market. The training programme will be a part of the in-job training program for career counselors. The Unemployment Insurance Fund's career counselors provide career counseling for adult clients as well as pupils in grades 7-12 all over Estonia.

Total budget for the activities targeted to reduce gender segregation in education and labor market is 3,5 mil euros, co funded by the European Social Fund.

Another important change in the education system is the updated curriculum for technology subjects (including manual training, handicrafts, home economics, and technology studies). Previously, the curriculum allowed students to choose between activities, typically resulting in gendered divisions: boys often selected woodwork and metalwork, while girls opted for cooking, sewing, and knitting. For practical reasons, classes were divided into two groups,

usually based on gender, which reinforced stereotypes. Under the new curriculum, starting from 2024/2025 all students are now required to participate in all activities, promoting a more balanced skill set and reducing gender stereotyping.

Occupation-based gender segregation has decreased from 38.8% in 2014 to a low of 33.3% in 2021 but has slightly increased since to 35.8% in 2023. Economic activity-based gender segregation has remained more stable, starting at 38.1% in 2014, reaching a low of 36.4% in 2020, and increasing slightly to 38.5% by 2023.

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Occupation-based sex segregation, %	38.8	40.3	36.9	33.9	35.0	34.6	34.2	33.3	34.8	35.8
Economic activity-based sex segregation, %	38.1	38.7	38.1	39.0	37.9	37.0	36.4	36.7	37.7	38.5

Source: Estonian Statistics

In recent years, most efforts both by the state as well as the private and the third sector have focused on increasing women's representation in the ICT sector. Statistics show a positive trend, with the proportion of women working as ICT specialists rising from 20.7% in 2013 to 26.8% in 2023.

b) Please provide information on:

- ***measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;***
- ***the implementation of those measures;***
- ***progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.***

A draft law is being prepared to transpose the EU directive aimed at increasing gender balance among board members of listed companies. To promote balance in the management bodies of equity issuers, the general meeting of the equity issuer must choose between two possible objectives derived from the directive: either at least 40% of the members of the supervisory board must be of the underrepresented gender, or at least 33% of the members of both the management board and the supervisory board must be of the underrepresented gender. Equity issuers should achieve the chosen objective by 30 June 2026. If an equity issuer does not meet the set objectives by the deadline, it must apply transparent and non-discriminatory selection criteria when electing members to the management bodies.

The draft also includes a temporary positive action measure: if candidates for a position in the management body are equally qualified, preference must be given to the candidate of the underrepresented gender. Equity issuers are required to provide information on the chosen objective and its fulfillment to the Financial Supervision Authority. These measures are temporary, as both the directive and the provisions transposing it will expire on 31 December 2038.

In addition to the updates arising from the directive, amendments will be made to increase gender balance on the boards of state-owned companies. The amendments stipulate that the nomination committee, formed to propose members for the supervisory boards of companies with state participation, must consider the state's gender balance objectives and requirements. Specifically, in supervisory boards with three members, at least one-third must be of the underrepresented gender, and in supervisory boards with four or more members, at least two-fifths.

There are also relevant research project's carried out by think tank Praxis. Firstly, at the beginning of 2023, Praxis, along with four partners (Estonian Human Resource Management Association, University of Tartu, and Swedbank Estonia and the Government Office), launched a 2-year project titled "Power of Women Leaders." The goal is to influence the organizational culture in Estonia so that more women can reach and remain in top leadership positions on an equal footing with men. Secondly, a research project, funded by Ministry of Economic Affairs and Communications, is being carried out that focuses specifically on better understanding of gender stereotypes regarding women politicians. The analysis (carried out in 2024), will look into misogynistic narratives in Estonian public discourse, focusing on media and social media. It aims to map the prevalence and narratives of misogyny, guided by findings from previous research indicating retrogressive attitudes among 15-year-old boys and low political engagement among girls. The research will analyze misogynistic language in mainstream media and social media, particularly targeting leading women politicians. Expected outcomes include a report with solutions and recommendations, Wikipedia articles, presentations, and educational materials for teachers and youth workers.

In 2024 to mark the International Day of the Girl in 11th of October the Ministry of Economic Affairs and Communications in cooperation with Junior Achievement organized a job shadowing event for girls. The job shadowing initiative aimed to break gender stereotypes and support the visibility of girls and women in decision making. The concept of the job shadowing day is to bring together successful and prominent leaders in society from business and politics and girls who are interested in management and leading, to encourage girls take leadership roles and bring media's and the society's attention to the potential of women in leadership and the importance of gender balance in all decision-making levels.

The Estonian labour market is characterized by vertical segregation, with a significant gender gap in leadership positions. This trend is also evident, though to a lesser extent, among lower-level managers. Women's representation at the top of corporate hierarchies in Estonia has remained consistently low. However, gender differences are smaller at lower management levels in Estonia.

Gender balance in politics has improved, but still remains a challenge. In recent years, Estonian governments have been gender-balanced. In current government, there are 7 men and 7 women. However, there is still room for improvement in terms of women's representation in parliament and among members of local government councils (ca 30% women in both). As of April 2024, 25% of municipal council chairpersons and 19% of city or municipal mayors are women.

Table: Share of women in managerial positions

	2020	2021	2022	2023
Female managers	37,4	41,1	40,2	34,4

Source: Estonian Statistics

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

The proportion of women on the boards of publicly listed companies in Estonia is among the lowest in the EU. According to the European Institute for Gender Equality, the proportion of women on the boards of major publicly listed companies in Estonia has grown by only 3 percentage points over the past decade (from 7% in 2013 to 10% in 2023).

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

As of April 30, 2024, there were 32 women (27.8%) and 83 men on 28 supervisory boards. Among these supervisory boards, 3 had a gender balance of 50%, 2 had 40%, 8 had 33%, 11 had 10-30%, and 4 had 0%.