

## – Iceland and the European Social Charter –

### 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

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
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
9	10.1	10.2	10.3	10.4	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	16	17	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
AP1	AP2	AP3	AP4	AP=Additional Protocol				Gray = accepted provisions			

### The Charter in domestic law

Iceland is a dualist state.

#### Reports

Between 1981 and 2015 Iceland submitted 27 reports on the application of the Charter.

The [27<sup>th</sup> report](#), submitted on 22/09/2014, concerns the accepted provisions relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions were adopted in January 2015.

The 28<sup>th</sup> report, which should have been submitted by 31/10/2014, should concern the accepted provisions relating to Thematic Group 4 "Children, Family, Migrants", namely:

- The right of children and young persons to protection (Article 7),
- The right of employed women to protection (Article 8),
- The right of the family to social, legal and economic protection (Article 16),
- The right of mothers and children to social and economic protection (Article 17),
- The right of migrant workers and their families to protection and assistance (Article 19),
- The right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- The right to housing (Article 31).

In addition, the report should provide the information required by the European Committee of Social Rights in the framework of Conclusions 2013 relating to Thematic Group 4 "Health, Social Security and Social Protection" (Articles 3, 11, 12, 13, 14, 23 and 30), in the event of non-conformity for lack of information.

The conclusions in respect of these provisions will be published in January 2016.

[Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the 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 <sup>1</sup>

#### 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*

► The minimum wage for full-time work increased by 71% between 2008 and 2014. *Article 4§1 – Decent remuneration*

#### 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*

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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).

The formalities for issuing work and residence permits have not been simplified during the reference period.  
([Conclusions XX-1 \(2012\)](#))

### **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 may go up to 72 hours per week.

([Conclusions XX-3 \(2014\)](#))

► *Article 4§3 – Right to a fair remuneration – Non-discrimination between and women men with respect to remuneration*

The law does not provide for reinstatement in cases in which an employee is dismissed in retaliation for bringing an equal pay claim.

([Conclusions XX-3 \(2014\)](#))

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

The two weeks' notice period provided for in the collective agreement applying to skilled construction and industrial workers is not reasonable beyond six months of service.

([Conclusions XX-3 \(2014\)](#))

► *Article 4§5 – Right to a fair remuneration – Limits to deduction from wages*

After maintenance payments for children and other authorised deductions, the wages of workers with the lowest pay do not allow them to provide for themselves or their dependants.

► *Article 5 – Right to organise*

- The existence of priority clauses in collective agreements which give priority to members of certain trade unions in respect of recruitment and termination of employment infringes the right not to join trade unions;
- The statutory obligation on an employer to pay the industry charge infringes the right to organise.

([Conclusions XX-3 \(2014\)](#))

► *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 1961 Charter.

([Conclusions XX-3 \(2014\)](#))

### **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"**

- ▶ 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"**

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

**Thematic Group 3 "Labour rights"**

- ▶ Article 4§1 – Conclusions XX-3 (2014)

**Thematic Group 4 "Children, families, migrants"**

- ▶ Article 17 – Conclusions XIX-4 (2011)