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Appendix C

EUROPEAN SOCIAL CHARTER, as revised 1996

NB: I have broken down the key substantive elements of the Charter into more concise obligations imposed on governments. The bullet points are therefore candidate indicators of compliance with relevant rights and standards.

I do not mean to suggest that all or even many of the bullet points will in fact serve as indicators. Conversely, I do not mean to imply that the bullet points constitute comprehensive indicators of the relevant rights and standards. That is, upon further examination, the body of bullet points may be over-inclusive and under-inclusive; and particular bullet points may or may not be useful or appropriate in supplementing indicators generated by ILO, UN, or other international labor jurisprudence.

Moreover, if any of the bullet points in fact serve as indicators, they may require further refinement.

Part I

The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realized:

- Government shall guarantee everyone the opportunity to earn his living in an occupation freely entered upon.
- Government shall guarantee all workers the right to just

conditions of work.

- Government shall guarantee all workers the right to safe and healthy working conditions.
- Government shall guarantee all workers the right to fair remuneration sufficient for a decent standard of living for themselves and their families.
- Government shall guarantee all workers and employers the right to freedom of association in national or international organizations for the protection of their economic and social interests.
- Government shall guarantee all workers and employers the right to bargain collectively.
- Government shall guarantee special protection to children and young persons against the physical and moral hazards to which they are exposed.
- Government shall guarantee employed women, in case of maternity, the right to special protection.
- Government shall guarantee everyone the right to appropriate facilities for vocational guidance with a view to helping them choose an occupation suited to his or her personal aptitude and interests.
- Government shall guarantee everyone the right to appropriate facilities for vocational training.
- Government shall guarantee everyone the right to benefit from any measures enabling him or her to enjoy the highest possible standard of health attainable.
- Government shall guarantee all workers and their dependents the right to social security.

- Government shall guarantee anyone without adequate resources the right to social assistance.
- Government shall guarantee anyone without adequate resources the right to medical assistance.
- Government shall guarantee everyone the right to benefit from social welfare services.
- Government shall guarantee disabled persons the right to independence, social integration and participation in the life of the community.
- Government shall guarantee the family, as a fundamental unit of society, the right to appropriate social, legal and economic protection to ensure its full development.
- Government shall guarantee children and young persons the right to appropriate social, legal and economic protection.
- Government shall guarantee the nationals of other Parties the right to engage in any gainful occupation in its territory on a footing of equality with its own nationals, subject to restrictions based on cogent economic or social reasons.
- Government shall guarantee that migrant workers who are nationals of a Party and their families have the right to protection and assistance in its own territory.
- Government shall guarantee all workers the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.
- Government shall guarantee workers the right to be informed within the undertaking.

- Government shall guarantee workers the right to be consulted within the undertaking
- Government shall guarantee workers the right to take part in the determination and improvement of the working conditions and working environment in the undertaking.
- Government shall guarantee every elderly person the right to social protection.
- Government shall guarantee all workers the right to protection in cases of termination of employment.
- Government shall guarantee all workers the right to protection of their claims in the event of the insolvency of their employer.
- Government shall guarantee all workers the right to dignity at work.
- Government shall guarantee all persons with family responsibilities and who are engaged or wish to engage in employment a right to do so without being subject to discrimination.
- Government shall guarantee all persons with family responsibilities and who are engaged or wish to engage in employment a right to do so, as far as possible without conflict between their employment and family responsibilities.
- Government shall guarantee workers' representatives in undertakings the right to protection against acts prejudicial to them and to be afforded appropriate facilities to carry out their functions.
- Government shall guarantee workers' representatives in

undertakings the right to be afforded appropriate facilities to carry out their functions.

- Government shall guarantee all workers the right to be informed in collective redundancy procedures.
- Government shall guarantee all workers the right to be consulted in collective redundancy procedures.
- Government shall guarantee everyone the right to protection against poverty and social exclusion.
- Government shall guarantee everyone the right to protection against social exclusion.
- Government shall guarantee everyone the right to housing.

Part II

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake as follows:

- Government shall accept as one of its primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment.
- Government shall protect effectively the right of the worker to earn his living in an occupation freely entered upon.
- Government shall guarantee to establish or maintain free employment services for all workers.
- Government shall provide or promote appropriate vocational guidance.

- Government shall provide or promote appropriate vocational training.
- Government shall provide or promote appropriate vocational rehabilitation.

