

— Estonia —

Ratifications

Estonia ratified the Revised European Social Charter on 11/09/2000 and has accepted 79 of the Revised Charter's 98 paragraphs.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3								= Accepted provisions			

Estonia has not agreed to be bound by the “collective complaints” procedure.

In April 2005 the European Committee of Social Rights participated in a meeting with representatives of the Estonian Government on provisions of the Revised Charter not accepted by Estonia.

Reports

Between 2003 and 2008 Estonia submitted 5 reports on the application of the Revised Charter.

The 6th report concerns the provisions accepted by Estonia related to the theme ‘Health Social Security and Social protection’ (Articles 3,11,12,13,14,23 and 39 of the Revised Charter). The 6th report was submitted on 29/12/2008.

The Charter in domestic law

Estonia is a monoist country.

Estonia's record with respect to application of the Charter is the following as of 1 December 2008:

Examples of progress achieved or being achieved

- ▶ The Gender Equality Act (GEA) entered into force in 2004 and aims at ensuring equal treatment for men and women in all areas of public and private life.
- ▶ Amendment of the Criminal Code in order to criminalise trafficking in persons and enslavement.
- ▶ Preparation of a National Strategy against Child Commercial Sexual Exploitation and Protection.
- ▶ Introduction of a new family benefit which is intended to offset the cost of raising a child and to reconcile work and family life (*Parental Benefits Act of 1 January 2004*).

Cases of non-compliance

Employment

- ▶ *Article 1§2 – right to earn one’s living in an occupation freely entered upon*
The length of service alternative to military service exceeds one and a half times the length of military service and therefore interferes with a persons’ right to earn their living in an occupation freely entered upon.
- ▶ *Article 2§1 – reasonable working hours*
Shifts of up to twenty-four hours may be authorised for employee categories such as security guards, health care professionals, welfare workers, fire and rescue workers etc. The working hours of crew members on vessels engaged in short sea shipping may be authorised to work for up to 72 hours in any seven-day period.
- ▶ *Article 3§2 – right to safe and healthy working conditions*
Self-employed workers are not covered by the occupational health and safety laws.
- ▶ *Article 4§4 – right to reasonable notice of termination of employment*
In certain cases, workers are given unreasonably short notices of termination of employment.
- ▶ *Article 6§4 – right to strike*
Civil servants are denied the right to strike.

Article 7§9- regular medical examinations for young workers

Medical examinations are not frequent enough for young workers

- ▶ *Article 8§2 – illegality of dismissal during maternity leave*
The amount of compensation that may be awarded to a woman illegally dismissed is subject to a ceiling.
- ▶ *Article 27§3 – prohibition of dismissal for reasons relating to family responsibilities*
The amount of compensation that may be awarded to an employee with family responsibilities, illegally dismissed, is subject to a ceiling.

Education

- ▶ *Article 1§4, 9, non-discrimination — right to access to continuing training and retraining, right to vocational guidance*

In practice access to vocational guidance is restricted to registered unemployed persons and those threatened with unemployment.

Children

- ▶ *Article 7§1 – prohibition of the employment of children aged under 15*
Minimum age of admission to employment and the rules on the nature of the light work permitted before the age of 15 do not apply to children working in family businesses, domestic work or on family farms.

- ▶ *Article 7§3 – prohibition of the employment of children subject to compulsory education*

There is no statutory minimum rest period during the school holidays for children aged 15, who are subject to compulsory schooling; and in practice, children working in family enterprises, undertaking domestic work or working on family farms are not covered by the regulations on working hours or periods of rest.

- ▶ *Article 17§1 – right of children and young persons to social, legal and economic protection*

The corporal punishment of children is not prohibited within the family.

Social Protection

- ▶ *Article 12§1 – right to social security.*

The level of the state unemployment allowance, the minimum old age pension, the national pensions and the minimum invalidity pension are manifestly inadequate.

- ▶ *Article 13§1 – adequate assistance for every person in need*

The level of social assistance benefit for persons living alone is manifestly inadequate.

Non-discrimination

Nationality

- ▶ *Article 12§4 – equal treatment in social security matters*

Legislation does not provide for retention of accrued benefits or for the aggregation of insurance or employment periods when persons move to state party not bound by Community regulations or by an agreement with Estonia.

Disability

- ▶ *-Article 15§1- right of persons with disabilities to education and training*

The anti-discrimination legislation covering education and training for persons with disabilities is inadequate.

► *-Article 15§2- right of persons with disabilities to employment*

It has not been established that persons with disabilities are guaranteed effective protection against discrimination in employment.

► *-Article 15§3- right of persons with disabilities to independence, social integration and participation in the life of the community.*

There is no anti-discrimination legislation for persons with disabilities covering issues such as housing, transport, telecommunications and cultural and leisure activities.

Movement of persons

► *Article 19§6 – family reunion and Article 19§10 – equal treatment for the self-employed*

A 5-year residence requirement is imposed on migrants (employees or self-employed) not citizens of EU or EEA member states before their families can join them.