### Ratifications

Iceland ratified the European Social Charter on 15/01/1976, accepting 41 of the Charter’s 72 paragraphs.

Iceland ratified the Amending Protocol to the Charter on 21/02/02.

It has signed but not yet ratified the Additional Protocol to the Charter on 05/05/1998.

Iceland has not yet signed or ratified the Additional Protocol providing for a system of collective complaints and it has not yet signed or ratified the Revised European Social Charter.

#### Table of accepted provisions

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### The Charter in domestic law

Iceland is a dualist state.

#### Reports

Between 1981 and 2013 Iceland submitted 26 reports on the application of the Charter. Iceland submitted its 26th report on 28/09/2013 related to Thematic Group 2 “Health, Social security and Social protection” (Articles 3, 11, 12, 13, 14, 23 and 30). The conclusions in respect of these provisions were published in Mars 2014.

The 27th report from Iceland, should have been submitted by 31/10/2013 and should concern the accepted provisions relating to Thematic Group 3 “Labour rights” i.e.:
- The right to just conditions of work (Article 2)
- The right to a fair remuneration (Article 4)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6)
- The right to information and consultation (Article 21)
- The right to take part in the determination and improvement of the working conditions and working environment (Article 22)
- The right of dignity at work (Article 26)
- The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them (Article 28)
- The right to information and consultation in collective redundancy procedures (Article 29)

Conclusions with respect to these provisions will be adopted in December 2014.

Following a decision taken by the Committee of Ministers in 2006, the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.
**The situation of Iceland with respect to the application of the Charter**

**Example of progress achieved in the implementation of social rights under the Social Charter**

**Employment**
- Article 180 of the Criminal Code which provided for imprisonment if a person became a public burden, neglected his maintenance obligations and refused to take on a job was repealed (Act of 14 June 1985). Section 81 of the Seamen’s Act which provided for criminal sanctions against a crew member rising against the shipmaster even if not using the force, was repealed (Act of 4 May 1990). *Article 1§2 – prohibition of forced labour*

**Right to organise**
- The requirement that taxi drivers have to belong to a specified trade union in order to operate was abolished (Act No. 61/1995). The Constitution was amended to expressly recognise the negative right to organise (Act No. 97/1995). *Article 5 - right to organise*

**Health**
- Act No. 870/2000, revoking the 1983 Regulation, and Act No. 44/2002 replacing Act No. 117/1985, fixed regulations for protecting workers against asbestos and against ionising radiation respectively. *Article 3§1 – right to health and safety in the workplace*

**Cases of non-compliance**

**Thematic Group 1 “Employment, training and equal opportunities”**

- Article 1§2 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)
  - legislation prohibiting discrimination in employment on grounds other than sex is inadequate;
  - access for nationals of states parties, non-EU/EEA nationals, to the profession of pharmacists was restricted during the reference period.
  (Conclusions XX-1 (2012))

- Article 15§1 - Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement - Education and training for persons with disabilities
  There is no legislation explicitly prohibiting discrimination in education and training on the ground of disability.
  (Conclusions XX-1 (2012))

- Article 15§2 - Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement - Employment of persons with disabilities
  There is no legislation explicitly prohibiting discrimination in employment on the ground of disability.
  (Conclusions XX-1 (2012))

- Article 18§2 - Right to engage in a gainful occupation in the territory of other States Parties - Simplifying existing formalities and reducing dues and taxes
  The formalities for issuing work and residence permits have not been simplified during the reference period.
  (Conclusions XX-1 (2012))

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1 « 1. The [European Committee of Social Rights ] ...rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).
Thematic Group 2 “Health, social security and social protection”

► Article 12§4 – Right to social security - Social security of persons moving between states
- equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
- equal treatment with regard to family allowances is not guaranteed to nationals of all other States Parties;
- the right to retention of accrued benefits is not guaranteed to nationals of all other States Parties;
- the right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

(Conclusions XX-2 (2013))

Thematic Group 3 “Labour rights”

► Article 2§1 - Right to just conditions of work - Reasonable working time
The working hours for seamen are allowed to reach 72 hours per week.
(Conclusions XVIII-2 (2007))

► Article 4§3 – Right to a fair remuneration - Non-discrimination between and women men with respect to remuneration
1. Iceland does not permit pay comparisons for determining equal work or work of equal value beyond a single employer;
2. There is no provision under Icelandic law for declaring null a dismissal by reprisal and/or reinstating a victim of such a dismissal.
(Conclusions XVIII-2 (2007))

► Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment
The two weeks' notice period in the collective agreement between the Confederation of Icelandic Employers and Skilled Construction and Industrial workers, for employees with more than six months' service is not reasonable.
(Conclusions XVIII-2 (2007))

► Article 5 – Right to organise
It has not been established whether negative freedom of association is fully protected.
(Conclusions XVIII-1 (2006))

► Article 6§4 - Right to bargain collectively – Collective action
During the reference period the legislature intervened in order to terminate collective action in circumstances which went beyond those permitted by Article 31 of the Charter.
(Conclusions XVIII-1 (2006))

Thematic Group 4 “Children, families, migrants”

No cases of non-compliance retained

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Icelandic Government to provide more information in the next report in respect of the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”
(Next report to be submitted by 31/10/2015)

► Article 1§1 (Conclusions XX-1 (2012))
► Article 1§4 (Conclusions XX-1 (2012))
Article 18§3 (Conclusions XX-1 (2012))

**Thematic Group 2 “Health, social security and social protection”**
(Next report to be submitted by 31/10/2016)

► Article 12§1 – Conclusions XX-2 (2013)

**Thematic Group 3 “Labour rights”**
(Next report to be submitted by 31/10/2013)

- No deferrals

**Thematic Group 4 “Children, families, migrants”**
(Next report to be submitted by 31/10/2014)

► Article 17 – Conclusions XIX-4 (2011)