Article 2 – The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

- Government shall guarantee reasonable daily and weekly working hours.
- Government shall guarantee that the working week is progressively reduced to the extent that the increase of productivity and other relevant factors permit.
- Government shall guarantee public holidays with pay.
- Government shall guarantee a minimum of four weeks' annual holiday with pay.
- Government shall eliminate risks in inherently dangerous occupations.
- Government shall eliminate risks in inherently unhealthy occupations.
- Government shall, when it has not yet been possible to eliminate or reduce sufficiently these risks, either reduce working hours or provide additional paid holidays for workers engaged in such occupations.
- Government shall ensure a weekly rest period.
- Government shall ensure the weekly rest period shall, as

far as possible, coincide with the day recognized by tradition or custom in the country or region concerned as a day of rest.

- Government shall ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship.
- Government shall ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Article 3 – The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organizations:

- Government shall formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.
- In this policy, the Government's primary objective shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimizing the causes of hazards inherent in the working environment.
- Government shall issue safety and health regulations.
- Government shall enforce such regulations by measures of supervision.
- Government shall promote the progressive development of occupational health services for all workers with essentially

preventive and advisory functions.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

- Government shall guarantee the right of workers to remuneration such as will give them and their families a decent standard of living.
- Government shall guarantee the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases.
- Government shall guarantee the right of men and women workers to equal pay for work of equal value.
- Government shall guarantee the right of all workers to a reasonable period of notice for termination of employment.
- Government shall guarantee that employers make deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.
- Government shall guarantee that the exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

Article 5 – The right to organize

- Government shall guarantee that national law shall not impair the freedom of workers and employers to form local organizations for the protection of their economic and

social interests.

- Government shall guarantee that national law shall not impair the freedom of workers and employers to form national organizations for the protection of their economic and social interests.
- Government shall guarantee that national law shall not impair the freedom of workers and employers to form international organizations for the protection of their economic and social interests.
- Government shall guarantee that national law shall not impair the freedom of workers and employers to join such organizations.
- Government shall determine the extent to which the guarantees provided for in this article shall apply to the police.
- Government shall determine the extent to which the guarantees provided for in this article shall apply to the armed forces.

Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

- Government shall promote joint consultation between workers and employers.
- Government shall promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreement.

- Government shall promote the establishment and use of appropriate machinery for conciliation and for the settlement of labor disputes.
- Government shall promote the establishment and use of appropriate machinery for voluntary arbitration for the settlement of labor disputes.
- Government shall guarantee the right of workers and employers to collective action in cases of conflicts of interest, subject to obligations that might arise out of collective agreements previously entered into.
- Government shall guarantee the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- Government shall ensure that the minimum age of admission to employment shall be 15 years.
- Government is permitted to provide minimum age lower than 15 for children employed in prescribed light work without harm to their health, morals or education.
- Government shall ensure that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy.
- Government shall ensure that persons subject to compulsory education shall not be employed in such work

as would deprive them of the full benefit of their education.

- Government shall ensure that working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.
- Government shall ensure that working hours of persons under 18 years of age are limited in accordance with the needs of their development.
- Government shall ensure that working hours of persons under 18 years of age are limited in accordance with their need for vocational training.
- Government shall guarantee the right of young workers to a fair wage or other appropriate allowances.
- Government shall guarantee the right of apprentices to a fair wage or other appropriate allowances.
- Government shall guarantee that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day.
- Government shall guarantee that employed persons under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay.
- Government shall guarantee that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations.
- Government shall guarantee that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

- Government shall guarantee special protection against physical and moral dangers to which children and young persons are exposed.
- Government shall particularly guarantee special protection against physical and moral dangers to which children and young persons are exposed resulting directly or indirectly from their work.

Article 8 – The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- Government shall guarantee either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks.
- Government shall proscribe an employer from giving a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave.
- Government shall proscribe an employer from giving a woman notice of dismissal, when such notice would expire during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave.
- Government shall guarantee that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.
- Government shall regulate the employment in night work of pregnant women.

- Government shall regulate the employment in night work of women who have recently given birth.
- Government shall regulate the employment in night work of women nursing their infants.
- Government shall prohibit the employment of pregnant women in underground mining.
- Government shall prohibit the employment of women who have recently given birth in underground mining.
- Government shall prohibit the employment of women who are nursing their infants in underground mining.
- Government shall prohibit the employment of pregnant women in all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature.
- Government shall prohibit the employment of women who have recently given birth in all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature.
- Government shall prohibit the employment of who are nursing their infants in all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature.
- Government shall take appropriate measures to protect the employment rights of pregnant women.
- Government shall take appropriate measures to protect the employment rights of women who have recently given birth.
- Government shall take appropriate measures to protect the employment rights of women who are nursing their infants.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance:

- Government shall provide or promote, as necessary, a free service which will assist all persons to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity.

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training:

- Government shall provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organizations
- Government shall grant facilities for access to higher technical and university education, based solely on individual aptitude.
- Government shall provide or promote a system of apprenticeship for training young boys and girls in their various employments.
- Government shall provide or promote other systematic arrangements for training young boys and girls in their various employments.
- Government shall provide or promote, as necessary, adequate and readily available training facilities for adult workers.

- Government shall provide or promote special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment.
- Government shall provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed
- Government shall encourage the full utilization of the facilities provided by appropriate measures such as:
 - reducing or abolishing any fees or charges;
 - granting financial assistance in appropriate cases;
 - including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - ensuring, through adequate supervision, in consultation with the employers' and workers' organizations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health:

- Government shall, either directly or in cooperation with public or private organizations, remove as far as possible the causes of ill-health.
- Government shall, either directly or in cooperation with public or private organizations, provide advisory and educational facilities for the promotion of health and the

encouragement of individual responsibility in matters of health.

- Government shall, either directly or in cooperation with public or private organizations, prevent as far as possible epidemic, endemic and other diseases, as well as accidents.
- Government shall, either directly or in cooperation with public or private organizations, prevent as far as possible accidents.

Article 12 – The right to social security

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

- Government shall establish or maintain a system of social security.
- Government shall maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security.
- Government shall endeavor to raise progressively the system of social security to a higher level.
- Government shall take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements to ensure equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties.
- Government shall take steps, by the conclusion of

appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements to ensure equal treatment with their own nationals of the nationals of other Parties in respect of the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.

Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

- Government shall ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance.
- Government shall ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted, in case of sickness, the care necessitated by his condition.
- Government shall ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights.
- Government shall provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want.
- Government shall apply this assistance on an equal footing

with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953

Article 14 – The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

- Government shall promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment.
- Government shall encourage the participation of individuals and voluntary or other organizations in the establishment and maintenance of such services.

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

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- Government shall provide persons with disabilities with vocational guidance in the framework of general schemes wherever possible or, where this is not possible, through specialized bodies, public or private.
- Government shall provide persons with disabilities with education in the framework of general schemes wherever

possible or, where this is not possible, through specialized bodies, public or private.

- Government shall provide persons with disabilities with vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialized bodies, public or private.
- Government shall promote the access by persons with disabilities to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment.
- Government shall promote the access by persons with disabilities to employment through all measures tending to encourage employers to adjust the working conditions to the needs of the disabled.
- Government shall, where it is not possible by reason of disability to promote the access by persons with disabilities to employment through all measures tending to encourage employers to adjust the working conditions to the needs of the disabled, arrange for or create sheltered employment according to the level of disability.
- In certain cases, such measures may require recourse to specialized placement and support services.
- Government shall promote the full social integration and participation of persons with disabilities in the life of the community.
- Government shall promote the full social integration and participation of persons with disabilities in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to

transport, housing, cultural activities and leisure.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society:

- Government shall promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Article 17 – The right of children and young persons to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake:

- Government, either directly or in co-operation with public and private organizations, shall take all appropriate and necessary measures to ensure that children and young persons, taking account of the rights and duties of their parents, have the care they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose.
- Government, either directly or in co-operation with public and private organizations, shall take all appropriate and necessary measures to ensure that children and young persons, taking account of the rights and duties of their parents, have the education they need, in particular by

providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose.

- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to protect children and young persons against negligence.
- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to protect children and young persons against violence.
- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to protect children and young persons against exploitation.
- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support.
- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to provide to children and young persons a free primary and secondary education.
- Government shall, either directly or in co-operation with public and private organizations, take all appropriate and necessary measures to encourage regular attendance at schools.

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

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

- Government shall apply existing regulations in a spirit of liberality.
- Government shall simplify existing formalities for the employment of foreign workers.
- Government shall reduce or abolish chancery dues and other charges payable by foreign workers or their employers.
- Government shall liberalize, individually or collectively, regulations governing the employment of foreign workers.
- Government shall ensure the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- Government shall maintain or ensure that others maintain adequate and free services to assist such workers, particularly in obtaining accurate information.
- Government shall take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.
- Government shall adopt appropriate measures within their

own jurisdiction to facilitate the departure, journey and reception of such workers and their families.

- Government shall adopt appropriate measures within their own jurisdiction to provide appropriate services for health, medical attention and good hygienic conditions during the journey of such workers and their families.
- Government shall promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries.
- Government shall secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of remuneration.
- Government shall secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of other employment and working conditions.
- Government shall secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of membership of trade unions.
- Government shall secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of the benefits of collective bargaining.

- Government shall secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of employment taxes, dues or contributions payable in respect of employed persons.
- Government shall secure the reunion of the family of a foreign worker permitted to establish himself in the territory.
- Government shall secure for such workers lawfully within their territories treatment not less favorable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article.
- Government shall ensure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality.
- Government shall permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire.
- Government shall extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
- Government shall promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families.
- Government shall promote and facilitate, as far as practicable, the teaching of the migrant worker's mother

tongue to the children of the migrant worker.

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

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation on grounds of sex:

- Government shall recognize the right to equal opportunities and equal treatment in matters of employment and occupation on grounds of sex.
- Government shall take appropriate measures to ensure or promote the application of that right in access to employment.
- Government shall take appropriate measures to ensure or promote the application of that right in protection against dismissal.
- Government shall take appropriate measures to ensure or promote the application of that right in occupational reintegration.
- Government shall take appropriate measures to ensure or promote the application of that right in vocational guidance.
- Government shall take appropriate measures to ensure or promote the application of that right in vocational training.
- Government shall take appropriate measures to ensure or promote the application of that right in vocational retraining and rehabilitation.
- Government shall take appropriate measures to ensure or promote the application of that right in terms of

employment.

- Government shall take appropriate measures to ensure or promote the application of that right in working conditions.
- Government shall take appropriate measures to ensure or promote the application of that right in career development, including promotion.

Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake:

- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality.
- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.
- Government shall adopt or encourage measures enabling workers or their representatives, in

accordance with national legislation and practice to be consulted in good time particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake:

- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute to the determination and the improvement of the working conditions within the undertaking.
- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute to the protection of health and safety within the undertaking.
- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute to the organization of social and socio-cultural services and facilities within the undertaking.
- Government shall adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute to the supervision of the observance of regulations on these matters.

Article 23 – The right of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake:

- Government shall adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures to enable elderly persons to remain full members of society for as long as possible, by means of adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life.
- Government shall adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures to enable elderly persons to remain full members of society for as long as possible, by means of provision of information about services and facilities available for elderly persons and their opportunities to make use of them.
- Government shall adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of provision of housing suited to their needs and their state of health or of adequate support for adapting their housing.
- Government shall adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of health care and services necessitated by their state.
- Government shall adopt or encourage, either directly or in

co-operation with public or private organizations, appropriate measures to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

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

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake:

- Government shall ensure the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service.
- Government shall ensure the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.
- Government shall ensure that a worker who considers that his or her employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

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

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake:

- Government shall provide that workers' claims arising from contracts of employment or employment relationships be

guaranteed by a guarantee institution or by any other effective form of protection.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake: in consultation with employers' and workers' organizations:

- Government shall, in consultation with employers' and workers' organizations, promote awareness, information and prevention of sexual harassment in the workplace or in relation to work.
- Government shall, in consultation with employers' and workers' organizations, take all appropriate measures to protect workers from such sexual harassment.
- Government shall promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work.
- Government shall take all appropriate measures to protect workers from recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other

workers, the Parties undertake:

- Government shall take appropriate measures to enable workers with family responsibilities to enter and remain in employment.
- Government shall take appropriate measures to enable workers with family responsibilities to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training.
- Government shall take account of their needs in terms of conditions of employment and social security.
- Government shall develop or promote services, public or private, in particular child daycare services and other childcare arrangements.
- Government shall provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.
- Government shall ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake:

- Government shall ensure that workers' representatives within the undertaking enjoy effective protection against acts prejudicial to them, including dismissal, based on their

status or activities as workers' representatives within the undertaking.

- Government shall ensure that workers' representatives within the undertaking are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

Article 29 – The right to information and consultation in collective redundancy procedures

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake:

- Government shall ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence.
- Government shall ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

Article 30 – The right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to employment.
- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to housing.
- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to vocational training.
- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to education.
- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to social assistance.
- Government shall take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to medical assistance.
- Government shall review these measures with a view to their adaptation if necessary.

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake:

- Government shall promote access to housing of an adequate standard.
- Government shall prevent and reduce homelessness with a view to its gradual elimination.
- Government shall make the price of housing accessible to those without adequate resources.

Part III

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- Each Party shall maintain a system of labor inspection appropriate to national conditions.

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Part V

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Article E – Non-discrimination

- Government shall ensure the enjoyment of the rights in this Charter without discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

Article F – Derogations in time of war or public emergency

- In time of war or other public emergency threatening the life of the nation the Government may take measures derogating from its obligations under this Charter to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

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Article G – Restrictions

- The rights and principles set forth in Part I when effectively realized, and their effective exercise as provided for in Part II, shall not be subject to any restrictions or limitations not specified in those parts, except such as are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals
- The restrictions permitted under this Charter to the rights and obligations set forth herein shall not be applied for any purpose other than that for which they have been prescribed.

Article H – Relations between the Charter and domestic law or international agreements

- The provisions of this Charter shall not prejudice the provisions of domestic law or of any bilateral or multilateral treaties, conventions or agreements which are already in force, or may come into force, under which more favorable treatment would be accorded to the persons protected.